



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

2:00 P.M.

WEDNESDAY, January 3, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Senate stood for the prayer which was offered by Dr. Reverend Floyd Prude, Jr., of Emmanuel Baptist Church, Beloit, Wisconsin.

The Senate stood for the playing of the National Anthem played by the Waunakee High School Jazz Combo, led by Mr. Sam Robinson

The Senate remained standing and Senator Hansen led the Senate in the pledge of allegiance to the flag of the United States of America.

### State of Wisconsin Elections Board

December 26, 2000

The Honorable, The Senate:

I am pleased to provide you with a copy of the official canvass of the November 7, 2000, General Election vote for state senator along with the determination by the Chairperson of the State Elections Board of the winners.

If the State Elections Board can provide you with further information or assistance, please contact our office.

Sincerely,

KEVIN J. KENNEDY  
Executive Director

### Statement of Canvass for State Senator

GENERAL ELECTION, November 7, 2000

I, Gregory J. Paradise, designee of the Chairperson of the State Elections Board, certify that the attached tabular statements, as compiled from the certified returns made to the State Elections Board by the county clerks of the several counties of the state, contain a correct abstract of the total number of votes given for the election of candidates for State Senator at a General Election held in the several towns, wards, villages, and election districts in said counties on the Seventh day of November, 2000.

I DO, THEREFORE, DETERMINE AND CERTIFY that the following candidates, having each received the greatest number of votes in their respective senatorial districts, are duly elected State Senator:

<u>Senate District</u>	<u>Elected</u>
2nd District	Robert L. Cowles
4th District	Gwendolynne S. Moore
6th District	Gary R. George
8th District	Alberta Darling
10th District	Sheila Harsdorf

12th District	Roger Breske
14th District	Robert Welch
16th District	Chuck Chvala
18th District	Carol A. Roessler
20th District	Mary E. Panzer
22nd District	Robert W. Wirch
24rd District	Kevin W. Shibilski
26th District	Fred A. Risser
28th District	Mary A. Lazich
30th District	Dave Hansen
32nd District	Mark Meyer

Done in the City  
of Madison, this 1st day of  
December, 2000.

GREGORY J. PARADISE  
Designee of the Chairperson, State Elections Board

Upon the calling of the newly elected Senators on Wednesday, January 3, 2001, the following appeared before the Senate, took and subscribed the oath of office which was administered by the Honorable Shirley Abrahamson, Chief Justice of the Wisconsin State Supreme Court.

Robert L. Cowles	Gwendolynne S. Moore
Gary R. George	Alberta Darling
Sheila Harsdorf	Roger Breske
Robert Welch	Chuck Chvala
Carol A. Roessler	Mary E. Panzer
Robert W. Wirch	Kevin W. Shibilski
Fred A. Risser	Mary A. Lazich
Dave Hansen	Mark Meyer

The roll was called and the following Senators answered to their names:

Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, Farrow, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

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**REPORT OF COMMITTEES**

The committee on **Senate Organization** reports and recommends:

**Senate Resolution 1**

Relating to: notifying the assembly and the governor that the 2001–2002 senate is organized.

Introduction.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

Considered as privileged and taken up.

**Senate Resolution 1**

Relating to: notifying the assembly and the governor that the 2001–2002 senate is organized.

By committee on Senate Organization.

Read.

The question was: Shall **Senate Resolution 1** be adopted?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, Farrow, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Adopted.

The President, Fred A. Risser, the President Pro Tempore, Gary George, the Chief Clerk, Donald J. Schneider, and the Sergeant–At–Arms, Jon Hochkammer. Having been duly elected by the adoption of the **Senate Resolution 1**, appeared together before the bar of the Senate, took and subscribed the oath of office which was administered by Chief Justice Shirley Abrahamson.

**Senate Resolution 2**

Relating to: the senate rules.

Introduction.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

Considered as privileged and taken up.

**Senate Resolution 2**

Relating to: the senate rules.

By committee on Senate Organization.

Read.

The question was: Shall **Senate Resolution 2** be adopted?

The ayes and noes were required and the vote was: ayes, 30; noes, 3; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Darling, Decker, Erpenbach, Farrow, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 30.

Noes – Senators Cowles, Ellis and Lazich – 3.

Absent or not voting – None.

Adopted.

Charles Chvala  
Chairperson

The joint committee on **Legislative Organization** reports and recommends:

**Senate Joint Resolution 1**

Relating to: the session schedule for the 2001–2002 biennial session period.

Introduction.

Ayes, 10 – Senators Risser, Chvala, Moen, Panzer and Farrow. Representatives Jensen, Foti, Ladwig, Krug and Black.

Noes, 0 – None.

Considered as privileged and taken up.

**Senate Joint Resolution 1**

Relating to: the session schedule for the 2001–2002 biennial session period.

By joint committee on Legislative Organization.

Read.

The question was: Shall **Senate Joint Resolution 1** be adopted?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, Farrow, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Adopted.

Fred Risser  
Senate Chairperson

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Secretary of State**

December 22, 2000

The Honorable, The Senate:

I, DOUGLAS LA FOLLETTE, Secretary of State of the State of Wisconsin, do hereby certify that no proposed amendments to the Constitution of the State of Wisconsin are due for second consideration in the 2001–2002 legislature.

Sincerely,

DOUGLAS LA FOLLETTE  
Secretary of State

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**ANNOUNCEMENTS, ADJOURNMENT  
HONORS, AND REMARKS UNDER  
SPECIAL PRIVILEGE**

Senator Hansen, with unanimous consent, would like to introduce his guests attending the 2001 inaugural; Jane Hansen, Kathy Hansen, Christy Hansen, Cari Bicoy, Bret Bicoy, Alyssa Bicoy, David Bicoy, Bret Bicoy Jr., Kekoa Bicoy, Donald H. Hansen, Clare Hansen, Donald J. Hansen, Luke Hansen, Mary Schlag, Robert Schlag, Brandon Z., Dennis Hansen, Mary Jo Hansen, Jennifer Hansen, Jeffrey Hansen, Charles Hansen, Mark Hansen, Patti Hansen, Jonathan Hansen, Rachael Hansen, Eric Hansen, Ardis Hansen, Norman Hansen, Gertrude Hansen, Peter Theisen, Sue Theisen, Nicole Theisen,

Joan Theisen, John Dessart, Amy Dessart, Jean Dessart, Jack Krueger, Paul Vornholt, Ben Cruz–Uribe, Barb Cruz–Uribe, Joe Lannoye, Ron Antonneau, Keith Watermolen, Walter Knight, Lucy Tredway, Mary Tredway, Mary Biester, Dan Burke, Susan Cholvin, Betty Tardola, Jose Carillo, Chuck Neeson, Deb Martin Lightfoot, Jerome Elliott, Carol Elliott, Page Buchanan, James Blank, Tiffany Richards, Barb Sequin, Dennis Murphy.

Senator Cowles, with unanimous consent, would like to introduce his wife attending the 2001 inaugural; Rebecca Cowles.

Senator Risser, with unanimous consent, would like to introduce his guests attending the 2001 inaugural; His Wife: Nancy Risser; His Children: Warner Risser, Sara Risser , and her husband Doug Falck, Lisa Risser White, and her husband Randy White; His Grandchildren: Clinton White, Adam White, Elizabeth White; Friend: Kara Sailing.

Senator Robson, with unanimous consent, would like to introduce her guests attending the 2001 inaugural; Mandisa Siselani, Lou Chalk, Jon Jarstad, Mike Sheridan, Lucy and Mary Tredway, Mary Biester, Dan Burke, Betty Tardola, Chuck and Mary Neeson, Deb Martin Lightfoot, Jerome and Carol Elliott, Page Buchanan, James Blank, Tiffany Richards, Barb Sequin, Dennis Murphy, Maria Elena White and Arthur Thexton.

Senator Panzer, with unanimous consent, would like to introduce her guests attending the 2001 inaugural; Verna Panzer, Rose Lemke, Todd Hunter, Dorothy Gonnering, Mary Sanders, Steve Sievers, Ray Lipman, Marie Waller, Sheehan Donoghue, Dennis Deppisch and Georgia Mulcahy.

Senator Lazich, with unanimous consent, would like to introduce her guests attending the 2001 inaugural; Glenn Lazich and Robert Black.

Senator Moore, with unanimous consent, would like to introduce her guests attending the 2001 inaugural; Adesolu Omokunde, son of Senator Moore, Alderman Marvin Pratt, President of Milwaukee Common Council, Percy Julian, School Board Director Charlene Hardin, Sandra Wilson, Lynda

Holt, Robin Jackson of Michigan, Chelsea Walker, granddaughter of Senator Moore.

Senators Farrow and Moen, with unanimous consent, asked that when the Senate adjourns, it do so in honor of the U.S.S. Wisconsin.

Senator Jauch, with unanimous consent, asked that when the Senate adjourns, it do so in honor of the family members of each Senator and the sacrifices that they make.

Senator Grobschmidt, with unanimous consent, asked that when the Senate adjourns, it do so in honor of his wife Barbara Grobschmidt.

Senator Burke, with unanimous consent, asked that when the Senate adjourns, it do so in honor of Colleen Marie Burke, Kathleen Clare Burke and Erin Elizabeth Burke.

Senator Wirch, with unanimous consent, asked that when the Senate adjourns, it do so in honor of his father Walter Wirch, wife Mary, son David, daughter Julia, sister and brother-in-law Pat and David Singer, sister and brother-in-law Lori and Wes Bernhardt and their daughters Lindsey and Holly, brothers Rick Wirch and Gary Wirch.

Senator Darling, with unanimous consent, asked that when the Senate adjourns, it do so in honor of her parents Helen and Albert Statkus, husband Dr. William Darling, children Elizabeth and Will and special guest Erik Anderson.

Senator Baumgart, with unanimous consent, asked that when the Senate adjourns, it do so in honor of his wife Carol Opgenorth–Baumgart and daughter Kate.

Senator Roessler, with unanimous consent, asked that when the Senate adjourns, it do so in honor of husband Paul Roessler, mother-in-law Betty Roessler, nephew and niece Brian and Virginia Hayes, AJ, Robbie and Joseph.

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## ADJOURNMENT

Senator Chvala, with unanimous consent, asked that the Senate adjourn upon the completion of the playing of “On Wisconsin”.

Adjourned.

3:10 P.M.

# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

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FRIDAY, January 12, 2001

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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 2

Relating to: the right to fish, hunt, trap, and take game (first consideration).

By Senators Baumgart, Decker, Schultz, Shibilski, Zien, Breske, A. Lasee, Burke, Harsdorf, M. Meyer, George and Plache; cosponsored by Representatives Gunderson, Ott, Reynolds, Musser, Plouff, Petrowski, Plale, Kreuser, Balow, F. Lasee, Suder, Krawczyk, Pettis, Johnsrud and Gronemus, by request of the Sheboygan County Conservation Association..

To committee on **Environmental Resources**.

#### Senate Joint Resolution 3

Relating to: 4–year terms of office for district attorneys (first consideration).

By Senator Burke; cosponsored by Representative Huber.

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

#### Senate Joint Resolution 4

Relating to: proclaiming May 18, 19, and 20, 2001, Syttende Mai Weekend.

By Senators Moen, Chvala, Erpenbach, Burke, S. Fitzgerald, George, Roessler, Schultz, Risser, Baumgart, Darling and Harsdorf; cosponsored by Representatives Skindrud, Hebl, Richards, Musser, Huebsch, Bock, Gunderson, Petrowski, Boyle, Rhoades, Underheim, Olsen, Albers, Pocan, Walker, Sykora, Miller, Ward, Pettis, Urban, Gronemus, Krug and Townsend.

To committee on **Senate Organization**.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 1

Relating to: requiring pharmacies and pharmacists, as a condition of medical assistance participation, to charge elderly persons for prescription drugs no more than specific amounts; specifying requirements for rebate agreements between the department of health and family services and drug manufacturers; requiring the department of health and family services to seek a waiver to provide medical assistance eligibility to certain persons for purposes of a prescription drug

benefit; requiring the exercise of rule–making authority; making appropriations; and providing penalties.

By Senators Robson, Plache, Roessler, Shibilski, Erpenbach, Chvala, Baumgart, George, Grobschmidt, Hansen, Jauch, Risser, Wirch, Moen and M. Meyer; cosponsored by Representatives Plouff, Krusick, Schooff, Krug, Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Gronemus, Hebl, La Fave, Lassa, J. Lehman, Meyerhofer, Miller, Plale, Pocan, Reynolds, Richards, Riley, Ryba, Sherman, Shilling, Sinicki, Turner, Young, Wood, Schneider, Wasserman, Balow, Morris–Tatum, Huber and Staskunas.

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

#### Senate Bill 2

Relating to: the scope of regulation and reporting of information by nonresident registrants under the campaign finance law.

By joint committee for review of Administrative Rules.

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

#### Senate Bill 3

Relating to: the appointment of the secretary of natural resources.

By Senators Shibilski, Risser, Burke, Decker, Hansen, Robson, Breske, Grobschmidt, Moen, Erpenbach, Jauch, Wirch, Plache, M. Meyer, Baumgart, Moore and George; cosponsored by Representatives Black, Hubler, Hebl, Boyle, Sherman, Carpenter, La Fave, J. Lehman, Wasserman, Berceau, Bock, Krug, Pocan, Reynolds, Plouff, Huber, Lassa, Shilling, Sinicki, Travis, Schooff, Balow, Staskunas, Richards, Meyerhofer and Miller.

To committee on **Environmental Resources**.

#### Senate Bill 4

Relating to: increasing a school district’s revenue limit by the amount spent to initiate a school breakfast or school lunch program and requiring a report on pupil nourishment.

By Senators Baumgart, Shibilski, Plache, Grobschmidt, Risser and Robson; cosponsored by Representatives Berceau, Young, Pocan, Turner, Gronemus, Black, Boyle and Miller.

To committee on **Education**.

#### Senate Bill 5

Relating to: reimbursement of emergency response teams and granting rule–making authority.

By Senators Baumgart, Decker and Schultz; cosponsored by Representatives Gunderson, La Fave, Gronemus, Turner, Black, Plouff, Powers, Olsen, Musser, Urban, Boyle, Ott, Miller, Vrakas and Leibham.

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



**Senate Bill 6**

Relating to: lamps emitting a flashing red or white light on bicycles and motor bicycles.

By Senators Chvala, Baumgart, Burke, Erpenbach, Moen, Risser and Hansen; cosponsored by Representatives Urban, Bock, Black, Ryba, Ott, Sykora and Albers.

To committee on **Insurance, Tourism, and Transportation.**

**Senate Bill 7**

Relating to: the filing of certain forms related to a tax incremental financing district.

By Senator Moen; cosponsored by Representative Musser.

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

**Senate Bill 8**

Relating to: creating a sales tax and use tax exemption for clothing and shoes.

By Senators Plache, Moore and Burke; cosponsored by Representatives Ladwig, Huebsch, Wade, Powers, Freese, Lassa, Turner, Carpenter, Boyle, Black, Bock, Gronemus, Young, McCormick, Jeskewitz, Balow and Sinicki.

To joint survey committee on **Tax Exemptions.**

**Senate Bill 9**

Relating to: revising the Uniform Commercial Code Secured Transactions and related statutes and granting rule-making authority.

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 10**

Relating to: motorists approaching certain authorized emergency vehicles or tow trucks stopped near a highway and providing a penalty.

By Senator Burke; cosponsored by Representative Kaufert.

To committee on **Insurance, Tourism, and Transportation.**

**Senate Bill 11**

Relating to: intoxicating-liquor pouring devices and providing a penalty.

By Senator Chvala, by request of Rick Horstman..

To committee on **Insurance, Tourism, and Transportation.**

**Senate Bill 12**

Relating to: prohibiting the inclusion of an individual's social security number on certain documents issued or used by the state.

By Senators Erpenbach, Roessler, Plache, Moen, Schultz, Darling and Harsdorf; cosponsored by Representatives Foti, Musser, Ziegelbauer, Young, Powers, Huebsch, Grothman, Gronemus, Pocan, Schneider, Berceau, Sykora, Boyle, Lassa, Miller and Kreuser.

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

**Senate Bill 13**

Relating to: creditable military service under the Wisconsin retirement system.

By Senators Welch, Darling, Roessler, S. Fitzgerald and Schultz; cosponsored by Representatives Kaufert, Freese, Ladwig, Owens, Rhoades, Huebsch, Wade, Olsen, Hundertmark, Stone, Gunderson, Gundrum, Albers, Ainsworth, Gronemus, Pettis, Kreuser, Ott, Kreibich, Hoven, Sykora, Townsend, Williams, Reynolds, Plale and Plouff.

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

**Senate Bill 14**

Relating to: apprenticeship training and making appropriations.

By Senators Welch and Darling; cosponsored by Representatives Owens, Suder, Sykora, Ladwig, Olsen, Hundertmark, Albers, Kreibich, Ott, Townsend, Balow, Kestell and Lassa.

To committee on **Labor and Agriculture.**

**Senate Bill 15**

Relating to: prohibiting the denial, revocation, suspension, withholding, or restriction of approvals issued under chapter 29 of the statutes based on the failure of the approval applicants or approval holders to provide social security numbers.

By Senators Welch, Darling, S. Fitzgerald and Huelsman; cosponsored by Representatives Gunderson, Freese, Grothman, Owens, Olsen, Hundertmark, Walker, Musser, Stone, Gundrum, Albers, Hahn, Gronemus, Hoven, Ziegelbauer, Reynolds, Pettis, Kreuser, Steinbrink, Williams, Lippert and Plouff.

To committee on **Environmental Resources.**

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**REPORT OF COMMITTEES**

The committee on **Senate Organization** reports and recommends:

Pursuant to Senate Rule 20(1)(c), the following shall be the committees of the Senate for the 2001-2002 legislative session.

Administrative Rules; committee for review of: (5)

Audit; committee on: (5)

Economic Development and Corrections; committee on: (3)

Education; committee on: (11)

Environmental Resources; committee on: (5)

Finance; committee on: (8)

Health, Utilities, Veterans and Military Affairs; committee on: (9)

Human Services and Aging; committee on: (7)

Information Policy and Technology; committee on: (5)

Insurance, Tourism, and Transportation; committee on: (5)

Judiciary, Consumer Affairs, and Campaign Finance Reform; committee on: (5)

Labor and Agriculture; committee on: (5)

Privacy, Electronic Commerce, and Financial Institutions; committee on: (5)

2001-03 Biennial Budget; committee on: (5)

Universities, Housing, and Government Operations; committee on: (7)

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow

Noes, 0 – None

CHUCK CHVALA  
Chair, Committee on Senate Organization

**PETITIONS AND COMMUNICATIONS**

**Senate Petition 1**

A petition by 1,970 residents of the State of Wisconsin requesting that gates be erected at the train tracks located at the 500 block of Grant Street in DePere, Wisconsin.

By Senator A. Lasee.

To committee on **Insurance, Tourism, and Transportation.**

**State of Wisconsin**

January 3, 2001

The Honorable, The Senate:

Pursuant to Senate Rule 20 (2)(a), I have appointed Senator Brian Burke Chair of the Senate Committee on Finance.

Sincerely,

CHUCK CHVALA  
Chair, Committee on Senate Organization

**State of Wisconsin**

January 8, 2001

The Honorable, The Senate:

Pursuant to Senate Rule 20(2)(a), I have made the following appointments to Senate committees:

To the Senate committee for review of Administrative Rules: Senators Robson, (Chair), Grobschmidt, Hansen,

To the Senate committee on Audit: Senators George, (Chair), Robson, Burke;

To the Senate committee on Economic Development and Corrections: Senators Jauch, (Chair), Meyer;

To the Senate committee on Education: Senators Grobschmidt, (Chair), Jauch, Shibilski, Baumgart, Robson, Erpenbach;

To the Senate committee on Environmental Resources: Senators Baumgart, (Chair), Hansen, Wirch;

To the Senate committee on Finance: Senators Burke, (Chair), Decker, Moore, Shibilski, Plache, Wirch;

To the Senate committee on Health, Utilities, Veterans and Military Affairs: Senators Moen (Chair), Breske, Robson, Erpenbach, Meyer;

To the Senate committee on Human Services and Aging: Senators Robson, (Chair), Moore, Wirch, Hansen;

To the Senate committee on Information Policy and Technology: Senators Jauch, (Chair), Erpenbach;

To the Senate committee on Insurance, Tourism, and Transportation: Senators Breske, (Chair), Grobschmidt, Baumgart;

To the Senate committee on Judiciary, Consumer Affairs, and Campaign Finance Reform: Senators George, (Chair), Risser, Wirch;

To the Senate committee on Labor and Agriculture: Senators Hansen, (Chair), Decker, Baumgart;

To the Senate committee on Privacy, Electronic Commerce, and Financial Institutions: Senators Erpenbach, (Chair), Jauch, Plache;

To the Senate committee on 2001–03 Biennial Budget: Senators Jauch, (Chair), Erpenbach, Meyer;

To the Senate committee on Universities, Housing, and Government Operations: Senators Meyer, (Chair), Moore, Grobschmidt, Hansen;

To the joint survey committee on Retirement Systems: Senators Wirch, (Co–Chair), Grobschmidt;

To the joint survey committee on Tax Exemptions: Senators Decker, (Co–Chair), Breske.

Sincerely

CHUCK CHVALA  
Chair, Committee on Senate Organization

**State of Wisconsin**

January 10, 2001

The Honorable, The Senate:

As Senate Chair of the Joint Committee on Finance, I am writing to inform you of my appointment of Kevin Shibilski as an ex officio member of the Joint committee on Information Policy and Technology.

I am making this appointment in accordance with s. 13.58(1)(a), Stats. If you have any questions regarding this action, please feel free to contact me.

Thank you for your attention to this matter.

Sincerely,

BRIAN BURKE  
Chair, Joint committee on Finance

**State of Wisconsin  
Ethics Board**

January 9, 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/>

- Adams, Mark **State Medical Society of Wisconsin**
- Adrian, Betsy **Medical Society of Milwaukee County**
- Agara, Julius **Wisconsin Cluster of YMCAs**
- Executive Committee**
- Alberts, Dale **Nicolet Minerals Company**
- Allen, Russ **Wisconsin Education Association Council**
- Anderson, Robert **Milwaukee Teachers Education Association**
- Antonneau, Ronald **Wisconsin Public Service Corporation**
- Argue, Harry J **Wisconsin Bankers Association**
- Babcock, William **Wisconsin Society of Architects**
- Barker, Leigh **Wisconsin Education Association Council**
- Barth, Linda **State Bar of Wisconsin**
- Bartlett, Robert **Petroleum Marketers Assn of WI / WI Assn of Convenience Stores**
- Batovsky, Jeffrey **Wisconsin Manufactured Housing Association**
- Bauer, Kurt R **Wisconsin Bankers Association**

Bauman, Rebecca	<b>Wisconsin Land and Water Conservation Association</b>	Bromberg, Ellis R	<b>Milwaukee Area Technical College</b>
Beattie, Tom	<b>Association of Wisconsin School Administrators</b>	Broydrick, Cynthia	<b>Cingular Wireless</b>
Beglinger, Bob	<b>Wisconsin Federation of Teachers</b>	Broydrick, William	<b>Wisconsin Energy Corporation</b>
Beitzel, Peter W	<b>Metropolitan Milwaukee Association of Commerce</b>	Broydrick, William	<b>Milwaukee Area Technical College</b>
Bentley, Marc S	<b>Wisconsin Motor Carriers Association</b>	Broydrick, William	<b>Bell Ambulance</b>
Bergersen, Gunnar	<b>Wisconsin Fireworks Association</b>	Broydrick, William	<b>Dental Associates Ltd</b>
Bergersen, Gunnar	<b>Railway Progress Institute</b>	Broydrick, William	<b>Plumbers Local 75</b>
Bergersen, Gunnar	<b>Lake States Lumber Association</b>	Broydrick, William	<b>Association of State Prosecutors</b>
Birkholz, John	<b>Milwaukee Area Technical College</b>	Broydrick, William	<b>Minnesota Mining &amp; Manufacturing Co.</b>
Birkley, Michael	<b>Wisconsin Property Taxpayers Inc</b>	Broydrick, William	<b>Northwestern Mutual</b>
Bloch, Jodi	<b>Wisconsin Bankers Association</b>	Broydrick, William	<b>Irgens Development Partners LLC</b>
Blomberg, Ken	<b>Wisconsin Rural Water Association</b>	Broydrick, William	<b>Cingular Wireless</b>
Boese, Jennifer	<b>State Bar of Wisconsin</b>	Broydrick, William	<b>YWCA of Greater Milwaukee</b>
Bognar, Jennifer	<b>Wisconsin Energy Corporation</b>	Broydrick, William	<b>Skipper Buds</b>
Bohling, Richard A	<b>Verizon Communications</b>	Broydrick, William	<b>Petroleum Marketers Assn of WI / WI Assn of Convenience Stores</b>
Bolger, T Michael	<b>Medical College of Wisconsin</b>	Brusky, Matthew	<b>Curative Rehabilitation Services</b>
Borgerding, Eric	<b>Wisconsin Manufacturers &amp; Commerce</b>	Buchanan, Page	<b>Service Employees International Union – Wisconsin State Council</b>
Boullion Jr, James	<b>Associated General Contractors of Wisconsin Inc</b>	Buchen, James A	<b>International Brotherhood of Electrical Workers, Wis State Conference</b>
Boyce, Catherine	<b>Northwestern Mutual</b>	Burke, Robert	<b>Wisconsin Manufacturers &amp; Commerce</b>
Boyce, Catherine	<b>Skipper Buds</b>	Burzynski, Leon	<b>Wisconsin Education Association Council</b>
Boyce, Catherine	<b>Independence First, Inc.</b>	Butera, Michael	<b>International Brotherhood of Electrical Workers, Wis State Conference</b>
Boyce, Catherine	<b>Americans for Consumer Education &amp; Competition Inc</b>	Carey, Ray	<b>Wisconsin Education Association Council</b>
Boyce, Catherine	<b>Bell Ambulance</b>	Carey, Ray	<b>Wisconsin Cluster of YMCAs Executive Committee</b>
Boyce, Catherine	<b>Wisconsin Energy Corporation</b>	Carey, Ray	<b>Nicolet Minerals Company</b>
Boyce, Catherine	<b>Petroleum Marketers Assn of WI / WI Assn of Convenience Stores</b>	Carey, Ray	<b>Aurora Health Care Inc</b>
Boyce, Catherine	<b>Milwaukee Area Technical College</b>	Carey, Ray	<b>Dominion Asset Services LLC</b>
Boyce, Catherine	<b>Dental Associates Ltd</b>	Carey, Ray	<b>American Express Company</b>
Boyce, Catherine	<b>La Causa, Inc.</b>	Carey, Ray	<b>TDS Telecom Inc</b>
Boyce, Catherine	<b>Plumbers Local 75</b>	Carey, Ray	<b>General Motors Corporation</b>
Boyer, Amy	<b>Koch Industries Inc</b>	Carey, Ray	<b>Green Bay Packers Inc</b>
Boyer, Amy	<b>Northern States Power Company</b>	Carey, Ray	<b>Superior Services Inc</b>
Boyer, Amy	<b>Wisconsin Economic Development Association</b>	Carlson Jr, David W	<b>Dane County</b>
Boyer, Amy	<b>Wisconsin Court Reporters Association</b>	Carmen, Samuel	<b>Milwaukee Teachers Education Association</b>
Boyer, Amy	<b>Minnesota Mining &amp; Manufacturing Co.</b>	Cassidy, Maureen	<b>American Heart Association</b>
Boyer, Amy	<b>Aggregate Producers of Wisconsin Inc</b>	Ceel, Forrest	<b>Local Union 2150 IBEW</b>
Boyer, Amy	<b>Wisconsin Mortgage Bankers Association</b>	Christianson, Peter C	<b>Wisconsin Newspaper Association</b>
Boyer, Victor	<b>Forward Janesville Inc</b>	Christianson, Peter C	<b>American Insurance Association</b>
Bradfield, Mary Anne	<b>National Rifle Association–Institute for Legislative Action</b>	Christianson, Peter C	<b>Teachers Insurance &amp; Annuity Association</b>
Breedlove, Lynn	<b>Wisconsin Coalition for Advocacy</b>	Christianson, Peter C	<b>Kraft Foods Inc, by its service company Philip Morris Management Corp</b>
Bright, Michael	<b>Wisconsin Manufactured Housing Association</b>	Christianson, Peter C	<b>Wisconsin Cluster of YMCAs Executive Committee</b>
Bright, Michael	<b>U.S. Care Inc</b>	Christianson, Peter C	<b>Printing Industries of Wisconsin</b>
		Christianson, Peter C	<b>AFLAC</b>
		Cilluffo, William	<b>Auto Club Insurance Association</b>



Clancy, John <b>Commerce</b>	<b>Wisconsin Manufacturers &amp;</b>	Early, Jessica	<b>Wisconsin Troopers Association, Inc</b>
Clancy, John <b>Reform LLC</b>	<b>Wisconsin Initiative Seeking Energy</b>	Eaton, Michael	<b>Aurora Health Care Inc</b>
Cliff, Roger	<b>Wisconsin Farm Bureau Federation</b>	Eleson, Charity	<b>Dane County</b>
Coddington, Connie <b>Publication for Wisconsin</b>	<b>Christian Science Committee on</b>	Elmer, Jane	<b>Wisconsin Retired Educators</b>
Cohn, Andrew <b>Foundation</b>	<b>Wisconsin Alumni Research</b>	Elverman, Timothy J	<b>Wisconsin Energy Corporation</b>
Conrad, Debra Peterson	<b>Wisconsin Realtors Association</b>	Elverman, Timothy J	<b>Northwestern Mutual</b>
Copeland, Paulette <b>Association</b>	<b>Milwaukee Teachers Education</b>	Elverman, Timothy J	<b>YWCA of Greater Milwaukee</b>
Corey, Wayne C <b>Inc</b>	<b>Wisconsin Independent Businesses</b>	Elverman, Timothy J	<b>Milwaukee Area Technical College</b>
Coryell, Kristine	<b>Pfizer Inc</b>	Elverman, Timothy J	<b>La Causa, Inc.</b>
Craney, Terry <b>Council</b>	<b>Wisconsin Education Association</b>	Englund, Eric	<b>Wisconsin Insurance Alliance</b>
Cullen, Lee	<b>Customers First! Coalition</b>	Essie, Patrick	<b>Waukesha County Technical College</b>
Curley, Patrick T	<b>City of Milwaukee</b>	Essie, Patrick	<b>Wisconsin Energy Corporation</b>
Daggett, Julie A <b>&amp; Upper Michigan Inc</b>	<b>Lutheran Social Services of Wisconsin</b>	Essie, Patrick	<b>Wisconsin Association of Mortgage</b>
De Santis, Peter	<b>Marathon County</b>	Essie, Patrick	<b>Brokers</b>
Decorah, Sarah <b>Assn of Convenience Stores</b>	<b>Petroleum Marketers Assn of WI / WI</b>	Essie, Patrick	<b>Wisconsin Pre-Cast Concrete</b>
Denison, Bradley W	<b>Wisconsin Rental Dealers Association</b>	Essie, Patrick	<b>Funeral Service Alliance of Wisconsin</b>
Denman, Robert	<b>Wisconsin Farmers Union</b>	Essie, Patrick	<b>Wisconsin Pay Telephone Association</b>
Dennik-Champion, Georgina <b>Association</b>	<b>Wisconsin Nurses</b>	Essie, Patrick	<b>UST Public Affairs Inc</b>
Deschane, Gerard	<b>Wisconsin Builders Association</b>	Essie, Patrick	<b>Distilled Spirits Council of the United</b>
Dickert, John T	<b>Dominion Asset Services LLC</b>	Essie, Patrick	<b>States</b>
Dickert, John T	<b>Superior Services Inc</b>	Essie, Patrick	<b>Wisconsin Chiropractic Association</b>
Dickert, John T	<b>American Express Company</b>	Essie, Patrick	<b>Deere &amp; Company</b>
Dickert, John T	<b>TDS Telecom Inc</b>	Essie, Patrick	<b>Wisconsin Alliance of Financial</b>
Dickert, John T	<b>General Motors Corporation</b>	Essie, Patrick	<b>Service Centers</b>
Dickert, John T	<b>Green Bay Packers Inc</b>	Essie, Patrick	<b>Wisconsin Pawnbrokers Association</b>
Dickert, John T <b>Executive Committee</b>	<b>Wisconsin Cluster of YMCAs</b>	Essie, Patrick	<b>Wisconsin Deferred Deposit</b>
Dies, David	<b>Wisconsin Association of Independent</b>	Exner, John D	<b>Midwest Food Processors Association</b>
Dilweg, Sean <b>Association</b>	<b>Colleges and Universities</b>	Fassbender, Robert I	<b>Koch Industries Inc</b>
Dilweg, Sean	<b>Wisconsin Pre-Cast Concrete</b>	Fassbender, Robert I	<b>Northern States Power Company</b>
Dilweg, Sean	<b>Wisconsin Energy Corporation</b>	Fassbender, Robert I	<b>Wisconsin Manufacturers &amp;</b>
Dilweg, Sean	<b>Wisconsin Pay Telephone Association</b>	Fassbender, Robert I	<b>Commerce</b>
Driessen, Anthony <b>Medicine</b>	<b>Wisconsin Society of Podiatric</b>	Fassbender, Robert I	<b>Wisconsin Economic Development</b>
Driessen, Anthony	<b>American Plastics Council Inc</b>	Fassbender, Robert I	<b>Association</b>
Driessen, Anthony <b>Council</b>	<b>Wisconsin Automatic Merchandising</b>	Fitzgerald, Moira E	<b>Civil Trial Counsel of Wisconsin</b>
Driessen, Anthony <b>Group)</b>	<b>ThedaCare (formerly United Health</b>	Fitzgerald, Moira E	<b>Association of State Prosecutors</b>
Driessen, Anthony	<b>Microsoft Corporation</b>	Fitzgerald, Moira E	<b>Northwestern Mutual</b>
Driessen, Anthony	<b>AAA Wisconsin</b>	Fitzgerald, Moira E	<b>Wisconsin Energy Corporation</b>
Driessen, Anthony	<b>Pharmacy Buying Group of America</b>	Fleming, Jr, James	<b>Bell Ambulance</b>
Duea, Robert <b>&amp; Upper Michigan Inc</b>	<b>Lutheran Social Services of Wisconsin</b>	Fonfara, Thomas	<b>City of Milwaukee</b>
Dummer, Heather	<b>Hunger Task Force of Milwaukee Inc</b>	Fonfara, Thomas	<b>Wisconsin Society of Podiatric</b>
		Fonfara, Thomas	<b>Medicine</b>
		Fonfara, Thomas	<b>Microsoft Corporation</b>
		Fonfara, Thomas	<b>American Plastics Council Inc</b>
		Fonfara, Thomas	<b>Procter &amp; Gamble Company, The</b>
		Fonfara, Thomas	<b>Wisconsin Automatic Merchandising</b>
		Fonfara, Thomas	<b>Council</b>
		Fonfara, Thomas	<b>ThedaCare (formerly United Health</b>
		Fonfara, Thomas	<b>Group)</b>
		Franken, Andrew	<b>Northern States Power Company</b>
		Frazier, Thomas L	<b>Coalition of Wisconsin Aging Groups</b>
		Freiberg, Mari	<b>Wisconsin Primary Health Care</b>
			<b>Association</b>



Gabriel, Paul	<b>Wisconsin Technical College District Boards Association Inc</b>	Hanson, Thomas	<b>Wisconsin Society of Anesthesiologists</b>
Gale, Richard	<b>Professional Fire Fighters of Wisconsin Inc</b>	Hanson, Thomas	<b>Wisconsin Funeral Directors Association</b>
Garvin, John	<b>Madison Gas &amp; Electric Company</b>	Harrington, Arthur	<b>Wisconsin Initiative Seeking Energy Reform LLC</b>
Gentile, Sabrina	<b>Wisconsin Farm Bureau Federation</b>	Heck, Jr., James W	<b>Common Cause in Wisconsin</b>
George Jr, Nicholas C	<b>Wisconsin Manufacturers &amp; Commerce</b>	Helbach, David	<b>Alliant Energy Corp.</b>
George, Sandra	<b>Wisconsin Newspaper Association</b>	Hermes, Ronald	<b>Health Insurance Association of America</b>
Gerrard, M William	<b>Wisconsin Central Ltd.</b>	Hermes, Ronald	<b>Wisconsin Public Power Inc</b>
Gerrard, M William	<b>Union Pacific Railroad Company</b>	Herstand, Marc	<b>National Association of Social Workers – Wisconsin Chapter</b>
Gerrard, M William	<b>Soo Line Railroad Company dba Canadian Pacific Railway</b>	Himebauch, Leigh	<b>Metropolitan Builders Association of Greater Milwaukee</b>
Gillespie, Jr, John F	<b>ThedaCare (formerly United Health Group)</b>	Hlavacek, Tom	<b>Wisconsin Coalition for Advocacy</b>
Gissen, Donna	<b>Medical College of Wisconsin</b>	Hottenroth, Theresa M	<b>Wisconsin Academy of Family Physicians</b>
Godiksen, Carol	<b>Wisconsin Association of Consulting Engineers</b>	Hough, James E	<b>Wisconsin Economic Development Association</b>
Goldberg, Jodi	<b>American Education Reform Foundation</b>	Hough, James E	<b>Northern States Power Company</b>
Gomez, Pilar	<b>American Education Reform Foundation</b>	Hough, James E	<b>Wisconsin Court Reporters Association</b>
Gorham, Barbara	<b>Consumers Union of United States Inc</b>	Hough, James E	<b>Civil Trial Counsel of Wisconsin</b>
Goyke, Gary	<b>Wisconsin Game Preserve Association</b>	Hough, James E	<b>Wisconsin Mortgage Bankers Association</b>
Goyke, Gary	<b>Wisconsin Association of Taxicab Owners</b>	Hough, James E	<b>Minnesota Mining &amp; Manufacturing Co.</b>
Goyke, Gary	<b>Wisconsin Council of the Blind</b>	Howells, Thomas A	<b>Wisconsin Motor Carriers Association</b>
Goyke, Gary	<b>Wisconsin Self-Service Laundry Association</b>	Huck, Edward	<b>Wisconsin Alliance of Cities Inc</b>
Goyke, Gary	<b>Wisconsin Urban Transit Association</b>	Huebscher, John A	<b>Wisconsin Catholic Conference</b>
Gratz, Samuel	<b>Wisconsin Central Ltd.</b>	Hunjadi, Donald	<b>Wisconsin EMS Association</b>
Gratz, Samuel	<b>Union Pacific Railroad Company</b>	Jablonski, Ann	<b>League of Wisconsin Municipalities</b>
Gratz, Samuel	<b>Soo Line Railroad Company dba Canadian Pacific Railway</b>	Janowski, Jon	<b>Hunger Task Force of Milwaukee Inc</b>
Greenley, Dianne	<b>Wisconsin Coalition for Advocacy</b>	Jarock, Jennifer	<b>Brown County Home Builders Association</b>
Gross, Dianne	<b>Wisconsin Education Association Council</b>	Jensen, Eric	<b>State Medical Society of Wisconsin</b>
Gross, Shel	<b>Mental Health Association in Milwaukee County</b>	Jensen, Jodi	<b>Alliant Energy Corp.</b>
Gustafson, Earl	<b>Wisconsin Paper Council</b>	Jetty, Ron	<b>Wisconsin Education Association Council</b>
Hadnot, Dextra	<b>City of Milwaukee</b>	Jordahl, William	<b>Alliant Energy Corp.</b>
Haffenbredl, Mary	<b>Atrium Health Plan Inc</b>	Julius, Paul	<b>Midwest Food Processors Association Inc</b>
Hagopian, Mitchell M	<b>Coalition of Wisconsin Aging Groups Inc</b>	Kammer, Peter	<b>Wisconsin Energy Corporation</b>
Hale, Karen Etter	<b>Madison Audubon Society Inc</b>	Kammer, Peter	<b>Association of State Prosecutors</b>
Haney, Ann J	<b>Dean Health System Inc</b>	Kammer, Peter	<b>Minnesota Mining &amp; Manufacturing Co.</b>
Haney, James S	<b>Wisconsin Manufacturers &amp; Commerce</b>	Kammerud, Jennifer A	<b>Wisconsin Council for Administrators of Special Services</b>
Hanna, Jodi	<b>Wisconsin Coalition for Advocacy</b>	Kammerud, Jennifer A	<b>Association of Wisconsin School Administrators</b>
Hansen, Joan	<b>Wisconsin Manufacturers &amp; Commerce</b>	Kammerud, Jennifer A	<b>Wisconsin Association of School District Administrators</b>
Hanson, Thomas	<b>Wisconsin Financial Services Association</b>	Kammerud, Jennifer A	<b>Wisconsin Association of School Business Officials</b>
Hanson, Thomas	<b>Wisconsin Cable Communications Association</b>	Kay, Jason	<b>AARP</b>

Kay, Sherrie	<b>Hunger Task Force of Milwaukee Inc</b>	Letzing, Sybil	<b>Wisconsin State Cranberry Growers Association</b>
Kent, Paul	<b>Municipal Environmental Group – Wastewater Division</b>	Letzing, Sybil	<b>Air Wisconsin Airlines Corporation</b>
Kerschensteiner, Kristin	<b>Wisconsin Coalition for Advocacy</b>	Lewandowski, Richard	<b>Wisconsin Paper Council</b>
Kilgore, Kathleen	<b>Wisconsin Restaurant Association</b>	Lewis, Sarah V	<b>Wisconsin Primary Health Care Association</b>
Kindschi, Kim	<b>Wisconsin Bankers Association</b>	Liebe, Thomas	<b>Skipper Buds</b>
Kinzler, Ross	<b>Wisconsin Manufactured Housing Association</b>	Liebe, Thomas	<b>Wisconsin Energy Corporation</b>
Kircher, Steven	<b>Nicolet Minerals Company</b>	Liebe, Thomas	<b>Petroleum Marketers Assn of WI / WI Assn of Convenience Stores</b>
Knight, John E	<b>Wisconsin Bankers Association</b>	Liebe, Thomas	<b>Minnesota Mining &amp; Manufacturing Co.</b>
Knobel, Philip	<b>Wisconsin Council for Administrators of Special Services</b>	Linton, Barbara	<b>Nicolet Minerals Company</b>
Kobza, Lawrie	<b>Municipal Environmental Group – Water Division</b>	Lochner, Thomas H	<b>Wisconsin State Cranberry Growers Association</b>
Kraig, Robert	<b>Service Employees International Union – Wisconsin State Council</b>	Lucas, Paul	<b>Miller Brewing Company by its service company Philip Morris</b>
Kruger, Dennis	<b>Wisconsin Troopers Association, Inc</b>	Lucas, Paul	<b>Kraft Foods Inc, by its service company Philip Morris Management Corp</b>
Kuehn, Ronald W	<b>Wisconsin Pork Producers Association</b>	Lucas, Paul	<b>Philip Morris Incorporated by its service company Philip Morris</b>
Kuehn, Ronald W	<b>Professional Insurance Agents of Wisconsin</b>	Luebke, Keith	<b>Brotherhood of Locomotive Engineers</b>
Kuehn, Ronald W	<b>Independent Insurance Agents of Wisconsin</b>	Lump, Edward	<b>Wisconsin Restaurant Association</b>
Kuehn, Ronald W	<b>Wisconsin Association of Judicial Court Commissioners</b>	Lund, Daryll	<b>Community Bankers of Wisconsin</b>
Kuehn, Ronald W	<b>Air Wisconsin Airlines Corporation</b>	Lund, Jack	<b>Wisconsin Cluster of YMCAs Executive Committee</b>
Kuehn, Ronald W	<b>Wisconsin Association of Insurance &amp; Financial Advisors</b>	Lundgren, Jon	<b>Wisconsin Energy Corporation</b>
Kuehn, Ronald W	<b>Wisconsin State Cranberry Growers Association</b>	Lynch, James M	<b>Association of Wisconsin School Administrators</b>
Kuehn, Ronald W	<b>Wisconsin Alumni Research Foundation</b>	Malkasian, William	<b>Wisconsin Realtors Association</b>
Kuhn Dirkee, Kathryn	<b>Medical College of Wisconsin</b>	Manke, Gary	<b>Wisconsin Automotive Aftermarket Association Inc</b>
Kuiper, Laurie G	<b>City of Milwaukee</b>	Markeland, Kathy	<b>Wisconsin Catholic Conference</b>
Kunesh, Michael	<b>Professional Fire Fighters of Wisconsin Inc</b>	Marshall, Terry	<b>ATTIC Correctional Services Inc</b>
Kunicki, Walter	<b>Wisconsin Energy Corporation</b>	Mason, Cory	<b>State Bar of Wisconsin</b>
Larson, Rebecca	<b>Northern States Power Company</b>	Mathie, J Scott	<b>Metropolitan Builders Association of Greater Milwaukee</b>
Larson, Sue Moline	<b>Lutheran Office for Public Policy in Wisconsin</b>	Matthews, John	<b>Green Bay Packers Inc</b>
Larson, Thomas	<b>Wisconsin Realtors Association</b>	Matthews, John	<b>Nicolet Minerals Company</b>
Lauby, Mary R.	<b>Wisconsin Coalition Against Domestic Violence</b>	Matthews, John	<b>Aurora Health Care Inc</b>
Lee, Misha	<b>Sentry Insurance a Mutual Company</b>	Matthews, John	<b>Superior Services Inc</b>
Leitch, Laura J	<b>Wisconsin Academy of Family Physicians</b>	Matthews, John	<b>TDS Telecom Inc</b>
Leonard, Russell	<b>Wisconsin Chiropractic Association</b>	Matthews, John	<b>General Motors Corporation</b>
Leonhart, James	<b>NCR Corporation</b>	Matthews, John	<b>Wisconsin Cluster of YMCAs Executive Committee</b>
Leonhart, James	<b>Wisconsin Rental Dealers Association</b>	Matthews, John	<b>Dominion Asset Services LLC</b>
Lester, Nick	<b>Wisconsin State Telecommunications Association</b>	May, Rebecca	<b>American Express Company</b>
Letzing, Sybil	<b>Independent Insurance Agents of Wisconsin</b>	McCabe, Michael	<b>Wisconsin Property Taxpayers Inc</b>
Letzing, Sybil	<b>Wisconsin Health Information Management Association Inc</b>	McClenahan, William	<b>Wisconsin Democracy Campaign</b>
		McIntosh, Forbes	<b>Wisconsin Soft Drink Association</b>
		McIntosh, Forbes	<b>Concerned Auto Recyclers of Wisconsin</b>
		McIntosh, Forbes	<b>Labor Association of Wisconsin Inc</b>
		McIntosh, Forbes	<b>Wisconsin EMS Association</b>
		McIntosh, Forbes	<b>Milwaukee Area Technical College</b>
		McIntosh, Forbes	<b>Milwaukee Deputy Sheriffs Association</b>

McIntosh, Forbes	<b>Wisconsin Energy Corporation</b>	Peshek, Peter	<b>Madison Gas &amp; Electric Company</b>
McIntosh, Forbes	<b>Americans for Consumer Education &amp; Competition Inc</b>	Peshek, Peter	<b>Wisconsin Rental Dealers Association</b>
McNulty, Barry	<b>Wisconsin Energy Corporation</b>	Peshek, Peter	<b>Association of Wisconsin Snowmobile Clubs Inc</b>
Meili, Stephen E	<b>Center for Public Representation Inc</b>	Peshek, Peter	<b>Institute of Scrap Recycling Industries, Wisconsin Chapter</b>
Metcalf, John C	<b>Wisconsin Manufacturers &amp; Commerce</b>	Peshek, Peter	<b>Wisconsin Dells Visitors and Convention Bureau</b>
Metz, Michael	<b>Wisconsin Independent Businesses Inc</b>	Peshek, Peter	<b>Wisconsin Transportation Builders Association</b>
Meyer, Jayne	<b>Wisconsin Regional Response Team Network</b>	Peshek, Peter	<b>Rime Management Group Inc</b>
Miller, Dale	<b>International Union of Operating Engineers Local #139</b>	Peters, Thom	<b>Wisconsin Cluster of YMCAs Executive Committee</b>
Moore, Michael	<b>State Professional Education &amp; Information Council</b>	Petersen, Andrew	<b>TDS Telecom Inc</b>
Moore, Thomas E	<b>Wisconsin Cable Communications Association</b>	Phillips, Joe	<b>Wisconsin Landscape Federation</b>
Moore, Thomas E	<b>Distilled Spirits Council of the United States</b>	Phillips, Joe	<b>Wisconsin Fabricare Institute</b>
Morgan, James R	<b>Wisconsin Manufacturers &amp; Commerce</b>	Plautz, Jolene	<b>Nicolet Minerals Company</b>
Morrison, James	<b>Wisconsin Public Service Corporation</b>	Plautz, Jolene	<b>Wisconsin Towns Association</b>
Mueller, H Carl	<b>Wisconsin Energy Corporation</b>	Potter, Rosemary	<b>General Motors Corporation</b>
Munyon, Marvin	<b>Family Research Forum</b>	Potter, Rosemary	<b>American Express Company</b>
Munyon, Marvin	<b>Family Research Institute of Wisconsin, Inc</b>	Potter, Rosemary	<b>Green Bay Packers Inc</b>
Murphy, James	<b>Wisconsin Assisted Living Association</b>	Potter, Rosemary	<b>Dominion Asset Services LLC</b>
Murray, Earl Joseph	<b>Wisconsin Realtors Association</b>	Potter, Rosemary	<b>Wisconsin Cluster of YMCAs Executive Committee</b>
Muzik, Edward	<b>Wisconsin Federation of Teachers</b>	Queram, Christopher	<b>Employer Health Care Alliance Cooperative</b>
Neis, John	<b>Venture Investors Management LLC</b>	Quick, Joseph	<b>Madison Metropolitan School District</b>
Neuwirth, Alex	<b>Plumbers Local 75</b>	Ranous, Jeffrey	<b>American Cancer Society</b>
O'Brien, Maxine D	<b>Wisconsin Auctioneers Association Inc</b>	Reid, William S	<b>Metropolitan Milwaukee Association of Commerce</b>
O'Connor, Alice	<b>State Medical Society of Wisconsin</b>	Reilly, Thomas	<b>Aurora Health Care Inc</b>
O'Meara, Jack	<b>PROFS Inc</b>	Rettke, Brandon	<b>Wisconsin Education Association Council</b>
Opin, Kenneth	<b>Wisconsin Federation of Teachers</b>	Riordan, Ray J	<b>Wisconsin State Telecommunications Association</b>
Osborne, Patrick	<b>Aggregate Producers of Wisconsin Inc</b>	Riske, Laura	<b>University of Wisconsin Medical Foundation Inc</b>
Osborne, Patrick	<b>Smokeless Tobacco Council Inc</b>	Rochester, Carol	<b>Wisconsin State Telecommunications Association</b>
Parr, Gail	<b>Wisconsin Restaurant Association</b>	Roettgers, David J	<b>Petroleum Marketers Assn of WI / WI Assn of Convenience Stores</b>
Partenfelder-Moede, Peggy	<b>Wisconsin Chiropractic Association</b>	Rosen, Michael	<b>Milwaukee Area Technical College</b>
Partenfelder-Moede, Peggy	<b>Deere &amp; Company</b>	Rubin, Carol	<b>WEA Insurance Corporation</b>
Partenfelder-Moede, Peggy	<b>Wisconsin Deferred Deposit Association</b>	Rude, Brian	<b>Dairyland Power Cooperative</b>
Partenfelder-Moede, Peggy	<b>Wisconsin Alliance of Financial Service Centers</b>	Ryan, Maureen	<b>Wisconsin Coalition of Independent Living Centers</b>
Partenfelder-Moede, Peggy	<b>Wisconsin Energy Corporation</b>	Salustro, Larry	<b>Wisconsin Energy Corporation</b>
Partenfelder-Moede, Peggy	<b>Wisconsin Association of Mortgage Brokers</b>	Schemmel, Judd	<b>Wisconsin Counsel of Religious and Independent Schools</b>
Patterson, Steve	<b>Traffic &amp; Parking Control Co, Inc</b>	Schillinger, Patrick	<b>Green Bay Area Chamber of Commerce</b>
Pawlisch, Curt	<b>Wisconsin Land and Water Conservation Association</b>	Schmidt, Thomas	<b>Wisconsin Paper Council</b>
Pawlisch, Curt	<b>District 1199W/United Professionals Customers First! Coalition</b>	Schoepke, Jeffrey	<b>Wisconsin Manufacturers &amp; Commerce</b>
Pawlisch, Curt	<b>Wisconsin Troopers Association, Inc</b>	Schreiber, Martin	<b>Miller Brewing Company by its service company Philip Morris</b>
Perry, Casey		Schreiber, Martin	<b>Wisconsin Troopers Association, Inc</b>



Schreiber, Martin	<b>Philip Morris Incorporated by its service company Philip Morris</b>	Thormodsgard, Paul	<b>Green Bay Metropolitan Sewerage District</b>
Schreiber, Martin	<b>Wisconsin Soft Drink Association</b>	Tomczyk, Kathleen	<b>Milwaukee Area Technical College</b>
Seger, Patti	<b>Wisconsin Coalition Against Domestic Violence</b>	Trubek, Louise	<b>Center for Public Representation Inc</b>
Semmann, Michael	<b>Wisconsin Builders Association</b>	Turner, Miles	<b>Wisconsin Association of School District Administrators</b>
Sender, Jonathan	<b>University of Wisconsin Medical Foundation Inc</b>	Tutwiler, Amy	<b>Municipal Environmental Group – Wastewater Division</b>
Shea, Gail B	<b>Wisconsin Democracy Campaign</b>	Uebelher, Paul	<b>Wisconsin Democracy Campaign</b>
Sicula, Paul	<b>Wisconsin Academy of Trial Lawyers</b>	Umhoefer, John	<b>Wisconsin Cheese Makers Association</b>
Sicula, Paul	<b>Roy May</b>	Van Fossen, Todd	<b>Meriter Management Services Inc</b>
Size, Tim	<b>Rural Wisconsin Health Cooperative</b>	Vaughan, Michael	<b>Wisconsin Counties Utility Tax Association</b>
Skewes, William	<b>Wisconsin Utilities Association Inc</b>	Vaughan, Michael	<b>Wisconsin Chiefs of Police Association Inc</b>
Smith, Elizabeth B	<b>Marathon Ashland Petroleum, LLC</b>	Vaughan, Michael	<b>Anheuser–Busch Companies Inc.</b>
Sparks, Kelly	<b>United Auto Workers</b>	Vaughan, Michael	<b>R.J. Reynolds Tobacco Company</b>
Spitzer–Resnick, Jeffrey	<b>Wisconsin Coalition for Advocacy</b>	Vaughan, Michael	<b>Wisconsin Institute of Certified Public Accountants</b>
Springer, Thomas J	<b>Wisconsin Academy of Family Physicians</b>	Vaughan, Michael	<b>Wisconsin Association of Consulting Engineers</b>
Stadelman, Richard J	<b>Wisconsin Towns Association</b>	Vaughan, Michael	<b>Wisconsin Bankers Association</b>
Staff, Richard	<b>Wisconsin Realtors Association</b>	Vaughan, Michael	<b>Northern Natural Gas Company</b>
Statz, Ron	<b>National Farmers Organization</b>	Vornholt, Paul	<b>Brown County</b>
Steil, Robert J	<b>American Medical Security</b>	Wadium, Mark	<b>Outagamie County Board of Supervisors</b>
Steinhauer, Michael J	<b>Wisconsin Occupational Therapy Association</b>	Walker, Thomas	<b>Wisconsin Transportation Builders Association</b>
Stenger, Scott	<b>Philip Morris Incorporated by its service company Philip Morris</b>	Wegenke, Rolf	<b>Wisconsin Association of Independent Colleges and Universities</b>
Stenger, Scott	<b>Madison Gas &amp; Electric Company</b>	Wesener, Barbara	<b>Wisconsin Ready Mixed Concrete Association</b>
Stenger, Scott	<b>Wisconsin Commercial Fisheries Association</b>	Weyenberg, Greg	<b>Wisconsin Federation of Teachers</b>
Stetenfeld, Ernest	<b>AAA Wisconsin</b>	Wieske, JP	<b>American Medical Security</b>
Stevens, Patrick	<b>Wisconsin Transportation Builders Association</b>	Williams, George	<b>Wisconsin Education Association Council</b>
Stocks, John	<b>Wisconsin Education Association Council</b>	Williams, Steven	<b>Wisconsin Troopers Association, Inc</b>
Strohl, Joseph	<b>Professional Fire Fighters of Wisconsin Inc</b>	Wilson, John D.	<b>Northern States Power Company</b>
Stuart, Michael	<b>Wisconsin Public Power Inc</b>	Wilson, LeNore	<b>District 1199W/United Professionals</b>
Sumi, Gail	<b>Wisconsin Alliance of Cities Inc</b>	Wilson, M Colleen	<b>Wisconsin Catholic Conference</b>
Sussman, Scott	<b>Wisconsin Property Taxpayers Inc</b>	Wilusz, Edward	<b>Wisconsin Paper Council</b>
Swandby, Janet R	<b>Dog Federation of Wisconsin Inc</b>	Windschiegl, Marilyn	<b>State Medical Society of Wisconsin</b>
Swandby, Janet R	<b>Paralegal Association of Wisconsin, Inc.</b>	Wineke, Joseph	<b>International Union of Operating Engineers Local #139</b>
Taranto, Mindy	<b>Wisconsin Federation of Teachers</b>	Wininsky, Dona	<b>American Lung Association of Wisconsin Inc</b>
Taylor, Chad	<b>Apartment Association of Southeastern Wisconsin</b>	Winstrom, Todd	<b>Wisconsin Coalition for Advocacy</b>
Taylor, Chad	<b>Covenant Healthcare System Inc</b>	Witynski, Curtis	<b>League of Wisconsin Municipalities</b>
Tenuta, James	<b>Wisconsin Public Power Inc</b>	Yates, Tricia	<b>Wisconsin Education Association Council</b>
Theo, Michael	<b>Wisconsin Realtors Association</b>	Zelenak, Brian	<b>Northern States Power Company</b>
Thilly, Roy	<b>Wisconsin Public Power Inc</b>	Zimmerman, Paul	<b>Wisconsin Farm Bureau Federation</b>
Thompson, Daniel R	<b>League of Wisconsin Municipalities</b>	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.	
Thompson, Steven	<b>Wisconsin Park and Recreation Association</b>	Sincerely,	
Thoni, Barbara A	<b>Coalition of Wisconsin Aging Groups Inc</b>	ROTH JUDD	



Director

**State of Wisconsin  
Ethics Board**

January 10, 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 1999 session of the legislature, visit the Ethics Board's web site at <http://ethics.state.wi.us>

Kammer, Peter **ARDA – WI**

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 the organizations that employ lobbyists.

Sincerely,

ROTH JUDD  
Director

**State of Wisconsin**

January 10, 2001

The Honorable, The Senate:

Pursuant to section 13.15 of the Wisconsin Statutes and Senate Rule 5, I do hereby appoint Donna J. Doyle as Assistant Chief Clerk of the Wisconsin Senate, giving her all powers and duties as are derived from and inherent in said position and to perform the duties and functions of the office in the absence of the Senate Chief Clerk.

Sincerely,

DONALD J. SCHNEIDER  
Senate Chief Clerk

**State of Wisconsin  
Office of the Governor**

January 8, 2001

The Honorable, The Senate:

This is to inform you that I am withdrawing the following nominations:

**Albert O. Nicholas** for appointment to the State of Wisconsin Investment Board. Mr. Nicholas resigned effective December 28, 2000.

**James L. Saari** for appointment to the Snowmobile Recreation Council. Mr. Saari resigned effective October 31, 2000.

**Michael T. Sullivan** for appointment as Chair of the Parole Commission. Mr. Sullivan resigned effective April 23, 1999.

**Charles Thompson** for appointment as Secretary of the Department of Transportation. Mr. Thompson resigned effective April 15, 2000.

Thank you for your attention to this matter.

Sincerely,

TOMMY G. THOMPSON  
Governor

**State of Wisconsin  
Department of Administration**

December 13, 2000

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 November, 2000.

On November 1, 2000 the **Wisconsin Health Education Loan Repayment Fund** balance was -\$2 thousand. This shortfall increased to -\$8 thousand on November 9, 2000, to -\$9 thousand on November 15, 2000, and continued into the month of December. As of the date of this letter, it is expected to be resolved soon. This shortfall is due to the timing of revenues.

On November 1, 2000 the **Utility Public Benefits Fund** balance was -\$1.38 million. This shortfall increased to -\$2.40 million on November 14, 2000, to -\$3.63 million on November 30, 2000, and continued into the month of December. As of the date of this letter, it is expected to be resolved soon. This shortfall is due to the timing of revenues.

On November 1, 2000 the **University Trust-Income Fund** balance was -\$40 thousand. This shortfall increased to -\$131 thousand on November 3, 2000, and continued until November 6, 2000 when the balance reached \$1.56 million. This shortfall was due to the timing of revenues.

The Wisconsin Health Education Loan Repayment Fund, Utility Public Benefits Fund, and University Trust-Income 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**

**Southeast Wisconsin Professional Baseball Park District**

December 21, 2000

The Honorable, The Legislature:

Attached please find the Miller Park monthly progress report for the month of November 2000 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

**State of Wisconsin  
Department of Health and Family Services**

December 26, 2000

The Honorable, The Senate:

Section 46.03(26) of the statutes requires the Department of Health and Family Services to report annually on information systems projects under development. The attached report is a summary of the departmental systems currently under development.

Sincerely,

JOE LEEAN  
Secretary

**State of Wisconsin  
Private Employer Health Care Coverage Board**

December 28, 2000

The Honorable, The Legislature:

The Private Employer Health Care Coverage Board (Board) is required by statute to submit an annual report to the Governor and appropriate standing committees of the Legislature. This, the Board's first such report, covers the period from the enactment of 1999 Wisconsin Act 9 (October 1999) to the present. Since we were not able to obtain the services of a qualified vendor, coverage will not be available through the Program by the effective date set by the Legislature.

The Office of Private Employer Health Care Coverage (Office), as required by Act 9, issued a request for proposals for administrative services for the Program. The enclosed report summarizes the procurement process. The proposal submission deadline has passed, and, contrary to expectations, no proposals have been received. Program staff have begun to solicit feedback from potential administrators to identify barriers to their participation. The enclosed "Potential Vendor Feedback Regarding RFP# ETA0006" provides detailed comments from potential vendors.

The Department will carefully evaluate how to proceed in developing an actuarially sound program with coverage available as soon as possible. For a more thorough discussion of budget issues, please see Sections 1.3 and 4.1 of the enclosed report.

Please contact Phillip Borden, Director of the Office of Private Employer Health Care Coverage, if you would like additional information about the Private Employer Health Care Coverage Program or about the activities of the Private Employer Health Care Coverage Board.

Sincerely,

ERIC O. STANCHFIELD  
Chair

Secretary, Department of Employee Trust Funds

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

**State of Wisconsin  
Wisconsin Housing and Economic Development  
Authority**

January 2, 2001

The Honorable, The Legislature:

Pursuant to section 234.25, Wisconsin Statutes, the following is the Fiscal 2000 annual report of the Wisconsin Housing and Economic Development Authority (WHEDA). Please note that each of the housing programs described in the following pages are consistent with the goals, policies and objectives of the state housing plan. In addition, the report reflects Calendar 2000 data for those programs operating on a calendar year basis. The report contains the following information:

- Fiscal 2000 Program Activity
- Job Creation Report
- WHEDA Strategic Plan
- Calendar 1999 Annual Report
- June 30, 2000 Financial Statement

Should you have any questions or comments, please call me or Jim Langdon at 266-3529. Thank you for your interest in WHEDA.

Sincerely,

FRITZ RUF  
Executive Director

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

**State of Wisconsin  
Public Service Commission**

December 22, 2000

The Honorable, The Legislature:

Enclosed please find the "Report to the Legislature on Horizontal Market Power in Wisconsin Electricity Market." It is transmitted as required by Wis. Stat. s. 196.025(4)(b), for distribution to the appropriate standing committees under Wis. Stat. s. 13.172(3).

Pursuant to Wis. Stat. s. 196.025(5)(ar), the Commission contracted with an expert consultant in economics to study the potential for horizontal market power, including the horizontal market power of electric generators, to frustrate the creation of an effectively competitive retail electricity market in this state and to make recommendations on measures to eliminate such market power on a sustainable basis. The report provides results of an independent economic study which examined potential horizontal market power problems in Wisconsin electricity markets, comments from numerous industry participants on the commissioned report, and the Commission's initial commentary on the subject. At a later date, the Commission may offer additional guidance to the legislature concerning horizontal market power issues in Wisconsin electricity markets.

Sincerely,

LYNDA L. DORR  
Secretary to the Commission

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

**State of Wisconsin  
Public Service Commission**

December 22, 2000

The Honorable, The Legislature:

We are pleased to provide the report of the Public Service Commission concerning "Horizontal Market Power in Wisconsin Electricity Markets." This report is transmitted as required by Wis. Stat. s. 196.025(5)b for distribution to the appropriate standing committees under Wis. Stat. s. 13.172(3).

The report provides results of an independent economic study which examined potential horizontal market power problems in Wisconsin electricity markers, comments from numerous industry participants on the commissioned report, and the Commission's initial commentary on the subject. Pursuant to Wis. Stat. s. 196.025(5)(ar), the Commission contracted with an expert consultant in economics to study the potential for horizontal market power, including the horizontal market power of electric generators, to frustrate the creation of an effectively competitive retail electricity market in this state and to make recommendations on measures to eliminate such marker power on a sustainable basis.

If you have any questions concerning this report please contact Mr. Randel Pilo of the Commission's Electric Division at (608) 267-1474.

Sincerely,

AVE. M. BIE  
Chairperson

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

**State of Wisconsin  
University of Wisconsin – Extension**

December 27, 2000

The Honorable, The Legislature:

As required by section 1606m, 1999 Wisconsin Act 9, included here are model ordinances for a traditional neighborhood development and for a conservation subdivision. The principal author for these ordinances is Professor Brian Ohm, Department of Urban and Regional Planning, University of Wisconsin – Madison/Extension, with much input and support from colleagues and independent reviewers. Brian joins me as a signatory to this letter.

University of Wisconsin – Extension thanks the Wisconsin Legislature for requesting our institution to help Wisconsin communities with implementation of the Smart Growth Law. The development of these model ordinances is but one of the many educational efforts regarding land use and smart growth which UW–Extension has undertaken statewide. As communities grapple with these important issues, we look forward to helping them by providing locally relevant education using the world class educational resources such as those evidenced by Professor Ohm’s fine model ordinance development work.

Sincerely,

KEVIN REILLY  
Chancellor

BRIAN OHM  
Department of Urban and Regional Planning

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

**State of Wisconsin  
Department of Justice**

January 8, 2001

The Honorable, The Legislature:

Section 165.90 of the Wisconsin Statutes requires the Department of Justice to report on the performance of cooperative county-tribal law enforcement programs receiving aid under this section. This letter constitutes our report.

For more than a decade, the Department has awarded grants for cooperative county-tribal law enforcement programs. The statutes require counties and tribes to develop joint program plans. The Department requires plans to include resolutions of support for the plan adopted by county boards and tribal governing bodies, to signify cooperation and mutual commitment.

This program pays for a variety of law enforcement services to Indian communities across Wisconsin. Grants have been used for the costs of patrol, investigation, crime prevention, law enforcement training, alternatives to drug abuse and gang involvement, diversity training and cultural awareness education, computer technology and water rescue and other emergency equipment. Several grants are awarded to programs that include tribal police departments, while most generally help pay for services provided by county sheriffs to Indian reservations and communities.

The Department restructured the allocation process for this program beginning in CY2000. A formula that includes factors that measure crime rate, tribal unemployment and tribal population of each county-tribal program area now assists us in arriving at eligible grant awards. The result has been a more even distribution of awards to county-tribal programs across the state.

The amount appropriated for this program in State Fiscal Year 2000 was \$708,400, the same as the prior year’s funding. Grant moneys come from Indian gaming receipts as appropriated in the biennial budget. In Calendar Year 2000, the Department issued 16 awards totaling \$708,400.

The County-Tribal Law Enforcement Grant Program continues to help local law enforcement provide needed services in Indian communities. In addition, this program helps build a cooperative atmosphere and positive relationship between law enforcement and tribal governments and communities. Departmental staff is available to discuss this report and this important program.

Sincerely,

JAMES E. DOYLE  
Attorney General

**State of Wisconsin  
Gathering Waters Conservancy**

January 1, 2001

The Honorable, The Senate:

It is my pleasure to share with you a report on Gathering Waters’ activities and accomplishments for Fiscal Year 2000. This report is being submitted in accordance with the statutory requirements (s. 23.0955(2)(b)5) of the state grant that Gathering Waters received in FY 2000. Gathering Waters had an extremely successful year, thanks to the ongoing support of the state legislature and the Department of Natural Resources.

We look forward to working with the Department and the state legislature on the projects outlined in the report and other initiatives that develop over the course of the year. Please do not hesitate to contact me for additional information. I have also attached Gathering Waters’ financial reports for FY 2000 for your review.

Sincerely,

VICKI ELKIN  
Executive Director

**State of Wisconsin  
Legislative Audit Bureau**

January 9, 2001

The Honorable, The Legislature:

As part of our ongoing audits of the Wisconsin Works (W–2) program required by s. 49.141(2g)(a), Wis. Stats., we have completed an evaluation of Wisconsin Shares, the State’s child care subsidy program. This program, which is administered by the Department of Workforce Development, was created by 1995 Wisconsin Act 289 to assist W–2 participants and other low–income working families in paying for child care.

In fiscal year (FY) 1999–2000, approximately 33,000 families and 60,500 children participated in the program at a cost of \$191.3 million in federal and state funds. FY 1999–2000 expenditures exceeded budgeted levels by \$10.2 million, primarily because of increased program participation that was, in part, the result of changes made in the 1999–2001 biennial budget expanding eligibility and reducing family copayments.

From September 1997 through June 2000, monthly program participation increased by 83.5 percent, growing from 18,671 to 34,268. It was estimated that in 1998, approximately 14 percent of eligible children participated in the program. Given that participation rates in several other midwestern states are greater than 20 percent of those eligible, there appears to be a realistic potential for continued growth in Wisconsin if more families choose to take advantage of the program and if adequate funding remains available. However, the extent of future growth is difficult to project based on the newness of the program and the numerous changes made to it since its inception.

As part of the program, the Department also administers contracts and grants designed to improve the quality and availability of child care services. We believe that improvements in the management of these types of grants are needed to ensure that \$11.4 million in increased funding that



will be provided to local entities is spent appropriately. In addition, if participation increases and expenditures continue to rise substantially, the Legislature will have to consider a variety of issues related to program funding, eligibility, and benefits.

We appreciate the courtesy and cooperation extended to us by the Department of Workforce Development and staff of the local agencies we visited. The Department's response is Appendix 4.

Sincerely,

JANICE MUELLER  
State Auditor

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**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

December 28, 2000

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ORTON, JOHN R., of Mauston, as a member of the Lower Wisconsin State Riverway Board, to serve for the term ending May 1, 2003.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

November 30, 2000

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WHITTOW, GEORGE W., of Waupaca, as a member of the Bradley Center Sports and Entertainment Corporation, to serve for the term ending July 1, 2006.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

December 22, 2000

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KIEL, DOUGLAS G., of Wauwatosa, as a member of the Bradley Center Sports and Entertainment Corporation, to serve for the term ending July 1, 2006.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

November 27, 2000

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint 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.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

November 27, 2000

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint NOWACKI, RICHARD, of Pewaukee, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2002.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

November 27, 2000

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint UPHOFF, ROBERT, of Dunn, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2003.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

November 27, 2000

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WADE, REPRESENTATIVE JOAN, of Mecan, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2003.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

November 27, 2000



The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint STEIMEL, RICHARD J., of Dane, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2003.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

November 27, 2000

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WHITE, DONNA JEAN, of Cambria, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2003.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

November 27, 2000

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KAPUSTA, JOE A., of Antigo, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2003.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

November 30, 2000

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SCHWALLIE, LINDA, of Green Bay, as a member of the Examining Board of Social Workers, Marriage and Family Therapists, and Professional Counselors, to serve for the term ending July 1, 2004.

Sincerely,

TOMMY G. THOMPSON  
Governor

Read and referred to committee on **Human Services and Aging.**

**State of Wisconsin  
Office of the Governor**

November 30, 2000

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LEVY, BRIAN S., of Mequon, as a member of the Savings Bank Review Board, to serve for the term ending May 1, 2003.

Sincerely,

TOMMY G. THOMPSON  
Governor

Read and referred to committee on **Privacy, Electronic Commerce and Financial Institutions.**

**State of Wisconsin  
Office of the Governor**

November 30, 2000

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CROWDER, DR. DON L., of Lake Geneva, as a member of the Psychology Examining Board, to serve for the interim term ending July 1, 2001, and for the full term ending July 1, 2005.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

November 30, 2000

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint THIERSEN, FREDERIK W., of Fond du Lac, as a member of the Physical Therapists Affiliated Credentialing Board, to serve for the interim term ending July 1, 2003.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

November 30, 2000

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint FLAHERTY, BARBARA ANNE, of Oshkosh, as a member of the Physical Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2004.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

November 30, 2000

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HEISER, TEE, of Woodville, as a

member of the Judicial Commission, to serve for the term ending August 1, 2002.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

November 30, 2000

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SIKOWSKI, ILEEN P., of Crivitz, as a member of the Judicial Commission, to serve for the term ending August 1, 2002.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

November 30, 2000

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint TYLER, BIANCA S., of Amery, as a member of the Judicial Commission, to serve for the term ending August 1, 2003.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

November 30, 2000

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LECLEIR, CLIFFORD F., of La Crosse, as a member of the Judicial Commission, to serve for the term ending August 1, 2002.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

January 8, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MCCALLUM, LAURIE R., of Madison, as a member of the Labor and Industry Review Commission, to serve for the term ending March 1, 2005.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

January 8, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint FALSTAD, DAVID B., of Racine, as a member of the Labor and Industry Review Commission, to serve for the term ending March 1, 2007.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

The following appointments are continued from the 1999 session.

ADAMSKI, PAUL C., of Stevens Point, as a member of the College Savings Program Board, to serve for the term ending May 1, 2005.

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

ALEXANDER, JOSEPH M., of Madison, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2001.

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

ANDERSON, BEVERLY J., of Darlington, as a member of the Board of Agriculture, Trade and Consumer Protection, to serve for the term ending May 1, 2005.

Referred to committee on **Labor and Agriculture.**

ANDERSON, LARRY E., of Westby, as a member of the Credit Union Review Board, to serve for the term ending May 1, 2005.

Referred to committee on **Privacy, Electronic Commerce and Financial Institutions.**

BALDWIN, GORDON R., of Madison, as a member of the Ethics Board, to serve for the interim term ending May 1, 2002

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

BAUMBACH, JERRY, of Sun Prairie, as a member of the Public Defender Board, to serve for the interim term ending May 1, 2002.

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

BERKOS, DANIEL M., of Mauston, as a member of the Public Defender Board, to serve for the term ending May 1, 2002.

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

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.

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

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

Referred to committee on **Economic Development and Corrections.**

BLAUBACH, LORRAINE M., of Thiensville, as a member of the Southeast Wisconsin Professional Baseball Park District Board, to serve for the term ending July 1, 2003.

Referred to committee on **Economic Development and Corrections.**

BLESSINGTON, ROBERT C., of New Berlin, as a member of the Prison Industries Board, to serve for the term ending May 1, 2002.

Referred to committee on **Economic Development and Corrections.**

BROWN, SENN R., of Madison, as a member of the Kickapoo Reserve Management Board, to serve for the term ending May 1, 2003.

Referred to committee on **Environmental Resources.**

BUBOLZ, JOHN, of Appleton, as a member of the College Savings Program Board, to serve for the term ending May 1, 2003.

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

BUESTRIN, MARY F., of Mequon, as a member of the State Historical Society Board of Curators, to serve for the term ending July 1, 2003.

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

CHRISTENSON, J. DAVID, of Wausau, as a member of the Credit Union Review Board, to serve for the term ending May 1, 2004.

Referred to committee on **Privacy, Electronic Commerce and Financial Institutions.**

CLUMPNER, J. MICHAEL, of Delavan, as a member of the College Savings Program Board, to serve for the term ending May 1, 2005.

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

CONGER, KENNETH W., of Kohler, as a member of the Private Employer Health Care Coverage Board, to serve for the term ending May 1, 2003.

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

DAHLBERG, PHILIP J., of La Crosse, as a member of the University of Wisconsin Hospital and Clinics Authority, to serve for the term ending July 1, 2003.

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

DAHLBERG, PHILIP J., of La Crosse, as a member of the University of Wisconsin Hospital and Clinics Board, to serve for the term ending July 1, 2003.

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

DARLING, SENATOR ALBERTA, of River Hills, as a member of the College Savings Program Board, to serve for the term ending May 1, 2005.

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

DREW, WILLIAM R., of Milwaukee, as a member of the State Fair Park Board, to serve for the term ending May 1, 2004.

Referred to committee on **Labor and Agriculture.**

DREW, WILLIAM R., of Milwaukee, as a member of the State Fair Park Board, to serve for the interim term ending May 1, 2002.

Referred to committee on **Labor and Agriculture.**

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

Referred to committee on **Environmental Resources.**

EHRSAM, JAMES, of La Crosse, as a member of the Land Information Board, to serve for the interim term ending May 1, 2001, and for the full term ending May 1, 2007.

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

ENGELKE, RONALD C., of Hubertus, as a member of the Prison Industries Board, to serve for the term ending May 1, 1999.

Referred to committee on **Economic Development and Corrections.**

ENGELKE, RONALD C., of Hubertus, as a member of the Prison Industries Board, to serve for the term ending May 1, 2003.

Referred to committee on **Economic Development and Corrections.**

ERICKSON, GINA, of Janesville, as a member of the Private Employer Health Care Coverage Board, to serve for the term ending May 1, 2004.

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

FERNHOLZ, JOHN "JAY", of Holmen, as a member of the Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2004.

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

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

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

FRANCO, GEORGE, of Milwaukee, as a member of the Wisconsin Technical College System Board, to serve for the interim term ending May 1, 1999 and for the full term ending May 1, 2005.

Referred to committee on **Education.**

GLOCKE, CHAR D., of Onalaska, as a member of the Chiropractic Examining Board, to serve for the term ending July 1, 2004.

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

GRONLEY, BILL, of Reedsburg, as a member of the Prison Industries Board, to serve for the term ending May 1, 2001.

Referred to committee on **Economic Development and Corrections.**

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

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

HAMMES, JON D., of Mequon, as a member of the State of Wisconsin Investment Board, to serve for the term ending May 1, 2005.

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

HAMMES, JON D., of Mequon, as a member of the Medical College of Wisconsin Board of Trustees, to serve for the term ending May 1, 2006.

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

HARRIS, ROBERTA A., of Milwaukee, as a member of the Public Defender Board, to serve for the interim term ending May 1, 2000 and for the full term ending May 1, 2003.

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

HASSLINGER, MICHAEL J., of Waukesha, as a member of the Land Information Board, to serve for the term ending May 1, 2005.

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

HEILIGER, DONALD L., of Stoughton, as a member of the Board of Veterans Affairs, to serve for the term ending May 1, 2005.

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

HEINEMANN, VIRGINIA, of Wausau, as a member of the Medical Examining Board, to serve for the term ending July 1, 2004.

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

HENKE, MARY E., of Milwaukee, as a member of the State Fair Park Board, to serve for the term ending May 1, 2005.

Referred to committee on **Labor and Agriculture.**

HERTEL, HARRY R., of Eau Claire, as a member of the Public Defender Board, to serve for the term ending May 1, 2003.

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

HEYT-THOMPSON, DR. JEAN M., of LaCrosse, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 2004.

Referred to committee on **Labor and Agriculture.**

HOGAN, JOHN J., of Hazelhurst, as a member of the Public Defender Board, to serve for the term ending May 1, 2002.

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

HOLTE, JAMES A., of Elk Mound, as a member of the Board of Agriculture, Trade and Consumer Protection, to serve for the term ending May 1, 2005.

Referred to committee on **Labor and Agriculture.**

HUBBELL, CHRIS L., of Eau Claire, as a member of the Optometry Examining Board, to serve for the term ending July 1, 2004.

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

HUNTER, MICHAEL T., of Antigo, as a member of the State Fair Park Board, to serve for the term ending May 1, 2002.

Referred to committee on **Labor and Agriculture.**

JACOBS, DR. P. MICHAEL, of Onalaska, as a member of the Podiatrists Affiliated Credentialing Board, to serve for the term ending July 1, 2004.

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

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.

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

JENKINS, LAURA M., of Darlington, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 2004.

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

JOHNSON, RUTH G., of Madison, as a member of the Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2004.

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

JOHNSON, NORBERT J., of Milton, as a member of the Accounting Examining Board, to serve for the term ending July 1, 2002.

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

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

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

KESSLER, DR. ROBERT A., of Menomonee Falls, as a member of the Nursing Home Administrator Examining Board, to serve for the initial term ending July 1, 2001, and for the full term ending July 1, 2005.

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

KNUTESON, JOHN W., of Racine, as a member of the Southeast Wisconsin Professional Baseball Park District Board, to serve for the term ending July 1, 2003.

Referred to committee on **Economic Development and Corrections.**

KROGSTAD, JAMES G., of Madison, as a member of the Private Employer Health Care Coverage Board, to serve for the term ending May 1, 2002.

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

KRUTSCH, PHYLLIS, of Washburn, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2007.

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

KUNDERT, JOHN F. "JACK", of Monroe, as Secretary of the Department of Financial Institutions, to serve for the term ending at the pleasure of the Governor.

Referred to committee on **Privacy, Electronic Commerce and Financial Institutions.**



LAUER, LEON G., of Green Bay, as a member of the Barber and Cosmetology Examining Board, to serve for the term ending July 1, 2004.

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

LEE, DANIEL F., of Portage, as a member of the Wisconsin Housing and Economic Development Authority, to serve for the term ending January 1, 2003.

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

LEEAN, JOE, of Waupaca, as Secretary of the Department of Health and Family Services, to serve for the term ending at the pleasure of the Governor.

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

LITSCHER, JON E., of Lake Mills, as a member of the Prison Industries Board, to serve for the interim term ending May 1, 2000 and for the full term ending May 1, 2004.

Referred to committee on **Economic Development and Corrections.**

LUCE, DANIEL F., of Nasotah, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 2004.

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

LUST, RICHARD O., of Verona, as a member of the Auctioneers Examining Board, to serve for the term ending May 1, 2004.

Referred to committee on **Labor and Agriculture.**

MAIN, EDWARD D., of Madison, as a member of the Deferred Compensation Board, to serve for the term ending July 1, 2004.

Referred to committee on **Labor and Agriculture.**

MALCHINE, JOHN L., of Wind Lake, as a member of the Board of Agriculture, Trade and Consumer Protection, to serve for the term ending May 1, 2005.

Referred to committee on **Labor and Agriculture.**

MANDERS, DANIEL N., of Mauston, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2005.

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

MARKOS, DENNIS A., of Madison, as a member of the State Fair Park Board, to serve for the interim term ending May 1, 2001 and for the full term ending May 1, 2006.

Referred to committee on **Labor and Agriculture.**

MARTIN, MARVILE, of Milwaukee, as a member of the Barber and Cosmetology Examining Board, to serve for the term ending July 1, 2004.

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

MCGREGOR, ELAINE H., of Waukesha, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 2004.

Referred to committee on **Labor and Agriculture.**

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.

Referred to committee on **Environmental Resources.**

MCKEITHAN, PATRICIA B., of Milwaukee, as a member of the State Fair Park Board, to serve for the term ending May 1, 2005.

Referred to committee on **Labor and Agriculture.**

MCKEITHAN, PATRICIA B., of Milwaukee, as a member of the State Fair Park Board, to serve for the interim term ending May 1, 2003.

Referred to committee on **Labor and Agriculture.**

MEIER, GARY A., of Racine, as a member of the Private Employer Health Care Coverage Board, to serve for the term ending May 1, 2003.

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

MEJCHAR, JAMES D., of West Allis, as a member of the State Fair Park Board, to serve for the term ending May 1, 2004.

Referred to committee on **Labor and Agriculture.**

MEYER, GEORGE, of Madison, as Secretary of the Department of Natural Resources, to serve for the term ending at the pleasure of the Governor.

Referred to committee on **Environmental Resources.**

MORELLO, BRIAN L., of Whitefish Bay, as a member of the Historic Sites Foundation "a.k.a. Circus World Museum Foundation, Inc.", to serve for the term ending at the pleasure of the Governor.

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

MOUW, EDWARD W., of Rhinelander, as a member of the Wisconsin Housing and Economic Development Authority, to serve for the term ending January 1, 2004.

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

MULCAHY, TERRENCE D., of Waunakee, as Secretary of the Department of Transportation, to serve for the term ending at the pleasure of the Governor.

Referred to committee on **Insurance, Tourism, and Transportation.**

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

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

CONNELL, CONNIE L., of Sun Prairie, as Commissioner of Insurance, to serve for the term ending at the pleasure of the Governor.

Referred to committee on **Insurance, Tourism, and Transportation.**

PETERSEN, JOHN, of Madison, as a member of the Wisconsin Housing and Economic Development Authority, to serve for the term ending January 1, 2004.

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

PHILLIPS, JOHN D., of Lomira, as a member of the Prison Industries Board, to serve for the term ending May 1, 2002.

Referred to committee on **Economic Development and Corrections.**

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

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

QUERAM, CHRISTOPHER J., of Middleton, as a member of the Private Employer Health Care Coverage Board, to serve for the term ending May 1, 2004.

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

READ, JOEL, of Milwaukee, as a member of the College Savings Program Board, to serve for the term ending May 1, 2003.

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

REINERT, JENNIFER, of Madison, as Secretary of the Department of Workforce Development, to serve for the term ending at the pleasure of the Governor.

Referred to committee on **Labor and Agriculture.**

ROGERS, JAMES T., of Merrill, as a member of the Public Defender Board, to serve for the term ending May 1, 2003.

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

ROGERS, JEAN, of Madison, as a member of the Deferred Compensation Board, to serve for the term ending July 1, 2003.

Referred to committee on **Labor and Agriculture.**

ROMPORTL, MICHAEL J., of Rhineland, as a member of the Land Information Board, to serve for the term ending at the pleasure of the Governor.

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

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

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

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

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

SCHLEIS, CATHERINE E., of De Forest, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2004.

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

SCHNEIDERS, LOLITA, of Menomonee Falls, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2007.

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

SENTY, PAUL, of Middleton, as a member of the Wisconsin Health and Educational Facilities Authority, to serve for the term ending June 30, 2007.

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

SIZE, TIM, of Madison, as a member of the Private Employer Health Care Coverage Board, to serve for the term ending May 1, 2003.

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

STEEN CRAWFORD, ANDREA, of Elm Grove, as a member of the Wisconsin Investment Board, to serve for the interim term ending May 1, 2005.

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

STEIGER, WILLIAM, of Madison, as a member of the Wisconsin Technical College System Board, to serve for the interim term ending May 1, 2003.

Referred to committee on **Education.**

STEPP, CATHY L., of Sturtevant, as a member of the Natural Resources Board, to serve for the term ending May 1, 2005.

Referred to committee on **Environmental Resources.**

STOLPMAN, KATHLEEN F., of Brookfield, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2003.

Referred to committee on **Human Services and Aging.**

TENUTA, RALPH J., of Kenosha, as a member of the Banking Review Board, to serve for the term ending May 1, 2005.

Referred to committee on **Privacy, Electronic Commerce and Financial Institutions.**

THEORIN, CARL, of Merrill, as a member of the Auctioneers Examining Board, to serve for the term ending May 1, 2004.

Referred to committee on **Labor and Agriculture.**

TURCOTT, JOHN A., of Middleton, as a member of the Private Employer Health Care Coverage Board, to serve for the term ending May 1, 2002.

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

TYLER, GERALD MICHAEL, of Amery, as a member of the Minnesota-Wisconsin Boundary Area Commission, to serve for the interim term ending September 25, 2002.

Referred to committee on **Environmental Resources.**

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.

Referred to committee on **Environmental Resources.**

VISTE, KENNETH M., of Oshkosh, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2005.

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

WALL, SCOT A., of Cashton, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2005.

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

WEDDLE, MCARTHUR, of Milwaukee, as a member of the Psychology Examining Board, to serve for the interim term ending July 1, 2002.

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

WHITEMARSH, DARYLANN T., of Oshkosh, as a member of the Educational Communications Board, to serve for the term ending May 1, 2003.

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

WILSON, R. DOUGLAS, of Shawano, as a member of the State Fair Park Board, to serve for the term ending May 1, 2003.

Referred to committee on **Labor and Agriculture**.

WOLFF, MICHAEL D., of Madison, as a member of the College Savings Program Board, to serve for the term ending May 1, 2003.

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

ZILLMER, ANN M., of Black River Falls, as a member of the Land Information Board, to serve for the term ending May 1, 2005.

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

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

**Senate Clearinghouse Rule 00-166**

Relating to placing the name and location of a bank home office on a bank check.

Submitted by Department of Financial Institutions.

Report received from Agency, January 10, 2001.

Referred to committee on **Privacy, Electronic Commerce and Financial Institutions**, January 12, 2001.

**Senate Clearinghouse Rule 00-065**

Relating to the use of renewable resource credits.

Submitted by Public Service Commission.

Report received from Agency, January 9, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, January 12, 2001.

**Senate Clearinghouse Rule 00-118**

Relating to deer management unit boundaries and population goals.

Submitted by Department of Natural Resources.

Report received from Agency, January 9, 2001.

Referred to committee on **Environmental Resources**, January 12, 2001.

**Senate Clearinghouse Rule 00-119**

Relating to pesticide product restrictions.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, January 9, 2001.

Referred to committee on **Labor and Agriculture**, January 12, 2001.

**Senate Clearinghouse Rule 00-126**

Relating to renewal of expired credentials.

Submitted by Department of Commerce.

Report received from Agency, January 9, 2001.

Referred to committee on **Universities, Housing, and Government Operations**, January 12, 2001.

**Senate Clearinghouse Rule 00-134**

Relating to complaint procedures for inmates of the Wisconsin resource center.

Submitted by Department of Health and Family Services.

Report received from Agency, January 11, 2001.

Referred to committee on **Economic Development and Corrections**, January 12, 2001.

**Senate Clearinghouse Rule 00-150**

Relating to administration of supplemental security income (SSI), state supplemental payments to low-income elderly and disabled residents of Wisconsin and their dependent children.

Submitted by Department of Health and Family Services.

Report received from Agency, January 10, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, January 12, 2001.

**Senate Clearinghouse Rule 00-152**

Relating to outdoor advertising sign annual fees.

Submitted by Department of Transportation.

Report received from Agency, January 9, 2001.

Referred to committee on **Insurance, Tourism, and Transportation**, January 12, 2001.

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**MESSAGES FROM THE ASSEMBLY**

By John A. Scocos, chief clerk.

Mr. President:

I am directed to inform you that the Assembly is organized and ready to proceed to the business of the 2001-2002 session.

Mr. President:

I am directed to inform you that the Assembly has:

Concurred in:

**Senate Joint Resolution 1**

# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

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WEDNESDAY, January 17, 2001

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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 16

Relating to: the sales tax on sales of lists.

By Senators Erpenbach and Roessler; cosponsored by Representatives Riley, Schooff, Carpenter, Richards, Berceau, Gronemus, Ryba, Sinicki, Bock, Coggs, Olsen, Williams, Miller, Powers, Sykora, Pettis, Staskunas, Turner, Nass, Cullen, Wood, Black, Balow, Young, Pocan, Musser, F. Lasee, J. Lehman, Plouff, Kreuser and Meyerhofer.

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

#### Senate Bill 17

Relating to: the priority of a wage claim lien.

By Senators Robson, Moen, Erpenbach, Wirch, Plache, Moore, Decker, Hansen and Risser; cosponsored by Representatives Riley, Schooff, Carpenter, Richards, Berceau, Gronemus, Ryba, Sinicki, Bock, Coggs, Olsen, Williams, Miller, Powers, Sykora, Pettis, Staskunas, Turner, Nass, Cullen, Wood, Black, Balow, Young, Pocan, Musser, F. Lasee, J. Lehman, Plouff, Kreuser and Meyerhofer.

To committee on **Labor and Agriculture**.

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin Department of Revenue

January 8, 2001

The Honorable, The Legislature:

I am submitting the quarterly report of the Wisconsin Lottery for the quarter ending December 31, 2000. As required by s. 565.37(3), Wis. Stats., the attached materials contain unaudited Wisconsin Lottery year to date Sales and Expenditure information.

The summary information reported here is not intended to be a complete financial accounting of the Wisconsin Lottery Fund.

If you have any questions or comments regarding this report, please feel free to contact me at (608) 266-6466.

Sincerely,

CATE ZEUSKE  
Secretary of Revenue

State of Wisconsin

January 16, 2001

The Honorable, The Senate:

Pursuant to Senate Rule 20(2)(a), I have made the following appointments to Senate committees:

To the Senate committee for review of Administrative Rules: Senators Schultz and Cowles;

To the Senate committee on Audit: Senators Rosenzweig and Lazich;

To the Senate committee on Economic Development and Corrections: Senator Zien;

To the Senate committee on Education: Senators Roessler, Farrow, Darling, Lazich and Harsdorf;

To the Senate committee on Environmental Resources: Senators Cowles and Schultz;

To the Senate committee on Finance: Senators Darling and Welch;

To the Senate committee on Health, Utilities, Veterans and Military Affairs: Senators Rosenzweig, Cowles, Fitzgerald and Lazich;

To the Senate committee on Human Services and Aging: Senators Rosenzweig, Roessler and Welch;

To the Senate committee on Information Policy and Technology: Senators Lazich and Harsdorf;

To the Senate committee on Insurance, Tourism, and Transportation: Senators Lasee and Farrow;

To the Senate committee on Judiciary, Consumer Affairs, and Campaign Finance Reform: Senators Huelsman and Fitzgerald;

To the Senate committee on Labor and Agriculture: Senators Lasee and Harsdorf;

To the Senate committee on Privacy, Electronic Commerce, and Financial Institutions: Senators Huelsman and Fitzgerald;

To the Senate committee on 2001–03 Biennial Budget: Senators Schultz and Harsdorf;

To the Senate committee on Universities, Housing, and Government Operations: Senators Ellis, Huelsman and Zien;

To the joint survey committee on Retirement Systems: Senator Ellis;

To the joint survey committee on Tax Exemptions: Senator Ellis;

To the Council on Alcohol and Other Drug Abuse: Senator George;

To the Building Commission: Senators Risser, Meyer and Roessler;

To the Education Commission of the States: Senator Shibilski;

To the Educational Communications Board: Senator George;

To the Environmental Education Board: Senator Burke;

To Forward Wisconsin: Senator Grobschmidt;

To the Council on Highway Safety: Senator Breske;



To the Joint Legislative Council: Senators , Grobschmidt, Robson, Baumgart, Rosenzweig and Zien;

To the Migrant Labor Council: Senator Robson;

To the Minnesota–Wisconsin Boundary Area Commission: Senators Jauch and Meyer;

To the Mississippi River Parkway Commission: Senator Meyer;

To the Rural Economic Development Board: Senators Decker and Zien;

To the State Capitol and Executive Residence Board: Senators Risser, Burke and Schultz;

To the Council on Tourism: Senator Breske;

To the Transportation Projects Commission: Senators Breske, Grobschmidt, Hansen, Lasee and Schultz

To the Wisconsin Housing and Economic Development Authority: Senators Moore and Fitzgerald.

With regards to the members of the minority party, the appointments reflect the recommendations of that caucus.

Sincerely,

CHUCK CHVALA

Chair, Committee on Senate Organization

**State of Wisconsin  
Department of Justice**

January 2001

The Honorable, The Senate:

It is with great pleasure and pride that I present this report for the Wisconsin Crime Victim Compensation Program. The Wisconsin Crime Victim Compensation Program was established by the legislature in 1976. It has been administered by the Office of Crime Victim Services in the Department of Justice since July 1, 1980. This report covers activities of the program for the biennia beginning July 1, 1995, and ending June 30, 1999. The report chronicles the continued success the program has had in assisting victims of crime with the financial expenses associated with their physical and emotional recovery.

I commend the dedicated staff of the program, victim advocates and law enforcement personnel, who through their constant efforts have made Wisconsin's Crime Victim Compensation Program one of the best in the country.

Sincerely,

JAMES E. DOYLE

Attorney General

**State of Wisconsin  
Council on Physical Disabilities**

January 2, 2001

The Honorable, The Legislature:

As required by s. 46.29 (f) of the state statutes, I am pleased to submit to you the Annual report of the Council on Physical Disabilities for the state fiscal year 2000 (July 1, 1999 through June 30, 2000). The Council appreciates the opportunity to participate in state government as a representative of Wisconsin's citizens with physical disabilities.

Alternate versions of the report are available on request. If you have any questions, please contact Holly Laux O'Higgins at the Office for Persons with Physical Disabilities. She can be reached at (608) 266-8905 or via e-mail at lauxhm@dhfs.state.wi.us.

Sincerely,

LINDA ROWLEY

Chairperson

**State of Wisconsin  
Governor's Blue-Ribbon Commission on State-Local  
Partnerships for the 21st Century**

January 2001

The Honorable, The Legislature:

The report of the Governor's Blue-Ribbon Commission on State-Local Partnerships for the 21st Century is enclosed.

Sincerely,

RICHARD LORANG

Policy Director

**State of Wisconsin  
Legislative Audit Bureau**

January 12, 2000

The Honorable, The Legislature:

We have completed an evaluation of the State's recycling activities, as directed by the Joint Legislative Audit Committee. State expenditures from the segregated Recycling Fund for fiscal year (FY) 1999-2000 were \$28.9 million, used primarily for grants to municipalities for the operation of recycling programs. The Department of Natural Resources (DNR) administers these grants and has primary responsibility for the State's recycling efforts.

The best data available indicate Wisconsin recycled 36 percent of its municipal solid waste in 1995, and the national average was 26 percent in that year. Wisconsin is one of few states nationally that provides substantial financial support to local programs; Wisconsin's grant payments in calendar year 2000 were \$24.4 million. Minnesota is the only other midwestern state that provides substantial state support to local recycling programs. Minnesota budgeted \$14.0 million for local grants in FY 2000-01 and achieved residential per capita recycling rates similar to Wisconsin's.

Wisconsin grants to municipalities support an average of 30.4 percent of local recycling costs and are used for a broad array of local costs, including salaries, equipment, and administration. However, our review found little relationship between the percentage of local costs covered by a municipality's grant and the municipality's recycling rate.

Although DNR is authorized 19.0 full-time equivalent (FTE) recycling positions, only 15.4 FTE reported working on recycling activities. In addition, DNR has not met a statutory requirement to audit at least 5.0 percent of grants provided to municipalities each year. We include a recommendation that DNR devote its 0.5 FTE recycling auditor position exclusively to audits of municipal recycling grants and suggest DNR report to the Legislature on the relationship of its authorized positions to local recycling efforts.

We appreciate the courtesy and cooperation extended to us by DNR, municipal recycling managers, and staff with recycling-related responsibilities in the Department of Commerce and the University of Wisconsin-Extension.

Sincerely,

JANICE MUELLER

State Auditor

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**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

January 12, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HUTCHISON, DAVID E., of Luxemburg, as a member of the Educational Communications

Board, to serve for the term ending at the pleasure of the Governor.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

January 12, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint POULSON, HOWARD "DAN", of Palmyra, as a member of the Natural Resources Board, to serve for the term ending May 1, 2007.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

January 12, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BEHNKE, HERBERT F., of Shawano, as a member of the Natural Resources Board, to serve for the term ending May 1, 2007.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

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

**Senate Clearinghouse Rule 00-112**

Relating to the recreation boating facilities program.

Submitted by Department of Natural Resources.

Report received from Agency, January 16, 2001.

Referred to committee on **Environmental Resources**,  
January 17, 2001.

# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

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FRIDAY, January 19, 2001

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

### INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

#### Senate Joint Resolution 5

Relating to: the right of individuals to fish, hunt, trap, and take game (first consideration).

By Senators Zien, Shibilski, Breske, Schultz, Harsdorf, Decker, Roessler, Farrow, Darling, A. Lasee, S. Fitzgerald, Welch and Huelsman; cosponsored by Representatives Gunderson, Johnsrud, Pettis, Jensen, Suder, Kreuser, Wade, Starzyk, Kedzie, Lippert, Shilling, D. Meyer, Hoven, Hundertmark, Friske, Seratti, Nass, Kaufert, Gronemus, Petrowski, Kestell, Bies, Loeffelholz, Ott, Lassa, Huebsch, Skindrud, Freese, Musser, Gard, Stone, Krawczyk, Ladwig, Vrakas, Townsend, Hahn, Owens, Sykora, Duff, Albers, Gundrum, Ward, Rhoades, McCormick, Leibham, Kreibich, Montgomery, Plouff, F. Lasee, Balow and Underheim, by request of 17,114 citizens of the State of Wisconsin..

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

#### Senate Joint Resolution 6

Relating to: the right to fish, hunt, trap, and take game (first consideration).

By Senators Decker, Baumgart, Shibilski, Breske, Burke, S. Fitzgerald, Roessler, Schultz and Harsdorf; cosponsored by Representatives Gunderson, Reynolds, Huber, Kestell, Ladwig, McCormick, Krawczyk, Hundertmark, Gronemus, Albers, Nass, Freese, Kaufert, F. Lasee, Kreuser, Stone, Petrowski, Plale, Plouff, Johnsrud, Lassa, Ott, Balow, Steinbrink and Meyerhofer.

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

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 18

Relating to: funding for the badger care health care program and making appropriations.

By Senators Plache, Robson, Shibilski, Moore, Jauch, Roessler, Rosenzweig, Wirch, Chvala, Baumgart, Hansen, Grobschmidt, Erpenbach, George, Decker, Burke, Risser, Moen, M. Meyer, Breske and Schultz; cosponsored by Representatives Lippert, Schooff, Gronemus, Gard, Huebsch, Berceau, Montgomery, Urban, Krawczyk, Rhoades, Wade, Shilling, Suder, Freese, Kestell, Miller, Powers, McCormick,

Stone, Seratti, Gunderson, Carpenter, Bock, Cullen, Vrakas, Petrowski, J. Lehman, Huber, Sykora, Lassa, Pocan, Underheim and Young.

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

#### Senate Bill 19

Relating to: requiring headlights and other required lamps on vehicles to be lighted while windshield wipers are being used and providing a penalty.

By Senators Baumgart, Burke and Huelsman; cosponsored by Representatives Ainsworth, J. Lehman, Freese, Huber, Berceau, La Fave, Ott, Powers and Kreuser.

To committee on **Insurance, Tourism, and Transportation**.

#### Senate Bill 20

Relating to: universal service fund surcharges on customer bills by telecommunications providers.

By joint committee for review of Administrative Rules.

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

#### Senate Bill 21

Relating to: universal service fund surcharges on customer bills by commercial mobile radio service providers.

By joint committee for review of Administrative Rules.

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

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin Ethics Board

January 16, 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/>

Altenburg, Rana	<b>Marquette University</b>
Bazan, Bill	<b>Wisconsin Health and Hospital Association Inc</b>
Bogovich, Richard	<b>Wisconsin Environmental Decade Inc</b>
Boxer, Barbara K	<b>City of Waukesha</b>
Boyer, Dennis	<b>AFSCME Council 11</b>
Broydrick, William	<b>Stonehenge Capital Corporation</b>
Broydrick, William	<b>Robert W Baird and Company Inc</b>
Broydrick, William	<b>Wisconsin Broadcasters Association</b>

Buchen, Elizabeth J	<b>Lutheran Social Services of Wisconsin &amp; Upper Michigan Inc</b>	Krause, Sheri	<b>Wisconsin Association of School Boards Inc</b>
Buchen, Elizabeth J	<b>Philip Morris Incorporated by its service company Philip Morris</b>	Krueger, Shawn	<b>Smokefree Wisconsin</b>
Bucio, Jose L	<b>Wisconsin State AFL–CIO</b>	Kuehn, Ronald W	<b>Envirotest Wisconsin Inc</b>
Christian, Robert	<b>Wisconsin School Bus Association</b>	Kuehn, Ronald W	<b>Health Alliance</b>
Christopher, Michael R	<b>Air Wisconsin Airlines Corporation</b>	Kuehn, Ronald W	<b>Consumer Specialty Products</b>
Christopher, Michael R	<b>Professional Insurance Agents of Wisconsin</b>	Kussow, Michelle	<b>Wisconsin Grocers Association</b>
Cole, Ken	<b>Wisconsin Association of School Boards Inc</b>	Laabs, John	<b>Wisconsin Broadcasters Association</b>
Cook, Sharon	<b>Wisconsin Wholesale Beer Distributors Association Inc</b>	Liebe, Thomas	<b>Robert W Baird and Company Inc</b>
Cullen, Lee	<b>Wisconsin Professional Police Association</b>	Manke, Gary	<b>Wisconsin Automotive Parts</b>
Czech–Mrochinski, Mary	<b>Marquette University</b>	Matuska, Mary	<b>Pro–Life Wisconsin</b>
Dilweg, Sean	<b>Wisconsin Cluster of YMCAs Executive Committee</b>	Maxwell, Georgia	<b>Wisconsin Credit Union League</b>
Donohue, William G	<b>State Farm Insurance Companies</b>	McCoshen, Carol	<b>Wisconsin Public Service Corporation</b>
Driessen, Anthony	<b>Johnson Controls Inc</b>	McCoshen, Carol	<b>Pfizer Inc</b>
Driessen, Anthony	<b>Mercy Health System</b>	McCoshen, William J	<b>Northwestern Mutual</b>
Driessen, Anthony	<b>Wisconsin Council for Independent Education</b>	McCoshen, William J	<b>Pfizer Inc</b>
Elverman, Timothy J	<b>Stonehenge Capital Corporation</b>	McCoshen, William J	<b>Wisconsin Transportation Builders Association</b>
Elverman, Timothy J	<b>Bank One Wisconsin</b>	McCoshen, William J	<b>University of Wisconsin Medical Foundation Inc</b>
Engel, John C	<b>Wisconsin Credit Union League</b>	McCoshen, William J	<b>American Family Insurance Group</b>
Essie, Patrick	<b>Recording Industry Association of America Inc</b>	McCoshen, William J	<b>Wisconsin Wine and Spirit Institute</b>
Essie, Patrick	<b>Wisconsin Cluster of YMCAs Executive Committee</b>	McCoshen, William J	<b>Wisconsin Association of Distributors Inc</b>
Essie, Patrick	<b>Wisconsin Health and Hospital Association Inc</b>	McCoshen, William J	<b>Wisconsin Public Service Corporation</b>
Essie, Patrick	<b>Wisconsin Onsite Waste Disposal Association</b>	McDowell, Kelly	<b>Miller Brewing Company by its service company Philip Morris</b>
Essie, Patrick	<b>Wisconsin Credit Union League</b>	McDowell, Kelly	<b>Wisconsin Fabricare Institute</b>
Fanshaw, Lee	<b>American Family Insurance Group</b>	McDowell, Kelly	<b>Wisconsin Landscape Federation</b>
Fitzgerald, Moira E	<b>Stonehenge Capital Corporation</b>	McDowell, Kelly	<b>Wisconsin Soft Drink Association</b>
Fitzgerald, Moira E	<b>Bank One Wisconsin</b>	McDowell, Kelly	<b>Apartment Association of Southeastern Wisconsin</b>
Fonfara, Thomas	<b>Johnson Controls Inc</b>	McGinn, James	<b>Wisconsin Health Care Association Inc</b>
Gallucci, Anita	<b>League of Wisconsin Municipalities</b>	McIntosh, Forbes	<b>Wisconsin Health Care Association Inc</b>
Gerrard, M William	<b>Burlington Northern Santa Fe Railway Company</b>	McIntosh, Forbes	<b>Beverly Healthcare</b>
Grace, John	<b>Wisconsin Association of Family &amp; Childrens Agencies</b>	McIntosh, Forbes	<b>Apple</b>
Gratz, Samuel	<b>Burlington Northern Santa Fe Railway Company</b>	Mitchell, Brian	<b>Wisconsin Wholesale Beer Distributors Association Inc</b>
Hall, Linda	<b>Wisconsin Association of Family &amp; Childrens Agencies</b>	Moore, Thomas E	<b>Wisconsin Health Care Association Inc</b>
Harlan, Robert	<b>Green Bay Packers Inc</b>	Moore, Thomas E	<b>Wyeth–Ayerst Laboratories c/o American Home Products</b>
Hartin, Tim	<b>Wisconsin Health and Hospital Association Inc</b>	Moore, Thomas E	<b>Wyeth–Ayerst Laboratories c/o American Home Products</b>
Haubrich, Joel	<b>Wisconsin Energy Corporation</b>	Morgan, Marjorie J	<b>Archdiocese of Milwaukee</b>
Hermes, Ronald	<b>Delta Dental Plan of Wisconsin Inc</b>	Neuenfeldt, Phillip	<b>Wisconsin State AFL–CIO</b>
Hermes, Ronald	<b>Brown &amp; Williamson Tobacco Corporation</b>	Newby, David	<b>Wisconsin State AFL–CIO</b>
Hoffmann, Nancy	<b>Wisconsin State AFL–CIO</b>	O’Meara, Jack	<b>Wisconsin Association of School Nurses</b>
Jones, John	<b>Green Bay Packers Inc</b>	Osborne, Patrick	<b>Wisconsin Association of Life &amp; Health Insurers Inc</b>
Kachelski, Joseph	<b>Wisconsin Association of Health Plans</b>	Partenfelder–Moede, Peggy	<b>Wisconsin Cluster of YMCAs Executive Committee</b>
Kammer, Peter	<b>Wisconsin Broadcasters Association</b>	Partenfelder–Moede, Peggy	<b>Recording Industry Association of America Inc</b>
Kluesner, David R	<b>International Paper</b>	Partenfelder–Moede, Peggy	<b>Wisconsin Credit Union League</b>



Partenfelder–Moede, Peggy **Waukesha County Technical College**  
 Pawlisch, Curt **Wisconsin Professional Police Association**  
 Petak, George **Wisconsin Rental Dealers Association**  
 Petak, George **Village of Sturtevant**  
 Petersen, Laura **Madison Area Builders Association**  
 Peterson, Craig **Rime Management Group Inc**  
 Peterson, Craig **Wisconsin Rental Dealers Association**  
 Peterson, Craig **American Cancer Society**  
 Peterson, Scott **Wisconsin Health and Hospital Association Inc**  
 Pierce, Todd **Wisconsin Liquid Waste Carriers Association**  
 Pierce, Todd **Outdoor Advertising Association of Wisconsin**  
 Pierce, Todd **Dog Federation of Wisconsin Inc**  
 Plautz, Jolene **Wisconsin Utility Tax Association**  
 Purtell, Brian **Wisconsin Health Care Association Inc**  
 Quinn, George **Wisconsin Health and Hospital Association Inc**  
 Reopelle, Keith **Wisconsins Environmental Decade Inc**  
 Rewey, Pam **Wisconsin Association of School Boards Inc**  
 Ribnek, Katherine **Pro–Life Wisconsin**  
 Ricca, Joanne **Wisconsin State AFL–CIO**  
 Sande, Matthew **Wisconsin Health and Hospital Association Inc**  
 Schiefelbein, Mark **Green Bay Packers Inc**  
 Scholz, Brandon **Wisconsin Grocers Association**  
 Schubert, Louis **Wisconsin Association of Health Plans**  
 Schwerdtfeger, Owen **American Family Insurance Group**  
 Sheforgen, Thomas **Wisconsin Wholesale Beer Distributors Association Inc**  
 Smith, Beth **AFSCME Council 11**  
 Soucie, Kevin **Wisconsin Central Ltd.**  
 Stout, Katie **Wisconsin Education Association Council**  
 Strohl, Joseph **PG&E National Energy Group**  
 Sullivan, Carrie **Smokefree Wisconsin**  
 Swandby, Janet R **Wisconsin Liquid Waste Carriers Association**  
 Swandby, Janet R **Wisconsin Tourism Federation**  
 Swandby, Janet R **Outdoor Advertising Association of Wisconsin**  
 Talis, Annette **Wisconsin Association of School Boards Inc**  
 Taylor, Chad **City of Waukesha**  
 Taylor, Robert C **Wisconsin Health and Hospital Association Inc**  
 Tenuta, James **Delta Dental Plan of Wisconsin Inc**  
 Tenuta, James **Brown & Williamson Tobacco Corporation**  
 Thomas, Sandi **Wyeth–Ayerst Laboratories c/o American Home Products**

Tries, John **Wisconsin Rental Dealers Association**  
 Ulijasz, Pamela **Rime Management Group Inc**  
 Urso, Steven **Wisconsin Professional Police Association**  
 Vaughan, Michael **Wisconsin Association of Health Plans**  
 Waite, Deborah **Wisconsin Health and Hospital Association Inc**  
 Wenzel, Nancy **Wisconsin Association of Health Plans**  
 Werner, Steven **Wisconsin Professional Police Association**  
 Wilson, Charles D **Georgia–Pacific Corporation**  
 Winters, Amy **Wisconsin Agribusiness Council**  
 Wiswell, Sr, Jeffrey L **Wisconsin Sheriffs and Deputy Sheriffs Association**  
 Wiswell, Sr, Jeffrey L **Miller Brewing Company by its service company Philip Morris**

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

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**ADVICE AND CONSENT OF THE SENATE**  
**State of Wisconsin**  
**Office of the Governor**

January 12, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint GARVIN, ROBERT "BERT", of Madison, as a member of the Public Service Commission, to serve for the term ending March 1, 2007.

Sincerely,

TOMMY G. THOMPSON  
 Governor

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

**State of Wisconsin**  
**Office of the Governor**

January 12, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint RUF, J. FREDERIC "FRITZ", of Pewaukee, as a member of the Wisconsin Housing and Economic Development Authority, to serve for the interim term ending February 1, 2001, and for the full term ending February 1, 2003.

Sincerely,

TOMMY G. THOMPSON  
 Governor

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

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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TUESDAY, January 23, 2001

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

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**INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS**

Read and referred:

**Senate Joint Resolution 7**

Relating to: proclaiming Prostate Cancer Awareness Month.

By Senators Grobschmidt, Wirch, Darling, Burke, Moore, Risser, Schultz, Baumgart, Roessler, Cowles, Hansen, Plache, Farrow and Lazich; cosponsored by Representatives Urban, Richards, Ryba, Starzyk, Bock, J. Lehman, Carpenter, Hundertmark, Stone, Walker, Jeskewitz, Young, Pocan, Berceau, Miller, Krawczyk, Vrakas, Lippert, Ladwig, Turner, Williams, Ainsworth, Townsend, Plouff, Hahn, Olsen, Riley, Johnsrud, Lassa, Ott, Sykora, Kreuser and Coggs.

To committee on **Senate Organization**.

**Senate Joint Resolution 8**

Relating to: the life and public service of William Clayton Hicks.

By Senator Decker.

To committee on **Senate Organization**.

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**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 22**

Relating to: a civil action for the recovery of damages for sexual assault to a child.

By Senators Burke, Huelsman, Lazich, Plache, Risser and Roessler; cosponsored by Representatives Berceau, Gronemus, Huber, Jeskewitz, Johnsrud, Kreuser, La Fave, Lassa, Ott, Plale, Powers, Riley, Seratti, Travis, Turner, Walker and Williams, by request of Wisconsin Coalition Against Sexual Assault.

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

**Senate Bill 23**

Relating to: operation and costs of municipal cable television systems.

By Senators Moen, Breske, M. Meyer, Farrow, Wirch and S. Fitzgerald; cosponsored by Representatives Hoven, Schneider,

Underheim, Plale, Ott, Huebsch, Pettis, Turner, Vrakas, Montgomery, Powers, Lassa and Schooff.

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

**Senate Bill 24**

Relating to: prohibiting certain state agencies or any city, village, town, or county from using the word “Squaw” in the name of a public place, highway, or geographic feature.

By Senators Jauch, Plache, Moen, George and Welch; cosponsored by Representatives Musser, Ryba, Miller, Powers, Sherman, Sykora, Boyle, Williams, Coggs, Sinicki, Morris–Tatum and Riley.

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

**Senate Bill 25**

Relating to: the use of ethnic names, nicknames, logos and mascots by school boards, granting rule–making authority, and providing a penalty.

By Senators George, Moore, Risser and Burke; cosponsored by Representatives Boyle, La Fave, Carpenter, Coggs, Young, Pocan, Turner, Sherman, Morris–Tatum, Riley and Berceau.

To committee on **Education**.

**Senate Bill 26**

Relating to: exposing a child to harmful material.

By Senators Burke, Grobschmidt, Huelsman, Rosenzweig and Schultz; cosponsored by Representatives Lassa, Berceau, Bock, Boyle, Gronemus, Huber, Kestell, La Fave, Ott, Plale, Powers, Seratti, Staskunas, Stone, Turner, Walker and Williams, by request of Attorney General James Doyle.

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

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**REPORT OF COMMITTEES**

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

**Senate Bill 18**

Relating to: funding for the badger care health care program and making appropriations.

Passage.

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

Noes, 0 – None.

Rodney Moen  
Chairperson

Referred to joint committee on **Finance** pursuant to Senate Rule 41 (1)(e)

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Department of Administration**

December 18, 2000

The Honorable, The Senate:

I have enclosed a copy of the State of Wisconsin's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2000. This report contains the "general purpose" or combined financial statements, and the combining financial statements for each fund type. As such, it represents a summary of all State transactions during the fiscal year.

I am please to report that the Government Finance Officers Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the State of Wisconsin for its fiscal year 1999 CAFR. The GFOA's Certificate is a prestigious national award recognizing conformance with the highest standards for state and local financial reports. The State of Wisconsin is again applying for the Certificate, and the 2000 CAFR has been submitted to the GFOA.

A copy of the CAFR is also available on the State of Wisconsin, Department of Administration homepage on the World Wide Web: <http://www.doa.state.wi.us/debf/cafr/FY00/00cafr.htm>.

If you have specific questions regarding the CAFR's contents or comments on its usefulness, please contact me at (608) 266-3628.

Sincerely,

WILLIAM J. RAFTERY, CPA  
State Controller

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

**Senate Clearinghouse Rule 99-159**

Relating to pharmacy intern training.

Submitted by Pharmacy Internship Board.

Report received from Agency, January 22, 2001.

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

**Senate Clearinghouse Rule 00-083**

Relating to school district audits.

Submitted by Department of Public Instruction.

Report received from Agency, January 22, 2001.

Referred to committee on **Education**, January 23, 2001.

**Senate Clearinghouse Rule 00-153**

Relating to sufficiency of nomination papers.

Submitted by Elections Board.

Report received from Agency, January 19, 2001.

Referred to committee on **Universities, Housing, and Government Operations**, January 23, 2001.

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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THURSDAY, January 25, 2001

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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 9**

Relating to: proclaiming April 19 as Patriot’s Day.

By Senators Chvala, Moen, Burke, Breske, Hansen, Lazich, Schultz, Zien, S. Fitzgerald, Darling and Farrow; cosponsored by Representatives Jensen, Ryba, Turner, J. Lehman, Plouff, Kreuser, Lassa, Huber, Travis, Berceau, Suder, Musser, Jeskewitz, Olsen, Johnsrud, Nass, Townsend, Grothman, Kestell, Krawczyk, Gunderson, D. Meyer, Wade, Lippert, Vrakas, Urban, Hundertmark, Rhoades, Pettis, Freese, Gard and McCormick, by request of Harold Klubertanz.

To committee on **Senate Organization**.

**Senate Joint Resolution 10**

Relating to: the life and public service of Richard J. Zaborski.

By Senators George, Breske, Risser, Grobschmidt and Darling; cosponsored by Representatives Young, Lassa, Schneider, Ryba, Williams and Miller.

To committee on **Senate Organization**.

**Senate Joint Resolution 11**

Relating to: urging U.S. Secretary of Transportation Norman Mineta to support federal funding for immediate repair and reconstruction of the Hoan Bridge in Milwaukee.

By Senators Grobschmidt, Breske, Burke, Farrow, Moore, Rosenzweig, Darling, George, Lazich and Baumgart; cosponsored by Representatives Stone, Richards, Gunderson, Sinicki, Hahn, Plale, Petrowski, Sherman, Bock, Colon, Leibham, Loeffelholz, Staskunas, Ainsworth, Carpenter, Cogs, Lippert, Krug, Cullen, Hebl, Schooff, Wasserman, La Fave, Krusick and Riley.

To committee on **Senate Organization**.

**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 27**

Relating to: exempting sales of U.S. flags and state flags from the sales tax and the use tax.

By Senators Chvala, Baumgart, Plache, Erpenbach, Grobschmidt, Wirch, Breske, M. Meyer, Darling, Roessler and Schultz; cosponsored by Representatives Jensen, Balow,

Carpenter, Sherman, Bock, Ryba, Gronemus, Black, J. Lehman, Plouff, Kreuser, Travis, Williams, Berceau, Plale, Suder, Pettis, F. Lasee, Freese, Olsen, Ward, Johnsrud, Powers, Sykora, Musser, Gundrum, Seratti, Nass, Grothman, Kedzie, Starzyk, Kestell, Krawczyk, Gunderson, Jeskewitz, Ladwig, D. Meyer, Wade, Vrakas, Lippert, Hundertmark and McCormick.

To joint survey committee on **Tax Exemptions**.

**Senate Bill 28**

Relating to: relinquishing custody of a newborn child and granting rule–making authority.

By Senators Burke, Rosenzweig, Baumgart, Darling, S. Fitzgerald, Grobschmidt, Huelsman, Plache, Risser, Robson and Roessler; cosponsored by Representatives Plale, Jeskewitz, Ainsworth, Albers, Balow, Berceau, Bock, Boyle, Colon, Cullen, Freese, Gronemus, Hoven, Huber, Hundertmark, Jensen, Kestell, Krawczyk, Kreibich, Kreuser, Krusick, Ladwig, La Fave, J. Lehman, Miller, Montgomery, Musser, Olsen, Ott, Owens, Powers, Rhoades, Schneider, Schooff, Sherman, Sinicki, Staskunas, Steinbrink, Suder, Sykora, Turner, Urban, Vrakas, Walker, Ward and Wasserman.

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

**REPORT OF COMMITTEES**

The joint committee on **Finance** reports and recommends:

**Senate Bill 18**

Relating to: funding for the badger care health care program and making appropriations.

Introduction of Senate substitute amendment 1.

Ayes, 16 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirch, Darling and Welch. Representatives Gard, Kaufert, Albers, Duff, Ward, Huebsch, Huber and Riley.

Noes, 0 – None.

Introduction and adoption of Senate amendment 1 to Senate substitute amendment 1.

Ayes, 16 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirch, Darling and Welch. Representatives Gard, Kaufert, Albers, Duff, Ward, Huebsch, Huber and Riley.

Noes, 0 – None.

Senate substitute amendment 1 adoption.

Ayes, 16 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirch, Darling and Welch. Representatives Gard, Kaufert, Albers, Duff, Ward, Huebsch, Huber and Riley.

Noes, 0 – None.



Report Passage as amended, with emergency statement (s. 16.47 Wisconsin Statutes).

Ayes, 16 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirch, Darling and Welch. Representatives Gard, Kaufert, Albers, Duff, Ward, Huebsch, Huber and Riley.

Noes, 0 – None.

Brian Burke  
Senate Chairperson

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

### Senate Bill 1

Relating to: requiring pharmacies and pharmacists, as a condition of medical assistance participation, to charge elderly persons for prescription drugs no more than specific amounts; specifying requirements for rebate agreements between the department of health and family services and drug manufacturers; requiring the department of health and family services to seek a waiver to provide medical assistance eligibility to certain persons for purposes of a prescription drug benefit; requiring the exercise of rule-making authority; making appropriations; and providing penalties.

Introduction of Senate substitute amendment 1.

Ayes, 6 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer and Rosenzweig.

Noes, 3 – Senators Cowles, S. Fitzgerald and Lazich.

Introduction and adoption of Senate amendment 1 to Senate substitute amendment 1.

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

Noes, 0 – None.

Senate substitute amendment 1 adoption.

Ayes, 6 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer and Rosenzweig.

Noes, 3 – Senators Cowles, S. Fitzgerald and Lazich.

Passage as amended.

Ayes, 5 – Senators Moen, Breske, Robson, Erpenbach and M. Meyer.

Noes, 4 – Senators Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Rodney Moen  
Chairperson

Referred to joint committee on **Finance** pursuant to Senate Rule 41 (1)(e).

The committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform** reports and recommends:

### Senate Bill 2

Relating to: the scope of regulation and reporting of information by nonresident registrants under the campaign finance law.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Introduction and adoption of Senate amendment 2.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Introduction and adoption of Senate amendment 3.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Passage as amended.

Ayes, 3 – Senators George, Risser and Wirch.

Noes, 2 – Senators Huelsman and S. Fitzgerald.

Gary George  
Chairperson

The committee on **Senate Organization** reports and recommends:

### Senate Joint Resolution 4

Relating to: proclaiming May 18, 19, and 20, 2001, Syttende Mai Weekend.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

### Senate Joint Resolution 7

Relating to: proclaiming Prostate Cancer Awareness Month.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

### Senate Joint Resolution 8

Relating to: the life and public service of William Clayton Hicks.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

### Senate Joint Resolution 9

Relating to: proclaiming April 19 as Patriot's Day.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

### Senate Joint Resolution 10

Relating to: the life and public service of Richard J. Zaborski.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

### Senate Joint Resolution 11

Relating to: urging U.S. Secretary of Transportation Norman Mineta to support federal funding for immediate repair and reconstruction of the Hoan Bridge in Milwaukee.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

Charles Chvala  
Chairperson

## PETITIONS AND COMMUNICATIONS

### State of Wisconsin

#### Department of Employment Relations

December 2000

The Honorable, The Legislature:

I am pleased to present to you the 2000 annual report on Affirmative Action for Wisconsin State Government. The report symbolizes the continuing commitment by the State of Wisconsin and the Department of Employment Relations to provide equal employment opportunities.

The state government workforce is becoming more representative of Wisconsin's rich and diverse heritage. We will continue to seek ways to eliminate underutilized job groups in the workforce while maintaining timely and quality service delivery to our customers.

We will continue to move forward building on the knowledge gathered from the past and we will uphold diversity as a fundamental principle.

Sincerely,

PETER D. FOX  
Secretary

**State of Wisconsin  
Department of Financial Institutions**

January 23, 2001

The Honorable, The Senate:

Pursuant to Wisconsin State Statutes 15.04(d) I am transmitting to you a copy of the Department of Financial Institutions Annual Report for 1999. While I am providing a printed copy of this report, it is accessible to all members of the Legislature and the public through our Internet site. It is located at:

**www.wdfi.org**

I hope you will find this report useful. DFI is committed to firm and fair regulation and to protecting the consumers who use the services of our state's financial institutions.

If I can provide any further information concerning our financial institutions and regulation, please do not hesitate to contact me.

Sincerely,

KIM M. STRAKA  
Director of Communications

**State of Wisconsin  
Ethics Board**

January 23, 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/>

Ahmuty, Christopher **American Civil Liberties Union of Wisconsin Inc**

Ambs, Todd **River Alliance of Wisconsin**  
Andersen, Robert **Wisconsin Council on Children & Families**  
Anthony, Susan B **Milwaukee Metropolitan Sewerage District**  
Armacost, Susan **Wisconsin Right to Life Inc**  
Arnesen, Anne **Wisconsin Council on Children & Families**  
Atkinson, Tanya **Wisconsin Council on Children & Families**  
Baer, Arnold **Humane Society of the United States, The**  
Barber, Philip **Wisconsin Right to Life Inc**  
Bauman, Lee **Wisconsin Automobile & Truck Dealers Association Inc**  
Becker, Dismas **Golden Rule Insurance Company**  
Beebe, Thomas **Institute for Wisconsin's Future**

Benforado, David J **Municipal Electric Utilities of Wisconsin**  
Blume, Ed **Wisconsin Association of Health Underwriters**  
Blumenfeld, Michael **Wisconsin Educational Media Association**  
Boutwell, Philip **Rock County Pharmacia**  
Bowlby, Judy **Wisconsin Speech– Language Pathology and Audiology Association**  
Boyce, Catherine **Waste Management Inc**  
Boyce, Catherine **EDS – Electronic Data Systems Corporation**  
Boyce, Catherine **Childrens Health System Inc**  
Braun, Robert C. **Jury Peers**  
Brien, Nancy **Wisconsin Council on Children & Families**  
Brooks, Mara A **Wisconsin Dental Association**  
Brown, Senn **Wisconsin Charter Schools Association**  
Broydrick, Cynthia **ING America Insurance Holdings, Inc.**  
Broydrick, Cynthia **Blood Center of Southeastern WI Inc**  
Broydrick, Cynthia **Childrens Health System Inc**  
Broydrick, Cynthia **Milwaukee Metropolitan Sewerage District**  
Broydrick, William **Wisconsin Wine and Spirit Institute**  
Broydrick, William **Waste Management Inc**  
Broydrick, William **Milwaukee Public Museum Inc**  
Broydrick, William **Milwaukee Metropolitan Sewerage District**  
Broydrick, William **Perrier Group of America**  
Broydrick, William **ING America Insurance Holdings, Inc.**  
Broydrick, William **EDS – Electronic Data Systems Corporation**  
Broydrick, William **Childrens Health System Inc**  
Buchen, Elizabeth J **Philip Morris Incorporated by its service company Philip Morris**  
Bustle, Patricia **Milwaukee County**  
Cady, Stephen **Milwaukee County**  
Carter, Michael **Wisconsin Potato and Vegetable Growers Association**  
Castore, Carolyn **Wisconsin Citizen Action**  
Christianson, Peter C **Wisconsin Dental Association**  
Clay, Timothy **Wisconsin Federation of Cooperatives**  
Cook, Sharon **Wisconsin Wildlife Federation**  
Cook, Sharon **Wisconsin Car Rental Alliance**  
Cook, Sharon **Associated General Contractors of Greater Milwaukee Inc**  
Cook, Sharon **Wisconsin Girl Scouts Legislative Monitoring Committee**  
Cook, Sharon **Marshall & Ilsley Corporation**  
Cook, Sharon **Wisconsin Cast Metals Association**  
Cook, Sharon **Competitive Wisconsin Inc**

Cook, Sharon	<b>Boys and Girls Clubs of Wisconsin</b>	Hermes, Ronald	<b>National Association of Theatre Owners of Wisconsin &amp; Upper Michigan</b>
Cranley, Martha	<b>Wisconsin Council on Children &amp; Families</b>	Hilbert, Lisa	<b>Delta Dental Plan of Wisconsin Inc</b>
Currier, Whistle B	<b>Jury Peers</b>	Hilbert, Lisa	<b>Wisconsin Public Power Inc</b>
de la Rosa, Roy	<b>Milwaukee County</b>	Hiniker, Stephen J	<b>Citizens Utility Board</b>
Decker, Chris	<b>Pharmacy Society of Wisconsin</b>	Hium, Darla	<b>Wisconsin Counties Association</b>
Diedrick-Kasdorf, Sarah	<b>Wisconsin Counties Association</b>	Hoopman, David	<b>Wisconsin Federation of Cooperatives</b>
Dillon, Maryann	<b>Wisconsin Dental Association</b>	Hottenroth, Theresa M	<b>Medical College of Wisconsin</b>
Dilweg, Andrea	<b>Humana Inc</b>	Hudek, Robert	<b>Wisconsin Citizen Action</b>
Dilweg, Sean	<b>UST Public Affairs Inc</b>	Jablonski, Ann	<b>Humana Inc</b>
Doepfers, Carole	<b>American Civil Liberties Union of Wisconsin Inc</b>	Jacklitz, Jill	<b>Wisconsin Council on Children &amp; Families</b>
Driessen, Anthony	<b>VITAS Health Corporation</b>	Jenkins, David	<b>Wisconsin Federation of Cooperatives</b>
Driessen, Anthony	<b>Pharmacy Society of Wisconsin</b>	Jones, Robert	<b>Wisconsin Community Action Program Association</b>
Dumke, Dave	<b>Wisconsin Counties Association</b>	Kammer, Peter	<b>Milwaukee Metropolitan Sewerage District</b>
Dums, Dennis	<b>Citizens Utility Board</b>	Kass, Mark	<b>Milwaukee Metropolitan Sewerage District</b>
Elliott, Brian	<b>CenturyTel Service Group LLC</b>	Kies, Kenyon	<b>Wisconsin Public Service Corporation</b>
Embrey, Brent	<b>Golden Rule Insurance Company</b>	Kinney, Anne Spray	<b>Milwaukee Metropolitan Sewerage District</b>
Engels, Tom	<b>Pharmacy Society of Wisconsin</b>	Klabunde, Dan	<b>Wisconsin Medical Group Management Association</b>
Eyster, John W	<b>School District of Janesville</b>	Klabunde, Dan	<b>Wisconsin Public Health Association</b>
Fassbender, Robert I	<b>Center for Energy and Economic Development (CEED)</b>	Klaver, Mary	<b>Wisconsin Right to Life Inc</b>
Fitzgerald, Moira E	<b>Milwaukee Public Museum Inc</b>	Korrer, Jr., William E	<b>Wisconsin Counties Association</b>
Fitzgerald, Moira E	<b>Childrens Health System Inc</b>	Krahn, David	<b>Waukesha County</b>
Fitzgerald, Moira E	<b>Waste Management Inc</b>	Kuehn, Ronald W	<b>Wisconsin Agri-Service Association</b>
Fitzgerald, Moira E	<b>ING America Insurance Holdings, Inc.</b>	Kuehn, Ronald W	<b>Wisconsin Potato and Vegetable Growers Association</b>
Fitzgerald, Moira E	<b>Milwaukee Metropolitan Sewerage District</b>	Kujawa, Allison	<b>Wisconsin Counties Association</b>
Fonfara, Thomas	<b>Pharmacy Buying Group of America</b>	Laatsch, Timothy	<b>Stora Enso North America</b>
Froehlke, Scott	<b>Wisconsin Academy of Trial Lawyers</b>	Lange, Dan	<b>Wisconsin Association of Campground Owners</b>
Fudge, Joshua	<b>Wisconsin Counties Association</b>	Leitch, Laura J	<b>Medical College of Wisconsin</b>
Gallo, Esq., Donald P	<b>Petroleum Marketers Assn of WI / WI Assn of Convenience Stores</b>	Liebe, Thomas	<b>Waste Management Inc</b>
Gallo, Esq., Donald P	<b>City of Waukesha</b>	Liebe, Thomas	<b>Milwaukee Metropolitan Sewerage District</b>
Gallo, Esq., Donald P	<b>Wisconsin Fabricare Institute</b>	Liebe, Thomas	<b>Perrier Group of America</b>
Gallucci, Anita	<b>Municipal Electric Utilities of Wisconsin</b>	Lyons, Barbara	<b>Wisconsin Right to Life Inc</b>
Gerrard, M William	<b>Wine Institute</b>	Lyons, Robert W	<b>Wisconsin Council 40 AFSCME, AFL-CIO</b>
Gerrard, Mary Ann	<b>Wisconsin Automobile &amp; Truck Dealers Association Inc</b>	Manske, John	<b>Wisconsin Federation of Cooperatives</b>
Gieryn, Samuel J	<b>Wisconsin Citizen Action</b>	Marx, Larry	<b>Wisconsin Citizen Action</b>
Glaser, Robert	<b>United Steelworkers of America District 2</b>	Matthews, Mark	<b>Childrens Service Society of Wisconsin</b>
Grochowski, Karen	<b>Institute for Wisconsin's Future</b>	May, Michael P.	<b>Municipal Electric Utilities of Wisconsin</b>
Hall, Linda	<b>Wisconsin Council on Children &amp; Families</b>	McCabe, Michael J	<b>Milwaukee Metropolitan Sewerage District</b>
Hammen, Gary	<b>Wisconsin Pipe Trades Association</b>	McCoshen, Carol	<b>Wisconsin Public Service Corporation</b>
Hanson, Thomas	<b>Wine Institute</b>		
Harnisch, Thomas	<b>Wisconsin Utility Tax Association</b>		
Harnisch, Thomas	<b>Wisconsin Towns Association</b>		
Hermes, Ronald	<b>Municipal Electric Utilities of Wisconsin</b>		

McCoshen, William J	<b>Wisconsin Transportation Builders Association</b>	Petersen, Eric J	<b>Wisconsin Transportation Builders Association</b>
McCoshen, William J	<b>Wisconsin Public Service Corporation</b>	Petersen, Eric J	<b>University of Wisconsin Medical Foundation Inc</b>
McCoshen, William J	<b>Northwestern Mutual</b>	Petersen, Eric J	<b>Robert W Baird and Company Inc</b>
McCoshen, William J	<b>University of Wisconsin Medical Foundation Inc</b>	Petersen, Eric J	<b>Northwestern Mutual</b>
McDowell, Kelly	<b>Fair Aid Coalition</b>	Petersen, Eric J	<b>Madison Gas &amp; Electric Company</b>
McGuire, Dennis	<b>Wisconsin Dental Association</b>	Petersen, Eric J	<b>Wisconsin Association of</b>
McIntosh, Forbes	<b>Blood Center of Southeastern WI Inc</b>	Petersen, Eric J	<b>United States Cellular Corporation</b>
McIntosh, Forbes	<b>Milwaukee Metropolitan Sewerage District</b>	Petersen, Eric J	<b>American Family Insurance Group</b>
McIntosh, Forbes	<b>Wisconsin County Police Association</b>	Petersen, James H	<b>Milwaukee Metropolitan Sewerage District</b>
McIntosh, Forbes	<b>Waste Management Inc</b>	Peterson, Craig	<b>Milwaukee Metropolitan Sewerage District</b>
Medaris, Carol	<b>Wisconsin Council on Children &amp; Families</b>	Peterson, Craig	<b>Waste Management Inc</b>
Mielke, John	<b>Associated Builders and Contractors of Wisconsin Inc</b>	Peterson, Craig	<b>WI/Badger State Cemetery</b>
Mitchell, Brian	<b>Boys and Girls Clubs of Wisconsin</b>	Peterson, Robert	<b>ABC for Health Inc</b>
Mitchell, Brian	<b>Wisconsin Car Rental Alliance</b>	Petty, John	<b>Wisconsin Agri-Service Association</b>
Mitchell, Brian	<b>Wisconsin Cast Metals Association</b>	Pierce, Todd	<b>Wisconsin Free Community Papers</b>
Mitchell, Brian	<b>Associated General Contractors of Greater Milwaukee Inc</b>	Pierce, Todd	<b>Waukesha County Municipal Executives</b>
Mitchell, Brian	<b>Competitive Wisconsin Inc</b>	Pierce, Todd	<b>Academic Staff Public Representation Organization (ASPRO)</b>
Mitchell, Brian	<b>Marshall &amp; Ilsley Corporation</b>	Plautz, Jolene	<b>Wine Institute</b>
Moore, Thomas E	<b>Pharmaceutical Research and Manufacturers of America</b>	Porter, Pamela	<b>Wisconsin Citizen Action</b>
Moore, Thomas P	<b>Wisconsin Health Care Association Inc</b>	Purtell-Boyce, Lisa	<b>Planned Parenthood Advocates of Wisconsin</b>
Morgan, Lynn	<b>Waste Management Inc</b>	Purtell-Boyce, Lisa	<b>Planned Parenthood of Wisconsin Inc</b>
Mulligan-Hansel, Kathleen	<b>Institute for Wisconsin's Future</b>	Radtke, Randall	<b>League of Wisconsin Municipalities</b>
Munson-Regala, Manny	<b>St Paul Fire and Marine Insurance Company</b>	Reimer, Mark S	<b>Georgia-Pacific Corporation</b>
Nelson, Ruthann	<b>Wisconsin Federation of Cooperatives</b>	Rogacki, Mark	<b>Wisconsin Counties Association</b>
Neustadt, James	<b>Wisconsin Automobile &amp; Truck Dealers Association Inc</b>	Roth, Erin	<b>American Petroleum Institute</b>
Norman, Jack	<b>Institute for Wisconsin's Future</b>	Royster, Karen	<b>Institute for Wisconsin's Future</b>
Norman, Paul	<b>Wisconsin Automobile &amp; Truck Dealers Association Inc</b>	Ryan, Michael	<b>Wisconsin Laborers District Council</b>
O'Connell, Mark D	<b>Wisconsin Counties Association</b>	Sampson, James	<b>Childrens Service Society of Wisconsin</b>
O'Connor, William P	<b>Wisconsin Society of Land Surveyors</b>	Schlimm, Richard	<b>Wisconsin Community Action Program Association</b>
O'Connor, William P	<b>Wisconsin Association of Lakes Inc</b>	Schmitt, Raymond	<b>Wisconsin Agri-Service Association</b>
O'Connor, William P	<b>Rock-Koshkonong Lake District</b>	Schreiber, Martin	<b>Fair Aid Coalition</b>
O'Keefe, James	<b>City of Madison</b>	Schroeder, William R	<b>Alliance of American Insurers</b>
Oswald, Joseph	<b>Wisconsin Laborers District Council</b>	Schwartzner, Daniel	<b>Wisconsin Association of Provider Networks</b>
Peacock, Jon	<b>Wisconsin Council on Children &amp; Families</b>	Serpe, Michael J	<b>Kenosha County</b>
Peshek, Peter	<b>Perrier Group of America</b>	Shipman, Paige	<b>Planned Parenthood of Wisconsin Inc</b>
Petak, George	<b>Milwaukee Metropolitan Sewerage District</b>	Shipman, Paige	<b>Planned Parenthood Advocates of Wisconsin</b>
Petak, George	<b>WI/Badger State Cemetery Association</b>	Smith, Billy	<b>National Federation of Independent Business</b>
Petak, George	<b>Perrier Group of America</b>	Snyder, Chris	<b>Wisconsin Automobile &amp; Truck Dealers Association Inc</b>
Petersen, Eric J	<b>Wisconsin Wine and Spirit Institute</b>	Speer, Beverly	<b>League of Women Voters of Wisconsin Inc</b>
		Springer, Thomas J	<b>CenturyTel Service Group LLC</b>



Springer, Thomas J	<b>Golden Rule Insurance Company</b>	Terrell, Caryl	<b>Sierra Club – John Muir Chapter</b>
Stenger, Scott	<b>Tavern League of Wisconsin</b>	Thompson, Craig	<b>Wisconsin Counties Association</b>
Stitt, Donald	<b>Golden Rule Insurance Company</b>	Tries, John	<b>Milwaukee Metropolitan Sewerage District</b>
Stohr, Matthew	<b>Wisconsin Counties Association</b>	Ulijasz, Pamela	<b>WI/Badger State Cemetery</b>
Strohl, Joseph	<b>Wisconsin Auto Collision Technicians Association</b>	Ulijasz, Pamela	<b>Milwaukee Metropolitan Sewerage District</b>
Sunstrom, Jennifer	<b>Wisconsin Counties Association</b>	Williams, Gary	<b>Wisconsin Automobile &amp; Truck Dealers Association Inc</b>
Suslick, Richard	<b>WPS Power Development Inc</b>	Wilson, Wayne	<b>Wisconsin Counties Association</b>
Swandby, Janet R	<b>Academic Staff Public Representation Organization (ASPRO)</b>	Woods, Kent	<b>Wisconsin Towns Association</b>
Swandby, Janet R	<b>Waukesha County Municipal Executives</b>	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.	
Swandby, Janet R	<b>Wisconsin Free Community Papers</b>	Sincerely,	
Swandby, Janet R	<b>Out of State Landowners Association</b>	ROTH JUDD	
Taylor, Chad	<b>ATC Management Inc.</b>	Director	
Tenuta, James	<b>National Association of Theatre Owners of Wisconsin &amp; Upper Michigan</b>		

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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FRIDAY, January 26, 2001

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

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**INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS**

Read and referred:

**Senate Joint Resolution 12**

Relating to: commending the student athletes, coaches, and staff of the University of Wisconsin–Madison Volleyball Team for their achievements.

By Senators Risser, Plache, Erpenbach, Grobschmidt, Roessler, Chvala, S. Fitzgerald, Burke, Moen, Wirch, Huelsman, Baumgart, Lazich, Darling, Schultz, Hansen, George, Farrow and Panzer; cosponsored by Representatives Black, Young, Gunderson, Sherman, Hebl, Rhoades, Ryba, Boyle, Ladwig, Starzyk, Richards, Hundertmark, Wood, Pocan, Skindrud, Hoven, Berceau, Townsend, J. Lehman, Miller, Olsen, Ward, Jeskewitz, Johnsrud, Albers, Owens, Coggs, Sykora, Kreuser, Lippert, Seratti, Vrakas, Turner, Williams, Nass, Lassa, Travis, Petrowski, Huber, Underheim and Ott.

To committee on **Senate Organization**.

**Senate Joint Resolution 13**

Relating to: commending and congratulating Tommy G. Thompson for his public service to the people of Wisconsin.

By Senators Darling, Chvala, Panzer, Welch, Farrow, Rosenzweig, Schultz, Roessler, George, S. Fitzgerald, Shibilski, A. Lasee, Moore, Cowles, Erpenbach, Plache, Grobschmidt, Hansen, Huelsman, Robson, Jauch, Lazich, Baumgart, Harsdorf and Risser; cosponsored by Representatives Jensen, Foti, Suder, Jeskewitz, Rhoades, Hoven, Gunderson, Kreibich, Hahn, Loeffelholz, Pettis, Walker, Owens, Sykora, Ladwig, Turner, Huebsch, Albers, Wieckert, Schneider, Nass, Vrakas, McCormick, Olsen, Krawczyk, Leibham, Ainsworth, Freese, Plouff, Urban, Wade, Ryba, Lippert, Ott, Gundrum, Kedzie, Boyle, Huber, Petrowski, Seratti, Wasserman, Hundertmark, Miller, Kreuser, Bies, Gard, Stone, Ward, J. Lehman, Huber, Underheim and Gronemus.

To committee on **Senate Organization**.

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**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 29**

Relating to: low–speed vehicles, granting rule–making authority, and providing a penalty.

By Senators Breske, Schultz, M. Meyer, Baumgart, Huelsman and Darling; cosponsored by Representatives Olsen, Powers, Musser, Bies, Ladwig, Townsend, Gronemus, Pettis, Ryba, Berceau, Vrakas, Wade, Freese, M. Lehman, Urban, Krawczyk, Ward, Gunderson and Plouff.

To committee on **Insurance, Tourism, and Transportation**.

**Senate Bill 30**

Relating to: renaming the women’s minimum security correctional facility at Union Grove, Racine County.

By Senators Plache, Burke, Moore, Moen and Schultz; cosponsored by Representatives Ladwig, Starzyk, J. Lehman, Coggs, Pocan, Townsend, Berceau, Miller, Albers and Wasserman.

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

**Senate Bill 31**

Relating to: basing certain urban mass transit operating assistance payments on projected operating expenses.

By Senators Robson, Plache, Baumgart, Burke, Cowles, Decker, Ellis, Erpenbach, Grobschmidt, Hansen, Huelsman, M. Meyer, Moen and Roessler; cosponsored by Representatives Wieckert, Wood, Schooff, Coggs, Kaufert, Krawczyk, Kreibich, Ladwig, Lassa, J. Lehman, McCormick, Meyerhofer, Montgomery, Ott, Petrowski, Richards, Ryba, Shilling, Townsend, Turner, Underheim and Vrakas.

To committee on **Insurance, Tourism, and Transportation**.

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

**Department of Health and Family Services**

January 25, 2001

The Honorable, The Senate:

As directed by 1997 Wisconsin Act 154, the Department and the Statewide Trauma Advisory Council is submitting a joint report on the development and implementation of a statewide trauma care system to the Legislature, Joint Committee on Finance (JFC), Governor and Emergency Medical Services (EMS) Board. In addition, Act 154 directs the Department to seek the advice of the Statewide Trauma Advisory Council and to

develop and implement a Statewide Trauma Care System no later than July 1, 2002. The Department is prohibited from promulgating rules relating to the Statewide Trauma Care System until the JFC has approved the report.

National and state data show that traumatic injury is a serious public health problem. It is the leading cause of death of individuals between the ages of 1 and 44 and is the fourth leading cause overall. The goal of a trauma care system is to reduce suffering, disability, death and the cost associated with traumatic injury. The Statewide Trauma Care System Plan establishes a conceptual framework from which a Statewide Trauma Care System can be developed.

The Advisory Council engaged in extensive discussions regarding funding the Statewide Trauma Care System. These discussions examined several funding sources and also focused on the need for not only stable trauma system funding, but also stable Emergency Medical Services (EMS) as a whole, since trauma will be integrated administratively within the Bureau of EMS and Injury Prevention.

To establish a stable funding for the Emergency Medical Services as a whole, including the trauma system, the Department proposes a \$1 increase in each motor vehicle registration fee and to use the new funding that is generated, to support the Statewide Trauma Care System and all current administrative costs for the Bureau of Emergency Medical Services (EMS) and Injury Prevention in the Division of Public Health. This proposal is based on recommendations developed by the Advisory Council in the Statewide Trauma Care Plan report. Justification for the proposed use of motor vehicle registration fees to support the statewide trauma system include the facts that:

Motor vehicle crashes are the leading cause of injury-related deaths.

Motor vehicle crashes are the leading cause of death of individuals between the ages of 1 and 44.

Motor vehicle registration pays for EMS systems and trauma in other states.

Motor vehicle crashes potentially impact all the citizens of Wisconsin.

The large number of motor vehicles spreads this cost across a large base and as a result, no single entity bears an unreasonable cost.

A detailed listing of the use of these funds is provided in Appendix I.

As an alternative, the Committee could choose to fund only the additional costs associated with the trauma system. This would require \$540,000. Under this option, the Department proposes an increase of \$1.00 to the driver's license registration fee to generate approximately the amount of funding needed. A more detailed listing of the use of the funds under this alternative is provided in Appendix II.

Sincerely,

JOE LEEAN

Secretary

Referred to **joint committee on Finance.**

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

### Senate Clearinghouse Rule 00-115

Relating to mines, pits and quarries.

Submitted by Department of Commerce.

Report received from Agency, January 26, 2001.

Referred to committee on **Environmental Resources**, January 26, 2001.

### Senate Clearinghouse Rule 00-124

Relating to continuing education requirements.

Submitted by Department of Regulation and Licensing.

Report received from Agency, January 25, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, January 26, 2001.

### Senate Clearinghouse Rule 00-144

Relating to the computerized veterinary examination.

Submitted by Department of Regulation and Licensing.

Report received from Agency, January 25, 2001.

Referred to committee on **Labor and Agriculture**, January 26, 2001.

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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MONDAY, January 29, 2001

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

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**INTRODUCTION, FIRST READING AND  
REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 32**

Relating to: eliminating recovery for persons injured while involved in a felony.

By Senators Welch, S. Fitzgerald, Huelsman, Darling, Cowles, A. Lasee, Schultz, Lazich and Harsdorf; cosponsored by Representatives Suder, Ladwig, Vrakas, Huebsch, Albers, Sykora, Hahn, Hundertmark, Olsen, Wade, Gunderson, Nass, Hoven, Pettis, Rhoades, Stone, F. Lasee, Skindrud, Powers, Petrowski, Leibham, Jeskewitz, Musser, Ainsworth, Townsend, Krawczyk, Starzyk, Kreuser, Travis, Plouff and Gronemus.

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

**Senate Bill 33**

Relating to: a state minimum wage, providing an exemption from emergency rule procedures, providing an exemption from rule-making procedures, granting rule-making authority, and providing a penalty.

By Senators Hansen, Baumgart, Burke, Chvala, Decker, Erpenbach, Jauch, Moen, Plache, Risser and Shibilski; cosponsored by Representatives Balow, Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Johnsrud, Kreuser, Krug, J. Lehman, Meyerhofer, Miller, Morris–Tatum, Plouff, Pocan, Reynolds, Richards, Ryba, Sinicki, Turner, Williams and Young.

To committee on **Labor and Agriculture.**

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**REPORT OF COMMITTEES**

The committee on **Senate Organization** reports and recommends:

**Senate Joint Resolution 12**

Relating to: commending the student athletes, coaches, and staff of the University of Wisconsin–Madison Volleyball Team for their achievements.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

**Senate Joint Resolution 13**

Relating to: commending and congratulating Tommy G. Thompson for his public service to the people of Wisconsin.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

Charles Chvala  
Chairperson

---

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

**Southeast Wisconsin Professional Baseball Park District**

January 18, 2001

The Honorable, The Legislature:

Attached please find the Miller Park monthly progress report for the month of December 2000 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





# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

TUESDAY, January 30, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The roll was called and the following Senators answered to their names:

Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, Farrow, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for the prayer which was offered by Reverend Donnie Sims of The Jerusalem Baptist Church in Milwaukee.

The Senate remained standing and Senator Baumgart led the Senate in the pledge of allegiance to the flag of the United States of America.

Senator Robson, with unanimous consent, asked that the Senate recess until 12:30 P.M.

10:20 A.M.

### RECESS

12:30 A.M.

The Senate reconvened.

Senator Risser in the chair.

### INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

#### Senate Joint Resolution 14

Relating to: modifying the session schedule for the 2001–2002 biennial session period and extending the deadline for the governor’s budget message.

By Senator Chvala; cosponsored by Representative Jensen.

Read.

Considered as privileged and taken up.

The question was: Shall **Senate Joint Resolution 14** be adopted?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, Farrow, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A.

Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Adopted.

Senator Moen, with unanimous consent, asked that all action be immediately messaged to the Assembly.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 34

Relating to: classifying certain teachers employed by the state as protective occupation participants under the Wisconsin retirement system.

By Senators Plache, Erpenbach, Burke, Schultz, Breske, Hansen, George, Robson, Risser, Moen and Roessler; cosponsored by Representatives Musser, Powers, Young, Turner, Balow, Pocan, Plouff, Plale, Travis, Gronemus, J. Lehman, Lassa, Huber, Hundertmark, Friske, Bock, Gunderson, Ladwig, Loeffelholz, Black, Ryba, Sykora, Freese, La Fave, Underheim, Williams and Albers.

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

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin Department of Natural Resources

January 29, 2001

The Honorable, The Legislature:

Attached to this letter is a Report on the Future of Waste Management as required under 1997 Wisconsin Act 60. An Executive Summary and Appendices are included with the report.

If you need further information, please contact Sue Bangert, Bureau Director for Waste Management, at 266-0014.

Sincerely,

GEORGE E. MEYER  
Secretary

#### State of Wisconsin Ethics Board

January 30, 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/>

Ahner, Betsy <b>Association</b>	<b>Wisconsin Fertilizer &amp; Chemical</b>	Gerlach, Chet <b>Association</b>	<b>Wisconsin School Counselors</b>
Babula, Mary <b>Association, Inc.</b>	<b>Wisconsin Early Childhood</b>	Gerrard, M William	<b>Ashley Furniture Industries Inc</b>
Blavat, Kate	<b>Ameritech (Wis Bell Inc)</b>	Hermes, Ronald	<b>Wisconsin Perfusion Society</b>
Blume, Ed <b>Defense Lawyers</b>	<b>Wisconsin Association of Criminal</b>	Hermes, Ronald <b>Association</b>	<b>Wisconsin Physical Therapy</b>
Boxer, Barbara K <b>Insurance Corporation</b>	<b>Managed Health Services</b>	Hilbert, Lisa <b>Association</b>	<b>Wisconsin Physical Therapy</b>
Boyce, Catherine	<b>Ameritech (Wis Bell Inc)</b>	Hilbert, Lisa	<b>Wisconsin Perfusion Society</b>
Boyce, Catherine <b>SmithKline)</b>	<b>GlaxoSmithKline, Inc. (formerly</b>	Hottenroth, Theresa M <b>Inc.</b>	<b>Wisconsin Dietetic Association,</b>
Bright, Michael	<b>Midwest Express Airlines Inc</b>	Leonhart, James <b>Association, Inc.</b>	<b>Wisconsin Early Childhood</b>
Brownlow, Charles	<b>Wisconsin Optometric Association</b>	Luria, Cheryl <b>Glaxo Wellcome)</b>	<b>GlaxoSmithKline, Inc. (formerly</b>
Broydrick, William <b>SmithKline)</b>	<b>GlaxoSmithKline, Inc. (formerly</b>	Matthews, John	<b>Kwik Trip Inc</b>
Broydrick, William	<b>Ameritech (Wis Bell Inc)</b>	Matthews, John <b>Corporation</b>	<b>Community Corrections</b>
Carey, Ray <b>Corporation</b>	<b>Community Corrections</b>	Matthews, John	<b>Freight, Lime &amp; Sand Hauling, Inc.</b>
Carey, Ray	<b>Freight, Lime &amp; Sand Hauling, Inc.</b>	Matthews, John	<b>Print Tax Services</b>
Carey, Ray	<b>Print Tax Services</b>	Matthews, John	<b>United Community Center</b>
Carey, Ray	<b>United Community Center</b>	McClenahan, William <b>39</b>	<b>Wisconsin Teamsters Joint Council</b>
Carey, Ray	<b>Kwik Trip Inc</b>	McCoshen, Carol <b>Insurance Corporation</b>	<b>Managed Health Services</b>
Cieslewicz, David	<b>1000 Friends of Wisconsin</b>	McCoshen, William J <b>Insurance Corporation</b>	<b>Managed Health Services</b>
Creviston, Sarah <b>SmithKline)</b>	<b>GlaxoSmithKline, Inc. (formerly</b>	McCoshen, William J	<b>Ameritech (Wis Bell Inc)</b>
Cruz, Lorenzo	<b>Ameritech (Wis Bell Inc)</b>	McCoshen, William J	<b>Robert W Baird and Company Inc</b>
Deneen, Timothy	<b>United Transportation Union</b>	McDowell, Kelly <b>39</b>	<b>Wisconsin Teamsters Joint Council</b>
Dennis, Virginia A	<b>United Transportation Union</b>	McElligott, Thomas	<b>Wisconsin Manufacturers &amp;</b>
Dickert, John T	<b>Freight, Lime &amp; Sand Hauling, Inc.</b>	McIntosh, Forbes	<b>Wisconsin Assisted Living</b>
Dickert, John T	<b>Print Tax Services</b>	Osborne, Patrick <b>Insurance Corporation</b>	<b>Managed Health Services</b>
Dickert, John T <b>Corporation</b>	<b>Community Corrections</b>	Osborne, Patrick	<b>Midwest Express Airlines Inc</b>
Dilweg, Sean <b>Glaxo Wellcome)</b>	<b>GlaxoSmithKline, Inc. (formerly</b>	Partenfelder-Moede, Peggy <b>(formerly Glaxo Wellcome)</b>	<b>GlaxoSmithKline, Inc.</b>
Driessen, Anthony <b>Anesthetists</b>	<b>Wisconsin Association of Nurse</b>	Peacock, Christine <b>Corporation</b>	<b>Novartis Pharmaceuticals</b>
Driessen, Anthony	<b>Wisconsin Optometric Association</b>	Plautz, Jolene	<b>Kwik Trip Inc</b>
Dwyer II, Thomas P	<b>United Transportation Union</b>	Potter, Rosemary	<b>United Community Center</b>
Early, Jessica <b>39</b>	<b>Wisconsin Teamsters Joint Council</b>	Reed, Holly	<b>Ameritech (Wis Bell Inc)</b>
Elliott, Brian <b>Inc.</b>	<b>Wisconsin Dietetic Association,</b>	Rezin, Kathleen	<b>United Community Center</b>
Essie, Patrick <b>Glaxo Wellcome)</b>	<b>GlaxoSmithKline, Inc. (formerly</b>	Rezin, Kathleen	<b>Print Tax Services</b>
Fonfara, Thomas <b>Anesthetists</b>	<b>Wisconsin Association of Nurse</b>	Schreiber, Martin <b>39</b>	<b>Wisconsin Teamsters Joint Council</b>
Fucik, Patrick <b>L.P.</b>	<b>Sprint Communications Company</b>	Skornicka, Carol	<b>Midwest Express Airlines Inc</b>
Gerlach, Chet <b>L.P.</b>	<b>Sprint Communications Company</b>	Spellmeyer, Grant <b>Ltd</b>	<b>Chorus Communications Group</b>
Gerlach, Chet	<b>State Farm Insurance Companies</b>	Stenger, Scott <b>Association Inc</b>	<b>Wisconsin Athletic Trainers</b>
Gerlach, Chet <b>Attractions</b>	<b>Association of Wisconsin Tourism</b>	Tenuta, James	<b>Wisconsin Perfusion Society</b>
		Tenuta, James <b>Association</b>	<b>Wisconsin Physical Therapy</b>

Theo, Peter  
Theo, Peter  
Winters, Amy  
**Association**

**Wisconsin Optometric Association**  
**Lorillard Tobacco Company**  
**Wisconsin Fertilizer & Chemical**

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

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

**Senate Clearinghouse Rule 00-048**

Relating to delegation of duties by a pharmacist.

Submitted by Department of Regulation and Licensing.  
Report received from Agency, January 26, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, January 30, 2001.

**Senate Clearinghouse Rule 00-142**

Relating to home inspector examination and continuing education requirements.

Submitted by Department of Regulation and Licensing.  
Report received from Agency, January 26, 2001.

Referred to committee on **Universities, Housing, and Government Operations**, January 30, 2001.

**Senate Clearinghouse Rule 00-156**

Relating to supervising pharmacy interns.

Submitted by Department of Regulation and Licensing.  
Report received from Agency, January 26, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, January 30, 2001.

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**MESSAGES FROM THE ASSEMBLY**

By John Scocos, chief clerk.

Mr. President:

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

**Assembly Joint Resolution 3**

**Assembly Joint Resolution 11**

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**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Joint Resolution 3**

Relating to: the life and public service of Edgar E. Lien.

By Representatives Hahn, Wade, Ryba, Stone, Urban, Sherman, Rhoades, Ladwig, Nass, Gronemus, Albers, Krawczyk, McCormick and Vrakas; cosponsored by Senators Breske, Schultz, Welch, Risser, Rosenzweig, Farrow, Baumgart and Huelsman.

Read.  
Considered as privileged and taken up.  
Concurred in by unanimous rising vote.

**Assembly Joint Resolution 11**

Relating to: the life and public service of LeRoy Pete Litscher.

By Representatives Albers, Wade, Boyle, Freese, Gronemus, Hahn, Hundertmark, Jeskewitz, Ladwig, McCormick, Miller, Nass, Owens, Plouff, Powers, Rhoades, Ryba, Sykora, Turner, Vrakas, Walker and Williams; cosponsored by Senators Schultz, Breske, Darling, Farrow, Plache and Welch.

Read.  
Considered as privileged and taken up.  
Concurred in by unanimous rising vote.

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**SECOND READING AND AMENDMENTS  
OF SENATE JOINT RESOLUTIONS AND  
SENATE BILLS**

**Senate Joint Resolution 4**

Relating to: proclaiming May 18, 19, and 20, 2001, Syttende Mai Weekend.

Read.  
Adopted.

**Senate Joint Resolution 7**

Relating to: proclaiming Prostate Cancer Awareness Month.

Read.  
Adopted.

**Senate Joint Resolution 8**

Relating to: the life and public service of William Clayton Hicks.

Adopted by unanimous rising vote.

Senator Zien, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 8**.

Senator Zien, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 13**.

**Senate Joint Resolution 9**

Relating to: proclaiming April 19 as Patriot's Day.

Read.  
Adopted.

**Senate Joint Resolution 10**

Relating to: the life and public service of Richard J. Zaborski.

Read.  
Adopted by unanimous rising vote.

**Senate Joint Resolution 11**

Relating to: urging U.S. Secretary of Transportation Norman Mineta to support federal funding for immediate repair and reconstruction of the Hoan Bridge in Milwaukee.

Read.  
Adopted.

**Senate Joint Resolution 12**

Relating to: commending the student athletes, coaches, and staff of the University of Wisconsin-Madison Volleyball Team for their achievements.

Read.  
Adopted.

**Senate Joint Resolution 13**

Relating to: commending and congratulating Tommy G. Thompson for his public service to the people of Wisconsin.

Read.

Adopted.

**Senate Bill 2**

Relating to: the scope of regulation and reporting of information by nonresident registrants under the campaign finance law.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 2**?

Adopted.

The question was: Adoption of Senate amendment 2 to **Senate Bill 2**?

Adopted.

The question was: Adoption of Senate amendment 3 to **Senate Bill 2**?

Adopted.

Senate amendment 4 to **Senate Bill 2** offered by Senator Huelsman.

Senator Robson moved rejection of Senate amendment 4 to **Senate Bill 2**.

The question was: Rejection of Senate amendment 4 to **Senate Bill 2**?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Harsdorf, Huelsman, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 15.

Absent or not voting – None.

Rejected.

Senate amendment 5 to **Senate Bill 2** offered by Senators Huelsman and Welch.

**POINT OF ORDER**

Senator Chvala raised the point of order that Senate amendment 5 was not germane.

The Chair ruled the point of order well taken.

Senator Welch appealed the ruling of the Chair.

The question was; Shall the ruling of the Chair stand as the judgement of the Senate?

The ayes and noes were required and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Harsdorf, Huelsman, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 15.

Absent or not voting – None.

The ruling of the Chair stands as the judgement of the Senate.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 2**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 23; noes, 10; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Ellis, Erpenbach, George, Grobschmidt, Hansen, Harsdorf, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Rosenzweig, Schultz, Shibilski and Wirch – 23.

Noes – Senators Darling, Farrow, S. Fitzgerald, Huelsman, A. Lasee, Lazich, Panzer, Roessler, Welch and Zien – 10.

Absent or not voting – None.

Passed.

**Senate Bill 18**

Relating to: funding for the badger care health care program and making appropriations.

Read a second time.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 18**?

Adopted.

Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 18** offered by Senator Jauch.

Senator Jauch, with unanimous consent, asked that Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 18** be withdrawn and returned to author.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 18**?

Adopted.

Senators Harsdorf, Panzer, Darling and Zien, with unanimous consent, asked to be made coauthors of **Senate Bill 18**.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 18**

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, Farrow, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Passed.

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**ANNOUNCEMENTS, ADJOURNMENT  
HONORS, AND REMARKS UNDER  
SPECIAL PRIVILEGE**

Senator Panzer, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Governor Tommy G. Thompson as he resigns to take his new position as head of the federal Health and Social Service Department.

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Jordan Woods-Wahl and Lindsey Lange students at Superior High School and Kevin Hoescher director of the Superior High School Orchestra for



their participation and testimony at the Education committee's hearing on school district revenue caps.

Senator Moen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Senators Plache and Erpenbach's 40th birthdays.

Senator Farrow, with unanimous consent, asked that when the Senate adjourn, it do so in honor and memory of Al McGuire the long time coach of the Marquette Basketball team.

Senator Harsdorf, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Don Buchholz's birthday.

Senator Baumgart, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Aldo Leopold.

Senator Burke, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his oldest daughter, Colleen Marie Burke, who is celebrating her 16th birthday today.

Senator Zien, with unanimous consent, asked that when the Senate adjourn, it do so in honor and memory of former Representative Joe Looby.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

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### ADJOURNMENT

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Wednesday, January 31, 2001 at 6:45 P.M. for the purpose of hearing the Governor's State of the State address.

Adjourned.

3:15 P.M

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### SENATE ENROLLED PROPOSALS

The Chief Clerk records:

**Senate Joint Resolution 1**

Report correctly enrolled on January 29, 2001.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

6:45 P.M.

WEDNESDAY, January 31, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

Senator Chvala, with unanimous consent, asked that the roll, prayer and pledge be dispensed with.

The Chair, with unanimous consent, appointed Senators George and Breske to act as escorts to his Excellency the Governor.

### INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

#### Senate Joint Resolution 15

Relating to: the life and public service of Coach Al McGuire.

By Senators Rosenzweig, Farrow, Darling, Grobschmidt, Decker, Hansen, S. Fitzgerald, Plache, Panzer, Moore, Roessler, George, Welch and Moen; cosponsored by Representatives Walker, Plale, McCormick, Hebl, Kreibich, Petrowski, Hoven, Gard, Gunderson, Ward, Turner, Ladwig, Sykora, Ziegelbauer, Johnsrud, Huebsch, Miller, Gronemus, Vrakas, J. Lehman, Sherman, Schneider, Owens, Wade, Urban, Ryba, Carpenter, Lippert, Musser, Krawczyk, Foti, Jeskewitz and Kedzie.

To committee on **Senate Organization**.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 35

Relating to: transferring toll-free calls to pay-per-call services or international numbers, creating certain disclosure and reporting requirements, and providing a penalty.

By Senators Moore, Burke, Hansen, Lazich and Darling; cosponsored by Representatives Colon, Young, Bock, Schneider, Gronemus, Morris–Tatum, Williams, Jeskewitz, Seratti, Turner, Pocan, Black, Balow, Richards, Berceau, J. Lehman, Miller, Plouff, Musser, Kreuser, Cullen, Riley, Kedzie, Gunderson, Boyle, Plale and La Fave.

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

#### Senate Bill 36

Relating to: exempting from taxation certain amounts of pension income received by an individual.

By Senators Plache, Wirch, Robson, Moen, Burke, Roessler, Schultz, Breske, Lazich, Baumgart, Shibilski, Darling and M. Meyer; cosponsored by Representatives Jeskewitz, Ryba, J. Lehman, Turner, Lassa, Ladwig, Carpenter,

Kreuser, Morris–Tatum, Williams, Travis, Albers and Reynolds.

To joint survey committee on **Tax Exemptions**.

### REPORT OF COMMITTEES

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

#### Senate Bill 37

Relating to: water quality certification for wetlands.

Introduction.

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

Noes, 0 – None.

Jim Baumgart  
Chairperson

To committee on **Environmental Resources**.

### PETITIONS AND COMMUNICATIONS

#### THE STATE OF WISCONSIN OFFICE OF THE GOVERNOR

##### EXECUTIVE ORDER #415

*Relating to the Amendment of Executive Order No. 411*

**WHEREAS**, the Governor’s Advisory Task Force on the Proposed Federal Roadless Initiative (hereinafter “Roadless Initiative”) was created on October 13, 2000 by Executive Order No. 411; and

**WHEREAS**, the need exists to expand membership beyond the five (5) member limit;

**NOW, THEREFORE, I TOMMY G. THOMPSON**, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this State, and specifically by section 14.019 of the Wisconsin Statutes, do hereby amend Executive Order No. 411 as follows:

1. Provide that the Roadless Initiative shall be composed of eight (8) members appointed by the Governor to serve at the pleasure of the Governor.

2. Direct the Secretary of the Department of Administration and all other state agencies to provide the Commission with administrative and support services and with such sums of money as are necessary for travel and operating expenses in accordance with section 20.505(3)(a) of the Wisconsin Statutes; and

**IN TESTIMONY WHERE OF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this twenty–fourth day of January in the year two thousand and one.

TOMMY G. THOMPSON  
Governor

BY THE GOVERNOR:

DOUGLAS LA FOLLETTE  
Secretary of State

**THE STATE OF WISCONSIN  
OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER #416**

***Statement of Direction Relating to Proper Software License Compliance***

**WHEREAS**, the State of Wisconsin recognizes that information technology is a key to providing better government service at reduced costs; and

**WHEREAS**, information technology has contributed to the state's economic growth and competitiveness; and

**WHEREAS**, improper software licensure could further result in lost state corporate and sales tax revenues and may constitute copyright infringement in violation of federal law; and

**WHEREAS**, the Thompson administration recognizes the need to develop a statewide response to ensure that only licensed software is in use at all state agencies;

**NOW, THEREFORE, I TOMMY G. THOMPSON**, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this State, do hereby:

1. Direct all state agencies to be educated on proper software license compliance.
2. Direct the Department of Administration to provide management oversight for state agency software compliance education initiatives; and
3. Direct the Department of Administration to:
  - a. Establish an information technology purchase policy that all purchases of software licenses be transacted through qualified resellers;
  - b. Enforce information technology contract terms for software license compliance in the state's information technology infrastructure where necessary.
  - c. Direct agencies to develop policies regarding proper licensure of software; and
  - d. Provide management oversight for agency education initiatives pertaining to software license compliance and United States copyright law.

**IN TESTIMONY WHERE OF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this twenty-fourth day of January in the year two thousand and one.

TOMMY G. THOMPSON  
Governor

BY THE GOVERNOR:

DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Department of Corrections**

January 29, 2001

The Honorable, The Legislature:

The following information is provided for your consideration and review pursuant to 301.03(6m) WI STATS. The figures below cover the period from January 1, 2000 to December 31, 2000.

1. There were 50 inmates transferred involuntarily from a prison to a mental health institute under 51.20(13)(A)4. The average length of stay was 217 days. All but three inmates were committed for outpatient treatment. One inmate was committed to inpatient treatment upon reaching his mandatory release date. There were no voluntary transfers from a prison to a mental health institute.
2. 4,924 inmates underwent voluntary treatment with psychotropic drugs and 55 inmates were treated with psychotropics on an involuntary basis. The types of medications used include antipsychotic drugs, antidepressant drugs, mood stabilizers, anti-parkinsonian medications, and medications for side effects.
3. Mental health services, both psychiatric and psychological, are available at all the major institutions. Services include individual and group therapy, chemotherapy, psychiatric, psychological, and neuropsychological evaluations, crisis interventions, sex offender groups, domestic abuse groups, anger management groups, and cognitive interventions programs. Inmates who need more intensive mental health services are transferred to the Special Management Unit at Columbia Correctional Institution, the Wisconsin Resource Center, or one of the Mental Health Institutes.

If you have any questions or need additional information, please let me know.

Sincerely,

JON E. LITSCHER  
Secretary

**State of Wisconsin  
Legislative Audit Bureau**

January 30, 2001

The Honorable, The Senate:

We have audited the financial statements of WHA Television and WHA Radio for the period July 1, 1999 through June 30, 2000 and have issued our reports on these statements, dated January 30, 2001. WHA Television and WHA Radio are public broadcasting stations licensed to the Board of Regents of the University of Wisconsin System and are operated by the University of Wisconsin-Extension.

The audits were requested by the University of Wisconsin-Extension to fulfill audit requirements of the Corporation for Public Broadcasting. The Corporation requires audited financial statements of public broadcasting entities and certifications of these entities' non-federal revenue sources in determining future funding levels.

Copies of the audit reports have been distributed to members of the Joint Legislative Audit Committee and those required by law to receive them. Electronic copies of the reports are available on line at [www.legis.state.wi.us/lab/windex.htm](http://www.legis.state.wi.us/lab/windex.htm). If you are interested in receiving a copy of these reports, please contact our office and request the following report numbers:

- |      |                            |
|------|----------------------------|
| 01-3 | An Audit of WHA Television |
| 01-4 | An Audit of WHA Radio      |

Sincerely,

JANICE MUELLER  
State Auditor

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

**Senate Clearinghouse Rule 00–108**

Relating to the state directory of new hires.

Submitted by Department of Workforce Development .

Report received from Agency, January 30, 2001.

Referred to committee on **Labor and Agriculture**, January 31, 2001.

**Senate Clearinghouse Rule 00–154**

Relating to deer hunting and the wildlife damage abatement and claims program.

Submitted by Department of Natural Resources.

Report received from Agency, January 30, 2001.

Referred to committee on **Environmental Resources**, January 31, 2001.

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**MESSAGES FROM THE ASSEMBLY**

By John Scocos, chief clerk.

Mr. President:

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

**Assembly Bill 41**

Adopted and asks concurrence in:

**Assembly Joint Resolution 15**

**Assembly Joint Resolution 17**

Concurred in:

**Senate Bill 18**

**Senate Joint Resolution 8**

**Senate Joint Resolution 9**

**Senate Joint Resolution 10**

**Senate Joint Resolution 11**

**Senate Joint Resolution 12**

**Senate Joint Resolution 13**

**Senate Joint Resolution 14**

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**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 41**

Relating to: polling hours.

By committee on Campaigns and Elections.

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

**Assembly Joint Resolution 15**

Relating to: the joint rules.

By Representatives Jensen and Freese; cosponsored by Senators Chvala and Risser.

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

**Assembly Joint Resolution 17**

Relating to: fund-raising social events in Dane County during floorperiods and special and extraordinary sessions.

By committee on Rules.

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

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Senator Chvala, with unanimous consent, asked that the Senate recess for the purpose of awaiting the Governor's State of the State Address in Joint Convention in the Assembly Chambers at 7:00 P.M. and upon the rising of the Joint Convention adjourn until Thursday, February 1 at 10:00 A.M.

The Senate stood recessed.

6:47 P.M.

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**RECESS**

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**IN ASSEMBLY CHAMBER IN JOINT  
CONVENTION**

The President of the Senate in the Chair.

The committee to await upon the Governor appeared with his excellency the Governor, who delivered his message as follows:

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**STATE OF THE STATE ADDRESS**

Speaker Jensen, President Risser, Members of the Legislature, Constitutional Officers, Honorable Justices of the Supreme Court, tribal leaders, members of the Cabinet, distinguished guests, ladies and gentlemen.

Before I get started, let me thank the Speaker and the entire Legislature for the wonderful gifts and words of encouragement. I will truly miss you. Thank you for your friendship and partnership throughout the years.

Senator Risser, I know you're happy tonight. The real reason you've hung around so long is you wanted to outlast me. You win, Fred. And Speaker Jensen, you still hold the only position I've ever wanted but never achieved. I'm proud to see my friend rise so high and do so well.

I'd also like to thank my current and former Cabinet and staff for all their hard work and dedication to this state. They're the unsung heroes of our success. Let me introduce Nora Weber, Marge Miller and Marlene Cummings – the only two staff members and Cabinet secretary to spend all 14 years with me in office. Thank you for your unwavering support. Tonight, it all ends in the place where it all began.

Thirty-five years ago, I first came to this chamber a green and humble young man from Elroy. As you can see, I was fresh out of law school and had a bit of a baby face back then. The mustache, wide ties and leisure suits would come later. Thankfully, my daughters grew older and eventually broke me of them. But I'm glad Cliff Miller has been able to put my old wardrobe to good use.

Despite my youth, I came to Madison with a great deal of confidence, idealism and hope – qualities given to me by my hometown. The people of Elroy raised me. Taught me my values. And instilled in me the importance of putting people first.

Elroy common sense guided me as a legislator and a governor. And those same values will guide me as I serve the president of this great country as Secretary of Health and Human Services.



Washington is a long way from Elroy, but Elroy will never be far from me. It's who I am.

And so this man from Elroy humbly comes before you one last time tonight to talk about our great state and its future.

We've done remarkable things inside and outside this grand old building. Just think back for a moment to the state of our state in the mid-80s.

Remember when our good friends down in Illinois mocked our troubled economy? They even went so far as to put up a billboard on the border saying, "When the last business leaves Wisconsin, please turn out the lights."

Well my friends, the lights are on in Wisconsin and burning brighter than ever.

In fact, I hope our friends in Illinois didn't let the toll gate hit them in the bumper when they moved their families and businesses to Wisconsin by the truckload.

Illinois companies are moving to Wisconsin for our more positive business environment – there are almost 50 in the Kenosha Business Park alone. Illinois families are coming for our great schools and unmatched quality of life. And the poor are venturing north for a good job and greater opportunity, not a bigger welfare check.

We've even taken to beating up on their sports teams. Let's see, since 1986, we've gone to two Super Bowls, three Rose Bowls and a Final Four. Down in Illinois, they still haven't found a quarterback.

I engage in this lighthearted teasing of our good friends and neighbors because it illustrates how much we've built Wisconsin since the days when they teased us.

My, how far we have come together.

We've come so far that we can all claim with great pride tonight that in the year 2001 the state of the state is that of the nation's leader. Name the issue and Wisconsin is leading the way.

Many states claim they're the best, but only one state can back it up. We follow our bold words with bold deeds. During my confirmation process, it was heartwarming to hear how often senators recognized Wisconsin as the nation's leader in innovation.

We took office with one clear mission: To build our economy. And this has remained our No. 1 priority – even in the good times.

We recognized that without strong businesses and good jobs, we can't provide a high quality of life for our families. We can't afford the social programs that help those in need or great public schools for our children.

Let's take a look at the strong economy we built: 800,000 new jobs; 95,000 new manufacturing jobs; a record 3 million people working – the highest percentage in America; unemployment cut by more than half to 3.3 percent; a jobless rate below the national average a record 156 straight months; and a median household income of nearly \$46,000, well above the national average.

What a turnaround! No Company mirrors our comeback better than Wisconsin's very own Harley Davidson. Since 1986, Harley grew its earnings from \$4 million to \$348 million; increased employment from 1,200 to 3,700; opened four new facilities; and saw its stock price grow from 33 cents a share to

\$40. Please welcome Ken Sutton and Wayne Curtain from Harley.

Wisconsin is once again the place where eagles soar and Harleys roar!

We're enjoying the longest period of sustained economic growth in our history.

To those who try to downplay our economic success by giving the credit to good times nationally, let us be clear about one thing: Wisconsin built its economy first, and the nation followed.

Look at these charts, particularly the period from 1987 to 1992.

When the country fell into recession in the early 90s, Wisconsin was one of only a few states not to feel the sting. Our job creation grew while the nation's fell, and our unemployment rate dropped while the nation's rose.

We did not benefit from an economic boom – we helped create the economic boom.

How did we build this economic engine? By what I call the Four Ts of the Great Turnaround: Our 'Tude, the slang for Attitude, Tax Cuts, Transportation and Teaching.

We set a new tone, where success was the only option. We began believing we could achieve anything, then worked together to make it happen.

Don't for a second discount the importance of our attitude change, for it transformed how companies looked at Wisconsin. We made it clear Wisconsin was open for business and companies responded by building and growing here.

As we were adjusting our attitude, we began making investments in the right places to trigger economic growth.

We cut taxes in the very first budget and haven't stopped since.

With your help, we cut taxes 91 times totaling \$16.7 billion. These cuts saved the average

Wisconsin family \$8,400. And they infused new money into the economy to help stimulate growth and prosperity.

And tonight, we have good news to report. The state's national tax ranking has fallen to ninth in the nation, according to the latest Census Bureau figures which reflect tax year 1999.

And when the cuts we enacted for years 2000 and 2001 are factored into the equation, we can say with confidence that Wisconsin is finally out of the top 10 states.

As for state spending, our per capita rate is the 14<sup>th</sup> lowest in the nation and our state government is the third smallest. Could it be better? Absolutely. Is it bad? Absolutely not.

But let's be fair about what has driven spending – the desire to cut local property taxes.

In 1995, the state picked up two-thirds the cost of local schools and we've maintained that percentage ever since. That costs money. But we made this commitment to cut property taxes \$1.2 billion initially and keep them under control in future years.

And without the cost controls we placed on local school spending, property taxes would be \$2 billion higher right now.

So let's put this in the proper perspective: Spending went up at the state level so taxes could go down at the local level.

What's most impressive is the state took on the extra burden of local school spending and still made substantial cuts in state taxes.

That's quite a feat. And it's a testament to our fiscal discipline.

But if some partisans are still intent on playing games with the spending issue, let me remind them of this fact: Every budget I submitted to the Legislature has come back with more spending — \$1.6 billion to be exact. And my 1,900 vetoes pared \$287 million. Also, I set aside more money for a rainy day in every budget, but the Legislature spent it.

So, perhaps it is time for a cap on state spending.

But back to the four Ts. Along with adjusting our attitude and cutting taxes, we stimulated our economy by investing in our roads.

When we came in, Wisconsin was largely a network of inefficient and dangerous two lane highways. So we built strategic corridors of four-lane roads that are delivering remarkable economic benefits for communities. From 1990 to 1996, more than 87 percent of the 1,900 manufacturing developments in Wisconsin occurred within five miles of a Corridors 2020 highway. And these plants created 90 percent of the new manufacturing jobs in our state.

We built the roads and the jobs followed. The correlation couldn't be clearer, nor could the payoff on the investment.

We also increased spending on mass transportation by 140 percent, helping our workers get to and from their jobs. And we are leading the nation into an exciting new era of high-speed passenger rail with the help of Amtrak.

We've taken a balanced approach to moving our products and people in Wisconsin.

The fourth T, and perhaps the most important, is teaching. Educating our children and workers.

As the nation's Education State, we have long recognized that education must be the foundation for individual success. If we were going to create more jobs, we needed to develop the skilled workers to fill them.

So we invested in our schools like no other time in our history — and that's saying a lot.

We now spend \$7.8 billion dollars each year on public schools — an increase of 141 percent. And the state contribution to schools has grown from \$1 billion to nearly \$5 billion. In addition, we increased other state aids and credits by 230 percent; raised per pupil spending to \$9,000 annually; spent \$47.2 million more in the SAGE program to reduce class sizes; made our teachers among the best paid in the Midwest and America; invested in teacher development and created a salary bonus for national certification.

No state is making a greater, more consistent investment in its public schools than Wisconsin.

We've learned, however, that just spending more money doesn't buy you more success in the classroom. Nowhere was this more evident than in Milwaukee Public Schools, which were lagging behind. This despite the state increasing its aid to MPS by 55 percent and funding 82 percent of its costs.

So we targeted our efforts to building up Milwaukee. We started with the principles that every student can learn and parents must be empowered with more choices.

This philosophy spawned some of the nation's most innovative education reforms.

Charter schools. Public school choice. Private school choice for Milwaukee. Charter schools operated by the city of Milwaukee, UW-Milwaukee, and the Medical College of Wisconsin and MPS.

Nowhere in America does a parent have more choices than in Milwaukee, Wisconsin.

And it's making all the difference.

Parents are now more involved in their children's lives. The public schools are rising to the challenge of competition. And the entire city of Milwaukee is more dedicated to improving the quality of its schools.

There is no doubt in my mind that Milwaukee will become the national model for renewing urban education in America within a few years. I have often used this podium to challenge MPS, but tonight I want to applaud its leaders and educators. Please recognize Superintendent Spence Korte and board vice president Ken Johnson. They are working together to make sure all schools measure up and no child is left behind.

And I urge this Legislature to extend the same array of choices to the state's other urban communities. Have the courage to give these parents the same opportunity as Milwaukee.

The Milwaukee challenge also prompted a statewide debate about the need for higher standards and greater accountability in our schools.

Thus, we came together to create the first set of education standards and the first graduation test. And I applaud the UW System for making passage of the test a requirement for admission.

To help our students achieve; we invested wisely in technology programs like TEACH — a great equalizer that gives rural and urban schools the same access to courses and teachers.

We also provided better job training for our students with the nation's first School-to-Work and Youth Apprenticeship programs.

Our Youth Options program began our quest for a seamless system of schools, where a student can move easily from high school to technical college to the university system — all while getting real work experience. This must be the model for education in the 21<sup>st</sup> century.

We're also building the Schoolhouse of Tomorrow by pumping unprecedented money into our facilities, from our kindergartens to university research labs. We made sure our two-thirds commitment covered construction costs so small communities could afford new schools and building improvements.

As a result, the state has helped pay for 363 school projects and increased its construction funding by 650 percent.

And we've built our UW System campuses into cutting-edge institutions by helping to finance 4,025 building projects totaling nearly \$2 billion in capital investment.

The payoff is the nation's best-educated, skilled workforce. Our students graduate in high demand.

What makes Wisconsin so special, though, is that in our fine progressive tradition, we have made wise use of our economic success. Yes, we aggressively cut taxes for our families, but we also invested in our future by helping those in need.

Nowhere is our state's social contract more evident than in health care, where we consistently have one of the highest percentages of people with health coverage.

But when our workers can't get or afford health insurance, the state provides a helping hand in the form of BadgerCare. This program allows hard-working families like Todd and Catherine Dobbratz to buy into the state health plan in a way that doesn't tax others or bankrupt government. Now the Dobbratzes have health coverage for themselves and their four children. And I applaud the Legislature for taking swift, bipartisan action to make this program whole. It's a great way to start off the new session.

During my senate confirmation process, there was no program senators in both parties were more interested in than BadgerCare. They wanted to know how we did it and could it be replicated nationally. I don't know the answer but something tells me I'm going to find out. Once again the nation is looking to Wisconsin to solve a problem once deemed unsolvable.

And thanks to your help, we're giving seniors the choice of getting long-term care in their homes through Family Care. And Pathways to Independence is freeing the disabled to pursue careers without the fear of losing life-sustaining health benefits.

But I would be remiss – and in big trouble at home – if I didn't mention the tremendous strides we are making in women's health in Wisconsin. We created an Office of

Women's Health, expanded access to health care, and invested more in research. And I'm pleased to announce I was able to bring GE Medical Systems and UW Hospital together to install two digital mammography machines at UW Health Centers this spring. These machines detect breast cancer at such an early stage it will save hundreds of lives.

Another example of making the latest in medical technology available to Wisconsin women.

Now we also have before us the challenge of making prescriptions drugs affordable to low-income seniors. With both parties and houses publicly committed to addressing this problem, I am confident a solution can be reached. The existing budget constraints, however, clearly place the first priority on helping those seniors in greatest need. Let's make it happen.

Our most recognizable and successful social reform, however, is welfare.

They said you couldn't end AFDC. It was impossible to develop a more compassionate and effective way of helping the poor.

Well, we proved the cynics wrong and showed that every person has value. We rejected a system that discriminated against women and cast them off into a corner of society.

Instead, we took them by the hand and showed them a better way. And an entire nation followed.

W-2 is far and away our most compassionate accomplishment – the greatest change in social policy in 60 years.

We made welfare reform work because we did it right. We brought welfare mothers to the table and asked them what prevented them from working.

With their counsel, we invested up front in the programs needed to move them from dependency to self-sufficiency: child care, health care, transportation, training, food stamps, tax credits and individualized counseling.

Just look at childcare. We increased spending from \$12 million to more than \$200 million, and there are no waiting lists as a result.

Now we're taking childcare to the next step with our Early Childhood Excellence Centers that provide high quality learning for low-income children. These centers will set a new standard in early childhood development – putting at-risk children on more solid footing as they enter school. A model for this concept is SC Johnson and its Next Generation Now center in Racine. I'd like to thank Helen Johnson-Leipold for SC Johnson's leadership.

Welfare reform is succeeding beyond our grandest expectations.

Yes, our caseloads are down a remarkable 94 percent. Only 6,496 families remain on cash assistance.

But more important is the fact these families are better off. Not their lives aren't perfect yet. But they are better off as a whole.

Just look at the data.

- Our first leaver's study showed that 70 percent left the rolls for a job.
- The average wage is \$7.42 – more than two dollars above the minimum wage.
- The average family on AFDC was 30 percent below the poverty level. Through W-2, they're 30 percent above poverty.
- The child poverty rate has dropped by 20 percent.
- Wisconsin ranks as the fourth best state in the country for children.
- Our overall poverty rate is the fifth lowest; our gap between rich and poor is the fourth smallest.

Clearly, welfare reform is lifting families up. Helping them to succeed. And giving them a higher quality of life. Leilani Duarte, who was part of those first luncheons at the Residence, is proof.

Our challenge is not over, however.

The genius of W-2 is its flexibility and its ability to evolve. And evolve it must.

W-2 helped thousands of families get jobs. Now it must focus on helping them climb the ladder of opportunity to greater self-sufficiency. It must put resources toward helping families stay in the workforce and not slip backwards.

The Division of Economic Support is already in the process of making this transformation and I urge you to support their efforts.

We must not rest until we help these families attain their full share of the American Dream. That is the great promise of W-2.

Our strong economy also allowed us to raise our quality of life through a great outdoors, safer neighborhoods and preservation of our proud farm heritage.

As we created 800,000 new jobs, our tougher environmental standards led to a reduction of industrial pollution by nearly 25 percent.

We cleaned our environment with nationally recognized programs such as the Clean Water Program, recycling, brownfield recovery and the Great Lakes Protection Fund.

We ignited a new era of environmental stewardship in Wisconsin by growing more forest land than at any time in our



state's recorded history; preserving more land for public enjoyment — 256,000 pristine acres; extending the Stewardship Fund by \$460 million and another 10 years; and creating two new Centennial State Parks to celebrate the 100<sup>th</sup> anniversary of the State Park System. I'd like to thank Dick Steffes and Sue Black of the DNR and Todd Montgomery of the State Parks Friends for their help preserving this land.

We also brought the elk and trumpeter swan back to Wisconsin; while removing the bald eagle, timber wolf, Canada Lynx, Cooper's Hawk and Tremblay's salamander from the endangered species list.

Our vibrant natural resources help make Wisconsin a popular tourist destination.

We increased our tourism promotion budget from \$1 million to \$12.5 million. And the payoff is an economic impact of \$9 billion by the tourism industry. Tourist spending is up 51 percent as more visitors keep coming back more often.

And one of our greatest tourist attractions is the State Fair. You've already seen the aesthetic changes made to the park this summer. And there are even more ambitious plans to modernize the grounds. Please make the State Fair Park renovation a priority — we'll reap the benefits for generations.

We also have a great opportunity to build a world-class History Center that will make sure the story of Wisconsin and its people live forever. I am forwarding the \$75 million project in the budget and plan to raise private money for it as well. This project must also include an underground parking facility.

The History Center will build upon the Overture Project, Monona Terrace, and Capitol Restoration and Veterans Museum improvements — making Madison and the Capitol Square a premiere tourist destination.

I'm just worried there'll be so many fun things to do around here; no work will get done.

The quality of life in our neighborhoods matches that of our great outdoors thanks in large part to our zero tolerance approach to crime.

We restored public confidence in the criminal justice system with truth in sentencing, strengthened our juvenile code by replacing a soft touch with tough love, and kept sexual predators off our streets until they're deemed not to be a threat.

While no one likes to build prisons, there is an unmistakable correlation between rising prison populations and the lowest crime rates in 30 years. When the bad guys are behind bars, they're not committing crimes.

But our goal remains to make a criminal's first visit to prison his last. Our cutting-edge work programs give prisoners a skill and work ethic so they can leave prison with the ability to get a job and stay out of trouble. And drug and alcohol treatment programs help keep them sober.

As we look to the future, every prison must have a work program that trains every prisoner. Otherwise, these criminals will just keep coming back. And let's bring all our prisoners back within two years and upgrade the prison health care system in this budget.

Down on the farm, things are looking up. We are America's Dairyland: the largest producer of cheese, dry whey and sweetened condensed milk. Our cheeses are recognized as the best in the world.

We produce 23 billion pounds of milk and boast twice as many family farms as any other state. All this despite federal dairy policies that punish Wisconsin farmers and discourage them from farming.

Wisconsin remains the dairy leader because of our commitment to family farming.

Our conversion to use value assessment saved farmers \$41 million in property taxes last year alone — money that could be plowed back into new equipment and technology. I'd like to introduce Chuck and Kathy Garfoot of Verona, who credit use value for allowing them to stay on their land rather sell it in rapidly developing Dane County.

We also increased the farm credits by \$29 million; created a permanent tax credit of up to \$1,000; eliminated the inheritance taxes; and made health care costs fully deductible.

And parents can now pass their farm onto a child without paying onerous capital gains taxes.

We also protected the right to farm with legislation ensuring new neighbors and developments don't infringe upon family farmers and their operations.

For the future, we need to keep our farmers competitive by allowing them to expand.

Larger farms are the only way some farmers — and farm communities — will be able to survive. And many of our cheesemakers desperately need more milk. Just because a farmer wants to grow his herd, doesn't mean he isn't a family farmer. We can't be afraid to expand our dairy operations.

So as we look back on the past 14 years, we have indeed come a long way.

We struck the right balance between cutting taxes and investing prudently in our people.

We developed a winning formula and executed it together.

But behind the statistics are real people, like:

- Matthew Neary, a UW–Stout student pursuing his dream of a career thanks to Pathways.
- Eugene Bingenheimer, who gets quality care at home, thanks to Family Care
- Doctors Anthony D'Alessandro and Paul Volek along with the Nachreiner family, who are making Wisconsin one of best organ donor states in America.
- Wausau Benefits CEO Fred Moore, Board Chairman Dwight Davis and employees Jay Aniker and Chris Thomas — a company that's succeeding with the state's partnership.
- Patricia Burgess, a W–2 participant and her caseworker Barbara Atkins.
- Ben and Debi Heisner, Mineral Point farmers carrying on our agriculture heritage.
- Milwaukee LaFollette Elementary principal Flora Odom–Flagg, and her students Vallory Tole and Welisha Frelow; and Messmer High principal Jeff Monday and students LaTosha Cooper and Juan Youngblood. These schools and educators are



showing that all children in Milwaukee can succeed and meet high expectations.

• And finally the Ruttig and Hussey families, who on this very stage were promised major tax cuts in the last budget, address. We're proud to say we delivered for you.

These are the faces of our success in Wisconsin.

They're why we all got into this profession. To help people. To make their lives better.

And that's exactly what we've done together.

As they leave us tonight, let us thank these citizens for helping make Wisconsin a better place in their own way.

Now to the future. As we set a course for the next decade, we must keep investing in the

Four Ts. As always, I have a plethora of ideas on exactly how to do that.

First and foremost, it is important that Wisconsin maintain its aggressive attitude on economic development by investing in the new economy. Our competitors are no longer Illinois and Minnesota. They are also California, Colorado, Washington, Europe and the Pacific Rim nations.

Wisconsin stands to become America's Biotech Prairie and we mustn't let one high tech company escape our state in search of a better climate. We must nurture cutting-edge biotech companies like Third Wave Technologies, which is about to go public. Third

Wave exemplifies the great potential for this industry in Wisconsin. I'd like to thank Rocky Ganske and Stephanie Vavra for joining us tonight.

We must aggressively pursue more venture capital so the ambitious high-tech and biotech entrepreneurs have the resources to bring their discoveries to market.

We must continue investing wisely in our universities: Keep the Biostar program on pace.

Double the number of information technology graduates. And create a Master's degree in biotechnology at UW-Madison.

And, as best you can give available resources, move forward with the Madison Initiative, Milwaukee Idea and Chippewa Valley Initiative. All are strategic plans geared toward developing the jobs and workers of tomorrow through public-private partnerships in their regions. I'd like to introduce UW-Eau Claire Chancellor Donald Mash, UW-Madison Chancellor John Wiley and UW President Katherine Lyall and thank them for their leadership.

We can't afford to waste the newfound synergy between our universities and private sector if we want to grow the technology industry in Wisconsin.

And keep looking to cut taxes. While tax cuts may be hard to come by this session, it doesn't mean you shouldn't try. If money is found, a priority must be placed on stimulating new economic growth - just as we did in 1987.

A hub exemption is vital to the competitiveness of our Wisconsin-based airlines. Modern commerce demands easy access to air travel, which makes Midwest Express an economic jewel that gives us a leg up on our competitors.

If possible, find a way to create tax-free Technology Zones in regions of the state. They can set the Biotech Prairie on fire by providing a tremendous financial incentive for high-tech companies to locate and grow in Wisconsin. The payoff will be thousands of new jobs and taxpayers.

And single factor should be another priority, so our businesses aren't tempted to move to a neighboring state.

Then don't forget the importance of transportation. Even in the new economy, moving commerce will demand a strong road system.

No road project is more important than the Marquette Interchange, through which a majority of our state's commerce travels. This Legislature must commit itself to getting this project off the ground promptly, or commerce in our state will suffer.

Vital to the Marquette project is repairing the Hoan Bridge, which is to serve as a major relief valve for traffic while the Marquette is closed. We're working closely with the federal government to get emergency funds to fix the northbound lanes. And I have instructed the Department of Transportation to get the southbound lanes ready for traffic by mid-February, a target that can be met safely.

And I'm looking for some lawmakers to take up the charge of high-speed passenger rail in Wisconsin. We need to get a high-speed route established from Chicago to Milwaukee and Madison, ultimately going to other areas as well. It simply doesn't pay anymore to drive from Madison or Milwaukee to Chicago. Trains are a fast and cheap alternative.

The state recently purchased the Milwaukee Amtrak station and plans to remodel it into a beautiful intermodal facility. And if we build an Amtrak stop at Mitchell Field, we will quickly establish Milwaukee as the third airport serving the Chicago region.

Finally, our commitment to education must never waiver. Therefore, this budget will maintain the state's commitment to two-thirds local school funding.

And let's move beyond the fear of accountability. Challenge our kids to meet the high standards we set for them. Make the state graduation test mandatory.

Tonight I challenge the state to solve another one of society's unsolvable problems.

Let's eradicate illiteracy in Wisconsin.

We're setting up reading academies to train teachers in the best ways to teach children to read. And we're developing web-based reading methods for elementary school teachers.

Eliminating illiteracy will require the dedicated effort of us all - from parents to teachers to employers and churches. It'll take more people like Tori Rader of the Brown County

Literacy Council, Dottie Heitke of the Stateline Literacy Council, and Barbara Manthei who leads the state's literacy effort. Let's come together and make Wisconsin the first state where everyone can read. There's no greater legacy we can leave our next generation.

Finally, I would like to add to the equation for future success, two Es: energy and efficiency.

We must make sure the trails we blaze tomorrow are well lit and capable of powering commerce in Wisconsin. This means producing enough energy.

Let me be clear: There is no issue more crucial or critical to Wisconsin's future right now than energy. We're running out of it. Plain and simple. And Wisconsin is not alone, for

Alan Greenspan warned last week of a national crisis in energy production.

In Wisconsin, we simply don't have enough power plants and transmission lines.

Just presuming a very modest 3 percent growth in demand for electricity, Wisconsin's electricity needs will exceed its generating capabilities in just two short years. But our economy keeps growing at a 5 to 6 percent pace. And what happens if an existing power plant goes down for maintenance or repairs?

Ladies and gentlemen, we have no margin for error.

We've built some plants in the last few years, and our deregulation efforts have been hailed nationally as among the smartest – in stark contrast to California. But this has only allowed us to get by.

We need to immediately pursue a balanced course of building more power plants and erecting more transmission lines. And we need a natural gas pipeline to make our supply more reliable. We can do all of these without harming the environment, despite what the fear mongers claim. We've proven this in the past.

Without enough energy, not only will our existing businesses suffer; all those high-tech companies we want to attract will go elsewhere. High-technology runs on raw power not wood stoves.

Even the Wall Street Journal wrote a few days ago that states are aggressively using energy as a powerful new tool in recruiting business.

The stakes are high: If this chamber does not heed this clarion call to action, it will put the economic future of this state at great peril.

Next, we must become more efficient. At every level of government, we need to do a better job of delivering the services our people demand at a price we can all afford.

And there's no better time to start than this budget when revenues will be lower than expected.

Thanks to the hard work of Don Kettl and his commission, we now have a road map to smaller, more efficient government – from Elroy to Juneau County to Madison. The commission's recommendations, including how we better distribute revenue between state and local government, will be included in the upcoming budget. Don is with us here tonight after completing another thankless task for our state.

Tonight, I want to focus on the five most "radical and bold" ideas — the catalysts for truly modernizing our government for a new century.

1.) Create incentives to collaborate. In our forefathers' zeal for strong local control, they created too much government. And this has led to overlapping services.

By engaging in regional collaboration for the delivery of services, governments can reap significant savings without sacrificing quality. For example, do neighboring communities really need separate mass transit systems? Or separate waste collection services?

I can tell you right now, that the amount of money the state can send back to communities and spend on programs isn't going to grow in this budget. The economic windfall isn't there. So there's no better time for local governments to collaborate and develop savings.

2.) Demand performance and accountability. We would improve harmony and performance by more clearly defining the roles of state and local government.

For example, the state might assume responsibility for providing human service programs and contract with local government to deliver them. The state would pay local government based on its performance. The more efficient the delivery, the greater the financial reward.

The result would be greater accountability, better service and less friction.

3.) Performance-based education. There is no area that state and local government spends more money on than schools. But we need to do a better job of making sure that money gets directly into the classroom by giving greater operating flexibility to every local school building. And we must demand high performance. We must also continue to breakdown barriers to our seamless system of schools.

4.) A Top-To-Bottom Scrub of Government. If we are serious about reforming government, we need to dig deep and determine what we do well and what we do poorly at all levels.

We need to search and destroy regulations and programs that have outlived their usefulness; share the best practices of government; and establish performance-based management for state government.

5.) Expand e-government. Web portals for all levels of government will make it easier for citizens to access services and reduce the cost of goods the government buys.

Tonight, state government is unveiling its new, one-stop web site: [www.wisconsin.gov](http://www.wisconsin.gov).

Once on-line, an array of state services will be at your fingertips. You can renew your vehicle registration, reserve a campsite, look for a job, begin building a new business, learn how to get social services in your community, see how your child's school grades out compared to others, or plan a family trip. Every state agency is making its programs and services accessible online.

And by using the portal to buy products on-line, we will save taxpayers money.

Through reverse auctions, we can get the products we need at the lowest price possible.

In a recent auction to purchase textiles, you can see that the longer the auction went on, the lower the price dropped. We finally bought the textiles for 33 percent below the market price.

Our e-portal underscores the great efficiencies we can accomplish in government if we're bold enough to change.

Reforming government doesn't just mean making it more efficient, however.

Perhaps the area where government needs the greatest reform is in the political system.

The fall elections brought a new level of attack ads, record spending and reports of smokes-for-votes and felons voting.

Thus, it is time to quit the political posturing and pass the first Kettl Commission Report — the comprehensive campaign finance reform. It's the only bipartisan reform out there.

And let's take it a step further: Develop stronger regulations on independent ads. The

Constitution makes speech free but last-minute attack ads are costing our democracy too much. We need to strike a better balance.

Next, pass a bipartisan package of voting reforms that include: requiring a photo ID to register and vote; the training of election observers; creation of a statewide voter list; a new position at the Elections Board to help local governments conduct elections properly; and a task force to study the use of technology to increase voter participation.

We are America's good government state. The integrity of our polls must never be questioned again.

Tonight, I am pleased to announce a new project that will help increase public participation and reduce cynicism.

It's called The WisconsinEye Public Affairs Network. It will be Wisconsin's version of C-SPAN.

These small, discreet cameras will be mounted in the Assembly and Senate Chambers, providing the public with straightforward coverage of legislative proceedings. This represents the very latest in miniature digital technology.

WisconsinEye will cover hearings, press conferences and other happenings in state government and around the state. And students and educators will have a real-time window on the State Capitol.

A more formal announcement on this project is coming soon. But let me tell you now that this network will not cost the taxpayers any money. WisconsinEye will be supported by a private not-for-profit company, and Charter Communications is contributing as well.

Please welcome the network's president Jeff Roberts, its vice president Jon Henkes and Chris Fenger and Tim Vowell of Charter Communications.

And I would like to give credit to the Assembly and Senate for openly welcoming WisconsinEye into their chambers. It's a bold and courageous move.

So there you have it. Another ambitious agenda for the future. And you thought you'd get off easy tonight with me just talking about the past.

Believe me, I would love to keep going because I still have hundreds of ideas for this state.

But now it is time to pass the torch and say goodbye.

Tomorrow at noon, Scott McCallum will become the 43<sup>rd</sup> Governor of this great state. A new era of leadership and government will begin.

Already, Scott is showing the strong decision-making that will be necessary to keep Wisconsin on a sound path. As you know, there is no budget windfall this year. The failure to heed warnings about the structural deficit and a bigger rainy day fund will make this a difficult budget session. But the lieutenant governor is one of the few people in this room not responsible for this predicament.

Thus, I encourage you to give him your full support. Being governor is not easy. But Scott McCallum is more than up to the challenge. He's a good man and I wish him well.

As for me, well, I've spoken so long tonight because deep down I really don't want this night to end. For I know tomorrow brings a new beginning.

But how do you say goodbye to a place you love so much?

I'll begin by thanking you, the people of Wisconsin, for all the courtesies and friendships you have extended my family. You have warmly given us your home and made us your neighbors. I

want to thank my children: Kelli, Tommi and Jason for standing by me. It's not easy being the governor's children, but they always carried themselves with grace and dignity.

In fact, of every success I spoke about tonight, there is nothing I am more proud of than my children. They have grown to be warm, caring adults. And the credit goes to my wife Sue Ann.

Sue and I have been through so much together, and she is such a great part of my success.

Without a doubt, I would not be standing here today without her. So please welcome my wife, who would like to say a few words of thanks.

**(MRS. THOMPSON)**

Thank you, for the opportunity to serve as Wisconsin's first lady for these last 14 years. It has been an honor and a privilege.

Thank you, also for supporting Tom, our family and myself. The kindness of the people of Wisconsin has been a great source of strength for all of us. We will always treasure our moments as governor and first lady.

We have developed many wonderful friendships, visited many beautiful communities and learned so much about our state.

You have heard Tom speak often of his family of more than 5 million people here in Wisconsin. That is a sentiment that we both share. No matter where we go in Wisconsin, we have always felt welcome.

I also have had the opportunity to become involved in many special programs. Women's health issues and literacy are among those that have been so close to my heart.

I plan to continue my work after I leave as your first lady. I promise you I will remain committed to women's health, both here in Wisconsin and in Washington.

Again, thank you all for your continued friendship and support.

**(GOV. THOMPSON)**

As I said at the beginning of this speech, when it was still daylight: My, how far we have come.

We believe in ourselves again. We created the most sustained period of success in Wisconsin history. And we did it by working together.

Hopefully, the people of this state will regard me as a governor who cared – cared enough to make a difference. Someone who left the state better than he found it.

So I would like to end tonight by simply saying thank you.

There has been no greater honor in my life – and there will never be a greater honor – than to have been elected four times to serve as your governor. You made these the most special years of my career and I will miss you greatly.

I'll miss traveling this great state — the farm breakfasts, the 5K races, the softball games.

I'll miss waking up on a Saturday morning and taking a Harley Ride, or biking through our beautiful countryside. I'll miss the rides at the State Fair, Friday night fish fries, doing the electric slide with my friends in Milwaukee.

But most of all, I'm just going to miss spending time with you. You are my friends.

Together, we made a good life for ourselves here in Wisconsin. Be proud of it. But never be satisfied. A better way is just beyond the horizon.

I love you all. Thank you and God Bless Wisconsin.

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**ADJOURNMENT**

Adjourned.

8:48 P.M.

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**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Bill 18**

Report correctly enrolled on January 31, 2001.





STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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10:00 A.M.

THURSDAY, February 1, 2001

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The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Department of Health and Family Services**

January 26, 2001

The Honorable, The Senate:

Pursuant to s. 46.76(4), the Department of Health and Family Services is required to develop an annual plan that documents areas of hunger and populations experiencing hunger within this state and to recommend strategies for state and federal policy changes to address hunger in these areas. The statute further indicates that this plan be submitted by December 31, annually to the Governor, Superintendent of Public Instruction, and the appropriate standing committees under s. 13.172(3).

The enclosed State of Hunger and Food Security in Wisconsin, Annual Report for 2000 is being submitted to you in accordance with this requirement. Please contact my office if you have any questions.

Sincerely,

JOE LEEAN  
Secretary

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

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**MESSAGES FROM THE ASSEMBLY**

By John Scocos, chief clerk.

Mr. President:

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

**Assembly Joint Resolution 16**

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**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Joint Resolution 16**

Relating to: when conferences of members of committees of conference are open to the public.

By committee on Rules.

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

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn pursuant to Senate Joint Resolution 1.

Adjourned.

10:01 A.M.

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**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Bill 18**

Presented to the Governor on February 1, 2001.

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, February 7, 2001

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

**INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS**

**Senate Joint Resolution 16**

Relating to: 4–year terms of office for clerks of circuit court (first consideration).

By Senators Breske, Huelsman, Moen, Schultz, Farrow, Grobschmidt, Roessler, A. Lasee and Darling; cosponsored by Representatives Ryba, Albers, Balow, Bock, Grothman, Hahn, Jeskewitz, Ladwig, M. Lehman, Musser, Pettis, Skindrud, Sykora, Townsend, Urban, Walker, Williams, D. Meyer, Krawczyk, Olsen, F. Lasee and Lippert.

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

**Senate Joint Resolution 17**

Relating to: 4–year terms of office for certain county officers (first consideration).

By Senators Risser, Harsdorf, Breske, Schultz, Roessler, Welch, Burke, Farrow, Rosenzweig, Lazich and Huelsman; cosponsored by Representatives Krawczyk, Foti, Krusick, Starzyk, Walker, Huebsch, Kestell, Freese, Ladwig, Wade, Musser, Owens, Johnsrud, Hundertmark, Rhoades, Gunderson, Albers, Williams, Jeskewitz, Pettis, Sykora, Powers, Berceau, Sherman, Ryba and Loeffelholz.

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

**Senate Joint Resolution 18**

Relating to: the life and public service of George A. Mayer.

By Senators Darling, Panzer, Baumgart, Wirch, Welch, Breske and Farrow; cosponsored by Representatives Vrakas, Wasserman, Gunderson, Ladwig, Schneider, Krawczyk, Wade, Owens, Turner, J. Lehman, Ryba, McCormick, Plouff, Jeskewitz, D. Meyer, Williams, Riley and Townsend.

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

**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 38**

Relating to: the speed limit at certain intersections marked with school crossing signs and providing a penalty.

By Senators Roessler, Darling, Erpenbach and Rosenzweig; cosponsored by Representatives Owens, Kestell, Sherman, J. Lehman, Townsend, Miller, Black, Gronemus, Jeskewitz, Pettis, Powers, Stone, Ainsworth, Olsen, M.

Lehman, Hahn, Krawczyk, Lassa, Plale, Albers, Williams, Gunderson, Sykora, Walker, Vrakas and Ott.

To committee on **Insurance, Tourism, and Transportation.**

**Senate Bill 39**

Relating to: allowing a “Class A” licensee to provide wine free of charge for consumption on the licensee’s premises.

By Senators Breske, Moen, Huelsman, Darling, Rosenzweig and Zien; cosponsored by Representatives Pettis, Gronemus, J. Lehman, Albers, Duff, Grothman, Gunderson, Jeskewitz, Krawczyk, McCormick, D. Meyer, Petrowski, Sykora, Townsend, Vrakas and Walker.

To committee on **Insurance, Tourism, and Transportation.**

**Senate Bill 40**

Relating to: prohibiting certain telephone solicitations, requiring the registration of telephone solicitors, requiring the exercise of rule–making authority, making an appropriation, and providing penalties.

By Senators Erpenbach, Jauch, Moen, Schultz, Baumgart, Roessler, Plache, Darling, Robson, Wirch, Decker, Rosenzweig, Hansen and Grobschmidt; cosponsored by Representatives Freese, Sinicki, Richards, J. Lehman, Staskunas, Bock, Schooff, Pocan, Young, Schneider, Plouff, Urban, Gunderson, Huber, Boyle, Krawczyk, Berceau, F. Lasee, Balow, Ziegelbauer, Musser, Williams, Black, Cullen, Hahn, Olsen, Kreuser, Travis, Albers, Gronemus and Hebl.

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

**Senate Bill 41**

Relating to: use of caller identification blocking services by telephone solicitors.

By Senators Erpenbach, Plache, Jauch, Moen, Roessler, Rosenzweig, Grobschmidt, Baumgart, Burke, Decker, Cowles, Hansen and Darling; cosponsored by Representatives Powers, Petrowski, Sinicki, Richards, M. Lehman, Ziegelbauer, Freese, Schooff, Miller, Williams, Steinbrink, Krawczyk, Olsen, Urban, Carpenter, Ott, Boyle, Black, J. Lehman, Staskunas, Bock, Musser, Pocan, Albers, Turner, Ryba, Cullen, Schneider, Kreuser, Gunderson, Huber and Travis.

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

**Senate Bill 42**

Relating to: collective bargaining dispute settlement procedures for members of a police department employed by a city, village, or town having a population of less than 2,500.

By Senator Welch; cosponsored by Representatives Musser, Ott, McCormick, Balow and Berceau.

To committee on **Labor and Agriculture.**

**Senate Bill 43**

Relating to: nonmoving traffic violations involving rented or leased motor vehicles.

By Senators Wirch, Burke, Roessler, Schultz, Farrow and Huelsman; cosponsored by Representatives Duff, Stone, Montgomery, Urban, La Fave, Albers, Pettis, Kedzie, Gronemus, Nass, Vrakas, Ladwig, Townsend, Olsen, Gunderson, Powers, Turner and Grothman.

To committee on **Insurance, Tourism, and Transportation.**

**Senate Bill 44**

Relating to: the authority of the department of natural resources to regulate high capacity wells.

By Senators Shibilski, Welch, Baumgart, Schultz, Burke, Decker, Cowles, Erpenbach, Plache, Robson, Risser, Hansen, Lazich and Roessler; cosponsored by Representatives Wade, Black, Hahn, Musser, La Fave, Huber, Boyle, Townsend, Miller, Hebl, Meyerhofer, Kreuser, Pocan, M. Lehman, Travis, Ryba, Carpenter, Berceau, Plouff, Bock and Ott.

To committee on **Environmental Resources.**

**Senate Bill 45**

Relating to: prohibiting the hunting of the bird that is the symbol of peace for this state.

By Senators Moen, Burke, Risser, Jauch and George; cosponsored by Representatives Boyle, Richards, Reynolds, Schneider, Pocan, Gronemus, Carpenter, Williams, Riley, Colon and Berceau.

To committee on **Environmental Resources.**

**Senate Bill 46**

Relating to: executive participating employee status under the Wisconsin retirement system for certain court commissioners.

By Senators Erpenbach, Risser, Robson, Breske, Burke, Roessler and Schultz; cosponsored by Representatives Townsend, Pocan, Berceau, Miller, Hoven and Skindrud.

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

**Senate Bill 47**

Relating to: enforcement of motor vehicle safety belt violations and providing a penalty.

By Senators Risser, George, Burke, Huelsman and Baumgart; cosponsored by Representatives Stone, La Fave and Urban.

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

**REPORT OF COMMITTEES**

The committee on **Labor and Agriculture** reports and recommends:

**Senate Bill 17**

Relating to: the priority of a wage claim lien.

Passage.

Ayes, 4 – Senators Hansen, Decker, Baumgart and Harsdorf.

Noes, 1 – Senator A. Lasee.

**Senate Bill 33**

Relating to: a state minimum wage, providing an exemption from emergency rule procedures, providing an exemption from

rule-making procedures, granting rule-making authority, and providing a penalty.

Passage.

Ayes, 3 – Senators Hansen, Decker and Baumgart.

Noes, 2 – Senators A. Lasee and Harsdorf.

David Hansen

Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Senate Bill 7**

Relating to: the filing of certain forms related to a tax incremental financing district.

Passage.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Mark Meyer

Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Office of the Governor**

February 1, 2001

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
<b>Senate Bill 18</b>	<b>Wisconsin Act 1</b>	February 1, 2001

Sincerely,

TOMMY G. THOMPSON

Governor

**State of Wisconsin  
Office of the Governor**

February 1, 2001

The Honorable, The Legislature:

On January 4, 1999 I took the oath of office for the constitutional office of Governor of the State of Wisconsin. After careful deliberation, I have determined I will accept President George W. Bush's appointment and will take the oath of office to become Secretary of the Department of Health and Human Services.

Consistent with sections 17.01(1) and (13), of the Wisconsin Statutes, I resign from the constitutional office of Governor of the State of Wisconsin. My resignation shall be effective on February 1, 2001 at 11:55 A.M.

There has been no greater privilege then to serve the people of the State of Wisconsin as their Governor for the past fourteen years.

Sincerely,

TOMMY G. THOMPSON

Governor

**State of Wisconsin**

February 1, 2001

The Honorable, The Senate:

Pursuant to Tour 2.05(1)(d), Wisconsin Administrative Code, I have appointed Senator Roger Breske to the Heritage Tourism Council.

Sincerely,

CHUCK CHVALA

Senate Majority Leader

**State of Wisconsin  
Office of the Governor**

January 30, 2001

The Honorable, The Senate:

This is to inform you that I am withdrawing the following nominations:

Dennis Markos for appointment to the State Fair Park Board created in 1997 Wisconsin Act 197.

Frederik W. Thiersen for appointment to the Physical Therapists Affiliated Credentialing Board.

Thank you for your attention to this matter.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>Senate Bill 18</b>	Wisconsin Act 1	February 1, 2001

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Department of Administration**

January 29, 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 December 2000.

On December 1, 2000 the **Wisconsin Health Education Loan Repayment Fund** balance was -\$9 thousand. This shortfall increased to -\$11 thousand on December 19, 2000 and continued into the month of January. As of the date of this letter, it is expected to be resolved soon. This shortfall is due to the timing of revenues.

On December 1, 2000 the **Utility Public Benefits Fund** balance was -\$3.63 million. This shortfall decreased to -\$1.36 million on December 6, 2000, increased to -\$2.16 million on December 19, to -\$3.18 million on December 29, 2000, and continued into the month of January. As of the date of this letter, it is expected to be resolved soon. This shortfall is due to the timing of revenues.

On December 4, 2000 the **General Fund** balance was -\$73.53 million. This shortfall increased to -\$123.27 million on December 7, 2000, decreased to -\$60.57 million on December 14, 2000, and continued until December 18, 2000 when the balance reached \$98.94 million. This shortfall was due to the timing of revenues.

The Wisconsin Health Education Loan Repayment Fund, Utility Public Benefit Fund, and General 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**

February 6, 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/>

Bartkowski, John	<b>Sixteenth Street Community Health Center</b>
Beardsley, Daniel	<b>Infiltrator Systems Inc</b>
Becker, Dismas	<b>Wisconsin Coalition of Marriage &amp; Family Therapists, Prof. Counselors &amp;</b>
Beil, Martin	<b>Wisconsin State Employees Union</b>
Benson, Tracy	<b>United Council of UW Students Inc</b>
Berger, David	<b>WorldCom Inc</b>
Bloomington, Stephanie	<b>Wisconsin Federation of Nurses &amp; Health Professionals</b>
Blumenfeld, Michael	<b>Special Needs Adoption Network</b>
Born, Gerald	<b>ARC - Wisconsin Disability Association, The</b>
Bowen, Sarah	<b>Wisconsin Psychological Association</b>
Boyce, Catherine	<b>Wisconsin Personal Services Alternatives, Inc. (WPSA)</b>
Boyer, Amy	<b>Alliance of Automobile Manufacturers</b>
Broydrick, William	<b>ARDA - WI</b>
Broydrick, William	<b>BP (formerly BPAmoco) (formerly Amoco)</b>
Brozek, Michael	<b>Carl A. Haas Racing Teams Ltd</b>
Buchen, Elizabeth J	<b>Nextel Communications</b>
Candy, Barbara	<b>Milwaukee Public Schools</b>
Christensen, Jeffrey A	<b>Radtke Contractors Inc</b>
Christianson, Peter C	<b>Corrections Corporation of America</b>
Christianson, Peter C	<b>Wisconsin Land Title Association</b>
Christianson, Peter C	<b>Recreation Vehicle Industry Association, Inc.</b>
Cook, Sharon	<b>BP (formerly BPAmoco) (formerly Amoco)</b>
Daggett, Dennis	<b>Oconomowoc Residential Programs Inc</b>
DeBraska, Bradley	<b>Milwaukee Police Association</b>
Dicus-Johnson, Coreen	<b>Blue Cross/Blue Shield United of Wisconsin</b>
Dilweg, Sean	<b>AT&amp;T Corporation</b>
Dilweg, Sean	<b>Wisconsin Water Well Association, Inc.</b>
Dilweg, Sean	<b>Oneida Tribe of Indians of Wisconsin</b>
Dilweg, Sean	<b>HLR Service Corporation</b>
Dilweg, Sean	<b>Wisconsin Wetlands Association</b>
Doyle, Patrick	<b>Milwaukee Police Association</b>
Driessen, Anthony	<b>Wisconsin Amusement and Music Operators</b>



Driscoll, Darcy	<b>CMC Heartland Partners</b>	McCoshen, Carol	<b>Wausau Insurance (a member of the Liberty Mutual group)</b>
Drury, Michael	<b>Professional Fire Fighters of Wisconsin Inc</b>	McCoshen, William J	<b>Wausau Insurance (a member of the Liberty Mutual group)</b>
Dunn, John	<b>AT&amp;T Corporation</b>	McIntosh, Forbes	<b>BP (formerly BPAmoco) (formerly Amoco)</b>
Essie, Patrick	<b>AT&amp;T Corporation</b>	Millen, Audra	<b>Milwaukee Public Schools</b>
Essie, Patrick	<b>Wisconsin Water Well Association, Inc.</b>	Miller, Michael	<b>City of Milwaukee</b>
Essie, Patrick	<b>Infiltrator Systems Inc</b>	Mitchell, Brian	<b>BP (formerly BPAmoco) (formerly Amoco)</b>
Essie, Patrick	<b>Oneida Tribe of Indians of Wisconsin</b>	Mitchell, Brian	<b>Mechanical Contractors Association of Wisconsin</b>
Essie, Patrick	<b>HLR Service Corporation</b>	Mlynarczyk, Mark	<b>HLR Service Corporation</b>
Essie, Patrick	<b>Wisconsin Wetlands Association</b>	Moore, Thomas E	<b>Infiltrator Systems Inc</b>
Fassbender, Robert I	<b>Alliance of Automobile Manufacturers</b>	Moore, Thomas E	<b>Cigar Association of America Inc</b>
Fitzgerald, Moira E	<b>BP (formerly BPAmoco) (formerly Amoco)</b>	Mudd, Susan	<b>Citizens for a Better Environment</b>
Fonfara, Thomas	<b>Wisconsin Amusement and Music Operators</b>	Nate, Michelle	<b>Milwaukee Public Schools</b>
Gerrard, M William	<b>GTECH Corporation</b>	O'Meara, Jack	<b>Wisconsin Education Association Council</b>
Gerrard, M William	<b>Monsanto Company</b>	Osborne, Patrick	<b>Marathon Oil Company (subsidiaries and affiliates)</b>
Gunderson, Dan	<b>ANR Pipeline / The Coastal Corporation</b>	Owley, Candice	<b>Wisconsin Federation of Nurses &amp; Health Professionals</b>
Hanson, Thomas	<b>ARDA – WI</b>	Pape, Joan	<b>Wisconsin Petroleum Equipment Contractors Association Inc</b>
Helgerson, Jason	<b>Milwaukee Public Schools</b>	Petak, George	<b>CMC Heartland Partners</b>
Hermes, Ronald	<b>Oneida Tribe of Indians of Wisconsin</b>	Petersen, Eric J	<b>DeHart &amp; Darr Associates Inc on behalf of Direct Marketers</b>
Hermes, Ronald	<b>National Solid Wastes Management Association</b>	Peterson, Craig	<b>CMC Heartland Partners</b>
Hermes, Ronald	<b>Wisconsin State Reading Association</b>	Pierce, Todd	<b>Wisconsin Retail Lumber Association Inc</b>
Hermes, Ronald	<b>Merck–Medco Managed Care LLC</b>	Pierce, Todd	<b>Water Quality Association of Wisconsin</b>
Hermes, Ronald	<b>Wisconsin Land Information Association</b>	Pierce, Todd	<b>Assn of Health Information Outsourcing Services</b>
Hermes, Ronald	<b>Wisconsin Dental Hygienists Association</b>	Plautz, Jolene	<b>Wisconsin State Horse Council</b>
Hilbert, Lisa	<b>Oneida Tribe of Indians of Wisconsin</b>	Pugal, Trisha	<b>Wisconsin Innkeepers Association</b>
Hottenroth, Theresa M	<b>Wisconsin School Food Service Association</b>	Radke, Steven M	<b>Northwestern Mutual</b>
Hottenroth, Theresa M	<b>Kenosha Health Care Partners, Inc.</b>	Radtke, Randall	<b>St Croix Chippewa Indians of Wisconsin</b>
Hough, James E	<b>Marathon Oil Company (subsidiaries and affiliates)</b>	Ramsey, Thomas	<b>Wisconsin Association of Homes &amp; Services for the Aging Inc</b>
Jablonski, Ann	<b>St Croix Chippewa Indians of Wisconsin</b>	Reff, Russell J	<b>Radtke Contractors Inc</b>
Johnson, Douglas Q	<b>Wisconsin Merchants Federation</b>	Rezin, Kathleen	<b>Wisconsin Cluster of YMCAs Executive Committee</b>
Jordahl, Harald "Jordy"	<b>Nature Conservancy – Wisconsin Chapter, The</b>	Sauer, John R	<b>Wisconsin Association of Homes &amp; Services for the Aging Inc</b>
Kelley, Suzanne	<b>General Electric Company</b>	Schoeneck, Brian	<b>Wisconsin Association of Homes &amp; Services for the Aging Inc</b>
Kennedy, Rob	<b>Citizens for a Better Environment</b>	Skarroneck, Steve	<b>Citizens for a Better Environment</b>
Kent, Paul	<b>Radtke Contractors Inc</b>	Springer, Thomas J	<b>Wisconsin School Food Service Association</b>
King, Russell	<b>Wisconsin Homecare Organization</b>	Springer, Thomas J	<b>Kenosha Health Care Partners, Inc.</b>
Korte, Spencer	<b>Milwaukee Public Schools</b>	Springer, Thomas J	<b>Wisconsin Association of Local Health Departments and Boards</b>
Kuehn, Ronald W	<b>AT&amp;T Corporation</b>	Steffes, Timothy	<b>CenturyTel Service Group LLC</b>
Legreid, Brad	<b>Wisconsin Dairy Products Association Inc</b>	Stenger, Scott	<b>Friends of WHA–TV Inc.</b>
Leitch, Laura J	<b>Wisconsin Association of Local Health Departments and Boards</b>	Stenger, Scott	<b>Wisconsin Citizens for Responsible Taxation LLC</b>
Leitch, Laura J	<b>Kenosha Health Care Partners, Inc.</b>	Strohl, Joseph	<b>Menominee Indian Tribe of Wisconsin</b>
Leonhart, James	<b>AT&amp;T Corporation</b>	Strohl, Joseph	<b>Blue Cross/Blue Shield United of Wisconsin</b>
Liebe, Thomas	<b>Dental Associates Ltd</b>	Swandby, Janet R	<b>Wisconsin Retail Lumber Association Inc</b>
Linton, Barbara	<b>Wisconsin Innkeepers Association</b>		
Lodes, Amy	<b>Blue Cross/Blue Shield United of Wisconsin</b>		
Lundin, Suzanne	<b>Milwaukee Public Schools</b>		
Mann, Heather	<b>Urban Open Space Foundation Inc</b>		

Swandby, Janet R **Assn of Health Information  
Outsourcing Services**  
Swandby, Janet R **Wisconsin Association of Home  
Inspectors**  
Swandby, Janet R **Water Quality Association of  
Wisconsin**  
Tackett, Chris C **Wisconsin Merchants Federation**  
Taylor, Jorna **United Council of UW Students Inc**  
Tenuta, James **Merck-Medco Managed Care LLC**  
Tenuta, James **Wisconsin Dental Hygienists  
Association**  
Tenuta, James **Wisconsin Land Information  
Association**  
Tenuta, James **Wisconsin State Reading Association**  
Tenuta, James **Oneida Tribe of Indians of Wisconsin**  
Tenuta, James **National Solid Wastes Management  
Association**  
Thimke, Mark A **Stora Enso North America**  
Thimke, Mark A **Wisconsin Manufacturers &  
Commerce**  
Thompson, Kelli **CMC Heartland Partners**  
Tries, John **CMC Heartland Partners**  
Uekert, Phillip W **AT&T Corporation**  
Ulijasz, Pamela **CMC Heartland Partners**  
Wagner, Ramon **Community Advocates Inc**  
Ward, William **Milwaukee Police Association**  
Winder, Rachel **WorldCom Inc**

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

Department of Public Instruction

February 1, 2001

The Honorable, The Senate:

Pursuant to s. 15.377(8), Wis. Stats., enclosed please find a list of nominees to the Professional Standards Council for Teachers. These individuals were selected based upon organizational recommendations as prescribed in statute. Your confirmation of the appointees is requested.

Sincerely,

JOHN T. BENSON  
State Superintendent

BARNETT, JEFFREY, of Whitewater, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2001.

Read and referred to committee on **Education**.

JONES, LAKEIA, of Milwaukee, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2002.

Read and referred to committee on **Education**.

OPPERMAN, DIANE, of Iola, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2002.

Read and referred to committee on **Education**.

OTT, MARLENE, of Greendale, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2002.

Read and referred to committee on **Education**.

VIECHNICKI, KAREN, of River Falls, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2002.

Read and referred to committee on **Education**.

State of Wisconsin  
Office of the Governor

January 25, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint FRANKLIN, FREDERICK, of Milwaukee, as a member of the Accounting Examining Board, to serve for the term ending July 1, 2004.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

State of Wisconsin  
Office of the Governor

January 25, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint 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.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

State of Wisconsin  
Office of the Governor

January 25, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint 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.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

State of Wisconsin  
Office of the Governor

January 25, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint PLAMANN, CINDY F., of Appleton, as a member of the Occupational Therapists Affiliated Credentialing Board, to serve for the interim term ending July 1, 2001, and for the full term ending July 1, 2005.

Sincerely,

TOMMY G. THOMPSON  
Governor

Read and referred to committee on **Human Services and  
Aging**.

**State of Wisconsin  
Office of the Governor**

January 25, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SENGLAUB, KIM, of Waukesha, as a member of the Occupational Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2003.

Sincerely,

TOMMY G. THOMPSON  
Governor

Read and referred to committee on **Human Services and Aging.**

**State of Wisconsin  
Office of the Governor**

January 25, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ROOS-STUTZ, LINDA, of North Fond du Lac, as a member of the Occupational Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2002.

Sincerely,

TOMMY G. THOMPSON  
Governor

Read and referred to committee on **Human Services and Aging.**

**State of Wisconsin  
Office of the Governor**

January 25, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint FICKS, JUDITH E., of Mequon, as a member of the Occupational Therapists Affiliated Credentialing Board, to serve for the interim term ending July 1, 2001, and for the full term ending July 1, 2005.

Sincerely,

TOMMY G. THOMPSON  
Governor

Read and referred to committee on **Human Services and Aging.**

**State of Wisconsin  
Office of the Governor**

January 25, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SOLBOE, DR. WILLIAM, of Shorewood, as a member of the Occupational Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2003.

Sincerely,

TOMMY G. THOMPSON  
Governor

Read and referred to committee on **Human Services and Aging.**

**State of Wisconsin  
Office of the Governor**

January 25, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KLAUSER, JAMES R., of Pewaukee, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2008.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

January 25, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint RANDALL, GERARD A., JR., of Milwaukee, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2008.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

January 25, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SENTRY, JAMES A., of La Crosse, as a member of the State of Wisconsin Investment Board, to serve for the interim term ending May 1, 2005.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

January 25, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint FENHAUS, EDWARD F., of Wausau, as a member of the Waste Facility Siting Board, to serve for the interim term ending May 1, 2002.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

January 25, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint TRETTIN, DON A., of Hayward, as a member of the Waste Facility Siting Board, to serve for the term ending May 1, 2003.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

**State of Wisconsin  
Office of the Governor**

January 25, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KREUNEN, RODNEY W., of Madison, as Commissioner of Railroads, to serve for the term ending March 1, 2005.

Sincerely,

TOMMY G. THOMPSON  
Governor

Read and referred to committee on **Insurance, Tourism, and Transportation.**

**State of Wisconsin  
Office of the Governor**

January 30, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MOHRMAN, CHRISTOPHER C., of Milwaukee, as a member of the State Fair Park Board, to serve for the interim term ending May 1, 2001, and for the full term ending May 1, 2006.

Sincerely,

TOMMY G. THOMPSON  
Governor

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

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

**Senate Clearinghouse Rule 98-198**

Relating to the regulation of effluent limitations and pretreatment standards for the pesticide chemicals industry.

Submitted by Department of Natural Resources.

Report received from Agency, February 6, 2001.

Referred to committee on **Environmental Resources**, February 7, 2001.

**Senate Clearinghouse Rule 98-199**

Relating to the regulation of effluent limitations and pretreatment standards for the leather tanning and finishing industry.

Submitted by Department of Natural Resources.

Report received from Agency, February 6, 2001.

Referred to committee on **Environmental Resources**, February 7, 2001.

**Senate Clearinghouse Rule 00-088**

Relating to implementing the department's authority to void local hunting, fishing and trapping ordinances.

Submitted by Department of Natural Resources.

Report received from Agency, February 6, 2001.

Referred to committee on **Environmental Resources**, February 7, 2001.

**Senate Clearinghouse Rule 00-110**

Relating to ATV, snowmobile, bowhunter and hunter education fees.

Submitted by Department of Natural Resources.

Report received from Agency, February 6, 2001.

Referred to committee on **Environmental Resources**, February 7, 2001.

**Senate Clearinghouse Rule 00-151**

Relating to home health licensure.

Submitted by Department of Health and Family Services.

Report received from Agency, February 5, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, February 7, 2001.

**State of Wisconsin  
Revisor of Statutes Bureau**

February 1, 2001

To the Honorable, the Senate:

The following rules have been published:

<b>Clearinghouse Rules</b>	<b>Effective Date(s)</b>
99-157	February 1, 2001
00-054	February 1, 2001
00-059	February 1, 2001
00-060	February 1, 2001
00-066	February 1, 2001
00-087	February 1, 2001
00-090	February 1, 2001
00-093	February 1, 2001
00-096	February 1, 2001
00-100	February 1, 2001
00-101	February 1, 2001
00-104	February 1, 2001
00-105	February 1, 2001
00-106	February 1, 2001
00-120	February 1, 2001
00-121	February 1, 2001
00-128	February 1, 2001
00-129	February 1, 2001
00-137	February 1, 2001
00-141	February 1, 2001

Sincerely,  
GARY L. POULSON  
Deputy Revisor



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**MESSAGES FROM THE ASSEMBLY**

By John Scocos, chief clerk.

Mr. President:

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

**Assembly Joint Resolution 18**

**Assembly Joint Resolution 21**

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**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Joint Resolution 18**

Relating to: celebrating March 1, 2001, as St. David's Day.

By Representatives Owens, Cullen, Freese, Gronemus, Hahn, Krawczyk, Kreuser, Ladwig, Lippert, Plale, Rhoades, Sykora, Urban and Vrakas; cosponsored by Senators Roessler, Baumgart, Moen and Schultz.

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

**Assembly Joint Resolution 21**

Relating to: the life and public service of Ben Marcus.

By Representatives Jensen, Wasserman, Foti, Krug, Riley, Ladwig, Bock, Vrakas, Coggs, Owens, Schneider, Walker, J. Lehman, Jeskewitz, Plouff, Albers, Ryba, Townsend, Sykora, Petrowski and Lippert; cosponsored by Senators Darling, Panzer, Farrow, Rosenzweig and Welch.

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

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**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Joint Resolution 1**

Deposited in the office of the Secretary of State on February 5, 2001.

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**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Joint Resolution 8**

**Senate Joint Resolution 10**

**Senate Joint Resolution 12**

**Senate Joint Resolution 14**

**Senate Joint Resolution 13**

**Senate Joint Resolution 9**

Report correctly enrolled on February 5, 2001.

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**MOTIONS UNDER SENATE RULE 98 AND  
JOINT RULE 7**

*for the Month of January 2001*

*A certificate of condolences by the Wisconsin Senate on the motion of Senator George, for the family and friends of James E. Archie, on the occasion of celebrating with them his life.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Grobschmidt, for Donald Ashbaugh, on the occasion of his retirement with 40 years of outstanding service to the Oak Creek Water Utility.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Ellis, for William Barnett, on the occasion of his 24 years of dedication and commitment to the Wisconsin State Patrol.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Moore, for Orville Beene, on the occasion of being the recipient of the Community Service Award from the UAW Milwaukee Metro Area Civil Rights Council for 2001.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Michael Beran, on the occasion of having a safe driving record with LB Trucking for the past 9 years.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Hansen, for Deana Berndt, on the occasion of the HardWare Cafe being named the Outstanding Restaurateur of the Year for the Green Bay Chapter.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Farrow, for Joy Botts, on the occasion of her 13 years of dedicated service to the residents of the community of Sussex and the Pauline Haass Public Library.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Christine Cay Cohen, owner of the Spectrum Banquet Hall in Fond du Lac, on the occasion of being awarded the Wisconsin Restaurant Association Lake to Lake Chapter Outstanding Restaurateur of the Year.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Ronald Cohen, owner of the Spectrum Banquet Hall in Fond du Lac, on the occasion of being awarded the Wisconsin Restaurant Association Lake to Lake Chapter Outstanding Restaurateur of the Year.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Farrow, for Catherine Creighton, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for Hermine Davidson, on the occasion of celebrating her 90th Birthday shared with family and friends.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Schultz, for D.L. Gasser Construction/Milestone Materials which are a division of Mathy Construction Company, on the occasion of receiving the 2000 Sauk County Large Business of the Year.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Burke, for William Ryan Drew, on the occasion of being honored by Milwaukee's Irish and Italian communities at the Winter Gala benefit for the Penfield Children's Center.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Sergeant Louis Eifert, on the occasion of his retirement and his years of dedicated service to the Fitchburg Police Department.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Eugene Glodowski, on the occasion of having a safe driving record with LB Trucking for the past 14 years.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Tom Glodowski, on the occasion of having a safe driving record with LB Trucking for the past 14 years.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for James Haack, on the occasion of having a safe driving record with LB Trucking for the past 9 years.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Farrow, for Jason D. Held, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Burke, for Meggan Hendrickson, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Thomas Henke, on the occasion of having a safe driving record with LB Trucking for the past 12 years.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Trooper Malcolm Kautz, on the occasion of serving the Wisconsin State Patrol for the past 24 years and his outstanding efforts in community involvement and achievement and dedication to the Wisconsin State Patrol.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Lester Kesy, on the occasion of having a safe driving record with LB Trucking for the past 23 years.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Wirch, for Leslie and John Klemens, on the occasion of celebrating the 150th Anniversary of Gottfredsen & Nicoll jewelry store.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Raymond John Lecheler, on the occasion of celebrating his 80th Birthday shared with family & friends..*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Farrow, for Philip Lehman, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for the Marinette Middle School, students, staff and administration, on the occasion of working to prevent smoking in our communities.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Ben Marks, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Shibilski, for William "Bill" McCulley, on the occasion of his retirement after years of outstanding dedication, commitment and extraordinary work for the Portage County Mental Health Support Programs and the Portage County community.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Meyer, for Donald Molzahn, on the occasion of his courage and dedication to the United States Military.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for O'Dean Norman Peterson, on the occasion of celebrating his 80th Birthday shared with family and friends.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Terry Peterson, on the occasion of having a safe driving record with LB Trucking for the past 10 years.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Moen, for David Prondzinski, on the occasion of his 34.5 years of outstanding service to the Galesville-Ettrick-Trepealeau School District.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Paul Steven Ramthun, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Farrow, for Robert Rohde, on the*

*occasion of being the recipient of the 2000 Pewaukee Person of the Year Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Huelsman, for Thomas E. Saxe III, co-owner of Saxe's Casual Fine Dining and Banquet on the occasion of being chosen as the 2000 Outstanding Restaurateur of the Year by fellow members of the Wisconsin Restaurant Associations (WRA) Milwaukee Chapter .*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Decker, for Chief Richard D. Scanlon, on the occasion of his retirement from the Park Falls Police Department after 24 years and 10 months of dedicated service.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Marvin Schael, on the occasion of having a safe driving record with LB Trucking for the past 15 years.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Bob Schneider, on the occasion of having a safe driving record with LB Trucking for the past 22 years.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Meyer, for Superintendent David Schumacher, on the occasion of his retirement from the Wisconsin State Patrol with more than 30 years of distinguished service.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Schultz, for Erwin A. "Bud" Sholts, on the occasion of his retirement from the Department of Agriculture Trade and Consumer Protection with his many years of dedicated service to the state and citizens of Wisconsin.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Wirch, for Andy Smith, on the occasion of his dedication to the young athletes of Kenosha County and making it a better place to live.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Richard J. Sorensen, on the occasion of his retirement with 40 years in education and 28 years as the Library Media Consultant with the Department of Public Instruction.*

*A certificate of condolence by the Wisconsin Senate on the motion of Senator Moore, for the family and friends of Rev. James W. Spann II, on the occasion of remembrance of his dedication to service at Corinth Baptist Church and Tabernacle Community Baptist Church.*

*A certificate of condolences by the Wisconsin Senate on the motion of Senator George, for the family and friends of Donna Wolf Steigerwaldt, on the occasion of celebrating with them her life.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Farrow, for the sixth grade class of St. Dominic School, Mrs. Sara Dagett and Officer Sarah Mork, on the occasion of the graduation from the D.A.R.E program.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Farrow, for the sixth grade class of St. Dominic School, Ms. Jill Schindhelm and Officer Sarah Mork, on the occasion of the graduation from the D.A.R.E program.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Farrow, for St. John Vianney's 6th Grade Class, Mrs. Sue Pfersch, Mrs. Rita Tilkey and Officer James Pleva on the occasion of their graduation from the D.A.R.E. Program .*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Darrell Tesch, on the occasion of having a safe driving record with LB Trucking for the past 19 years.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Schultz, for Universal Die & Stampings, on the occasion of winning the 2000 Sauk County Small Business of the Year.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Jim Vlietstra, on the occasion of having a safe driving record with LB Trucking for the past 7 years.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Joel Wagner, on the*

*occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Katherine Weber, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Hansen, for Sergeant Ronald John Wolfe, on the occasion of his retirement after 21 years of exceptional service to the Wisconsin State Patrol*

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

---

THURSDAY, February 8, 2001

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

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**INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS**

Read and referred:

**Senate Resolution 3**

Relating to: commending and congratulating Ron Wolf for his service and thanking him for his contribution to the Green Bay Packers and the people of Wisconsin.

By Senators Hansen, Wirsch, Erpenbach, Moen, Breske, Zien, Moore, Burke, Rosenzweig, A. Lasee, Plache, Risser, Lazich, Decker, Schultz, Darling, Farrow, Welch and Cowles.

To committee on **Senate Organization**.

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**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 48**

Relating to: creating an optional holiday for state employees to observe the birthday of Cesar E. Chavez.

By Senators Burke, Erpenbach, George, Moore and Schultz; cosponsored by Representatives Colon, Berceau, Black, Bock, Boyle, Carpenter, Coggs, Cullen, Gronemus, Kreuser, Krug, J. Lehman, Miller, Morris–Tatum, Pocan, Richards, Riley, Schooff, Sherman, Sinicki, Turner, Williams and Young.

To committee on **Labor and Agriculture**.

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**REPORT OF COMMITTEES**

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

**Senate Bill 3**

Relating to: the appointment of the secretary of natural resources.

Introduction and adoption of Senate substitute amendment 1.

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

Noes, 0 – None.

Passage as amended.

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

Noes, 0 – None.

**Senate Bill 37**

Relating to: water quality certification for wetlands.

Introduction and adoption of Senate substitute amendment 1.

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

Noes, 0 – None.

Passage as amended.

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

Noes, 0 – None.

Jim Baumgart  
Chairperson

The committee on **Finance** reports and recommends:

**Senate Bill 1**

Relating to: requiring pharmacies and pharmacists, as a condition of medical assistance participation, to charge elderly persons for prescription drugs no more than specific amounts; specifying requirements for rebate agreements between the department of health and family services and drug manufacturers; requiring the department of health and family services to seek a waiver to provide medical assistance eligibility to certain persons for purposes of a prescription drug benefit; requiring the exercise of rule–making authority; making appropriations; and providing penalties.

Senate amendment 1 to Senate substitute amendment 1 adoption.

Ayes, 8 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirsch, Darling and Welch.

Noes, 0 – None.

Senate substitute amendment 1 adoption.

Ayes, 7 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirsch and Darling.

Noes, 1 – Senator Welch.

Report Passage as amended, with emergency statement (s. 16.47 Wisconsin Statutes).

Ayes, 6 – Senators Burke, Decker, Moore, Shibilski, Plache and Wirsch.

Noes, 2 – Senators Darling and Welch.

Brian Burke  
Senate Chairperson

The committee on **Senate Organization** reports and recommends:

**Assembly Joint Resolution 15**

Relating to: the joint rules.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.



**Assembly Joint Resolution 18**

Relating to: celebrating March 1, 2001, as St. David's Day.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

**Assembly Joint Resolution 21**

Relating to: the life and public service of Ben Marcus.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

**Senate Joint Resolution 15**

Relating to: the life and public service of Coach Al McGuire.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

**Senate Joint Resolution 18**

Relating to: the life and public service of George A. Mayer.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

**Senate Resolution 3**

Relating to: commending and congratulating Ron Wolf for his service and thanking him for his contribution to the Green Bay Packers and the people of Wisconsin.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

Charles Chvala  
Chairperson

**PETITIONS AND COMMUNICATIONS**

State of Wisconsin  
Office of the Governor

February 5, 2001

The Honorable, The Senate:

This is to inform you that I am withdrawing the following nominations to the State Fair Park Board created in 1997 Wisconsin Act 197:

Mary Henke;

Michael Hunter;

Christopher Mohrman.

Thank you for your attention to this matter.

Sincerely,

SCOTT MCCALLUM

Governor

State of Wisconsin  
Office of the Secretary of State

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>Senate Joint Resolution 1</b>	Enrolled Joint Resolution 1	N/A

Sincerely,

DOUGLAS LA FOLLETTE  
Secretary of State

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

**Senate Clearinghouse Rule 00-138**

Relating to extended area telephone service.

Submitted by Public Service Commission.

Report received from Agency, February 7, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, February 8, 2001.

**Senate Clearinghouse Rule 00-145**

Relating to importing bovine animals, goats or cervids from a state designated by USDA as a tuberculosis "non-modified accredited" state.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, February 7, 2001.

Referred to committee on **Labor and Agriculture**, February 8, 2001.

**Senate Clearinghouse Rule 00-146**

Relating to reimbursement of Johnne's disease testing costs.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, February 7, 2001.

Referred to committee on **Labor and Agriculture**, February 8, 2001.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

TUESDAY, February 13, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The roll was called and the following Senators answered to their names:

Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, Farrow, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator Breske led the Senate in the pledge of allegiance to the flag of the United States of America.

### INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

#### Senate Joint Resolution 19

Relating to: the life and public service of Ben Barkin.

By Senators Darling, Rosenzweig, Panzer, Huelsman, Schultz, S. Fitzgerald, Grobschmidt, Burke, Risser, A. Lasee, Lazich, George, Farrow and Roessler; cosponsored by Representatives Jeskewitz, Wasserman, Gunderson, Kestell, Krug, Plouff, Wade, Albers, Nass, Coggs, Lippert, Ladwig, Hahn, Plale, Gundrum, Townsend, Carpenter, Sykora, Miller, Bock, Ott, Turner, Ziegelbauer, Riley, Walker and Vrakas.

To committee on **Senate Organization**.

#### Senate Joint Resolution 20

Relating to: honoring the life and career of Coach Al McGuire by recognizing February 22, 2001, as Al McGuire Day.

By Senators Burke, Farrow, George, Moore, Grobschmidt, Huelsman and Rosenzweig; cosponsored by Representatives Plale, Walker, Colon, Cullen and Foti.

To committee on **Senate Organization**.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 49

Relating to: creating an office of public intervenor in the department of justice and making an appropriation.

By Senators George, Shibilski, Decker, Jauch, Moen, Plache, Baumgart, Risser, Erpenbach, Grobschmidt, Hansen, M. Meyer, Wirch and Burke; cosponsored by Representatives Black, Balow, Sherman, Carpenter, Krug, Reynolds, Ryba, Kreuser, Coggs, Morris–Tatum, Bock, Berceau, Boyle, Cullen, Hebl, Huber, La Fave, Lassa, J. Lehman, Miller, Meyerhofer, Plouff, Pocan, Shilling, Richards, Sinicki, Turner, Travis, Young, Williams and Schooff.

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

#### Senate Bill 50

Relating to: limitations on state appropriations from general purpose revenue.

By Senators Darling, Welch, Harsdorf, Schultz, A. Lasee and Roessler; cosponsored by Representatives Wieckert, Krawczyk, Gundrum, Hoven, Pettis, Leibham, Wasserman, Townsend, Vrakas, Starzyk, F. Lasee, Lippert, Grothman, Hundertmark, Suder, Friske, Skindrud, Montgomery, Owens, Jensen, Kestell, McCormick and Ladwig.

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

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin

#### Department of Employment Relations

February 2001

The Honorable, The Legislature:

Pursuant to s. 230.04 (9), Wis. Stats., I am pleased to submit the Veterans Employment Report for 2000. The report summarizes veteran new hires and on-board statistics for the time period and includes information for each state agency and each institution of the University of Wisconsin System.

Veterans comprise an important segment of the Wisconsin workforce in both the private and public sectors. State government – and any other employer – can benefit greatly by recruiting and retaining our nation's trained and motivated veterans.

Sincerely,

PETER D. FOX  
Secretary

**State of Wisconsin  
Department of Health and Family Services**

January 29, 2001

The Honorable, The Senate:

In 1997 Act 27, the 97-99 Biennial Budget, the Legislature established requirements in state law intended to strengthen protections for children and vulnerable adults in organized care settings. The provisions require, among other things, that designated caregivers conduct background checks on all new and existing staff and bar them from employing anyone who has committed certain crimes or acts. DHFS and (for certain child care providers) counties and local school boards must perform checks on a provider before issuing a license or other credential. Individuals who have committed prohibited crimes or acts may apply to the Department, counties, or school boards for a waiver of the employment or licensing bans upon evidence of rehabilitation.

Sections 48.685(5g) and 50.065(5g) of the Wisconsin Statutes direct the Department to submit an annual report to the legislature that specifies the number of persons who have sought waivers of employment or licensing bans by requesting to demonstrate that they have been rehabilitated. The report must also specify the number of requests that were approved and the reasons for the success or failure of the requests. Attached is the report for 2000.

Questions about this report should be referred to Linda Dawson, Deputy Chief Legal Counsel, at 608-266-0355.

Sincerely,

JOE LEEAN  
Secretary

**State of Wisconsin  
Department of Health and Family Services**

December 2000

The Honorable, The Legislature:

The Bureau of Health Information is pleased to submit to the Governor and to the Legislature the annual *Guide to Wisconsin Hospitals Fiscal Year 1999*. The data for this report were collected under Chapter 153, Wisconsin Statutes. The report provides summary and detailed information about fiscal, utilization, and staffing data at Wisconsin hospitals, and sets forth comparisons among hospitals of increases or decreases in gross revenues, net revenue, and revenues and expenditures.

Sincerely,

BARBARA A. RUDOLPH, Ph.D., Director  
Bureau of Health Information

**State of Wisconsin  
Ethics Board**

February 13, 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/>

Abelson, Richard	<b>AFSCME District Council 48</b>
Acker, Mark	<b>Amalgamated Transit Union Local 998</b>
Bloomington, Stephanie	<b>Wisconsin Federation of Nurses &amp; Health Professionals</b>
Brewer, F H	<b>S.C. Johnson &amp; Son Inc</b>

Buchen, Elizabeth J	<b>Eli Lilly and Company</b>
Casey, Brian	<b>Aid Association for Lutherans</b>
Dennik, Robert	<b>Wisconsin Apartment Association</b>
Devett, Fred	<b>Wisconsin Association for Marriage and Family Therapy</b>
Driessen, Anthony	<b>Wisconsin Library Association</b>
Essie, Patrick	<b>American General Corporation (formerly American General Finance Inc.)</b>
Farnsworth, Kathleen	<b>Marshfield Clinic</b>
Fassbender, Robert I	<b>Wisconsin Coalition for Civil Justice</b>
Fonfara, Thomas	<b>Wisconsin Council for Independent Education</b>
Froehlke, Scott	<b>Association of Wisconsin Wineries</b>
Froehlke, Scott	<b>Wisconsin Association of Accountants Inc</b>
Hottenroth, Theresa M	<b>Wisconsin Academy of Ophthalmology</b>
Hottenroth, Theresa M	<b>Wisconsin Chapter of the American College of Emergency Physicians Inc</b>
Hough, James E	<b>Wisconsin Coalition for Civil Justice</b>
Larowe, Christopher	<b>Wisconsin State Telecommunications Association</b>
Leitch, Laura J	<b>Wisconsin Chapter of the American College of Emergency Physicians Inc</b>
Leitch, Laura J	<b>Wisconsin Academy of Ophthalmology</b>
Martin, W L	<b>Stockbridge-Munsee Community PG&amp;E National Energy Group</b>
Matthews, John	<b>Forest County Potawatomi Community</b>
McClenahan, William	<b>Forest County Potawatomi Community</b>
McDowell, Kelly	<b>Forest County Potawatomi Community</b>
O'Brien, Maureen	<b>State Medical Society of Wisconsin</b>
Paul, Richard	<b>Wisconsin Chapter of the American College of Emergency Physicians Inc</b>
Paul, Richard	<b>Wisconsin Academy of Ophthalmology</b>
Pawlisch, Curt	<b>Waterkeepers of Wisconsin</b>
Peterson, Craig	<b>Perrier Group of America</b>
Ruditys, Christopher	<b>Building Owners &amp; Managers Association</b>
Schreiber, Martin	<b>Forest County Potawatomi Community</b>
Schreier, David	<b>Aventis Pharmaceuticals</b>
Springer, Thomas J	<b>Wisconsin Academy of Ophthalmology</b>
Strand, Lisa	<b>Wisconsin Library Association</b>
Strohl, Joseph	<b>Dominion Asset Services LLC</b>
Stuva, Robert	<b>Rehabilitation for Wisconsin Inc</b>
Tries, John	<b>Perrier Group of America</b>
White, Marcus	<b>Interfaith Conference of Greater Milwaukee</b>
Zweck, Brad	<b>Wausau Insurance (a member of the Liberty Mutual group)</b>

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

Senator Robson, with unanimous consent, asked that the Senate recess until 2:19 P.M..

10:22 A.M.

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**RECESS**

2:19 P.M.

The Senate reconvened.  
Senator Risser in the chair.

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**CONSIDERATION OF MOTIONS AND RESOLUTIONS**

**Senate Resolution 3**

Relating to: commending and congratulating Ron Wolf for his service and thanking him for his contribution to the Green Bay Packers and the people of Wisconsin.

Read.

Adopted.

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**SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS**

**Senate Joint Resolution 15**

Relating to: the life and public service of Coach Al McGuire.

Read.

Senator Rosenzweig, with unanimous consent, asked that **Senate Joint Resolution 15** be laid on the table.

Senator Chvala, with unanimous consent, asked that **Senate Joint Resolution 20** be withdrawn from the committee on **Senate Organization** and taken up at this time.

**Senate Joint Resolution 20**

Relating to: honoring the life and career of Coach Al McGuire by recognizing February 22, 2001, as Al McGuire Day.

Read.

Senators Lazich, Wirch and Darling, with unanimous consent, asked to be made coauthors of **Senate Joint Resolution 20**.

Adopted.

**Senate Joint Resolution 18**

Relating to: the life and public service of George A. Mayer.  
Read.

Adopted by unanimous rising vote.

**Senate Bill 1**

Relating to: requiring pharmacies and pharmacists, as a condition of medical assistance participation, to charge elderly persons for prescription drugs no more than specific amounts; specifying requirements for rebate agreements between the

department of health and family services and drug manufacturers; requiring the department of health and family services to seek a waiver to provide medical assistance eligibility to certain persons for purposes of a prescription drug benefit; requiring the exercise of rule-making authority; making appropriations; and providing penalties.

Read a second time.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 1**?

Adopted.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 1**?

Adopted.

Senate substitute amendment 2 to **Senate Bill 1** offered by Senators Rosenzweig, Harsdorf, Panzer and Huelsman.

Senator Robson moved rejection of Senate substitute amendment 2 to **Senate Bill 1**.

The question was: Rejection of Senate substitute amendment 2 to **Senate Bill 1**?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Ellis, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 20.

Noes – Senators Darling, Farrow, S. Fitzgerald, Harsdorf, Huelsman, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 13.

Absent or not voting – None.

Rejected.

Senator Panzer moved that **Senate Bill 1** be referred to the joint committee on Finance.

The question was: Shall **Senate Bill 1** be referred to the joint committee on Finance?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 18; absent or not voting, 0; as follows:

Ayes – Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Harsdorf, Huelsman, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 15.

Noes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Absent or not voting – None.

Refused to refer to joint committee on Finance.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 1**

**POINT OF ORDER**

Senator Welch raised the point of order that Point of order that the bill requires an Emergency Statement and is not properly before the Senate.

**THE CHAIR RULES**

**SENATE BILL 1**

An Act to create 20.435 (4) (bv), 20.435 (4) (j), 20.435 (4) (jb), 20.435 (4) (jd), 49.477 and 49.688 of the statutes; relating to: requiring pharmacies and pharmacists, as a condition of medical assistance participation, to charge elderly persons for prescription drugs no more than specific amounts; specifying requirements for rebate agreements between the department of health and family services and drug manufacturers; requiring



the department of health and family services to seek a waiver to provide medical assistance eligibility to certain persons for purposes of a prescription drug benefit; requiring the exercise of rule-making authority; making appropriations; and providing penalties. (FE)

Senate Bill 1 was referred to the Joint Committee on Finance on January 25, 2001. The Senate Co-Chair of the Joint Committee has attempted to schedule a meeting; however, the Assembly Co-Chair has refused to concur with a meeting schedule.

There are two issues involved prior to consideration of Senate Bill 1 by the full Senate:

1. The first is the requirement for an "emergency statement" as required by ss. 16.47(2)
2. The authority of the Senate Committee on Finance to report the proposal to the Senate when the proposal was referred to the Joint Committee on Finance by the Senate.

Section 16.47(2) of the statutes requires that prior to passage of the biennial budget bill, any proposal which impacts state finances by an amount exceeding \$10,000 requires an emergency statement before either house of the legislature may take a vote on final passage of the proposal.

The fiscal impact information provided by the Legislative Fiscal Bureau indicates a cost of \$16 Million in fiscal year 2001-02 and approximately \$106 million in fiscal year 2002-03. Clearly, in accordance with ss 16.47(2), the bill requires an emergency statement.

A brief history of the "emergency statement" requirement is in order at this time. The concept was developed as the result of one of the first Legislative Council Study Committees on the Budgetary Procedure. The Legislative Council by its resolution establishing the subcommittee advised that the subcommittee "consider the feasibility of including all appropriations in a single bill". The report of the subcommittee stated: "Studies bring out an alarming trend of the large number of separately enacted appropriation bills, including the executive budget bill. The last three sessions show 84 bills in the 1943, 85 bills in 1945 and 110 bills in 1947." The subcommittee also stated: "It is often questionable whether or not all the members of the legislature have a clear picture of the financial condition of the state. Nor do they know whether or not the appropriation bills being acted upon fit into a sound pattern for the state's financial welfare."

The subcommittee reviewed a recommendation of a prior committee on the budget, chaired by the late Senator Melvin R. Laird Sr. That recommendation was to employ 5 budget assistants to advise the legislature on fiscal policy. Senator Laird was quoted as saying: "Budgetary systems are concerned with the coordination of public finances into financial plans. It is apparent that with technical assistance given, the budget can be evaluated and considered in a better legislative light."

The Legislative Council Subcommittee recommended the adoption of a proposal that would accomplish the goal of informing the members of the legislature on fiscal matters and provide for speedy and effective consideration of appropriation bills.

Assembly Bill 11 was introduced into the 1949 Legislative Session, relating to a state fiscal policy and appropriation procedures. The bill as originally introduced clearly restricted the legislature's ability to act on appropriation bills. One provision of the proposal read as follows: "No appropriation bill shall be passed by either house until the executive budget bill has passed both houses; except that the governor may recommend the enactment of an emergency executive budget bill which shall continue in effect only until the executive bill becomes effective or until the next succeeding July 1, whichever is later. There was additional language in the bill to provide for the Joint Committee on Finance to report and propose a Joint Resolution on the fiscal condition, and a

requirement that appropriation bills provide a source of revenue, this last provision did not become law.

The proposal recommended by the Legislative Council was viewed by the media as; "suggestions which should make future budget requests considerably more honest". (State Journal "Under the Dome" by Sanford Goltz, date unknown)

The legislature recognized the problem with an outright restriction on its ability to pass appropriation bills prior to passage of the budget bill. Early in the 1951 session the 1949 law was modified to remove the outright restriction on the passage of appropriation bills prior to the budget bill and allow for the passage of any appropriation bill that was recommended for passage by the Joint Committee on Finance. There was no requirement of an emergency statement until 1957 when the language was amended to provide for the "emergency statement" procedure, as we know it today.

Therefore, of the original purposes outlined by the Legislative Council for restricting the consideration of appropriation bills prior to the passage of the budget, only the education of members and the heightened awareness of the fiscal impact survived. The first law enacted was an outright prohibition on the consideration of such bills prior to passage of the budget. This was repealed after only one session. The language in force today clearly is to heighten the awareness of the membership and the public that the proposal has a definite fiscal impact that may not be part of the biennial budget bill.

The authority of the Assembly to act without an emergency statement arose in a point of order raised in 1995 on Assembly 73, in which the question was raised as to the authority of the Assembly to withdraw a proposal from the Joint Committee on Finance when an emergency statement was required. The motion was to suspend the rules to withdraw AB 73 and take it up immediately. The Speaker, Representative Prosser, ruled that since the motion was to suspend the rules, the motion was valid. This clearly demonstrates that Speaker Prosser believed that one house of the legislature could act on a proposal requiring an emergency statement by suspending the rules, therefore giving credence to the authority of each house to determine its own rules of procedure.

I have found numerous occasions where a proposal has been passed by one house or the other without the required emergency statement.

The failure of the legislature to follow the procedures outlined in ss 16.47(2) does not invalidate the act. I will not quote from the various case history and parliamentary manuals on this subject as I believe it is widely understood that the Constitution grants the authority to each house of the legislature to determine its own rules of procedure and that the legislature may not bind or restrict itself or its successors as to the procedure to be followed in the passage of legislation.

The statutes are silent as it relates to the authority of the Senate Finance Committee to issue an emergency statement.

To determine what authority the Senate Finance Committee has relating to emergency statements, one needs to understand the purpose of the statements. Clearly, since 1957, when the concept of the emergency statement was placed in our statutes, its sole purpose was to make certain that the members of the legislature and the public were aware that a proposal was going to have significant impact on state finances. The law does not require any other special action to be taken other than to provide notice to an "emergency". From the history of this section of the statutes, it appears that the term "emergency" was taken from the original bill of 1949, which gave authority to the Governor to propose an "emergency" executive budget bill. There is no definition as to what constitutes an "emergency". The 1951 act only gave an exemption to the prohibition on the passage of appropriation bills, if the Joint Committee on Finance recommended the bills for passage.

The history of the Senate Committee on Finance indicates that under Senate Rule 20(4)(b), the Senate Committee on Finance has the authority to report any proposal to the Senate that the Joint Committee fails to.

The Senate Finance Committee has on occasion taken action to report proposals to the Senate. It is well established that the Senate Finance Committee has the authority to act when the Joint Committee on Finance fails to do so, for whatever reason.

On October 17, 1973, Senator Hollander raised the point of order that the Senate Finance Committee has full control over Senate proposals. The Chair ruled that the Senate Committee on Finance has full jurisdiction over bills and joint resolutions under the control of the Senate, which are referred to the Joint Committee on Finance. The Chair further stated: "To rule otherwise would allow the Assembly members of the Joint Committee on Finance to control the independent operation of the Senate and would violate the basic concept of bicameralism".

This Presiding Officer, while serving as Minority Leader of this Senate, raised a point of order on October 25, 1973, questioning the authority of the Senate Finance Committee to report a proposal to the Senate that had been referred to the Joint Committee on Finance.

The Chair ruled the point of order well taken and stated that only the Joint Committee on Finance could have jurisdiction over legislation referred to the Joint Committee. The ruling of the Chair was appealed, and on a vote of 8 ayes and 23 noes, the ruling was not held as the judgement of the Senate. From that time forward, it has been the determination of this Senate that Senate Rule 20(4)(b) grants authority to the Senate Finance Committee to act on proposals referred to the Joint Committee on Finance.

The Senate Rules were amended by 1975 Senate Resolution 21. The resolution had bipartisan authors and a relating clause of "relating to senate committee procedures." The rule change was a direct result of the rulings of the Chair in the previous session.

It should be noted that the Joint Committee on Finance in the early 70's consisted of 9 members of the Assembly and 5 Senators. The split party control and the disproportionate representation of the Senate on the Joint Committee were a major reason for the actions taken by the Senate Finance Committee.

It is interesting to note that in the 75 Session, democrats controlled both houses of the legislature, yet the Senate, with strong bipartisan support, wanted to make it very clear, in the rules, that the Senate Finance Committee had jurisdiction and the authority to report proposals that had been referred to the Joint Committee on Finance, without restriction.

The statutes require no special action other than to include in their report to the house a recommendation that a proposal be passed and that a statement be made to the effect that they are emergency bills. It is clear that the Senate Finance Committee has the authority to report a proposal to the full Senate. The Committee has the same resources available to it as does the Joint Committee to determine the fiscal impact of proposals, and is clearly in a position to fulfill the requirements set forth in ss. 16.47(2).

The intent of the Senate Rule 20(4)(b) is clear in that it was adopted to allow the Senate to take action on any proposal that the Joint Committee on Finance has failed to report. It is also clear to the Chair that it was the intent and purpose of the Senate in the early 70's to grant full authority to act to the Senate Finance Committee. Furthermore, as stated by a previous presiding officer, to not allow the Senate Finance Committee to act would grant the authority to the Assembly Co-Chair, the authority to block the independent operation of the Senate.

In addition, as supported by case history, parliamentary manuals and as demonstrated by the ruling by the Speaker in the Assembly, the Senate has the authority to determine its own rules of procedure, even if they conflict with an existing statute, as long as they don't conflict with the Constitution or infringe on the rights of individual members.

Mason's Manual of Legislative Procedure states in section 3, paragraph 2:

The house and senate may pass an internal operating rule for its own procedure that is in conflict with a statute formerly adopted.

In Section 2, paragraph 3, Mason's also states:

Rules of procedure fulfill another purpose in protecting the rights of members. Individual members, for example, are entitled to receive notices of meetings and the opportunity to attend and participate in the deliberations of the group. Minorities often require protection for unfair treatment on the part of the majority, and even the majority is entitled to protection from obstructive tactics on the part of minorities.

I am reminded of a quote from Cushing's Legislative Assemblies, "Elements of the Law and Practice of Legislative Assemblies in the United States of America:

The great purpose of all rules and forms, says Cushing, is to subserve the will of the assembly rather than to restrain it; to facilitate and not to obstruct the expression of its deliberate sense.

Clearly the Senate has the authority, through its adopted rules, to authorize a committee to report a proposal in the same manner prescribed by law for a Joint Committee.

Therefore, it is the opinion of the Chair, that Senate Rule 20(4)(b) grants to the Senate Finance Committee the full authority of the Joint Finance Committee as it relates to the reporting of proposals referred by the Senate, to include the recommending of passage of a proposal with emergency statement attached.

The Chair rules the point not well taken.

FRED A. RISSER  
President of the Senate

Senator Welch appeals the ruling of the Chair.

The question was: Shall the decision of the Chair stand as the judgement of the Senate?

The ayes and noes were required and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Harsdorf, Huelsman, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 15.

Absent or not voting – None.

Decision of the Chair stands as the judgement of the Senate.

Senator Decker, with unanimous consent, asked to be added as a coauthor of **Senate Bill 1**.

**Senate Bill 1**

Read a third time.

The ayes and noes were required and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, A. Lasee, M. Meyer, Moen, Moore, Plache, Risser, Robson, Schultz, Shibilski and Wirch – 20.

Noes – Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Harsdorf, Huelsman, Lazich, Panzer, Roessler, Rosenzweig, Welch and Zien – 13.

Absent or not voting – None.

Passed.

### **Senate Bill 3**

Relating to: the appointment of the secretary of natural resources.

Read a second time.

Senator Schultz, with unanimous consent, asked to be added as a coauthor of **Senate Bill 3**.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 3**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

### **Senate Bill 3**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Schultz, Shibilski and Wirch – 20.

Noes – Senators Darling, Ellis, Farrow, S. Fitzgerald, Harsdorf, Huelsman, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Welch and Zien – 13.

Absent or not voting – None.

Passed.

### **Senate Bill 7**

Relating to: the filing of certain forms related to a tax incremental financing district.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

Senator Decker, with unanimous consent, asked to be added as a coauthor of **Senate Bill 7**.

### **Senate Bill 7**

Read a third time and passed.

### **Senate Bill 37**

Relating to: water quality certification for wetlands.

Read a second time.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 37** offered by Senator Shibilski.

Senator Cowles, with unanimous consent, asked that Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 37** be laid on the table.

Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 37** offered by Senator Shibilski.

Senator Baumgart, with unanimous consent, asked that Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 37** be laid on the table.

Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 37** offered by Senator Shibilski.

Senator Baumgart moved that Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 37** be laid on the table.

The question was: Shall Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 37** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 24; noes, 9; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Ellis, Erpenbach, S. Fitzgerald, Grobschmidt, Hansen, Harsdorf, Jauch, Lazich, M. Meyer, Moen, Moore, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz and Wirch – 24.

Noes – Senators Darling, Farrow, George, Huelsman, A. Lasee, Panzer, Shibilski, Welch and Zien – 9.

Absent or not voting – None.

Tabled.

Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 37** offered by Senators Panzer, Farrow, Welch, Huelsman and Darling.

Senator Baumgart moved that Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 37** be laid on the table.

The question was: Shall Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 37** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 25; noes, 8; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Ellis, Erpenbach, George, Grobschmidt, Hansen, Harsdorf, Jauch, Lazich, M. Meyer, Moen, Moore, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski and Wirch – 25.

Noes – Senators Darling, Farrow, S. Fitzgerald, Huelsman, A. Lasee, Panzer, Welch and Zien – 8.

Absent or not voting – None.

Tabled.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 37**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

### **Senate Bill 37**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 27; noes, 6; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, George, Grobschmidt, Hansen, Harsdorf, Jauch, Lazich, M. Meyer, Moen, Moore, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Wirch and Zien – 27.

Noes – Senators Farrow, S. Fitzgerald, Huelsman, A. Lasee, Panzer and Welch – 6.

Absent or not voting – None.

Passed.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

### **Assembly Joint Resolution 15**

Relating to: the joint rules.

Read.

Senate amendment 1 to **Assembly Joint Resolution 15** offered by Senator Harsdorf.



Senator Chvala moved rejection of Senate amendment 1 to **Assembly Joint Resolution 15**.

The question was: Rejection of Senate amendment 1 to **Assembly Joint Resolution 15**?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Harsdorf, Huelsman, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 15.

Absent or not voting – None.

Rejected.

Senate amendment 2 to **Assembly Joint Resolution 15** offered by Senators Panzer, Farrow, Zien, Roessler, Cowles, Darling, Lazich, Harsdorf, Rosenzweig, Huelsman, Welch, S. Fitzgerald, Schultz and Ellis.

Senator Chvala moved rejection of Senate amendment 2 to **Assembly Joint Resolution 15**.

The question was: Rejection of Senate amendment 2 to **Assembly Joint Resolution 15**?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Harsdorf, Huelsman, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 15.

Absent or not voting – None.

Rejected.

The question was: Shall **Assembly Joint Resolution 15** be concurred in?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, Farrow, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser,

Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Concurred in.

### **Assembly Joint Resolution 18**

Relating to: celebrating March 1, 2001, as St. David's Day. Read.

The question was: Shall **Assembly Joint Resolution 18** be concurred in?

Concurred in.

### **Assembly Joint Resolution 21**

Relating to: the life and public service of Ben Marcus. Read.

Senator George, Grobschmidt, Burke, Moore, Wirch, Moen and Hansen, with unanimous consent, asked to be made cosponsors of **Assembly Joint Resolution 21**.

The question was: Shall **Assembly Joint Resolution 21** be concurred in?

Concurred in.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

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## **ANNOUNCEMENTS, ADJOURNMENT HONORS, AND REMARKS UNDER SPECIAL PRIVILEGE**

Senator Welch, with unanimous consent, asked that when the Senate adjourns, it do so in honor of his wife's birthday today.

Senator Roessler, with unanimous consent, asked that when the Senate adjourns, it do so in honor of her husband's 50th birthday, February 27.

Senator Wirch, with unanimous consent, asked that when the Senate adjourns, it do so in honor of his father Walter Wirch, recovering from major surgery.

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## **ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Thursday, February 15 at 10:00 A.M..

Adjourned.

6:12 P.M.





# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

THURSDAY, February 15, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

#### Senate Joint Resolution 21

Relating to: urging the Wisconsin congressional delegation to work to enact legislation that would remove social security numbers from hunting and fishing license applications.

By Senators Erpenbach, Baumgart, Breske, Cowles, Darling, Decker, Farrow, George, Hansen, Huelsman, Schultz, Shibilski, Wirsch and Zien; cosponsored by Representatives Balow, Albers, Berceau, Boyle, Gronemus, Grothman, Gunderson, Hebl, Hubler, Johnsrud, Kreuser, Krug, F. Lasee, Meyerhofer, Petrowski, Pettis, Plale, Plouff, Pocan, Powers, Reynolds, Schneider, Sherman, Shilling, Skindrud, Sinicki, Staskunas, Stone, Sykora and Young.

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

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 51

Relating to: requiring certain cemetery authorities to provide for burials during each season.

By Senators Moen, M. Meyer, Schultz and Plache; cosponsored by Representatives Montgomery, Ryba, Underheim, Huebsch, Ladwig and Starzyk.

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

#### Senate Bill 52

Relating to: contracts with persons who take depositions.

By Senators George, Burke, Darling, Schultz and Rosenzweig; cosponsored by Representatives Walker, Balow, Sykora, Huber, Wade, Ryba, Pettis, Townsend, Albers, Powers, Stone, J. Lehman, Hundertmark, Colon, Huebsch, Olsen and Staskunas.

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

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin

February 13, 2001

The Honorable, The Senate:

Pursuant to Senate Rule 20(2)(a), I have appointed Senator Sheila Harsdorf to the Wisconsin Environmental Education Board.

With regard to members of the minority party, the appointment is based on the nomination of that caucus.

Sincerely,

CHUCK CHVALA

Chair, Committee on Senate Organization

#### State of Wisconsin Department of Administration

February 5, 2001

The Honorable, The Legislature:

Included with this correspondence, I am submitting the report of the Department of Administration, Division of Gaming (Gaming), for the second quarter of fiscal year 2001 (October 1, 2000 through December 31, 2000). As required by s.562.02(1)(g), Wis. Stats., the attached materials contain pari-mutuel wagering and racing statistical information, as well as the revenues for the program areas of Racing, Charitable Gaming and Indian Gaming. Please note that Bingo revenues are now captured in a new appropriation (836) and therefore are shown on a separate chart from the rest of Charitable Gaming. If you have any questions or comments regarding this report, please do not hesitate to contact Richard Pedersen at (608) 270-2546.

Sincerely,

F. SCOTT SCEPANIAC

Administrator

#### State of Wisconsin Claims Board

February 13, 2001

The Honorable, The Senate:

Enclosed is the report of the State Claims Board covering the claims heard on January 26, 2001.

The amounts recommended for payment under \$5,000 on claims included in this report have, under the provisions of s. 16.007, Stats., been paid directly by the Board.

The Board is preparing the bill(s) on the recommended award(s) over \$5,000, if any, and will submit such to the Joint Finance Committee for legislative introduction.

This report is for the information of the Legislature. The Board would appreciate your acceptance and spreading of it upon the Journal to inform the members of the Legislature.

Sincerely,  
 EDWARD D. MAIN  
 Secretary

**STATE OF WISCONSIN CLAIMS BOARD**

**The State Claims Board conducted hearings in the State Capitol, Grand Army of the Republic Memorial Hall, Madison, Wisconsin, on January 26, 2001, upon the following claims:**

<u>Claimant</u>	<u>Agency</u>	<u>Amount</u>
1. Braeger Chevrolet	Department of Transportation	\$2,700.00
2. H. Joseph Slater	Department of Revenue	\$4,607.12
3. Thomas F. Bailey	Department of Revenue	\$21,900.00
4. Anthony Gray	Department of Revenue	\$7,318.24
5. Brian J. Friedman	University of Wisconsin	\$420.55
6. Burton A. Weisbrod	University of Wisconsin and Department of Employee Trust Funds	\$119,767.00
7. S.R. Spitz	University of Wisconsin	\$23,377.14
8. Jeral Khachi	Department of Workforce Development	\$33,625.00

**In addition, the following claims were considered and decided without hearings:**

<u>Claimant</u>	<u>Agency</u>	<u>Amount</u>
9. Jay M. Johnson	Department of Natural Resources	\$118.29
10. Kim Bown	Department of Corrections	\$120.00
11. Alvernest Kennedy	Department of Revenue	\$565.00
12. Sandra C. Eselby	Department of Health and Family Services	\$613.32
13. David J. Devney	Department of Administration	\$350.00
14. Christopher J. Kratcha	Department of Natural Resources	\$1,086.75

**In addition, the following claim, which was considered at a previous meeting, was considered and decided without hearing:**

<u>Claimant</u>	<u>Agency</u>	<u>Amount</u>
15. Eleanor A. White	Department of Revenue	\$10,280.00

**The Board Finds:**

**1. Braeger Chevrolet** of Milwaukee, WI claims \$2,700.00 for damages allegedly related to an incorrect WI vehicle title. The claimant acquired a 1993 GMC Suburban as a trade in vehicle for \$12,000. The claimant then sold that vehicle at a wholesale auction and received \$11,700 for the vehicle, after fees. The wholesaler who purchased the vehicle ran a check and discovered that the vehicle had a previous IL title marked as salvage. The claimant had to buy back the vehicle and get a proper WI title with salvage indicated. The claimant was then only able to sell the vehicle for \$9,000, incurring a loss of \$2,700.

The DOT recommends payment of this claim. Miguel Estrada purchased the 1993 GMC on 6/16/98, with an IL salvage title. Mr. Estrada subsequently applied for a WI title and did not note on his application that the vehicle should be titled as salvage. However, the DOT states that the title

processor should have noticed the salvage brand on the IL title and carried it forward to the WI title. The DOT believes that Pennie Wix, the DOT employee who processed the title, was negligent for not carrying forward the salvage brand.

The Board concludes the claim should be paid in the amount of \$2,700.00 based on equitable principles. The Board further concludes, under authority of s. 16.007 (6m), Stats., payment should be made from the Department of Transportation appropriation s. 20.395 (5)(cq), Stats.

**2. H. Joseph Slater** of Lake City, MN claims \$4,607.12 for income tax refunds for the years 1992, 1994 and 1995, which were withheld by the DOR to satisfy assessments for the years 1977–1985. The claimant states that he late filed his 1977–1985 returns in 1995. The claimant has a copy of a certified mail receipt dated 11/26/95 for 12 pages sent to E. Munson at the DOR. The claimant also has a copy of the signed, certified mail return receipt, showing that the returns were received by the DOR and a letter from E. Munson at the DOR dated several days after receipt of the certified mail, stating “(w)e have received your late filed 1977 through 1988 Wisconsin income tax returns.” Despite this acknowledgement, the DOR withheld the claimant’s 1992, 1994 and 1995 income tax returns to satisfy allegedly delinquent assessments for the years 1977–1985. The claimant states that he contacted the DOR and offered them the above evidence that he had indeed filed the returns in question. The claimant states that in March 2000, he received a letter from the DOR stating that the returns had never been received and that E. Munson “inadvertently listed having received late filed returns for tax years 1977 through 1988 when, in fact he meant 1986 through 1992.” The claimant believes that this statement, issued by another auditor five years after Mr. Munson clearly stated he had received the returns, has no credible basis in fact.

DOR records show that the claimant has not filed 1977–1981 income tax returns. The DOR alleges that the claimant was incorrectly informed by E. Munson that DOR had received the 1977–1981 returns. The DOR states that it informed the claimant of the error in its March 2000 letter and that his refunds were held to satisfy the delinquent assessments for these years. DOR states that it has also issued an estimated assessment for 1996 that is now delinquent.

Based on additional DOR testimony at hearing, the Board concludes the claim should be paid in the reduced amount of \$1,702.50 based on equitable principles. The Board further concludes, under authority of s. 16.007 (6m), Stats., payment should be made from the Department of Revenue appropriation s. 20.566 (1)(a), Stats.

**3. Thomas F. Bailey** of Milwaukee, WI claims \$21,955.29+ for refund of an assessment made by the DOR. The claimant alleges that in 1989 the DOR took the position that civil service pension benefits for National Guard technicians were tax exempt. The DOR published this position in a newsletter, which it distributed to federal retirees in 1989. In 1995, the DOR reversed its position and mailed assessments to over 400 National Guard technicians for back taxes on pension benefits from 1989 to 1995, plus 12% interest. In August 1995, the claimant received an assessment for \$20,644.37 tax and interest on his pension for the years 1989–1993. The claimant paid DOR \$21,955.29 (the original assessment plus interest) in November 1995. The claimant states that shortly after the DOR’s position reversal, over 400 retired National Guard Technicians protested and objected to the DOR’s action. The claimant states that this protest was so clear an unequivocal that then Revenue Secretary Bugher held meetings with representatives of the Retired National Guard community to address the issue. The claimant believes that Secretary Bugher was put on notice that the Retired National Guard community as a whole objected to and protested this

action. A “test case” was presented to the Wisconsin Tax Appeals Commission, which upheld DOR’s position. WTAC’s decision was appealed in Dane County Circuit Court in November 1999. The court affirmed that the pensions were taxable but found that some of the petitioners had relied on DOR’s advice to their detriment and ruled that DOR was estopped from seeking assessments against those individuals for tax years 1989 and after. The claimant states that he contacted the DOR but was told that he did not qualify for refund of the taxes because he had not appealed the original assessment issued in 1995. The claimant believes that it is unconscionable for the DOR to refuse to refund his money and that it was grossly unfair of DOR to issue backdated assessments to begin with, when the retired technicians had relied on DOR’s 1989 statement that their pensions were tax exempt. The claimant believes that it is clear that all the retired National Guard Technicians protested this overwhelming financial burden when it was placed upon them and that this protest was clearly conveyed to both Secretary Bugher and the State Legislature by leaders of the Retired National Guard community.

The DOR recommends denial of this claim. A notice of appeal rights accompanied the assessment sent to the claimant in August 1995. No notice of appeal or letter of objection was filed when the claimant paid the assessment. The last date the claimant could have timely filed a claim for refund of the assessment was January 19, 1996. In February 2000, the DOR offered a settlement to the named litigants in the WTAC appeal (the “test case”). The terms of the settlement provided that for the years 1989–1995 the DOR would withdraw assessments and pay timely, properly appealed refund claims. In March 2000, the DOR began to offer the same settlement to other individuals in similar situations as the named litigants, provided that the individuals had timely pending appeals or timely refund claims. Since the claimant did not appeal the original assessment for 1989–1993, DOR has no authority to issue the refund he is requesting and it is DOR’s position that the assessment is final and conclusive.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. However, Representative Albers and Senator Shibilski have indicated that, despite the Board’s decision, they will be introducing legislation that will provide for payment of this claim and other like claims.

**4. Anthony Gray** of Madison, WI claims \$7,318.24 for refund of monies garnished from his wages to satisfy estimated income tax assessments for 1994–1996. The claimant states that he did not live in WI until 1995 and that he therefore believes the 1994 assessment to be illegal. The claimant’s wages were garnished from 7/99 through 8/00. The claimant states that these estimated assessments were incorrect and that he was actually due tax refunds for 1995 and 1996. The claimant further alleges that he was not properly notified of the assessments by certified mail. The claimant states that he was never told that funds would not be returned to him if the assessments were found to be unjustified. The claimant also believes that the two-year statute of limitation has not actually elapsed. The claimant points to the fact that his wages were not certified until 7/13/99. He feels that the two-year time limit should begin on that date, which would extend the deadline until 7/13/01. The claimant does not believe that the two-year statute of limitations applies to his case at all. He states that, according to the notice he received, the two-year limit applies to assessments that are paid in full without objection. He alleges that he did not pay these assessments voluntarily and that the total amount was never collected in full. Finally, the claimant

states that he was involved in a serious car accident on 8/17/00, which caused him to miss an appointment with his accountant and has also caused him great financial difficulty.

The DOR states that it originally contacted the claimant after receiving from his employer a copy of his Wisconsin withholding exemption certificate in which he claimed 14 exemptions. The certificate was signed by the claimant and his current address was given. According to DOR records, a DOR auditor wrote the claimant in 7/97, requesting verification of his 14 exemptions. No reply was received. The DOR states that in 9/97, the auditor notified both the claimant and his employer by mail that the DOR was voiding the exemption claim based on the claimant’s failure to respond. No reply was received. The DOR states that in December 1997, the auditor sent a letter to the claimant requesting filing of 1994–1996 income tax returns. No reply was received. Another request was sent in 2/98, without reply. The DOR alleges that all of the above correspondence was sent directly to the same address at which the claimant currently resides. DOR records further indicate that in 5/98, the DOR issued estimated assessments for the delinquent tax years. In 7/98, DOR sent the claimant a request to file 1994–1997 income tax returns. The claimant called DOR and indicated that he was not a resident in 1994. He promised to file the required returns by 11/1/98. DOR records indicate that from 9/98–4/99, the claimant periodically contacted DOR and requested three extensions to file the returns, which he promised to do by 4/30/99. On 6/18/99 DOR initiated certification of the claimant’s wages. The promised returns were filed on 8/24/00. The DOR states that there is not requirement that the claimant be served by certified mail. The DOR believes that all evidence indicates that he received the correspondence and assessments, since his address has not changed since the DOR first contacted him in 1997 and the claimant has made no allegations that he moved or was absent for extended periods of time.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**5. Brian J. Friedman** of Madison, WI claims \$420.55 for dental injuries allegedly caused by the actions of a UW–Madison Police Officer. The claimant alleges that in 1975, while he was walking on N. Lake Steet, he was detained by a UW Police Officer and taken to the UW Police office on Mills Street. He alleges that he was questioned at gunpoint and pushed by an officer, which caused him to fall and chip a tooth. He requests reimbursement for his dental bills allegedly incurred because of this injury.

The UW is unable to locate any records showing that the claimant was involved with the UW–Madison Police in the year in question. Furthermore, the claimant has presented no information documenting the cause of the dental work that the claimant underwent in 1988, over 10 years after the alleged injury. Because of these reasons and given the length of time that has passed since the alleged injury, the UW does not support payment of this claim.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**6. Burton A. Weisbrod** of Glencoe, IL claims \$119,767.00 for the value of sick leave credits allegedly lost due to an error by the UW. The claimant was a professor at the UW–Madison. The claimant was on a leave of absence from 8/27/90 through 5/26/91 (the spring semester). He was enrolled in a state insurance plan until 7/31/90, and was covered by other



insurance while he was on leave. At the end of his leave, he submitted a letter to the UW indicating that he would be retiring on 6/30/91. He alleges that the UW erred and notified ETF that his retirement date was 5/26/91 (the last day of the spring semester). The UW admitted this error in their letter to the claimant dated 4/2/97. The claimant states that he contacted ETF in June of 1991, regarding his retirement annuity. He states that ETF never discussed the issue of sick leave credits with him because, based on the incorrect information provided by the UW, they believed that he was already retired. In order to convert his sick leave balance to insurance premium credits, the claimant would have had to be insured under a state plan at the time of his retirement. The claimant states that if ETF had informed him of this requirement, there would have still been time to re-enroll with his state insurance before his retirement date of June 30. It is the claimant's understanding that ETF routinely requests sick leave balances from the employing agency of a retiring employee and discusses the sick leave conversion policy with employees when they call to discuss their retirement. The claimant believes that that it was because of the UW's error that ETF never requested his sick leave balance and did not discuss the sick leave conversion policy with him. He states that, had he known about the option to convert his sick leave, he would have reinstated his state insurance in order to meet the requirements of the conversion rules. The claimant states that his sick leave would have been worth \$119,767 towards health insurance premiums and he requests payment of that amount.

The University of Wisconsin System recommends payment of this claim from funds of the Department of Employee Trust Funds. At the conclusion of his leave of absence, the claimant was eligible to return to employment with the UW and to re-enroll with a state health insurance provider prior to his retirement. Had he done so, he would have become eligible for the sick leave conversion program. The UW believes that when he sought pre-retirement advice from ETF, he was not properly counseled about the availability of the sick leave conversion benefit, or the requirements necessary to be eligible for it. The UW believes that the claimant was not properly advised about the sick leave benefit by ETF. The sick leave conversion program is funded by payments made to ETF by state agencies and thus the funds to support this claimant's benefit have already been paid to ETF. Finally, the UW states that the claimant's decision to retire was made, at least in part, to assist the UW and his action did result in relieving his department of a budget contingency. Given the circumstances, the UW believes it would be inappropriate to penalize the claimant by denying him the sick leave conversion benefit.

The Board concludes the claim should be paid in the reduced amount of \$5,000.00 based on equitable principles. The Board further concludes, under authority of s. 16.007 (6m), Stats., payment should be made from the University of Wisconsin appropriation s. 20.285 (1)(a), Stats. The Board further concludes that this payment is not considered full and final settlement of this claim should the claimant wish to pursue further avenues of relief.

**7. S.R. and James Spitz** of Clam Lake, WI claim \$23,377.14 for medical bills, disability, pain and suffering and loss of companionship allegedly related to an accident while Frances Spitz was a patient at UW Hospital. The claimants allege that in March 1996 Frances Spitz slipped and fell in a hallway after wandering unattended from her bed. The fall resulted in a broken hip, which required surgery and extensive follow up care. The claimants state that Ms. Spitz has a history of being unsteady on her feet as well as a history of and wandering. The claimants state that the University of Wisconsin Hospital staff was aware of Ms. Spitz's history because she had wandered on at least six previous admissions.

The claimants also state that UW Hospital had them sign two releases authorizing them to restrain Ms. Spitz for her own protection because the UW was aware that she had a tendency to wander off. The claimant states that because of her history, Mrs. Spitz's bed rails were required to be in the "up" position, so that she could not get out of bed while unattended. The claimants believe that UW Hospital personnel were negligent by not putting up her bed rails. The claimants attempted to file a lawsuit against the University of Wisconsin Hospital, but were unable to obtain the names of the hospital staff on duty, because the accident happened during a shift change. Because the claimants did not name a specific state employee, their Notice of Claim was denied by the Attorney General's Office. The claimants have submitted medical bills totaling \$23,377.14 for Ms. Spitz's medical care. They also request awards for pain and suffering, permanent disability and loss of companionship in the amount of \$350,000.

A Notice of Claim filed in this matter in 1977 was investigated by the Department of Justice, which denied the claim based on failure to comply with s. 893.82(3), Stats., and lack of any basis for a finding of liability on the part of any state employee. The UW recommends denial of this claim since there is nothing in the circumstances presented that indicate there was negligence on the part of a state employee and there is no equitable basis for payment.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**8. Jeral Khachi** of Turlock, CA claims \$33,625.00 for expenses allegedly related to his incarceration on a charge of failure to pay child support. The claimant lives in CA. His ex-wife, the custodial parent, resides in WI. The claimant states that at the time he was detained, he was gainfully employed and was making payments to his ex-wife. The claimant was picked up in May 1999 in CA and was incarcerated for over 20 days. The claimant states that he contacted his sister and had her obtain copies of the money orders sent to his ex-wife as proof that he had been making payments. The claimant states that this documentation was submitted to the Outagamie County Child Support Agency and the District Attorney's Office four days after his arrest. The claimant states that the day he was arrested was his first day at a new job, which he lost because of the arrest. The claimant was extradited to WI and incarcerated for four months before the charges were dropped. The claimant states that the DWD should have contacted him first to clear up the error before resorting to arresting him. He requests reimbursement as follows: 103 days lost work time-\$16,480. 43 days lost overtime-\$12,900. Towing and impounding of his vehicle on the day of his arrest-\$110. Air fare, bus fare and lodging for traveling to and from WI for hearings-\$1347.46, \$170 and \$467.84. State of WI extradition fees-\$2000. Public Defender fees-\$150.

DWD alleges that the claimant's ex-wife never informed the Outagamie County Child Support Agency that the claimant was making sporadic payments by money order directly to her. The DWD's computer system showed a large arrearage and the claimant's ex-wife signed an affidavit that the claimant had not been paying child support. Based on that affidavit, the case was referred to the DA's office for criminal prosecution. The claimant was picked up in May 1999 and arraigned in July 1999. He requested a trial, which was scheduled for August 24, 1999. The child support agency subsequently received verification that the claimant had been making direct payments. The criminal nonsupport provisions of the statutes require failure to pay for at least one continuous 120-day period. Because the claimant had not failed to pay for



120-days, the charges were dropped and the case dismissed. The DWD believes that there was no mistake in handling this case based on the information it received and that the state should not be held responsible for the claimant's expenses.

The Board believes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and that this claim is not one for which the state is legally liable, however, the Board concludes that the claim should be paid in the reduced amount of \$2,000.00 based on equitable principles. The further Board concludes, under authority of s. 16.007 (6m), Stats., that payment should be made from the Department of Workforce Development appropriation s. 20.445 (3)(a), Stats. The Board further suggests that the claimant pursue a claim against Outagamie County.

**9. Jay M. Johnson** of Baraboo, WI claims \$118.29 for the cost of one tire. The claimant is employed as a park facilities repair worker at Devil's Lake State Park. On June 1, 2000, there were severe flooding conditions at the park. The claimant states that because of the extremely high water, which would have flooded out a regular vehicle, he used his truck to transport park rangers to areas where park users needed assistance. The claimant states that while performing this service, he ran over a sharp rock that had washed into the roadway. The rock tore a 4-inch hole in his tire, which had to be replaced. He does not have insurance coverage for this damage and requests reimbursement for the cost of one replacement tire.

The DNR states that the claimant's truck was being used during this emergency situation because a comparable state-owned vehicle was not available. The claimant's supervisor was with him at the time. Under these circumstances, the DNR believes that the claimant's truck was being used for a legitimate state purpose. Furthermore, the DNR does not believe that the claimant was in any way negligent in this situation. The DNR states that the claimant informed his supervisor that the tire which was replaced had approximately 20,000 miles on it at the time it was damaged. Therefore, the DNR recommends payment of this claim in the reduced amount of \$96.37

The Board concludes the claim should be paid in the amount of \$118.29 based on equitable principles. The Board further concludes, under authority of s. 16.007 (6m), Stats., payment should be made from the from Department of Natural Resources appropriation s. 20.370 (1)(mu), Stats.

**10. Kim Bown** of Beloit, WI claims \$120.00 for vehicle damage allegedly related to her employment as a Probation and Parole Agent for the DOC. The claimant states that she used a state owned vehicle to perform home visits on September 18 and 19, 2000. While she was out on these home visits, her personal vehicle was parked in the parking lot at her office. The claimant states that when she returned on the morning of September 19, she discovered that the windshield on her personal vehicle was smashed. The claimant's insurance covered \$380.71 of the damage and she requests reimbursement for her \$120 deductible.

The DOC believes that the claimant incurred these expenses only because of her employment as a Probation and Parole Agent. The DOC believes that the residents in the neighborhood where she left her car more likely than not knew that the owner of the car was a law enforcement agent and that her vehicle was intentionally damaged. The DOC does not believe that Probation and Parole Agents should bear the financial burden of expenses that they incur solely and directly because they work with criminals for the benefit of the people of this state. The DOC believes that requiring agents to pay these expenses would be unfair and would undermine agent morale.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers,

agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**11. Alvernest Kennedy** of Milwaukee, WI claims \$2,799.00 for return of tax refunds intercepted to satisfy estimated assessments for business taxes from 1990 to 1995. The claimant states that he opened a business in 1990. He applied for a seller's permit but claims that he never used the permit and closed the business shortly after it opened. The claimant alleges that he was never told that he had to contact the DOR to discontinue his seller's permit. He states that he filed bankruptcy in 1997 and requests return of his income tax refunds intercepted by DOR.

The Department states that it filed estimated assessments against the claimant because he failed to file any business taxes from the years 1990 to 1995. The assessments became delinquent and the DOR intercepted the claimant's personal income tax refunds for 1995 through 1998 and his sales tax rebate check in January of 2000. The DOR states that it was not until February 1, 2000 that the claimant informed them that he had no liability because the business had never operated. The DOR alleges that when the claimant registered with the state and received his seller's permit, he was informed of his obligation to file a timely return even if there was no tax to report. The DOR states that the sales and use tax return contains a similar notice. Finally, the DOR points to the fact that the seller's permit indicates that the permit should be returned to the DOR if the seller permanently discontinues sales of taxable property and services. The claimant did not follow any of these requirements. The DOR states that section 71.75(5), Stats., prohibits them from refunding the amount collected on the original assessments because the claimant did not claim a refund within the prescribed two-year period. The DOR further states that the claimant's \$565 1999 income tax refund was withheld to satisfy a debt owed by the claimant to the Department of Workforce Development, not for payment of any DOR assessments.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**12. Sandra C. Eselby** of Oshkosh, WI claims \$613.32 for reimbursement of a Medicaid deductible, which she allegedly paid because of a DHFS error. The claimant is permanently disabled as a result of a stroke and requires 24-hour care. The claimant states that she was found eligible for Medical Assistance for a few months until she began receiving Social Security Disability benefits. In June 1999, she applied for M.A. benefits, specifically for a Community Options Program-Waiver (COP-waiver) with a Sheboygan County social worker. The claimant states that over a month passed and she did not hear from Sheboygan County so she contacted them again because of her great need for health care assistance. The claimant states that she completed an application for SSI related MA on July 23, 1999, with a Sheboygan County Economic Support worker (ESS worker). The claimant alleges that the ESS worker was not aware of the claimant's COP-waiver application. At a later hearing, the ESS worker admitted that she did not detect the COP-waiver application even though she should have. Because of this error, the ESS worker told the claimant that she would need to prepay a Medicaid deductible in the amount of \$613.23 or she would not be covered. The claimant paid the deductible on July 30, 1999. On August 9, 1999, the DHFS Division of Supportive Living informed Sheboygan County that the claimant was eligible for the COP-waiver benefits retroactive to her July 23, 1999 application. Furthermore, DHFS stated that because of the

claimant's low income, she had no COP-waiver cost share and would not have to prepay any money to the state or county in order to qualify for MA benefits. In January 2000, the Division of Hearings and Appeals found that, although an error was made, the deductible payment could not be refunded to the claimant because there was no legal mechanism through which to do so.

The Department of Health and Family Services recommends payment of this claim. The DHFS agrees with the facts as presented in the claimant's statement of circumstances. This forum appears to be the only way to reimburse the claimant for her loss and the Department believes that she should be paid on equitable grounds.

The Board concludes the claim should be paid in the amount of \$612.32 based on equitable principles. The Board further concludes, under authority of s. 16.007 (6m), Stats., payment should be made from the Department of Health and Family Services appropriation s. 20.435 (6)(a), Stats. The Board further suggests that the Department of Health and Family Services should, to whatever extent possible, attempt to recover this money from Sheboygan County.

**13. David J. Devney** of Madison, WI claims \$350.00 for damage to suit allegedly incurred when he slipped and fell outside the DPI on April 11, 2000. The claimant states that he was entering the building at 10:00 AM, carrying a 30 pound printer for installation at DPI, when he slipped on ice and snow that was on the walk. The claimant alleges that the area had not been salted or sanded after early morning snow. The claimant states that he jarred his shoulder, cut his knee and bruised his elbow. He states that he tore a three-inch hole in the knee of his pants. He claims that he has contacted several companies in an attempt to have the suit repaired, however, he was told that the hole was too large to fix. The claimant also states that this particular suit is no longer being made in the same color, so it is not possible to find new pants to match the jacket. The claimant paid \$299 for the suit in 1998 and requests \$350 to account for a current higher replacement cost. The claimant believes that the building maintenance crew was negligent for not clearing the walk.

This incident was investigated on the date of occurrence. Although snow was not removed prior to the claimant's entrance into the building, the DOA believes that the claimant should have been aware of the slippery conditions. DOA believes that the claimant's decision to carry a boxed printer into the building through the snow contributed to his fall as it obscured his vision and ability to balance while walking into the building. DOA also states that there are two parking stalls available for the public to use for drop off, which are located in the parking level beneath the building. The claimant has not indicated that he tried to use these or that they were full and unusable. There were no other reports of slips or falls on this date for the Central Madison Complex.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**14. Christopher J. Kratcha** of Marshfield, WI claims \$1,086.75 reimbursement for stolen personal items not covered by his insurance policy. The claimant is employed by the DNR as a Conservation Warden trainee. The claimant states that he is required to travel around the state to attend various training sessions as part of his job duties. The claimant states that in August 2000 he was scheduled to attend a weeklong training session in Sturgeon Bay. The claimant states that he drove a state owned vehicle to his brother's home in Menasha the night before the training, in order to avoid a long drive to Sturgeon Bay the morning the training session began. The claimant

alleges that, because he is in training and is frequently away from home for extended periods of time, he brings with him a number of personal items. The claimant states that his personal items were stolen from the state owned vehicle while it was parked in Menasha. The claimant requests reimbursement for items not covered by his insurance: 76 compact discs with a replacement value of \$1,086.75.

The DNR understands that the Claims Board does not ordinarily award payment for personal items lost by state employees, however the DNR believes there are special circumstances in this case. The DNR states that Conservation Warden trainees are required to live away from their homes for extended periods of time during their year-long initial training period. The DNR believes that it is therefore not unreasonable for trainees to travel with personal items not normally included in business travel. The DNR notes that the items were stolen without forced entry into the state patrol truck. According to the police report, the claimant locked both doors but left a window on the truck open approximately one inch. The DNR believes that the claimant therefore contributed to the loss and recommends payment of 50% of the claim: \$544.00.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**15. Eleanor A. White** of Stoughton, WI claims \$10,280.00 for refund of an assessment made by the DOR. The claimant alleges that in 1989 the DOR took the position that civil service pension benefits for National Guard technicians were tax exempt. The DOR published this position in a newsletter, which it distributed to federal retirees in 1989. In 1995, the DOR reversed its position and mailed assessments to over 400 National Guard technicians for back taxes on pension benefits from 1989 to 1995, plus 12% interest. In February 1996, the claimant received an assessment for \$10,280 tax and interest on her husband's pension for the years 1989-1994. She paid the assessment in full. She states that she then began getting notifications about an attorney, Mr. Eugene Duffy, who was representing the National Guardsmen and fighting the DOR position reversal and backdated assessments. The newsletters and updates indicated the Mr. Duffy was representing all retired National Guard technicians. A "test case" was presented to the Wisconsin Tax Appeals Commission, which upheld DOR's position. WTAC's decision was appealed in Dane County Circuit Court in November 1999. The court affirmed that the pensions were taxable but found that some of the petitioners had relied on DOR's advice to their detriment and ruled that DOR was estopped from seeking assessments against those individuals for tax years 1989 and after. The claimant states that in early 2000, she received a notice from the DOR notifying her of a National Guard Technician Settlement. She contacted the DOR but was told that she did not qualify for refund of the 1989-1994 taxes, as provided for in the settlement, because she had not appealed the original assessment issued in 1996. The claimant believes that it is unconscionable for the DOR to refuse to refund her money and that it was grossly unfair of DOR to issue backdated assessments to begin with, when the retired technicians had relied on DOR's 1989 statement that their pensions were tax exempt. Because she received newsletters updating her on the legal fight with DOR she believed that she was included in any resulting victory and had no reason to believe that her failure to originally appeal the assessment would cause her disqualification from the settlement agreement.

The DOR recommends denial of this claim. A notice of appeal rights accompanied the assessment sent to the claimant in February 1996. No notice of appeal or letter of

objection was filed when the claimant paid the assessment. The last date the claimant could have timely filed a claim for refund of the assessment was February 26, 1998. In February 2000, the DOR offered a settlement to the named litigants in the WTAC appeal (the "test case"). The terms of the settlement provided that for the years 1989–1995 the DOR would withdraw assessments and pay timely, properly appealed refund claims. In March 2000, the DOR began to offer the same settlement to other individuals in similar situations as the named litigants, provided that the individuals had timely pending appeals or timely refund claims. The DOR did send a \$183.04 settlement to the claimant for the year 1995, since that year was open to refund under the statutes at the time of first contact. Since the claimant did not appeal the original assessment for 1989–1994, DOR has no authority to issue the refund she is requesting and it is DOR's position that the assessment is final and conclusive.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. However, Representative Albers and Senator Shibilski have indicated that, despite the Board's decision, they will be introducing legislation that will provide for payment of this claim and other like claims.

**The Board concludes:**

**1. The claims of the following claimants should be denied:**

- Thomas F. Bailey
- Anthony Gray
- Brian J. Friedman
- S.R. and James Spitz
- Kim Bown
- Alvernest Kennedy
- David J. Devney
- Christopher J. Kratcha
- Eleanor A. White

**2. Payment of the following amounts to the following claimants is justified under**

**s. 16.007, Stats:**

Braeger Chevrolet	\$2,700.00
H. Joseph Slater	\$1,702.50
Burton A. Weisbrod	\$5,000.00
Jeral Khachi	\$2,000.00
Jay M. Johnson	\$118.29
Sandra C. Eselby	\$613.32

**Dated at Madison, Wisconsin this 12 day of February 2001.**

Alan Lee, Chair  
 Representative of the Attorney General  
 Edward D. Main, Secretary  
 Representative of the Secretary of Administration  
 Sheryl Albers  
 Assembly Finance Committee  
 Kevin Shibilski  
 Senate Finance Committee  
 Amanda Schaumburg  
 Representative of the Governor

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**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
 Office of the Governor**

February 9, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SHEEHY, TIMOTHY R., of Fox Point, as a member of the State Fair Park Board, to serve for the interim term ending May 1, 2001, and for the full term ending May 1, 2006.

Sincerely,  
 SCOTT MCCALLUM  
 Governor

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

**State of Wisconsin  
 Office of the Governor**

February 9, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LEIPOLD, CRAIG L., of Racine, as a member of the State Fair Park Board, to serve for the interim term ending May 1, 2002, and for the full term ending May 1, 2007.

Sincerely,  
 SCOTT MCCALLUM  
 Governor

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

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

**Senate Clearinghouse Rule 00–143**

Relating to a system of remediation for applicants who have failed the clinical and laboratory examinations more than three times.

Submitted by Department of Regulation and Licensing.

Report received from Agency, February 13, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, February 15, 2001.

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**MESSAGES FROM THE ASSEMBLY**

By John Scocos, chief clerk.

Mr. President:

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

- Assembly Bill 3**
- Assembly Bill 6**
- Assembly Bill 7**
- Assembly Bill 20**
- Assembly Bill 24**
- Assembly Bill 35**
- Assembly Bill 42**
- Assembly Bill 49**



Adopted and asks concurrence in:

**Assembly Joint Resolution 4**

**Assembly Joint Resolution 12**

**Assembly Joint Resolution 19**

**Assembly Joint Resolution 25**

**Assembly Joint Resolution 26**

**Assembly Joint Resolution 27**

**Assembly Joint Resolution 31**

Concurred in:

**Senate Joint Resolution 18**

**Senate Joint Resolution 20**

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## MESSAGES FROM THE ASSEMBLY CONSIDERED

### **Assembly Bill 3**

Relating to: classification and elements of felony offenses and certain misdemeanor offenses; criminal sentences and commitments; modification of a bifurcated sentence in certain cases; revocation of extended supervision; the creation of a sentencing commission and temporary sentencing guidelines; making an appropriation; and providing penalties.

By Representatives Walker and Huber; cosponsored by Senators Burke and Huelsman.

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

### **Assembly Bill 6**

Relating to: liability of cities, villages, towns, and counties for damages caused by an insufficiency or want of repair of a highway.

By Representatives Albers, Kreuser, Ladwig, Gronemus, Musser, Gunderson, Wade, M. Lehman, Montgomery, Petrowski, Starzyk, Sykora, Seratti, Grothman, Hahn, Owens and Nass; cosponsored by Senators Breske, Schultz, Huelsman, Welch, A. Lasee and Farrow.

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

### **Assembly Bill 7**

Relating to: storage and handling of anhydrous ammonia, creating an exemption from civil liability, and providing a penalty.

By Representatives Ott, Rhoades, Freese, Urban, Montgomery, Ladwig, Kestell, Sykora, Musser, Ward, Stone, Hundertmark, Albers, Pettis, La Fave, Ainsworth, Wade, Bies, Gronemus, Vrakas, Townsend, Plouff, Skindrud, Kreibich, Olsen, Gunderson, Lassa, Wasserman, Loeffelholz, Friske and Williams; cosponsored by Senators Erpenbach, Burke, Baumgart, Schultz, Zien and Roessler.

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

### **Assembly Bill 20**

Relating to: the cut-off time for receipt of documents for filing and recording with a register of deeds.

By Representatives Powers, Starzyk, J. Lehman, Wade, Gronemus, Stone, Ladwig, Turner, Nass, M. Lehman, Plouff, Musser, Olsen, Kedzie, Gunderson, Pocan, Miller, Ott, Vrakas,

Hebl and Ryba; cosponsored by Senators Plache, Farrow, Welch and Robson.

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

### **Assembly Bill 24**

Relating to: residency requirements for persons who wish to take an examination for the position of deputy sheriff.

By Representatives Ladwig, Starzyk, J. Fitzgerald, Grothman, Gunderson, Huebsch, Hundertmark, F. Lasee, Lassa, J. Lehman, M. Lehman, Musser, Owens, Petrowski, Powers and Stone; cosponsored by Senators Plache, Huelsman and S. Fitzgerald.

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

### **Assembly Bill 35**

Relating to: changing the bonding requirements for city, village, and county officers.

By Representatives Stone, Musser, Ladwig, Urban, Ainsworth, M. Lehman, Starzyk, Olsen, La Fave, Vrakas, Huber, Hundertmark, Grothman, Townsend, Gunderson, Ott and Lippert; cosponsored by Senators Farrow and Wirsch.

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

### **Assembly Bill 42**

Relating to: the lease and operation of correctional facilities, making an appropriation, and providing penalties.

By Representative Walker; cosponsored by Senator Jauch.

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

### **Assembly Bill 49**

Relating to: polling hours, time off from work for service as an election official, and requiring the elections board to submit recommendations with regard to voter identification and registration and the administration of elections.

By committee on Campaigns and Elections.

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

### **Assembly Joint Resolution 4**

Relating to: commending Dick Bennett on his career, accomplishments, and contributions to Wisconsin basketball.

By Representatives Gunderson, Hundertmark, Ainsworth, Albers, Berceau, Black, Boyle, Duff, Foti, Gard, Gronemus, Grothman, Gundrum, Hebl, Hoven, Huebsch, Jeskewitz, Johnsrud, Kestell, Kreibich, Kreuser, Ladwig, F. Lasee, Lassa, J. Lehman, M. Lehman, Miller, Vrakas, McCormick, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Plouff, Pocan, Powers, Rhoades, Ryba, Schneider, Schooff, Sinicki, Stone, Sykora, Travis, Turner, Underheim, Urban, Wade, Walker, Ward, Wood and Ziegelbauer; cosponsored by Senators Erpenbach, Baumgart, Breske, Cowles, Darling, Decker, Farrow, S. Fitzgerald, George, Moen, Panzer, Plache, Risser, Roessler, Schultz, Welch and Wirsch.

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

### **Assembly Joint Resolution 12**

Relating to: commemorating and supporting the achievements and contributions of the Boy Scouts of America.

By Representatives Nass, Hundertmark, Petrowski, Ott, Ziegelbauer, Duff, Ainsworth, Gundrum, Wade, Ladwig, Leibham, Jeskewitz, Grothman, Albers, Sykora, Kreibich, Suder, Walker, Owens, Urban, Gronemus, Kedzie, Vrakas, Freese, Skindrud, McCormick, Plale, Staskunas, Gard, Pettis



and Townsend; cosponsored by Senators Decker, Zien, Roessler, Schultz, Farrow, Baumgart, Cowles, Lazich, S. Fitzgerald, M. Meyer, Darling and Harsdorf.

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

**Assembly Joint Resolution 19**

Relating to: proclaiming May 18, 19, and 20, 2001, Syttende Mai Weekend.

By Representatives Johnsrud, Hebl, Rhoades, Musser, Freese, Jeskewitz, Berceau, Bies, Bock, Huebsch, Pohan, Coggs, Ward, Plouff, Vrakas, Ladwig, Miller, Hahn, Townsend, Urban, Olsen, Lassa, Petrowski, Albers, Owens, Pettis, Sykora, Kreuser, Lippert and Gunderson; cosponsored by Senators M. Meyer, Moen, Baumgart, Burke, Farrow, Grobschmidt, Hansen, Huelsman, Lazich, Schultz and Wirch.

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

**Assembly Joint Resolution 25**

Relating to: the life and public service of Joseph L. Looby.

By Representatives Balow, Kreibich, Sykora, Lassa, Johnsrud, Sinicki, Hebl, Boyle, Carpenter, Gronemus, Wade, Musser, Ryba, Schneider, Travis, Hubler, Lippert, Gunderson, Miller, J. Lehman, Krug, Turner, Albers, Plouff, Ladwig, Vrakas, Young, Ott and Owens; cosponsored by Senators Zien, Moen, Farrow, Moore, Burke, Risser, Plache, George, Welch, Jauch, Roessler, Hansen, Harsdorf, Schultz and Wirch.

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

**Assembly Joint Resolution 26**

Relating to: the life and public service of Sister Thomas More Bertels.

By Representatives Gronemus, Ziegelbauer, Ott, Freese, Lassa, Kestell, Ryba, Albers, Petrowski, Balow, Sykora, Rhoades, Turner, Musser, Nass, Owens, Miller, Townsend, Lippert, Olsen, Kreuser, Huebsch, Jeskewitz, Riley, J. Lehman, Hundertmark, Plouff and Williams; cosponsored by Senators Baumgart, Schultz, Moen, Lazich, Farrow and A. Lasee.

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

**Assembly Joint Resolution 27**

Relating to: congratulating Marlene A. Cummings for her long-term services and wishing her well in her future endeavors.

By Representatives Young, Coggs, Turner, Walker, Huebsch, Wade, Montgomery, Ott, Boyle, Schneider, Powers,

Musser, Plouff, Meyerhofer, Gronemus, Miller, Urban, Kestell, Ladwig, Wasserman, Owens, Black, Freese, Jeskewitz, Albers, Nass, Lippert, Hahn, Ryba, Gunderson, Vrakas, Balow and Johnsrud; cosponsored by Senators Moore, Risser, Panzer, Farrow, Zien, Burke, S. Fitzgerald, Rosenzweig, A. Lasee, Moen, Breske and Harsdorf.

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

**Assembly Joint Resolution 31**

Relating to: honoring the life of Ben Barkin.

By Representatives Richards, Colon, Ziegelbauer, Sinicki, Johnsrud, Ladwig, Kreibich, Riley, Turner, Stone, Krug, J. Lehman, Vrakas, Bock, Walker, Wasserman, Plouff, Ryba and M. Lehman; cosponsored by Senators Risser, Plache, Burke, Lazich, Huelsman and George.

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

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, February 20, at 1:45 P.M..

Adjourned.

10:01 A.M.

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**AMENDMENTS OFFERED**

Senate substitute amendment 1 to **Senate Joint Resolution 2** offered by Senator Baumgart.

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**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Joint Resolution 8**

**Senate Joint Resolution 10**

**Senate Joint Resolution 13**

**Senate Joint Resolution 14**

Deposited in the office of the Secretary of State on February 15, 2001.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

1:45 P.M.

TUESDAY, February 20, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

Senator Risser, with unanimous consent, appointed Senators Hansen, Robson, Rosenzweig and Fitzgerald to act as escorts to his Excellency the Governor.

Senator Chvala, with unanimous consent, asked that the Senate recess for the purpose of convening in a joint convention to receive the Governor's budget message and reconvene at 4:16 P.M.

1:56 P.M.

### RECESS

### IN ASSEMBLY CHAMBER IN JOINT CONVENTION

The President of the Senate in the Chair.

The committee to await upon the Governor appeared with his excellency the Governor, who delivered his budget message as follows:

### BUDGET ADDRESS

Speaker Jensen . . . Speaker Pro Tem Freese . . . President Risser . . . members of the Wisconsin Legislature . . . Constitutional Officers . . . Honorable Justices of the Wisconsin Supreme Court . . . members of the cabinet . . . my fellow citizens.

In my inaugural address . . . delivered 19 days ago . . . I spoke about what I called the making of Wisconsin.

. . . about imposing a new spending discipline on state government.

. . . about the need to reduce Wisconsin's overall tax burden.

. . . about the need to invest more money in education.

. . . about the goal of keeping Wisconsin's economy strong and growing.

. . . about improving the quality of life for all of our citizens.

. . . about my commitment to protecting the environment.

My inaugural address laid out . . . in very broad terms . . . the values which are important to me . . . and to the people of Wisconsin.

The budget I propose to you today expresses . . . in more practical terms . . . these same values:

. . . living within our means.

. . . helping others reach their full potential in life.

. . . meeting our commitments.

. . . protecting the environment.

. . . doing more to help businesses grow so they can create new and better jobs.

. . . helping families thrive.

. . . showing compassion for the neediest members of our society.

. . . working cooperatively to take care of the people's business.

For me . . . a budget is a statement of who we are . . . and what we value . . . it defines those principles we are willing to fight for.

We all know that . . . over the course of the next several months . . . great debates will rage over how our values and our priorities are reflected in the final budget document.

But I want to make one thing very clear.

I want to work with each one of you . . . in both houses . . . in both parties . . . to make sure we all share in the making of Wisconsin and that the values we all bring to this endeavor will be reflected . . . to the greatest extent possible . . . in the final version of this budget.

The proposed budget reflects what I believe are the values all citizens of Wisconsin share . . . and I am more than willing to talk about how we can work together to reach common ground for the common good.

But you also need to know from the outset that I will not support any budget package which would impose a financial burden on Wisconsin taxpayers that exceeds their ability to pay.

Has this been an extraordinarily difficult budget to assemble? You bet.

Do I wish we could go farther or faster in some areas?

Absolutely.

However, I also believe it's important for governments . . . just like our families . . . to live within their means.

The daily lives of all the citizens in this state are filled with difficult choices as they decide how to balance expenses with income.

Can they afford a new car?

A new home?

Can they cover their heating bill?

Buy enough food?

How much can they afford to save for their children's education?

Or investing for retirement?

And from these hard-working people we take taxes.

They trust us with their money and they trust us to spend their money wisely as we work not only to sustain . . . but to improve . . . the quality of life we have all come to enjoy in Wisconsin.

We must never abuse that trust.

In my inaugural address . . . I said it's time for government to demand less so our citizens can do more for themselves and their families.

This is the time.

This is the budget.

This is when we need to make sure Wisconsin's financial house is built on a solid foundation.

We've been using the taxpayer's credit card to increase spending and we've come up short in producing the money to pay the bill . . . so now we've got to make some painful decisions and take steps to make sure this situation is not repeated.

I can tell you today that the 3 percent and 2.9 percent spending increases in this budget are the lowest GPR spending increases in over 30 years!

There are two over-arching themes which guided the development of the budget I present to you today.

The first is the need to control state spending and provide a mechanism to lower taxes and avoid larger budget deficits.

The second is my commitment to build an even more vibrant state economy . . . to invest in the creation of good paying jobs . . . to build upon the solid economic foundation which has been laid over the past 14 years.

I believe this budget accomplishes these goals.

My proposal to cap state spending increases at the rate of growth in personal income will get state spending under control. And . . . if you're wondering . . . the spending increase in this budget would come in well under the cap . . . if it were in place today.

My proposal to return half of all future surplus funds to state taxpayers provides a mechanism for additional tax relief.

My proposal to direct half of any future budget surpluses to the Budget Stabilization Fund will help avoid a repeat of the deficit challenge we faced in putting this budget together.

However . . . I also know that others here have been at work on these same issues . . . fighting for the same sound approach to spending and taxes.

When the last biennial budget was passed . . . I expressed my personal concern about the rate of spending growth in that budget.

We have now seen where excessive spending takes us.

We began this budget planning process with a structural deficit estimated to be \$475 million in the current fiscal year.

However, the nation's economic slowdown over the past few months has forced us to revise our revenue figures downward . . . and these lower revenue projections pushed the deficit up to \$557 million in each year of the upcoming biennium.

That means we have to use \$557 million of revenue growth in the first year of the upcoming biennium . . . and another \$557 million of growth in the second year just to sustain our current levels of spending.

And . . . as you all know . . . this \$1.1 billion structural deficit . . . the largest in state history . . . must be covered before a single dime is allocated for a single new program.

My friends . . . let us vow . . . right here . . . right now . . . to work together to make sure that no future governor . . . regardless of party . . . will be forced to begin a biennial budget cycle with a deficit of this magnitude.

Furthermore . . . and let me say this in unambiguous words . . . as long as I am governor . . . I will do all I can to make sure the state of Wisconsin does not face a deficit of this magnitude again.

You also need to know that part of the equation for balancing this budget is my proposal to "securitize" the stream of payments Wisconsin is slated to receive from tobacco companies as part of the recent national settlement.

By selling the state's right to receive these payments to bond investors and by turning the bulk of their immediate payment over to the Wisconsin Investment Board to invest . . . Wisconsin can turn an expected \$5.6 billion in payments over the next 30 years into about \$6.8 billion over that same period of time.

I am proposing that \$350 million of the amount we initially receive be used to offset the current structural deficit and that the balance be assigned to a permanent endowment fund. The earnings on the endowment fund will be used to support anti-smoking efforts and other health-related programs.

This is sound fiscal management which will yield both short and long-term financial and health benefits for Wisconsin's citizens . . . but only if we act responsibly in managing the proceeds of this settlement.

As we work together to come to agreement on this budget . . . I would ask that you not jeopardize the state's bond rating . . . or mortgage our children's future . . . by dipping further into this fund.

This is just one example of how this has been a daunting budget process . . . perhaps the most difficult budget in many years . . . but it's also provided us with some great opportunities.

And it's those opportunities I am most excited to talk about today.

The opportunity to focus on performance and productivity . . . rather than spending.

The opportunity to look for ways to further streamline government . . . at all levels.

The opportunity to provide more efficient and more effective services at a lower cost.

The opportunity to re-focus our priorities on those things which most need our attention and our resources.

Call it . . . the re-making of Wisconsin.

That is the opportunity this budget has presented to us . . . and . . . together . . . we must accept the challenge.

The budget I present to you today does not shift the state's financial shortfall to other units of government . . . it does not raise taxes . . . and it does not rely on accounting tricks to balance the books.

This is a budget built on the same principles we all learned in Accounting 101 . . . you don't spend more than you take in and you don't rob Peter to pay Paul.

It's common sense.

It's sound fiscal management.

It's our sacred obligation as public servants.

Despite the challenging budget picture . . . I am recommending major new financial investments in the following areas:

\$540 million more for public schools . . . to help fund school costs and continue to provide much-needed property tax relief.

\$206 million more for corrections . . . for a more compassionate and effective approach to rehabilitation and making sure that our citizens are more secure.

\$201 million more for medical assistance . . . to provide more medical services to the neediest in our state.

There is also new money to grow and build Wisconsin's economy and to help create more high-skill . . . high-wage jobs. In other words . . . more opportunities for our citizens to improve their lives by moving up the economic ladder.

- Twenty technology development zones will be created to help develop high-tech . . . high-skill . . . high-wage jobs.

- An airport hub property tax incentive will be provided to encourage airlines to create high-paying jobs in Wisconsin.

- The single sales factor approach to apportionment of corporate taxes will be phased in . . . so that Wisconsin is more competitive with our neighboring states when it comes to locating new plants and creating new jobs.

- A "Rural Initiative" to reinvigorate Wisconsin's historic commitment to small towns and farms by providing grants and start-up assistance to small business owners and family farmers.

- Funding for the TechStar program . . . which will provide grants to a consortium of southeastern Wisconsin universities to help turn their research efforts into marketable products.
- Funding for the "Milwaukee Idea" . . . which will increase the number of faculty and students enrolled at the University of Wisconsin–Milwaukee in high–demand occupational areas. This money will also provide for creation of the "Academy of Excellence" honors program on the Milwaukee campus . . . which is an initiative aimed at keeping Wisconsin's best and brightest students learning . . . and, hopefully, working . . . right here at home . . . in Wisconsin.
- Another \$11.8 million for the "Madison Idea" . . . which focuses on increasing educational options for students at the University of Wisconsin–Madison and for enhancing economic development.
- Funding will be provided to the Wisconsin Technical College System to create a 17th campus. But this one will be a virtual technical campus . . . on–line.
- The gross receipts tax on wholesale power transactions will be cut in half to help increase the supply of energy and reduce the cost.
- We will begin the process of reconstructing the Marquette Interchange in Milwaukee. This is a crucial . . . indeed indispensable . . . link for commerce flowing throughout the entire state of Wisconsin.
- Ten million dollars will be earmarked for the Canal Street project in Milwaukee to help facilitate redevelopment in the Menomonee Valley.
- \$9.1 million will be provided for infrastructure improvements around the soon–to–be–refurbished Lambeau Field in Green Bay.

Technological changes are also having a big effect on state government . . . and in defining the way we provide services to the people of Wisconsin.

That is why I am proposing creation of a new Wisconsin Department of Electronic Government . . . to be headed by a state Chief Information Officer . . . and which will be responsible for technology planning and project implementation.

This new department . . . which will be formed from existing divisions within DOA . . . will help incorporate emerging technologies into the workplace . . . and will help us provide better and more efficient services . . . and at a lower cost.

And when we speak of "efficiency" . . . we must take a moment to speak of Don Kettl . . . one of Wisconsin's most valuable resources.

In January . . . the Kettl Commission presented its report on State–Local Partnerships and this budget includes the commission's recommendations on municipal shared revenue. These recommendations seek to eliminate incentives to spend money and . . . instead . . . put in place incentives to encourage more cooperation and efficiency. As additional savings are realized through a move to regionalized "economies of scale" . . . taxpayers can look forward to lower tax burdens.

This is not the first time Don Kettl has stepped forward to take on a difficult assignment and I know it won't be the last. Don . . . please stand up . . . and let a grateful state say "Thank you!"

We must also reaffirm our commitment to public education. Not just in terms of the state's funding responsibility . . . but also by endorsing initiatives to improve performance. Education is the most critically important component in building a successful and comfortable life . . . regardless of whatever endeavor one may chose to pursue . . . and the state has a responsibility to ensure that all of our children are reaching their highest potential.

That's why this budget provides funds for . . .

- Promoting site–based management.
- New school improvement teams.
- Restructuring under–performing schools.
- An independent Board of Educational Accountability to manage assessment programs and provide information to parents and taxpayers on how schools are performing.
- A pay–for–performance initiative for teachers who excel.
- More charter schools.
- Smaller class sizes in the elementary grades.
- Alternative certification options for qualified teachers.

In building academic programs around the needs of students . . . giving parents and policy makers better information . . . improving subject area knowledge and student outcomes . . . our schools will be better able to focus on performance rather than on compliance.

The author George Eliot wrote . . . "What do we live for . . . if it is not to make life less difficult for each other?"

The budget I present to you today makes life less difficult for the neediest in Wisconsin in these ways.

- New funding to maintain Early Childhood Excellence Centers . . . which will provide high quality childcare to low–income families.
- An additional \$84 million for direct child care . . . to significantly improve access for families who need this help.
- Creation of a "Kids Cabinet" to ensure better coordination of programs for children.
- Maintenance of funding for the Community Options Program.
- Additional funds to address caseload needs in the Division of Vocational Rehabilitation.
- Funds to expand the Women's Health Program . . . and for treatment of breast and cervical cancer.

· More money for BadgerCare . . . which will help add approximately 20,000 families to the program.

· A Prescription Drug Assistance Program which could cover over 80,000 of Wisconsin's senior citizens who currently do not have any prescription drug benefits.

It's my hope . . . as we come to some agreement on what the state can afford to do in extending prescription drug benefits . . . that we don't lose sight of the fact we all want more of our senior citizens covered. On that point . . . there is no disagreement.

We must also reaffirm our commitment to environmental protection and wise use of our natural resources.

Commenting on the prediction that the world's population could double in the next 30 years, the Archbishop of Canterbury recently said . . . "We will have to learn to live more simply so that others may simply live."

We must not take more from this world than we need and we must make sure we preserve as much of God's beauty for those who will follow us.

We are all custodians of the land . . . the water . . . our state and national forests . . . our beautiful state parks . . . the shorelines . . . the natural habitat . . . the wildlife . . . and . . . the wetlands.

This is a part of Wisconsin's heritage I will not allow to be un–made.

In my proposed budget, you will find:

- A Green Tier Initiative which will strengthen the partnerships between businesses and the Department of Natural Resources . . . and provide for a more effective level of environmental management.
- An additional \$130 million in bonding authority to invest in water quality improvement.
- Three million dollars for ethanol production to help the environment and to help Wisconsin farmers.
- Two million dollars for "brownfield" clean–up in the Menomonee Valley.



· Nearly two million dollars will be directed towards the Agricultural Stewardship Initiative to fund research which will help reduce agricultural pollution.

· Creation of the Fox River Navigational System Authority to rehabilitate, repair, operate and maintain the lock system on the Fox River.

· A \$300,000 program to better control invasive aquatic plants which threaten Wisconsin's aquatic habitat and water-based recreation.

In closing . . . there can be no doubt this will be a difficult budget process and I am sure the debates will sometimes be fierce . . . but there is no need for our political differences to spill over into our personal relationships.

There's an old French proverb that says . . . "To speak kindly does not hurt the tongue."

Let's fight as hard as we can for what we believe . . . but let's also treat each other with respect and kindness and courtesy.

As I said in my inaugural address . . .

Let's be proud of what we do and say here.

Let's leave a legacy our children can look back on with pride when we are gone.

Shakespeare wrote . . . "If I lose my honor . . . I lose myself."

Let's be sure we hold both honor and self securely in our hands as this important budget debate unfolds.

Thank you.

The Joint Convention arose at 2:36 P.M.

4:16 P.M.

The Senate reconvened.

Senator George in the chair.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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## INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

### Senate Joint Resolution 22

Relating to: the life and public service of Daniel T. "Tom" Kelley.

By Senator Robson; cosponsored by Representative Schooff.

To committee on **Senate Organization**.

### Senate Joint Resolution 23

Relating to: the life and public service of Helmar A. Lewis.

By Senators Schultz, Cowles, Farrow, Baumgart and Darling; cosponsored by Representatives Loeffelholz, Freese, Johnsrud, Albers, Gunderson, Ladwig, Turner, Vrakas, Wade, Gronemus, Owens, Krawczyk and Petrowski.

To committee on **Senate Organization**.

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## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

### Senate Bill 53

Relating to: proceeds from the sale of forest products at Badger Army Ammunition Plant and making an appropriation.

By Senators Welch and Schultz; cosponsored by Representatives Wade, Freese, Albers, Gunderson, Townsend and Musser.

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

### Senate Bill 54

Relating to: discharges of dredged or fill material into nonfederal wetlands.

By Senator Shibilski.

To committee on **Environmental Resources**.

### Senate Bill 56

Relating to: following snowplows and providing a penalty.

By Senators Plache, Breske, Burke, Darling, Moen and Schultz; cosponsored by Representatives Ainsworth, Boyle, Freese, Huber, Krawczyk, Ladwig, Lassa, M. Lehman, J. Lehman, Lippert, Musser, Olsen, Owens, Plouff, Powers, Ryba, Starzyk, Stone, Townsend, Turner, Vrakas and Wade.

To committee on **Insurance, Tourism, and Transportation**.

### Senate Bill 57

Relating to: creating a permit authorizing the operation upon a highway of a specialized hauling rig that exceeds statutory size and weight limits.

By Senators Breske and M. Meyer; cosponsored by Representatives Stone, Grothman, Montgomery, Townsend, Albers, Lassa, Sykora, Petrowski, Pettis, Wade, Gronemus and Ryba.

To committee on **Insurance, Tourism, and Transportation**.

### Senate Bill 58

Relating to: the regulation of snowmobile rail crossings.

By Senators Breske, Cowles, Decker, Baumgart and Schultz; cosponsored by Representatives Wade, Ryba, Kestell, Gunderson, Johnsrud, Gronemus, Townsend, Kreuser, Albers, Olsen, Pettis, Nass, Lippert, Kreibich, Kaufert, Petrowski, Sykora and Vrakas.

To committee on **Insurance, Tourism, and Transportation**.

### Senate Bill 59

Relating to: authority of a court to suspend a person's operating privilege for violations of ordinances unrelated to the operation of a motor vehicle or for failing to pay a penalty for such a violation.

By Senators Harsdorf, Darling, Huelsman and Schultz; cosponsored by Representatives Ladwig, M. Lehman, Townsend, Olsen, Starzyk, Pettis, Albers, Stone, Leibham, Sykora and Jeskewitz.

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

**Senate Bill 60**

Relating to: authority of a court to suspend a juvenile's operating privilege for violations of ordinances unrelated to the operation of a motor vehicle or for failing to pay a penalty for such a violation.

By Senators Plache and Huelsman; cosponsored by Representatives Ladwig, Stone, Olsen, Lippert, Starzyk, Vrakas, Kreuser, Miller, J. Lehman and Pettis.

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

**REPORT OF COMMITTEES**

The joint committee on **Finance** reports and recommends:

**Senate Bill 55**

Relating to: state finances and appropriations, constituting the executive budget act of the 2001 legislature.

Introduction.

Ayes, 16 – Senators Burke, Decker, Moore, Shibilski, Wirch, Robson, Darling and Welch. Representatives Gard, Kaufert, Albers, Duff, Ward, Huebsch, Huber and Riley.

Noes, 0 – None.

To joint committee on **Finance.**

Brian Burke  
Senate Chairperson

Pursuant to Senate Rule 36(2)(c) and section 13.52(6), Wisconsin Statutes, the Co-Chairs of the Joint Survey Committee on Tax Exemptions shall prepare and submit a report in writing setting forth an opinion on the desirability of **Senate Bill 55**, relating to state finances and appropriations, constituting the executive budget act of the 2001 legislature, as a matter of public policy.

Pursuant to Senate Rule 36(2)(c) and section 13.50(6), Wisconsin Statutes, the Co-Chairs of the Joint Survey Committee on Retirement Systems shall prepare and submit a report in writing setting forth an opinion on the desirability of **Senate Bill 55**, relating to state finances and appropriations, constituting the executive budget act of the 2001 legislature, as a matter of public policy.

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

February 20, 2001

The Honorable, The Senate:

I will be unable to attend the Joint Committee on Finance meeting of February 20, 2001. Therefore, I am submitting my resignation from the committee.

I will be available to resume my position immediately for the next committee meeting. If you have any questions, please do not hesitate to contact me.

Sincerely,

KIMBERLY M. PLACHE  
State Senator

**State of Wisconsin**

February 20, 2001

The Honorable, The Senate:

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

Sincerely,

CHUCK CHVALA  
Chair, Committee on Senate Organization

**State of Wisconsin  
Office of the Governor**

February 6, 2001

The Honorable, The Senate:

This is to inform you that I am withdrawing the nomination of George Meyer as Secretary of the Department of Natural Resources.

Thank you for your attention to this matter.

Sincerely,

SCOTT MCCALLUM  
Governor

**State of Wisconsin  
Legislative Audit Bureau**

February 1, 2001

The Honorable, The Legislature:

This biennial report on the operations and performance of the Legislative Audit Bureau covers the period January 1, 1999 through December 31, 2000. It summarizes the Bureau's statutory responsibilities, significant developments affecting the Bureau, and reports released during the past two years and is required under s. 13.94(1)(j), Wis. Stats.

The Bureau conducts financial and program evaluation audits to assist the Legislature in its oversight of executive branch agencies. The Bureau's reports are received and reviewed by the Joint Legislative Audit Committee, whose 1999-2000 members were:

- Senator Gary R. George, Co-chairperson
- Senator Judith Robson
- Senator Brian Burke
- Senator Peggy Rosenzweig
- Senator Mary Lazich
- Representative Carol Kelso, Co-chairperson
- Representative Stephen Nass
- Representative John Gard
- Representative Robert Ziegelbauer
- Representative David Cullen

In total, we released 42 numbered reports during the biennium, as well as several dozen other documents of a narrow scope or intended for a limited audience. We make every effort to deliver accurate, timely, and useful analyses that enhance the accountability of state government, and we look forward to serving the Legislature, the Governor, and the people of Wisconsin in the coming years.

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Legislative Audit Bureau**

February 15, 2001

The Honorable, The Legislature:

At the request of several legislators including Senator George, who first requested it, we have performed a limited review of the State's settlement with Fort James Corporation for natural resource damages to the Fox River. A legal settlement between the Department of Natural Resources (DNR), the Wisconsin Department of Justice, and Fort James Corporation stipulated that the State will not sue Fort James for natural resource damages arising from the release of polychlorinated biphenyls (PCBs) into the Fox River. In exchange, Fort James has agreed to provide or fund several environmental restoration projects at a cost that has been estimated to be \$7.0 million. The settlement agreement, which was signed November 15, 2000, is subject to

acceptance by the United States District Court for the Eastern District of Wisconsin.

Several aspects of the settlement agreement have been controversial, including the confidential nature of the negotiations that preceded the settlement; the use of consultants paid for by Fort James and other paper companies to value the environmental damages for which the State and local governments are to be compensated; the models used to value the environmental losses sustained; and the objections raised by the U.S. Fish and Wildlife Service, whose staff were not included in the negotiations. However, DNR strongly defends its approach as reasonable and effective. Based on our review, we have identified several issues that are contentious, may result in limited opportunities for legislative oversight, or are unresolved at this time.

We appreciate the courtesy and cooperation extended to us by DNR, the Department of Justice, and the Fish and Wildlife Service in conducting this review.

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Legislative Audit Bureau**

February 16, 2001

The Honorable, The Legislature:

We have completed a review of Employment Solutions, Inc. (ESI) and 15 other Wisconsin Works (W-2) agencies as part of a comprehensive audit of the state wide implementation of the W-2 program. We have identified charges for out-of-state work and other unallowable and questioned expenditures by ESI that are similar to those we identified for Maximus, Inc., an agency that also administers the W-2 program in Milwaukee County.

We identified \$270,268 in unallowable costs that were related to ESI's activities outside of Wisconsin but charged to the W-2 program. Most were related to unsuccessful efforts to acquire a contract for administration of Arizona's welfare-to-work program. Our findings suggest the extent of ESI's out-of-state activities was greater than the agency had indicated.

Among \$3.6 million in additional transactions for ESI, we identified \$35,899 in unallowable costs and questioned another \$61,234 in expenditures charged to the w-2 program. Unallowable and questioned transactions include expenditures for entertaining ESI employees, advertising, legal services, local hotel charges, and a variety of restaurant and other food charges.

We also reviewed staff performance incentives that were charged to the W-2 program by three agencies in 1999. ESI provided substantially higher incentives than the other agencies, partly because ESI has chosen to make a portion of employees' compensation contingent upon performance. ESI's incentives averaged \$9,635 each for the 84 employees receiving them. ESI's chief executive officer received a total of \$61,645 in 1999; that amount reflects incentive payments for performance in 1998 and 1999.

Finally, we identified \$12,604 in unallowable costs and \$114,487 in questioned costs made by six other W-2 agencies.

We appreciate the courtesy and cooperation extended to us by the W-2 agencies and the Department of Workforce Development during the course of our review.

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Department of Administration**

February 12, 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 January 2001.

On January 1, 2001, the **Wisconsin Health Education Loan Repayment Fund** balance was -\$11 thousand. This shortfall increased to -\$13 thousand on January 17, 2001, decreased to -\$2 thousand on January 24, 2001, and continued into the month of February. As of the date of this letter, it is expected to be resolved soon. This shortfall is due to the timing of revenues.

On January 1, 2001 the **Utility Public Benefits Fund** balance was -\$3.18 million. This shortfall decreased to -\$1.76 million on January 4, 2001, increased to -\$2.13 million on January 11, 2001, to -\$3.08 million on January 23, 2001, to -\$4.24 million on January 30, 2001, and continued into the month of February. As of the date of this letter, it is expected to be resolved soon. This shortfall is due to the timing of revenues.

On January 25, 2001 the **University Trust-Income Fund** balance was -\$32 thousand. This shortfall decreased to -\$24 thousand on January 26, 2001 and continued until January 29, 2001 when the balance reached \$1.95 million. This shortfall was due to the timing of revenues.

The Wisconsin Health Education Loan Repayment Fund, Utility Public Benefits Fund, and University Trust-Income 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  
Department of Administration**

February 14, 2001

The Honorable, The Legislature:

In the Division of Gaming Quarterly Report sent to you on February 5, 2001, the fiscal year report on the Bingo program was omitted. Somehow in the assembly phase two copies of the Charitable Gaming (Raffle and Crane Games) got attached.

Please remove the last page of the report and include the attached report on the Bingo program.

If you have any additional questions please contact me at 27-2546. I apologize for this error.

Sincerely,

RICHARD B. PEDERSEN  
Division of Gaming



**State of Wisconsin  
Department of Transportation**

February 8, 2001

The Honorable, The Senate:

With great pleasure I present to you this report on the Pretrial Intoxicated Driver Intervention Grant Program. The program, created by section 85.53 Wis. Stats., was established by the legislature in 1997 with the requirement that the Department study its impact and report on its findings every even numbered year. This report covers the period from 1995, two years prior to the enactment of the program, through the year 1999.

The Pretrial Intoxicated Driver Intervention Program is designed for drivers who are arrested for their second or subsequent offense. It is an intervention program designed to get the offender into counseling, treatment and monitoring as soon as possible after the arrest in the belief that intervention is most effective if it happens very soon after the incident. Previously, intervention waited until the completion of court action, typically 90 to 120 days. This program brings offenders to intervention almost immediately, usually as part of the bail release process. It was hoped this early intervention would help reduce recidivism rates.

As you will see in the full report, early indications are good. It appears that offenders who successfully completed the program were less likely than non participants to be rearrested for subsequent operating while intoxicated violations and that those who were rearrested went significantly longer between arrests than non participants.

This report describes the program in each of the ten participating counties and provides a detailed explanation of its results. I commend those people who have dedicated themselves to making this innovative program a success.

Sincerely,

TERRENCE D. MULCAHY, P. E.  
Secretary of Transportation

**State of Wisconsin  
Ethics Board**

February 20, 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/>

- Boyce, Catherine **Smokefree Wisconsin**
- Broydrick, William **Smokefree Wisconsin**
- Ciaravino, Anthony S **Wine Institute**
- Elverman, Timothy J **Smokefree Wisconsin**
- Gundermann, Robert **Wisconsin Alzheimer's Association Chapter Network**
- Handzel, Jr., Henry **Printing Industries of Wisconsin**
- Handzel, Jr., Henry **Wisconsin Paper Council**
- Hottenroth, Theresa M **Froedtert Memorial Lutheran Hospital**
- Kent, Paul **Town of Hobart**
- Koenecke, Mary **GlaxoSmithKline, Inc. (formerly Glaxo Wellcome)**
- Leitch, Laura J **Froedtert Memorial Lutheran Hospital**
- McCoshen, William J **Snap-On Incorporated**

- Morgan, Lynn
- O'Connor, William P
- Petersen, Eric J
- Reihl, Mark **Carpenters**
- Springer, Thomas J **Hospital**
- Stafford, Julie C **Wisconsin Development Initiative**
- Stenger, Scott
- Strohl, Joseph **Wisconsin Development Initiative**

- Smokefree Wisconsin**
- Gathering Waters Inc**
- Snap-On Incorporated**
- Wisconsin State Council of**
- Froedtert Memorial Lutheran**
- Wisconsin Academy Staff**
- Verizon Wireless**
- Wisconsin Academy Staff**

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  
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>
<b>2001 Senate Joint Resolution 8</b>	<b>Enrolled Joint Resolution, 2</b>	N/A
<b>2001 Senate Joint Resolution 10</b>	<b>Enrolled Joint Resolution, 3</b>	N/A
<b>2001 Senate Joint Resolution 13</b>	<b>Enrolled Joint Resolution, 4</b>	N/A
<b>2001 Senate Joint Resolution 14</b>	<b>Enrolled Joint Resolution, 5</b>	N/A

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Circuit Court**

December 20, 2000

The Honorable, The Legislature:

As Chair of your Committee on Judicial Selection, it is with a great sense of accomplishment that I submit the Committee's report, along with findings and recommendations. The considerable study, investigation, assessment, debate and evaluation of this issue by a Committee of top-notch legal and judicial scholars along with community and academic leaders produced the first comprehensive report on this subject for our state. With the creation of this Committee the three branches of our government combined to send a strong message that racial and ethnic diversity on Wisconsin courts is a serious and important issue.

The findings and recommendations in our report illustrate the paramount importance of the challenge of increasing diversity in our judiciary. Meeting this challenge will require multifaceted solutions, including greater involvement by more groups and greater access to more information. The Committee believes that the legislative, judicial and executive branches can continue to show leadership by bringing in other societal institutions and segments to gain their input and cooperation, by further developing and implementing the recommendations in this report, and by continuing to work to achieve racial and ethnic diversity on Wisconsin courts.



It is our belief that the implementation of these recommendations will lead us closer to our goal of providing Wisconsin citizens with a judiciary that is not only qualified and independent, but a judiciary which is also racially and ethnically diverse as the people of this Great State. Again, I join the members of the Committee in expressing our sincere appreciation for the opportunity to serve the people of Wisconsin on this important matter.

Sincerely,

JUDGE MAXINE ALDRIDGE WHITE  
Chair, Committee on Judicial Selection

**State of Wisconsin  
Circuit Court**

December 20, 2000

The Honorable, The Legislature:

As Chair of your Task Force on Racial Profiling, it is with great pleasure that I submit the Committee's report, including findings and recommendations on the matter. You assembled an excellent group of professionals who worked diligently to gain an understanding of the issue, and then produced the best, most comprehensive report possible. We believe that this report will be a useful tool to help our Great State combat even the perception of racial profiling.

Our recommendations go beyond the idea of mere data collection and address ways to end poor police practices before they begin. With the help of law enforcement, both on the Task Force and on the job, we were able to address the areas that will make a positive difference in preventing racial profiling. We made specific recommendations regarding training, supervision, policies, data collection and community outreach. We believe, through our research on this topic, that each element of the plan we put before you is as important as the next one. Some of our recommendations have been adopted and implemented by several law enforcement agencies within the state and many others across the country are interested in emulating our results.

Thank you for recognizing the need for such a study and putting together such a remarkable team. Each and every member of this Task Force gave their valuable time to the study and brought their diverse perspectives to the table, which helped create these effective and attainable recommendations.

Sincerely,

JUDGE MAXINE ALDRIDGE WHITE  
Chair, Governor's Task Force on Racial Profiling

**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

February 8, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BAZZELL, DARRELL, of McFarland, as Secretary of the Department of Natural Resources, to serve for the term ending at the pleasure of the Governor.

Sincerely,

SCOTT MCCALLUM  
Governor

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

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

**Senate Clearinghouse Rule 00-091**

Relating to licensing of emergency medical technicians-paramedic and approval of emergency medical technician-paramedic operational plans.

Submitted by Department of Health and Family Services.

Report received from Agency, February 20, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, February 20, 2001.

**Senate Clearinghouse Rule 00-122**

Relating to placement of Wisconsin-issued motor vehicle identification numbers (VINs).

Submitted by Department of Transportation.

Report received from Agency, February 15, 2001.

Referred to committee on **Insurance, Tourism, and Transportation**, February 20, 2001.

The committee on **Labor and Agriculture** reports and recommends:

**Senate Clearinghouse Rule 00-119**

Relating to pesticide product restrictions.

No action taken.

David Hansen  
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 5**

**Assembly Bill 37**

Adopted and asks concurrence in:

**Assembly Joint Resolution 29**

**Assembly Joint Resolution 30**

**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 5**

Relating to: authority of a court to suspend a juvenile's operating privilege for violations of ordinances unrelated to the operation of a motor vehicle or for failing to pay a penalty for such a violation.

By Representatives Ladwig, Starzyk, Bies, Friske, Krawczyk, Lippert, Loeffelholz, McCormick, Freese, Gronemus, Grothman, Hahn, Huebsch, Kestell, Kreuser, J. Lehman, M. Lehman, Miller, Montgomery, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Rhoades, Stone, Suder, Sykora, Urban, Vrakas, Ward and Ziegelbauer; cosponsored by Senators Plache, Baumgart, Darling, Farrow, S. Fitzgerald, Harsdorf, Huelsman and Schultz.

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

**Assembly Bill 37**

Relating to: basing certain urban mass transit operating assistance payments on projected operating expenses.

By Representatives Wieckert, Krawczyk, Wood, Ott, Ladwig, Underheim, Kreibich, J. Lehman, Petrowski, Turner, Vrakas, Richards, Coggs, Townsend and Kaufert; cosponsored by Senators Robson, Decker, Cowles, Ellis, Roessler, Huelsman, Baumgart, Grobschmidt and Erpenbach.

Read first time and referred to committee on **Insurance, Tourism, and Transportation**.

**Assembly Joint Resolution 29**

Relating to: commending Joe LEEAN for his years of public service in the Wisconsin state senate and the department of health and family services.

By Representatives Hundertmark, Huebsch, Olsen, Wade, Gundrum, Meyerhofer, Suder, Ott, Walker, Gard, Montgomery, Powers, McCormick, Starzyk, Plouff, Lippert, J. Lehman, Gronemus, Urban, Vrakas, Krawczyk, Stone, Ladwig, Wasserman, Owens, Kedzie, Krug, Jeskewitz, Albers, Balow, Freese, Gunderson, Jensen, Nass, Coggs, Ryba, Kaufert, Townsend, Plale, Petrowski, Miller and Skindrud; cosponsored by Senators Welch, Panzer, Farrow, Rosenzweig, Ellis, S. Fitzgerald, Breske, Zien, A. Lasee, Lazich, Risser, Harsdorf, Darling and Huelsman.

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

**Assembly Joint Resolution 30**

Relating to: commemorating the distinguished record and

public service of Cate Zeuske.

By Representatives Montgomery, Ainsworth, Gard, Albers, Balow, Bies, Duff, Freese, Gundrum, Huebsch, Hundertmark, Jensen, Jeskewitz, Kedzie, Kestell, Krawczyk, Leibham, Lippert, McCormick, Musser, Nass, Olsen, Ott, Owens, Petrowski, Plale, Plouff, Powers, Rhoades, Ryba, Skindrud, Starzyk, Suder, Sykora, Townsend, Urban, Vrakas, Wade, Walker, Ward and Wasserman; cosponsored by Senators Darling, Baumgart, Breske, Erpenbach, Farrow, S. Fitzgerald, Grobschmidt, Harsdorf, Huelsman, A. Lasee, Lazich, Panzer, Risser, Roessler, Schultz and Zien.

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

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**ADJOURNMENT**

Senator George, with unanimous consent, asked that the Senate adjourn pursuant to **Senate Joint Resolution 1** and **Senate Joint Resolution 14**.

Adjourned.

4:18 P.M

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**AMENDMENTS OFFERED**

Senate substitute amendment 1 to **Senate Bill 19** offered by Senator Baumgart.

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**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Joint Resolution 20**

Report correctly enrolled on February 16, 2001.

# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

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FRIDAY, February 23, 2001

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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 24

Relating to: honoring and commending the devoted public service of Sue Ann Thompson.

By Senators Erpenbach, Grobschmidt, Darling, Cowles, Lazich, Risser, Panzer, A. Lasee, Breske, S. Fitzgerald, Roessler, Burke, Huelsman, Plache, George, Wirch, Harsdorf, Zien and Rosenzweig; cosponsored by Representatives Lippert, Wasserman, Hoven, Plale, Hebl, Ziegelbauer, Musser, Pettis, Leibham, Riley, Hahn, Turner, Ainsworth, Plouff, Balow, Walker, Ryba, Gundrum, Jeskewitz, Seratti, Townsend, Ott, Petrowski, McCormick, Wade, Kedzie, Olsen, Johnsrud, Krawczyk, Kestell, Jensen, Schneider, Shilling, Underheim, Gronemus, Bock, Coggs, Freese, Pocan, Albers, Urban, Powers, Berceau, Ladwig, Gunderson, J. Lehman, Vrakas, Miller, Starzyk, Rhoades, Ward, Duff and Sinicki.

To committee on **Senate Organization**.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 61

Relating to: granting high school diplomas posthumously to veterans.

By Senators Moen, Grobschmidt, Burke, S. Fitzgerald, Plache, Decker, Roessler, Baumgart, Schultz, Rosenzweig, Breske, Erpenbach and M. Meyer; cosponsored by Representatives Musser, Plouff, Sherman, Wade, Nass, Pettis, Stone, Shilling, Bock, Gundrum, Jeskewitz, Turner, Ryba, Ladwig, Suder, La Fave, Seratti, Vrakas, Petrowski, Townsend, Hundertmark, Plale, Boyle, Gronemus, Miller, Ward, Kedzie, Berceau, Kreuser and Sykora.

To committee on **Education**.

#### Senate Bill 62

Relating to: campaign financing, lobbying regulation, designations for the Wisconsin election campaign fund by individuals filing state income tax returns, income and franchise tax deductions for certain business expenses related to lobbying, creating a nonrefundable individual income tax credit for certain campaign contributions, composition and staffing of the elections board, providing exemptions from

emergency rule procedures, granting rule-making authority, and making appropriations.

By Senators Burke, Harsdorf, Erpenbach and Rosenzweig; cosponsored by Representatives Musser, Travis and Bock.

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

Pursuant to Senate Rule 36(2)(c) and section 13.52(6), Wisconsin Statutes, the Co-Chairs of the Joint Survey Committee on Tax Exemptions shall prepare and submit a report in writing setting forth an opinion on the desirability of **Senate Bill 62**, relating to campaign financing, lobbying regulation, designations for the Wisconsin election campaign fund by individuals filing state income tax returns, income and franchise tax deductions for certain business expenses related to lobbying, creating a nonrefundable individual income tax credit for certain campaign contributions, composition and staffing of the elections board, providing exemptions from emergency rule procedures, granting rule-making authority, and making appropriations, as a matter of public policy.

### REPORT OF COMMITTEES

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

#### Senate Bill 20

Relating to: universal service fund surcharges on customer bills by telecommunications providers.

No recommendation pursuant to s. 227.19 (6)(b), Wisconsin Statutes.

#### Senate Bill 21

Relating to: universal service fund surcharges on customer bills by commercial mobile radio service providers.

No recommendation pursuant to s. 227.19 (6)(b), Wisconsin Statutes.

Rodney Moen  
Chairperson

The committee on **Insurance, Tourism, and Transportation** reports and recommends:

#### Senate Bill 10

Relating to: motorists approaching certain authorized emergency vehicles or tow trucks stopped near a highway and providing a penalty.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Farrow.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Farrow.

Noes, 0 – None.

**Senate Bill 19**

Relating to: requiring headlights and other required lamps on vehicles to be lighted while windshield wipers are being used and providing a penalty.

Senate substitute amendment 1 adoption.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Farrow.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Farrow.

Noes, 0 – None.

**Senate Bill 31**

Relating to: basing certain urban mass transit operating assistance payments on projected operating expenses.

Passage.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Farrow.

Noes, 0 – None.

**Senate Bill 39**

Relating to: allowing a “Class A” licensee to provide wine free of charge for consumption on the licensee’s premises.

Passage.

Ayes, 4 – Senators Breske, Grobschmidt, A. Lasee and Farrow.

Noes, 1 – Senator Baumgart.

**Senate Bill 58**

Relating to: the regulation of snowmobile rail crossings.

Passage.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Farrow.

Noes, 0 – None.

**Senate Bill 6**

Relating to: lamps emitting a flashing red or white light on bicycles and motor bicycles.

Passage.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Farrow.

Noes, 0 – None.

Roger Breske  
Chairperson

The committee on **Privacy, Electronic Commerce and Financial Institutions** reports and recommends:

ANDERSON, LARRY E., of Westby, as a member of the Credit Union Review Board, to serve for the term ending May 1, 2005.

Confirmation.

Ayes, 5 – Senators Erpenbach, Jauch, Plache, Huelsman and S. Fitzgerald.

Noes, 0 – None.

CHRISTENSON, J. DAVID, of Wausau, as a member of the Credit Union Review Board, to serve for the term ending May 1, 2004.

Confirmation.

Ayes, 5 – Senators Erpenbach, Jauch, Plache, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Senate Bill 41**

Relating to: use of caller identification blocking services by telephone solicitors.

Passage.

Ayes, 4 – Senators Erpenbach, Jauch, Plache and Huelsman.  
Noes, 1 – Senator S. Fitzgerald.

Jon Erpenbach  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

February 21, 2001

The Honorable, The Senate:

Pursuant to Senate Rule 20(2)(a), I have appointed Senator Kim Plache to the Joint Committee on Finance, and removed Senator Judy Robson.

Sincerely,

CHUCK CHVALA

Chair, Committee on Senate Organization

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

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

**Senate Clearinghouse Rule 00–118**

Relating to deer management unit boundaries and population goals.

No action taken.

Jim Baumgart  
Chairperson

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

**Senate Clearinghouse Rule 00–065**

Relating to the use of renewable resource credits.

No action taken.

**Senate Clearinghouse Rule 00–150**

Relating to administration of supplemental security income (SSI), state supplemental payments to low-income elderly and disabled residents of Wisconsin and their dependent children.

No action taken.

Rodney Moen  
Chairperson

**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**2001 SENATE RESOLUTION 2**

Prepared by the Legislative Reference Bureau  
(February 21, 2001)

In engrossing, the following corrections were made:

1. Page 57, line 10: delete “1g)” and substitute “b)”.



STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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MONDAY, February 26, 2001

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

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**REPORT OF COMMITTEES**

The committee on **Senate Organization** reports and recommends:

**Senate Bill 63**

Relating to: division of municipalities into wards; redistricting of supervisory and aldermanic districts; election

districts in 1st class city school systems; recording of certain municipal annexations; the effective date of certain annexation and detachment actions; and making an appropriation.

Introduction.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

To committee on **Senate Organization**.

Charles Chvala  
Chairperson

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, February 28, 2001

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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 64**

Relating to: shared revenue payments for former utility property.

By Senators M. Meyer, Moen, Wirch, Breske, Baumgart, Hansen, Schultz and A. Lasee; cosponsored by Representatives Hahn, Shilling, Gronemus, Johnsrud, Plouff, Huebsch, Ott, Schooff, Musser, Kreuser, Turner, Huber, Montgomery, Owens, Skindrud, Sykora, Wade, Jeskewitz, Leibham, Kestell, F. Lasee, Seratti and Krawczyk.

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

**Senate Bill 65**

Relating to: a sales tax and use tax exemption on tangible personal property used in the business of farming.

By Senators M. Meyer, Shibilski, Breske, George, Schultz, Zien, A. Lasee, Harsdorf, Roessler, Welch and Baumgart; cosponsored by Representatives Seratti, Ott, Musser, Sykora, Plale, Albers, Freese, Lassa, Starzyk, Huebsch, Miller, Rhoades, Suder, Kestell, Olsen, Ward, Kreibich, Owens, Johnsrud, F. Lasee, Townsend, Gundrum, Nass, Ainsworth, Lippert, J. Fitzgerald, Pettis, Grothman, Wasserman, D. Meyer, Wade, Stone, Gunderson, Underheim, Petrowski, Friske, Loeffelholz, Krawczyk, Hundertmark and Jensen.

To joint survey committee on **Tax Exemptions.**

**Senate Bill 66**

Relating to: certain applicants for preference points under the cumulative preference system for issuing Class A bear hunting licenses.

By Senators Plache, Shibilski and Schultz; cosponsored by Representatives Gunderson, Suder, Ryba, Stone, Plouff, Meyerhofer, Lippert and Pettis.

To committee on **Environmental Resources.**

**Senate Bill 67**

Relating to: requiring public service commission approval of mergers, consolidations, and certain other transactions involving telecommunications utilities.

By Senators Baumgart, Robson and Erpenbach; cosponsored by Representatives Black, Powers, Shilling,

Musser, Carpenter, Bock, Ryba, Berceau, Huber, La Fave, Young, Turner, Miller, J. Lehman and Cullen.

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

**Senate Bill 68**

Relating to: appointment of students to the board of regents of the University of Wisconsin System.

By Senators Grobschmidt, Decker, Moore, Burke, Risser, Darling, Baumgart, Hansen and Roessler; cosponsored by Representatives Lassa, Young, La Fave, Black, Bock, Shilling, Richards, Pocan, Ryba, Cullen, Plouff, Jeskewitz, Plale, Boyle, D. Meyer and Berceau.

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

**Senate Bill 69**

Relating to: state aid for special education and school age parents programs.

By Senators Grobschmidt, Burke, Shibilski, Risser, Breske, Plache, George, Robson and Hansen; cosponsored by Representatives Schooff, Plale, Sinicki, La Fave, Staskunas, Ryba, Bock, Colon, Boyle, Gronemus, Miller, Pocan, Wasserman, Johnsrud, Berceau, J. Lehman, Lassa, Morris–Tatum, Williams, Turner, Richards, Seratti, Sykora, Plouff, Black and Balow.

To committee on **Education.**

**Senate Bill 70**

Relating to: requiring law enforcement officers to report traffic violations and accidents involving any foreign diplomat to the federal department of state.

By Senators Breske, Grobschmidt, Burke, Roessler and Schultz; cosponsored by Representatives Stone, Albers, Turner, Musser, Krawczyk, La Fave, Kreuser and Gunderson, by request of U.S. Department of State.

To committee on **Insurance, Tourism, and Transportation.**

**Senate Bill 71**

Relating to: uniform fees chargeable for certified duplicate health care records and X–ray reports and referral of X–rays and granting rule–making authority.

By Senators Decker, Burke, Moen, Erpenbach, Plache, Baumgart, Moore, George, Grobschmidt and Schultz; cosponsored by Representatives M. Lehman, Staskunas, Underheim, Ziegelbauer, Seratti, Loeffelholz, F. Lasee, McCormick, Bock, Wood, Gronemus, Miller, Cullen, Kreuser, J. Lehman, La Fave, Colon, Huber, Plouff and Hebl.

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

**Senate Bill 72**

Relating to: authorizing the state superintendent of public instruction to award grants for family involvement in education projects and making appropriations.

By Senators Grobschmidt and Burke; cosponsored by Representatives Sinicki, Bock, Pettis, Gronemus, Lassa, Plale, Turner, Ryba, Richards, Seratti, Gunderson, Miller and Shilling.

To committee on **Education**.

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**REPORT OF COMMITTEES**

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

**Senate Joint Resolution 2**

Relating to: the right to fish, hunt, trap, and take game (first consideration).

Senate substitute amendment 1 adoption.

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

Noes, 0 – None.

Adoption as amended.

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

Noes, 0 – None.

Jim Baumgart  
Chairperson

The committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform** reports and recommends:

BAUMBACH, JERRY, of Sun Prairie, as a member of the Public Defender Board, to serve for the interim term ending May 1, 2002.

Confirmation.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

BERKOS, DANIEL M., of Mauston, as a member of the Public Defender Board, to serve for the term ending May 1, 2002.

Confirmation.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

HARRIS, ROBERTA A., of Milwaukee, as a member of the Public Defender Board, to serve for the interim term ending May 1, 2000 and for the full term ending May 1, 2003.

Confirmation.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

HERTEL, HARRY R., of Eau Claire, as a member of the Public Defender Board, to serve for the term ending May 1, 2003.

Confirmation.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

SIKOWSKI, ILEEN P., of Crivitz, as a member of the Judicial Commission, to serve for the term ending August 1, 2002.

Confirmation.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Senate Bill 49**

Relating to: creating an office of public intervenor in the department of justice and making an appropriation.

Passage.

Ayes, 3 – Senators George, Risser and Wirch.

Noes, 2 – Senators Huelsman and S. Fitzgerald.

Gary George  
Chairperson

The committee on **Privacy, Electronic Commerce and Financial Institutions** reports and recommends:

**Senate Bill 40**

Relating to: prohibiting certain telephone solicitations, requiring the registration of telephone solicitors, requiring the exercise of rule-making authority, making an appropriation, and providing penalties.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 4 – Senators Erpenbach, Jauch, Plache and Huelsman.

Noes, 1 – Senator S. Fitzgerald.

Passage as amended.

Ayes, 3 – Senators Erpenbach, Jauch and Plache.

Noes, 2 – Senators Huelsman and S. Fitzgerald.

Jon Erpenbach  
Chairperson

The committee on **Senate Organization** reports and recommends:

**Assembly Joint Resolution 4**

Relating to: commending Dick Bennett on his career, accomplishments, and contributions to Wisconsin basketball.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

**Assembly Joint Resolution 25**

Relating to: the life and public service of Joseph L. Looby.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

**Assembly Joint Resolution 26**

Relating to: the life and public service of Sister Thomas More Bertels.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

**Assembly Joint Resolution 27**

Relating to: congratulating Marlene A. Cummings for her long-term services and wishing her well in her future endeavors.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

**Assembly Joint Resolution 29**

Relating to: commending Joe Leraan for his years of public service in the Wisconsin state senate and the department of health and family services.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

**Assembly Joint Resolution 30**

Relating to: commemorating the distinguished record and public service of Cate Zeuske.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

**Assembly Joint Resolution 31**

Relating to: honoring the life of Ben Barkin.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

**Senate Joint Resolution 22**

Relating to: the life and public service of Daniel T. “Tom” Kelley.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

**Senate Joint Resolution 23**

Relating to: the life and public service of Helmar A. Lewis.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

**Senate Joint Resolution 24**

Relating to: honoring and commending the devoted public service of Sue Ann Thompson.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

Charles Chvala  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Department of Administration**

February 16, 2001

The Honorable, The Legislature:

Chapter 34, Laws of 1979, requires that when the Department of Administration maintains an office in Washington, DC, for the purpose of promoting federal/state cooperation, it should submit a report detailing the activities of the office and reporting the status of federal legislation of concern to the Legislature and other state agencies (Wis. Stats. 16.548(2)).

The report for the period October, 2000, through December, 2000, is attached.

Sincerely,

GEORGE LIGHTBOURN

Secretary

**State of Wisconsin  
Legislative Audit Bureau**

February 27, 2001

The Honorable, The Legislature:

As required by 1999 Wisconsin Act 9, we have completed a limited-scope review of the fiscal year 1999-2000 funds provided to the University of Wisconsin-Madison Medical School’s Center for Tobacco Research and Intervention. In the 1999-2001 biennial budget, the Center was appropriated \$1.0 million annually from the funds received as part of the State’s lawsuit settlement with tobacco manufacturers, which is known as the Master Settlement Agreement. The Center uses the funds it receives to support education, outreach, and research activities related to tobacco prevention and cessation.

Overall, we found the Center has developed and implemented adequate procedures to help ensure compliance with legislative intent and general statutory requirements that funds be used only for tobacco prevention and cessation activities. However, because of delays in finalizing the State’s 1999-2001 biennial budget, as well as the need for start-up time to develop the programs, few expenditures have been incurred to date. therefore, it is too early to assess the effectiveness of the Center’s programs.

We appreciate the courtesy and cooperation extended to us by the University of Wisconsin staff during our review.

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin**

**Southeast Wisconsin Professional Baseball Park District**

February 22, 2001

The Honorable, The Legislature:

Attached please find the Miller Park monthly progress report for the month of January 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

**State of Wisconsin**

**Department of Public Instruction**

March 1, 2001

The Honorable, The Senate:

Wisconsin school laws include the following provisions in s. 115.45(6)(b) and (c), Wis. Stats.:

SECTION 115.45 Grants for preschool to grade 5 Programs.

(6) the state superintendent shall:

(b) By March 1, 1986, and annually thereafter, submit to the joint committee on finance and the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172(3), a budget report detailing the grants he or she intends to award under this section in the next fiscal year. The report shall provide summary data on the results of the annual testing required under sub. (4)(b) and include a description of the guidelines



used to determine the individual schools and private service providers that will receive funds under this section and the types of expenditures eligible for such funds.

(c) Annually submit to the legislature under s. 13.172(2) a report on the academic progress made by pupils enrolled in preschool to grade 5 programs under this sections.

All Preschool-to-Grade-5 (P-5) evaluation reports for 1999-2000 are contained herein as well as a report on the academic progress for all schools funded by the P-5 program. If you have questions, please contact my office or Sandra Dercole in the DPI Office of Urban Education (414-227-4942).

Sincerely,

JOHN T. BENSON  
State Superintendent

Referred to committee on **Education**.

**State of Wisconsin  
Ethics Board**

February 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/>

- |                     |  |
|---------------------|--|
| Blumenfeld, Michael | <b>Milwaukee Jewish Federation, Inc</b>                          |
| Boxer, Barbara K    | <b>Waukesha Water Utility</b>                                    |
| Brewer, Patrick     | <b>Lexmark International</b>                                     |
| Brozek, Michael     | <b>National Marine Manufacturers Association</b>                 |
| Brozek, Michael     | <b>Lexmark International</b>                                     |
| Driessen, Anthony   | <b>WorldCom Inc</b>  |
| Fendry, James E     | <b>Firearms Tech Inc</b>   |
| Fonfara, Thomas     | <b>WorldCom Inc</b>  |
| Gifford, Michael    | <b>AIDS Resource Center of Wisconsin Inc</b>                     |
| Ingram, Lester      | <b>Milwaukee Area Technical College</b>                          |
| Linton, Barbara     | <b>Lexmark International</b>                                     |
| Luthin, Charles     | <b>Wisconsin Wetlands Association</b>                            |
| McCoshen, Carol     | <b>Dairy Business Association</b>                                |
| McCoshen, William J | <b>Dairy Business Association</b>                                |
| O'Meara, Jack       | <b>Wisconsin Utilities Association Inc</b>                       |
| Olson, Richard L    | <b>Wisconsin Industrial Energy Group</b>                         |
| Schwoch, Robert     | <b>AIDS Resource Center of Wisconsin Inc</b>                     |
| Wrocklage, James    | <b>Wisconsin Alliance of Employers Purchasing Healthcare Inc</b> |

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

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

**Senate Clearinghouse Rule 00-158**

Relating to the state jurisprudence examination.

Submitted by Department of Regulation and Licensing.

Report received from Agency, February 26, 2001.

Referred to committee on **Human Services and Aging**, February 28, 2001.

**Senate Clearinghouse Rule 00-170**

Relating to continuing education and temporary practice.

Submitted by Department of Regulation and Licensing.

Report received from Agency, February 26, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, February 28, 2001.

**Senate Clearinghouse Rule 00-182**

Relating to stale electronic food stamp accounts.

Submitted by Department of Workforce Development .

Report received from Agency, February 23, 2001.

Referred to committee on **Human Services and Aging**, February 28, 2001.

**Senate Clearinghouse Rule 01-001**

Relating to a motor vehicle emissions inspection program.

Submitted by Department of Transportation.

Report received from Agency, February 27, 2001.

Referred to committee on **Insurance, Tourism, and Transportation**, February 28, 2001.

The committee on **Education** reports and recommends:

**Senate Clearinghouse Rule 00-083**

Relating to school district audits.

No action taken.

Richard Grobschmidt  
Chairperson

The committee on **Labor and Agriculture** reports and recommends:

**Senate Clearinghouse Rule 00-144**

Relating to the computerized veterinary examination.

No action taken.

David Hansen  
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 00-126**

Relating to renewal of expired credentials.

No action taken.

**Senate Clearinghouse Rule 00-153**

Relating to sufficiency of nomination papers.

No action taken.

Mark Meyer  
Chairperson

**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Joint Resolution 18**

Report correctly enrolled on February 23, 2001.

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**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**ASSEMBLY AMENDMENT 3,  
TO 2001 ASSEMBLY BILL 3**

Prepared by the Legislative Reference Bureau  
(February 22, 2001)

In engrossing, the following correction was made:

**2.** Page 2, line 8: delete ““(am)”.”.

**ASSEMBLY AMENDMENT 1,  
TO 2001 ASSEMBLY BILL 37**

Prepared by the Legislative Reference Bureau  
(February 21, 2001)

**1.** Page 1, line 3: delete “**1M**” and  
substitute “**1m**”.

**2.** Page 2, line 5: delete “Page 2” and  
substitute “Page 2,”.

**3.** Page 2, line 6: delete “on”.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

TUESDAY, March 6, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The roll was called and the following Senators answered to their names:

Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, Farrow, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, Lazich, M. Meyer, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Shibilski, Welch, Wirch and Zien – 31.

Absent – Senators Moen and Schultz – 2.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator Burke led the Senate in the pledge of allegiance to the flag of the United States of America.

### LEAVES OF ABSENCE

Senator Chvala, with unanimous consent, asked that Senator Moen be granted a leave of absence for today's session.

Senator Panzer, with unanimous consent, asked that Senator Schultz be granted a leave of absence for today's session.

### INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

#### Senate Joint Resolution 25

Relating to: the life and public service of Blair L. Testin.

By Senators Wirch, Grobschmidt, Risser, Ellis, Burke, Breske, Cowles, Darling, Decker, Erpenbach, Farrow, Huelsman, Lazich, Moen, Plache and Roessler; cosponsored by Representatives Vrakas, Black, Ladwig, Plale, Albers, Berceau, Bock, Boyle, Coggs, Freese, Gronemus, Gunderson, Hahn, Huber, Jensen, Jeskewitz, Krawczyk, Lassa, J. Lehman, Lippert, Loeffelholz, D. Meyer, Miller, Montgomery, Musser, Olsen, Ott, Owens, Plouff, Ryba, Schneider, Shilling, Townsend, Travis, Turner, Wade and Wood.

To committee on **Senate Organization**.

#### Senate Joint Resolution 26

Relating to: proclaiming April as Child Abuse Prevention Month.

By Senators Roessler, Baumgart, Burke, Decker, Grobschmidt, A. Lasee, Plache, Risser, Rosenzweig, Erpenbach and Cowles; cosponsored by Representatives Krug, Kestell, Lassa, Berceau, Bies, Bock, Coggs, Friske, Hahn, Hebl, Jeskewitz, Krawczyk, Kreuser, Ladwig, La Fave, J. Lehman, Lippert, McCormick, D. Meyer, Miller, Musser,

Olsen, Owens, Pettis, Plouff, Pocan, Rhoades, Sinicki, Starzyk, Staskunas, Suder, Underheim, Urban, Wade, Wasserman and Young.

To committee on **Senate Organization**.

#### Senate Joint Resolution 27

Relating to: proclaiming the month of May as "Community Action Month" in the state of Wisconsin.

By Senators Wirch, Roessler, Burke, Shibilski, Schultz, Moen, Rosenzweig, Erpenbach, Risser, Hansen, Decker, Baumgart, Darling, A. Lasee and Chvala; cosponsored by Representatives Olsen, Krug, Ladwig, Shilling, Krawczyk, Turner, Miller, Wade, Gronemus, Bock, Ryba, Loeffelholz, Albers, Sherman, Coggs, Musser, Jeskewitz, Johnsrud, Owens, Plouff, Reynolds, Lippert, Rhoades, Townsend, Huber, Vrakas, Ott, Lassa, Kreuser, Friske, Gunderson, Underheim, Freese, J. Lehman, Berceau, Riley, Sykora and Hubler.

To committee on **Senate Organization**.

Senator Robson, with unanimous consent, asked that the Senate recess until 11:58 A.M..

10:12 A.M.

### RECESS

11:58 A.M.

The Senate reconvened.

Senator Risser in the chair.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 73

Relating to: eliminating school district revenue limits and making an appropriation.

By Senator Risser; cosponsored by Representatives Boyle, J. Lehman, Young, Reynolds, Turner, Black, Pocan, Ryba, Coggs, Miller, Berceau and Balow.

To committee on **Education**.

#### Senate Bill 74

Relating to: excusing persons from jury service.

By Senators Risser and Schultz; cosponsored by Representatives Carpenter, J. Lehman, Ryba, Pettis, Staskunas and Albers.

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

**Senate Bill 75**

Relating to: fees charged by notary publics.

By Senators Risser, Schultz and Huelsman; cosponsored by Representatives Musser, Ryba and Pettis.

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

**Senate Bill 76**

Relating to: an income and franchise tax credit for small businesses that pay a guarantee fee.

By Senators Moore, Robson, Burke, Roessler, George, Schultz, Darling and Rosenzweig; cosponsored by Representatives Seratti, Pocan, Turner, Morris-Tatum, Miller, Schooff, Plale, Townsend, Berceau, Lassa, Riley and Leibham.

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

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**REPORT OF COMMITTEES**

The committee on **Labor and Agriculture** reports and recommends:

**Assembly Bill 7**

Relating to: storage and handling of anhydrous ammonia, creating an exemption from civil liability, and providing a penalty.

Concurrence.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.

Noes, 0 – None.

DREW, WILLIAM R., of Milwaukee, as a member of the State Fair Park Board, to serve for the term ending May 1, 2004.

Confirmation.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.

Noes, 0 – None.

MCKEITHAN, PATRICIA B., of Milwaukee, as a member of the State Fair Park Board, to serve for the term ending May 1, 2005.

Confirmation.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.

Noes, 0 – None.

WILSON, R. DOUGLAS, of Shawano, as a member of the State Fair Park Board, to serve for the term ending May 1, 2003.

Confirmation.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.

Noes, 0 – None.

**Senate Bill 48**

Relating to: creating an optional holiday for state employees to observe the birthday of Cesar E. Chavez.

Passage.

Ayes, 3 – Senators Hansen, Decker and Baumgart.

Noes, 2 – Senators A. Lasee and Harsdorf.

David Hansen  
Chairperson

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

**Department of Workforce Development**

February 27, 2001

The Honorable, The Senate:

Pursuant to Section 109.12(2) and (3) of Wisconsin Statutes I hereby submit the department's calendar year 2000 annual report on the administration and enforcement of Sections 109.07 and 109.075 of Wisconsin Statutes. The report contains three sections. The first section lists all businesses in 2000 that notified the department of planned business closings/mass layoffs, the location of the business, type of industry involved, number of persons affected and date(s) of scheduled dislocations. The second section lists complaints pending before the department's Equal rights Division, at the beginning of 2000. It includes the complaints received during calendar year 2000, alleging violations of Wisconsin's business closing/mass layoff notification law. This section lists the name of the business, location, date the department received the complaint, date the investigation was completed (if any), whether a violation was documented and the current status and/or outcome of the case.

The third section lists similar information for any complaints received by the department in 2000 and 2001, alleging violations that an employer failed to provide advance notification to affected employees of a cessation of health insurance benefit plans. No complaints were received in 2000 and so far one complaint has been received in 2001. The department is actively investigating this complaint at the time of this report.

On January 1, 2000, 12 business closing cases from prior years remained pending. Two of these cases remained in investigation. The Department completed both of the investigations by March 6, 2000. Both of those determinations were appealed. By May 16, 2000, the department processed both of those appeals as well as two more appeals that were still pending on January 1, 2000. Currently the Department of Justice has eight cases pending litigation to resolve those matters. The remaining four cases were closed with no violations having been found.

In 2000 the Equal Rights Division received 26 complaints alleging violations of the plan closing and mass layoff notification law. In calendar year 1999, the department received 10 complaints alleging violations of the Plant Closing law. The Equal Rights Division found violations in two of the 21 cases on which it completed investigation in 2000. Each of the three violations were referred to the Department of Justice for litigation in court. The department, in cooperation with the Department of Justice settled a fourth case against U.S. Leather, (listed as the Pfister & Vogel/Gebhardt cases), resulting in \$763,541.40 in increased wages paid to 510 workers. Five cases that were received in 2000 remain under investigation at this time.

If you have questions regarding this report, please contact the Administrator of the Equal Rights Division, Sheehan Donoghue at 266-0946, or me.

Sincerely,

JENNIFER REINERT  
Secretary

**State of Wisconsin  
Ethics Board**

March 6, 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/>

Anderson, Jay G.	<b>Strategic Environmental Solutions International Corp.</b>
Beckord, John	<b>Forward Janesville Inc</b>
Bonaria, Jeri	<b>WAVE Educational Fund</b>
Christianson, Peter C	<b>Motion Picture Association of America Inc</b>
Croysdale, Donald	<b>American Subcontractors Association of Greater Milwaukee Inc</b>
Dilweg, Sean	<b>Wisconsin Education Association Council</b>
Elkin, Vicki	<b>Gathering Waters Inc</b>
Essie, Patrick	<b>Wisconsin Education Association Council</b>
Hanson, Thomas	<b>Wisconsin Bear Hunters Association</b>
Hottenroth, Theresa M	<b>Columbia–St. Marys Inc</b>
Irizarry, Jocelyn	<b>Strategic Environmental Solutions International Corp.</b>
Leitch, Laura J	<b>Columbia–St. Marys Inc</b>
Mitchell, Brian	<b>Wisconsin Underground Contractors Association</b>
Mitchell, Brian	<b>Old Republic Surety Group</b>
Mueller, H Carl	<b>Journal Communications Inc</b>
Nett, Jeffrey	<b>Wisconsin Troopers Association, Inc</b>
Plautz, Jolene	<b>Upper Midwest Rechargers Association</b>
Russell, Christine	<b>Wisconsin Physicians Service Insurance Corporation (WPS)</b>
Ullrich, Dan	<b>WAVE Educational Fund</b>
Vaughan, Michael	<b>Wisconsin Muck Farmers Association</b>
Westrick, Paul	<b>Columbia–St. Marys Inc</b>
Wolff, Sara	<b>Orphan Medical</b>
Wood, Robert	<b>Wisconsin Physicians Service Insurance Corporation (WPS)</b>

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**

February 28, 2001  
 The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DUBE, PHYLLIS J., of Madison, as Secretary of the Department of Health and Family Services, to serve for the term ending at the pleasure of the Governor.

Sincerely,  
 SCOTT MCCALLUM  
 Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**  
**State of Wisconsin  
 Office of the Governor**

February 28, 2001  
 The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint FARROW, MARGARET A., of Pewaukee, as Lieutenant Governor, pursuant to Article XIII, section 10 (2) of the Wisconsin Constitution.

Sincerely,  
 SCOTT MCCALLUM  
 Governor

Read and referred to committee on **Universities, Housing, and Government Operations.**  
**State of Wisconsin  
 Office of the Governor**

February 28, 2001  
 The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HARSDORF, JAMES E., of Beldenville, as Secretary of the Department of Agriculture, Trade and Consumer Protection, to serve for the term ending at the pleasure of the Governor.

Sincerely,  
 SCOTT MCCALLUM  
 Governor

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

Senator Burke, with unanimous consent, asked all the appointments be taken up en masse.

BAUMBACH, JERRY, of Sun Prairie, as a member of the Public Defender Board, to serve for the interim term ending May 1, 2002.

Read.

BERKOS, DANIEL M., of Mauston, as a member of the Public Defender Board, to serve for the term ending May 1, 2002.

Read.

HARRIS, ROBERTA A., of Milwaukee, as a member of the Public Defender Board, to serve for the interim term ending May 1, 2000 and for the full term ending May 1, 2003.

Read.

HERTEL, HARRY R., of Eau Claire, as a member of the Public Defender Board, to serve for the term ending May 1, 2003.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 2; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, Farrow, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, Lazich, M. Meyer, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Shibilski, Welch, Wirch and Zien – 31.

Noes – None.

Absent or not voting – Senators Moen and Schultz – 2.

Confirmed.

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

**Senate Clearinghouse Rule 99–147**

Relating to utilization reviews.  
Submitted by Department of Regulation and Licensing.  
Report received from Agency, March 1, 2001.  
Referred to committee on **Health, Utilities, Veterans and  
Military Affairs**, March 6, 2001.

**Senate Clearinghouse Rule 00–139**

Relating to a rules committee.  
Submitted by Department of Regulation and Licensing.  
Report received from Agency, February 28, 2001.  
Referred to committee on **Environmental Resources**,  
March 6, 2001.

The committee on **Universities, Housing, and  
Government Operations** reports and recommends:

**Senate Clearinghouse Rule 00–142**

Relating to home inspector examination and continuing  
education requirements.  
No action taken.

Mark Meyer  
Chairperson

**State of Wisconsin  
Revisor of Statutes Bureau**

March 1, 2001  
To the Honorable, the Senate:

The following rules have been published:

<b>Clearinghouse Rules</b>	<b>Effective Date(s)</b>
<b>98–170</b>	March 1, 2001
<b>00–89</b>	March 1, 2001
<b>00–92</b>	March 1, 2001
<b>00–107</b>	March 1, 2001
<b>00–113</b>	March 1, 2001
<b>00–127</b>	March 1, 2001
<b>00–130</b>	March 1, 2001
<b>00–131</b>	March 1, 2001

The following rule was omitted from previous report:

<b>00–109</b>	February 1, 2001
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Clearinghouse Rule 00–51 was listed in error in previous  
report.

Sincerely,  
GARY L. POULSON  
Deputy Revisor

**MESSAGES FROM THE ASSEMBLY**

By John A. Scocos, chief clerk.

Mr. President:

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

**Assembly Joint Resolution 39**

**Assembly Joint Resolution 43**

**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Joint Resolution 39**

Relating to: the life and community service of Leo Frigo.

By Representatives Montgomery, Gard, Albers, Bies,  
Gunderson, Jeskewitz, Krawczyk, Kreuser, Ladwig, Lippert,  
Meyerhofer, Miller, Owens, Petrowski, Plouff, Rhoades, Ryba,  
Townsend, Vrakas and Wade; cosponsored by Senators  
Cowles, Hansen, Plache and Darling.

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

**Assembly Joint Resolution 43**

Relating to: the life and public service of Blair L. Testin.

By Representatives Vrakas, Black, Ladwig, Plale, Albers,  
Berceau, Bock, Boyle, Coggs, Freese, Gronemus, Gunderson,  
Hahn, Huber, Jensen, Jeskewitz, Krawczyk, Lassa, J. Lehman,  
Lippert, Loeffelholz, D. Meyer, Miller, Montgomery, Musser,  
Olsen, Ott, Owens, Plouff, Ryba, Schneider, Shilling,  
Townsend, Travis, Turner, Wade and Wood; cosponsored by  
Senators Wirch, Grobschmidt, Risser, Ellis, Burke, Breske,  
Cowles, Darling, Decker, Erpenbach, Farrow, Huelsman,  
Lazich, Moen, Plache and Roessler.

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

**SECOND READING AND AMENDMENTS  
OF SENATE JOINT RESOLUTIONS AND  
SENATE BILLS**

**Senate Joint Resolution 2**

Relating to: the right to fish, hunt, trap, and take game (first  
consideration).

Read a second time.

**IN THE CHAIR**

12:20 P.M.

Senator George in the Chair.

Senate amendment 1 to Senate substitute amendment 1 to  
**Senate Joint Resolution 2** offered by Senator Risser.

Senator Shibilski moved rejection of Senate amendment 1  
to Senate substitute amendment 1 to **Senate Joint Resolution  
2**.

The question was: Rejection of Senate amendment 1 to  
Senate substitute amendment 1 to **Senate Joint Resolution 2?**

The ayes and noes were demanded and the vote was: ayes,  
29; noes, 2; absent or not voting, 2; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles,  
Darling, Decker, Ellis, Erpenbach, Farrow, S. Fitzgerald,  
Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee,  
Lazich, M. Meyer, Moore, Panzer, Plache, Robson, Roessler,  
Rosenzweig, Shibilski, Welch, Wirch and Zien – 29.

Noes – Senators George and Risser – 2.

Absent or not voting – Senators Moen and Schultz – 2.

Rejected.

Senator Baumgart, with unanimous consent, would like the  
staff comments from the Joint Legislative Council spread upon  
the journal.

They are as follows:

**INTRODUCTION**

This memorandum is in response to your request for  
my analysis of the potential effect of Senate Substitute

Amendment 1 to 2001 Senate Joint Resolution 2, on the ability of the state to continue its regulation of hunting, fishing, trapping and taking game. The Joint Resolution, as amended, proposes to create Wis. Const. art. I, s. 26, as follows: “The people have the right to fish, hunt, trap, and take game which shall be managed by law for public good.”

You have observed that the constitutional amendment, if adopted, could be used as the basis for a legal challenge to the constitutionality of existing or future statutes or administrative rules that regulate fish and game. Your concern is the extent to which challenges to fish and game regulations could potentially succeed. You have asked whether I believe that only occasional regulations that are substantially more restrictive than those in place today are likely to be found unconstitutional, or whether I believe that there is a potential for successful challenge to many of the fish and game regulations currently in place.

I cannot give a definitive, black-and-white answer to your question, because the constitutional language is brief, and does not spell out the specific legal consequences of that language. Judicial interpretation may eventually supply the answer to your question, but the outcome of court cases is difficult to predict.

However, courts frequently resort to a variety of methods to interpret constitutional provisions, and a review of those methods can suggest the outcome of a challenge to hunting or fishing regulations based on the proposed right. I have reviewed a number of these methods of interpretation, and concluded that a successful challenge to hunting and fishing regulations would most likely relate to future regulations that are much more restrictive than those currently in place. I believe it is much less likely that the regulations in place today could be successfully challenged, and I have summarized my conclusion in this memorandum. My conclusion also appears to be consistent with the intent of the supporters of the constitutional amendment—I am unaware of any arguments in legislative debate on the constitutional amendment that it should be the vehicle for overturning any current fish and game regulations.

Throughout this memorandum, for convenience, I will refer to “hunt and fish” as a description of all activities that are subject to the proposed constitutional right. The substitute amendment has been recommended by the Senate Committee on Environmental Resources and is scheduled for debate in the Senate on March 6, 2001. This is the first consideration of the Joint Resolution.

For further information, you may wish to review my Wisconsin Legislative Council Information Memorandum 00-7, *Laws on Hunting, Fishing and Trapping* (December 28, 2000).

**CURRENT REGULATION OF FISH AND GAME**

This section of the memorandum briefly describes the current law on hunting and fishing regulation. In particular, this discussion shows the great deference that courts currently give to state hunting and fishing regulation. This discussion is included in the memorandum because it is these legal principles that are potentially subject to change as a result of adopting the Joint Resolution.

The legal title to all wild animals is vested in the state by s. 29.011, Stats.:

**29.011 Title to wild animals.** (1) The legal title to, and the custody and protection of, all wild animals within this state is vested in the state for the purposes of regulating the enjoyment, use, disposition, and conservation of these wild animals.

(2) The legal title to a wild animal or carcass, taken or reduced to possession in violation of this chapter, remains in the state. The title to a wild animal or carcass, lawfully acquired, is subject to the condition that upon the violation of this chapter relating to the possession, use, giving, sale, barter or transportation of a wild animal or carcass by the owner, the ownership shall revert, as a result of the violation, to the state.

In other words, legal title to wild game only passes to an individual when the game is legally taken. Until that time, title remains with the state, and the state can confiscate any game unlawfully taken. This declaration of sovereignty is common to all 50 states and is the statutory expression of the legal principle that dates back to the early days of the English monarchy.

Although it is not so described in the statutes, the state’s title to wild animals is often described in court cases as a trust for the benefit of the people. The Legislature, as the representative of the people, is charged with the authority to manage this trust. The Legislature has delegated the administrative responsibilities regarding wild animals primarily to the DNR. Most of the statutory authority of the DNR with respect to wild animals is contained in ch. 29, Stats

The basic authority of the DNR to regulate fish and game is set forth in s. 29.014 (1), Stats., which provides as follows:

**29.014 (1)** The department shall establish and maintain open and closed seasons for fish and game and any bag limits, size limits, rest days and conditions governing the taking of fish and game that will conserve the fish and game supply and ensure the citizens of this state continued opportunities for good fishing, hunting and trapping.

There are very few appellate court cases in Wisconsin regarding fish and game regulation. However, the Wisconsin case of *Krenz v. Nichols*, decided in 1928, is typical of the state court’s approach to fish and game cases. In this case, the Wisconsin Supreme Court reviewed the state’s regulation of muskrat farms. In its decision in favor of the state, the court gave great deference to the Legislature in its regulation of fish and game.

As trustee for the people, the state may conserve wild life and regulate or prohibit its taking in any reasonable way it may deem necessary for the public welfare, so long as it does not violate any organic law of the land.

...  
It is now generally recognized that valuable wild animal life would soon be exterminated if the state should fail to conserve it and aid in its reproduction. Whenever the state has done so without trenching on private rights protected by the Constitution, such acts have been almost uniformly upheld.

...  
Nearly every conceivable regulation for the propagation, conservation, taking, and disposal of fish and game has been upheld where no constitutional objections have stood in the way. Generally, courts have given very liberal construction to such statutes, to the end that the public welfare should be subserved. [222 N.W. 300, 303, 197 Wis. 394 (1928).]



**CONSTITUTIONAL INTERPRETATION**

Like statutes, constitutions are subject to judicial interpretation. Some of the tools used by courts in constitutional cases are known as “rules of interpretation.” These rules are similar to the rules for statutory interpretation, but have other dimensions due to the constitutional context.

It is important to note that these are not “rules” in the conventional sense of that word. This is rather a term that lawyers use loosely to describe what could more accurately be described as an approach to analyzing the constitutional issue. Courts are not bound to follow these rules, although these rules are commonly applied in court decisions.

The express purpose of these rules of interpretation is to allow courts to implement the will of the drafters of a constitutional provision and the will of the voters who ratified it. To the extent that a court interprets a constitutional provision, it may choose not to follow the literal meaning of that provision. The flexibility that courts have when applying the rules of interpretation potentially puts legislators and electors in the position of voting for a constitutional amendment when it cannot be known how courts might ultimately decide a case arising under the proposed amendment.

The following are some examples of constitutional rules of interpretation:

- ***Unless a provision is ambiguous, the plain meaning prevails.*** If there is no ambiguity, the court may choose not to consider any evidence outside of the constitutional language at issue. Senate Substitute Amendment 1 does not appear to be ambiguous, in the sense that it can be read in two different ways. However, Senate Substitute Amendment 1 is vague in the sense that it does not precisely define the scope of the right. This may lead a court to claim that it is ambiguous (because ambiguity and vagueness are frequently mixed), and resort thereafter to other evidence of meaning.
- ***Avoid absurd results.*** The issue of absurd results often arises when fact situations are presented to the court that were not envisioned by the drafters, or when there is a conflict between constitutional provisions.
- ***Extrinsic evidence related to adoption.*** Courts may review the legislative history surrounding adoption of a constitutional provision to determine what was intended by the Legislature.
- ***Extrinsic evidence based on legislation on the same subject.*** Courts may look to legislation interpreting constitutional provisions or to legislation that is adopted contemporaneous to the constitutional provision to determine intent.

**COMMENTS ON 2001 SENATE JOINT RESOLUTION 2**

The following are my observations regarding potential judicial interpretation of Senate Substitute Amendment 1 to Senate Joint Resolution 2. I have expressed my observations in terms of how the substitute amendment text or certain evidence related to the substitute amendment might affect the decision of a court. I have not assumed that a court might make an unexpected or unusual decision, although this is always a possibility.

- ***Plain meaning of the substitute amendment.*** The substitute amendment clearly does not create an absolute right to hunt and fish. The “right to fish, hunt, trap and take game” is qualified in the substitute amendment by the language that follows: “which shall be managed by law for the public

good.” Although the substitute amendment creates a right, at the same time it directs the Legislature and its agent, the Department of Natural Resources, to manage that right. Therefore, the language in the substitute amendment clearly acknowledges that regulation of hunting, fishing, trapping and taking game will continue.

- ***Absurd results.*** Courts refer to rights created in the constitution as “fundamental rights.” A court, in reviewing legislation that restricts a fundamental right, will not apply a presumption of constitutionality to the legislation. The state, to defend the regulation, must show that the regulation is intended to achieve a compelling governmental purpose when there is not a less restrictive alternative available. This would make it very difficult for the state to defend most fish and game regulation. However, the substitute amendment ***requires*** management of the right for the public good. It would be an absurd result for a court to acknowledge the mandate to manage the right, and make it extremely difficult for the state to regulate. It would be more likely for a court to continue to apply a standard of reasonableness to any regulation, but with something less than the almost total deference given to such regulation under current law.
- ***Additional absurd results.*** As noted in *Krenz*, the ongoing availability of wild animals to hunt and fish depends on state regulation to conserve the fish and game. It would be an absurd result for a court to hold that the substitute amendment negates a substantial amount of hunting and fishing regulation, which could have the effect of destroying the very activity that the substitute amendment was intended to protect.
- ***Management is required for “the public good.”*** This choice of language is important. The management authorized in Senate Substitute Amendment 1 is for the broad purpose of the “public good,” which could include the conservation of wild animals, as well as any other issues of public health, safety or welfare. This language should allow courts to approve regulations that are based on social issues, rather than on conservation and game management. Social regulations are common in current fish and game regulations. For example, the nine-day deer gun season has no basis in deer herd management, but rather is based on tradition and public preference—a “social” regulation.
- ***Judicial precedent.*** Courts strongly tend to follow precedent in constitutional cases. The adherence to precedent increases the certainty that is provided by law. The *Krenz* case, cited above, is part of the Wisconsin precedent in fish and game law. This precedent suggests that courts are likely to make only modest changes to the standards for review of fish and game regulation, in that a substantial degree of judicial deference continues to be consistent with Substitute Amendment 1.
- ***Legislative history.*** I am unaware of any legislative history suggesting that the Joint Resolution is meant to restrict current fish and game regulation.
- ***Contemporaneous legislation.*** The Legislature is not currently considering any legislation to substantially curtail current hunting or fishing regulations. Assembly Bill 98, introduced by Representative Wood, expands the opportunity to catch fish with a bow and arrow near a roadway, but



that bill is narrowly focused. Senate Bill 45, introduced by Senator Moen, would prohibit the hunting of mourning doves. The outcome of legislative debate on Senate Bill 45 may suggest in part what is the Legislature's intent regarding the constitutional amendment.

If I can provide further information on this subject, please feel free to contact me.

Senate amendment 2 to Senate substitute amendment 1 to **Senate Joint Resolution 2** offered by Senator Shibilski.

Senator Chvala, with unanimous consent, asked that **Senate Joint Resolution 2** be placed at the foot of the calendar of March 6, 2001.

#### **Senate Joint Resolution 22**

Relating to: the life and public service of Daniel T. "Tom" Kelley.

Read.

Adopted.

#### **Senate Joint Resolution 23**

Relating to: the life and public service of Helmar A. Lewis.

Read.

Adopted by unanimous rising vote.

#### **Senate Joint Resolution 24**

Relating to: honoring and commending the devoted public service of Sue Ann Thompson.

Read.

Senate amendment 1 to **Senate Joint Resolution 24** offered by Senator Erpenbach.

The question was: Adoption of Senate amendment 1 to **Senate Joint Resolution 24**?

Adopted.

The question was: Adoption of **Senate Joint Resolution 24**?

Adopted.

Senator Rosenzweig, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 23**.

Senator Rosenzweig, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 4**.

Senator Rosenzweig, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 25**.

Senator Rosenzweig, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 26**.

Senator Rosenzweig, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 30**.

Senator Rosenzweig, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 31**.

Senator Robson, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 24**.

#### **Senate Bill 6**

Relating to: lamps emitting a flashing red or white light on bicycles and motor bicycles.

Read a second time.

Ordered to a third reading.

Senator Burke, with unanimous consent, asked that the bill be considered for final action at this time.

#### **Senate Bill 6**

Read a third time and passed.

#### **Senate Bill 10**

Relating to: motorists approaching certain authorized emergency vehicles or tow trucks stopped near a highway and providing a penalty.

Read a second time.

Senate substitute amendment 1 to **Senate Bill 10** offered by Senator Burke.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 10**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

#### **Senate Bill 10**

Read a third time and passed.

#### **Senate Bill 20**

Relating to: universal service fund surcharges on customer bills by telecommunications providers.

Read a second time.

Senator Chvala, with unanimous consent, asked that **Senate Bill 20** be referred to joint committee on **Information Policy and Technology**.

#### **Senate Bill 21**

Relating to: universal service fund surcharges on customer bills by commercial mobile radio service providers.

Read a second time.

Senator Chvala, with unanimous consent, asked that **Senate Bill 21** be referred to joint committee on **Information Policy and Technology**.

#### **Senate Bill 40**

Relating to: prohibiting certain telephone solicitations, requiring the registration of telephone solicitors, requiring the exercise of rule-making authority, making an appropriation, and providing penalties.

Read a second time.

Senator Roessler, with unanimous consent, asked to be withdrawn as a coauthor of **Senate Bill 40**.

Senator Roessler, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 27**.

Senator Roessler, with unanimous consent, asked to be added as a coauthor of **Senate Bill 14**.

Senator Burke, with unanimous consent, asked that **Senate Bill 40** be referred to the Joint Committee on **Finance**.

#### **Senate Bill 58**

Relating to: the regulation of snowmobile rail crossings.

Read a second time.

Senator Zien, with unanimous consent, asked to be added as a coauthor of **Senate Bill 10**.

Senator Darling, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 26**.

Senator Darling, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 31**.

Senator Hansen, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 4**.

Senator Hansen, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 26**.

Ordered to a third reading.

Senator Burke, with unanimous consent, asked that the bill be considered for final action at this time.

#### **Senate Bill 58**

Read a third time and passed.

**SECOND READING AND AMENDMENTS  
OF ASSEMBLY JOINT RESOLUTIONS AND  
ASSEMBLY BILLS**

**Assembly Joint Resolution 4**

Relating to: commending Dick Bennett on his career, accomplishments, and contributions to Wisconsin basketball.

Read.

Concurred in.

**Assembly Joint Resolution 25**

Relating to: the life and public service of Joseph L. Looby.

Read.

Concurred in by unanimous rising vote.

**Assembly Joint Resolution 26**

Relating to: the life and public service of Sister Thomas More Bertels.

Read.

Concurred in.

**Assembly Joint Resolution 27**

Relating to: congratulating Marlene A. Cummings for her long-term services and wishing her well in her future endeavors.

Read.

Senator Welch, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 27**.

Senator Darling, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 27**.

Senator Moore, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 29**.

Senator Moore, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 30**.

Senator Moore, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 31**.

Senator Jauch, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 29**.

Senator Jauch, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 30**.

Senator Robson, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 4**.

Senator Robson, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 25**.

Senator Robson, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 27**.

Senator Robson, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 29**.

Senator Cowles, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 29**.

Senator Grobschmidt, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 4**.

Senator Grobschmidt, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 25**.

Senator Grobschmidt, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 31**.

Senator Grobschmidt, with unanimous consent, asked to be added as a coauthor of **Senate Bill 6**.

Senator Grobschmidt, with unanimous consent, asked to be added as a coauthor of **Senate Bill 10**.

Senator George, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 27**.

The question was: Shall **Assembly Joint Resolution 27** be concurred in?

Concurred in.

**Assembly Joint Resolution 29**

Relating to: commending Joe Leean for his years of public service in the Wisconsin state senate and the department of health and family services.

Read.

Concurred in.

**Assembly Joint Resolution 30**

Relating to: commemorating the distinguished record and public service of Cate Zeuske.

Read.

Concurred in.

**Assembly Joint Resolution 31**

Relating to: honoring the life of Ben Barkin.

Read.

Concurred in.

**Senate Joint Resolution 2**

Relating to: the right to fish, hunt, trap, and take game (first consideration).

Read a second time.

Senator Baumgart moved rejection of Senate amendment 2 to Senate substitute amendment 1 to **Senate Joint Resolution 2**.

The question was: Rejection of Senate amendment 2 to Senate substitute amendment 1 to **Senate Joint Resolution 2**?

The ayes and noes were demanded and the vote was: ayes, 16; noes, 15; absent or not voting, 2; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moore, Plache, Risser, Robson and Wirch – 16.

Noes – Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Harsdorf, Huelsman, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Shibilski, Welch and Zien – 15.

Absent or not voting – Senators Moen and Schultz – 2.

Rejected.

The question was: Adoption of Senate substitute amendment 1 to **Senate Joint Resolution 2**?

Adopted.

Ordered to a third reading.

Senator Burke, with unanimous consent, asked that the joint resolution be considered for final action at this time.

**Senate Joint Resolution 2**

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 2; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, Farrow, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, Lazich, M. Meyer, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Shibilski, Welch, Wirch and Zien – 31.

Noes – None.

Absent or not voting – Senators Moen and Schultz – 2.

Adopted.

Senator Hansen, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 2**.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

**ANNOUNCEMENTS, ADJOURNMENT  
HONORS, AND REMARKS UNDER  
SPECIAL PRIVILEGE**

Senator Erpenbach, with unanimous consent, asked that when the Senate adjourns, it do so in honor of the Middleton and Waunakee girls basketball teams who are on the way to state play offs.

Senator Panzer, with unanimous consent, asked that when the Senate adjourns, it do so in honor of Senator Farrow on her appointment as Lieutenant Governor.

Senator Zien, with unanimous consent, asked that when the Senate adjourns, it do so in honor of Cadot High School Wrestling Team for being number one at state.

Senator Zien, with unanimous consent, asked that when the Senate adjourns, it do so in honor of Stratford High School Wrestling Team for being number two at state.

Senator Zien, with unanimous consent, asked that when the Senate adjourns, it do so in honor of U.W. Eau Claire Men's and Women's basketball teams both having lost to the number 1 rated teams in the nation.

Senator Zien, with unanimous consent, asked that when the Senate adjourns, it do so in honor of Aldo Leopold and his kindred spirit Senator Baumgart.

Senator Robson, with unanimous consent, asked that when the Senate adjourns, it do so in honor of Janesville Parker girls basketball team on their going to state.

Senator Meyer, with unanimous consent, asked that when the Senate adjourns, it do so in honor of the U.W. Systems and U.W. Days.

Senator Shibilski, with unanimous consent, asked that when the Senate adjourns, it do so in honor of Adams Friendship Green Devils girls basketball team going to state.

**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Thursday, March 8 at 10:00 A.M..

Adjourned.

1:46 P.M.

**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Joint Resolution 18**

**Senate Joint Resolution 20**

Deposited in the office of the Secretary of State on March 5, 2001.

**MOTIONS UNDER SENATE RULE 98 AND  
JOINT RULE 7**

*for the Month of February 2001*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Rebecca Anderson, on the occasion of earning and attaining the rank of the Girl Scout Gold Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Schultz, for Gordon A. Anderson, on*

*the occasion of his retirement and honoring his 30 years of dedicated service with the Wisconsin Legislative Council.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Farrow, for Sonya Barger, on the occasion of having dedicated 25 years of service to the Greenfield School District.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Farrow, for Patricia Bartlett, on the occasion of her retirement after 13 years of dedicated work with the residents of the Village of Sussex.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Fitzgerald, for the Beaver Dam Charter School, on the occasion of recognizing the achievements of all those who are a part of the school and being chosen as the Beaver Dam Chamber Entity of the Year Award 2001.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Julia Rose Bickler, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Charles E. Bluett, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Seth Bredeson, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Schultz, for Mr. Tom Casey, on the occasion of his 15 years of service as the Dean of the Frank Lloyd Wright School of Architecture.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Derek Trevor Core, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Megan Coyne, on the occasion of earning and attaining the rank of the Girl Scout Gold Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Wirch, for Shirley Davidson, on the occasion of her dedicated service to the citizens of the town of Bristol.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Farrow, for Dale Doman, on the occasion of his retirement after 26 years of dedicated service as Police Captain for the Village of Elm Grove.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Katie Eberhardy, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Darling, for Robb Edwards, on the occasion of his retirement after 28 years as a dedicated radio broadcaster at 2 stations WUWM and WTMJ.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Jonathan James Eggers, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Jauch, for Allison Gonske, on the occasion of being chosen the 2001 Wisconsin Fairest of the Fairs.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Douglas Haltinner, on the*



occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Jesscia Marie Holmes, on the occasion of earning and attaining the rank of the Girl Scout Gold Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Jacquelyn Rose Hunter, on the occasion of earning and attaining the rank of the Girl Scout Gold Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Edward H. Johnson, on the occasion of receiving the National Court Reporters Association Legislative Activist of the Year Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Burke, for Officer Stewart R. Johnson, on the occasion of his retirement after 30 years of dedication to the City of Milwaukee.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Orville Kern, on the occasion of his retirement after 28 years of public service.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Leroy Klein, on the occasion of his retirement from the Door County Sheriff's Department after 25 years of dedicated service.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Betsy Konkol, on the occasion of earning and attaining the rank of the Girl Scout Gold Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Panzer, for Jerome (Jerry) Krantz, on the occasion of celebrating 50 years with the Allenton Volunteer Fire Department.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Ana Elizabeth Krebs, on the occasion of earning and attaining the rank of the Girl Scout Gold Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grobschmidt, for Chaplain, Lt. Col. Carl H. Krueger, Jr., on the occasion of being honored as "Veteran of the Year".

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Shibilski, for the Marshfield News-Herald, on the occasion of being selected the 2001 Firm of the Year.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Cowles, for Jean Melchert, on the occasion of her 45 years of service to the Seymour School Board.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Baumgart, for New Hope United Methodist Church, on the occasion of celebrating their 150th Anniversary.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Roessler, for the Bank of Oakfield, on the occasion of celebrating their 100th Anniversary.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator George, for Mayor Tom Olsen and the citizens of the City of Beaver Dam, on the occasion of establishing a legacy of dedication to justice.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Andrew M. Pappas, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Jared Albert Policastro, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Rabbi Dovid and Rebetzin Fagie Rapoport, on the occasion of years of committed service to the Milwaukee Jewish community.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Steven Reese, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grobschmidt, for Father Herbert Schubert, on the occasion of his retirement after serving St. Adalbert Parish for over 25 years.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Greg and Eileen Swanberg, owners of the Bavarian Inn in Manitowish Waters, Wisconsin, on the occasion of being named Outstanding Restaurateur of the Year for the Wisconsin Restaurant Association Northwoods Chapter for a second time.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Robert Mark Syre, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Jacki Waddell, on the occasion of earning and attaining the rank of the Girl Scout Gold Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Brian Wiehr, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Youth Art Month, on the occasion of all the Menomonee Falls student artists programs & displays throughout Youth Art Month.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Officer Daniel A. Zell, on the occasion of his retirement from the West Bend Police Department after 33 years of dedicated service.





# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

2:25 P.M.

THURSDAY, March 8, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the Journal.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 77

Relating to: requiring the department of workforce development to submit to the governor, the joint committee on finance, the department of administration, and certain standing committees a statewide plan for providing employment and support services to low-income, noncustodial parents.

By Senators Rosenzweig, Robson, Roessler, George, Darling, Schultz and Burke; cosponsored by Representatives Jeskewitz, Riley, Ladwig, Bock, Powers, Krawczyk, Olsen, Staskunas, Musser, Albers, Berceau, Miller, Lassa, Townsend and Sykora.

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

#### Senate Bill 78

Relating to: the licensure of child welfare agencies and the classification of an educational institution as a private school.

By Senator Grobschmidt; cosponsored by Representative Plale, by request of Calvary Academy.

To committee on **Education**.

#### Senate Bill 79

Relating to: making an appropriation for the tuition, Wisconsin higher education, and Lawton minority undergraduate grant programs.

By Senators Grobschmidt, Moen, Shibilski, Risser, Roessler, M. Meyer, George, Baumgart and Decker; cosponsored by Representatives Black, Miller, Plouff, Shilling, Kreuser, Young, Carpenter, Schneider, Ryba, Bock, Pocan, Boyle, Turner, Balow, J. Lehman, Berceau, Huber, Richards, Hebl, Lassa and Morris–Tatum.

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

#### Senate Bill 80

Relating to: eliminating emergency detention under the fifth standard of dangerousness, eliminating termination of involuntary civil commitments under the fifth standard of dangerousness, permitting only petitions approved by the attorney general to be filed for involuntary civil commitment under the fifth standard of dangerousness, and providing access by the corporation counsel to court records and treatment

records of persons receiving services for mental illness, developmental disabilities, alcoholism or drug dependence.

By Senators Grobschmidt, Rosenzweig, Burke, Roessler, M. Meyer, Huelsman, Schultz, Darling, Harsdorf and Lazich; cosponsored by Representatives Rhoades, Bock, Huber, Krug, Ainsworth, Plouff, Miller, Olsen, Turner, J. Lehman, Urban, Riley, Wasserman, Kestell, Krawczyk, Lippert, Huebsch, Vrakas, Wade, Hundertmark, Musser, Gunderson, La Fave, Powers, Ott, Stone, Owens and Ladwig.

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

#### Senate Bill 81

Relating to: the private employer health care coverage program and making an appropriation.

By Senators Moen, Rosenzweig, Burke, Breske, Schultz, Erpenbach, George, Roessler, Decker, S. Fitzgerald, Plache, Risser and M. Meyer; cosponsored by Representatives Underheim, Schooff, Leibham, Balow, Schneider, Shilling, Ryba, Ladwig, Krug, Turner, Ott, Musser, Gronemus, Reynolds, Huber, Black, Berceau, Jeskewitz, Ward, Riley, Miller, Meyerhofer, Vrakas, Lassa, La Fave, Carpenter, Plouff, Townsend, Kreuser, Wasserman, Young, Hubler and Hahn.

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

### REPORT OF COMMITTEES

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

BEHNKE, HERBERT F., of Shawano, as a member of the Natural Resources Board, to serve for the term ending May 1, 2007.

Confirmation.

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

Noes, 0 – None.

BROWN, SENN R., of Madison, as a member of the Kickapoo Reserve Management Board, to serve for the term ending May 1, 2003.

Confirmation.

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

Noes, 0 – None.

WADE, REPRESENTATIVE JOAN, of Mecan, 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.

WHITE, DONNA JEAN, of Cambria, 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.

**Senate Bill 44**

Relating to: the authority of the department of natural resources to regulate high capacity wells.

Introduction of Senate substitute amendment 1.

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

Noes, 0 – None.

Senate substitute amendment 1 adoption.

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

Noes, 0 – None.

Passage as amended.

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

Noes, 0 – None.

Jim Baumgart  
Chairperson

The committee on **Insurance, Tourism, and Transportation** reports and recommends:

**Senate Bill 29**

Relating to: low-speed vehicles, granting rule-making authority, and providing a penalty.

Passage.

Ayes, 3 – Senators Breske, Baumgart and A. Lasee.

Noes, 2 – Senators Grobschmidt and Farrow.

**Senate Bill 70**

Relating to: requiring law enforcement officers to report traffic violations and accidents involving any foreign diplomat to the federal department of state.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Farrow.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Farrow.

Noes, 0 – None.

Roger Breske  
Chairperson

The committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform** reports and recommends:

HEISER, TEE, of Woodville, as a member of the Judicial Commission, to serve for the term ending August 1, 2002.

Confirmation.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

HOGAN, JOHN J., of Hazelhurst, as a member of the Public Defender Board, to serve for the term ending May 1, 2002.

Confirmation.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

LECLEIR, CLIFFORD F., of La Crosse, as a member of the Judicial Commission, to serve for the term ending August 1, 2002.

Confirmation.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Senate Bill 28**

Relating to: relinquishing custody of a newborn child and granting rule-making authority.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Gary George  
Chairperson

The committee on **Privacy, Electronic Commerce and Financial Institutions** reports and recommends:

TENUTA, RALPH J., of Kenosha, as a member of the Banking Review Board, to serve for the term ending May 1, 2005.

Confirmation.

Ayes, 5 – Senators Erpenbach, Jauch, Plache, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Senate Bill 35**

Relating to: transferring toll-free calls to pay-per-call services or international numbers, creating certain disclosure and reporting requirements, and providing a penalty.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Erpenbach, Jauch, Plache, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Erpenbach, Jauch, Plache, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Senate Joint Resolution 21**

Relating to: urging the Wisconsin congressional delegation to work to enact legislation that would remove social security numbers from hunting and fishing license applications.

Adoption.

Ayes, 5 – Senators Erpenbach, Jauch, Plache, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Jon Erpenbach  
Chairperson

The committee on **Senate Organization** reports and recommends:

**Assembly Joint Resolution 39**

Relating to: the life and community service of Leo Frigo.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.  
 Noes, 0 – None.

**Assembly Joint Resolution 43**

Relating to: the life and public service of Blair L. Testin.  
 Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.  
 Noes, 0 – None.

**Senate Bill 63**

Relating to: division of municipalities into wards; redistricting of supervisory and aldermanic districts; election districts in 1st class city school systems; recording of certain municipal annexations; the effective date of certain annexation and detachment actions; and making an appropriation.

Introduction of Senate substitute amendment 1.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.  
 Noes, 0 – None.

Senate substitute amendment 1 adoption.

Ayes, 3 – Senators Chvala, Risser and Moen.  
 Noes, 2 – Senators Panzer and Farrow.

Passage as amended.

Ayes, 3 – Senators Chvala, Risser and Moen.  
 Noes, 2 – Senators Panzer and Farrow.

**Senate Joint Resolution 26**

Relating to: proclaiming April as Child Abuse Prevention Month.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.  
 Noes, 0 – None.

**Senate Joint Resolution 27**

Relating to: proclaiming the month of May as “Community Action Month” in the state of Wisconsin.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.  
 Noes, 0 – None.

Charles Chvala  
 Chairperson

**PETITIONS AND COMMUNICATIONS**

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 20	Enrolled Joint Resolution, 8	N/A
2001 Senate Joint Resolution 18	Enrolled Joint Resolution, 9	N/A

Sincerely,  
 DOUGLAS LA FOLLETTE  
 Secretary of State

**State of Wisconsin  
 Department of Employment Relations**

March 2001

The Honorable, The Senate:

The following reports for fiscal year 2000 are submitted to you according to various state statutes. Please advise the members of the Wisconsin Senate of their availability.

The Affirmative Action report for Wisconsin State Government, pursuant to s. 230.04(9)(e), Wis. Stats., summarizes the progress in diversity for minorities, women and employees with disabilities.

The Veterans Employment Report, pursuant to s. 230.04(9)(em), Wis. Stats., summarizes veteran new hires and on-board statistics for state agencies and units of the UW System.

The W-2 Hiring Report, pursuant to s. 230.04(13)(e), Wis. Stats., summarizes agencies efforts to employ W-2 recipients and the number of persons receiving aid, employed by each agency.

The Written Hiring Reasons Report, covering July 1, 1998, through June 30, 2000, pursuant to s.230.25(1p) and 230.27(2k), Wis. Stats., summarizes the hiring reasons for certain hiring transactions made by state agencies and units of the UW System.

Additional copies may be obtained from the Department of Employment Relations, Division of Affirmative Action, 345 W. Washington Ave., Madison, WI 53703. Please contact Clair Dehnert of the Division of Affirmative Action, at 267-1005, if you have any questions or need additional information regarding these reports.

Sincerely,  
 GREGORY C. JONES  
 Administrator

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

**Senate Clearinghouse Rule 00-171**

Relating to immunization of students.  
 Submitted by Department of Health and Family Services.  
 Report received from Agency, March 6, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, March 8, 2001.

**Senate Clearinghouse Rule 01-005**

Relating to the annual adjustment of thresholds for application of prevailing wage rates.  
 Submitted by Department of Workforce Development .  
 Report received from Agency, March 7, 2001.

Referred to committee on **Labor and Agriculture**, March 8, 2001.

The committee on **Labor and Agriculture** reports and recommends:

**Senate Clearinghouse Rule 00-108**

Relating to the state directory of new hires.  
 No action taken.

**Senate Clearinghouse Rule 00-145**

Relating to importing bovine animals, goats or cervids from a state designated by USDA as a tuberculosis “non-modified accredited” state.  
 No action taken.

**Senate Clearinghouse Rule 00-146**

Relating to reimbursement of Johnne's disease testing costs.

No action taken.

David Hansen  
Chairperson

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**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 2**

Adopted and asks concurrence in:

**Assembly Joint Resolution 13**

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**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 2**

Relating to: scheduling of referenda by local governments.

By Representatives Skindrud, Jensen, Walker, Ward, Ainsworth, Bies, Freese, Gunderson, Hahn, Hoven, Huebsch, Jeskewitz, Krawczyk, Ladwig, F. Lasee, Leibham,

McCormick, D. Meyer, Nass, Rhoades, Stone, Urban, Vrakas, Albers and Friske; cosponsored by Senator Welch.

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

**Assembly Joint Resolution 13**

Relating to: 4-year terms of office for certain county officers (first consideration).

By Representatives Krawczyk, Foti, Krusick, McCormick, Starzyk, Friske, Ainsworth, Duff, Gunderson, Hahn, Huebsch, Grothman, Johnsrud, Jeskewitz, Kedzie, Kestell, F. Lasee, Ladwig, M. Lehman, Montgomery, Musser, Olsen, Owens, Powers, Pettis, Skindrud, Steinbrink, Townsend, Turner, Vrakas, Urban, Wade, Walker and Williams; cosponsored by Senators Risser, Harsdorf, S. Fitzgerald, Breske, Darling, Farrow, Huelsman, A. Lasee, Roessler, Schultz and Welch.

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

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, March 13, at 10:00 A.M..

Adjourned.

2:26 P.M.

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**AMENDMENTS OFFERED**

Senate amendment 1 to **Senate Joint Resolution 17** offered by Senator Risser.



STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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MONDAY, March 12, 2001

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

**REPORT OF COMMITTEES**

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

**Senate Bill 54**

Relating to: discharges of dredged or fill material into nonfederal wetlands.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 4 – Senators Baumgart, Hansen, Wirch and Cowles.  
Noes, 0 – None.

Passage as amended.

Ayes, 4 – Senators Baumgart, Hansen, Wirch and Cowles.  
Noes, 0 – None.

Jim Baumgart  
Chairperson

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

GARVIN, ROBERT "BERT", of Madison, as a member of the Public Service Commission, to serve for the term ending March 1, 2007.

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**

**THE STATE OF WISCONSIN  
OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER #1**

*Relating to the Findings of the Governor's Task Force on Racial Profiling*

**WHEREAS**, the Task Force on Racial Profiling was commissioned to study the existence of racial profiling during traffic stops in Wisconsin; and

**WHEREAS**, the Task Force, chaired by Judge Maxine A. White, included law enforcement officials, the defense bar, state legislators and community leaders; and

**WHEREAS**, the practice of racial profiling should not be tolerated in this or any state; and

**WHEREAS**, the Task Force sought and received input from the community; and

**WHEREAS**, the Task Force utilized the expertise of both national and local law enforcement officials and racial profiling experts to educate them on training practices and the means necessary to combat racial profiling; and

**WHEREAS**, the Task Force recommended law enforcement should enhance training while ensuring the uniform protocol on traffic stops is followed; and

**WHEREAS**, the Task Force recommended law enforcement should develop means to encourage community input, including modifying their complaint policies as necessary; and

**WHEREAS**, the Task Force recommends local law enforcement agencies should develop a process to collect data on traffic stops in their communities

**NOW, THEREFORE, I, SCOTT McCALLUM** Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this State, do hereby:

4. Require all law enforcement agencies in the State of Wisconsin to enact a policy prohibiting the practice of racial profiling; and
5. Require law enforcement agencies to implement the recommendations authored by this learned Task Force without delay; and
6. Require law enforcement agencies across the state to take this opportunity to identify the means necessary to implement the recommendations in cooperation with their communities.

**IN TESTIMONY WHERE OF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this sixth day of March in the year two thousand and one.

SCOTT McCALLUM  
Governor

*BY THE GOVERNOR:*

DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Department of Administration**

March 8, 2001

The Honorable, The Legislature:

Section 9101(20c) of 1999 Wisconsin Act 9 required the Wisconsin Department of Administration to study the idea of selling and transferring Wisconsin's rights to revenues from the Master Tobacco Settlement Agreement of November 23, 1998, for the purpose of creating a permanent endowment fund. Pursuant to s. 13.172(2), Wisconsin Statutes, the Department of Administration is hereby submitting to the Legislature its

findings and recommendations resulting from the above-referenced study.

Sincerely,

GEORGE LIGHTBOURN  
Secretary

**State of Wisconsin  
Legislative Audit Bureau**

March 8, 2001

The Honorable, The Legislature:

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) 1998-99 and FY 1999-2000 financial statements.

Overall, total lottery sales decreased from \$428.2 million in FY 1998-99 to \$406.7 million in FY 1999-2000. Sales of instant ticket lottery games, however, increased for the first time in four years, from \$230.8 million in FY 1998-99 to \$241.0 million in FY 1999-2000.

In 1999 Wisconsin Act 9, the Legislature provided general purpose revenue to fund certain lottery expenses, including retailer commission and all administrative expenses except depreciation. These expenses totaled \$76.0 million in FY 1999-2000. The budgetary funding provision was effective only in FY 1999-2000, and it contributed to an increase in the amount available for property tax relief from \$153.9 million in FY 1998-99 to \$232.3 million in FY 1999-2000.

We appreciate the courtesy and cooperation extended to us by the Department of Revenue.

Sincerely,

JANICE MUELLER  
State Auditor

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

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

**Senate Clearinghouse Rule 98-198**

Relating to the regulation of effluent limitations and pretreatment standards for the pesticide chemicals industry.

No action taken.

**Senate Clearinghouse Rule 98-199**

Relating to the regulation of effluent limitations and pretreatment standards for the leather tanning and finishing industry.

No action taken.

**Senate Clearinghouse Rule 00-088**

Relating to implementing the department's authority to void local hunting, fishing and trapping ordinances.

No action taken.

**Senate Clearinghouse Rule 00-115**

Relating to mines, pits and quarries.

No action taken.

Jim Baumgart

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**AMENDMENTS OFFERED**

Senate substitute amendment 1 to **Assembly Bill 37** offered by Senator Robson.

Senate amendment 1 to **Senate Bill 29** offered by Senator Grobschmidt.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

TUESDAY, March 13, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The roll was called and the following Senators answered to their names:

Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, Farrow, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Shibilski, Schultz, Welch, Wirch and Zien – 32.

Absent – None.

Absent with leave – None.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator Wirch led the Senate in the pledge of allegiance to the flag of the United States of America.

### INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

#### **Senate Joint Resolution 28**

Relating to: the life and public service of Gerald D. Lorge.

By Senators Welch, Risser, Baumgart, Darling, Ellis, George, Roessler, Schultz, Rosenzweig, Harsdorf and Plache; cosponsored by Representatives Hundertmark, Freese, Ladwig, Albers, Schneider, Owens, Skindrud, Coggs, Ott, Musser, Townsend, Stone, Ryba, Sykora, Nass, Huber, Jeskewitz, Miller, Turner, Lippert, Gunderson, D. Meyer, Bies, Wasserman, Petrowski and Plouff.

Read.

Considered as privileged and taken up.

Adopted by unanimous rising vote.

Senator Panzer, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 28**.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### **Senate Bill 82**

Relating to: participation in the programming of a youth report center as a condition of a juvenile disposition, sanction, deferred prosecution agreement, or consent decree.

By Senators M. Meyer, Cowles and George; cosponsored by Representatives Miller, Musser, Ryba, Ott, Plouff and Seratti.

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

#### **Senate Bill 83**

Relating to: the payment of costs of persons in jails.

By Senators Hansen, Burke, Huelsman, Roessler, Harsdorf, Schultz, Decker, Erpenbach, A. Lasee, Farrow and S. Fitzgerald; cosponsored by Representatives Albers, Krawczyk, La Fave, Ladwig, Bies, Musser, J. Lehman, Wade, Turner, Kreuser, Miller, Johnsrud, J. Fitzgerald, Pettis, Pocan, D. Meyer, Plouff, Townsend, Friske, Gunderson, Hundertmark, Freese, Nass, Schooff and Berceau.

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

#### **Senate Bill 84**

Relating to: payday loan providers and providing a penalty.

By Senators Robson, Burke, Decker and Hansen; cosponsored by Representatives Grothman, Miller, Berceau, Black, Bock, Boyle, Cullen, J. Lehman, Morris–Tatum, Musser, Pocan, Reynolds, Schneider, Sinicki, Turner, Wasserman and Wood.

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

#### **Senate Bill 85**

Relating to: permits for the possession or use of certain fireworks, sales of fireworks to certain organizations and groups, liability for the use of illegally sold fireworks, and the authority of district attorneys to enforce laws relating to fireworks.

By Senators Darling and Farrow; cosponsored by Representatives Steinbrink, Starzyk, Kreuser, J. Lehman and Williams.

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

**Senate Bill 86**

Relating to: time limits for a police and fire commission or another governing body to render a decision related to the suspension of a law enforcement officer or firefighter.

By Senators Risser and Burke; cosponsored by Representatives Travis, Musser, J. Lehman, Staskunas, Berceau, D. Meyer, Seratti, Colon, Sykora, Ryba and Turner.

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

**Senate Bill 87**

Relating to: termination of a tenancy if notice given regarding drug or criminal gang activity.

By Senators Moore, Plache, Risser, Rosenzweig, Roessler, Darling and Schultz; cosponsored by Representatives Sykora, Turner, Morris-Tatum, Albers, Stone, Jeskewitz, Lippert, Ryba, Urban, Olsen, Riley, Ladwig, Musser, Staskunas, Krawczyk, Vrakas, Hundertmark, Townsend, Lassa, Berceau, D. Meyer and M. Lehman.

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

**Senate Bill 88**

Relating to: receiverships for public nuisance.

By Senators Plache, Burke, Rosenzweig, Darling and Cowles; cosponsored by Representatives La Fave, Townsend, Ryba, Miller, Staskunas, J. Lehman, Cullen, Kreuser, Richards and Coggs.

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

**Senate Bill 89**

Relating to: prohibiting a parent who has physical placement of a child from taking the child to certain foreign counties without the agreement of the other parent.

By Senator M. Meyer; cosponsored by Representative Johnsrud.

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

**Senate Bill 90**

Relating to: crediting military service for certain participants in the Wisconsin retirement system who retired before March 9, 1984, due to layoff, and making an appropriation.

By Senators Risser, Darling, Schultz, M. Meyer and Rosenzweig; cosponsored by Representatives Pettis, Gundrum, Turner, Williams, Freese, Plale, Boyle, Miller, Johnsrud, Kreuser, Meyerhofer, Musser, Sykora and Plouff.

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

**Senate Bill 91**

Relating to: federal waivers to waive certain work requirements under the food stamp program.

By Senators George, Moore, Plache, Risser and Robson; cosponsored by Representatives Staskunas, Young, Berceau, Black, Boyle, Gronemus, J. Lehman, Miller, Morris-Tatum, Plouff and Pocan.

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

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Ethics Board**

March 13, 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/>

Andrews, Morris **Wisconsin State Telecommunications Association**

Christianson, Peter C **Suburban Schools Legislative Committee**

Driessen, Anthony **CTB McGraw-Hill by MultiState Associates Inc**

Driessen, Anthony **Hunter Group by Multistate Associates, Inc., The**

Fonfara, Thomas **Hunter Group by Multistate Associates, Inc., The**

Fonfara, Thomas **CTB McGraw-Hill by MultiState Associates Inc**

Hodan, Patrick **Coca-Cola Bottling Company of Wisconsin**

Krajewski, Thomas **Forest County Potawatomi Community**

Krajewski, Thomas **Miller Brewing Company by its service company Philip Morris**

Krajewski, Thomas **Philip Morris Incorporated by its service company Philip Morris**

Lawler, W. Gale **PrintTax Services**

McCoshen, William J **Lake Mills Limited**

McDowell, Kelly **Philip Morris Incorporated by its service company Philip Morris**

Osborne, Patrick **American College of Nurse-Midwives (WI Chapter)**

Osborne, Patrick **Lockheed Martin IMS Corporation**

Petersen, Eric J **Lake Mills Limited**

Wanta, Richard **Wisconsin Underground Contractors Association**

Wiswell, Sr, Jeffrey L **Wisconsin State Telecommunications 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

Senator Robson, with unanimous consent, asked that the Senate recess until 1:05 P.M.

10:33 A.M.

**RECESS**

1:05 P.M.



The Senate reconvened.  
Senator Risser in the chair.

Absent or not voting – None.  
Confirmed.

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## ADVICE AND CONSENT OF THE SENATE

Senator Chvala, with unanimous consent, asked that all the appointments except for Robert Garvin, be taken up en masse.

DREW, WILLIAM R., of Milwaukee, as a member of the State Fair Park Board, to serve for the interim term ending May 1, 2002.

Read

HEISER, TEE, of Woodville, as a member of the Judicial Commission, to serve for the term ending August 1, 2002.

Read.

HOGAN, JOHN J., of Hazelhurst, as a member of the Public Defender Board, to serve for the term ending May 1, 2002.

Read.

LECLEIR, CLIFFORD F., of La Crosse, as a member of the Judicial Commission, to serve for the term ending August 1, 2002.

Read.

SIKOWSKI, ILEEN P., of Crivitz, as a member of the Judicial Commission, to serve for the term ending August 1, 2002.

Read.

TENUTA, RALPH J., of Kenosha, as a member of the Banking Review Board, to serve for the term ending May 1, 2005.

Read.

WILSON, R. DOUGLAS, of Shawano, as a member of the State Fair Park Board, to serve for the term ending May 1, 2003.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, Farrow, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

GARVIN, ROBERT "BERT", of Madison, as a member of the Public Service Commission, to serve for the term ending March 1, 2007.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, Farrow, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

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

### Senate Clearinghouse Rule 00–173

Relating to the tobacco control board's administering and awarding grants for tobacco control and establishing criteria for recipients of the grants.

Submitted by Department of Health and Family Services.  
Report received from Agency, March 12, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, March 13, 2001.

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## 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 54**

**Assembly Bill 58**

**Assembly Bill 59**

**Assembly Bill 110**

**Assembly Bill 167**

Adopted and asks concurrence in:

**Assembly Joint Resolution 35**

**Assembly Joint Resolution 42**

**Assembly Joint Resolution 46**

**Assembly Joint Resolution 48**

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## MESSAGES FROM THE ASSEMBLY CONSIDERED

### Assembly Bill 54

Relating to: relinquishing custody of a newborn child and granting rule-making authority.

By Representatives Plale, Jeskewitz, Schooff, Jensen, La Fave, Urban, Bock, Musser, Gronemus, Montgomery, Staskunas, Walker, J. Lehman, Powers, Turner, Ott, Olsen, Ladwig, Kreuser, Suder, Huber, Kestell, Steinbrink, Freese, Boyle, Ward, Wasserman, Rhoades, Miller, Sykora, Balow, Ainsworth, Sherman, Kreibich, Berceau, Vrakas, Sinicki, Hundertmark, Cullen, Owens, Colon, Albers, Krusick, Krawczyk, Schneider and Hoven; cosponsored by Senators Burke, Rosenzweig, Robson, Grobschmidt, Baumgart, Risser, Plache, Huelsman, Darling, Roessler and S. Fitzgerald, by request of Speaker's Task Force on Abandoned Babies.

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

### Assembly Bill 58

Relating to: low-speed vehicles, granting rule-making authority, and providing a penalty.

By Representatives Olsen, Powers, Musser, Bies, Ladwig, Townsend, Gronemus, Pettis, Ryba, Wade, Berceau, Vrakas, Freese, M. Lehman, Urban, Krawczyk, Ward, Gunderson, Plouff and Ott; cosponsored by Senators Breske, Schultz, M. Meyer, Baumgart, Huelsman and Darling.

Read first time and referred to committee on **Insurance, Tourism, and Transportation**.

**Assembly Bill 59**

Relating to: requiring the department of transportation to register and issue a certificate of title for a motorcycle having a certain vehicle identification number.

By Representative Walker; cosponsored by Senator Rosenzweig.

Read first time and referred to committee on **Insurance, Tourism, and Transportation**.

**Assembly Bill 110**

Relating to: access by law enforcement agencies to photographs taken for drivers' licenses and identification cards.

By Representatives La Fave, Wieckert, Musser, Bies, Owens, Ainsworth, Huber, Ladwig, J. Lehman, Duff, Lassa, M. Lehman, Jeskewitz, Townsend, Kreuser, Vrakas, Kedzie, Ott and Hundertmark; cosponsored by Senators Burke, Roessler and Huelsman.

Read first time and referred to committee on **Insurance, Tourism, and Transportation**.

**Assembly Bill 167**

Relating to: access by law enforcement agencies to photographs on motor vehicle operators' licenses and identification cards.

By Representatives Wieckert, Bies, Friske, La Fave, Suder, Wade, Gunderson, Ladwig, Nass, Duff, Ott, Stone, Huber, Krawczyk, Lippert, Huebsch, Loeffelholz, Hundertmark, Musser, Townsend, Jeskewitz and Lassa; cosponsored by Senators George, Burke, Huelsman, Cowles, Rosenzweig, Welch, Darling, Roessler and Harsdorf.

Read first time and referred to committee on **Insurance, Tourism, and Transportation**.

**Assembly Joint Resolution 35**

Relating to: supporting a women's health platform that recognizes serious inequities in the health prevention and treatment of women and calls for the elimination of these inequities to improve the health status of women in this state.

By Representatives Ladwig, Lippert, Berceau, Albers, Balow, Carpenter, Freese, Gronemus, Hubler, Huebsch, Hundertmark, Jeskewitz, Krawczyk, Kreuser, Lassa, J. Lehman, Leibham, McCormick, Meyerhofer, Miller, Montgomery, Musser, Ott, Owens, Petrowski, Pocan, Rhoades, Schooff, Seratti, Shilling, Sinicki, Starzyk, Townsend, Wade and Wasserman; cosponsored by Senators Roessler, Robson, Cowles, Darling, Decker, Harsdorf, Huelsman, Lazich, Moore, Panzer, Plache, Rosenzweig and Schultz.

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

**Assembly Joint Resolution 42**

Relating to: the life and accomplishments of Edwin Lee Mathews, Sr.

By Representatives Kedzie, Nass, Vrakas, Bock, Huber, Plouff, Rhoades, Hebl, Gunderson, Kreibich, Wade, Stone, Sykora, Schneider, Montgomery, Ryba, Ladwig, Olsen, Turner, Ott, M. Lehman, Urban, Musser, Coggs, D. Meyer, J. Lehman, Owens, Riley, Miller, Jeskewitz and Lippert; cosponsored by Senators Rosenzweig, Schultz, Plache, Grobschmidt, Burke, S. Fitzgerald, Darling, George and Decker.

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

**Assembly Joint Resolution 46**

Relating to: urging all Wisconsinites to observe March as "Women's History Month."

By Representative Berceau; cosponsored by Senator Burke.

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

**Assembly Joint Resolution 48**

Relating to: honoring and commending the devoted public service of Sue Ann Thompson.

By Representatives Lippert, Ladwig, Starzyk, Vrakas, Jensen, Wasserman, Underheim, McCormick, Gunderson, Ryba, Wade, Rhoades, Shilling, Gronemus, Hebl, Hoven, Ward, Ziegelbauer, Kedzie, Pettis, Duff, Leibham, Olsen, Sinicki, Plouff, Riley, Huebsch, Miller, Freese, Hahn, Pocan, Albers, Kestell, Powers, Krawczyk, Johnsrud, Townsend, Petrowski, Schneider, Plale, Musser, Bock, Coggs, Turner, Urban, Ainsworth, Walker, Berceau, Balow, Gundrum, Jeskewitz, Seratti, Ott and J. Lehman; cosponsored by Senators Erpenbach, Panzer, Darling, Zien, Cowles, Risser, Rosenzweig, Lazich, A. Lasee, Breske, Roessler, Huelsman, Schultz, S. Fitzgerald, Plache, Grobschmidt, Burke, George, Wirch and Harsdorf.

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

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**State of Wisconsin  
Assembly Chief Clerk**

March 13, 2001

The Honorable, The Senate:

It is my pleasure to inform members of the Senate that the Assembly has confirmed the nomination of State Senator Margaret A. Farrow to serve as Lieutenant Governor for the balance of the unexpired term ending January 2003.

Pursuant to Article XIII, Section 10(2) of the Wisconsin Constitution, you submitted the nomination to the Legislature on February 28, 2001.

The Assembly, acting in accordance with the provisions of Assembly Rule 51m, adopted Assembly Resolution 24 on March 7, 2001. The resolution was adopted on an oral roll call vote by a vote of 75 Ayes and 22 Noes.

If you have any additional questions about the Assembly confirmation, please contact me.

Sincerely,

JOHN A. SCOCOS  
Assembly Chief Clerk

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**SECOND READING AND AMENDMENTS  
OF SENATE JOINT RESOLUTIONS AND  
SENATE BILLS**

**Senate Joint Resolution 21**

Relating to: urging the Wisconsin congressional delegation to work to enact legislation that would remove social security numbers from hunting and fishing license applications.

Read.

Senator Moore moved rejection of **Senate Joint Resolution 21?**

The question was: Shall **Senate Joint Resolution 21** be rejected?

Failed to be rejected.

The question was: Shall **Senate Joint Resolution 21** be adopted?

The ayes and noes weredemanded and the vote was: ayes, 32; noes, 1; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, Farrow, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, Lazich, M. Meyer, Moen, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 32.

Noes – Senator Moore – 1.

Absent or not voting – None.

Adopted.

### **Senate Joint Resolution 26**

Relating to: proclaiming April as Child Abuse Prevention Month.

Read.

Adopted.

### **Senate Joint Resolution 27**

Relating to: proclaiming the month of May as “Community Action Month” in the state of Wisconsin.

Read.

Adopted.

### **Senate Bill 19**

Relating to: requiring headlights and other required lamps on vehicles to be lighted while windshield wipers are being used and providing a penalty.

Read a second time.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 19** offered by Senator Baumgart.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 19**?

Adopted.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 19**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

### **Senate Bill 19**

Read a third time and passed.

### **Senate Bill 28**

Relating to: relinquishing custody of a newborn child and granting rule-making authority.

Read a second time.

Senator Chvala, with unanimous consent, asked that **Senate Bill 28** be placed at the foot of the 11th order of business on the calendar of March 13, 2001.

### **Senate Bill 29**

Relating to: low-speed vehicles, granting rule-making authority, and providing a penalty.

Read a second time.

Senator Chvala, with unanimous consent, asked that **Senate Bill 29** be referred to committee on **Insurance, Tourism, and Transportation**.

### **Senate Bill 31**

Relating to: basing certain urban mass transit operating assistance payments on projected operating expenses.

Read a second time.

Senator Chvala, with unanimous consent, asked that **Assembly Bill 37** be withdrawn from the committee on **Insurance, Tourism, and Transportation** and taken up.

### **Assembly Bill 37**

Relating to: basing certain urban mass transit operating assistance payments on projected operating expenses.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Assembly Bill 37**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

### **Assembly Bill 37**

Concurred in as amended.

### **Senate Bill 35**

Relating to: transferring toll-free calls to pay-per-call services or international numbers, creating certain disclosure and reporting requirements, and providing a penalty.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 35** be referred to the Joint Committee on **Finance**.

Senator Chvala, with unanimous consent, asked that **Senate Bill 31** be laid on the table.

### **Senate Bill 41**

Relating to: use of caller identification blocking services by telephone solicitors.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

### **Senate Bill 41**

Read a third time and passed.

### **Senate Bill 48**

Relating to: creating an optional holiday for state employees to observe the birthday of Cesar E. Chavez.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

### **Senate Bill 48**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 27; noes, 6; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Darling, Decker, Ellis, Erpenbach, Farrow, George, Grobschmidt, Hansen, Jauch, Lazich, M. Meyer, Moen, Moore, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 27.

Noes – Senators Cowles, S. Fitzgerald, Harsdorf, Huelsman, A. Lasee and Panzer – 6.

Absent or not voting – None.

Passed.

### **Senate Bill 49**

Relating to: creating an office of public intervenor in the department of justice and making an appropriation.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 49** be referred to the Joint Committee on **Finance**.

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 49**.

### **Senate Bill 54**

Relating to: discharges of dredged or fill material into nonfederal wetlands.

Read a second time.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 54** offered by Senator Shibilski.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 54**?

Adopted.

Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 54** offered by Senators Panzer, Farrow, Welch and Huelsman.

Senator Chvala moved rejection of Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 54**.

The question was: Rejection of Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 54**?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 11; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, Lazich, M. Meyer, Moen, Moore, Plache, Risser, Robson, Rosenzweig, Schultz, Shibilski and Wirch – 22.

Noes – Senators Darling, Ellis, Farrow, S. Fitzgerald, Harsdorf, Huelsman, A. Lasee, Panzer, Roessler, Welch and Zien – 11.

Absent or not voting – None.

Rejected.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 54**?

Adopted.

Senator Farrow, with unanimous consent, asked that the Senate recess until 3:25 P.M.

3:03 P.M.

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**RECESS**

3:25 P.M.

The Senate reconvened.

Senator Risser in the chair.

Senator Chvala, with unanimous consent, asked that **Senate Bill 54** be placed after **Senate Bill 63** on the calendar of March 13, 2001.

**Senate Bill 63**

Relating to: division of municipalities into wards; redistricting of supervisory and aldermanic districts; election districts in 1st class city school systems; recording of certain municipal annexations; the effective date of certain annexation and detachment actions; and making an appropriation.

Read a second time.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 63** offered by Senator Chvala.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 63**?

Adopted.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 63**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senator Burke, with unanimous consent, asked that **Senate Bill 63** be referred to the Joint Committee on **Finance**.

Senator Burke, with unanimous consent, asked that the rules be suspended and that **Senate Bill 63** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

**Senate Bill 63**

Relating to: division of municipalities into wards; redistricting of supervisory and aldermanic districts; election districts in 1st class city school systems; recording of certain municipal annexations; the effective date of certain annexation and detachment actions; and making an appropriation.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 63**

Read a third time.

The ayes and noes were required and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Harsdorf, Huelsman, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 15.

Absent or not voting – None.

Passed.

**Senate Bill 54**

Relating to: discharges of dredged or fill material into nonfederal wetlands.

Read a second time.

Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 54** offered by Senator Shibilski.

The question was: Adoption of Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 54**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 54**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Ellis, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Rosenzweig, Shibilski and Wirch – 21.

Noes – Senators Darling, Farrow, S. Fitzgerald, Harsdorf, Huelsman, A. Lasee, Lazich, Panzer, Roessler, Schultz, Welch and Zien – 12.

Absent or not voting – None.

Passed.

**Senate Bill 70**

Relating to: requiring law enforcement officers to report traffic violations and accidents involving any foreign diplomat to the federal department of state.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 70**?

Adopted.

Ordered to a third reading.



Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 70**

Read a third time and passed.

**Senate Bill 28**

Relating to: relinquishing custody of a newborn child and granting rule-making authority.

Read a second time.

Senator Chvala, with unanimous consent, asked that **Assembly Bill 54** be withdrawn from the committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform** and taken up.

**Assembly Bill 54**

Relating to: relinquishing custody of a newborn child and granting rule-making authority.

Read a second time.

Senate amendment 1 to **Assembly Bill 54** offered by Senator Robson.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 54**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 54**

Read a third time and concurred in as amended.

Senator Chvala, with unanimous consent, asked that **Senate Bill 28** be laid on the table.

Senator Farrow, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 2**.

Senator Farrow, with unanimous consent, asked to be withdrawn as a cosponsor of **Assembly Joint Resolution 22**.

Senator Harsdorf, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 7**.

Senator Harsdorf, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 24**.

Senator Harsdorf, with unanimous consent, asked to be added as a coauthor of **Senate Bill 41**.

Senator Harsdorf, with unanimous consent, asked to be added as a coauthor of **Senate Bill 82**.

Senator Hansen, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 7**.

Senator Robson, with unanimous consent, asked to be added as a coauthor of **Senate Bill 48**.

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**SECOND READING AND AMENDMENTS  
OF ASSEMBLY JOINT RESOLUTIONS AND  
ASSEMBLY BILLS**

**Assembly Joint Resolution 39**

Relating to: the life and community service of Leo Frigo.

Read.

Concurred in.

**Assembly Joint Resolution 43**

Relating to: the life and public service of Blair L. Testin.

Read.

Senator Panzer, with unanimous consent, asked that all members of the Senate be added as cosponsors of **Assembly Joint Resolution 43**.

Concurred in.

**Assembly Bill 7**

Relating to: storage and handling of anhydrous ammonia, creating an exemption from civil liability, and providing a penalty.

Read a second time.

Ordered to a third reading.

Senator George, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 7**

Read a third time and concurred in.

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**ANNOUNCEMENTS, ADJOURNMENT  
HONORS, AND REMARKS UNDER  
SPECIAL PRIVILEGE**

Senator Zien, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Governor's Conference on Tourism.

Senator Zien, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Senator Farrow the first woman to be Lieutenant Governor of the State.

Senator Baumgart, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Aldo Leopold.

Senator Baumgart, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Sheboygan Christian School of Sheboygan County and the 50 students from the 6, 7 and 8 grade students who toured the state capitol today.

Senator Hanson, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Green Bay Notre Dame Girl's Basketball Champions who finished their season 27-0.

Senator Hanson, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Coach Mark Oleniczak, coach of the Green Bay Notre Dame Girls Basketball Champions, named State Coach of the Year.

Senator Robson, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Janesville Parker women's basketball team on winning division I basketball tournament and being state champs 2 years in a row.

Senator Moen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Gilmanton High School Lady Panthers on winning the state basketball championship. Gilmanton Has 71 students in grades 9 - 12 and only has 249 students in its K - 12 program and is the 7th smallest school district in the state.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Oshkosh West High School Boys Basketball team for competing in the state tournaments this weekend.

Senator Shibilski, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Stevens Point Area Senior High Girls Basketball Team on being the runner up in the championship game.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

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**ADJOURNMENT**

Senator Chvala moved that the Senate adjourn until 18.  
Thursday, March 15 at 10:00 A.M.

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch –

Noes – Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Harsdorf, Huelsman, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 15.

Absent or not voting – None.

Adjourned.

4:25 P.M



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

THURSDAY, March 15, 2001

The Senate met.

The Senate was called to order by Senator David Hansen.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 92

Relating to: notice to a victim of the right to make a statement at sentencing or disposition.

By Senators Burke, Grobschmidt, Huelsman, Roessler and Rosenzweig; cosponsored by Representatives Huber, Gronemus, Richards, Staskunas and Stone, by request of Wisconsin District Attorney's Association.

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

#### Senate Bill 93

Relating to: sales and taste samples of fruit-based intoxicating liquor for consumption on or off the premises where manufactured or rectified.

By Senator Erpenbach; cosponsored by Representatives Skindrud, Ainsworth, Black, Berceau, Plouff and Plale.

To committee on **Insurance, Tourism, and Transportation.**

#### Senate Bill 94

Relating to: funding for food pantries, granting rule-making authority, and making an appropriation.

By Senators George, Burke, Moore, Plache, Risser, Robson and Wirsch; cosponsored by Representatives Richards, Young, Balow, Berceau, Black, Boyle, Carpenter, Cullen, Gronemus, La Fave, J. Lehman, Morris–Tatum, Plouff, Pohan, Riley, Ryba, Staskunas, Shilling and Coggs.

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

#### Senate Bill 95

Relating to: the right to discovery in implied consent cases involving drunk driving.

By Senators Huelsman, Darling and Rosenzweig; cosponsored by Representatives Stone, Vrakas, Hundertmark, Ott, Bies, McCormick, La Fave, Duff, Starzyk and Townsend.

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

#### Senate Bill 96

Relating to: regulation of social workers, advanced practice social workers, independent social workers, clinical social workers, marriage and family therapists, professional

counselors, and art, music, and dance therapists, insurance coverage for services provided by clinical social workers, marriage and family therapists, professional counselors, granting rule-making authority, and providing a penalty.

By Senators Grobschmidt, George, Rosenzweig, Plache, Darling, Erpenbach and Huelsman; cosponsored by Representatives Urban, Vrakas, Krawczyk, Wasserman, Freese, Berceau, Hahn, Lippert, La Fave, Starzyk, Young, Albers, Townsend, Schneider, Ott, Skindrud, Gronemus, Plouff, Kreibich, Plale, Hundertmark and Carpenter.

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

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin

March 13, 2001

The Honorable, The Senate:

As Senate Chair of the Joint Committee on Finance, I am writing to inform you of my appointment of Senator Kevin Shibilski to serve as a member of the Claims Board in my place.

I am making this appointment in accordance with s. 15.105(2), Stats.. If you have any questions regarding this action, please feel free to contact me.

Thank you for your attention to this matter.

Sincerely,

BRIAN BURKE

Co–Chair, Joint Committee on Finance

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

#### Senate Clearinghouse Rule 00–135

Relating to the stewardship program.

Submitted by Department of Natural Resources.

Report received from Agency, March 13, 2001.

Referred to committee on **Environmental Resources**, March 15, 2001.

#### Senate Clearinghouse Rule 00–176

Relating to environmental insurance requirements for liability exemptions for voluntary remediation.

Submitted by Department of Natural Resources.

Report received from Agency, March 13, 2001.

Referred to committee on **Environmental Resources**, March 15, 2001.

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

**Senate Clearinghouse Rule 00–110**

Relating to ATV, snowmobile, bowhunter and hunter education fees.

No action taken.

Jim Baumgart  
Chairperson

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**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 98**

**Assembly Bill 100**

Adopted and asks concurrence in:

**Assembly Joint Resolution 38**

Nonconcurrent in:

**Senate Bill 2**

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**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 98**

Relating to: fishing with a bow and arrow near a roadway.

By Representatives Wood, Powers, Gronemus, Musser, Grothman, Kedzie, Gunderson, Lassa and Ott.

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

**Assembly Bill 100**

Relating to: financial assistance for an air carrier that operates from a hub facility, creating an airport financing

committee, granting rule-making authority, and making appropriations.

By Representatives Stone, Riley, Suder, Balow, Vrakas and Ladwig; cosponsored by Senators Grobschmidt and Baumgart.

Read first time and referred to joint survey committee on **Tax Exemptions**.

**Assembly Joint Resolution 38**

Relating to: recognizing Ben Brancel for his 16 years of dedication and commitment to the state of Wisconsin and its people.

By Representatives Wade, Ott, Gard, Gunderson, Montgomery, Suder, Jeskewitz, Duff, Wasserman, Starzyk, Walker, McCormick, Olsen, Rhoades, Hundertmark, Huebsch, Foti, Hahn, Vrakas, Stone, Musser, Kestell, Urban, Turner, Ladwig, Staskunas, Coggs, Hoven, Plale, Townsend, Nass, Balow, Kaufert, Huber, J. Lehman, Lippert, Skindrud, Freese, Ward, Miller, Kedzie, Albers, Ainsworth, Ryba, Black, Pettis, Petrowski and Powers; cosponsored by Senators Welch, Panzer, Zien, Farrow, Decker, Lazich, Rosenzweig, Roessler, Harsdorf, Plache, Grobschmidt, Huelsman and Darling.

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

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**ADJOURNMENT**

Senator Hansen, with unanimous consent, asked that the Senate adjourn until Tuesday, March 20 at 10:00 A.M..

Adjourned.

10:01 A.M.

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**AMENDMENTS OFFERED**

Senate substitute amendment 1 to **Senate Bill 30** offered by Senator Plache.

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**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**2001 ASSEMBLY JOINT RESOLUTION 48**

Prepared by the Legislative Reference Bureau  
(March 14, 2001)

**4.** Page 3, line 19: delete "senate chief clerk" and substitute "assembly chief clerk".





# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

TUESDAY, March 20, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

Read and referred:

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 97

Relating to: issuance of bonus deer hunting permits to certain farm owners who are engaged in the production of maple syrup.

By Senators Decker and Schultz; cosponsored by Representatives Albers, Johnsrud and Plouff.

To committee on **Environmental Resources**.

#### Senate Bill 98

Relating to: the property tax exemption for property owned by the Young Men's Christian Association.

By Senators George, Grobschmidt, Risser, Baumgart, Rosenzweig, Plache, Cowles, Darling, Roessler, Ellis, S. Fitzgerald, Breske and Harsdorf; cosponsored by Representatives Gard, McCormick, Young, Coggs, Plale, Seratti, Berceau, Balow, Starzyk, Jeskewitz, Powers, Montgomery, Lippert, Sinicki, Black, D. Meyer, Ladwig, Musser, Ward, Townsend, M. Lehman, Riley, Kreibich, Petrowski, Boyle, Freese, Meyerhofer, Lassa, Pettis, Kedzie, Walker, Huebsch, Ott, Sykora, Gunderson, Vrakas, Kaufert and Rhoades.

To joint survey committee on **Tax Exemptions**.

#### Senate Bill 99

Relating to: mandatory operating privilege suspension for certain firearms offenses and bomb scares involving school premises.

By Senators Darling, Welch and Rosenzweig; cosponsored by Representatives Leibham, Kestell, Starzyk, Rhoades, Suder, Gard, Gronemus, Gunderson, Powers, Sykora, Albers, Townsend, Stone, Jeskewitz, Wade, Urban, Plale, Vrakas and Pettis.

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

#### Senate Bill 100

Relating to: school conference and activities leave.

By Senators Grobschmidt, Burke, Risser, Erpenbach and George; cosponsored by Representatives Black, Sinicki,

Turner, Richards, Morris–Tatum, J. Lehman, Bock, Cullen, Pocan, Miller and Berceau.

To committee on **Education**.

### REPORT OF COMMITTEES

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

CONGER, KENNETH W., of Kohler, 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.

CROWDER, DR. DON L., of Lake Geneva, as a member of the Psychology Examining Board, to serve for the interim term ending July 1, 2001, and for the full term ending July 1, 2005.

Confirmation.

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

Noes, 0 – None.

GLOCKE, CHAR D., of Onalaska, as a member of the Chiropractic 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.

HAMMES, JON D., of Mequon, as a member of the Medical College of Wisconsin Board of Trustees, to serve for the term ending May 1, 2006.

Confirmation.

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

Noes, 0 – None.

HEINEMANN, VIRGINIA, of Wausau, 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.

JENKINS, LAURA M., of Darlington, as a member of the Barbering and Cosmetology 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.

LUCE, DANIEL F., of Nasotah, 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.

MEIER, GARY A., of Racine, 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.

QUERAM, CHRISTOPHER J., of Middleton, 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.

SCHLEIS, CATHERINE E., of De Forest, as a member of the Dentistry 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

### THE STATE OF WISCONSIN OFFICE OF THE GOVERNOR

#### EXECUTIVE ORDER #2

*Relating to a Proclamation that the Flag of the United States and the Flag of the State of Wisconsin be Flown at Half-Staff as a Mark of Respect for Specialist Jason D. Wildfong of the United States Army Who Lost His Life in a Training Accident in Kuwait*

**WHEREAS**, on March 12, 2001, a bombing range accident occurred in Kuwait killing six people, including five Americans; and

**WHEREAS**, Specialist Jason D. Wildfong of Union Grove, Wisconsin, was among those who died; and

**WHEREAS**, Specialist Wildfong faithfully and honorably served the people of the State of Wisconsin and the people of the United States; and

**WHEREAS**, the people of Wisconsin mourn the death of Specialist Wildfong and the deaths of the others who lost their lives in this tragic accident; and

**WHEREAS**, Specialist Wildfong will be laid to rest on Tuesday, March 20, 2001;

**NOW, THEREFORE, I, SCOTT McCALLUM**, Governor of the State of Wisconsin, by the authority vested in me by Federal and State Law, do hereby order that the flag of the United States and the flag of the State of Wisconsin shall be flown at half-staff at all buildings, grounds and military installations of the State of Wisconsin equipped with such flags beginning at sunrise on Tuesday, March 20, 2001, and ending at sundown on that date.

**IN TESTIMONY WHERE OF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this nineteenth day of March in the year two thousand and one.

Scott McCallum  
Governor

BY THE GOVERNOR:

DOUGLAS LA FOLLETTE  
Secretary of State

### State of Wisconsin Legislative Audit Bureau

March 16, 2001

The Honorable, The Legislature:

We have completed a review of the use of private-sector computer consultants, as requested by the Joint Legislative Audit Committee. We estimate that executive branch state agencies exclusive of the University of Wisconsin System spent \$93.6 million for information technology (IT) consulting services during fiscal year 1998-99, the last year for which statewide purchasing data are available. These services supplemented the work of 1,383 full-time equivalent state IT employees.

When agencies need to develop large new information systems, manage peak workload periods, or use special skills on an intermittent basis, use of contracted IT services is consistent with state purchasing statutes. However, agencies also routinely engage contractors to perform more routine tasks without conducting cost analyses anticipated by the statutes, largely because of past labor market conditions and restrictions on their number of authorized positions. Among a sample of 32 hourly contractors performing routine responsibilities, hourly costs of 29 were higher than those of comparable state employees, and 4 of these were more than twice the hourly cost of state employees. In light of recent improvements in the State's ability to attract and retain IT staff, we recommend that cost analyses be performed before IT contractors are hired for routine work.

It is not uncommon for large-scale IT systems development projects to exceed original budgets for cost or time, or to perform fewer functions than originally planned. Based on our review of the professional literature, we have described a series of best practices for contracting and monitoring large IT projects.

We appreciate the courtesy and cooperation extended to us by all of the 50 state agencies that provided information for this review, particularly the departments of Administration, Corrections, Health and Family Services, Justice, Transportation, and Workforce Development, where we conducted additional work. A response from the Department of Administration is Appendix 3.

Sincerely,  
JANICE MUELLER  
State Auditor

**State of Wisconsin  
Department of Administration**

March 12, 2001

The Honorable, The Legislature:

Section 20m of the 1999 Wisconsin Act 9 directed the Department of Administration to: "study the feasibility and desirability of selling, leasing or forming public-private partnerships to operate the ... wastewater treatment plants owned by the state ... in the manner provided under section 13.172(2) of the statutes."

Please find enclosed the report required under 1999 Wisconsin Act 9.

Sincerely,

GEORGE LIGHTBOURN  
Secretary

**State of Wisconsin  
Department of Administration  
Department of Natural Resources**

March 15, 2001

The Honorable, The Legislature:

Below is information regarding the Wisconsin Environmental Improvement Fund (EIF) Biennial Finance Plan, submitted in accordance with subsection 281.59(3)(bm) of the Wisconsin statutes. That subsection requires the Department of natural Resources and the Department of Administration to submit to the legislature and the Building Commission any amendment to the Biennial Finance Plan which are necessary to reflect material approved by the Governor for inclusion in the biennial budget.

After the biennial budget bill is enacted a revised version of the Biennial Finance Plan will be distributed with changes that reflect actions taken in the budget.

If you have any questions regarding the Biennial Finance Plan, please contact Kathryn A. Curtner at 266-0860 or Frank Hoadley at 266-2305.

Sincerely,

KATHRYN A. CURTNER, Director  
Bureau of Community Financial Assistance  
Department of Natural Resources

FRANK R. HOADLEY  
Capital Finance Director  
Department of Administration

**State of Wisconsin  
Department of Administration**

March 5, 2001

The Honorable, The Senate:

I am pleased to submit our Annual Minority Business Report for fiscal year 2000. This year's report continues to reflect increased growth as well as the strengthening of the commitment of state agencies to further business with Wisconsin certified minority business enterprises.

State agencies spent \$63,437,323 with Wisconsin certified minority businesses for goods, services, construction, and architectural and engineering services. This represents a 13.95% spending increase over the last fiscal year.

Here are some of the highlights of the report:

- The Department of Commerce reports a total of 712 firms, up 4.5%, that met the requirements of certification in the State of Wisconsin.
- The Division of Facilities Development through its Architectural/Engineering Selection Committee,

exceeded the MBE participation goal in A/E contracting for the thirteenth consecutive year.

- Eighteen (18) state and quasi-state agencies spent at least 5% or more of their purchasing dollars with certified minority businesses.
- the Department of Natural Resources Clean Water Fund Loan Program for the Milwaukee Metropolitan Sewerage District (MMSD) also had one of its best years yet for expending money to certified minority owned firms. MMSD expended 59.94% of its total Clean Water Fund payments or \$6,349,363 of \$10,592,056 to MBE firms certified by the Department of Commerce for fiscal year 1999-2000.
- The State of Wisconsin Investment Board showed total net commissions of \$16,821,146, of which \$1,013,233 or 6.2% was expended for financial and investment analysis and common stock and convertible bond brokerage with minority financial advisors or minority investment firms.

Out of the number of total certified minority firms, 39% or 277 firms received contracts for various commodities and services during fiscal year 1999-2000. The State Minority Business Program continues to promote MBE's and ensure that certified minority firms receive every opportunity possible to do business with the State of Wisconsin. The program is also leading the awareness of MBE's to e-commerce, including the state's vendornet program.

I am especially please with the Division of Facilities Development (DFD) total MBE participation in architectural/engineering services and construction. This fiscal year, the division surpassed \$15 million in total MBE participation.

While I am proud of the progress we have made, there is still ample room for improvement in achieving our state goal of 5% for all state agencies.

Sincerely,

GEORGE LIGHTBOURN  
Secretary

**State of Wisconsin  
Ethics Board**

March 20, 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/>

- |                       |   |
|-----------------------|---|
| Backhaus, Amber       | <b>American Plastics Council Inc</b>                                |
| Jentz, Robert         | <b>Customers First! Coalition</b>                                   |
| LaGessee, Robert      | <b>United Transportation Union</b>                                  |
| McClenahan, William   | <b>Wisconsin State Brewers Association</b>                          |
| McDowell, Kelly       | <b>Wisconsin State Brewers Association</b>                          |
| Nash, Billie J        | <b>SOS Childrens Villages of Wisconsin, Inc., Milwaukee Chapter</b> |
| Schreiber, Martin     | <b>Wisconsin State Brewers Association</b>                          |
| Smith, Brynna         | <b>Dean Health System Inc</b>                                       |
| Smith-Watkins, Genise | <b>American Plastics Council Inc</b>                                |
| Stenger, Scott        | <b>Water Resources Coalition</b>                                    |
| Thompson, Kelli       | <b>Rime Management Group Inc</b>                                    |
| Tries, John           | <b>Rime Management Group Inc</b>                                    |
| Wagner, Burton        | <b>Wisconsin Nurses Association</b>                                 |

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

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Thursday, March 22 at 10:00 A.M.

Adjourned.

10:01 A.M





# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

THURSDAY, March 22, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 101

Relating to: residency requirements for persons who wish to take an examination for the position of deputy sheriff.

By Senators Harsdorf and Huelsman; cosponsored by Representatives Ladwig, Starzyk, Gunderson, Freese, Powers, Musser, Owens, Albers, Jeskewitz, Kreuser, Townsend, Sykora and Berceau.

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

#### Senate Bill 102

Relating to: the prohibition against underage persons entering or being on any premises operating under an alcohol beverage license.

By Senators Chvala, Decker and Burke; cosponsored by Representatives Musser, Seratti, Krawczyk, Ryba and Berceau, by request of Don Ring.

To committee on **Insurance, Tourism, and Transportation.**

#### Senate Bill 103

Relating to: jurisdiction in divorces.

By Senators Burke, George, Plache, Darling, Huelsman, Roessler and Rosenzweig; cosponsored by Representatives Kaufert, Bock, Berceau, Gunderson, Huber, Jeskewitz, Ladwig, La Fave, Lassa, J. Lehman, Meyerhofer, Miller, Owens, Plale, Plouff, Powers, Staskunas, Stone, Townsend, Vrakas, Wade and Young.

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

#### Senate Bill 104

Relating to: campaign financing, providing exemptions from emergency rule procedures, granting rule-making authority, making appropriations and providing penalties.

By Senators Ellis, Schultz, Huelsman and Rosenzweig.

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

#### Senate Bill 105

Relating to: payments to ethanol producers and making an appropriation.

By Senators Harsdorf, Shibilski, M. Meyer, Schultz, Zien and Decker; cosponsored by Representatives Sykora, Freese, Petrowski, Krawczyk, Huebsch, Wade, Gunderson, Pettis, Reynolds, Musser, Gronemus, Jeskewitz, Powers, Kreibich, Hahn, Albers, Owens, Rhoades, Seratti, Plouff, Ainsworth, Balow, Hundertmark, Loeffelholz and Ott.

To committee on **Labor and Agriculture.**

#### Senate Bill 106

Relating to: expressing child support as a fixed sum, requiring child support payers annually to furnish copies of tax returns, and providing for annual adjustments in child support.

By Senators George, Cowles and Roessler; cosponsored by Representatives Kestell, Duff, Musser, Ott, J. Lehman, Albers and Riley, by request of Department of Workforce Development.

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

#### Senate Bill 107

Relating to: membership of the dentistry examining board.

By Senators Robson, Ellis, Rosenzweig and Harsdorf; cosponsored by Representatives Powers, Miller, Musser, M. Lehman, Kreibich, Ladwig, Hahn, J. Lehman, Ainsworth, Sykora, Rhoades, Townsend, Berceau and Bock.

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

### REPORT OF COMMITTEES

The committee on **Human Services and Aging** reports and recommends:

FICKS, JUDITH E., of Mequon, as a member of the Occupational Therapists Affiliated Credentialing Board, to serve for the interim term ending July 1, 2001, and for the full term ending July 1, 2005.

Confirmation.

Ayes, 6 – Senators Robson, Wirch, Hansen, Rosenzweig, Roessler and Welch.

Noes, 0 – None.

PLAMANN, CINDY F., of Appleton, as a member of the Occupational Therapists Affiliated Credentialing Board, to serve for the interim term ending July 1, 2001, and for the full term ending July 1, 2005.

Confirmation.

Ayes, 6 – Senators Robson, Wirch, Hansen, Rosenzweig, Roessler and Welch.

Noes, 0 – None.

ROOS-STUTZ, LINDA, of North Fond du Lac, as a member of the Occupational Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2002.

Confirmation.

Ayes, 6 – Senators Robson, Wirch, Hansen, Rosenzweig, Roessler and Welch.

Noes, 0 – None.

SCHWALLIE, LINDA, of Green Bay, as a member of the Examining Board of Social Workers, Marriage and Family Therapists, and Professional Counselors, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 6 – Senators Robson, Wirch, Hansen, Rosenzweig, Roessler and Welch.

Noes, 0 – None.

SENGLAUB, KIM, of Waukesha, as a member of the Occupational Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2003.

Confirmation.

Ayes, 6 – Senators Robson, Wirch, Hansen, Rosenzweig, Roessler and Welch.

Noes, 0 – None.

SOLBOE, DR. WILLIAM, of Shorewood, as a member of the Occupational Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2003.

Confirmation.

Ayes, 6 – Senators Robson, Wirch, Hansen, Rosenzweig, Roessler and Welch.

Noes, 0 – None.

Judith Robson  
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

#### **Assembly Bill 24**

Relating to: residency requirements for persons who wish to take an examination for the position of deputy sheriff.

Concurrence.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Mark Meyer  
Chairperson

## **PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Department of Administration**

March 19, 2001

The Honorable, The Legislature:

With this letter, I am forwarding to you the bureau of Justice Information Systems (BJIS) Fifth Annual Report. S. 13.172(2), Stats, directs BJIS to report annually on its activities, and this report is submitted in fulfillment of that requirement.

The report describes the efforts of BJIS in the areas of Integrated Justice Information Sharing (IJIS) and District Attorney Information Technology (DA IT). Significant progress, as described in detail in the report, was made in these areas in 2000.

Sincerely,

SUSAN PUNTILLO

Administrator, Division of Technology Management

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

### **Senate Clearinghouse Rule 00-010**

Relating to town mutual insurance.

Submitted by Office of the Commissioner of Insurance.

Report received from Agency, March 20, 2001.

Referred to committee on **Insurance, Tourism, and Transportation**, March 22, 2001.

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

### **Senate Clearinghouse Rule 00-134**

Relating to complaint procedures for inmates of the Wisconsin resource center.

No action taken.

Robert Jauch  
Chairperson

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

### **Senate Clearinghouse Rule 00-048**

Relating to delegation of duties by a pharmacist.

No action taken.

### **Senate Clearinghouse Rule 00-138**

Relating to extended area telephone service.

No action taken.

### **Senate Clearinghouse Rule 00-143**

Relating to a system of remediation for applicants who have failed the clinical and laboratory examinations more than three times.

No action taken.

### **Senate Clearinghouse Rule 00-151**

Relating to home health licensure.

No action taken.

### **Senate Clearinghouse Rule 00-156**

Relating to supervising pharmacy interns.

No action taken.

Rodney Moen  
Chairperson

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**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 60**

**Assembly Bill 96**

**Assembly Bill 116**

**Assembly Bill 176**

**Assembly Bill 192**

**Assembly Bill 215**

Amended and concurred in as amended:

**Senate Bill 54** Assembly substitute amendment 1 as amended by Assembly amendment 1 to Assembly substitute amendment 1 and Assembly amendment 2 to Assembly substitute amendment 1.

Concurred in:

**Senate Joint Resolution 27**

Senate amendment 1 to **Assembly Bill 54**

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**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 60**

Relating to: the prohibition against making, possessing, or distributing a representation that depicts nudity, and providing a penalty.

By Representatives Gundrum, Bock, Rhoades, Gronemus, Ainsworth, Cogg, Stone, Lassa, Ladwig, Hundertmark, Turner, Kestell, Morris-Tatum, Wade, Grothman, Musser, M. Lehman, Williams, Olsen, Vrakas, Jeskewitz, Albers, Nass, Huebsch, Powers, Kedzie, Seratti, Montgomery, Suder, Krawczyk, Lippert, Gunderson, Urban, Plouff, Sykora and Ott; cosponsored by Senators Plache, Harsdorf, Roessler, Baumgart, Lazich, Huelsman, Schultz, Farrow, Darling and Rosenzweig.

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

**Assembly Bill 96**

Relating to: physical health examinations of pupils.

By Representatives Rhoades, Gronemus, Kestell, Huebsch, Gundrum, M. Lehman, Duff, Ainsworth, Ladwig, Albers, Krawczyk, Loeffelholz, Friske, Kedzie, Urban, McCormick, Jeskewitz, Olsen, Gunderson, Hundertmark, Owens, Williams, Grothman, D. Meyer, La Fave, Pettis, Nass, Vrakas, Powers and Leibham; cosponsored by Senators Darling, Roessler, Zien and Schultz.

Read first time and referred to committee on **Education.**

**Assembly Bill 116**

Relating to: treatment of minors for alcohol or other drug abuse.

By Representatives Skindrud, Ainsworth, Albers, Freese, Gronemus, Gunderson, Gundrum, Hundertmark, Jeskewitz, Kedzie, Krawczyk, Ladwig, M. Lehman, Leibham, Loeffelholz, Musser, Nass, Ott, Owens, Petrowski, Pettis, Plale, Stone, Sykora, Townsend, Urban, Vrakas and Wasserman; cosponsored by Senators Roessler, Darling, A. Lasee and Rosenzweig.

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

**Assembly Bill 176**

Relating to: collection of personally identifiable information by certain state entities from Internet sites.

By Representative Powers, by request of Governor's Task Force on Privacy.

Read first time and referred to committee on **Privacy, Electronic Commerce and Financial Institutions.**

**Assembly Bill 192**

Relating to: encouraging governmental entities and businesses to consider the use of unique personal identifiers and to discontinue the use of social security numbers.

By Representative Powers, by request of Governor's Task Force on Privacy.

Read first time and referred to committee on **Privacy, Electronic Commerce and Financial Institutions.**

**Assembly Bill 215**

Relating to: discharges of dredged or fill material into nonfederal wetlands.

By Representatives Kedzie and Johnsrud.

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

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until pursuant to Senate Joint Resolution 1.

Adjourned.

10:01 A.M

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**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2001 SENATE BILL 54**

Prepared by the Legislative Reference Bureau  
(March 21, 2001)

**5.** Page 2, line 10: delete "2001" and substitute "2001,".

**6.** Page 2, line 17: substitute "1344" for "1334".

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, March 28, 2001

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

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**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**.

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**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:

<b>Clearinghouse Rules</b>	<b>Effective Date(s)</b>
<b>00- 73</b>	April 1, 2001
<b>00-118</b>	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, Wirsch, 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**.



STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, April 4, 2001

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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 30**

Relating to: memorializing the U.S. Congress to provide funding for research on recycled lumber by the Forest Products Laboratory of the U.S. Department of Agriculture Forest Service.

By Joint Legislative Council.

To committee on **Environmental Resources**.

—————  
**INTRODUCTION, FIRST READING AND  
REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 120**

Relating to: increasing a school district's revenue limit by the amount spent for school security measures and granting rule-making authority.

By Senators Jauch, Erpenbach, Grobschmidt, Plache, Baumgart, Burke, Decker and Risser; cosponsored by Representatives Black, Young, Lassa, Balow, Bock, Carpenter, Coggs, La Fave, J. Lehman, Miller, Plouff, Pocan, Ryba, Sinicki, Staskunas, Turner and Wasserman.

To committee on **Education**.

**Senate Bill 121**

Relating to: credit union membership, powers, and operation; the application of agriculture, trade, and consumer protection statutes to credit unions; the creation of a new type of financial institution; the powers of and requirements applicable to the new type of financial institution; providing an exemption from emergency rule procedures; granting rule-making authority; and providing a penalty.

By Senators Erpenbach, Moore, Risser, Decker, Baumgart, Plache and Shibilski; cosponsored by Representatives La Fave, Leibham, Schneider, Ziegelbauer, Musser, Carpenter, Ryba, Staskunas, Berceau, Turner and J. Lehman.

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

**Senate Bill 122**

Relating to: exempting certain barns and agricultural outbuildings from property taxation and providing a penalty.

By Joint Legislative Council.

To joint survey committee on **Tax Exemptions**.

**Senate Bill 123**

Relating to: the regulation of historic buildings, the income and franchise tax credit that supplements the federal historic rehabilitation tax credit, the historic building code, awarding grants to owners of historic agricultural buildings, requiring a liberal interpretation of local regulations applicable to historic buildings and structures, and making appropriations.

By Joint Legislative Council.

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

**Senate Bill 124**

Relating to: increasing revenue limits for increases in health insurance costs.

By Senators Shibilski, Burke, Robson, Plache and Moen; cosponsored by Representatives Lippert, Lassa, Bock, Turner, Boyle, Pocan, Black, Sinicki, J. Lehman, Plouff, Miller, Carpenter, La Fave, Balow and Gronemus.

To committee on **Education**.

**Senate Bill 125**

Relating to: income continuation insurance coverage for state employees.

By Senators Risser and Schultz; cosponsored by Representatives Musser, Boyle, Hahn, Miller, Young and Turner.

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

**Senate Bill 126**

Relating to: guardians ad litem, parent education, and parenting plans in actions affecting the family.

By Joint Legislative Council.

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

**Senate Bill 127**

Relating to: appointment of election officials and staffing of polling places.

By Senators Wirch, Robson, Plache and Darling; cosponsored by Representatives Starzyk, J. Lehman, Turner, Ryba, Vrakas, Miller, Huber, Balow, Gunderson, Stone, Wade, Ott and Skindrud.

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

**REPORT OF COMMITTEES**

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

DAHLBERG, PHILIP J., of La Crosse, as a member of the University of Wisconsin Hospital and Clinics Authority, to serve for the term ending July 1, 2003.

Confirmation.

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

DAHLBERG, PHILIP J., of La Crosse, as a member of the University of Wisconsin Hospital and Clinics Board, to serve for the term ending July 1, 2003.

Confirmation.

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

JACOBS, DR. P. MICHAEL, of Onalaska, as a member of the Podiatrists Affiliated Credentialing 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.

KESSLER, DR. ROBERT A., of Menomonee Falls, as a member of the Nursing Home Administrator Examining Board, to serve for the initial term ending July 1, 2001, and for the full term ending July 1, 2005.

Confirmation.

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

KROGSTAD, JAMES G., of Madison, as a member of the Private Employer Health Care Coverage Board, to serve for the term ending May 1, 2002.

Confirmation.

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

LAUER, LEON G., of Green Bay, as a member of the Barber and Cosmetology 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.

MANDERS, DANIEL N., of Mauston, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2005.

Confirmation.

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

MARTIN, MARVILE, of Milwaukee, as a member of the Barber and Cosmetology 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.

SIZE, TIM, of Madison, 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.

VISTE, KENNETH M., of Oshkosh, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2005.

Confirmation.

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

**Senate Bill 71**

Relating to: uniform fees chargeable for certified duplicate health care records and X-ray reports and referral of X-rays and granting rule-making authority.

Introduction and adoption of Senate amendment 1.

Ayes, 7 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig and Lazich.

Noes, 2 – Senators Cowles and S. Fitzgerald.

Passage as amended.

Ayes, 7 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig and Lazich.

Noes, 2 – Senators Cowles and S. Fitzgerald.

Rodney Moen  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

April 2, 2001

The Honorable, The Senate:

Please add my name as a cosponsor of Assembly Bill 100.

Thank you for your consideration.

Sincerely,

ALBERTA DARLING  
Senator, 8th Senate District

**State of Wisconsin  
Building Commission**

April 3, 2001

The Honorable, The Legislature:

Section 13.48(2)(e) stipulates that the State of Wisconsin Building Commission shall report to the Legislature at each regular session the progress on projects authorized in the two preceding and current biennia. This report is submitted in accordance with that provision and covers the period from July 1995 through December 2000. Projects having budgets over \$100,000 are listed in detail. Those of lesser amounts have been grouped for each agency as one item for the biennium in which they were authorized.

In summary, during this five and one-half year period, the Building Commission approved projects with a total value of \$1,624,906,548.88. Of that amount, \$1,215,617,871.19 has been spent or encumbered, leaving a balance of \$409,288,677.69 to be used to complete projects in progress. The sources of funds for the projects are either cash or borrowed funds which flow through the Building Trust Fund, the Capital Improvement Fund, or agency operating budgets.

Each section of this report is organized by the state agency for which the facilities are being built. The Wisconsin State

Controller's Office and user agencies have provided information presented in this report. Building Commission staff has not attempted to verify the figures that were obtained by user agencies. The staff has merely assembled the material provided by each agency and presents it for your review.

Sincerely,

DAVID P. SCHMIEDICKE  
Secretary

**State of Wisconsin  
Investment Board**

March 29, 2001

The Honorable, The Legislature:

Pursuant to ss. 25.17(14g) and (14m), Stats., I have attached a copy of the annual report to the Legislature regarding goals, long-term strategies and performance. As we did last year, we have combined the two reports to make it easier to understand the relationship between our strategies and performance.

I want to thank the Legislature for the increased budgetary authority that we received in the 1999-2000 biennial budget. It has allowed us to implement an improved compensation program, which in turn helps us to be more successful in retaining and recruiting experienced investment personnel. With the increased authority, we are beginning to move more funds in-house for management.

Please contact me if you have questions about this report or other matters.

Sincerely,

PATRICIA LIPTON  
Executive Director

**State of Wisconsin  
Department of Public Instruction**

March 22, 2001

The Honorable, The Senate:

As required under s. 115.361, Wis. Stats., the Department of Public Instruction must evaluate the effectiveness of alcohol and other drug prevention strategies most commonly used in Wisconsin schools and funded through grants appropriated by the legislature.

The department has completed an annual report of these activities conducted by the state's public schools. A copy of the final report of the study is enclosed. The report, which covers the 1999-2000 school year, focuses on whether or not programs that began with categorical funds were sustainable as well as how programs were modified from their originally proposed objectives. A summary of the number of individuals served through each unique strategy used by schools is included.

If you have any questions regarding the findings, please call Steve Fernan at (608) 266-3889.

Sincerely,

JOHN T. BENSON  
State Superintendent

**State of Wisconsin  
Joint Legislative Council**

April 3, 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 01-03 Legislation Recommended by the  
Special Committee on State-Tribal Relations  
(2001 Assembly Bill 223)

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](http://www.legis.state.wi.us/lc/reports_by_topic.htm).

Sincerely,

TERRY C. ANDERSON  
Director

**State of Wisconsin  
Department of Health and Family Services**

March 29, 2001

The Honorable, The Legislature:

The Bureau of Health Information, Department of Health and Family Services, is pleased to submit to the Governor and to the Legislature the *Uncompensated Health Care Report* for fiscal year 1999. The data for this report were collected under Section 153.05, Wisconsin Statutes, and are published as authorized by the requirements of section 150.20, Wisconsin Statutes. This report is based on annual hospital uncompensated health care data reported to the Bureau of Health Information by all operating general medical-surgical and specialty hospitals in Wisconsin.

This report sets forth the total charges for charity care, bad debt, and total, uncompensated health care for fiscal year 1999. It also shows the projected number of patients and the projected charges for charity care, bad debt, and total uncompensated health care in fiscal year 1999.

Sincerely,

PHYLLIS J. DUBE  
Secretary

**State of Wisconsin  
Ethics Board**

April 3, 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/>

Anderson, Gretchen Lord **Wisconsin Council of Churches**

Antoniewicz, Gary **Midwest Equipment Dealers  
Association Inc**

Bergersen, Gunnar **Timber Producers Association of  
Michigan & Wisconsin Inc**

Brozek, Michael **Bombardier Recreational Products**

Carey, Ray **American Trade & Convention  
Publications, Inc.**

Dickert, John T **American Trade & Convention  
Publications, Inc.**

Early, Jessica **Wisconsin Automatic Fire Sprinkler  
Coalition**

Essie, Patrick **MHM Services Inc, by MultiState  
Associates Inc**

Letzing, Sybil **Professional Insurance Agents of  
Wisconsin**

Letzing, Sybil **Wisconsin Pork Producers Association**

Letzing, Sybil **Wisconsin Potato and Vegetable  
Growers Association**

Letzing, Sybil **Wisconsin Association of Insurance & Financial Advisors**

Matthews, John **American Trade & Convention Publications, Inc.**

Palmer, Todd **Wisconsin Paper Council**

Partenfelder-Moede, Peggy **Funeral Service Alliance of Wisconsin**

Reinhart, Anthony **Ford Motor Company**

Schreiber, Martin **Wisconsin Automatic Fire Sprinkler Coalition**

Schulz, Lee **Independence First Inc**

Schumann, Kerry **WI Public Interest Research Group (WISPIRG)**

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

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## ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin  
Office of the Governor**

March 27, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BLASK, DANIEL P., of Pewaukee, as a member of the Wisconsin Health and Education Facilities Authority, to serve for the term ending June 30, 2008.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

March 29, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint NEUENFELDT, PHILIP L., of Milwaukee, 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**

March 29, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MORGAN, DEIRDRE A., of Verona, as Chair of the Parole Commission, to serve for the term ending March 1, 2003.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

March 27, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CHANDLER, RICHARD G., of Madison, as Secretary of the Department of Revenue, to serve for the term ending at the pleasure of the Governor.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

March 27, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint STEIL, GEORGE K., of Janesville, as a member of the University of Wisconsin Hospital and Clinics Authority, to serve for the term ending July 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**

March 27, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint STEIL, GEORGE K., of Janesville, as a member of the University of Wisconsin Hospital and Clinics Board, to serve for the term ending July 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**

March 29, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HERRERA, OSCAR, of Madison, as Secretary of the Department of Regulation and Licensing, to serve for the term ending at the pleasure of the Governor.

Sincerely,

SCOTT MCCALLUM  
Governor

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



**State of Wisconsin  
Office of the Governor**

March 27, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint PERTZBORN, ROBERT J., of Madison, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the interim term ending July 1, 2003.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

March 27, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SHERMAN, BRADLEY J., of Madison, as a member of the Athletic Trainers Affiliated Credentialing Board, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

March 27, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CARLIN, MARTE J., of Green Bay, as a member of the Council on Domestic Abuse, to serve for the interim term ending July 1, 2003.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Human Services and Aging.**

**State of Wisconsin  
Office of the Governor**

March 27, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint UNBEHAUN, RICK D., of Richland Center, as a member of the Funeral Directors Examining Board, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

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

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

**Senate Clearinghouse Rule 99-068**

Relating to a response to U.S. EPA's nitrogen oxides (NOx) emission reduction requirements under its NOx SIP call to reduce ozone transport.

Submitted by Department of Natural Resources.

Withdrawn by Agency, April 02, 2001.

**Senate Clearinghouse Rule 00-136**

Relating to dam design and construction standards and zoning downstream of dams.

Submitted by Department of Natural Resources.

Report received from Agency, April 3, 2001.

Referred to committee on **Environmental Resources**, April 4, 2001.

**Senate Clearinghouse Rule 00-177**

Relating to the federal cost sharing program to suppress gypsy moths.

Submitted by Department of Natural Resources.

Report received from Agency, April 3, 2001.

Referred to committee on **Environmental Resources**, April 4, 2001.

**Senate Clearinghouse Rule 00-178**

Relating to licensing commercial fishers on Lake Michigan.

Submitted by Department of Natural Resources.

Report received from Agency, April 3, 2001.

Referred to committee on **Environmental Resources**, April 4, 2001.

**Senate Clearinghouse Rule 00-189**

Relating to privacy of personal information.

Submitted by Office of the Commissioner of Insurance.

Report received from Agency, March 30, 2001.

Referred to committee on **Insurance, Tourism, and Transportation**, April 4, 2001.

**Senate Clearinghouse Rule 01-003**

Relating to the regulation of professional boxing.

Submitted by Department of Regulation and Licensing.

Report received from Agency, March 29, 2001.

Referred to committee on **Universities, Housing, and Government Operations**, April 4, 2001.

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The committee on **Human Services and Aging** reports and recommends:

**Senate Clearinghouse Rule 00-158**

Relating to the state jurisprudence examination.

No action taken.

**Senate Clearinghouse Rule 00-182**

Relating to stale electronic food stamp accounts.

No action taken.

Judith Robson

Chairperson

The committee on **Insurance, Tourism, and Transportation** reports and recommends:

**Senate Clearinghouse Rule 00-152**

Relating to outdoor advertising sign annual fees.

No action taken.

**Senate Clearinghouse Rule 01-001**

Relating to a motor vehicle emissions inspection program.

No action taken.

Roger Breske

Chairperson

**AMENDMENTS OFFERED**

Senate amendment 1 to **Senate Bill 104** offered by Senator Ellis.

**Senate Bill 33**

Relating to: a state minimum wage, providing an exemption from emergency rule procedures, providing an exemption from rule-making procedures, granting rule-making authority, and providing a penalty.

Referred to joint committee on **Finance** pursuant to Senate Rule 41(1)(e).

**MOTIONS UNDER SENATE RULE 98 AND JOINT RULE 7**

*for the Month of March 2001*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Badger Girls State, on the occasion of the participants of the 2001 event.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Lasee, for Sylvan Baudhuin, on the occasion of serving 36 faithful years as the Clerk for the town of Union.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Risser, for Keith Blew, co-owner of Fyfe's Corner Bistro, on the occasion of being honored as the 2001 Outstanding Restaurateur of the Year by the Wisconsin Restaurant Association Madison Area Chapter.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Justin Blumenthal, on the occasion of being the 2001 Wisconsin State Wrestling Division I Champion in the 135 pound category.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Michael Boettner, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Risser, for Peter Larson Brown, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Steven Burmeister, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Schultz, for Chief Craig F. Chicker, on the occasion of his retirement after 29 years of dedicated service in law enforcement.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Risser, for Chad Christensen, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Matthew Damico, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Risser, for David Scott Dettmann, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Risser, for Karl Robert Dettmann, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Chvala, for Darshan Singh Dhaliwal, on the occasion of celebrating his 50th Birthday shared with family and friends.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Divine Savior Holy Angels, on the occasion of receiving the first place award at the Wisconsin LifeSmarts Competition at the State Capitol.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Hansen, for Richard Ellman, on the occasion of winning the heavyweight Division II WIAA State Wrestling Championship.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Risser, for Stephen Erickson, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Joseph Ferguson, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Jeremy Daniel Finger, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for The Florence Bobcats Girls Basketball team, coaches, families and fans, on the occasion of their outstanding achievement.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Wirch, for Virgil Gentz, on the occasion of his retirement from teaching after 33 years of dedicated and devoted service to the students at Bristol school.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Benjamin W. Giese, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moen, for the Gilmanton Panthers Girls Basketball Team, on the occasion of winning their first WIAA Division 4 basketball championship.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Baumgart, for Charlie Gruenke, on the occasion of 43 years of dedication to the Boy Scouts of America.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Adam John Guenther, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grobschmidt, for Stanley T. Gwiazdowski, on the occasion of being honored with the Pal Joey Award and commend him for his dedication and commitment to the community.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Meyer, for the family and friends of Samuel A. Hagerman, on the occasion of extending deepest sympathies.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Jeremy Heiser, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Jimmy Holder, on the occasion of winning Division III WIAA State Wrestling Championship.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Kyle Kaukl, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Lee Kraemer, on the occasion of being the 2001 Wisconsin State Wrestling Division 1 Champion in the 171 pound category.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Kelby Mack, on the occasion of being the 2001 Wisconsin State Wrestling Division 2 Champion in the 189 pound category.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for the Milwaukee Vincent Boys Basketball team, on the occasion of winning their 5th WIAA championship.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Huelsman, for Luke Naegele, on the occasion of being named the Delafield Chamber of Commerce 2000 student of the Year.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Hansen, for the Notre Dame Academy Triton Girls Basketball Team, on the occasion of winning the WIAA Division 2 basketball championship.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Burke, for Joseph Novak, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Eric Offerdahl, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Anthony Parisi, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Ryan Proctor, on the occasion of being the 2001 Wisconsin State Wrestling Division 1 Champion in the 189 pound category.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Panzer, for Ralph A. Rendon, on the occasion of celebrating his 63rd Birthday shared with family and friends.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for the Rhinelander Hodags Boys Basketball team, coaches, families and fans, on the occasion of their outstanding season and achievement.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Cecil Russo, on the occasion of his retirement and his 40 years of dedicated service as the town of Elk treasurer.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Daniel Ryz, on the occasion of on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Neil E. Schiesl, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Farrow, for Charles Schuldt Jr., on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Huelsman, for Charles Schuldt Jr., on*

*the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for the Scottish, on the occasion of celebrating their Independence.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Brandon Simmons, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for David Sopchik, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Grobschmidt, for the South Shore Volley Ball Club, on the occasion of representing the State of Wisconsin in the 2001 AAU national tournament.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Moen, for Ruby Spangberg, on the occasion of his many years of dedicated service to the village of Strum.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Jesse Stokdyk, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Joel Stokdyk, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Daniel Teresinski, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Robert J. Thill, on the occasion of celebrating his 80th Birthday shared with family and friends.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grobschmidt, for The Historic Third Ward Association, on the occasion of celebrating its 25th anniversary.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Burke, for Joseph Wabiszewski, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Erpenbach, for Max Weinberg of the E Street Band, on the occasion of his magnificent contributions to rock & roll and authoring the book, Max Weinberg: Let There Be Drums.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for the Willerup United Methodist Church, on the occasion of its 150th year of service to the community of Cambridge.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Chvala, for Rita Wlodarczyk, on the occasion of celebrating with family and friends her 80th Birthday.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Schultz, for Sergeant Richard Young, on the occasion of his retirement from the Richland County Sheriff's Department after 32 years of dedicated service.*



STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, April 11, 2001

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

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**INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS**

Read and referred:

**Senate Joint Resolution 31**

Relating to: urging schools to improve the personal money management skills of high school students.

By Senators Grobschmidt, Erpenbach, Rosenzweig, Burke, Moore, Breske, Hansen, Roessler, Wirsch, Darling, Huelsman, S. Fitzgerald and Shibilski; cosponsored by Representatives Olsen, J. Lehman, Ryba, Ainsworth, Wasserman, Loeffelholz, Pocan, Jeskewitz, Hundertmark, Kestell, Wade, Ziegelbauer, La Fave, Albers, Sykora, Nass, Skindrud, Miller, Underheim, Ott, Pettis, Krawczyk, Johnsrud, Seratti, Hoven, Huber, Balow, Freese and Lippert.

To committee on **Education**.

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**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 128**

Relating to: requiring health insurance policies to cover contraceptive articles and services.

By Senators Moore, Plache, Burke, Rosenzweig, Risser, Erpenbach and George; cosponsored by Representatives Berceau, Richards, Johnsrud, Colon, Wasserman, Sinicki, Hebl, Schooff, Pocan, Young, Bock, Black, Carpenter, Krug, Miller, Turner, Boyle and Travis.

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

**Senate Bill 129**

Relating to: contract authority of the department of corrections, prisoner access to personal information of persons who are not prisoners, requiring prisoners conducting telephone solicitations or answering toll-free telephone numbers to identify themselves as prisoners, and providing a penalty.

By Senators Erpenbach, Burke, Darling, Decker, Hansen and Harsdorf; cosponsored by Representatives Foti, Ziegelbauer, Schneider, Pocan, Ryba, Plouff, Musser, Turner, Staskunas, Pettis, Lassa, Berceau, Kreuser, Plale, Petrowski and Gunderson.

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

**Senate Bill 130**

Relating to: admission requirements for University of Wisconsin System institutions.

By Senators Grobschmidt, M. Meyer, Moore, Burke, Rosenzweig, Risser and Roessler; cosponsored by Representatives Wasserman, Urban, Berceau, Black, La Fave, M. Lehman, Morris–Tatum, Miller, Ryba, Schneider, Staskunas, Turner, Young, Huber and Plouff.

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

**Senate Bill 131**

Relating to: allowing an individual income tax deduction for certain amounts contributed by a grandparent to a college savings account or a college tuition and expenses program.

By Senators Grobschmidt, Darling, Erpenbach, S. Fitzgerald, Baumgart, Welch, Plache, Burke, Rosenzweig, Roessler, Moen, Risser, Harsdorf, Schultz, M. Meyer, Zien, Huelsman and Hansen; cosponsored by Representatives Kreibich, Plale, Musser, La Fave, Black, Urban, Richards, Ladwig, Huebsch, Rhoades, M. Lehman, Hahn, Boyle, J. Lehman, Townsend, Wade, Hundertmark, Lassa, Shilling, Gronemus, Freese, Krawczyk, Olsen, Petrowski, Jensen, Sykora, Albers, McCormick, Kreuser, Coggs, Suder, Gunderson, Ryba, Miller, Plouff, Young, Vrakas, D. Meyer, Grothman, Jeskewitz, Wasserman, Seratti, Montgomery, Balow, Powers, Hoven, Berceau, Huber, Nass, Pettis, Steinbrink, Skindrud, Owens, Leibham, Ott, Schneider, Walker and Turner.

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

**Senate Bill 132**

Relating to: changing the name of the state historical society.

By Senators Risser and Rosenzweig; cosponsored by Representatives Freese and Berceau.

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

**Senate Bill 133**

Relating to: establishing a publicly financed health care system for residents of this state, creating the department of health planning and finance, health policy board, regional health councils, granting rule-making authority, and making appropriations.

By Senators Chvala, Decker, Burke and Risser; cosponsored by Representatives Bock, Pocan, Carpenter, Young, Turner, Ryba, Miller, Morris–Tatum, Coggs, Boyle and Berceau.

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



**Senate Bill 134**

Relating to: death benefits provided under the Wisconsin retirement system and making an appropriation.

By Senators Chvala, Erpenbach and Rosenzweig; cosponsored by Representatives Musser, Ryba, Staskunas, Boyle and Berceau.

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

**Senate Bill 135**

Relating to: disclosure of credit reports and providing a penalty.

By Senators Erpenbach, Burke, Risser, George, Darling and Hansen; cosponsored by Representatives Gunderson, Ziegelbauer, Schneider, Young, Pocan, Bock, Musser, Wood, Turner, Miller, Balow, Cullen, J. Lehman, Berceau and Morris-Tatum.

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

**Senate Bill 136**

Relating to: using accumulated unused sick leave credits and certain health insurance premium credits for the purchase of long-term care insurance for participants under the Wisconsin retirement system.

By Senators Risser, Grobschmidt, Roessler, Moen, Schultz and Rosenzweig; cosponsored by Representatives Duff, Bock, Black, Turner, Musser, Ryba, J. Lehman, Seratti, Miller, Pettis, Plale, Skindrud and Berceau.

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

**Senate Bill 137**

Relating to: public financing of elections for certain state offices, providing an exemption from emergency rule procedures, granting rule-making authority, providing a penalty, and making appropriations.

By Senator Risser; cosponsored by Representatives Pocan, Berceau, Black, Boyle, Carpenter, Coggs, La Fave, Miller, Ryba, Sinicki and Turner.

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

**Senate Bill 138**

Relating to: the publication of notices relating to the creation of tax incremental financing districts.

By Senator Risser; cosponsored by Representative Berceau.

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

**Senate Bill 139**

Relating to: priorities, completion guidelines, and notices required for health care professional disciplinary cases; identification of health care professionals in possible need of investigation; additional public members for the medical examining board; authority of the medical examining board to limit credentials and impose forfeitures; reporting requirements for reports submitted to the national practitioner data bank; inclusion of health care professionals who practice alternative forms of health care on panels of health care experts established by the department of regulation and licensing; indication of therapeutic-related deaths on certificates of death; and providing a penalty.

By Joint Legislative Council.

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

**Senate Bill 140**

Relating to: making available to the public information on the education, practice and disciplinary history of physicians, requiring rules of the department of health and family services to include procedures affording health care providers opportunity to correct health care information, and granting rule-making authority.

By Joint Legislative Council.

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

**Senate Bill 141**

Relating to: inducing or causing self-mutilation by a child and providing a penalty.

By Senators Baumgart, Burke, Roessler and Huelsman; cosponsored by Representatives Kestell, Vrakas, Gunderson, Ryba, Powers, Jeskewitz, Leibham and Sykora.

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

**Senate Bill 142**

Relating to: payment of the jail costs of a jailed debtor.

By Senators Erpenbach, Huelsman and Schultz; cosponsored by Representatives Powers, Jeskewitz, La Fave, Ainsworth, M. Lehman, Hundertmark, Albers, Olsen, Nass, Musser, D. Meyer, Townsend, Ward and Petrowski.

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

**Senate Bill 143**

Relating to: waiving the fee for deposit of a will.

By Senators Huelsman, Risser, Roessler, George and Rosenzweig; cosponsored by Representatives Krawczyk, Staskunas, Hahn, Albers, Stone, Owens and Berceau.

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

**Senate Bill 144**

Relating to: state purchase of a Justice Center building and granting bonding authority.

By Senators Risser, Roessler and M. Meyer; cosponsored by Representatives Hoven, Vrakas and Plale, by request of Governor Scott McCallum.

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

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**PETITIONS AND COMMUNICATIONS**

**Committee on Senate Organization**

April 4, 2001

A request by Senator Meyer for an Opinion of the Attorney General relating to an interpretation of Section 13.04(4) of the Statutes as it relates to the level of compensation for Senator Farrow if she were to be confirmed as Lieutenant Governor.

Ayes (5): Senators Chvala, Risser, Moen, Panzer and Farrow

Noes (0): None

Senator Chuck Chvala  
Chairperson

April 10, 2001

Dear Attorney General Doyle:

The Senate Committee on Organization has unanimously voted to request a formal Opinion of the Attorney General to clarify ss 13.04(4) as it relates to the compensation to be paid to the

Lieutenant Governor upon confirmation of the nominee by both houses of the Legislature.

The Committee on Organization received a request by the Senate Chairperson of the Senate Committee on Universities, Housing & Government Operations, Senator Mark Meyer to seek an Opinion of the Attorney General on this subject. In his request, Senator Meyer referred to a response he received from the Legislative Council Staff on this issue. A copy of the request letter is attached for your information.

The Senate will return to session on May 1, 2001. A response by this date would be greatly appreciated.

Sincerely,

CHUCK CHVALA, Chair  
Senate Committee on Organization

**State of Wisconsin  
Legislative Audit Bureau**

April 10, 2001

The Honorable, The Legislature:

We have completed our evaluation of the Wisconsin Works program (W-2), as required by s. 49.141(2g)(a), Wis. Stats. This is the sixth and final report issued under that requirement.

W-2 is a time-limited employment assistance program administered by the Department of Workforce Development. It replaced cash entitlements provided to low-income families under Aid to Families with Dependent Children in September 1997. Through September 2000, W-2 program costs totaled \$710.4 million, of which 93.6 percent was spent by local public and private contractors for program services, benefits, and administration.

Implementation of W-2 has resulted in large declines in the number of individuals receiving cash assistance. From January 1998 through September 2000, cash assistance caseloads declined more than 50 percent, from 14,204 to 6,771 cases. However, the program's success in achieving economic self-sufficiency for participants has been mixed. Among 2,129 participants who left W-2 during the first three months of 1998, 1,377 filed 1999 Wisconsin tax returns. Of those who filed, 643, or 46.7 percent, had incomes above the federal poverty level when earned income credits were included. In addition, we found that 26.1 percent of those who left the program from January through March of 1998 had returned for cash assistance or other services by July 2000.

Before the start of a new contract period, which is scheduled to begin January 2002, the Department and the Legislature will need to consider challenges posed by returning participants and those with multiple or severe barriers to employment; how to best address the needs of those who are nearing time limits on program participation; and how to assist individuals who have entered the workforce in maintaining their employment, advancing, and raising themselves and their families out of poverty.

We appreciate the courtesy and cooperation extended to us by the Department of Workforce Development and staff of the many W-2 agencies we contacted during the course of our review. The Department's response is Appendix 15.

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Ethics Board**

April 10, 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/>

- |                     |   |
|---------------------|---|
| Bailey, Nadine F    | <b>Timber Producers Association of Michigan &amp; Wisconsin Inc</b> |
| Benske, John        | <b>AstraZeneca Pharmaceuticals LP</b>                               |
| Blumenfeld, Michael | <b>Wisconsin Child Support Enforcement Association</b>              |
| Elliott, Brian      | <b>Securities Industry Association</b>                              |
| Peterson, Scott     | <b>AstraZeneca Pharmaceuticals LP</b>                               |
| Springer, Thomas J  | <b>Securities Industry Association</b>                              |
| Stitt, Donald       | <b>Securities Industry Association</b>                              |
| Thompson, Kelli     | <b>American Cancer Society</b>                                      |

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

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

**Senate Clearinghouse Rule 00-149**

Relating to fees required of agent cities and counties that license and inspect retail food establishments.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, April 5, 2001.

Referred to committee on **Universities, Housing, and Government Operations**, April 11, 2001.

**Senate Clearinghouse Rule 00-183**

Relating to public warehouse keeper license fees.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, April 9, 2001.

Referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**, April 11, 2001.

**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Joint Resolution 27**

Report correctly enrolled on March 28, 2001.

**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Bill 7**

**Senate Joint Resolution 22**

**Senate Joint Resolution 26**

Report correctly enrolled on April 4, 2001.

**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**2001 SENATE BILL 89**

Prepared by the Legislative Reference Bureau  
(April 5, 2001)

7. Page 1, line 4: delete "counties" and substitute  
"countries".

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, April 18, 2001

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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 145**

Relating to: employment relations for members of the University of Wisconsin System faculty and academic staff.

By Senators Grobschmidt, Burke, Schultz, Plache, George and Moen; cosponsored by Representatives Musser, Carpenter, Pocan, La Fave, Richards, Boyle, Plouff, J. Lehman, Miller, Bock, Berceau and Plale.

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

**Senate Bill 146**

Relating to: the college tuition and expenses program and the college savings program, providing an exemption from emergency rule procedures, and making appropriations.

By Senators Grobschmidt, M. Meyer and Darling; cosponsored by Representatives Kreibich and Jensen.

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

**Senate Bill 147**

Relating to: an education tax credit for businesses.

By Senators M. Meyer, Burke, George, Plache, Harsdorf, Moore, Welch, Wirsch, Roessler, Huelsman, Schultz and Darling; cosponsored by Representatives Jensen, Wasserman, Plouff, Stone, Plale, Miller, Berceau, Ziegelbauer, Freese, Ainsworth, Urban, D. Meyer, Riley, Hahn, Kreibich, Schooff, Johnsrud, F. Lasee, Jeskewitz, Petrowski, Seratti, Walker, Kaufert, Wieckert, Montgomery, Suder, Olsen, Ladwig, Wade, Musser, Rhoades, Duff, Kestell, Starzyk, Loeffelholz, Krawczyk, Townsend, Ott, Vrakas, Leibham, Owens, McCormick, Sykora, Ward, Gunderson, Pettis, Hundertmark, Huebsch and Albers.

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

**Senate Bill 148**

Relating to: fees paid by business corporations.

By Senators Welch, Roessler, Rosenzweig and Darling; cosponsored by Representatives J. Fitzgerald, Starzyk, Gunderson, Albers, Olsen, Hoven, Owens, D. Meyer, Vrakas, McCormick, Leibham, Hahn, Townsend and Huebsch.

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

**Senate Bill 149**

Relating to: excluding certain debt service costs from the computation of state school aid.

By Senators Rosenzweig, Risser, Darling and M. Meyer; cosponsored by Representatives Walker, Starzyk, Berceau, Black, Gunderson, Hoven, Hubler, Jeskewitz, Loeffelholz, Miller, Musser, Pocan, Rhoades, Seratti, Staskunas, Stone, Townsend, Vrakas and Wade.

To committee on **Education.**

**Senate Bill 150**

Relating to: the election campaign fund designation on individual income tax returns.

By Senators Risser, Decker, Baumgart, Burke, George and Plache; cosponsored by Representatives Musser, Pocan, Boyle, Bock, Freese, Richards, Kreuser and Miller.

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

**Senate Bill 151**

Relating to: calculating child support and creating committees to review the method of calculating child support.

By Senator George; cosponsored by Representatives Ainsworth, Musser, Gundrum, Gunderson, Stone and Nass.

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

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**REPORT OF COMMITTEES**

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.

Introduction.

Ayes, 6 – Senators Jauch and Harsdorf. Representatives Pettis, Montgomery, Schneider and Kreuser.

Noes, 1 – Senator Lazich.

Robert Jauch  
Senate Chairperson

To joint committee on **Information Policy and Technology.**



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

**Senate Bill 81**

Relating to: the private employer health care coverage program and making an appropriation.

Passage.

Ayes, 8 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, S. Fitzgerald and Lazich.

Noes, 0 – None.

Rodney Moen  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Office of the Governor**

April 11, 2001

The Honorable, The Senate:

2001 Senate Bill 9 introduced by Senators George and Huelsman, cosponsored by Representatives Cullen and Gundrum relates to the adoption of the Revised Uniform Commercial Code ("UCC") Article 9—Secured Transactions.

2001 Senate bill 9 contains a fiscal note in excess of \$10,000. Pursuant to Wis. Stats. s. 16.47(2), I consider this bill to be an emergency bill and authorize passage of 2001 Senate Bill 9 prior to passage of the Budget Bill.

Thank you for your attention in regard to this matter.

Sincerely,

SCOTT MCCALLUM  
Governor

**State of Wisconsin  
Office of the Governor**

April 12, 2001

The Honorable, The Senate:

This is to inform you that I am withdrawing the following nominations:

Joe Leean for reappointment as Secretary of the Department of Health and Family Services. Mr. Leean resigned effective March 10, 2001.

John R. Orton for appointment to the Lower Wisconsin State Riverway Board. Mr. Orton resigned effective February 15, 2001.

Bianca Tyler for reappointment to the Judicial Commission. Our office was notified March 20, 2001 that Ms. Tyler resigned her position sometime last fall.

Thank you for your attention to this matter.

Sincerely,

SCOTT MCCALLUM  
Governor

**State of Wisconsin  
Department of Revenue**

April 10, 2001

The Honorable, The Legislature:

I am submitting the quarterly report of the Wisconsin Lottery for the quarter ending March 31, 2001. As required by s. 565.37(3), Wis. Stats., the attached materials contain unaudited Wisconsin Lottery year to date Sales and Expenditure information.

The summary information reported here is not intended to be a complete financial accounting of the Wisconsin Lottery Fund.

If you have any questions or comments regarding this report, please feel free to contact me at (608) 266-6466.

Sincerely,

SHIRLEY ECKES-MEYER  
Acting Secretary

**State of Wisconsin  
University of Wisconsin System**

April 11, 2001

The Honorable, The Legislature:

At its meeting April 5, 2001, the Board of Regents accepted the attached report for submission to the chief clerk of each house of the Legislature for distribution to the appropriate standing committees under s. 13.172(3).

Section 36.25(14m), Wis. Stats., requires the Board of Regents to submit a report to the governor and to the chief clerk of each house of the Legislature annually by April 15 on its precollege, recruitment, and retention plan for minority and disadvantaged students. The report must also include information on financial aid programs serving those students. The report for 1999-00 is attached.

If you need additional information regarding this report, please contact Andrea-Teresa Arenas, Assistant Vice President for Academic Affairs, at 262-8636.

Sincerely,

KATHARINE C. LYALL  
President

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

**State of Wisconsin  
University of Wisconsin System**

April 11, 2001

The Honorable, The Legislature:

At its meeting April 6, 2001, the Board of Regents accepted the attached report for submission to the chief clerk of each house of the Legislature for distribution to the appropriate standing committees under s. 13.172(3).

Section 36.11(22)(b), Wis. Stats., requires the Board of Regents to submit a report to the chief clerk of each house of the Legislature annually on the methods each UW System institution used to disseminate information to students on sexual assault and sexual harassment.

The law requires UW System institutions to incorporate into their orientation programs for newly entering students oral and written information on sexual assault and sexual harassment, including information on: (1) sexual assault by acquaintances of the victims; (2) the legal definitions and penalties for sexual assault; (3) generally available national, state, and campus statistics on sexual assault; (4) the rights of the victims; and (5) protective behaviors including methods of recognizing and avoiding sexual assault and sexual harassment. In addition, each institution must annually supply to all students enrolled in the institution printed material that includes information on all of these topics.

This law was enacted in April 1990 and this is the eleventh report to be compiled for the legislature since its enactment.

If you need additional information regarding this report, please contact Betsy West at 608-265-3188.

Sincerely,

KATHARINE C. LYALL  
President

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

**State of Wisconsin  
Ethics Board**

April 17, 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/>

Bright, Michael      **American                      Subcontractors  
Association of Greater Milwaukee Inc**

Broydrick, William   **Wisconsin Association of School  
Boards Inc**

Cook, Sharon            **CH2M Hill**

Krings, Jerome D      **National Farmers Organization**

McIntosh, Forbes      **Wisconsin Association of School  
Boards Inc**

Mitchell, Brian        **CH2M Hill**

Sande, Rebecca        **Pro-Life Wisconsin**

Ungerer, Anthony      **Printing Industries of Wisconsin**

Walsh, Kenneth        **Forest            County            Potawatomi  
Community**

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

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**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

April 12, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BOYKOFF, THOMAS M., of Madison, as a Commissioner of the Tax Appeals Commission, to serve for the term ending March 1, 2007.

Sincerely,

SCOTT MCCALLUM  
Governor

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

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

**Senate Clearinghouse Rule 00-157**

Relating to consultation programs and licensure requirements.

Submitted by Department of Regulation and Licensing.

Report received from Agency, April 17, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, April 18, 2001.

**Senate Clearinghouse Rule 00-165**

Relating to transfer of prescription orders.

Submitted by Department of Regulation and Licensing.

Report received from Agency, April 12, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, April 18, 2001.

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The committee on **Labor and Agriculture** reports and recommends:

**Senate Clearinghouse Rule 01-005**

Relating to the annual adjustment of thresholds for application of prevailing wage rates.

No action taken.

David Hansen  
Chairperson

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**Senate Bill 128**

Relating to: requiring health insurance policies to cover contraceptive articles and services.

**Senate Bill 128** was withdrawn from the committee on **Health, Utilities, Veterans and Military Affairs** and referred to the committee on **Human Services and Aging** pursuant to **Senate Rule 46(2)(c)** on April 12, 2001.

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**AMENDMENTS OFFERED**

Senate amendment 1 to **Senate Bill 5** offered by Senator Baumgart.

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**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**2001 SENATE BILL 96**

Prepared by the Legislative Reference Bureau  
(April 17, 2001)

**8.** Page 2, line 11: delete "therapists," and substitute "therapists, and".

**9.** Page 26, line 1: delete "\$1,000" and substitute "1,000".

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, April 25, 2001

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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 32**

Relating to: stating opposition to actions by President George W. Bush against the environment.

By Senator George; cosponsored by Representative Black.

To committee on **Environmental Resources**.

**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 153**

Relating to: authorizing a school board to increase the school district's revenue limit.

By Senators Rosenzweig, Grobschmidt, Plache, Roessler, Schultz and Risser; cosponsored by Representatives Staskunas, Olsen, Jeskewitz, Riley, La Fave, Pocan, Lippert, Balow, Boyle, Sykora, Wasserman, J. Lehman, Gronemus, Seratti, Turner, Ott, Lassa, Berceau, Miller and Plale.

To committee on **Education**.

**Senate Bill 154**

Relating to: funding the Milwaukee parental choice program.

By Senators Harsdorf, Decker, Moen, Huelsman, Plache, Schultz, Roessler, Robson and Cowles; cosponsored by Representatives Pettis, Leibham, Wade, Hundertmark, Kestell, Starzyk, Albers, Olsen, Skindrud, Musser, Ainsworth, Owens, Kreibich, Johnsrud, Hahn, Petrowski, Ladwig, Seratti and Ott.

To committee on **Education**.

**Senate Bill 155**

Relating to: the filing of certain forms and the time limits for holding certain hearings related to a tax incremental financing district.

By Senator Moen; cosponsored by Representative Kreibich.

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

**Senate Bill 156**

Relating to: exceptions from the requirement to obtain a license to practice professional geology, professional

hydrology, or professional soil science and granting rule-making authority.

By Senators Grobschmidt and Rosenzweig; cosponsored by Representatives Duff, Bock, Vrakas, Gunderson, Grothman, Ott, Hoven, Ryba, Petrowski and Townsend.

To committee on **Environmental Resources**.

**Senate Bill 157**

Relating to: health insurance coverage of nervous and mental disorders, alcoholism, and other drug abuse problems.

By Senators Panzer, Robson, Rosenzweig, Grobschmidt, Roessler, Risser, Darling, Wirch, Huelsman, Erpenbach, Harsdorf, Baumgart, Burke, Moore, M. Meyer and Plache; cosponsored by Representatives Ladwig, Bock, Riley, Kreibich, Leibham, La Fave, Kestell, Coggs, Wade, Carpenter, Musser, Wasserman, Freese, J. Lehman, Ott, Schneider, Powers, Turner, Albers, Richards, Gunderson, Gronemus, Kaufert, Williams, Sykora, Boyle, Balow, Black, Miller, Ryba, Pocan, Berceau and Plouff.

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

**Senate Bill 158**

Relating to: a property tax exemption for an air carrier that operates from a hub facility, creating an airport financing committee, granting rule-making authority, and making appropriations.

By Senators Panzer, Farrow, Darling, Rosenzweig, Huelsman, Welch, A. Lasee, Roessler and S. Fitzgerald; cosponsored by Representative Stone.

To joint survey committee on **Tax Exemptions**.

**Senate Bill 159**

Relating to: drilling beneath the beds of the Great Lakes and adjacent waters to explore for or produce oil or gas.

By Senators Cowles, Baumgart, Burke, Risser, Jauch, Rosenzweig, Wirch, Decker and Grobschmidt; cosponsored by Representatives Krawczyk, Ryba, Black, Plouff, Richards, Pocan and La Fave.

To committee on **Environmental Resources**.

**Senate Bill 160**

Relating to: prohibiting the use of cyanide in metallic mining.

By Senators Decker, Burke, Baumgart, Hansen, Risser and George; cosponsored by Representatives Black, La Fave, Reynolds, Sherman, Turner, Pocan, Staskunas, Huber, Richards, J. Lehman, Miller, Bock, Balow, Lassa, Berceau, Carpenter, Cullen, Plouff and Krawczyk.

To committee on **Environmental Resources**.

**REPORT OF COMMITTEES**

The committee on **Education** reports and recommends:

**Senate Bill 61**

Relating to: granting high school diplomas posthumously to veterans.

Passage.

Ayes, 11 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Roessler, Farrow, Darling, Lazich and Harsdorf.

Noes, 0 – None.

**Senate Joint Resolution 31**

Relating to: urging schools to improve the personal money management skills of high school students.

Adoption.

Ayes, 11 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Roessler, Farrow, Darling, Lazich and Harsdorf.

Noes, 0 – None.

Richard Grobschmidt  
Chairperson

The committee on **Labor and Agriculture** reports and recommends:

MEJCHAR, JAMES D., of West Allis, as a member of the State Fair Park Board, to serve for the term ending May 1, 2004.

Confirmation.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.

Noes, 0 – None.

SHEEHY, TIMOTHY R., of Fox Point, as a member of the State Fair Park Board, to serve for the interim term ending May 1, 2001, and for the full term ending May 1, 2006.

Confirmation.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.

Noes, 0 – None.

David Hansen  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

April 20, 2001

The Honorable, The Senate:

Pursuant to s. 560.27(2)(b), Wisconsin Statutes, I have appointed Daniel Collins of Milwaukee to the High-Technology Business Development corporation Board.

Sincerely,

CHUCK CHVALA  
Senate Majority Leader

**State of Wisconsin**

April 25, 2001

The Honorable, The Senate:

Pursuant to s. 15.225 (3) 6m, Wisconsin Statutes, I have appointed Joseph Oswald of Madison as a representative of organized labor, to fill the vacancy created by the resignation of Michael Ryan, to the Governor's Work-Based Learning Board.

Sincerely,

CHUCK CHVALA  
Senate Majority Leader

**State of Wisconsin  
Office of the Governor**

April 23, 2001

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
<b>Senate Bill 7</b>	<b>Wisconsin Act 5</b>	April 23, 2001

Sincerely,

SCOTT MCCALLUM  
Governor

**State of Wisconsin  
Department of Health and Family Services**

March 30, 2001

The Honorable, The Senate:

The biennial budget bill, 1983 Wisconsin Act 27, created s. 46.275, Community Integration Program (CIP) for Residents of State Centers. The intent of this program "is to relocate persons from the state centers for the developmentally disabled into appropriate community settings with the assistance of home and community-based services and with continuity of care. The intent of the program is to minimize its impact on state employees through redeployment of employees into vacant positions." S. 46.275 (5m) requires the Department to submit a report to the Joint Committee on Finance and to the Chief Clerk of each house of the Legislature describing the program's impact during the preceding calendar year on state employees, including the Department's efforts to redeploy employees into vacant positions and the number of employees laid off.

For the period of January 1, 2000 to December 31, 2000, there were 54 placements of center residents into the community. For fiscal year 2000, reductions of \$3,626,640 and 72.35 FTE were made in the budget for the purpose of CIP placement. For the period July 1, 2000 through December 31, 2000, sufficient reductions will be made in the fiscal year 2001 operating budget to reflect reductions for CIP placements. Reductions of positions and dollars have been made for calendar year 2000 with no employees being laid off during the year. Only six layoffs have occurred at the centers due to the CIP program since the program began in 1983. All other reductions have been absorbed through attrition of employees.

Sincerely,

PHYLLIS DUBE  
Secretary

**State of Wisconsin**

**Southeast Wisconsin Professional Baseball Park District**

April 18, 2001

The Honorable, The Legislature:

Attached please find the Miller Park monthly progress report for the month of March 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 meaningful 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



**State of Wisconsin**

April 20, 2001

The Honorable, The Senate:

I am writing to request that I be added as a cosponsor of Senate Bill 104 relating to campaign financing, providing exemptions from emergency rule procedures, granting rule-making authority, making appropriations and providing penalties.

Sincerely,

LEE P. MEYERHOFER

State Representative, 5th Assembly District

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

**Senate Clearinghouse Rule 99-147**

Relating to utilization reviews.

Submitted by Department of Regulation and Licensing.

Withdrawn by Agency, April 19, 2001.

**Senate Clearinghouse Rule 00-167**

Relating to defining the practice of nursing to include acting under the direction of optometrists.

Submitted by Department of Regulation and Licensing.

Report received from Agency, April 20, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, April 25, 2001.

**Senate Clearinghouse Rule 00-168**

Relating to continuing education of nurses.

Submitted by Department of Regulation and Licensing.

Report received from Agency, April 20, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, April 25, 2001.

**Senate Clearinghouse Rule 00-181**

Relating to worker's compensation insurer name change or reorganization.

Submitted by Department of Workforce Development.

Report received from Agency, April 20, 2001.

Referred to committee on **Labor and Agriculture**, April 25, 2001.

**Senate Clearinghouse Rule 01-015**

Relating to grants to ethanol producers.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, April 20, 2001.

Referred to committee on **Labor and Agriculture**, April 25, 2001.

**Senate Clearinghouse Rule 01-025**

Relating to adopting for use in Wisconsin the Investment Adviser Registration Depository.

Submitted by Department of Financial Institutions.

Report received from Agency, April 20, 2001.

Referred to committee on **Privacy, Electronic Commerce and Financial Institutions**, April 25, 2001.

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

**Senate Clearinghouse Rule 00-135**

Relating to the stewardship program.

No action taken.

**Senate Clearinghouse Rule 00-139**

Relating to a rules committee.

No action taken.

**Senate Clearinghouse Rule 00-176**

Relating to environmental insurance requirements for liability exemptions for voluntary remediation.

No action taken.

Jim Baumgart

Chairperson

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

**Senate Clearinghouse Rule 00-170**

Relating to continuing education and temporary practice.

No action taken.

**Senate Clearinghouse Rule 00-171**

Relating to immunization of students.

No action taken.

**Senate Clearinghouse Rule 00-173**

Relating to the tobacco control board's administering and awarding grants for tobacco control and establishing criteria for recipients of the grants.

No action taken.

Rodney Moen

Chairperson

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**AMENDMENTS OFFERED**

Senate amendment 1 to **Senate Bill 76** offered by Senator Moore.

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**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Bill 7**

Presented to the Governor on April 19, 2001.

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**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**2001 SENATE BILL 62**

Prepared by the Legislative Reference Bureau

(April 18, 2001)

**10.** Page 72, line 4: delete "(1) and (2)" and substitute "(2) and (3)".

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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THURSDAY, April 26, 2001

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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 161**

Relating to: permitting the juvenile court to grant summary judgment in a termination of parental rights proceeding and prohibiting the juvenile court from granting a termination of parental rights based on an order placing a child in need of protection or services outside the home or denying parental visitation with such a child that does not warn the parent of any applicable termination of parental rights grounds and of the conditions necessary for the child to be returned to the home or for the parent to be granted visitation.

By Senators Huelsman, A. Lasee, Darling and Roessler; cosponsored by Representatives Huebsch, Ziegelbauer, Owens, Gunderson, Starzyk and Hahn.

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

**Senate Bill 162**

Relating to: creating an administrative rules task force and making an appropriation.

By Senators Welch and Huelsman; cosponsored by Representatives Suder, Urban, Musser, Staskunas, Hoven, Gronemus, Jeskewitz, Townsend, Albers, McCormick and Seratti.

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

**REPORT OF COMMITTEES**

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

**Assembly Bill 98**

Relating to: fishing with a bow and arrow near a roadway.

Concurrence.

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

Noes, 0 – None.

**Senate Bill 66**

Relating to: certain applicants for preference points under the cumulative preference system for issuing Class A bear hunting licenses.

Passage.

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

Noes, 0 – None.

Jim Baumgart  
Chairperson

The committee on **Finance** reports and recommends:

**Senate Bill 33**

Relating to: a state minimum wage, providing an exemption from emergency rule procedures, providing an exemption from rule-making procedures, granting rule-making authority, and providing a penalty.

Report Passage, with emergency statement (s. 16.47 Wisconsin Statutes).

Ayes, 6 – Senators Burke, Decker, Moore, Shibilski, Plache and Wirch.

Noes, 2 – Senators Darling and Welch.

Brian Burke  
Chairperson

The committee on **Insurance, Tourism, and Transportation** reports and recommends:

**Assembly Bill 110**

Relating to: access by law enforcement agencies to photographs taken for drivers' licenses and identification cards.

Concurrence.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Farrow.

Noes, 0 – None.

**Senate Bill 102**

Relating to: the prohibition against underage persons entering or being on any premises operating under an alcohol beverage license.

Passage.

Ayes, 4 – Senators Breske, Grobschmidt, Baumgart and A. Lasee.

Noes, 1 – Senator Farrow.

**Senate Bill 43**

Relating to: nonmoving traffic violations involving rented or leased motor vehicles.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Farrow.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Farrow.

Noes, 0 – None.

**Senate Bill 57**

Relating to: creating a permit authorizing the operation upon a highway of a specialized hauling rig that exceeds statutory size and weight limits.

Passage.

Ayes, 4 – Senators Breske, Grobschmidt, A. Lasee and Farrow.

Noes, 1 – Senator Baumgart.

Roger Breske  
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Assembly Bill 135**

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

Concurrence.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Assembly Bill 35**

Relating to: changing the bonding requirements for city, village, and county officers.

Concurrence.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

BUBOLZ, JOHN, of Appleton, as a member of the College Savings Program Board, to serve for the term ending May 1, 2003.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

BUESTRIN, MARY F., of Mequon, as a member of the State Historical Society Board of Curators, to serve for the term ending July 1, 2003.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

EHR SAM, JAMES, of La Crosse, as a member of the Land Information Board, to serve for the interim term ending May 1, 2001, and for the full term ending May 1, 2007.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

FARROW, MARGARET A., of Pewaukee, as Lieutenant Governor, pursuant to Article XIII, section 10 (2) of the Wisconsin Constitution.

Confirmation.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 1 – Senator Moore.

FERNHOLZ, JOHN "JAY", of Holmen, as a member of the Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

HASSLINGER, MICHAEL J., of Waukesha, as a member of the Land Information Board, to serve for the term ending May 1, 2005.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

JOHNSON, RUTH G., of Madison, as a member of the Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

JOHNSON, NORBERT J., of Milton, as a member of the Accounting Examining Board, to serve for the term ending July 1, 2002.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

LEE, DANIEL F., of Portage, as a member of the Wisconsin Housing and Economic Development Authority, to serve for the term ending January 1, 2003.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

ROMPORTL, MICHAEL J., of Rhinelander, as a member of the Land Information Board, to serve for the term ending at the pleasure of the Governor.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

RUF, J. FREDERIC "FRITZ", of Pewaukee, as a member of the Wisconsin Housing and Economic Development Authority, to serve for the interim term ending February 1, 2001, and for the full term ending February 1, 2003.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

SENTY, JAMES A., of La Crosse, as a member of the State of Wisconsin Investment Board, to serve for the interim term ending May 1, 2005.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

WOLFF, MICHAEL D., of Madison, as a member of the College Savings Program Board, to serve for the term ending May 1, 2003.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.  
Noes, 0 – None.

ZILLMER, ANN M., of Black River Falls, as a member of the Land Information Board, to serve for the term ending May 1, 2005.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.  
Noes, 0 – None.

**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.

Introduction and adoption of Senate amendment 1.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.  
Noes, 0 – None.

Passage as amended.

Ayes, 4 – Senators M. Meyer, Moore, Grobschmidt and Hansen.  
Noes, 3 – Senators Ellis, Huelsman and Zien.

**Senate Bill 138**

Relating to: the publication of notices relating to the creation of tax incremental financing districts.

Passage.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.  
Noes, 0 – None.

**Senate Bill 144**

Relating to: state purchase of a Justice Center building and granting bonding authority.

Passage.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.  
Noes, 0 – None.

**Senate Bill 146**

Relating to: the college tuition and expenses program and the college savings program, providing an exemption from emergency rule procedures, and making appropriations.

Introduction and adoption of Senate amendment 1.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.  
Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.  
Noes, 0 – None.

**Senate Bill 5**

Relating to: reimbursement of emergency response teams and granting rule-making authority.

Senate amendment 1 adoption.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.  
Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.  
Noes, 0 – None.

Mark Meyer  
Chairperson

**PETITIONS AND COMMUNICATIONS**

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

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>Senate Bill 7</b>	Wisconsin Act 5	May 7, 2001

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Department of Justice**

April 24, 2001

The Honorable, The Senate:

The Senate Committee on Organization has asked for my opinion on the compensation to be paid to the Lieutenant Governor ("Lt. Governor") upon confirmation by both houses of the Legislature. Governor McCallum has nominated State Senator Margaret Farrow to the Office of the Lieutenant Governor pursuant to article 13, s. 10 (2) of the Wisconsin Constitution.

Wisconsin Stat. s. 13.04(4) provides:

"Any incumbent member of the legislature who, during the term for which the member was elected to the legislature, by appointment or election assumes any judicial office or state civil office or position for which the compensation or other emoluments were increased during the member's current legislative term by legislative action, or by any other official action requiring the assent of or subject to veto by the legislature, shall be entitled to the compensation or other emoluments for such office or position only at the rate in effect prior to such increase."

Your request for an opinion included a memorandum from the Wisconsin Legislative Council. That memorandum states that Senator Farrow was elected to her current term in November 1998, and her term began in January 1999. At that time, the rate of pay for the Office of Lt. Governor was \$60,183 per year. The salary of the Lt. Governor is set under Wis. Stats. s. 20.923(2)(g) at 1.9% above the minimum of the salary range for executive salary group four. The Legislative Council memorandum indicates that the current salary for the Lt. Governor is \$63,672 per year. The Joint Committee on Employment Relations ("JCOER") approved two increases during Senator Farrow's current term. On June 9, 1999, and May 2, 2000, JCOER raised the minimum of the salary range applicable to executive salary group four, thereby increasing the rate of pay for the Office of Lt. Governor. JCOER approves the compensation plan under Wis. Stats. s. 230.12 (3).



The Legislative Council memorandum, at 2, concludes: “[I]t is arguable that s. 13.04(4), Stats, would limit her compensation to that provided for the Office of Lieutenant Governor prior to the increases occurring during her term. Under that interpretation, she would be limited to \$60,183 per year.”

The author of the Legislative Council memorandum found there was some doubt about the application of Wis. Stats. s. 13.04(4) because one could argue that the action of a single committee, JCOER, was not “legislative action” or “other official action” as required by Wis. Stat. s. 13.04(4). Under this analysis, the purpose of Wis. Stats. s. 13.04(4) is to prohibit legislators from benefitting from a self-enacting pay increase, but since Senator Farrow was not a member of JCOER, she did not vote on the action and, thus, should not be prohibited from receiving the higher salary. That memorandum concludes, however, that notwithstanding that argument the better conclusion is that Wis. Stats. s. 13.04(4) does apply. I agree.

JCOER is created by the Legislature. Wis. Stat. s. 13.111. The Legislature has delegated certain authority to that committee. Such a delegation is proper. *See Cuts v. Department of Public Welfare*, 1 Wis. 2d 408, 414, 84 N.W.2d 102 (1957). (Legislature could delegate the authority to select a site for a new state boy’s school to a committee.) *Accord Outagamie County v. Smith*, 38 Wis. 2d 24, 39, 155 N.W.2d 639 (1968). If the term “legislative action” in Wis. Stat. s. 13.04(4) did not include actions taken by JCOER, any member of the Legislature who was not on the Joint Committee would not be subject to the statutes strictures. Under that reading of the statute, only members of the Joint Committee, by statute the leadership of both houses, Wis. Stat. s. 13.111, would be prohibited from accepting offices for which the compensation had been increased. That interpretation would mean that Wis. Stats s. 13.04(4) which on its face is applicable to all legislators, would apply only to members of the Joint Committee: the vast majority of the members of the Legislature would escape the statute’s strictures by the expedient of delegating to a committee the authority to raise legislators’ salaries.

In 63 Op. Att’y Gen. 128 (1974) former Attorney General Robert Warren discussed the interaction of Wis. Stats s. 13.04 and article 4, s. 12 of the Wisconsin Constitution. The opinion concluded that a legislator who was elected to a different state office during his or her term as legislator would be limited by Wis. Stats s. 13.04 to the salary prior to the increase during his or her term as legislator. The law then was essentially the same as the law now. Present Wis. Stat. s. 13.04(4) was then Wis. Stat. s. 13.04(1)(d). The salaries of the lieutenant governor and other constitutional officers were tied to the salaries in executive salary groups. Wis. Stat. s. 20.923 (1973). JCOER approved the compensation plan. Wis. Stat. s. 16.086(3)(b) (1973). The opinion assumed, quite correctly, that the actions of JCOER constituted “legislative action” or “other official action.”

I must conclude that under Wis. Stat. s. 13.04(4) “legislative action” includes action by Committees of the Legislature exercising delegated legislative authority.

For these reasons, I conclude that Senator Farrow’s compensation upon taking the Office of Lt. Governor must be limited to \$60,183 per year.

Sincerely,

JAMES E. DOYLE  
Attorney General

**State of Wisconsin  
Office of the Governor**

April 4, 2001

The Honorable, The Senate:

On August 18, 1999, the Department of Administration entered into a lease with an option to purchase with Continental 93 Fund LLC for the new State Justice Center located in Block 84 on the Capitol Square. We have concluded that the purchase of this property would be in the best interests of the State and have included authorization for this purchase in the Capital Budget, which is being introduced concurrently with this letter.

The option to purchase provides for a purchase price of \$42,600,000, if we conclude the purchase before we take occupancy of the building which is currently projected to be September 1, 2001. However, if we purchase the property after the first occupancy, our costs will be \$1.2 million higher. It also appears that the Capital Budget will not be enacted into law prior to the occupancy of the building and we will be unable to save the \$1.2 million if we wait for passage of the Budget Bill. This issue was discussed at a recent meeting of the State Building Commission. The Building Commission is of the opinion that special legislation should be considered by the Legislature authorizing this purchase before the Budget Bill is enacted.

Section 16.47, Stats., provides that no appropriation bill shall be passed by the Legislature before the Budget Bill is enacted with the exception that the Governor can recommend passage of such a bill in an emergency situation. The Building Commission discussed the requirements of this statute and concluded that this situation is an emergency.

I concur and ask that **Senate Bill 144** be considered for immediate passage before enactment of the Budget Bill. your favorable consideration of this request would be appreciated.

Sincerely,

SCOTT MCCALLUM  
Governor

**State of Wisconsin  
Joint Legislative Council**

April 24, 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 2001–06 Legislation Recommended by the Special Committee on the Historic Building Code
- (2001 Assembly Bill 276 and Senate Bill 122)
- (2001 Assembly Bill 277 and Senate Bill 123)
- (2001 Assembly Joint Resolution 51 and Senate Joint Resolution 30)

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 Est Main, Suite 401, or from our web page at [http://www.legis.state.wi.us/lc/reports\\_by\\_topic.htm](http://www.legis.state.wi.us/lc/reports_by_topic.htm).

Sincerely,

TERRY C. ANDERSON

**State of Wisconsin  
Ethics Board**

April 24, 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/>

Dickert, John T      **Karen Johnson Productions, Inc.**  
 Elliott, Brian      **Strong Capital Management Inc**  
 Essie, Patrick      **Insurance Auto Auctions Corp.**  
 Gunderson, Dan    **Issue Management Resources, LLC**  
 Haber, Darcy      **Wisconsin Citizen Action**  
 Handzel, Jr., Henry **Murphy Oil USA, Inc.**  
 Harrell, LaQuisha **Milwaukee Public Schools**  
 Haselow, Douglas **Association for Equity in Funding**  
**UA**  
 Hermes, Ronald    **Advantage Capital Partners**  
 Krings, Jerome D **NFO, Inc.**  
 Kuehn, Ronald W **Murphy Oil USA, Inc.**  
 Palmer, Todd      **Murphy Oil USA, Inc.**

Partenfelder-Moede, Peggy      **Insurance**      **Auto**  
**Auctions Corp.**  
 Reck, Donald F      **Northern States Power d/b/a Xcel**  
**Energy**  
 Sorenson, Gustave      **Wisconsin Paralyzed Veterans of**  
**America**  
 Springer, Thomas J      **Strong Capital Management Inc**  
 Stitt, Donald      **Strong Capital Management Inc**  
 Tenuta, James      **Advantage Capital Partners**  
 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  
**Senate Journal**  
Ninety–Fifth Regular Session

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FRIDAY, April 27, 2001

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The Chief Clerk makes the following entries under the above date

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**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 163**

Relating to: the publication of notices relating to the creation of tax incremental financing districts.

By Senator Risser; cosponsored by Representative Berceau.

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

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**REPORT OF COMMITTEES**

The joint committee for **Review of Administrative Rules** reports and recommends:

**Senate Bill 116**

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

Ayes, 10 – Senators Robson, Grobschmidt, Hansen, Schultz and Cowles. Representatives Grothman, Seratti, Gunderson, Kreuser and Turner.

Noes, 0 – None.

Judith Robson  
Senate Chairperson

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Board of Health Care Information**

April 23, 2001

The Honorable, The Legislature:

The purpose of this letter is to inform you about the Wisconsin Consumer Guide to Health Care, an Internet-based resource that enables the state's citizens to make informed choices about their health care. It fulfills the 1997 Wisconsin Act 231

mandate, which requires that the Department of Health and Family Services (DHFS) produce a guide to assist consumers in choosing health care providers and plans.

To view the Guide, you can go through the DHFS Web site (<http://www.dhfs.state.wi.us>) or access it directly (<http://www.dhfs.state.wi.us/guide>). The Bureau of Health Care Information also has brochures, which are available for your distribution, describing the Guide's contents and how to access it. To obtain this brochure, please call Joan Gugel at (608) 267-7955 or send her a fax at (608) 261-6380.

Sincerely,  
RONALD H. DIX  
Chairperson

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

**Senate Clearinghouse Rule 00–079**

Relating to security.

Submitted by Department of Corrections.

Report received from Agency, April 27, 2001.

Referred to committee on **Economic Development and Corrections**, April 27, 2001.

**Senate Clearinghouse Rule 00–186**

Relating to the education for employment program.

Submitted by Department of Public Instruction.

Report received from Agency, April 27, 2001.

Referred to committee on **Education**, April 27, 2001.

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The committee on **Privacy, Electronic Commerce and Financial Institutions** reports and recommends:

**Senate Clearinghouse Rule 00–166**

Relating to placing the name and location of a bank home office on a bank check.

No action taken.

Jon Erpenbach  
Chairperson

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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MONDAY, April 30, 2001

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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 164**

Relating to: creating a Wisconsin Artistic Endowment Foundation and an artistic endowment fund, creating an income tax credit for contributions to the fund, creating a sales tax exemption for sales of tickets and admissions by nonprofit organizations, and making appropriations.

By Joint Legislative Council.

To joint survey committee on **Tax Exemptions**.

**Senate Bill 165**

Relating to: special distinguishing registration plates in support of the arts and creating an artistic endowment fund.

By Joint Legislative Council.

To committee on **Insurance, Tourism, and Transportation**.

**Senate Bill 166**

Relating to: the state contract for dental education; authorizing licensed dental health professional positions in the department of health and family services; funding for dental services at community health centers; grants for community water fluoridation; increasing the medical assistance reimbursement rates for dental services; making topical fluoride varnish a covered service under the early and periodic screening, diagnosis, and treatment program; creating a fluoride varnish education program; reimbursement for dental hygienist services under medical assistance; medical assistance reimbursement for dental cleanings; requiring the exercise of rule-making authority; and making appropriations.

By Joint Legislative Council.

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

**Senate Bill 167**

Relating to: regional dental testing service examinations; dentist licenses for individuals licensed in another jurisdiction; the scope of practice of dental hygienists; delegation of dentistry practices to dental hygienists and unlicensed individuals; providing loan assistance to dentists and dental hygienists who practice in underserved areas; requiring the technical college system board to report on community dental health education; requiring the dentistry examining board and the department of health and family services to prepare a joint report on the ability of the dental work force to meet dental needs; requiring the department of health and family services

to prepare a plan for a comprehensive oral health data collection system; requiring the department of health and family services to report on prior authorization for dental services under medical assistance; and requiring the department of health and family services and the department of regulation and licensing to prepare joint reports on improved access to dental services and dental hygiene services.

By Joint Legislative Council.

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

**Senate Bill 168**

Relating to: leased generation contracts between public utilities and affiliated interests.

By Senator Moen; cosponsored by Representative Gard.

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

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**REPORT OF COMMITTEES**

The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Senate Bill 155**

Relating to: the filing of certain forms and the time limits for holding certain hearings related to a tax incremental financing district.

Passage.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Senate Bill 163**

Relating to: the publication of notices relating to the creation of tax incremental financing districts.

Passage.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Mark Meyer  
Chairperson

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Joint Legislative Council**

April 30, 2001

The Honorable, The Senate:

Enclosed is a copy of the *2000 Annual Report on the Legislative Council Rules Clearinghouse*, submitted to the Legislature pursuant to s. 227.15(5), Stats. Copies have been distributed to the office of each member of the Legislature.



The report covers the 21st full calendar year of operation of the Rules Clearinghouse. I trust that it will be found to be informative.

Sincerely,  
TERRY C. ANDERSON  
Director

**Milwaukee Public Schools**

April 27, 2001

The Honorable, The Senate:

According to Wisconsin Law 121.87 and in accordance with Wis. Stats. 13.172, the Milwaukee Board of School Directors is required to submit the enclosed reports. School law 121.87 states "... annually by May 1 the board of school directors of the school district operating under ch. 119 shall submit a report to the legislature under s.13.172(2) that specifies the number, percentage, race, sex, grade and attendance area of pupils transferred outside their attendance area without written consent under s. 121.85 (6) (am)."

The enclosed reports meet the requirements as stated in Wisconsin Law 121.87. Further information can be provided on request.

Sincerely,  
MICHAEL TURZA  
Director

Department of Business Services

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

**Senate Clearinghouse Rule 00-188**

Relating to long term care insurance.  
Submitted by Office of the Commissioner of Insurance.

Report received from Agency, April 26, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, April 30, 2001.

**State of Wisconsin  
Revisor of Statutes Bureau**

May 1, 2001  
To the Honorable, the Senate:

The following rules have been published:

<b>Clearinghouse Rules</b>	<b>Effective Date(s)</b>
00- 48	May 1, 2001
00- 83	May 1, 2001
00-108	May 1, 2001
00-119	May 1, 2001
00-134	May 1, 2001
00-145	May 1, 2001
00-150	May 1, 2001
00-151	May 1, 2001
00-152	May 1, 2001
00-156	May 1, 2001
00-166	May 1, 2001

Sincerely,  
GARY L. POULSON  
Deputy Revisor

**AMENDMENTS OFFERED**

Senate substitute amendment 1 to **Senate Bill 71** offered by Senator Cowles.



# STATE OF WISCONSIN Senate Journal Ninety–Fifth Regular Session

10:00 A.M.

TUESDAY, May 1, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

### LEAVES OF ABSENCE

Senator Chvala, with unanimous consent, asked that Senator Jauch be granted a leave of absence for today's session.

The roll was called and the following Senators answered to their names:

Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, Farrow, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 32.

Absent – Senators Jauch – 1.

The Senate remained standing and Senator Chvala led the Senate in the pledge of allegiance to the flag of the United States of America.

### REPORT OF COMMITTEES

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

#### Senate Bill 97

Relating to: issuance of bonus deer hunting permits to certain farm owners who are engaged in the production of maple syrup.

Introduction and adoption of Senate amendment 1.

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

Noes, 0 – None.

Passage as amended.

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

Noes, 0 – None.

Jim Baumgart  
Chairperson

### PETITIONS AND COMMUNICATIONS

State of Wisconsin  
Department of Administration

April 27, 2001

The Honorable, The Legislature:

As required by s. 16.045(5) Wis. Stats., I am submitting the tenth *Wisconsin Gasohol and Alternative Fuel Use Report* for distribution to the appropriate standing committees.

Should you or Legislative members have questions, please contact John Marx, Administrator, Division of Energy, at 608/266-7257.

Sincerely,

GEORGE LIGHTBOURN

Secretary

Referred to committee on **Environmental Resources**.

State of Wisconsin  
Ethics Board

May 1, 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/>

Andrews, Morris    **Wisconsin Dells Visitors and Convention Bureau**

Driscoll, Darcy    **Wisconsin Rental Dealers Association**

Goyke, Gary    **Wisconsin Wildlife Coalition**

Hermes, Ronald    **Innovative Gaming Corporation of America**

Macaulay, Lisa    **Wisconsin Coalition Against Sexual Assault**

Molinari, Susan    **Americans for Consumer Education & Competition Inc**

Tenuta, James    **Innovative Gaming Corporation of America**

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

Senator Robson, with unanimous consent, asked that the Senate recess until 11:00 A.M.

10:15 A.M.

### RECESS

11:00 A.M.

The Senate reconvened.

Senator Risser in the chair.

Senator Risser, with unanimous consent, asked that the Senate recess until 1:23 P.M.

11:01 A.M.

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**RECESS**

The Senate reconvened.  
Senator Risser in the chair.

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1:23 P.M.

**ADVICE AND CONSENT OF THE SENATE**

Senator Ellis, with unanimous consent, asked that all the appointments be taken up en masse.

ANDERSON, LARRY E., of Westby, as a member of the Credit Union Review Board, to serve for the term ending May 1, 2005.

Read.

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.

Read.

BROWN, SENN R., of Madison, as a member of the Kickapoo Reserve Management Board, to serve for the term ending May 1, 2003.

Read.

BUBOLZ, JOHN, of Appleton, as a member of the College Savings Program Board, to serve for the term ending May 1, 2003.

Read.

BUESTRIN, MARY F., of Mequon, as a member of the State Historical Society Board of Curators, to serve for the term ending July 1, 2003.

Read.

CHRISTENSON, J. DAVID, of Wausau, as a member of the Credit Union Review Board, to serve for the term ending May 1, 2004.

Read.

CONGER, KENNETH W., of Kohler, as a member of the Private Employer Health Care Coverage Board, to serve for the term ending May 1, 2003.

Read.

CROWDER, DR. DON L., of Lake Geneva, as a member of the Psychology Examining Board, to serve for the interim term ending July 1, 2001, and for the full term ending July 1, 2005.

Read.

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.

Read.

DAHLBERG, PHILIP J., of La Crosse, as a member of the University of Wisconsin Hospital and Clinics Board, to serve for the term ending July 1, 2003.

Read.

EHR SAM, JAMES, of La Crosse, as a member of the Land Information Board, to serve for the interim term ending May 1, 2001, and for the full term ending May 1, 2007.

Read.

FERNHOLZ, JOHN "JAY", of Holmen, as a member of the Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2004.

Read.

FICKS, JUDITH E., of Mequon, as a member of the Occupational Therapists Affiliated Credentialing Board, to serve for the interim term ending July 1, 2001, and for the full term ending July 1, 2005.

Read.

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

Read.

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.

Read.

GLOCKE, CHAR D., of Onalaska, as a member of the Chiropractic Examining Board, to serve for the term ending July 1, 2004.

Read.

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

Read.

HASSLINGER, MICHAEL J., of Waukesha, as a member of the Land Information Board, to serve for the term ending May 1, 2005.

Read.

HEINEMANN, VIRGINIA, of Wausau, as a member of the Medical Examining Board, to serve for the term ending July 1, 2004.

Read.

JACOBS, DR. P. MICHAEL, of Onalaska, as a member of the Podiatrists Affiliated Credentialing Board, to serve for the term ending July 1, 2004.

Read.

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.

Read.

JENKINS, LAURA M., of Darlington, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 2004.

Read.

JOHNSON, RUTH G., of Madison, as a member of the Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2004.

Read.

JOHNSON, NORBERT J., of Milton, as a member of the Accounting Examining Board, to serve for the term ending July 1, 2002.

Read.

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

Read.

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

Read.

KESSLER, DR. ROBERT A., of Menomonee Falls, as a member of the Nursing Home Administrator Examining Board, to serve for the initial term ending July 1, 2001, and for the full term ending July 1, 2005.

Read.

KROGSTAD, JAMES G., of Madison, as a member of the Private Employer Health Care Coverage Board, to serve for the term ending May 1, 2002.

Read.

LAUER, LEON G., of Green Bay, as a member of the Barber and Cosmetology Examining Board, to serve for the term ending July 1, 2004.

Read.

LEE, DANIEL F., of Portage, as a member of the Wisconsin Housing and Economic Development Authority, to serve for the term ending January 1, 2003.

Read.

LUCE, DANIEL F., of Nasotah, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 2004.

Read.

MANDERS, DANIEL N., of Mauston, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2005.

Read.

MARTIN, MARVILE, of Milwaukee, as a member of the Barber and Cosmetology Examining Board, to serve for the term ending July 1, 2004.

Read.

MEIER, GARY A., of Racine, as a member of the Private Employer Health Care Coverage Board, to serve for the term ending May 1, 2003.

Read.

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

Read.

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

Read.

PLAMANN, CINDY F., of Appleton, as a member of the Occupational Therapists Affiliated Credentialing Board, to serve for the interim term ending July 1, 2001, and for the full term ending July 1, 2005.

Read.

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

Read.

QUERAM, CHRISTOPHER J., of Middleton, as a member of the Private Employer Health Care Coverage Board, to serve for the term ending May 1, 2004.

Read.

ROMPORTL, MICHAEL J., of Rhinelander, as a member of the Land Information Board, to serve for the term ending at the pleasure of the Governor.

Read.

ROOS-STUTZ, LINDA, of North Fond du Lac, as a member of the Occupational Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2002.

Read.

RUF, J. FREDERIC "FRITZ", of Pewaukee, as a member of the Wisconsin Housing and Economic Development Authority, to serve for the interim term ending February 1, 2001, and for the full term ending February 1, 2003.

Read.

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

Read.

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

Read.

SCHLEIS, CATHERINE E., of De Forest, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2004.

Read.

SCHWALLIE, LINDA, of Green Bay, as a member of the Examining Board of Social Workers, Marriage and Family Therapists, and Professional Counselors, to serve for the term ending July 1, 2004.

Read.

SENGLAUB, KIM, of Waukesha, as a member of the Occupational Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2003.

Read.

SHEEHY, TIMOTHY R., of Fox Point, as a member of the State Fair Park Board, to serve for the interim term ending May 1, 2001, and for the full term ending May 1, 2006.

Read.

SIZE, TIM, of Madison, as a member of the Private Employer Health Care Coverage Board, to serve for the term ending May 1, 2003.

Read.

SOLBOE, DR. WILLIAM, of Shorewood, as a member of the Occupational Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2003.

Read.

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.

Read.

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

Read.

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



Read.

VISTE, KENNETH M., of Oshkosh, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2005.

Read.

WADE, REPRESENTATIVE JOAN, of Mecan, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2003.

Read.

WHITE, DONNA JEAN, of Cambria, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2003.

Read.

WOLFF, MICHAEL D., of Madison, as a member of the College Savings Program Board, to serve for the term ending May 1, 2003.

Read.

ZILLMER, ANN M., of Black River Falls, as a member of the Land Information Board, to serve for the term ending May 1, 2005.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, Farrow, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 32.

Noes – None.

Absent or not voting – Senator Jauch – 1.

Confirmed.

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

The committee on **Universities, Housing, and Government Operations** reports and recommends:

### Senate Clearinghouse Rule 00–132

Relating to tramways, lifts and tows.

No action taken.

Mark Meyer  
Chairperson

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## SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

### Senate Joint Resolution 31

Relating to: urging schools to improve the personal money management skills of high school students.

Read.

Adopted.

### Senate Bill 33

Relating to: a state minimum wage, providing an exemption from emergency rule procedures, providing an exemption from rule-making procedures, granting rule-making authority, and providing a penalty.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

### Senate Bill 33

Read a third time.

The ayes and noes were required and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 17.

Noes – Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Harsdorf, Huelsman, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 15.

Absent or not voting – Senator Jauch – 1.

Passed.

### Senate Bill 61

Relating to: granting high school diplomas posthumously to veterans.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

### Senate Bill 61

Read a third time and passed.

### Senate Bill 71

Relating to: uniform fees chargeable for certified duplicate health care records and X-ray reports and referral of X-rays and granting rule-making authority.

Read a second time.

Senator Decker moved rejection of Senate substitute amendment 1 to **Senate Bill 71**.

The question was: Rejection of Senate substitute amendment 1 to **Senate Bill 71**?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 11; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Lazich, M. Meyer, Moen, Moore, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski and Wirch – 21.

Noes – Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Harsdorf, Huelsman, A. Lasee, Panzer, Welch and Zien – 11.

Absent or not voting – Senator Jauch – 1.

Rejected.

The question was: Adoption of Senate amendment 1 to **Senate Bill 71**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 71**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 27; noes, 5; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Ellis, Erpenbach, George, Grobschmidt, Hansen, Harsdorf, Huelsman, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Wirch and Zien – 27.

Noes – Senators Cowles, Darling, Farrow, S. Fitzgerald and Welch – 5.

Absent or not voting – Senator Jauch – 1.

Passed.

**Senate Bill 81**

Relating to: the private employer health care coverage program and making an appropriation.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 81** be referred to the Joint Committee on **Finance**.

**Senate Bill 144**

Relating to: state purchase of a Justice Center building and granting bonding authority.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 144** be referred to the Joint Committee on **Finance**.

**Senate Bill 163**

Relating to: the publication of notices relating to the creation of tax incremental financing districts.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 163**

Read a third time and passed.

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**SECOND READING AND AMENDMENTS  
OF ASSEMBLY JOINT RESOLUTIONS AND  
ASSEMBLY BILLS**

**Assembly Bill 24**

Relating to: residency requirements for persons who wish to take an examination for the position of deputy sheriff.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

Senator Zien, with unanimous consent, asked to be added as a coauthor of **Senate Bill 155**.

Senator Zien, with unanimous consent, asked to be added as a coauthor of **Senate Bill 163**.

**Assembly Bill 24**

Read a third time and concurred in.

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**ANNOUNCEMENTS, ADJOURNMENT  
HONORS, AND REMARKS UNDER  
SPECIAL PRIVILEGE**

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 61**.

Senator Erpenbach, with unanimous consent, asked that when the Senate adjourn today it do so in honor of his daughter Amy's 6th birthday.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

Senator Chvala, with unanimous consent, asked that **Senate Bill 146** be withdrawn from the committee on **Senate Organization** and referred to the joint committee on **Finance**.

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Thursday, May 3 at 10:00 A.M.

Adjourned.

2:50 p.m.



# STATE OF WISCONSIN

# Senate Journal

## May 2001 Special Session

2:51 P.M.

TUESDAY, May 1, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

**THE STATE OF WISCONSIN  
OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER #7**

*Relating to a Special Session of the Legislature*

**I, Scott McCallum**, the Governor of the State of Wisconsin, pursuant to Article IV, Section 11 and Article V, Section 4 of the Wisconsin Constitution, do hereby require the convening of a special session of the Legislature at the Capitol in Madison, beginning at 1:00 p.m. on May 1, 2001, solely to consider and act upon LRB-3093/8 relating to:

Water quality certification for nonfederal wetlands, time limits and procedures for processing applications for water quality certifications that are applicable to wetlands, granting rule-making authority, and providing a penalty.

**IN TESTIMONY WHERE OF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this first day of May in the year two thousand and one.

SCOTT McCALLUM  
Governor

*BY THE GOVERNOR:*

DOUGLAS LA FOLLETTE  
Secretary of State

Senator Chvala, with unanimous consent, asked that the role, prayer and pledge for the regular session be applied to the special session.

**REPORT OF COMMITTEES**

The committee on **Senate Organization** reports and recommends:

**Senate Bill 1**

Relating to: water quality certification for nonfederal wetlands, time limits and procedures for processing applications for water quality certifications that are applicable to wetlands, granting rule-making authority, and providing a penalty.

Introduction.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Farrow.

Noes, 0 – None.

To committee on **Environmental Resources**.

Charles Chvala  
Chairperson

Senator Chvala, with unanimous consent, asked that the Senate recess until 4:05 P.M.

2:53 P.M.

**RECESS**

4:05 P.M.

The Senate reconvened.

Senator Risser in the chair.

**REPORT OF COMMITTEES**

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

**Senate Bill 1**

Relating to: water quality certification for nonfederal wetlands, time limits and procedures for processing applications for water quality certifications that are applicable to wetlands, granting rule-making authority, and providing a penalty.

Passage.

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

Noes, 0 – None.

Jim Baumgart  
Chairperson

**SECOND READING AND AMENDMENTS  
OF SENATE JOINT RESOLUTIONS AND  
SENATE BILLS**

**Senate Bill 1**

Relating to: water quality certification for nonfederal wetlands, time limits and procedures for processing applications for water quality certifications that are applicable to wetlands, granting rule-making authority, and providing a penalty.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 1**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, Farrow, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser,

Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch,  
Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Passed.

Senator Chvala, with unanimous consent, asked that all  
action be immediately messaged to the Assembly.

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**ANNOUNCEMENTS, ADJOURNMENT  
HONORS, AND REMARKS UNDER  
SPECIAL PRIVILEGE**

Senator Baumgart, with unanimous consent, asked that  
when the Senate adjourn today it do so in honor of Aldo  
Leopold, he would have been proud of our legislative action  
today to preserve and protect Wisconsin's wetlands.

Senator Baumgart, with unanimous consent, asked that  
when the Senate adjourn today it do so in honor of the Senate  
Environmental Resources Committee for the bipartisan support  
of Senators Cowles, Schultz, Hansen and Wirch.

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the  
Senate adjourn pursuant to **Senate Joint Resolution 1**.

Adjourned.

4:24 P.M





# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

THURSDAY, May 3, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

#### Senate Resolution 4

Relating to: the life and public service of Michael Joyce.

By Senators Darling, Rosenzweig, Panzer, Huelsman, Lazich, Roessler and Farrow.

To committee on **Senate Organization**.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 169

Relating to: classifying state employees who are employed at state correctional institutions, secured correctional facilities, the mental health institutes at Mendota and Winnebago, the Wisconsin resource center, or any secure mental health unit or facility for sexually violent persons as protective occupation participants under the Wisconsin retirement system.

By Senators Risser, Burke, Breske, George, Erpenbach, Schultz, Plache, Roessler, Rosenzweig and Hansen; cosponsored by Representatives Musser, Boyle, Underheim, Gunderson, Black, Sykora, Ryba, Miller, Lassa, Freese, Albers, Travis, Berceau and Skindrud.

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

#### Senate Bill 170

Relating to: notification of the state regarding a medical malpractice claim.

By Senators Risser, Erpenbach, Burke and George; cosponsored by Representatives Johnsrud, Turner, Pocan, Gronemus, Sykora and Berceau.

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

#### Senate Bill 171

Relating to: funeral establishment permits.

By Senators Wirch, Plache, Breske, Schultz, S. Fitzgerald, Darling and Burke; cosponsored by Representatives Starzyk, Kreuser, M. Lehman, Gundrum, J. Lehman, Plale, Lippert,

Kedzie, Krawczyk, Suder, Loeffelholz, Hundertmark, Townsend, Powers, Riley and Gunderson.

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

#### Senate Bill 172

Relating to: referral of bills to the joint committee on finance and preparation of fiscal estimates on penalty bills.

By Senators Cowles, Schultz and Huelsman; cosponsored by Representatives Ott and Turner.

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

#### Senate Bill 173

Relating to: a child care worker loan repayment assistance program; a child care career education scholarship program, granting rule-making authority, and making appropriations.

By Senators Risser, Grobschmidt, Burke, Roessler, Wirch, Schultz, George, Hansen and Erpenbach; cosponsored by Representatives Bock, Berceau, Young, Black, Pocan, Sykora, La Fave, Plouff, Jeskewitz, Riley, Seratti, Miller, Ott, Hoven and Townsend.

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

#### Senate Bill 174

Relating to: the hours that a minor 14 years of age or over may be employed in Christmas tree farming or at a nursery.

By Senators Welch and Darling; cosponsored by Representatives Olsen, Townsend, Stone, Rhoades, Wade, Berceau, Hahn, Musser, Krawczyk and Owens.

To committee on **Labor and Agriculture**.

### REPORT OF COMMITTEES

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

STEPP, CATHY L., of Sturtevant, as a member of the Natural Resources Board, to serve for the term ending May 1, 2005.

Confirmation.

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

Noes, 0 – None.

Jim Baumgart  
Chairperson

The committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform** reports and recommends:

**Senate Bill 9**

Relating to: revising the Uniform Commercial Code Secured Transactions and related statutes and granting rule-making authority.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Gary George  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**THE STATE OF WISCONSIN  
OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER #6**

***Relating to the Governor’s Advisory Council on judicial Selection***

**WHEREAS**, the quality of justice in the State of Wisconsin is best maintained through the election and appointment of qualified persons to the judiciary; and

**WHEREAS**, it is the duty of the Governor under the Constitution and laws of the State of Wisconsin to appoint persons to fill vacancies in the courts until a successor is elected to such office as provided by law; and

**WHEREAS**, it is desirable to establish a procedure through which vacant judicial offices will be filled by appointment of competent, public-minded lawyers of the highest integrity; and

**NOW, THEREFORE, I, Scott McCallum**, Governor of the State of Wisconsin, pursuant to the authority vested in me by Section 14.019 of the Wisconsin Statutes, do hereby:

7. Establish the Governor’s Advisory Council on Judicial Selection; and
8. Provide that for the purpose of making recommendations to the Governor concerning vacancies in the courts the Governor’s Advisory Council on Judicial Selection shall consist of a panel of permanent members appointed by the Governor; and
9. In the case of a vacancy on the Supreme Court, up to two additional members shall be appointed by the governor; however, these members shall only serve until the Council makes its recommendation as to that vacancy; and
10. In the case of a vacancy on the Court of Appeals, up to two additional members shall be appointed by the Governor from the Court of Appeals District in which the vacancy occurs; however, these members shall only serve until the Council makes its recommendation as to that vacancy; and
11. In the Case of a vacancy on the Circuit Court, the Chairperson of the Advisory Council shall appoint up to two additional members who reside in such circuit; however, these members shall only serve until the Council makes its recommendation as to that vacancy; and

12. Provide that all members shall serve at the Pleasure of the Governor; and

13. Provide that the Council shall use the following minimum standards to evaluate whether proposed nominees are qualified candidates:

a. That the person meet all legal requirements, including those in the Wisconsin Constitution, for becoming a member of the judiciary; and

b. That the person is a member in good standing of the State Bar of Wisconsin and a resident of the State of Wisconsin; and

c. That the person appointed is likely to measure up to those standards outlining the significant qualities of an ideal judge as set forth in Section 60.01 of the Wisconsin Supreme Court Rules; and

d. That the person is fair, experienced, even-tempered, and free of biases against any class of citizens or any religious or racial groups; and

e. That the person possesses sound mental and physical health such that he or she can fully and completely perform the duties of the office for which the vacancy exists;

14. Provide that the Governor shall designate from the Council membership a Chairperson; and

15. Provide that the Council shall adopt such rules concerning its operating procedures as it deems appropriate; and

16. Instruct and encourage the Council to solicit applications for each judicial vacancy; instruct the Council to review the qualifications of all those interested in appointment, and to provide the Governor with a list of at least three but no more than five persons who the Council regards as best qualified for the vacant position no later than six weeks after notification of the vacancy; and

17. Instruct the Council to keep all proceedings confidential, consistent with state law; and

18. Instruct the Secretary of the Department of Administration to provide the Council with sums of money that are necessary and proper for the legitimate travel and operating expenses of the Council as provided by the Joint Committee on Finance under Section 20.505(3)(a) of the Wisconsin Statutes.

**IN TESTIMONY WHERE OF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this twenty-seventh day of April in the year two thousand and one.

SCOTT MCCALLUM  
Governor

*BY THE GOVERNOR:*

DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Office of the Governor**

April 23, 2001

The Honorable, The Senate:

This is to inform you that I am withdrawing the nomination of William Steiger for appointment to the Wisconsin Technical College System Board.

Thank you for your attention to this matter.

Sincerely,

SCOTT MCCALLUM  
Governor

**State of Wisconsin  
Legislative Audit Bureau**

May 2, 2001

The Honorable, The Senate:

We have completed a financial and compliance audit of the State of Wisconsin, as requested by state agencies to meet the audit requirements of the federal Single Audit Act of 1984, as amended, and the provisions of federal Office of Management and Budget Circular A-133. In addition, the audit assists us in meeting state audit requirements under s. 13.94, Wis. Stats. the audit covers the period from July 1, 1999 through June 30, 2000. During this period, state agencies, including the University of Wisconsin System, administered \$6.3 billion in cash and non-cash federal assistance.

While, overall, we found that state agencies complied with federal grant requirements, we question \$1,027,571 in costs the State charged to federal grants and in lost interest earnings to the federal government because of various delays. The amount the State may be required to repay the federal government is likely to be less than the amount questioned because the federal government may allow the State to substitute qualified expenditures for the expenditures we question. However, the amount questioned is significantly greater than the \$688,051 we questioned in our fiscal year (FY) 1998-99 audit and the \$293,474 we questioned in our FY 1997-98 audit.

We continue to have concerns at the Department of Workforce Development (DWD), which administers some of the larger and more complex federal programs. In total, we question \$934,137 that DWD charged to federal grant programs or that was lost interest earnings to the federal government because of various delays. Two of the more significant concerns relate to contracts and direct payment to clients for the Vocational Rehabilitation program.

DWD contracted with the Department of Commerce to provide funds to businesses that agreed to expand their operations and reserve newly created jobs for Vocational Rehabilitation clients. In a highly questionable practice, on September 29, 1999, the day before the grant period expired, DWD amended its contract and prepaid Commerce for services. We found the manipulation of contracts and payment procedures was done to avoid the lapsing federal funds. We consider this issue to be a material violation of federal regulations and, therefore, qualified our opinion on compliance with federal regulations and questioned \$248,732.

We also continue to have concerns with unsupported payments to Vocational Rehabilitation clients, which were previously discussed in other financial and program evaluation reports. During FY 1999-2000, DWD made over 17,000 payments, totaling over \$5 million, directly to Vocational Rehabilitation clients. We tested 56 payments made during FY 1999-2000 and found payments totaling \$12,137 were not supported by receipts or other documentation. To assess remedial action taken by DWD in August 2000, we tested an additional 22 direct payments made in October and November 2000 and

found payments totaling \$8,583 were not supported. Because of the large number of direct payments made during our audit period, and the likelihood of additional unsupported payments, we believe this area to be a material weakness in DWD's internal controls.

We question a variety of other costs charged to grant programs by DWD and other state agencies. For example we question:

- \$329,107 because non-federal matching expenditures may have been applied to incorrect Vocational Rehabilitation award years by DWD;
- \$200,896 in costs DWD inappropriately charged to prior-year awards under the Temporary Assistance for Needy Families (TANF) program, and an additional \$98,964 because of errors it made in calculating the amount of TANF funds to transfer to the Social Services Block Grant;
- \$35,718 in questioned costs for other federal programs administered by DWD;
- \$57,750 in program income that a nonprofit corporation under contract with the Department of Administration collected but did not report to the Department;
- \$22,791 in salary and fringe benefit costs the Department of Military Affairs charged to a federal grant for two employees who did not document their work effort in accordance with federal regulations; and
- \$12,640 in costs incurred by the University of Wisconsin, and \$253 by the Department of Health and Family Services.

We also reviewed cash management at the Department of Transportation (DOT). We determined that DOT did not review and liquidate encumbrances related to highway construction projects in a timely manner, resulting in up to \$811,000 in state funds being used to subsidize federal funds during FY 1999-2000, and up to \$40,000 in lost interest earnings to the State. We also note that during FY 1999-2000, DOT did not perform all of the federally required tests to verify that the materials used in highway projects meet minimum quality standards.

Our single audit report is lengthy and detailed. Therefore, we are limiting our initial distribution to those required by law to receive copies, the audited agencies, and the federal agencies to which our findings relate. If you are interested in receiving a copy of the single audit report, please contact our office and request report 01-8. The report is also available on the Internet at [www.legis.state.wi.us/lab/windex.htm](http://www.legis.state.wi.us/lab/windex.htm).

Sincerely,

JANICE MUELLER  
State Auditor

**ADVICE AND CONSENT OF THE SENATE  
State of Wisconsin  
Office of the Governor**

April 24, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BARRETTE, DR. BRUCE J., of Peshtigo, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

April 24, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HULWI, JOSEPH M., of Eleva, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

April 24, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint THELEN, MICHAEL K., of Appleton, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

April 24, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KUPPERMAN, DR. GERARD L., of Oconomowoc, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

April 24, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DAVIS, DON H., JR., of Whitefish Bay, as a member of the Medical College of Wisconsin Board of Trustees, to serve for the term ending May 1, 2007.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

April 24, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HOEKSEMA, TIMOTHY E., of

Chenequa, as a member of the Medical College of Wisconsin Board of Trustees, to serve for the term ending May 1, 2007.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

April 24, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HARPER, MURIEL J., of Beaver Dam, as a member of the Medical Examining Board, to serve for the interim term ending July 1, 2002, and for the full term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

April 24, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint PANKA, MARILYNN J., of Prairie du Chien, as a member of the Board of Nursing, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

April 24, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BOHLMAN, JOHN P., of Boscobel, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

April 24, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SUTTER, SUSAN L., of Horicon, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

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



**State of Wisconsin  
Office of the Governor**

April 24, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint FURNESS, DR. IAN C., of Fond du Lac, as a member of the Podiatrists Affiliated Credentialing Board, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

April 24, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MANTHEI, BARBARA, of West Salem, as a member of the Wisconsin Technical College System Board, to serve for the interim term ending May 1, 2003.

Sincerely,

SCOTT MCCALLUM  
Governor

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

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

**Senate Clearinghouse Rule 00–174**

Relating to reducing ambient ozone concentrations in southeastern Wisconsin by controlling volatile organic compound (VOC) emissions.

Submitted by Department of Natural Resources.

Report received from Agency, May 1, 2001.

Referred to committee on **Environmental Resources**, May 3, 2001.

**Senate Clearinghouse Rule 01–006**

Relating to hunting, trapping and nuisance wildlife control.

Submitted by Department of Natural Resources.

Report received from Agency, May 1, 2001.

Referred to committee on **Environmental Resources**, May 3, 2001.

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The committee on **Labor and Agriculture** reports and recommends:

**Senate Clearinghouse Rule 99–151**

Relating to cheese grading, packaging and labeling.

No action taken.

David Hansen  
Chairperson

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**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 30**

**Assembly Bill 31**

**Assembly Bill 61**

**Assembly Bill 220**

**Assembly Bill 238**

**Assembly Bill 274**

**Assembly Bill 298**

**Assembly Bill 299**

**Assembly Bill 321**

Adopted and asks concurrence in:

**Assembly Joint Resolution 1**

Amended and concurred in as amended:

**Senate Joint Resolution 2** (Assembly substitute amendment 1 adopted)

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**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 30**

Relating to: the issuance of wild turkey hunting licenses to qualified resident landowners.

By Representatives Gunderson, Johnsrud, Suder, Ladwig, Musser, Gronemus, Kedzie, Berceau, Hundertmark, Freese, Jeskewitz, Krawczyk, Huebsch, Plale, Powers, Owens, Wade, Skindrud and Stone; cosponsored by Senators Grobschmidt, Schultz, Welch, Farrow, Huelsman and A. Lasee.

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

**Assembly Bill 31**

Relating to: certain applicants for preference points under the cumulative preference system for issuing Class A bear hunting licenses.

By Representatives Gunderson, Johnsrud, Suder, Pettis, Kedzie, Ladwig, Freese, Huebsch, Gronemus, Kreibich, Kreuser, Musser, Olsen, Plouff, Powers, Skindrud, Steinbrink, Stone, Sykora and Wade; cosponsored by Senators Plache, Zien, Schultz and Harsdorf.

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

**Assembly Bill 61**

Relating to: the issuance of temporary fishing licenses to disabled persons.

By Representatives Sykora, Berceau, Freese, Gronemus, Gunderson, Hundertmark, Musser, Petrowski, Pettis, Plouff, Powers, Ryba, Vrakas and Williams; cosponsored by Senators Baumgart, Roessler and Schultz.

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

**Assembly Bill 220**

Relating to: prohibiting a parent who has physical placement of a child from taking the child to certain foreign counties without the agreement of the other parent.

By Representative Johnsrud; cosponsored by Senator M. Meyer.

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

**Assembly Bill 238**

Relating to: designating and observing Prisoners of War Remembrance Day.

By Representatives Walker, Jensen, Albers, Berceau, Bock, Carpenter, Coggs, Duff, Gronemus, Gunderson, Gundrum, Hahn, Hundertmark, Jeskewitz, Kestell, Krawczyk, Kreuser, Ladwig, Lassa, J. Lehman, Lippert, McCormick, D. Meyer, Miller, Musser, Nass, Owens, Pettis, Plouff, Poca, Powers, Rhoades, Riley, Ryba, Seratti, Sherman, Starzyk, Stone, Suder, Sykora, Staskunas, Townsend, Turner, Vrakas, Wade and Wood; cosponsored by Senators Grobschmidt, Rosenzweig, Breske, Cowles, Darling, Decker, S. Fitzgerald, Harsdorf, Lazich, Plache, Roessler, Schultz and Baumgart.

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

**Assembly Bill 274**

Relating to: supplemental medical assistance payments to reduce operating deficits of county, city, village, or town nursing homes and creating a medical assistance trust fund.

By Representatives Rhoades and Shilling; cosponsored by Senators Moen and Welch.

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

**Assembly Bill 298**

Relating to: allowing an individual income tax deduction for certain amounts contributed by a grandparent to a college savings account or a college tuition and expenses program.

By Representatives Kreibich, Plale, Jensen, Musser, La Fave, Black, Urban, Richards, Ladwig, Huebsch, Rhoades, M. Lehman, Hahn, Boyle, J. Lehman, Townsend, Wade, Hundertmark, Lassa, Shilling, Gronemus, Freese, Krawczyk, Olsen, Petrowski, Sykora, Kreuser, Coggs, Leibham, Albers, Gunderson, Ryba, Miller, Plouff, Young, Vrakas, D. Meyer, Grothman, Jeskewitz, Wasserman, Seratti, Montgomery, Balow, Powers, Hoven, Berceau, Huber, Nass, Pettis, Suder, Schneider, Walker, Turner, McCormick, Ott, Steinbrink, Skindrud and Owens; cosponsored by Senators Grobschmidt, Darling, Burke, S. Fitzgerald, Welch, Plache, Rosenzweig, Roessler, Moen, Risser, Harsdorf, Schultz, M. Meyer, Zien, Huelsman, Hansen, Erpenbach and Baumgart.

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

**Assembly Bill 299**

Relating to: credit union membership, powers, and operation; the application of agriculture, trade, and consumer protection statutes to credit unions; the creation of a new type of financial institution; the powers of and requirements applicable to the new type of financial institution; providing an exemption from emergency rule procedures; granting rule-making authority; and providing a penalty.

By Representatives Jeskewitz, Plale, Ward, Riley, Kreibich, Vrakas, Jensen, M. Lehman, Starzyk, Montgomery,

Lippert, Rhoades, Friske, Kedzie, Ziegelbauer, Kestell, Krawczyk, Leibham, Gunderson, Duff, Ladwig, Musser, Ainsworth, Schooff, Plouff, Balow, Walker, Grothman, Nass, Sinicki, Owens, Huebsch, Johnsrud, Hoven, F. Lasee, Stone, Huber, Olsen, Townsend, Powers, Albers, D. Meyer, Sykora, Hundertmark, Ott, Kaufert, Staskunas, Wade, Bies, Boyle, Carpenter, Coggs, J. Fitzgerald, Freese, Gard, Hahn, Gronemus, Berceau, Gundrum, Hebl, Cullen, Krug, La Fave, Lassa, J. Lehman, Loeffelholz, McCormick, Meyerhofer, Petrowski, Pettis, Poca, Reynolds, Ryba, Schneider, Seratti, Sherman, Shilling, Skindrud, Suder, Travis, Turner, Underheim, Wasserman, Wieckert, Young and Colon; cosponsored by Senators Shibilski, Rosenzweig, Burke, Panzer, Moore, Welch, Baumgart, Farrow, Plache, Cowles, Grobschmidt, Darling, Breske, Huelsman, M. Meyer, Zien, Schultz, Roessler, S. Fitzgerald, Harsdorf, Ellis, A. Lasee, Lazich, Risser, George, Moen, Wirth and Hansen.

Read first time and referred to committee on **Privacy, Electronic Commerce and Financial Institutions.**

**Assembly Bill 321**

Relating to: the college tuition and expenses program and the college savings program, providing an exemption from emergency rule procedures, and making appropriations.

By Representatives Kreibich and Jensen; cosponsored by Senators Grobschmidt and Darling.

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

**Assembly Joint Resolution 1**

Relating to: the right of individuals to fish, hunt, trap, and take game (first consideration).

By Representatives Gunderson, Johnsrud, Pettis, Jensen, Suder, Kreuser, Wade, Starzyk, Kedzie, Lippert, Shilling, D. Meyer, Hoven, Hundertmark, Friske, Seratti, Nass, Kaufert, Gronemus, Petrowski, Kestell, Bies, Loeffelholz, Ott, Lassa, Huebsch, Skindrud, Freese, Musser, Gard, Stone, Krawczyk, Ladwig, Vrakas, Townsend, Hahn, Owens, Sykora, Duff, Albers, Gundrum, Ward, Rhoades, McCormick, Leibham, Kreibich, Montgomery, Plouff, F. Lasee and Balow; cosponsored by Senators Decker, Zien, Schultz, Harsdorf, Breske, Roessler, Farrow, Darling, Shibilski, A. Lasee, S. Fitzgerald and Welch, by request of 3,122 citizens of the State of Wisconsin.

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

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, May 8 at 10:00 A.M..

Adjourned.

10:01 A.M.

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**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**2001 SENATE BILL 165**

Prepared by the Legislative Reference Bureau  
(May 1, 2001)

**11.** Page 3, line 18: delete "Wisconsin," and substitute "Wisconsin",.

NOTE: This change reflects current law.

STATE OF WISCONSIN  
**Senate Journal**  
May 2001 Special Session

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THURSDAY, May 3, 2001

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

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**MESSAGES FROM THE ASSEMBLY**

By John A. Scocos, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has concurred  
in:

**Senate Bill 1**, May 2001 Special Session

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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MONDAY, May 7, 2001

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

**REPORT OF COMMITTEES**

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

**Senate Bill 23**

Relating to: operation and costs of municipal cable television systems.

Passage.

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

**Senate Bill 117**

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

Passage.

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

**Senate Bill 166**

Relating to: the state contract for dental education; authorizing licensed dental health professional positions in the department of health and family services; funding for dental services at community health centers; grants for community water fluoridation; increasing the medical assistance reimbursement rates for dental services; making topical fluoride varnish a covered service under the early and periodic screening, diagnosis, and treatment program; creating a fluoride varnish education program; reimbursement for dental hygienist services under medical assistance; medical assistance reimbursement for dental cleanings; requiring the exercise of rule-making authority; and making appropriations.

Passage.

Ayes, 6 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer and Rosenzweig.  
Noes, 3 – Senators Cowles, S. Fitzgerald and Lazich.

**Senate Bill 167**

Relating to: regional dental testing service examinations; dentist licenses for individuals licensed in another jurisdiction; the scope of practice of dental hygienists; delegation of dentistry practices to dental hygienists and unlicensed individuals; providing loan assistance to dentists and dental hygienists who practice in underserved areas; requiring the technical college system board to report on community dental health education; requiring the dentistry examining board and the department of health and family services to prepare a joint report on the ability of the dental work force to meet dental

needs; requiring the department of health and family services to prepare a plan for a comprehensive oral health data collection system; requiring the department of health and family services to report on prior authorization for dental services under medical assistance; and requiring the department of health and family services and the department of regulation and licensing to prepare joint reports on improved access to dental services and dental hygiene services.

Passage.

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

Rodney Moen  
Chairperson

The committee on **Senate Organization** reports and recommends:

**Senate Bill 110**

Relating to: 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.

EMERGENCY STATEMENT ATTACHED, Ayes 3, Noes 2, Absent 0

Ayes, (5) – Senators Chvala, Risser and Moen  
Noes, (2) – Senators Panzer and Farrow

Senator Chuck Chvala  
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Assembly Bill 321**

Relating to: the college tuition and expenses program and the college savings program, providing an exemption from emergency rule procedures, and making appropriations.

Concurrence.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.  
Noes, 0 – None.

Mark Meyer  
Chairperson



**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

May 3, 2001

The Honorable, The Senate:

This letter is to respectfully request that I be added as a cosponsor to **Senate Bill 161**, authored by Senator Huelsman. Senate Bill 161 relates to permitting the juvenile court to grant summary judgement in a termination of parental rights proceeding and prohibiting the juvenile court from granting a termination of parental rights based on an order placing a child in need of protection or services outside the home or denying parental visitation with such a child that does not warn the parent of any applicable termination of parental rights grounds and of the conditions necessary for the child to be returned to the home or for the parent to be granted visitation.

Sincerely,

JEFF STONE  
82nd Assembly District

**State of Wisconsin  
Department of Administration**

April 26, 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 March 2001.

On March 1, 2001 the **Wisconsin Health Education Loan Repayment Fund** balance was -\$5 thousand. This shortfall increased to -\$7 thousand on March 2, 2001, to -\$8 thousand on March 23, 2001, and continued into the month of April. As of the date of this letter, it has been resolved. This shortfall was due to the timing of revenues.

On March 2, 2001 the **Utility Public Benefits Fund** balance was -\$2.76 million. This shortfall increased to -\$2.85 million on March 2, 2001 and continued until March 6, 2001 when the balance reached \$425 thousand. This shortfall was due to the timing of revenues.

On March 26, 2001 the **Wisconsin Lottery Fund** balance was -\$595 thousand. This shortfall increased to -\$4.51 million on March 29, 2001, decreased to -\$449 thousand on March 30, 2001, and continued into the month of April. As of the date of this letter, it has been resolved. This shortfall was due to the timing of revenues.

The Wisconsin Health Education Loan Repayment Fund, Utility Public Benefits Fund, and Wisconsin Lottery 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  
Investment Board**

April 23, 2001

The Honorable, The Legislature:

Pursuant to ss. 25.17 (14r), Stats., I have attached copies of the SWIB's recently revised Investment Guidelines, the Risk Committee mandate and a summary of the changes.

This is the first extensive review of the Guidelines in a decade. The revisions were adopted after an extensive and in-depth review undertaken by Trustees and staff with the assistance of an outside consultant.

The revisions incorporate actions by the Board's Strategic Planning Committee modifying SWIB's management structure to follow more closely best practices used at top-performing pension funds. The changes also implement recommendations made by outside counsel and make the clear delineation between the role of Trustees as governing fiduciaries and staff as managing fiduciaries. Price Waterhouse had also suggested these changes a few years ago after their audit of the Private Placement Division.

We have marked substantive changes or new provision to the documents. If you have any questions or comments, please contact me.

Sincerely,

PATRICIA LIPTON  
Executive Director

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

The committee on **Insurance, Tourism, and Transportation** reports and recommends:

**Senate Clearinghouse Rule 00-010**

Relating to town mutual insurance.

No action taken.

**Senate Clearinghouse Rule 00-189**

Relating to privacy of personal information.

No action taken.

Roger Breske  
Chairperson

**MOTIONS UNDER SENATE RULE 98 AND  
JOINT RULE 7**

*for the Month of April 2001*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Arbor Day, on the occasion of the recognition of Arbor Day and honor the City of Wauwatosa for receiving its nineteenth Tree City USA award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Schultz, for the Avoca-Blue River-Muscoda Loins Club, on the occasion of 35 years of service to the Riverdale community.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Elario Banda, on the occasion of her 14 years of excellence in service to the Waupun Correctional Institution.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Matthew Bennett, on the occasion of receiving his Eagle Court of Honor Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Karen Bentz, on the*

*occasion of her 25 years of excellence in service to the Waupun Correctional Institution.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Breske, for Alex Bontz, on the occasion of selflessly assisting in a traumatic situation and honoring him for his heroic and valorous actions.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Shibilski, for Boy Scout Troop 293, on the occasion of its 60th year.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Peter Larson Brown, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Moen, for Fire Chief Ron Brown, on the occasion of his retirement after years of dedicated service as the Fire Chief in the City of Eau Claire.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Noah Buchen, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Breske, for Joanna Cable, on the occasion of selflessly assisting in a traumatic situation and honoring her for her heroic and valorous actions.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Chad Christensen, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Betty Coerber, on the occasion of initiating the Adopt-A-Ship Program at Evans Elementary School in Fond du Lac that has been an educational experience for her students past, present and future.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Burke, for Columbia St. Mary's, on the occasion of its outstanding service to women with the Breast Health Center.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Burke, for James and Patricia Coorough, on the occasion of celebrating their 50th wedding anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Claire Dahlman, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Robert Daniels, on the occasion of his 30 years of excellence in service to the Waupun Correctional Institution.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Moore, for the Angela Davis Cop Watch and the Campaign against Racial Profiling, on the occasion of celebrating its 2nd anniversary.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Chief Mate Donald Davis, on the occasion of participating in the Adopt-A-Ship Program and sharing in the exciting educational experiences as a great role model for the students.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Joseph L. Davis, on the occasion of his retirement as the Executive Secretary for the Educational Approval Board.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Barb Deitte, on the occasion of her 25 years of commitment and service to Extendicare.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for David Scott Dettmann, on the*

*occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Karl Robert Dettmann, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Michael J. Doll, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Jack Domann, on the occasion of his 6 years of excellence in service to the Waupun Correctional Institution.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Adam James Enerson, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Stephen Erickson, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Ellis, for Elizabeth Fay, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Joseph Ferguson, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for the Fond du Lac YMCA, on the occasion of its century of devotion and commitment to the Fond du Lac community.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Jonathan Fox, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Nathaniel Franklin, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Amy Geier, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for James Edward Goodwin, on the occasion of his 40 years of service to the village of Menomonee Falls.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moore, for Mrs. Bessie M. Gray, on the occasion of her years of faithful service to the community and the accomplishments of the Bessie M. Gray Scholarship Fund.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Chief Mate Robert Gregersen, on the occasion of participating in the Adopt-A-Ship Program and sharing in the exciting educational experiences as a great role model for the students.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Ellis, for Heather Hayes, on the occasion of earning and attaining the rank of the Girl Scout Gold Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Ellis, for Sarah Heyerdahl, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Mr. Rick Hill, on the occasion of his years of distinguished service to the community.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Dorothy Hoopfer, on the occasion of the celebration of her 90th Birthday shared with family and friends.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Decker, for Paulus Hoppenworth, on the occasion of his 30 years of outstanding service to the town of Wien.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Andrew Hudak, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Mary Janssen, on the occasion of her 18 years of excellence in service to the Waupun Correctional Institution.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Tyler R. Kaszubski, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Tommy Kempfer, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Brian Kersten, on the occasion of being named by the Association of Wisconsin School Administrators as the High School Principal of the Year.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Plache, for Pastor Lawrence Kirby, on the occasion of receiving the Seratoma Club of Racine 2001 service to Mankind Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for James R. Klausner, on the occasion of receiving the Bundesverdienstkreuz award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Breske, for Jason Knudsen, on the occasion of selflessly assisting in a traumatic situation and honoring him for his heroic and valorous actions.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Marcus Kollross, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Douglas Krejcarek, on the occasion of being awarded the Clayton J Smits Leadership Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Breske, for Geoff Kuczmariski, on the occasion of selflessly assisting in a traumatic situation and honoring him for his heroic and valorous actions.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Captain Warren Leback, on the occasion of participating in the Adopt-A-Ship Program and sharing in the exciting educational experiences as a great role model for the students.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Hans Lenzlinger, on the occasion of his years of dedication to his heritage and exquisite culinary specialities that have been enjoyed over the past 25 years.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Commander Douglas Lloyd, on the occasion of participating in the Adopt-A-Ship Program and sharing in the exciting educational experiences as a great role model for the students.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Shibilski, for Russell G. Lynch, on the occasion of being inducted posthumously into the Wisconsin Conservation Hall of Fame.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Ellis, for Emily Macdonald, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Ryan McKean, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Clarence Miessner, on the occasion of his retirement after 42 years of distinguished service to the town of Wien.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Michael Moriwaki, on the occasion of his 24 years of excellence in service to the Waupun Correctional Institution.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moen, for Christopher Morris, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Lasee, for Travis Nettekoven, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Christopher Nieuwenhuis, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Harry Oden, on the occasion of his retirement and faithful service to the Milwaukee Public Schools, alma mater and the many students lives he touched.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Ellis, for Heather Ort, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Sister Mary Ellen Paulson, on the occasion of receiving a "A Person for Others Award".*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Benjamin Robert Poole, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Daniel Prey, on the occasion of his 30 years of excellence in service to the Waupun Correctional Institution.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Ellis, for Charles D. Rehfeldt, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Steven Rehse, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for the Rhinelander High School Mock Trial Team, on the occasion of it victory at the 2001 Wisconsin State Mock Trial competition.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Lasee, for Lynn Rice, on the occasion of earning and attaining the Girl Scout Gold Award.*



*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Ellis, for Anna Robertson, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Captain James J. Robinson, on the occasion of participating in the Adopt-A-Ship Program and sharing in the exciting educational experiences as a great role model for the students.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Captain Ted Rodes, on the occasion of participating in the Adopt-A-Ship Program and sharing in the exciting educational experiences as a great role model for the students.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Lasee, for Rachel Rosenberg, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Adam Schemm, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Burke, for Tom Schneider, on the occasion of his years of service to the State of Wisconsin as the United States Attorney for the Eastern District.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Matthew E. Schoenherr, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Shibilski, for Cal Schurz, on the occasion of being inducted posthumously into the Wisconsin Conservation Hall of Fame.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Decker, for James E. Seidel, on the occasion of his retirement after 19 years of dedicated service to the State of Wisconsin.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Captain Mike Shoemaker, on the occasion of participating in the Adopt-A-Ship Program and sharing in the exciting educational experiences as a great role model for the students.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Captain J. D. Smith, on the occasion of participating in the Adopt-A-Ship Program and sharing in the exciting educational experiences as a great role model for the students.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Shibilski, for Stevens Point Area Senior High School (Spash) Girls Basketball team, on the occasion of all of their accomplishments.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Farrow, for St. Catherines High School, on the occasion of their outstanding accomplishments and dedication to technology education.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for St. Mark A.M.E. Church, on the occasion of celebrating 132 years of service to the Milwaukee community.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Breske, for the students involved in assisting in traumatic traffic accidents program, on the occasion of their selflessly assisting in a traumatic situation and honoring them for their heroic and valorous actions.*

*A certificate of condolence by the Wisconsin Senate on the motion of Senator George, for the family and friends of Reverend Leon H. Sullivan, on the occasion of celebrating with them his remarkable life.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator George, for Dr. Sudie Ethel Ware Tatum, on the occasion of her faithful service to her church and community.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Moore, for Dr. Sudie Ethel Ware Tatum, on the occasion of her faithful service to her church and community.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for George C. Tipler, on the occasion of unwavering commitment to providing the absolute finest education for the youth of Wisconsin.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Breske, for Christina Treder, on the occasion of selflessly assisting in a traumatic situation and honoring her for her heroic and valorous actions.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Breske, for the members of the Veterans of Wars Post 2653, on the occasion of showing exemplary commitment to the community of Antigo.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Mitchel Wallace, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Breske, for Marshall Watry, on the occasion of selflessly assisting in a traumatic situation and honoring him for his heroic and valorous actions.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Shibilski, for Hilary J. "Sparky" Waukau, on the occasion of being inducted posthumously into the Wisconsin Conservation Hall of Fame.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Decker, for the Wausau School District's Dream Flight Program, on the occasion of celebrating its 10th anniversary.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Rosenzweig, for Archbishop Rembert G. Weakland, on the occasion of being honored at the 2001 Cardinal Bea Interfaith Award Dinner.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Lasee, for Pam Weiland, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Jay White, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for the Whitefish Bay High School Girls Gymnastics Team, on the occasion of winning the 2001 WIAA Division II girls gymnastics title.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Harsdorf, for Miles and Audrey Wittig, on the occasion of celebrating their 50th wedding anniversary.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grobschmidt, for Charles Wolbert, on the occasion of being honored at the Armed Forces Week Civic Dinner Dance.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Casimer Wozniak, on the occasion of his retirement with a long and prestigious service to the community of Armstrong Creek as Town Clerk.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Cowles, for the village of Wrightstown, on the occasion of their 100th year Centennial celebration.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Katie Yost, on the occasion*



*of her outstanding record of volunteer service, peer leadership  
and community service.*



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

TUESDAY, May 8, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The roll was called and the following Senators answered to their names:

Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, Farrow, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for the prayer which was offered by Reverend Lawrence Kirby of St Paul Missionary Church of Racine.

The Senate remained standing and Senator Cowles led the Senate in the pledge of allegiance to the flag of the United States of America.

### INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

#### Senate Joint Resolution 33

Relating to: the life and public service of Charles F. Smith III.

By Senator Decker; cosponsored by Representative Huber.

Considered as privileged and taken up.

Read.

Adopted by unanimous rising vote.

#### Senate Joint Resolution 34

Relating to: the life and public service of Richard B. Kuzminski.

By Senator Grobschmidt; cosponsored by Representatives Plale and Sinicki.

To committee on **Senate Organization**.

Senator Chvala, with unanimous consent, asked that **Senate Joint Resolution 34** be withdrawn from the committee on **Senate Organization** and taken up.

#### Senate Joint Resolution 34

Relating to: the life and public service of Richard B. Kuzminski.

Read.

Senator George, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 34**.

Adopted.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 175

Relating to: appointment of students to the board of regents of the University of Wisconsin System.

By Senators Grobschmidt, M. Meyer, Hansen, Schultz, Roessler, Burke, Harsdorf and Darling; cosponsored by Representatives Kreibich, Lassa, Shilling, Rhoades, La Fave, Plale, Pocan, Ryba, Plouff, Cullen, J. Lehman, Townsend, Bock, Miller, Olsen, Balow, Berceau, Jeskewitz, Richards, Gronemus, Boyle, Krawczyk, Freese, Sykora, D. Meyer, Wasserman, Turner and Young.

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

#### Senate Bill 176

Relating to: the Wisconsin School for the Deaf and creating a deaf and hard-of-hearing education council.

By Senators Grobschmidt, Plache, Rosenzweig, Burke and Schultz; cosponsored by Representatives Olsen, Huber, Pocan, Plale, La Fave, Kestell, Wade, M. Lehman, Wood, Gunderson, Lippert, Sykora, Albers, J. Lehman, Townsend, Petrowski, Gronemus, Ott, Powers and McCormick.

To committee on **Education**.

### REPORT OF COMMITTEES

The joint survey committee on **Tax Exemptions** reports and recommends:

#### Senate Bill 65

Relating to: a sales tax and use tax exemption on tangible personal property used in the business of farming.

This bill is good public policy if amended to incorporate the provisions of Assembly substitute amendment 1 to **2001 Assembly Bill 121** and Assembly amendment 1 to Assembly substitute amendment 1 to **2001 Assembly Bill 121**.

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

Russell Decker  
Senate Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Ethics Board**

May 8, 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/>

- Beil, Mickey            **Dane County**
- Bloom, David M      **Wisconsin State Fire Chiefs Association**
- Blumenfeld, Michael **United Cerebral Palsy of Wisconsin**
- Brozek, Michael     **National Safety Council**
- Carey, Ray            **Racine Area Manufacturers and Commerce**
- Christianson, Peter C **Wisconsin State Fire Chiefs Association**
- Dickert, John T      **Racine Area Manufacturers and Commerce**
- Elias, Nathan        **Metropolitan Milwaukee Association of Commerce**
- Emons, Brent        **Iron Workers Local Union #8**
- Goss, Patrick        **Metropolitan Milwaukee Association of Commerce**
- Linton, Barbara     **National Safety Council**
- Matthews, John      **Racine Area Manufacturers and Commerce**
- McDowell, Kelly    **Wisconsin Veterinary Medical Association**
- Ramey, Melanie      **Hospice Organization and Palliative Experts of Wisconsin (HOPE), The**
- Schreiber, Martin   **Wisconsin Veterinary Medical Association**
- Widder, Theodore C **Allstate Insurance Company**

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

Senator Robson, with unanimous consent, asked that the Senate recess until 1:03 P.M.

10:22 A.M.

**RECESS**

1:03 P.M.

The Senate reconvened.  
Senator Risser in the chair.

**ADVICE AND CONSENT OF THE SENATE**

Senator Chvala, with unanimous consent, asked that the appointment of DAHLBERG, PHILIP J., be laid on the table.

Senator Chvala, with unanimous consent, asked that the appointment of Margaret Farrow be placed at the foot of the calendar of May 8, 2001.

**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 196**
- Assembly Bill 222**

**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 196**

Relating to: the disclosure of public library records.

By Representatives Albers, Miller, Kestell, Grothman, Jeskewitz, Ott, Leibham, Powers, Hahn, Vrakas, Gronemus, Petrowski, Nass, Pettis, Krawczyk, Stone, Gundrum and Owens; cosponsored by Senators Roessler, S. Fitzgerald, Lazich, Farrow, A. Lasee and Schultz.

Read first time and referred to committee on **Privacy, Electronic Commerce and Financial Institutions.**

**Assembly Bill 222**

Relating to: changing the name of a minor.

By Representatives Foti, J. Lehman, McCormick, J. Fitzgerald, Huebsch, Hundertmark, Krawczyk, Kreuser, D. Meyer, Montgomery, Owens, Pettis, Stone, Sykora, Townsend, Wade and La Fave; cosponsored by Senators Wirch, Darling, Roessler, Rosenzweig and Schultz.

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

**Senate Joint Resolution 2**

Relating to: the right to fish, hunt, trap, and take game (first consideration).

Read.

Senator Baumgart, with unanimous consent, asked that the staff memorandum on Assembly substitute amendment 1 to **Senate Joint Resolution 2** from the Joint Legislative Council be spread upon the Journal.

TO:            SENATOR JAMES BAUMGART  
FROM:        Mark C. Patronsky, Senior Staff Attorney  
RE:            Constitutional Right to Fish, Hunt, Trap, and Take Game: Potential Judicial Interpretation  
DATE:        May 2, 2001

**Introduction**

This memorandum is in response to your request for my analysis of the potential effect of 2001 Senate Joint Resolution 2, as affected by Assembly Substitute Amendment 1, on the ability of the state to continue its regulation of fishing, hunting, trapping and taking game. The Joint Resolution, as amended, proposes to create Wis. Const. art. I, s. 26, as follows: "The people have the right to fish, hunt, trap, and take game subject only to reasonable restrictions as prescribed by law." This is the same language as contained in Senate Joint Resolution 2, as

introduced, and prior to the adoption of Senate Substitute Amendment 1.

You have observed that the constitutional amendment, if adopted, could be used as the basis for a legal challenge to the constitutionality of existing or future statutes or administrative rules that regulate fish and game. Your concern is the extent to which legal challenges to fish and game regulations could succeed. You have asked whether the Joint Resolution would support a challenge only to regulations that are substantially more restrictive than those now in force, or whether there is a potential for successful challenge to many of the ordinary, commonly accepted fish and game regulations that are currently in place.

It is impossible to give a definitive answer to your question, because the constitutional language is brief, and does not spell out the specific legal consequences of that language. Judicial interpretation may eventually supply the answer to your question, but the outcome of court cases is difficult to predict. However, courts frequently resort to a variety of methods to interpret constitutional provisions and a review of those methods can suggest the outcome of a challenge to hunting or fishing regulations based on the proposed right. I have reviewed a number of these methods of interpretation, and concluded that a successful challenge to hunting and fishing regulations would most likely relate to future regulations that are much more restrictive than those currently in place. I believe it is less likely that the regulations in place today could be successfully challenged, and I have summarized my conclusion in this memorandum. My conclusion also appears to be consistent with the intent of the supporters of the constitutional amendment – I am unaware of any public testimony or arguments in legislative debate on the constitutional amendment that indicate an intent that it should be a vehicle for overturning any current fish and game regulations.

Throughout this memorandum, for convenience, I will refer to “hunt and fish” as a description of all activities that are subject to the proposed constitutional right. For further information, you may wish to review Wisconsin Legislative Council Information Memorandum 00–7, *Laws on Hunting, Fishing and Trapping* (December 28, 2000).

**Current Regulation of Fish and Game**

This section of the memorandum briefly describes the broad grant of statutory authority for hunting and fishing regulation, as well as the great deference that courts currently give to such regulations. This discussion is included in the memorandum because it is these legal principles that are potentially subject to change as a result of adopting the Joint Resolution.

The legal title to all wild animals is declared to be in the state by s. 29.011, Stats.:

**29.011 Title to wild animals.** (1) The legal title to, and the custody and protection of, all wild animals within this state is vested in the state for the purposes of regulating the enjoyment, use, disposition, and conservation of these wild animals.

(2) The legal title to a wild animal or carcass, taken or reduced to possession in violation of this chapter, remains in the state. The title to a wild animal or carcass, lawfully acquired, is subject to the condition that upon the violation of this chapter relating to the possession, use, giving, sale, barter or transportation of a wild animal or carcass by the owner, the ownership shall revert, as a result of the violation, to the state.

In other words, legal title to wild game only passes to an individual when the game is legally taken. Until that time, title

remains with the state, and the state can confiscate any game unlawfully taken. This declaration of sovereignty is common to all 50 states and is the statutory expression of the legal principle that dates back to the early days of the English monarchy.

Although it is not so described in the statutes, the state’s title to wild animals is often described in court cases as a trust for the benefit of the people. The Legislature, as the representative of the people, is charged with the authority to manage this trust. The Legislature has delegated the administrative responsibilities regarding wild animals primarily to the Department of Natural Resources (DNR). Most of the statutory authority of the DNR with respect to wild animals is contained in ch. 29, Stats., and DNR has implemented its authority by adopting extensive administrative rules.

The basic authority of the DNR to regulate fish and game is set forth in s. 29.014 (1), Stats., which provides as follows:

**29.014 (1)** The department shall establish and maintain open and closed seasons for fish and game and any bag limits, size limits, rest days and conditions governing the taking of fish and game that will conserve the fish and game supply and ensure the citizens of this state continued opportunities for good fishing, hunting and trapping.

There are very few appellate court cases in Wisconsin regarding fish and game regulation. However, the Wisconsin case of *Krenz v. Nichols*, decided in 1928, is typical of the state court’s approach to fish and game cases. In this case, the Wisconsin Supreme Court reviewed the state’s regulation of muskrat farms. In its decision in favor of the state, the court gave great deference to the Legislature in its regulation of fish and game.

As trustee for the people, the state may conserve wild life and regulate or prohibit its taking in any reasonable way it may deem necessary for the public welfare, so long as it does not violate any organic law of the land.

...

It is now generally recognized that valuable wild animal life would soon be exterminated if the state should fail to conserve it and aid in its reproduction. Whenever the state has done so without trenching on private rights protected by the Constitution, such acts have been almost uniformly upheld.

...

Nearly every conceivable regulation for the propagation, conservation, taking, and disposal of fish and game has been upheld where no constitutional objections have stood in the way. Generally, courts have given very liberal construction to such statutes, to the end that the public welfare should be subserved. [222 N.W. 300, 303, 197 Wis. 394 (1928).]

**Constitutional Interpretation**

Like statutes, constitutions are subject to judicial interpretation. Some of the tools used by courts in constitutional cases are known as “rules of interpretation.” These rules are similar to the rules for statutory interpretation, but have other dimensions due to the constitutional context.

It is important to note that these are not “rules ” in the conventional sense of that word. This is rather a term that lawyers use loosely to describe what could more accurately be described as an approach to analyzing the constitutional issue. Courts are not bound to follow these rules, although these rules are commonly applied in court decisions.

The express purpose of these rules of interpretation is to allow courts to implement the will of the drafters of a constitutional provision and the will of the voters who ratified it. To the extent



that a court interprets a constitutional provision, it may choose not to follow the literal meaning of that provision. The flexibility that courts have when applying the rules of interpretation potentially puts legislators and electors in the position of voting for a constitutional amendment when it cannot be known how courts might ultimately decide a case arising under the proposed amendment.

The following are some examples of constitutional rules of interpretation:

***Unless a provision is ambiguous, the plain meaning prevails.*** If there is no ambiguity, the court may choose not to consider any evidence outside of the constitutional language at issue. Senate Joint Resolution 2 does not appear to be ambiguous, in the sense that it can be read in two different ways. However, the Joint Resolution is vague in the sense that it does not precisely define the scope of the right. This may lead a court to claim that it is ambiguous (because ambiguity and vagueness are frequently mixed), and resort thereafter to other evidence of meaning.

***Avoid absurd results.*** The issue of absurd results often arises when fact situations are presented to the court that were not envisioned by the drafters, or when there is a conflict between constitutional provisions.

***Extrinsic evidence related to adoption.*** Courts may review the legislative history surrounding adoption of a constitutional provision to determine what was intended by the Legislature.

***Extrinsic evidence related to legislation on the same subject.*** Courts may look to legislation interpreting constitutional provisions or to legislation that is adopted contemporaneous to the constitutional provision to determine intent.

#### **Comments on 2001 Senate Joint Resolution 2**

The following are some observations regarding potential judicial interpretation of Senate Joint Resolution 2, as amended. These observations are expressed in terms of how the text of the Joint Resolution or certain evidence related to the Joint Resolution might influence the decision of a court. I have not assumed that a court might make an unexpected or unusual decision, although this is always a possibility.

***Plain meaning of the Joint Resolution.*** The Joint Resolution clearly does not create an absolute right to hunt and fish. The “right to fish, hunt, trap and take game” is qualified in the Joint Resolution by the language that follows: “subject only to reasonable restrictions as prescribed by law.” Although the Joint Resolution creates a right, at the same time it authorizes the Legislature and its agent, the DNR, to regulate that right. Therefore, the language in the Joint Resolution clearly acknowledges that regulation of hunting, fishing, trapping and taking game will continue.

***Absurd results.*** Courts typically refer to rights created in the constitution as “fundamental rights.” Fundamental constitutional rights are those that have an essential value to individual liberty in our society. When a court determines that a particular constitutional right meets this description, the court will often apply one of the higher standards of judicial review. Restrictions on many of the fundamental constitutional rights are subject to strict scrutiny, wherein the court will not apply a presumption of constitutionality to the legislation. The state, to defend the regulation, must show that the regulation is intended to achieve a compelling governmental interest and the regulation is narrowly tailored to serve that interest. This would

make it very difficult for the state to defend most fish and game regulation. However, the Joint Resolution allows reasonable restrictions. It could be considered an absurd result for a court to acknowledge that regulation of the right is permissible, but to make it extremely difficult for the state to regulate.

A more balanced approach, that harmonizes both the right and the regulation under the Joint Resolution, would be for the court to choose the intermediate standard of review. Regulations subject to the intermediate standard of review are given a presumption of constitutionality. Regulations must serve “significant” governmental interests, as contrasted with “compelling” governmental interests under the strict scrutiny standard. Regulations must be narrowly tailored, but not necessarily the least restrictive, and must leave open ample opportunities for citizens to exercise the right. Furthermore, even though a constitutional right is a fundamental right, courts recognize that not all burdens on fundamental rights bear heightened scrutiny. Some burdens may be sufficiently minor that they may be reviewed under the rational basis standard.

***Additional absurd results.*** As noted in Krenz, the ongoing availability of wild animals to hunt and fish depends on state regulation to conserve the fish and game. It could be considered an absurd result if the Joint Resolution could be used to negate a substantial amount of hunting and fishing regulation, if the result was to restrict game management authority and thus destroy the very activity that the Joint Resolution was intended to protect.

***“Reasonable restrictions” are authorized.*** This choice of language is important. Such restrictions could include the conservation of wild animals, as well as any other issues of public health, safety or welfare. This language should allow courts to approve regulations that respond to broader social issues, as well as conservation and game management. Social regulations are common in current fish and game regulations. For example, the nine-day deer gun season has no basis in deer herd management, but rather is based on tradition and public preference—a “social” regulation. Similarly, trophy size limits respond to angler preference rather than to fish management.

***Judicial precedent.*** Courts strongly tend to follow precedent in constitutional cases. The adherence to precedent increases the certainty that is provided by law. The Krenz case, cited above, is part of the Wisconsin precedent in fish and game law. This precedent suggests that courts are likely to make only modest changes to the standards for review of fish and game regulation, in that a substantial degree of judicial deference continues to be consistent with Senate Joint Resolution 2, as amended.

***Legislative history.*** I am unaware of any legislative history suggesting that the Joint Resolution is intended to restrict or negate any of the current fish and game regulations.

***Contemporaneous legislation.*** Senate Bill 45 and Assembly Bill 190 would prohibit the hunting of mourning doves. The outcome of legislative debate on these bills may suggest in part what is the Legislature’s intent regarding the constitutional amendment. With the exception of these two bills, the Legislature is not considering any other legislation that would curtail any current hunting or fishing opportunities.

If I can provide further information on this subject, please feel free to contact me.

The question was: Shall Assembly substitute amendment 1 to **Senate Joint Resolution 2** be concurred in?

The ayes and noes were demanded and the vote was: ayes, 32; noes, 1; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, Farrow, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 32.

Noes – Senator Risser – 1.

Absent or not voting – None.

Concurred in.

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## SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

### **Senate Bill 5**

Relating to: reimbursement of emergency response teams and granting rule-making authority.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 5**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

### **Senate Bill 5**

Read a third time and passed.

### **Senate Bill 9**

Relating to: revising the Uniform Commercial Code Secured Transactions and related statutes and granting rule-making authority.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 9**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

### **Senate Bill 9**

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, Farrow, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Passed.

### **Senate Bill 97**

Relating to: issuance of bonus deer hunting permits to certain farm owners who are engaged in the production of maple syrup.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 97** be referred to the Joint Committee on **Finance**.

Senator Burke, with unanimous consent, asked that the rules be suspended and that **Senate Bill 97** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 97**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

### **Senate Bill 97**

Read a third time and passed.

### **Senate Bill 102**

Relating to: the prohibition against underage persons entering or being on any premises operating under an alcohol beverage license.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

### **Senate Bill 102**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 23; noes, 10; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Darling, Decker, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Schultz, Shibilski, Welch, Wirch and Zien – 23.

Noes – Senators Cowles, Ellis, Farrow, Harsdorf, Huelsman, A. Lasee, Lazich, Panzer, Roessler and Rosenzweig – 10.

Absent or not voting – None.

Passed.

### **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.

Read a second time.

Senator Chvala, with unanimous consent, asked that **Senate Bill 110** be placed after **Assembly Bill 321** on the calendar of May 8, 2001.

### **Senate Bill 116**

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

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

### **Senate Bill 116**

Read a third time and passed.

**SECOND READING AND AMENDMENTS  
OF ASSEMBLY JOINT RESOLUTIONS AND  
ASSEMBLY BILLS**

**Assembly Bill 98**

Relating to: fishing with a bow and arrow near a roadway.

Read a second time.

Senator Baumgart, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 98**.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 98**

Read a third time and concurred in.

**Assembly Bill 321**

Relating to: the college tuition and expenses program and the college savings program, providing an exemption from emergency rule procedures, and making appropriations.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 321**

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, Farrow, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Concurred in.

**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.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 110**?

Adopted.

Senate amendment 2 to **Senate Bill 110** offered by Senators Farrow, Roessler, Darling, Lazich, Harsdorf, Rosenzweig, Huelsman, Panzer and Zien.

**POINT OF ORDER**

Senator Chvala raised the point of order that Senate amendment 2 was not germane.

The Chair rules the point well taken.

Senate amendment 3 to **Senate Bill 110** offered by Senators Huelsman, Rosenzweig, Lazich, Darling, Farrow, Zien and Panzer.

Senator Moore moved rejection of Senate amendment 3 to **Senate Bill 110**.

The question was: Rejection of Senate amendment 3 to **Senate Bill 110**?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Harsdorf, Huelsman, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 15.

Absent or not voting – None.

Rejected.

Senate amendment 4 to **Senate Bill 110** offered by Senator Decker.

Senate amendment 1 to Senate amendment 4 to **Senate Bill 110** offered by Senator Chvala.

The question was: Adoption of Senate amendment 1 to Senate amendment 4 to **Senate Bill 110**?

Adoption refused.

Senator Ellis, with unanimous consent, asked that the Senate recess until 2:58 P.M.

2:30 P.M.

**RECESS**

2:58 P.M.

The Senate reconvened.

Senator Risser in the chair.

Senate amendment 2 to Senate amendment 4 to **Senate Bill 110** offered by Senator Chvala.

The question was: Adoption of Senate amendment 2 to Senate amendment 4 to **Senate Bill 110**?

Adopted.

The question was: Adoption of Senate amendment 4 to **Senate Bill 110**?

Adopted.

Senate amendment 5 to **Senate Bill 110** offered by Senator George.

The question was: Adoption of Senate amendment 5 to **Senate Bill 110**?

Adopted.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 110**

Read a third time.

The ayes and noes were required and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Harsdorf, Huelsman, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 15.

Absent or not voting – None.

Passed.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

FARROW, MARGARET A., of Pewaukee, as Lieutenant Governor, pursuant to Article XIII, section 10 (2) of the Wisconsin Constitution.

Read.

Senator Farrow, with unanimous consent, asked that she be excused from the vote on her confirmation pursuant to Senate Rule 73(1).

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 30; noes, 2; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Breske, Burke, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, Lazich, M. Meyer, Moen, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 30.

Noes – Senators Chvala and Moore – 2.

Absent or not voting – Senator Farrow – 1.

Confirmed.

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### MOTIONS MAY BE OFFERED

Senator Panzer moved that **Senate Bill 100** be with drawn from the joint survey committee on Tax Exemptions and taken up.

Senator Schultz, with unanimous consent, asked to be withdrawn as a coauthor of **Senate Bill 40**.

Senator Robson, with unanimous consent, asked to be added as a coauthor of **Senate Bill 175**.

Senator Robson, with unanimous consent, asked to be added as a coauthor of **Senate Bill 176**.

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### ANNOUNCEMENTS, ADJOURNMENT HONORS, AND REMARKS UNDER SPECIAL PRIVILEGE

Senator Panzer, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Senator Margaret Farrow on the occasion of her confirmation as Lieutenant Governor.

Senator Robson, with unanimous consent, asked that when the Senate adjourn, it do so in honor of all nurses in the state during this National Nurses Week.

Senator Burke, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Senator Moen and his wife's 42nd wedding anniversary.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her father Albert Statkus who is having heart surgery today.

Senator Grobschmidt, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his brother in law Ron Troyon for his first place in the district shot-putt and his participation in the State Special Olympics.

Senator Schultz, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Sauk Prairie Memorial Hospital and Clinics which was recently honored as a 2000 national award winner of the *100 Top Hospitals: Benchmarks for Success* study by HCIA-Sachs Institute by achieving clinical, financial and operational excellence.

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### ADJOURNMENT

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Thursday, May 10 at 10:00 A.M.

Adjourned.

4:05 p.m.



STATE OF WISCONSIN  
**Senate Journal**  
May 2001 Special Session

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WEDNESDAY, May 9, 2001

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

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Office of the Governor**

May 8, 2001

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
<b>Senate Bill 1, May Special Ses- sion</b>	<b>Wisconsin Act 6</b>	May 7, 2001

Sincerely,  
SCOTT MCCALLUM  
Governor

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

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>Senate Bill 1, May Special Session</b>	Wisconsin Act 6	May 7, 2001

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Bill 1, May 2001 Special Session**  
Report correctly enrolled on May 3, 2001.

**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Bill 1, May 2001 Special Session**  
Presented to the Governor on May 3, 2001.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

THURSDAY, May 10, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 177

Relating to: licensure of certified public accountants and accounting firms, attest and compilation services, peer review of accounting firms, eliminating certificates of authority for public accountants, and granting rule–making authority.

By Senators Burke, Darling, S. Fitzgerald, George, Hansen, Huelsman, M. Meyer, Risser and Rosenzweig; cosponsored by Representatives Vrakas, Albers, Duff, Gundrum, Hahn, Huber, Huebsch, Hundertmark, Kedzie, Kestell, Kreibich, La Fave, Lassa, Leibham, Olsen, Plale, Riley, Ryba, Seratti, Staskunas, Stone, Turner, Urban, Walker and Wasserman.

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

#### Senate Bill 178

Relating to: administering drugs to pupils in compliance with instructions of practitioners.

By Senators Risser, Plache, Robson, Erpenbach, Burke, Roessler, Huelsman, Moen, Cowles and M. Meyer; cosponsored by Representatives Hahn, Seratti, Pocan, Gronemus, Miller, Hundertmark, Berceau and Duff.

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

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin

May 8, 2001

The Honorable, The Senate:

Having been confirmed by both the State Assembly and the State Senate for the nomination of Lieutenant Governor in accordance with the Wisconsin Constitution, Article XIII, Section 10 (2), I resign my position as State Senator representing the 33rd Senate District, effective May 9, 2001, at 10:45 A.M.

Sincerely,

MARGARET A. FARROW  
State Senator  
33rd Senate District

#### State of Wisconsin

May 9, 2001

The Honorable, The Senate:

As you are aware, Senator Farrow was sworn in as Lieutenant Governor today. She has resigned from the Senate and from her position as Assistant Minority Leader.

The Senate Republican Caucus has unanimously selected Senator Alan Lasee to fill the vacancy created by her resignation.

Please contact me with any questions or concerns.

Sincerely,

MARY PANZER  
Senate Republican Leader

#### State of Wisconsin Joint Legislative Council

May 8, 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 2001–05 Legislation on Dental Care Access

(2001 Senate Bill 166 and 2001 Assembly Bill 366)

(2001 Senate Bill 167 and 2001 Assembly Bill 367)

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](http://www.legis.state.wi.us/lc/reports_by_topic.htm).

Sincerely,

TERRY C. ANDERSON  
Director

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

#### Senate Clearinghouse Rule 00–147

Relating to clinical social work concentration and supervised clinical field training.

Submitted by Department of Regulation and Licensing.

Report received from Agency, May 8, 2001.

Referred to committee on **Human Services and Aging**, May 10, 2001.

**Senate Clearinghouse Rule 00-163**

Relating to the natural resources board policy on wetlands preservation, protection, restoration and management.

Submitted by Department of Natural Resources.

Report received from Agency, May 8, 2001.

Referred to committee on **Environmental Resources**, May 10, 2001.

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

**Senate Clearinghouse Rule 00-178**

Relating to licensing commercial fishers on Lake Michigan.  
No action taken.

Jim Baumgart  
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 01-003**

Relating to the regulation of professional boxing.  
No action taken.

Mark Meyer  
Chairperson

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**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 1**

**Assembly Bill 50**

**Assembly Bill 154**

**Assembly Bill 171**

**Assembly Bill 290**

**Assembly Bill 341**

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**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 1**

Relating to: limitations on state appropriations from general purpose revenue.

By Representatives Wieckert, Krawczyk, Pettis, F. Lasee, Starzyk, Lippert, Grothman, Hundertmark, Suder, Friske, Skindrud, Montgomery, Owens, Jensen, Kestell and McCormick; cosponsored by Senators Darling and Welch.

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

**Assembly Bill 50**

Relating to: requiring certain school boards and districts to provide Internet management software or services on computers connected to the Internet.

By Representatives Huebsch, Pettis, Ainsworth, Albers, Gunderson, Gundrum, Kedzie, Krawczyk, Ladwig, F. Lasee,

Leibham, Lippert, Petrowski, Starzyk, Stone, Suder, Urban and Vrakas.

Read first time and referred to committee on **Education**.

**Assembly Bill 154**

Relating to: requiring headlamps and other required lamps on a school bus to be lighted whenever the school bus is operated on a highway.

By Representatives Pettis, Lippert, Olsen, Krawczyk, Ryba, Musser, McCormick, Owens, Johnsrud, Seratti, Townsend, Miller and Kreuser; cosponsored by Senators Grobschmidt and George.

Read first time and referred to committee on **Insurance, Tourism, and Transportation**.

**Assembly Bill 171**

Relating to: mandatory operating privilege suspension for certain firearms offenses and bomb scares involving school premises.

By Representatives Leibham, Kestell, Starzyk, Rhoades, Suder, Gard, Gronemus, Gunderson, Powers, Sykora, Albers, Townsend, Stone and Jeskewitz; cosponsored by Senators Darling, Welch and Rosenzweig.

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

**Assembly Bill 290**

Relating to: prohibiting the installation of a previously deployed or an otherwise nonfunctional airbag and providing a penalty.

By Representatives J. Fitzgerald, Suder, Berceau, Starzyk, Freese, Ryba, Krawczyk, Seratti, Townsend, McCormick, Olsen, Gunderson, Powers, Ainsworth, Nass, Grothman, Ott, Sykora, Wade, Vrakas and Petrowski; cosponsored by Senators Erpenbach, Schultz, M. Meyer, Roessler, Hansen and S. Fitzgerald.

Read first time and referred to committee on **Insurance, Tourism, and Transportation**.

**Assembly Bill 341**

Relating to: a hotline in the department of justice for the reporting of information regarding dangerous weapons in public schools.

By Representatives Krawczyk, McCormick, Morris-Tatum, Suder, Montgomery, Walker, Musser, Kedzie, Huebsch, Loeffelholz, Freese, Gunderson, Ott, Ladwig, Urban, Friske, Ryba, Ainsworth, Vrakas, Wade, Pettis, Seratti, Stone, Gronemus, Lippert, Petrowski, Jensen, Townsend, Jeskewitz, Sykora, Hundertmark, Kreibich, Leibham and Owens; cosponsored by Senator Darling.

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

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn pursuant to **Senate Joint Resolution 1**.

Adjourned.

10:01 A.M.

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, May 16, 2001

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

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**INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS**

**Senate Joint Resolution 35**

Relating to: abolishing the office of lieutenant governor (first consideration).

By Senator Wirch; cosponsored by Representative Wasserman.

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

**Senate Joint Resolution 36**

Relating to: urging the U.S. and Canadian governments to prohibit diversion of Great Lakes water.

By Senators Cowles, Burke, Risser, Rosenzweig, Decker, Baumgart, Schultz, Roessler, Harsdorf, Darling, Grobschmidt, Hansen and Plache; cosponsored by Representatives Kedzie, Gunderson, Huber, Plale, Ryba, Sherman, Musser, Richards, Krawczyk, F. Lasee, Hahn, Lippert, Krug, Staskunas, Bock, Pocan, Hundertmark, Plouff, Owens, Ladwig, Ott, Meyerhofer, Miller, Nass, Lassa, Skindrud and Boyle.

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

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**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 179**

Relating to: requiring crossing gates on school buses, granting rule–making authority, and providing a penalty.

By Senators Grobschmidt, Plache, Burke, Risser and Shibilski; cosponsored by Representatives Plale, Urban, Sinicki, Turner, Ryba, Ott, Morris–Tatum and Wasserman.

To committee on **Education**.

**Senate Bill 180**

Relating to: requirements for applying for and issuing licenses for game bird and animal farms and wildlife exhibits having bears, cougars, or wolves.

By Senators Roessler, Breske, Cowles and Baumgart; cosponsored by Representatives Owens, Townsend, Ott, Wade, Vrakas, Musser, Lippert, Hahn and Krawczyk.

To committee on **Environmental Resources**.

**Senate Bill 181**

Relating to: an individual's ownership of his or her personal identifiers and providing a penalty.

By Senators Erpenbach, Robson and Darling; cosponsored by Representatives Schneider, Sinicki, Suder, Ryba, Musser, J. Lehman, Ott, Coggs, Gronemus, Albers and Boyle.

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

**Senate Bill 182**

Relating to: phasing out the annual delay in school aid payments.

By Senators Cowles, Moen, Plache, Schultz, Darling, Huelsman, Lazich and Roessler; cosponsored by Representatives Ladwig, Townsend, Ryba, Krawczyk, La Fave, Hahn, M. Lehman, Musser, J. Lehman, Gronemus, Powers and Boyle.

To committee on **Education**.

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**REPORT OF COMMITTEES**

The joint committee on **Employment Relations** reports and recommends:

**Senate Bill 183**

Relating to: expansion of the catastrophic leave program administered by the department of employment relations.

Introduction.

Ayes, 8 – Senators Risser, Burke, Chvala and Panzer. Representatives Jensen, Foti, Gard and Black.

Noes, 0 – None.

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

Fred Risser  
Senate Chairperson

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

May 15, 2001

The Honorable, The Senate:

As President of the Wisconsin State Senate, under Wisconsin Statutes Section 15.177, I am empowered with the responsibility to appoint one member of the Senate majority party to the Child Abuse and Neglect Prevention Board.

I am writing to notify you that I am appointing Senator Jon Erpenbach to this position effective immediately.

If you have questions or comments regarding this appointment, please don't hesitate to contact me.

Sincerely,

SENATOR FRED A. RISSER  
President, Wisconsin State Senate



**State of Wisconsin  
Legislative Audit Bureau**

May 15, 2001

The Honorable, The Legislature:

We have completed an evaluation of health care in Wisconsin's adult prisons, as requested by the Joint Legislative Audit Committee. In fiscal year (FY) 1999-2000, the Department of Corrections spent \$37.2 million and employed 232.5 full-time equivalent medical professionals and other support staff to provide health care to approximately 14,900 adult inmates.

The Department currently receives as many as 1,000 requests for health services from inmates each working day, approximately 60 percent of which are for prescription refills. Staff also responded to 8,137 emergencies during FY 1999-2000. We found that approximately 5,000 inmates, or one-third of the population suffers from at least one chronic illness, and we conclude that improvements are needed in the management of chronic illnesses, contract oversight, and mental health services.

The Governor's 2001-2003 Biennial Budget Proposal provides an additional \$37.6 million in general purpose revenue and an additional 157.5 positions for prison health care, including \$17.3 million and 118.0 positions for new institutions and facility expansions. We reviewed this proposal and several alternatives to determine whether costs associated with additional prison health care staff could be offset through management improvements or other changes. We found limited opportunities and significant challenges for reducing health care expenditures as costs for certain medical services and pharmaceuticals, which are not subject to the Department's control, continue to increase.

We appreciate the courtesy and cooperation extended to us by Department of Corrections management and staff. The Department's response is Appendix 6.

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Ethics Board**

May 15, 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/>

Bybee, Roger	<b>Wisconsin Citizen Action</b>
Dilweg, Sean	<b>WEA Insurance Corporation</b>

Essie, Patrick	<b>WEA Insurance Corporation</b>
Hermes, Ronald	<b>Distilled Spirits Council of the United States</b>
Kuehn, Ronald W	<b>Wisconsin Coalition for Fair Competition</b>
O'Meara, Jack	<b>WEA Insurance Corporation</b>
Osborne, Patrick	<b>Joint Water Quality Commission of Danbury &amp; St. Croix Chippewa Indians of Wisconsin</b>
Schwartzter, Daniel	<b>Wisconsin Association of Health Underwriters</b>
Tenuta, James	<b>Distilled Spirits Council of the United States</b>
Winters, Amy	<b>American Crop Protection Association</b>

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

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

**Senate Clearinghouse Rule 00-160**

Relating to volatile organic compound emissions and national emission standards for hazardous air pollutants for wood furniture manufacturing.

Submitted by Department of Natural Resources.

Report received from Agency, May 15, 2001.

Referred to committee on **Environmental Resources**, May 16, 2001.

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**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Joint Resolution 2**

Report correctly enrolled on May 10, 2001.

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**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Joint Resolution 2**

Deposited in the office of the Secretary of State on May 15, 2001.

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, May 23, 2001

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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.**

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**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

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**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](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 Resolu- tion or Resolution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>2001 Senate Joint Resolution 2</b>	<b>Enrolled Joint Resolution, 16</b>	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	<b>Calpine</b>
Dicks, Helen Marks	<b>Coalition of Wisconsin Aging Groups Inc</b>
Gerlach, Chet	<b>Wisconsin Ethanol Producers Association</b>
Johnson, Stan	<b>Wisconsin Education Association Council</b>
McClenahan, William	<b>Calpine</b>
Peshek, Peter	<b>Mirant Americas Inc (formerly SEI Wisconsin LLC)</b>
Pledl, Robert	<b>Connect Wisconsin Inc</b>
Schreiber, Martin	<b>Calpine</b>

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.**

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**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.

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, May 30, 2001

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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 37**

Relating to: Gary Watchke's retirement following an exemplary career as a legislative analyst in the service of the Wisconsin legislature.

By Senators Risser, Wirch, Rosenzweig, Burke, Panzer, Erpenbach, Cowles, Huelsman, Roessler, Grobschmidt, Harsdorf, Hansen and Baumgart; cosponsored by Representatives Krug, Suder, Pocan, Freese, Hahn, Starzyk, Travis, Ryba, Townsend, La Fave, Boyle, Wood, Owens, Miller, Bock, Ladwig, M. Lehman, J. Lehman, Huebsch, Berceau, Plale, Plouff, Jeskewitz, Powers, Lippert, Lassa, Sykora, Ott, Vrakas and Petrowski.

To committee on **Senate Organization**.

**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 194**

Relating to: county, city, town, and village authority to create local elections boards and to regulate the financing of campaigns for county, city, town, and village offices, duties of municipal and county boards of election commissioners, and granting rule-making authority.

By Senators Risser and Burke; cosponsored by Representatives Pocan, Berceau, Miller, Black, Boyle, Bock, La Fave, J. Lehman, Richards, Turner and Wasserman.

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

**Senate Bill 195**

Relating to: eligibility for Wisconsin tuition grants.

By Senators M. Meyer, Risser, Robson and Rosenzweig; cosponsored by Representatives Johnsrud, Berceau, Schooff and Staskunas.

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

**Senate Bill 196**

Relating to: state fleet management and consideration of vehicle's fuel economy and safety ratings.

By Senators Risser, Burke, Roessler and Schultz; cosponsored by Representatives Ryba, Boyle, Ott and Berceau.

To committee on **Insurance, Tourism, and Transportation**.

**Senate Bill 197**

Relating to: participation in the Wisconsin retirement system for teaching assistants and project assistants employed by the University of Wisconsin System and making an appropriation.

By Senators Risser, Burke and Rosenzweig; cosponsored by Representatives Pocan, Boyle, Turner, Gronemus, Plale and Miller.

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

**REPORT OF COMMITTEES**

The committee on **Education** reports and recommends:

**Senate Bill 120**

Relating to: increasing a school district's revenue limit by the amount spent for school security measures and granting rule-making authority.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 10 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Roessler, Darling, Lazich and Harsdorf.

Noes, 0 – None.

Passage as amended.

Ayes, 6 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson and Erpenbach.

Noes, 4 – Senators Roessler, Darling, Lazich and Harsdorf.

**Senate Bill 124**

Relating to: increasing revenue limits for increases in health insurance costs.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 10 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Roessler, Darling, Lazich and Harsdorf.

Noes, 0 – None.

Passage as amended.

Ayes, 6 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson and Erpenbach.

Noes, 4 – Senators Roessler, Darling, Lazich and Harsdorf.

**Senate Bill 153**

Relating to: authorizing a school board to increase the school district's revenue limit.

Passage.

Ayes, 7 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach and Roessler.

Noes, 3 – Senators Darling, Lazich and Harsdorf.

**Senate Bill 4**

Relating to: increasing a school district's revenue limit by the amount spent to initiate a school breakfast or school lunch program and requiring a report on pupil nourishment.

Passage.

Ayes, 6 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson and Erpenbach.

Noes, 4 – Senators Roessler, Darling, Lazich and Harsdorf.

**Senate Bill 69**

Relating to: state aid for special education and school age parents programs.

Passage.

Ayes, 8 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Roessler and Harsdorf.

Noes, 2 – Senators Darling and Lazich.

Richard Grobschmidt  
Chairperson

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

**Assembly Bill 274**

Relating to: supplemental medical assistance payments to reduce operating deficits of county, city, village, or town nursing homes and creating a medical assistance trust fund.

Introduction and adoption of Senate amendment 1.

Ayes, 8 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, S. Fitzgerald and Lazich.

Noes, 1 – Senator Cowles.

Concurrence as amended.

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

Noes, 0 – None.

**Assembly Joint Resolution 35**

Relating to: supporting a women's health platform that recognizes serious inequities in the health prevention and treatment of women and calls for the elimination of these inequities to improve the health status of women in this state.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Moen, Breske, Robson, Erpenbach and M. Meyer.

Noes, 4 – Senators Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Concurrence as amended.

Ayes, 5 – Senators Moen, Breske, Robson, Erpenbach and M. Meyer.

Noes, 4 – Senators Rosenzweig, Cowles, S. Fitzgerald and Lazich.

BOHLMAN, JOHN P., of Boscobel, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 2005.

Confirmation.

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

Noes, 0 – None.

HARPER, MURIEL J., of Beaver Dam, as a member of the Medical Examining Board, to serve for the interim term ending July 1, 2002, and for the full term ending July 1, 2006.

Confirmation.

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

Noes, 0 – None.

HUBBELL, CHRIS L., of Eau Claire, as a member of the Optometry 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.

HULWI, JOSEPH M., of Eleva, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2005.

Confirmation.

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

Noes, 0 – None.

KUPPERMAN, DR. GERARD L., of Oconomowoc, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2005.

Confirmation.

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

Noes, 0 – None.

STEIL, GEORGE K., of Janesville, as a member of the University of Wisconsin Hospital and Clinics Authority, 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.

STEIL, GEORGE K., of Janesville, as a member of the University of Wisconsin Hospital and Clinics 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.

SUTTER, SUSAN L., of Horicon, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 2005.

Confirmation.

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

Noes, 0 – None.

THELEN, MICHAEL K., of Appleton, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2005.

Confirmation.

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

Noes, 0 – None.



UNBEHAUN, RICK D., of Richland Center, as a member of the Funeral Directors Examining Board, to serve for the term ending July 1, 2005.

Confirmation.

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

**Senate Bill 107**

Relating to: membership of the dentistry examining board.  
Passage.

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

Rodney Moen  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

May 23, 2001

The Honorable, The Senate:

I will be unable to attend the Joint Committee on Finance meeting of May 24, 2001. Therefore I am submitting my resignation from the committee.

I will be available to resume my position upon my return to Madison. If you have any questions, please do not hesitate to contact me.

Sincerely,

KIMBERLY M. PLACHE  
State Senator

**State of Wisconsin**

May 23, 2001

The Honorable, The Senate:

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

Sincerely,

CHUCK CHVALA  
Chair, Committee on Senate Organization

**State of Wisconsin**

May 24, 2001

The Honorable, The Senate:

Pursuant to Senate Rule 20 (2)(a), I have appointed Senator Kim Plache to the Joint Committee on Finance, and removed Senator Judy Robson.

Sincerely,

CHUCK CHVALA  
Chair, Committee on Senate Organization

**THE STATE OF WISCONSIN  
OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER #12**

***Relating to the Creation of the Governor's Task force on Invasive Species***

**WHEREAS**, Wisconsin has some of the most beautiful lakes, rivers and forests in the nation; and

**WHEREAS**, the State's natural resources must be preserved and protected for future generations; and

**WHEREAS**, invasive species, both plant and aquatic, are harmful in that they disrupt Wisconsin's natural ecosystem; and

**WHEREAS**, in the year 2000 alone, economic losses and control measures cost more than \$138 billion in the United States;

**NOW, THEREFORE, I, Scott McCallum**, Governor of the State of Wisconsin, by virtue of the authority vested in me by the Constitution and laws of the State of Wisconsin, and specifically by Section 14.019 of the Wisconsin Statutes, do hereby:

19. Create the Governor's Advisory Task Force on Invasive Species (hereinafter referred to as the "Task Force"; and
20. Provide that the Task Force shall consist of not more than twenty (20) members appointed by the Governor to serve at the pleasure of the Governor; and
21. Provide that the Governor shall designate two (2) members of the Task Force as co-chairs to serve in that capacity at the pleasure of the Governor; and
22. Provide that the Task Force shall have the following mission:
  - a. Evaluate the severity of the induction and spread of invasive species in Wisconsin; and
  - b. Develop a statewide control plan to combat the induction and spread of invasive species; and
  - c. Identify and obtain federal funding to be used in the implementation of the statewide plan.
23. Require the Task Force to prepare and submit a report to the Governor detailing its findings and recommendations; and
24. Direct the Department of Administration to provide the Task Force with such sums of money as are necessary for the travel and operating expenses in accordance with Section 20.505(3)(a) of the Wisconsin Statutes; and
25. Provide that the Task Force dissolve upon the acceptance of its final report by the Office of the Governor.

**IN TESTIMONY WHERE OF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this twenty-third day of May in the year two thousand and one.

SCOTT McCALLUM  
Governor

*BY THE GOVERNOR:*

DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Office of the Commissioner of Insurance**

May 21, 2001

The Honorable, The Legislature:

In accordance with s. 601.427(9), Wis. Stats., I am pleased to submit this report to the Wisconsin Legislature. This report is to evaluate the impact that 1995 Wisconsin Act 10 has had on the following:

- (a) The number of health care providers practicing in Wisconsin.
- (b) The fees that health care providers pay under s. 655.27 (3), Wis. Stats.
- (c) The premiums that health care providers pay for health care liability insurance.

The evaluation performed included the collection and analysis of statistics regarding the number of health care providers and premiums charged for health care liability insurance. Analysis

of these statistics determined the only discernable effect on these areas has been an estimated \$60.8 million dollars in reductions of fees collected under s. 655.27 (3), Wis. Stats., over the last five years. However, it was further noted that loss experience to date is too immature to validate the reduction.

The attached report provides information regarding the background of Act 10, the statistics collected and the analysis performed.

Sincerely,

CONNIE L. O'CONNELL

Commissioner

**State of Wisconsin  
Legislative Audit Bureau**

May 29, 2001

The Honorable, The Legislature:

We have completed an evaluation of the administration of the 0.5 percent county sales and use tax, as requested by the Joint Legislative Audit Committee. This tax is levied on the same goods and services affected by the State's 5.0 percent sales and use tax. The Department of Revenue administers the tax on behalf of the counties and retains 1.75 percent of the collections, as prescribed by s. 77.76(4) Wis. Stats. During calendar year 2000, the Department distributed \$215.2 million to 53 counties that imposed the tax.

The \$215.2 million that was distributed to counties in 2000 included a delayed distribution of \$13.0 million, which the counties should have received in January and February 2000 but which they did not receive until June 2000. The delay occurred because the Department did not have adequate procedures in place to ensure that all tax returns were fully processed and included in distributions to counties. We also found that the 90- to 180-day time limit for distributing county sales and use tax revenues prescribed by Wisconsin Statutes is longer than limits established by other states, and improvements in business practices and technological advances enable the Department to process returns and distribute funds to counties in significantly less time than statutory time limits allow. Therefore, we have included a recommendation that the Legislature reduce the time period for distributing county sales and use taxes to county governments.

In fiscal year (FY) 1999-2000, the Department retained \$3.9 million in administrative fees from county sales and use taxes. In reviewing the Department's time reporting system, we found that administrative fees supported 10.38 more full-time equivalent positions that were reportedly used to administer the county sales and use tax. Wisconsin's administrative fee is the second-highest among surrounding midwestern states and generates more revenue than the Department spends to administer the tax. In FY 1999-2000, \$931,600 in county sales and use tax administrative fees lapsed to the General Fund.

Funding from the administrative fee is used to support the Department's new Integrated Tax System (ITS). The administrative fee is expected to support \$8.8 million of the system's total costs, which are projected to be \$78.0 million. The amount of ITS costs to be funded by the county sales and use tax administrative fee appears to have been based on the unencumbered funds available in the appropriation for administration of the tax, rather than on an analysis of system costs and benefits.

We appreciate the courtesy and cooperation extended to us by the Department of Revenue. The Department's response is Appendix 2.

Sincerely,

JANICE MUELLER

State Auditor

**State of Wisconsin  
Ethics Board**

May 29, 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/>

Boyce, Catherine	<b>American Heart Association</b>		
Buchberger, Paul	<b>Wausau Benefits Inc</b>		
Gardon, Peter	<b>Calpine</b>		
Higgins, Anthony	<b>American</b>	<b>Education</b>	<b>Reform</b>
	<b>Foundation</b>		
Mitchell, Susan	<b>American</b>	<b>Education</b>	<b>Reform</b>
	<b>Foundation</b>		
Morgan, Lynn	<b>American Heart Association</b>		
Schultz–Thuot, Gretchen	<b>Wausau Benefits Inc</b>		
Strohl, Joseph	<b>TDS Telecom Inc</b>		
Theo, Peter	<b>Menominee</b>	<b>County</b>	<b>Taxpayers</b>
	<b>Association</b>		

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

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

**Senate Clearinghouse Rule 00–169**

Relating to health benefit plan grievance requirements and independent review organizations.

Submitted by Office of the Commissioner of Insurance.

Report received from Agency, May 24, 2001.

Referred to committee on **Insurance, Tourism, and Transportation**, May 30, 2001.

**Senate Clearinghouse Rule 01–008**

Relating to hunting, trapping and captive wildlife.

Submitted by Department of Natural Resources.

Report received from Agency, May 29, 2001.

Referred to committee on **Environmental Resources**, May 30, 2001.

**Senate Clearinghouse Rule 01–012**

Relating to fishing on the inland, outlying and boundary waters of Wisconsin and fish rearing pond grants.

Submitted by Department of Natural Resources.

Report received from Agency, May 29, 2001.

Referred to committee on **Environmental Resources**, May 30, 2001.

**Senate Clearinghouse Rule 01-013**

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

Submitted by Department of Natural Resources.

Report received from Agency, May 29, 2001.

Referred to committee on **Environmental Resources**, May 30, 2001.

**Senate Clearinghouse Rule 01-022**

Relating to resources for inmates.

Submitted by Department of Corrections.

Report received from Agency, May 24, 2001.

Referred to committee on **Economic Development and Corrections**, May 30, 2001.

**Senate Clearinghouse Rule 01-040**

Relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by Department of Transportation.

Report received from Agency, May 23, 2001.

Referred to committee on **Insurance, Tourism, and Transportation**, May 30, 2001.

**Senate Clearinghouse Rule 01-041**

Relating to investments in development companies.

Submitted by Department of Financial Institutions.

Report received from Agency, May 23, 2001.

Referred to committee on **Privacy, Electronic Commerce and Financial Institutions**, May 30, 2001.

**Senate Clearinghouse Rule 01-056**

Relating to investments in development companies.

Submitted by Department of Financial Institutions.

Report received from Agency, May 23, 2001.

Referred to committee on **Privacy, Electronic Commerce and Financial Institutions**, May 30, 2001.

The committee on **Labor and Agriculture** reports and recommends:

**Senate Clearinghouse Rule 00-181**

Relating to worker's compensation insurer name change or reorganization.

No action taken.

**Senate Clearinghouse Rule 01-015**

Relating to grants to ethanol producers.

No action taken.

David Hansen  
Chairperson

**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**2001 SENATE BILL 47**

Prepared by the Legislative Reference Bureau  
(May 23, 2001)

**12.** Page 2, line 20: delete "beginning on" and substitute "beginning after".

**CORRECTIONS IN:**

**2001 SENATE BILL 151**

Prepared by the Legislative Reference Bureau  
(May 24, 2001)

**13.** Page 20, line 19: delete "1999 stats." and substitute "1999 stats.".



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

TUESDAY, June 5, 2001

The Senate met.

The Senate was called to order by Senator Roger Breske.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 198

Relating to: raising the bidding threshold for public works contracts let by a town sanitary district.

By Senators Erpenbach, Baumgart, Roessler and Schultz; cosponsored by Representatives Powers, Hebl, Gronemus, Hahn, J. Lehman, Miller, Olsen, Petrowski, Sherman, Skindrud and Townsend.

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

#### Senate Bill 199

Relating to: the issuance of temporary fishing licenses to disabled persons.

By Senators Baumgart, Schultz, M. Meyer and Roessler; cosponsored by Representatives Sykora, Petrowski, Seratti, Grothman, Ott, Townsend, Hahn, Plouff, Powers, Vrakas, Pettis and Gunderson.

To committee on **Environmental Resources.**

#### Senate Bill 200

Relating to: dispute settlement procedures in local government employment other than law enforcement and fire fighting employment.

By Senators Shibilski, Baumgart, Risser, Moen, George, Hansen, Jauch, Wirsch and Decker; cosponsored by Representatives Schooff, Bock, Reynolds, Black, Plouff, Ryba, Gronemus, J. Lehman, Colon, Balow, Berceau, Pohan, Coggs, Hubler, Sykora and Morris–Tatum.

To committee on **Education.**

#### Senate Bill 201

Relating to: limiting to property that is primarily residential the type of property for which the amount of loss is the insurance policy limits.

By Senators Breske and Rosenzweig; cosponsored by Representatives Montgomery, Townsend, Suder, Ryba, La Fave, Rhoades, Albers and Vrakas.

To committee on **Insurance, Tourism, and Transportation.**

#### Senate Bill 202

Relating to: authorizing an employee of a school district, cooperative educational service agency, charter school, private school, the Wisconsin School for the Deaf, or the Wisconsin Center for the Blind and Visually Impaired to subject an individual's blood to a test for the presence of the virus that causes acquired immunodeficiency syndrome.

By Senators Roessler, Huelsman and Schultz; cosponsored by Representatives Olsen, Plale, Stone, Miller, Albers, Jeskewitz, Kestell, M. Lehman, Musser, Ott, Owens and Townsend.

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

### REPORT OF COMMITTEES

The committee on **Education** reports and recommends:

#### Senate Bill 179

Relating to: requiring crossing gates on school buses, granting rule–making authority, and providing a penalty.

Passage.

Ayes, 10 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Roessler, Darling, Lazich and Harsdorf.

Noes, 0 – None.

Richard Grobschmidt  
Chairperson

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin

May 30, 2001

The Honorable, The Senate:

I will be unable to attend the Joint Committee on Finance Meeting after 4:30 P.M. on May 30, 2001. Therefore, I am submitting my resignation from the committee.

I will be available to resume my position immediately for the next committee meeting. If you have any questions please contact me.

Sincerely,

ROBERT WELCH  
State Senator

#### State of Wisconsin

May 30, 2001

The Honorable, The Senate:

Pursuant to Senate Rule 20 (2)(a) and (b), I have appointed Senator Scott Fitzgerald to the Joint Committee on Finance, effective at 4:30 P.M. today.



With regard to members of the minority party, the appointment reflects the nomination of that caucus.

Sincerely,

CHUCK CHVALA  
Chair, Committee on Senate Organization

**State of Wisconsin**

May 31, 2001

The Honorable, The Senate:

I am submitting my resignation from the Joint Committee on Finance.

Sincerely,

SCOTT FITZGERALD  
13th Senate District

**State of Wisconsin**

May 31, 2001

The Honorable, The Senate:

Pursuant to Senate Rule 20 (2)(a) and (b), I have appointed Senator Bob Welch to the Joint Committee on Finance.

With regard to members of the minority party, the appointment reflects the nomination of that caucus.

Sincerely,

CHUCK CHVALA  
Chair, Committee on Senate Organization

**State of Wisconsin**

May 31, 2001

The Honorable, The Senate:

I will be unable to attend the Joint Committee on Finance meeting as of 6:00 P.M. on May 31, 2001. Therefore, I am submitting my resignation from the committee.

I will be available to resume my position upon my return to Madison. If you have any questions, please do not hesitate to contact me.

Sincerely,

KIMBERLY M. PLACHE  
State Senator

**State of Wisconsin**

May 31, 2001

The Honorable, The Senate:

Pursuant to Senate Rule 20 (2)(a) and (b), I have appointed Senator Jim Baumgart to the Joint Committee on Finance, effective at 6:00 P.M. today..

Sincerely,

CHUCK CHVALA  
Chair, Committee on Senate Organization

**State of Wisconsin**

May 31, 2001

The Honorable, The Senate:

Please accept my resignation from the joint Committee on Finance, effective as of 9:30 P.M. on May 31, 2001. It was a pleasure to be able to serve my constituents by serving on the Finance Committee.

Sincerely,

JIM BAUMGART  
State Senator

**State of Wisconsin**

June 1, 2001

The Honorable, The Senate:

Pursuant to Senate Rule 20 (2)(a) and (b), I have appointed Senator Kim Plache to the Joint Committee on Finance.

Sincerely,

CHUCK CHVALA  
Chair, Committee on Senate Organization

**State of Wisconsin**

June 1, 2001

The Honorable, The Senate:

I will be unable to attend the joint committee on Finance meeting as of 2:00 P.M. on June 1, 2001. Therefore I am submitting my resignation from the committee.

I will be available to resume my position upon my return to Madison. If you have any questions, please do not hesitate to contact me.

Sincerely,

ROBERT W. WIRCH  
State Senator

**State of Wisconsin**

June 1, 2001

The Honorable, The Senate:

Pursuant to Senate Rule 20 (2)(a) and (b), I have appointed Senator Jim Baumgart to the Joint Committee on Finance, effective at 2:00 P.M. today..

Sincerely,

CHUCK CHVALA  
Chair, Committee on Senate Organization

**State of Wisconsin**

June 1, 2001

The Honorable, The Senate:

Please accept my resignation from the joint Committee on Finance, effective as of 4:00 P.M. on June 1, 2001. It was again a pleasure to be able to serve my constituents by serving on the Finance Committee.

Sincerely,

JIM BAUMGART  
State Senator

**State of Wisconsin**

June 4, 2001

The Honorable, The Senate:

Pursuant to Senate Rule 20 (2)(a) and (b), I have appointed Senator Bob Wirch to the Joint Committee on Finance.

Sincerely,

CHUCK CHVALA  
Chair, Committee on Senate Organization

**State of Wisconsin**

**Department of Health and Family Services**

May 31, 2001

The Honorable, The Senate:

Enclosed is a copy of the Child Abuse and Neglect Report, with data from calendar year 1999, pursuant to s. 48.981. The report includes a statistical analysis of suspected child abuse and neglect reports received and investigated by county child protective services agencies and the Bureau of Milwaukee Child Welfare in 1999. The report also contains information on child fatalities due to child abuse and neglect.

Sincerely,

PHYLLIS J. DUBE  
Secretary

**State of Wisconsin  
Joint Legislative Council**

May 29, 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 2001-04 Legislation and Petition to Wisconsin Supreme Court on Guardians Ad Litem in Actions Affecting the Family

(Senate Bill 126)

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](http://www.legis.state.wi.us/lc/reports_by_topic.htm).

Sincerely,

TERRY C. ANDERSON  
Director

**State of Wisconsin  
Wisconsin Council on Long Term Care**

May 31, 2001

The Honorable, The Senate:

the Wisconsin on Long Term Care was given the statutory responsibility in Wisconsin Act 9, (ss. 46.282(1)(b)(6)(g)) to report annually to the Legislature and the governor on the status of Family Care and the long term care system in Wisconsin. In accordance with the statute, the Council has reviewed the status of the Family Care pilots as well as the overall long term care system in Wisconsin. Enclosed you will find the *Annual Report of the Wisconsin Council on Long Term Care*. The report outlines the recommendations that the Council developed based on this review. The report is available on the website at [www.wcltc.state.wi.us](http://www.wcltc.state.wi.us).

If you have any questions I can be reached in La Crosse at (608) 788-5700.

Sincerely,

TOM RAND  
Chair

**State of Wisconsin  
Department of Natural Resources**

May 31, 2001

The Honorable, The Legislature:

As directed by s. 29.889(11), Stats., the Department of Natural Resources has prepared a report to the Legislature regarding the Wildlife Damage Abatement and Claims Program for the 2000 program year, ending December 31, 2000. Said statute directs distribution to "appropriate standing committees of the legislature in the manner provided under s. 13.172(3), Stats." In compliance with these requirements, and because you are better able to determine "Appropriate standing committee", I am submitting this report to you, the Chief Clerks of the Senate and Assembly, for distribution.

Thank you for your assistance.

Sincerely,

DARRELL BAZZELL  
Secretary

Referred to committee on **Environmental Resources**.

**State of Wisconsin  
Department of Administration**

May 30, 2001

The Honorable, The Legislature:

Included with this correspondence, I am submitting the report of the Department of Administration, Division of Gaming (Gaming), for the second quarter of fiscal year 2001 (July 1, 2000 through March 31, 2001). As required by s. 562.02(1)(g), Wis. Stats., the attached materials contain pari-mutuel wagering and racing statistical information, as well as the revenues for the program areas of Racing, Charitable Gaming and Indian Gaming. Please note that Bingo revenues are now captured in a new appropriation (836) and therefore are shown on a separate chart from the rest of Charitable Gaming.

If you have any questions or comments regarding this report, please do not hesitate to contact Richard Pederson at (608) 270-2546.

Sincerely,

F. SCOTT SCEPANIAC  
Administrator

**State of Wisconsin  
Southeast Wisconsin Professional Baseball Park District**

May 17, 2001

The Honorable, The Legislature:

Attached please find the Miller Park monthly progress report for the month of April 2001 for your review and consideration. As the enclosed report indicates, Miller Park is essentially complete, and has clearly achieved the District Board's objectives of building the premier baseball facility in the country; available for play Opening Day 2001: within budget; and with meaningful 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

**State of Wisconsin  
Ethics Board**

June 5, 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/>

- Courter, Bill      **McLeod USA**
- Crist, Marie      **March of Dimes Birth Defects Foundation**
- Gardon, Peter    **Time Warner Telecom**
- Gardon, Peter    **McLeod USA**
- Haas, William    **McLeod USA**
- Huenemann, Mark      **CaseNewHolland Inc**
- Krymkowski, Amy      **Milwaukee Women's Center Inc, The**
- Lipschultz, Dan      **McLeod USA**
- Lipscomb, Jr., Mark G      **Wisconsin Burial Vault Association**
- McClenahan, William      **Wisconsin Fraternal Congress**
- Osten, Mark      **Mirant Americas Inc (formerly SEI Wisconsin LLC)**

Peshek, Peter **Wadsworth Old Chicago Inc**  
 Schreiber, Martin **Wisconsin Fraternal Congress**  
 Sherwood, Pamela H **Time Warner Telecom**  
 Stenger, Scott **Verizon Communications**  
 Stepaniak, Jerry **MAXIMUS Inc**  
 Strohl, Joseph **Time Warner Telecom**  
 Strohl, Joseph **McLeod USA**  
 Tries, John **MAXIMUS Inc**  
 Young, Darthula **MAXIMUS Inc**

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

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

**State of Wisconsin  
 Revisor of Statutes Bureau**

June 1, 2001

To the Honorable, the Senate:

The following rules have been published:

<b>Clearinghouse Rules</b>	<b>Effective Date(s)</b>
<b>98-198</b>	June 1, 2001
<b>98-199</b>	June 1, 2001
<b>99-150</b>	June 1, 2001
<b>99-159</b>	June 1, 2001
<b>00- 88</b>	June 1, 2001
<b>00-115</b>	June 1, 2001
<b>00-126</b>	June 1, 2001
<b>00-142</b>	June 1, 2001
<b>00-144</b>	June 1, 2001
<b>00-146</b>	June 1, 2001
<b>00-171</b>	June 1, 2001
<b>00-173</b>	June 1, 2001
<b>01- 1</b>	June 1, 2001

Sincerely,  
 GARY L. POULSON  
 Deputy Revisor

**Senate Clearinghouse Rule 00-056**

Relating to criteria for county agency determination under the long-term support community options (COP) and community integration (CIP) programs that in-home services are infeasible, as a condition for use of program funds to pay for services to persons who reside in community-based residential facilities (CBRFs).

Submitted by Department of Health and Family Services.  
 Report received from Agency, June 4, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, June 5, 2001.

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

**Senate Clearinghouse Rule 00-079**

Relating to security.

No action taken.

Robert Jauch  
 Chairperson

The committee on **Education** reports and recommends:

**Senate Clearinghouse Rule 00-186**

Relating to the education for employment program.

No action taken.

Richard Grobschmidt  
 Chairperson

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

**Senate Clearinghouse Rule 00-163**

Relating to the natural resources board policy on wetlands preservation, protection, restoration and management.

No action taken.

**Senate Clearinghouse Rule 00-174**

Relating to reducing ambient ozone concentrations in southeastern Wisconsin by controlling volatile organic compound (VOC) emissions.

No action taken.

Jim Baumgart  
 Chairperson

The committee on **Privacy, Electronic Commerce and Financial Institutions** reports and recommends:

**Senate Clearinghouse Rule 01-025**

Relating to adopting for use in Wisconsin the Investment Adviser Registration Depository.

No action taken.

Jon Erpenbach  
 Chairperson

**Senate Clearinghouse Rule 00-169**

Relating to health benefit plan grievance requirements and independent review organizations.

**Clearinghouse Rule 00-169** was withdrawn from the committee on **Insurance, Tourism and Transportation** and referred to the committee on **Health, Utilities, Veterans and Military Affairs** pursuant to **Senate rule 46(2)(b) on May 31, 2001.**

**ADJOURNMENT**

Senator Breske, with unanimous consent, asked that the Senate adjourn until Thursday, June 7 at 10:00 A.M..

Adjourned.

10:01 A.M.

**AMENDMENTS OFFERED**

Senate amendment 2 to **Assembly Bill 274** offered by Senator Cowles.

**MOTIONS UNDER SENATE RULE 98 AND  
 JOINT RULE 7**

*for the Month of May 2001*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Alexander Adamick, on the occasion of earning and attaining the rank of the Eagle Scout Award.*



*A certificate of commendation by the Wisconsin Senate on the motion of Senator Chvala, for Tom Altenburg, on the occasion of his retirement and years of dedicated service to public education and students.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Harsdorf, for Jason Althoff, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Lindsey Behlen, on the occasion of her successful completion of the Ozaukee County Economic Development Corporation Workforce Youth Apprenticeship Program.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Roessler, for Joe Bertone, on the occasion of a lifetime of commitment to providing the finest education to the students in the Campbellsport School District.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Wirch, for Chad S. Birkholz, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Adam Blanchard, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Judy Bluestone, on the occasion of many years of service and devotion to the Jewish community.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Burke, for Judy Bluestone, on the occasion of receiving the American Jewish Committee's Community Service Human Relations Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moen, for David Boberg, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Wirch, for Guida Brown, on the occasion of her selfless devotion to women and children of our Kenosha community.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Trent Burmesch, on the occasion of his successful completion of the Ozaukee County Economic Development Corporation Workforce Youth Apprenticeship Program.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Melissa Calbow, on the occasion of her successful completion of the Ozaukee County Economic Development Corporation Workforce Youth Apprenticeship Program.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Huelsman, for Robert M. Canham, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Gavin Chenery, on the occasion of his successful completion of the Ozaukee County Economic Development Corporation Workforce Youth Apprenticeship Program.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Community Coordinated Childcare, Inc., on the occasion of celebrating its 30th Anniversary.*

*A certificate of condolence by the Wisconsin Senate on the motion of Senator George, for the family and friends of Robert M. Curley, on the occasion of celebrating his life with them.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Moen, for Aron Dehnke, on the occasion of her outstanding kindness and service to others.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Daniel Derler, on the occasion of his successful completion of the Ozaukee County Economic Development Corporation Workforce Youth Apprenticeship Program.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Hansen, for Jean Dessert, on the occasion of her graduation from Oconto Falls High School and her outstanding high school achievements and dedication.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grobschmidt, for Walter Dickmann, on the occasion of being selected as the 2001 Oak Creek Citizen of the Year.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Roger and Regina Dirksen, on the occasion of receiving the ARC Milwaukee's 2001 Challenger Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Samantha Du De Voire, on the occasion of her successful completion of the Ozaukee County Economic Development Corporation Workforce Youth Apprenticeship Program.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Burke, for Thomas P. Doherty, on the occasion of his retirement after many dedicated years of commitment to justice throughout his career.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Andrew D. Dunlop, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for William Z. Dziadosz, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Michael Eischen, on the occasion of his successful completion of the Ozaukee County Economic Development Corporation Workforce Youth Apprenticeship Program.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Craig Fleming, on the occasion of his successful completion of the Ozaukee County Economic Development Corporation Workforce Youth Apprenticeship Program.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for The Fond du Lac Area Convention & Visitors Bureau, on the occasion of its 25 years of dedication to the tourism industry.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Matt Garrison, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Moore, for Mrs. Dorthel Gaston, on the occasion of her devotion as a wife, mother and entrepreneur.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moen, for the Gilmanton Panthers Girls Basketball Team, on the occasion of winning their first WIAA Division 4 Championship.*



*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moen, for Bryan Granholt, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Shibilski, for David W. Hanneman, on the occasion of his retirement after a long time commitment to Central Wisconsin UniServ Council.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Shibilski, for Ellen Hanneman, on the occasion of her retirement after a long time commitment to Central Wisconsin UniServ Council.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Breske, for Duane L. Harpster, on the occasion of his retirement from the Department of Natural Resources after years of faithful service.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Breske, for Roland D. Hendrikson, on the occasion of his retirement as Driver Educator after 35 years of distinguished service.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Huelsman, for Carolynne Hoffman, on the occasion of earning and attaining the rank of the Girl Scout Gold Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Schultz, for Deputy Randall L. Hoffman, on the occasion of his retirement from the Juneau County Sheriff's Department.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Kristina Holloway, on the occasion of her successful completion of the Ozaukee County Economic Development Corporation Workforce Youth Apprenticeship Program.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Beth Holther, on the occasion of her successful completion of the Ozaukee County Economic Development Corporation Workforce Youth Apprenticeship Program.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Linda Hoskins, on the occasion of years of dedication to the Bridge-Lake Point-Waunona Neighborhood.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Chvala, for Linda Hoskins, on the occasion of her instrumental work to the recovery of Lake Point Drive & Neighborhood.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Priya Hoze, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Harsdorf, for Mr. Michael Joseph Jarmuz, on the occasion of his retirement after 36 years of teaching in the Hudson school district..*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Cowles, for Dr. Thomas Joynt, on the occasion of his retirement and his years of contributions he has made to education and the community.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Dorothy Kittleson, on the occasion of receiving the Courtland R. Conlee Community Service Award from the Milwaukee County Historical Society.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Huelsman, for Mary Klatt, on the occasion of earning and attaining the rank of the Girl Scout Gold Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Angela Knapmiller, on the occasion of her successful completion of the Ozaukee County Economic Development Corporation Workforce Youth Apprenticeship Program.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moen, for Michael Knudson, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Brian Koh, on the occasion of his graduation from the University of Wisconsin and for his outstanding achievements.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Harsdorf, for Mrs. Karen Kortum, on the occasion of her retirement after 27 years of teaching in the Hudson school district..*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Erpenbach, for Eric Kraus, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator George, for Charles Kroncke, on the occasion of his distinguished and committed service to the Business Schools of UW-Madison and UW-Milwaukee.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Phillip Krueger, on the occasion of his successful completion of the Ozaukee County Economic Development Corporation Workforce Youth Apprenticeship Program.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for Roy Kubista, on the occasion of celebrating his ninetieth birthday.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for James L. Lorence, on the occasion of his retirement after 35 years as the Professor of History at University of Wisconsin- Marathon County.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Miles Garret Mabie, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Michelle Maechtle, on the occasion of her successful completion of the Ozaukee County Economic Development Corporation Workforce Youth Apprenticeship Program.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Decker, for the Marathon County Tavern League, on the occasion of its commitment as sponsors of the Children's Hope Fund.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Nathania Massie, on the occasion of her successful completion of the Ozaukee County Economic Development Corporation Workforce Youth Apprenticeship Program.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Michael Murdock, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for the Oshkosh West Boys Basketball Team, on the occasion of their athletic excellence and achieving a second place finish in the Division 1 Wisconsin State Boys Basketball Tournament.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Win Parkinson, on the*

occasion of his retirement after a distinguished teaching and coaching career and faithful service to his students and players.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Brent Perry, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Nicole Perry, on the occasion of her successful completion of the Ozaukee County Economic Development Corporation Workforce Youth Apprenticeship Program.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Huelsman, for Lisa Persohn, on the occasion of earning and attaining the rank of the Girl Scout Gold Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Michelle Pickett, on the occasion of earning and attaining the rank of the Girl Scout Gold Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Adam Poehlman, on the occasion of his successful completion of the Ozaukee County Economic Development Corporation Workforce Youth Apprenticeship Program.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moen, for Lance Pronschinske, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Schultz, for Nona Quick, on the occasion of her retirement as a dedicated Board member of the Grant County Center on Aging.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Michelle Reichhart, on the occasion of earning and attaining the rank of the Girl Scout Gold Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Huelsman, for Michelle Restock, on the occasion of earning and attaining the rank of the Girl Scout Gold Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Maria Schneider, on the occasion of her successful completion of the Ozaukee County Economic Development Corporation Workforce Youth Apprenticeship Program.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Huelsman, for Jamie Sue Schultz, on the occasion of earning and attaining the rank of the Girl Scout Gold Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Thomas Sharrard, on the occasion of his many years of dedication to the Boys & Girls Club.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Schultz, for Thomas Shields, on the occasion of helping better the lives of students and their families through his dedicated years of teaching.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Kyan Shook, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Schultz, for David Siefkes, on the occasion of his 32 years of dedicated education with the students of Richland County.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Huelsman, for Nicole Singer, on the

occasion of earning and attaining the rank of the Girl Scout Gold Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Huelsman, for Teri Sisulak, on the occasion of earning and attaining the rank of the Girl Scout Gold Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Jauch, for Carl Smith, on the occasion of being selected the Ashland Area Chamber of Commerce 2001 Person of the Year.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Harsdorf, for Robert J. (Bob) Staebell, on the occasion of his retirement after 37 years of dedicated service to the Hudson Police Department.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Angela Stark, on the occasion of her successful completion of the Ozaukee County Economic Development Corporation Workforce Youth Apprenticeship Program.

A certificate of condolence by the Wisconsin Senate on the motion of Senator George, for the family and friends of Marianne Stravinski, on the occasion of celebrating with them her life.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Kristina Stuppan, on the occasion of earning and attaining the Girl Scout Gold Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Chvala, for Louis Swedarsky, on the occasion of his 33 years as a dedicated teacher and administrator.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Huelsman, for Heather Taylor, on the occasion of earning and attaining the rank of the Girl Scout Gold Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Melissa Tolson, on the occasion of her successful completion of the Ozaukee County Economic Development Corporation Workforce Youth Apprenticeship Program.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moen, for Adam Tricker, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Decker, for Robert Tripp, on the occasion of his outstanding 36 years of service to the town of Spirit Board.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Donald VerHeyen, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moen, for Brendan Wahl, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moen, for Thomas Weaver, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Emilie Weber, on the occasion of earning and attaining the Girl Scout Gold Award.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Ray and Helene Wendorf, on the occasion of celebrating their 60th wedding anniversary.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Kimberly Williams, on the occasion of her successful completion of the Ozaukee County

*Economic Development Corporation Workforce Youth Apprenticeship Program.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Huelsman, for Susanne Williams, on the occasion of earning and attaining the rank of the Girl Scout Gold Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Schultz, for Wisconsin Badger Camp, on the occasion of the Board of Directors, staff and supporters for 35 years of outstanding commitment and dedication.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for the Wittenberg Telephone Company, on the occasion of eighty years of dedicated service to the community.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Steven Wollner, on the occasion of his successful completion of the Ozaukee County Economic Development Corporation Workforce Youth Apprenticeship Program.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Christy Worzalla, on the occasion of her successful completion of the Ozaukee County Economic Development Corporation Workforce Youth Apprenticeship Program.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Steve Zimmermann, on the occasion of his successful completion of the Ozaukee County Economic Development Corporation Workforce Youth Apprenticeship Program.*



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

THURSDAY, June 7, 2001

The Senate met.

The Senate was called to order by Senator Roger Breske.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### REPORT OF COMMITTEES

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

#### Assembly Bill 31

Relating to: certain applicants for preference points under the cumulative preference system for issuing Class A bear hunting licenses.

Concurrence.

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

Noes, 0 – None.

#### Assembly Bill 61

Relating to: the issuance of temporary fishing licenses to disabled persons.

Concurrence.

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

Noes, 0 – None.

#### Senate Bill 159

Relating to: drilling beneath the beds of the Great Lakes and adjacent waters to explore for or produce oil or gas.

Passage.

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

Noes, 0 – None.

#### Senate Bill 180

Relating to: requirements for applying for and issuing licenses for game bird and animal farms and wildlife exhibits having bears, cougars, or wolves.

Passage.

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

Noes, 0 – None.

#### Senate Joint Resolution 36

Relating to: urging the U.S. and Canadian governments to prohibit diversion of Great Lakes water.

Introduction and adoption of Senate amendment 1.

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

Noes, 0 – None.

Passage as amended.

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

Noes, 0 – None.

Jim Baumgart  
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

ADAMSKI, PAUL C., of Stevens Point, as a member of the College Savings Program Board, to serve for the term ending May 1, 2005.

Confirmation.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

DARLING, SENATOR ALBERTA, of River Hills, as a member of the College Savings Program Board, to serve for the term ending May 1, 2005.

Confirmation.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

HERRERA, OSCAR, of Madison, as Secretary of the Department of Regulation and Licensing, to serve for the term ending at the pleasure of the Governor.

Confirmation.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

MANTHEI, BARBARA, of West Salem, as a member of the Wisconsin Technical College System Board, to serve for the interim term ending May 1, 2003.

Confirmation.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

NEUFELD, PHILIP L., of Milwaukee, as a member of the Wisconsin Technical College System Board, to serve for the term ending May 1, 2007.

Confirmation.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.



PERTZBORN, ROBERT J., of Madison, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the interim term ending July 1, 2003.

Confirmation.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Mark Meyer  
Chairperson

## PETITIONS AND COMMUNICATIONS

### State of Wisconsin Office of the Governor

June 1, 2001

The Honorable, The Senate:

This is to inform you that I am withdrawing the following nominations:

Marilyn Panka for reappointment to the Board of Nursing for the term to expire July 1, 2005. Ms. Panka has informed my office that she is unable to accept reappointment at this time.

Mr. Don Trettin for reappointment to the Waste Facility Siting Board. Mr. Trettin is no longer eligible to hold the position for which he was nominated.

Thank you for your attention to this matter.

Sincerely,

SCOTT MCCALLUM  
Governor

### State of Wisconsin Legislative Audit Bureau

June 5, 2001

The Honorable, The Legislature:

As required by s. 13.94 (1)(de), Wis. Stats., we have completed a financial audit of the Patients Compensation Fund, which insures health care providers in Wisconsin against medical malpractice claims that exceed the primary malpractice insurance thresholds established in statutes. The Fund is governed by a Board of Governors and administered by the Office of the Commissioner of Insurance. In fiscal year 1999-2000, 11,809 health care providers participated in the Fund. We have provided an unqualified auditor's report on the Fund's financial statements for fiscal years ending June 30, 2000, 1999, and 1998.

Past audit reports discussed concerns regarding the Fund's accounting deficit. Action by the Board of Governors and the Legislature and recent favorable claims experience have contributed to a significant improvement in the Fund's financial position, which showed an accounting surplus of \$27.2 million as of June 30, 2000. To address concerns being raised about actuarial estimates that affect the Fund's financial position, and to promote broader acceptance of the actuarial analyses and related decisions, we include a recommendation that a comprehensive review of the consulting actuary's methods and assumptions be performed by an independent actuary.

Further, the Fund needs to take additional steps to ensure that all health care providers are obtaining primary insurance coverage as required by statutes. Our testing disclosed several instances in which providers had not obtained the primary malpractice coverage required by statutes. These uninsured providers could be held liable for up to \$ 1 million in settlements or judgements per claim if any malpractice claims were resolved against them.

We appreciate the courtesy and cooperation extended to us by the staff of the Office of the Commissioner of Insurance and the contractors who assist in administering the Patients Compensation Fund program.

Sincerely,

JANICE MUELLER  
State Auditor

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

### Senate Clearinghouse Rule 00-111

Relating to implementation of a geographic information system registry of closed remediation sites for properties with groundwater contamination exceeding NR 140 enforcement standards at the time of case closure.

Submitted by Department of Natural Resources.

Report received from Agency, June 5, 2001.

Referred to committee on **Environmental Resources**, June 7, 2001.

### Senate Clearinghouse Rule 01-014

Relating to establishing municipal flood control and riparian restoration grants.

Submitted by Department of Natural Resources.

Report received from Agency, June 5, 2001.

Referred to committee on **Environmental Resources**, June 7, 2001.

### Senate Clearinghouse Rule 01-018

Relating to the revocation of extended supervision of persons serving a bifurcated sentence under the truth-in-sentencing provisions of 1997 Wisconsin Act 283.

Submitted by Division of Hearings and Appeals.

Report received from Agency, June 5, 2001.

Referred to committee on **Economic Development and Corrections**, June 7, 2001.

### Senate Clearinghouse Rule 01-035

Relating to annual patients compensation fund and mediation fund fees for the fiscal year beginning July 1, 2001.

Submitted by Office of the Commissioner of Insurance.

Report received from Agency, June 6, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, June 7, 2001.

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

### Senate Clearinghouse Rule 00-136

Relating to dam design and construction standards and zoning downstream of dams.

No action taken.

### Senate Clearinghouse Rule 00-177

Relating to the federal cost sharing program to suppress gypsy moths.

No action taken.

Jim Baumgart  
Chairperson

**ADJOURNMENT**

Senator Breske, with unanimous consent, asked that the Senate adjourn until Tuesday, June 12 at 10:00 A.M..

Adjourned.

10:01 A.M.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

TUESDAY, June 12, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 203

Relating to: adopting revised Article 5 of the Uniform Commercial Code, concerning letters of credit.

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

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

#### Senate Bill 204

Relating to: requiring pharmacies and pharmacists, as a condition of medical assistance participation, to charge elderly, low-income persons for prescription drugs no more than specific amounts; specifying requirements for rebate agreements between the department of health and family services and drug manufacturers; requiring the exercise of rule-making authority; making appropriations; and providing penalties.

By Senators Roessler, Harsdorf, Darling and Rosenzweig; cosponsored by Representatives Krawczyk and Sykora.

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

#### Senate Bill 205

Relating to: nominating major party candidates for the office of lieutenant governor and filling vacancies in certain nominations.

By Senators Roessler and Schultz; cosponsored by Representatives Foti, Grothman, Krawczyk, Musser, Olsen, Owens, Powers, Urban, Wade and Walker.

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

### REPORT OF COMMITTEES

The joint committee on **Finance** reports and recommends:

#### Senate Bill 206

Relating to: extending the sunset provision for vehicle environmental impact fees.

Introduction.

Ayes, 16 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirch, Darling and Welch. Representatives Gard, Kaufert, Albers, Duff, Ward, Huebsch, Huber and Coggs.

Noes, 0 – None.

To joint committee on **Finance.**

Brian Burke

Senate Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

#### Assembly Bill 298

Relating to: allowing an individual income tax deduction for certain amounts contributed by a grandparent to a college savings account or a college tuition and expenses program.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Concurrence as amended.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

#### Senate Bill 131

Relating to: allowing an individual income tax deduction for certain amounts contributed by a grandparent to a college savings account or a college tuition and expenses program.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

#### Senate Bill 147

Relating to: an education tax credit for businesses.

Passage.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

#### Senate Bill 79

Relating to: making an appropriation for the tuition, Wisconsin higher education, and Lawton minority undergraduate grant programs.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators M. Meyer, Moore, Grobschmidt, Hansen and Ellis.

Noes, 2 – Senators Huelsman and Zien.

Passage as amended.

Ayes, 5 – Senators M. Meyer, Moore, Grobschmidt, Hansen and Ellis.

Noes, 2 – Senators Huelsman and Zien.

Mark Meyer  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

May 16, 2001

The Honorable, The Senate:

This letter is to respectfully request that I be added as a cosponsor to Senate Bill 171, authored by Senator Wirsch and relating to funeral establishment permits.

Sincerely,

JEFF STONE

State Representative

**State of Wisconsin  
Joint Legislative Council**

June 7, 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 2001–9 Legislation on Conservation Laws  
Enforcement  
(2001 Assembly Bills 300 and 301)

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/report\\_by\\_topic.htm](http://www.legis.state.wi.us/lc/report_by_topic.htm).

Sincerely,

TERRY C. ANDERSON  
Director

**State of Wisconsin  
Ethics Board**

June 12, 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/>

- |                       |   |
|-----------------------|---|
| Broydrick, William    | <b>Extendicare Health Services, Inc.</b>                  |
| Brozek, Michael       | <b>International Snowmobile Manufacturers Association</b> |
| Hazelbaker, Mark      | <b>Town of Madison</b>                                    |
| Linton, Barbara       | <b>International Snowmobile Manufacturers Association</b> |
| McIntosh, Forbes      | <b>Extendicare Health Services, Inc.</b>                  |
| Nierzwicki, Christine | <b>Fortis Insurance Company</b>                           |
| Petak, George         | <b>Rime Management Group Inc</b>                          |
| Reid, William S       | <b>Eli Lilly and Company</b>                              |
| Theo, Michael         | <b>Murphy Oil USA, Inc.</b>                               |
| Thimke, Mark A        | <b>Mercury Marine, Division of Brunswick Corporation</b>  |

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  
Claims Board**

June 7, 2001

The Honorable, The Senate:

Enclosed is the report of the State Claims Board covering the claims heard on May 18, 2001.

The amounts recommended for payment under \$5,000 on claims included in this report have, under the provisions of s. 16.007, Stats., been paid directly by the Board.

The Board is preparing the bill(s) on the recommended award(s) over \$5,000, if any, and will submit such to the Joint Finance Committee for legislative introduction.

This report is for the information of the Legislature. The Board would appreciate your acceptance and spreading of it upon the Journal to inform the members of the Legislature.

Sincerely,

JOHN E. ROTHSCHILD  
Secretary

**STATE OF WISCONSIN CLAIMS BOARD**

**The State Claims Board conducted hearings in the State Capitol, Grand Army of the Republic Memorial Hall, Madison, Wisconsin, on May 18, 2001, upon the following claims:**

<u>Claimant</u>	<u>Agency</u>	<u>Amount</u>
1. Lois A. Endres	Department of Administration	\$2,074.32
2. Anjelika Johnson	Department of Health and Family Services	\$3,580.20
3. Arthur Polk	Department of Corrections	\$535.00
4. Jack & Margot Raz	Wisconsin State Fair Park	\$154,500.00
5. Julie & Ken Ganske	Circus World Museum	\$3,466.31

**In addition, the following claims were considered and decided without hearings:**

<u>Claimant</u>	<u>Agency</u>	<u>Amount</u>
6. David J. Beranek	Department of Health and Family Services	\$648.77
7. Lynette Henderson	Department of Employee Trust Funds	\$4,940.00
8. J.T. Roofing, Inc.	Department of Administration	\$508,323.00
9. Danette M. Sebastian	Department of Administration	\$146.32
10. Ray Wilkinson.	Department of Transportation	\$625,864.00
11. Barbara Hill	University of Wisconsin	\$500.00
12. Lebanon Athletic Association	Department of Revenue	\$1,478.79

**The Board Finds:**

**1. Lois A. Endres** of Madison, Wisconsin claims \$2,074.32 for lost wages and sick time caused by a fall that allegedly occurred at the State Capitol Building. The claimant states that on January 1, 2001, she was exiting the State Capitol when she



slipped on ice and fell, landing on her left side. The claimant states that her companion took her immediately to the hospital, where she was treated for fractured ribs. The claimant alleges that the day was clear and sunny and that she encountered no other icy areas during her walk from Brittingham Park to the Capitol Building. The claimant believes that the state was negligent for failing to clear ice from the walkway. The claimant alleges that her injuries caused her to miss significant amounts of work. She requests reimbursement for 74.75 hours of sick time used and 11.25 hours of lost wages (after her sick time was used up). She also requests payment for \$25 in medical bills and \$96.48 for four hours of time to attend the Claims Board meeting. At her hearing, the claimant stated that she probably exited on the South or Southwest side of the Capitol and that she slipped on smooth glare ice.

The Department of Administration recommends denial of this claim. The claimant did not file a police report or contact anyone at the Capitol Building at the time of the accident and has presented no proof that the accident actually occurred at the Capitol Building.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**2. Anjelika Johnson** of Madison, Wisconsin claims \$3,580.20 for lost wages. The claimant works as a Registered Nurse providing home health care for Medical Assistance patients. The claimant states that she is paid by the Department of Health and Family Services through its fiscal agent, EDS and that she is required to have a number of approvals in place before she can be paid. She states that she did not realize that one of her authorizations had expired on April 21, 2000, and that the renewal date had simply slipped her mind. EDS would not honor the claimant's request for payment of services delivered May 5 through June 12. The claimant states that she processed her renewal paperwork as soon as she found out her authorization had lapsed but that EDS would not backdate payments and could not pay her for the work performed after the expiration date. The claimant believes that there should be some allowance made for a simple mistake. She points to the fact that the work she performed was authorized by the budget and by EDS. The claimant believes that it would be helpful if reminders of authorization renewal dates could be sent to providers in order to keep a simple mistake from causing such harm. At her hearing, the claimant stated that she continued to provide home health service during the period when her authorization had expired. This was not disputed by DHFS.

The Department of Health and Family Services recommends denial of this claim. DHFS states that there was no negligence on the part of any state employee and does not believe there is an equitable basis for the claim. DHFS states that under the Wisconsin Administrative Code, all Medical Assistance providers are required to receive reimbursement authorization approval prior to provision of services. DHFS points to the fact that the claimant is not alleging that she was unaware of this requirement but that she forgot to submit her authorization renewal. DHFS points to HSF 107.03 (3)(c), which states that if prior authorization is not obtained "reimbursement shall not be made except in extraordinary circumstances such as emergency cases where the department has given verbal authorization for a service." The DHFS does not believe that the claimant's situation of forgetting to renew her authorization falls under this section. Finally, DHFS points to HSF 106.02 (9)(e), which states that the provider is solely responsible for prior authorization requests and also to HSF 106.03 (4) and HSF 107.11 (5)(e), which specifically state that services provided without the required authorizations are not

covered if the authorization is not in place prior to the date of service.

The Board concludes the claim should be paid in the reduced amount of \$2,000.00 based on equitable principles. The Board further concludes, under authority of s. 16.007 (6m), Stats., payment should be made from the Department of Health and Family Services appropriation s. 20.435 (4)(a), Stats.

**3. Arthur Polk** of Montello, Wisconsin claims \$535.00 for restitution he never received. The claimant owns a warehouse that was damaged when Anatoly Nepscha broke into the building by driving his vehicle into the warehouse door. Mr. Nepscha was convicted of two counts of felony burglary and received four years of probation on both counts. The claimant states that he submitted a repair bill for his door to the court and that the court ordered Mr. Nepscha to pay restitution to the claimant in the amount of \$535. The claimant states that he contacted the Adams County District Attorney's Office at the end of Mr. Nepscha's probationary period and claims that they told him they had made an error and failed to collect restitution from Mr. Nepscha.

The State Prosecutors Office (SPO) originally filed a response for this claim stating that the claim should be more properly brought against the Department of Corrections. The SPO advised that restitution was ordered for the claimant by means of a stipulation filed in Juneau County (where the claimant was convicted). The SPO states that the Juneau County DA's Office stated that they sent a copy of the restitution order to Mauston Probation and Parole Department (Juneau County). Mr. Nepscha's actual probation supervision occurred in Adams County and would have been overseen by a Probation and Parole Office in that county.

The Department of Corrections recommends denial of this claim. The DOC alleges that the Juneau County Clerk of Court's Office never sent the Department's agent's office the order of restitution pertaining to the claimant. Consequently, no restitution was collected for the claimant. DOC states that when the claimant contacted them about the problem, the DOC wrote the court and asked that a civil judgement be issued against Mr. Nepscha on behalf of the claimant for \$535. The court did so on June 27, 2000. Section 973.20(1), Stats., provides that after probation is terminated, restitution such as that ordered for the claimant "is enforceable in the same manner as a judgement in a civil action by the victim named in the order to receive restitution..." The DOC believes that, since the claimant has received a civil judgement against Mr. Nepscha, he has the option provided for in the statute of going through the ordinary judgement enforcement process. The DOC states that the claimant has provided no evidence that he has attempted to enforce the judgement and therefore believes he has not exhausted all available legal remedies. Finally, the DOC states that it has not been shown that any Department employee or agent was negligent in the handling of this matter. The DOC states that most crime victims do not receive full restitution for the crimes committed against them and the DOC does not believe it would be wise to make the state a guarantor for restitution claims against criminals.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**4. Jack and Margot Raz** claim \$154,500.00 for the purchase price of their delicatessen at Wisconsin State Fair Park. The claimants have leased land at SFP since 1977. In August 1998, the claimants state that they entered into a Business Purchase Agreement to sell their delicatessen for \$154,000 to Greg Montoto and David Flores. The claimants allege that SFP orally approved and encouraged the sale but failed to issue written

approval until almost two years later in August 2000. Prior to that approval, Montoto and Flores sued to recover their \$30,000 down payment on the basis that SFP approval of the sale did not occur in a reasonable time. The court held that the time for the approval was not reasonable and that the contract was unenforceable, ordering the claimants to return the down payment.

Wisconsin State Fair Park recommends denial of this claim. The claimants' lease with SFP specifically provides that the claimants may not sell the business without prior written consent of the SFP Board and that the Board reserves the right to grant or refuse such consent. SFP states that the claimants' assertion that SFP orally approved the sale is untrue. SFP states that, because of the lease agreement, the claimants should have been fully aware that written approval was needed from the SFP Board. Furthermore, SFP states that the SFP executive director sent a letter to the claimants in April 1999 specifically stating that "without Board action, the sale or transfer of any stand may not take place." SFP states that the Board's delay in providing written approval was reasonable. The Board was in the process of conducting a thorough examination of the operation and configuration of SFP grounds. It was not until August 2000 that the master plan for the grounds was sufficiently developed so that the Board knew whether the business intended by the buyer of the claimants' site would fit with that plan. SFP claims that the statement by the court that the approval had not come within a reasonable time is not a judgement related to the behavior of the Board but is a determination that the buyers' obligation under their agreement with the claimants could not be completed because of the delay and that the contract was therefore unenforceable.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**5. Julie and Ken Ganske** of Columbus, Wisconsin claim \$3,466.31 for vehicle damage allegedly incurred while Julie Ganske was distributing literature for Circus World Museum, where she was employed. The claimant states that she was told by her supervisor that she had to use her personal vehicle to distribute information during the Great Circus Train tour. She alleges that he told her there was no money to rent an additional van and that she therefore had to use her own vehicle. She also claims that he told her that Circus World's insurance would cover any damage to her vehicle. The claimant states that damage to the vehicle was discovered at the end of the train tour weekend.

Circus World Museum recommends denial of this claim. CWM denies that the claimant's supervisor, Dale Williams, told her that she had to use her personal vehicle. CWM states that Williams discussed a number of options, including the claimant riding with another CWM employee, the claimant riding in the rented van, and the claimant using her own vehicle and being reimbursed for mileage at the standard state rate. CWM states that the claimant was never told that she must use her personal vehicle but that it was mutually decided that she would do so. CWM also denies that Williams told the claimant any damage would be covered by state insurance. CWM states that Williams did tell the claimant that CWM insurance would likely protect employees against any liability for their actions during the train tour. CWM states that the claimant made no mention of any damage during the three days of the train tour, nor did she report it during the following week. CWM alleges that the claimant told Williams that she did not know where the damage occurred. CWM believes that there is no proof that the damage occurred during the train tour and that CWM should not be held responsible for any repairs. CWM

states that the claimant was paid the standard state mileage rate for use of her personal vehicle and should not receive any additional payment.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**6. David J. Beranek** of Eau Claire, Wisconsin claims \$648.77 for damage to his automobile allegedly caused by Department of Health and Family Services employees. The claimant states that on December 23, 2000, his personal vehicle was parked in the parking lot of Northern Wisconsin Center, where the claimant is employed, when it was struck by a snow plow driven by members of the grounds crew. The claimant states that the two grounds crew employees came to him and told him that they had struck his vehicle while plowing the parking lot. The claimant has been told that his vehicle will be out of service for 4 days while it is being repaired. The claimant states that he would have to rent a vehicle for 4 days at a cost of \$35 per day. The claimant has a \$500 insurance deductible but his insurance does not cover the rental vehicle.

The Department of Health and Family Services recommends payment of this claim after the actual expenses have been incurred and the claimant submits copies of the receipts for the actual repair and car rental expenses.

The Board concludes the claim should be paid in the amount of \$648.77 based on equitable principles. The Board further concludes, under authority of s. 16.007 (6m), Stats., payment should be made from the Department of Health and Family Services appropriation s. 20.435 (2)(gk), Stats.

**7. Lynette Henderson** of Madison, Wisconsin claims \$4,940.00 for funeral expenses not covered by life insurance allegedly due to an error by the Department of Employee Trust Funds. The claimant's father was an annuitant of the Wisconsin Retirement System. While employed, he had applied for a disability annuity and his employer (DHFS) certified that he was disabled for purposes of waiving his life insurance premiums. This allowed Mr. Henderson to continue being covered under the group life insurance program (even after his employment terminated) and to pay no premiums as long as he was disabled. The claimant's father died in November 1997. The claimant states that her family was not notified of any cancellation of her father's life insurance. She states that her father contacted ETF to check on the status of his life insurance and received ETF's 2/34/94 letter in reply, which states that the value of his life insurance was \$7,000. At her father's death, the claimant met with an ETF employee to discuss the insurance situation. The claimant states that the ETF employee went through the file page by page and never at any time indicated that the life insurance had lapsed. The claimant states that the ETF employee specifically told her that there was \$7,000 worth of coverage and explained how to receive payment for funeral expenses. After her father's funeral, the claimant was told that ETF had made an error and that her father's insurance had been cancelled in 1988. The claimant appealed to the State of Wisconsin Group Insurance Board and was denied.

The Department of Employee Trust Funds makes no recommendation regarding payment of this claim. ETF states that in order for Mr. Henderson to continue life insurance coverage and the premium waiver granted due to his disability, he was required to submit two forms to Minnesota Life each year—a medical certification from his physician and a form concerning his current employment status. ETF states that in 1988, only the physician form was completed and returned. ETF states that Minnesota Life notified Mr. Henderson that his insurance was terminated on June 21, 1988. ETF admits that it then erred when informing Mr. Henderson that he still had life

insurance coverage in 1994. A copy of the Minnesota Life letter terminating coverage was in the file but was apparently missed by ETF staff. Later inquiries about the insurance by Mr. Henderson's family were also answered in error by ETF staff, who probably relied on the earlier erroneous correspondence they found in the file, thus repeating the earlier mistake. ETF regrets that its employees erroneously advised Mr. Henderson and his family that he was covered by life insurance after June 1988. ETF has instituted procedural changes to reduce this type of mistake. ETF reminds the board that the Attorney General has issued an official opinion stating that the Claims Board lacks authority to order payment from the Public Employee Trust Fund including the ETF appropriations in s. 20.515, see 74 Op. Atty. Gen. 193, 196 (1985). ETF does not believe it should advise the board how to expend Claims Board funds and therefore declines to make a recommendation.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**8. J.T. Roofing, Inc.** of Saukville, Wisconsin claims \$508,323.00 for extra costs allegedly incurred on a state building project at Mendota Mental Health Institute. The claimant states that during construction numerous events occurred which necessitated additional compensation. The claimant requested additional payment but was denied by the Division of Facilities Development. The claimants state that project specifications provided for removal of existing loose vapor retarder but that application of a primer, which was not required in the specifications caused loosening of additional vapor retarder that required additional work to remove (\$166,827). The claimant states that it was never informed that only two of the eight courtyards at the project would be open and claims that limited courtyard access caused delays (\$252,960). The claimant states that it was never informed that additional time would be required to gain access to the facility and that its employees had to wait on numerous occasions for 45–60 minutes to gain access to the project site, causing delays (\$14,535). The claimant states that two DFD employees, Mr. McClyman and Mr. Mohns, gave contradictory instructions thus causing delays and extra costs (\$8,976). The claimant states that it was harassed in various ways (\$65,025): The claimant states that Mr. Mohns did not review submitted drawings in a timely fashion and that he refused to accept specified materials without additional documentation; that the project was shut down early in the mistaken belief that the temperature would fall below 40 degrees when the temperature remained in the 50–65 degree range; and that Mr. McClyman made racially offensive remarks to the claimant's employees, which caused the claimant to spend extra time and effort addressing this issue with its employees, who were ready to walk off the project because of Mr. McClyman's remarks. The claimant believes that the time delays that occurred on the project were not its doing, but were the result of the project engineer's refusal to meet with the claimant to resolve issues existing in the project engineer's mind.

In December of 2000, DFD offered the claimant \$50,000 in settlement of this claim, however, the claimant rejected this offer. The DFD states that application of the primer was required in the specifications, as was removal of all loose vapor retarder. DFD states that the claimant was informed that access to the site would require specific check-in procedures and that not all of the courtyards would be accessible at any given time. DFD states that the claimant's drawings were rejected because they were incomplete and incorrect. DFD states that it required additional documentation because the claimant's materials were not clearly labeled by the

manufacturer, as the specifications required. DFD states that when the project was halted for the winter, the claimant was already beyond the completion date with only about 1/3 of the project completed. There was no way to finish the project before winter weather set-in, so DFD did not believe there was any reason to take a chance on the weather and shut the project down. Finally, DFD states that there were accusations of inappropriate comments made by both DFD and the claimant's employees. DFD removed Mr. McClymen from the project and feels that was sufficient response.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**9. Danette M. Sebastian** of Doylestown, Wisconsin claims \$146.32 for vehicle damage allegedly caused by negligent maintenance of the parking lot at the Department of Revenue building. The claimant states that when she arrived for work on January 30, 2001, the parking lot at her building was solid ice. The claimant's vehicle slid into a bike rack in the parking lot and her car was damaged. The claimant states that she drove 42 miles to work that morning and did not encounter any difficulties on the road until she arrived at the DOR parking lot. The claimant believes DOA does a poor job of maintaining DOR parking lots. She states that DOA crews were out at 5:30 am on the morning of her accident salting and sanding downtown office locations and she feels that a crew should have been sent to take care of the DOR parking lot as well. She requests reimbursement for her vehicle damages of \$146.32. The claimant has a \$500 insurance deductible.

The Department of Administration recommends denial of this claim. DOA states that on the day in question, the Madison area was hit by a major ice storm. DOA states that efforts to clear many parking lots in Madison area were delayed by the sheer volume of ice. The DOA does not believe there was any negligence on the part of the state or its employees.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**10. Ray Wilkinson Buick Cadillac, Inc.** of Racine, Wisconsin claims \$625,864.00 for reduced profits allegedly caused by a DOT highway construction project. The claimant's business is located on Washington Avenue in Racine, WI. In the summer of 2000, the DOT conducted a widening project of Washington Avenue. The claimant states that his business experienced a reduction in traffic because of the limited access during the road construction. The claimant claims that national auto sales increased 6.3% during this period while his sales went down 12.06%. The claimant states that his business lost \$625,864 due to the road construction and requests reimbursement for his lost profits.

The DOT recommends denial of this claim. The DOT states that this road project was extremely difficult and complicated to conduct under traffic. The DOT states that the primary objective of this project was to increase the safety and flow of traffic. The DOT points to the fact that, despite the size and scope of the project, the claimant admits that drive by traffic remained at 50% to 65% of the normal volume. The DOT maintained access to the claimant's business throughout the entire project. The DOT believes that traffic interruptions and inconveniences, while unfortunate, are a part of every highway reconstruction project in the State. The DOT states that it makes every effort to keep the roads open to as much traffic as possible while balancing the safety of the public with the goals of the project. It is neither the practice nor the policy



of the DOT to subsidize businesses during construction projects. The DOT points to the fact that the improvements made by this project will increase the volume of drive by traffic in the future and provide better access to the claimant's business, potentially increasing his sales in the future.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**11. Barbara Hill** of Oregon, Wisconsin claims \$500.00 for automobile damage caused when claimant's vehicle was used for work related purposes. The claimant is a supervisor at UW-Madison. In September 2000, the claimant's department had a large shipment of packages that needed to be sent out according to a previously published schedule. Arrangements had been made to deliver supplies for the shipment to Delta Storage to prepare the packages. The claimant called UW Fleet several weeks before the shipment date to arrange for a van to transport the materials to Delta Storage, however, no vehicle was available. The claimant's personal van was large enough to transport the materials and staff. The staff member chosen to drive the claimant's vehicle had a good driving record and had been previously cleared by UW Risk Management to drive Fleet vehicles. The claimant states that while the driver was backing into a darkened loading dock area at Delta, he failed to notice a black truck parked in the area and backed into it. Damage to both vehicles was minor. The repair estimate for the claimant's van is over \$600 and the claimant's deductible is \$500.

The UW System recommends payment of this claim. The claimant was forced to use her vehicle because no state vehicles were available. Ordinarily, employees who use their own vehicles on state business assume the responsibility for all repairs associated with that use. In this case, however, the UW believes there is an equitable basis for payment, since the claimant did not have access to a state vehicle and was making every effort to meet a work-related deadline.

The Board concludes the claim should be paid in the amount of \$500.00 based on equitable principles. The Board further concludes, under authority of s. 16.007 (6m), Stats., payment should be made from the University of Wisconsin appropriation s. 20.285(1)(i), Stats.

**12. Lebanon Athletic Association** of Watertown, Wisconsin claims \$1,478.79 plus interest for refund of overpayment of sales taxes. The claimant states that the treasurer of his organization made an error when filing sales tax returns in 1997. The treasurer mistakenly paid taxes on both taxable income from sales and non-taxable income from donations that had been made to the claimant's organization. The claimant states that the DOR never informed them of any delinquency but that the DOR instead contacted the local town board, who revoked the claimant's liquor license, which forced them temporarily out of business. The claimant states that a new treasurer found the error in 1999 but that the DOR would not refund the money. The claimant believes that the overpayment, which was made in error, should be returned to his organization.

The DOR recommends denial of this claim. The claimant's sales and use quarterly tax return for June 30, 1997, was not timely filed and DOR issued an assessment in September 1997. DOR records indicate that this assessment was paid in November 1997. The DOR states that it received the missing quarterly sales tax return in October 1999. The claimant requested refund of a portion of the amount previously paid on the estimated assessment. The DOR states that it denied refund of the overpayment pursuant to s. 77.58 (4)(b), Stats. The DOR states that, based on the information provided by the claimant, it appeared that the tax was not being refunded to a

customer and the request was not received until more than two years after the notice of assessment was issued.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**The Board concludes:**

**1. The claims of the following claimants should be denied:**

- Lois A. Endres
- Arthur Polk
- Jack & Margot Raz
- Julie & Ken Ganske
- Lynette Henderson
- JT Roofing, Inc.
- Danette M. Sebastian
- Ray Wilkinson Buick Cadillac, Inc.
- Lebanon Athletic Association

**3. Payment of the following amounts to the following claimants is justified under s. 16.007, Stats:**

Angelika Johnson	\$2,000.00
David J. Beranek	\$648.77
Barbara M. Hill	\$500.00

**Dated at Madison, Wisconsin this 7 day of June 2001.**

Alan Lee, Chair  
Representative of the Attorney General

John E. Rothschild, Secretary  
Representative of the Secretary of Administration

Chad Taylor  
Representative of the Governor

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

**Senate Clearinghouse Rule 00-159**

Relating to uniform dwelling code inspection agencies.

Submitted by Department of Commerce.

Report received from Agency, June 11, 2001.

Referred to committee on **Universities, Housing, and Government Operations**, June 12, 2001.

**Senate Clearinghouse Rule 01-031**

Relating to prescribing or dispensing schedule II amphetamines or schedule II anorectics.

Submitted by Department of Regulation and Licensing.

Report received from Agency, June 8, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, June 12, 2001.

**Senate Clearinghouse Rule 01-032**

Relating to the USMLE examination.

Submitted by Department of Regulation and Licensing.

Report received from Agency, June 8, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, June 12, 2001.



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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Thursday, June 14 at 10:00 A.M..

Adjourned.

10:01 A.M.

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**AMENDMENTS OFFERED**

Senate amendment 1 to **Senate Bill 168** offered by Senator Cowles.

Senate amendment 2 to **Senate Bill 168** offered by Senator Cowles.

Senate amendment 3 to **Senate Bill 168** offered by Senator Cowles.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

THURSDAY, June 14, 2001

The Senate met.

The Senate was called to order by Senator Jim Baumgart.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 207

Relating to: distribution of assistant district attorney positions.

By Senators Cowles, Darling and Hansen; cosponsored by Representatives Krawczyk, Wieckert, Townsend, Ainsworth, Huber and Owens.

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

### REPORT OF COMMITTEES

The joint survey committee on **Tax Exemptions** reports and recommends:

#### Senate Bill 55

Relating to: state finances and appropriations, constituting the executive budget act of the 2001 legislature.

Public Policy Involved:

The provisions of the Bill relating to tax exemptions are good public policy with the exception of the provision relating to the taxation of custom computer programs. That provision should be removed from the Bill. Additionally, the provision of the Bill relating to property tax exemption for regional planning commissions should be removed from the Bill and considered as separate legislation.

Russell Decker  
Senate Chairperson

### ADVICE AND CONSENT OF THE SENATE

State of Wisconsin  
Office of the Governor

June 8, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BENZEL, TRACY C., of Mercer, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM

Governor

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

State of Wisconsin  
Office of the Governor

June 8, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KARNAUSKAS, ROBERT J., of Pewaukee, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

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

State of Wisconsin  
Office of the Governor

June 8, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MICKELSON, DR. DAVID M., of Madison, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

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

State of Wisconsin  
Office of the Governor

June 8, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JUNGERS, ROMAN M., of Waupaca, as a member of the Accounting Examining Board, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

June 8, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KILKENNY, THOMAS J., of Brookfield, as a member of the Accounting Examining Board, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

June 8, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HAERING, ARNO WM., of Wausau, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the interim term ending July 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

June 8, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KALISHEK, KAREN A., of Shawano, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

June 8, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HOSKINS, ROBERT G., of Franklin, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

June 8, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KOLB, HAROLD H., of Lake Geneva, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

June 11, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint NELSON, JOHN F., of Middleton, as a member of the Deferred Compensation Board, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

June 11, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BEIL, MARTIN, of Mazomanie, as a member of the Deferred Compensation Board, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

June 11, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint METCALFE, V. MARTIN, of Monona, as a member of the Educational Communications Board, to serve for the term ending May 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

June 11, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BRAS, ARMANDO A., of Richfield, as a member of the Educational Communications Board, to serve for the term ending May 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

June 8, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint REINEMANN, ROGER, of Mequon, as a member of the Judicial Commission, to serve for the interim term ending August 1, 2003.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

June 11, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MIYAMOTO, DOUGLAS "BUB" M., of La Crosse, as a member of the Lower Wisconsin State Riverway Board, to serve for the term ending May 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

June 11, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ONSAGER, CATHERINE, of West Salem, as a member of the Kickapoo Reserve Management Board, to serve for the term ending May 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

June 8, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SMITH, BILL G., of Middleton, as a member of the Prison Industries Board, to serve for the term ending May 1, 2003.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

June 8, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint POPE, CAROL VOLLMER, of Brookfield, as a member of the Prison Industries Board, to serve for the term ending May 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

June 8, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BALISTRERI, LYLE A., of Wauwatosa, as a member of the Prison Industries Board, to serve for the term ending May 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

June 8, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint GRONLEY, BILL L., of Reedsburg, as a member of the Prison Industries Board, to serve for the term ending May 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

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

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

**Senate Clearinghouse Rule 00-157**

Relating to consultation programs and licensure requirements.

Submitted by Department of Regulation and Licensing.

Recalled by Agency, June 7, 2001.



**Senate Clearinghouse Rule 01–021**

Relating to pesticide license fee surcharges.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, June 12, 2001.

Referred to committee on **Labor and Agriculture**, June 14, 2001.

**Senate Clearinghouse Rule 01–028**

Relating to minor remedial drafting changes to department rules.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, June 12, 2001.

Referred to committee on **Labor and Agriculture**, June 14, 2001.

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

**Senate Clearinghouse Rule 00–165**

Relating to transfer of prescription orders.

No action taken.

**Senate Clearinghouse Rule 00–167**

Relating to defining the practice of nursing to include acting under the direction of optometrists.

No action taken.

**Senate Clearinghouse Rule 00–168**

Relating to continuing education of nurses.

No action taken.

**Senate Clearinghouse Rule 00–188**

Relating to long term care insurance.

No action taken.

Rodney Moen  
Chairperson

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**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 44**

**Assembly Bill 63**

**Assembly Bill 104**

**Assembly Bill 114**

**Assembly Bill 147**

**Assembly Bill 151**

**Assembly Bill 152**

**Assembly Bill 153**

**Assembly Bill 166**

**Assembly Bill 184**

**Assembly Bill 239**

**Assembly Bill 245**

**Assembly Bill 246**

**Assembly Bill 286**

**Assembly Bill 291**

**Assembly Bill 343**

**Assembly Bill 345**

Adopted and asks concurrence in:

**Assembly Joint Resolution 54**

Concurred in:

**Senate Bill 9**

**Senate Bill 10**

**Senate Bill 58**

**Senate Joint Resolution 31**

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**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 44**

Relating to: authorizing the payment of different prices to producers for milk based on specified criteria.

By Representatives Ward, Ainsworth, Freese, Gronemus, Hahn, Huebsch, Hundertmark, Kedzie, Kestell, Kreibich, La Fave, Montgomery, Nass, Olsen, Ott, Plale, Seratti, Starzyk, Sykora and Vrakas; cosponsored by Senator S. Fitzgerald.

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

**Assembly Bill 63**

Relating to: the duty of a motor vehicle operator who is involved in an accident with a person or an attended or occupied vehicle and providing a penalty.

By Representatives Stone, Sykora, Ladwig, Gronemus, Urban, Steinbrink, La Fave, Miller, Vrakas, Townsend, Williams, Ainsworth and Ott; cosponsored by Senators Roessler and Schultz.

Read first time and referred to committee on **Insurance, Tourism, and Transportation**.

**Assembly Bill 104**

Relating to: allowing a "Class A" licensee to provide wine free of charge for consumption on the licensee's premises.

By Representatives Pettis, Walker, Duff, J. Lehman, Gronemus, Krawczyk, Jeskewitz, Gunderson, Grothman, Albers, Sykora, D. Meyer, Townsend, Vrakas, McCormick and Petrowski; cosponsored by Senators Breske, Darling, Huelsman, Rosenzweig and Zien.

Read first time and referred to committee on **Insurance, Tourism, and Transportation**.

**Assembly Bill 114**

Relating to: allowing managed forest land to be located in cities.

By Representatives Skindrud, Ainsworth, Albers, Freese, Gronemus, Gunderson, Johnsrud, Miller, Musser, Powers, Seratti, Vrakas and Williams; cosponsored by Senators Erpenbach and Baumgart.

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

**Assembly Bill 147**

Relating to: creating a permit authorizing the operation upon a highway of a specialized hauling rig that exceeds statutory size and weight limits.

By Representatives Stone, Grothman, Montgomery, Townsend, Albers, Lassa, Sykora, Petrowski, Pettis, Wade, Gronemus and Ryba; cosponsored by Senators Breske and M. Meyer.

Read first time and referred to committee on **Insurance, Tourism, and Transportation**.

**Assembly Bill 151**

Relating to: proceeds from the sale of forest products at Badger Army Ammunition Plant and making an appropriation.

By Representatives Wade, Freese, Albers, Gunderson, Townsend and Musser; cosponsored by Senators Welch and Schultz.

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

**Assembly Bill 152**

Relating to: expenditures from Indian gaming revenue for law enforcement aids for the enforcement of laws regulating snowmobiles and the operation of snowmobiles and making an appropriation.

By Representatives Wade, Huebsch, Hundertmark, Freese, Ainsworth, Gunderson, Seratti and Townsend; cosponsored by Senators M. Meyer and Schultz.

Read first time and referred to committee on **Insurance, Tourism, and Transportation.**

**Assembly Bill 153**

Relating to: authorizing resident senior citizens to hunt with a crossbow.

By Representatives Pettis, Suder, Johnsrud, Freese, Albers, Musser, McCormick, Gronemus, Gundrum, Owens, Sherman, Seratti, Plouff, Petrowski and Townsend; cosponsored by Senators Shibilski, Roessler and Zien.

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

**Assembly Bill 166**

Relating to: nonmoving traffic violations involving rented or leased motor vehicles.

By Representatives Duff, Stone, Montgomery, Urban, La Fave, Turner, Pettis, Kedzie, Gronemus, Nass, Vrakas, Ladwig, Townsend, Olsen, Gunderson, Powers, Grothman and Albers; cosponsored by Senators Wirch, Schultz, Farrow, Roessler, Burke and Huelsman.

Read first time and referred to committee on **Insurance, Tourism, and Transportation.**

**Assembly Bill 184**

Relating to: reporting of information by nonresident registrants under the campaign finance law.

By Representatives Seratti, Freese, Vrakas, Albers, Krawczyk, Pettis, Williams, Jeskewitz, Skindrud, Townsend, Petrowski, Owens, Urban, Musser, Powers and F. Lasee.

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

**Assembly Bill 239**

Relating to: calculating the estimated snowmobile gas tax payment; operation of snowmobiles by law enforcement officers on highways; operation of snowmobiles proceeding in opposite directions or in excess of roadway speed limits; vehicle noise levels for snowmobiles; tampering with odometers of snowmobiles and all-terrain vehicles and with hour meters of boats, snowmobiles, and all-terrain vehicles; inspection of equipment on snowmobiles; transfer of snowmobile registration certificates; exempting accidents occurring in certain snowmobile races or derbies from requirements to render aid and from reporting and investigation requirements; use of fees collected for snowmobile trail use stickers for snowmobile trail maintenance costs; granting

rule-making authority; making an appropriation; and providing a penalty.

By Representatives Wade, Hahn, D. Meyer, Musser, Olsen, Gronemus, M. Lehman, Nass, Powers, Lippert, Sykora, Townsend, Boyle, Seratti, Meyerhofer, Albers, Pettis, Gunderson, Ott, Plouff, Vrakas and Leibham; cosponsored by Senators Cowles, Schultz and Roessler.

Read first time and referred to committee on **Insurance, Tourism, and Transportation.**

**Assembly Bill 245**

Relating to: motorists approaching certain authorized emergency vehicles, tow trucks, or highway maintenance equipment stopped near a highway and providing a penalty.

By Representatives Kaufert, Stone, Starzyk and Steinbrink; cosponsored by Senator Burke.

Read first time and referred to committee on **Insurance, Tourism, and Transportation.**

**Assembly Bill 246**

Relating to: jurisdiction in divorces.

By Representatives Kaufert, Bock, Berceau, Gunderson, Huber, Jeskewitz, Ladwig, La Fave, Lassa, J. Lehman, Meyerhofer, Miller, Owens, Plale, Plouff, Powers, Staskunas, Stone, Townsend, Vrakas, Wade and Young; cosponsored by Senators Burke, George, Plache, Darling, Huelsman, Roessler and Rosenzweig.

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

**Assembly Bill 286**

Relating to: the method of compensating town elective officers, compatible offices and positions for city, village, and town elective officeholders, the spending limit for construction and repair of town highways and bridges, and the disposition of town property.

By Representatives Owens, Hundertmark, F. Lasee, Ainsworth, Gunderson, Albers, Huebsch and Rhoades; cosponsored by Senators Breske and Decker.

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

**Assembly Bill 291**

Relating to: time limits for prosecution of certain sexual assault crimes, preservation of certain evidence, and postconviction and post commitment deoxyribonucleic acid testing of evidence.

By Representatives Walker, Wasserman, Bies, Berceau, Freese, Gunderson, Gundrum, Hahn, Hundertmark, Kestell, Ladwig, La Fave, F. Lasee, Kreuser, McCormick, Musser, Nass, Owens, Plouff, Reynolds, Starzyk, Turner, Wade, Stone, Miller, Kedzie, Sykora, Olsen, Vrakas and Balow; cosponsored by Senators Burke, Erpenbach, Huelsman, Rosenzweig and Darling.

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

**Assembly Bill 343**

Relating to: the display of the U.S. flag and offering of the pledge of allegiance or the national anthem in public and private schools.

By Representatives Jensen, Riley, Bies, Krawczyk, Starzyk, Rhoades, Ziegelbauer, Pettis, Musser, Ladwig, Huebsch, Stone, Suder, Ryba, Kreuser, Hoven, Hahn, Freese, Kestell, Ainsworth, Owens, Duff, Urban, Kreibich, Gunderson, Plouff, Leibham, Lippert, Townsend, Albers, Nass, Sykora, Kedzie, Vrakas, McCormick and Petrowski; cosponsored by

Senators Zien, Schultz, Roessler, Breske, Rosenzweig and Huelsman.

Read first time and referred to committee on **Education**.

**Assembly Bill 345**

Relating to: licensure of certified public accountants and accounting firms, attest and compilation services, peer review of accounting firms, eliminating certificates of authority for public accountants, and granting rule-making authority.

By Representatives Vrakas, Riley, Albers, Duff, Gundrum, Hahn, Huber, Huebsch, Hundertmark, Kedzie, Kestell, Kreibich, La Fave, Lassa, Leibham, Olsen, Plale, Ryba, Seratti, Staskunas, Stone, Turner, Urban, Walker and Wasserman; cosponsored by Senators Burke, Huelsman, Darling, S. Fitzgerald, George, M. Meyer, Risser and Rosenzweig.

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

**Assembly Joint Resolution 54**

Relating to: creating a committee of conference on electoral reform.

By Representatives Freese and Jensen.

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

**ANNOUNCEMENTS, ADJOURNMENT  
HONORS, AND REMARKS UNDER  
SPECIAL PRIVILEGE**

Senator Baumgart, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Aldo Leopold who first started the program of land conservation that was the basis for today's land conservation programs.

**ADJOURNMENT**

Senator Baumgart, with unanimous consent, asked that the Senate adjourn until Friday, June 15 at 10:00 A.M..

Adjourned.

10:01 A.M.



STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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10:00 A.M.

FRIDAY, June 15, 2001

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The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**REPORT OF COMMITTEES**

The joint survey committee on **Retirement Systems** reports and recommends:

**Senate Bill 55**

Relating to: state finances and appropriations, constituting the executive budget act of the 2001 legislature.

Public Policy Involved:

The committee finds that the three provisions relating to retirement that are the subject of this report are good public policy and recommends that the Legislature enact them into law.

Robert Wirch  
Senate Chairperson

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

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

**Senate Clearinghouse Rule 00–160**

Relating to volatile organic compound emissions and national emission standards for hazardous air pollutants for wood furniture manufacturing.

No action taken.

Jim Baumgart  
Chairperson

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, June 19 at 10:00 A.M..

Adjourned.

10:01 A.M.

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**AMENDMENTS OFFERED**

Senate substitute amendment 1 to **Senate Bill 168** offered by Senator Cowles.

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**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Bill 9**

Report correctly enrolled on June 15, 2001.



STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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MONDAY, June 18, 2001

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

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**REPORT OF COMMITTEES**

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

**Senate Bill 160**

Relating to: prohibiting the use of cyanide in metallic mining.

Passage.

Ayes, 4 – Senators Baumgart, Hansen, Wirch and Cowles.  
Noes, 1 – Senator Schultz.

Jim Baumgart  
Chairperson

The committee on **Finance** reports and recommends:

**Senate Bill 144**

Relating to: state purchase of a Justice Center building and granting bonding authority.

Passage.

Ayes, 7 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirch and Darling.

Noes, 1 – Senator Welch.

Brian Burke  
Chairperson

The joint committee on **Finance** reports and recommends:

**Senate Bill 55**

Relating to: state finances and appropriations, constituting the executive budget act of the 2001 legislature.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 12 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirch and Darling. Representatives Gard, Kaufert, Duff, Huber and Coggs.

Noes, 4 – Senator Welch. Representatives Albers, Ward and Huebsch.

Passage as amended.

Ayes, 12 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirch and Darling. Representatives Gard, Kaufert, Duff, Huber and Coggs.

Noes, 4 – Senator Welch. Representatives Albers, Ward and Huebsch.

Brian Burke  
Senate Chairperson

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Department of Health and Family Services**

June 11, 2001

The Honorable, The Senate:

Pursuant to Section 50.04(5)(fr), Wis. Stats., effective June 17, 1998, the Department is required to submit an annual report to the Legislature related to Class A violations committed by nursing homes (including facilities for the developmentally disabled) and forfeitures assessed on nursing homes for those violations.

The Department issued 26 Class A violations to nursing homes between June 17, 2000 and May 21, 2001. The attached chart details these Class A violations, including the original forfeiture amount assessed and the status of the payment.

There are several violations that have not yet been assessed forfeitures. The Department's two forfeiture positions were vacant for approximately four months. The positions have both been filled, and the new staff have completed training and are currently working on the backlog of Class A violations.

Sincerely,

PHYLLIS J. DUBE  
Secretary

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

The committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform** reports and recommends:

**Senate Clearinghouse Rule 99–115**

Relating to police pursuit.

No action taken.

Gary George  
Chairperson



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

TUESDAY, June 19, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

### LEAVES OF ABSENCE

Senator Panzer, with unanimous consent, asked that Senator A. Lasee be granted a leave of absence for today's session.

The roll was called and the following Senators answered to their names:

Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 31.

Absent – None.

Absent with leave – Senators A. Lasee – 1.

The Senate stood for a moment silent meditation, with special thoughts to the victims of the devastating storms in North Western Wisconsin.

The Senate remained standing and Senator Harsdorf led the Senate in the pledge of allegiance to the flag of the United States of America.

### INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

#### Senate Joint Resolution 38

Relating to: honoring and commending the devoted public service of John T. Benson.

By Senators Grobschmidt, Schultz, Chvala, Erpenbach, Breske, Robson, Plache, Shibilski, Burke, Jauch, Moen, A. Lasee, Rosenzweig, Roessler, Hansen, George, Darling, Lazich, Risser, Decker and Harsdorf; cosponsored by Representatives Hahn, Schneider, Hebl, Gronemus, Sinicki, Kestell, Musser, J. Lehman, Bock, Wasserman, Montgomery, Cogg, Boyle, Olsen, Pohan, Sykora, Wade, Lippert, Nass, Ryba, Berceau, Freese, Ladwig, Turner, Miller, Meyerhofer, Albers, Plale, Krawczyk, Jeskewitz, Travis, Plouff, Ott, Huber, Lassa, Hundertmark, Owens and Gunderson.

To committee on **Education**.

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin Ethics Board

Jun 19, 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/>

Broydrick, William **Abbott Laboratories**

Early, Jessica **Wisconsin Veterinary Medical Association**

Fitzgerald, Moira E **Ameritech (Wis Bell Inc)**

Kammer, Peter **Abbott Laboratories**

McClenahan, William **Wisconsin Veterinary Medical Association**

McCoshen, William J **Coalition for Responsible Dental Access Reform**

Petersen, Eric J **Coalition for Responsible Dental Access Reform**

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

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.

Senator Chvala, with unanimous consent, asked that the appointment of Anne L. Reid be withdrawn from committee on **Universities, Housing, and Government Operations and referred to committee on Education**.

BLASK, DANIEL P., of Pewaukee, as a member of the Wisconsin Health and Educational Facilities Authority, to serve for the term ending June 30, 2008.

Senator Chvala, with unanimous consent, asked that the appointment of Daniel P. Blask be withdrawn from committee on **Universities, Housing, and Government Operations and referred to committee on Health, Utilities, Veterans and Military Affairs**.

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

**Senate Clearinghouse Rule 00-187**

Relating to practice and procedure before the commission.  
Submitted by Public Service Commission.

Report received from Agency, June 15, 2001.

Referred to committee on **Health, Utilities, Veterans and  
Military Affairs**, June 19, 2001.

**Senate Clearinghouse Rule 01-043**

Relating to the licensure and regulation of speech-language  
pathologists, audiologists, temporary licensees and supervision  
of unlicensed individuals.

Submitted by Department of Regulation and Licensing.

Report received from Agency, June 15, 2001.

Referred to committee on **Health, Utilities, Veterans and  
Military Affairs**, June 19, 2001.

The committee on **Universities, Housing, and  
Government Operations** reports and recommends:

**Senate Clearinghouse Rule 00-149**

Relating to fees required of agent cities and counties that  
license and inspect retail food establishments.

No action taken.

Mark Meyer  
Chairperson

Senator Chvala, with unanimous consent, asked that the  
Senate recess until 4:16 P.M..

10:29 A.M.

**RECESS**

4:16 P.M.

The Senate reconvened.

Senator Risser in the chair.

**SPECIAL ORDER**

**Senate Bill 55**

Relating to: state finances and appropriations, constituting  
the executive budget act of the 2001 legislature.

Read a second time.

Senator Chvala, with unanimous consent, asked that the  
Senate recess until 9:44 P.M.

5:04 P.M.

**RECESS**

9:44 P.M.

The Senate reconvened.

Senator Risser in the chair.

Senate amendment 1 to Senate substitute amendment 1 to  
**Senate Bill 55** offered by Senators Cowles, Lazich, Ellis,  
Schultz, Darling, S. Fitzgerald, Harsdorf, Huelsman, Panzer,  
Roessler, Rosenzweig, Welch and Zien.

Senator Chvala moved that Senate amendment 1 to Senate  
substitute amendment 1 to **Senate Bill 55** be laid on the table.

The question was: Shall Senate amendment 1 to Senate  
substitute amendment 1 to **Senate Bill 55** be laid on the table?

The ayes and noes were demanded and the vote was: ayes,  
18; noes, 13; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker,  
Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer,  
Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch –  
18.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald,  
Harsdorf, Huelsman, Lazich, Panzer, Roessler, Rosenzweig,  
Schultz, Welch and Zien – 13.

Absent or not voting – Senator A. Lasee – 1.

Tabled.

Senate amendment 2 to Senate substitute amendment 1 to  
**Senate Bill 55** offered by Senators Chvala, Risser, Moen and  
Burke.

Senate amendment 1 to Senate amendment 2 to Senate  
substitute amendment 1 to **Senate Bill 55** offered by Senators  
Darling, Welch, Cowles, Lazich, Ellis, Schultz, S. Fitzgerald,  
Harsdorf, Huelsman, Panzer, Roessler, Rosenzweig and Zien.

Senator Chvala moved that Senate amendment 1 to Senate  
amendment 2 to Senate substitute amendment 1 to **Senate Bill  
55** be laid on the table.

The question was: Shall Senate amendment 1 to Senate  
amendment 2 to Senate substitute amendment 1 to **Senate Bill  
55** be laid on the table?

The ayes and noes were demanded and the vote was: ayes,  
18; noes, 13; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker,  
Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer,  
Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch –  
18.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald,  
Harsdorf, Huelsman, Lazich, Panzer, Roessler, Rosenzweig,  
Schultz, Welch and Zien – 13.

Absent or not voting – Senator A. Lasee – 1.

Tabled.

Senate amendment 2 to Senate amendment 2 to Senate  
substitute amendment 1 to **Senate Bill 55** offered by Senator  
Zien.

Senator Chvala, with unanimous consent, asked that Senate  
amendment 2 to Senate amendment 2 to Senate substitute  
amendment 1 to **Senate Bill 55** be laid on the table.

Tabled

The question was: Adoption of Senate amendment 2 to  
Senate substitute amendment 1 to **Senate Bill 55**?

The ayes and noes were demanded and the vote was: ayes,  
19; noes, 12; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker,  
Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen,  
Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson,  
Shibilski and Wirch – 19.

Noes – Senators Cowles, Darling, Ellis, Harsdorf,  
Huelsman, Lazich, Panzer, Roessler, Rosenzweig, Schultz,  
Welch and Zien – 12.

Absent or not voting – Senator A. Lasee – 1.

Adopted.

The question was: Adoption of Senate substitute  
amendment 1 to **Senate Bill 55**?

The ayes and noes were demanded and the vote was: ayes,  
18; noes, 13; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Huelsman, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 13.

Absent or not voting – Senator A. Lasee – 1.

Adopted.

Senator Fitzgerald, with unanimous consent, asked that the journal he would have wished to be recorded as voting no on the adoption of Senate substitute amendment 1 to **Senate Bill 5**.

The question was: Shall **Senate Bill 55** be ordered to be read a third time?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 13; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Huelsman, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 13.

Absent or not voting – Senator A. Lasee – 1.

Ordered to a third reading.

Senator Burke, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 55**

Read a third time.

The ayes and noes were required and the vote was: ayes, 18; noes, 13; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Huelsman, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 13.

Absent or not voting – Senator A. Lasee – 1.

Passed.

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**CONSIDERATION OF MOTIONS AND RESOLUTIONS**

**Assembly Bill 100**

Relating to: financial assistance for an air carrier that operates from a hub facility, creating an airport financing committee, granting rule-making authority, and making appropriations.

The question was: Shall **Assembly Bill 100** be withdrawn from the **Joint Survey committee on Tax Exemptions**?

**POINT OF ORDER**

Senator Chvala raised the point of order that the motion before us may not be considered at this time because section 13.52(6) of the statutes prohibits further consideration of any proposal until such time as the Joint Survey committee on Tax Exemptions has submitted its report on the proposal.

The Chair took the point of order under advisement.

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**SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS**

**Senate Bill 138**

Relating to: the publication of notices relating to the creation of tax incremental financing districts.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 138**

Read a third time and passed.

**Senate Bill 144**

Relating to: state purchase of a Justice Center building and granting bonding authority.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 144**

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 1; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 30.

Noes – Senator Lazich – 1.

Absent or not voting – Senator A. Lasee – 1.

Passed.

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**SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS**

**Assembly Bill 274**

Relating to: supplemental medical assistance payments to reduce operating deficits of county, city, village, or town nursing homes and creating a medical assistance trust fund.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 274**?

Adopted.

Senator Moen moved that Senate amendment 2 to **Assembly Bill 274** be laid on the table.

The question was: Shall Senate amendment 2 to **Assembly Bill 274** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 24; noes, 6; absent or not voting, 2; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Huelsman, Jauch, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Shibilski, Wirch and Zien – 24.

Noes – Senators Cowles, Darling, Harsdorf, Lazich, Schultz and Welch – 6.

Absent or not voting – Senators Ellis and A. Lasee – 2.

Tabled.



Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 274**

Read a third time and concurred in as amended.

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**ANNOUNCEMENTS, ADJOURNMENT  
HONORS, AND REMARKS UNDER  
SPECIAL PRIVILEGE**

Senator Chvala, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Senator Alan Lasee and wish him a speedy recovery.

Senator Chvala, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Georgia Schneider and wish her a full and speedy recovery.

Senator Chvala, with unanimous consent, asked that action be immediately messaged to the Assembly.

Senator Moore, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Juneteenth day.

Senator Hansen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his father who passed away a short time ago.

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Thursday, June 21 at 10:00 A.M..

Adjourned.

1:17 A.M.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

THURSDAY, June 21, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 208

Relating to: a sales tax and use tax exemption for energy-efficient motor vehicles.

By Senators Risser, Schultz and Roessler; cosponsored by Representatives Grothman, Sinicki, Staskunas, Sykora, Musser, Krawczyk, Plouff, Lassa and Berceau.

To joint survey committee on **Tax Exemptions**.

#### Senate Bill 209

Relating to: zoning of upland environmental corridors, requiring the exercise of rule-making authority, and making an appropriation.

By Senators Risser and Burke; cosponsored by Representatives Berceau, Pocan, Miller and Bock.

To committee on **Environmental Resources**.

### REPORT OF COMMITTEES

The committee on **Education** reports and recommends:

#### Senate Joint Resolution 38

Relating to: honoring and commending the devoted public service of John T. Benson.

Adoption.

Ayes, 10 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Roessler, Darling, Lazich and Harsdorf.

Noes, 0 – None.

Richard Grobschmidt  
Chairperson

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin Legislative Audit Bureau

June 21, 2001

The Honorable, The Legislature:

As required by s. 13.94(1)(o), Wis. Stats., we have completed an evaluation of the implementation and operating agreements between the University of Wisconsin (UW) and the UW Hospital and Clinics Authority. The Authority is an

independent, nonprofit entity established by the Legislature in 1996 to operate the 536-bed hospital and a number of clinics on the UW-Madison campus, as well as other outpatient clinics and facilities in the Madison area. In fiscal year (FY) 1999-2000, the Authority had revenue of \$400.0 million and operating expenses of \$395.0 million; in September 2000, it employed 4,263 full-time equivalent staff.

The Authority was created to allow increased management flexibility in hospital operations and greater competitiveness in a changing health care environment. Although it has not engaged in networking activities to the extent that had been envisioned at the time it was established, it has established relationships with a number of health care entities. It has also used the \$106.5 million in bonding authority authorized by the Legislature to engage in an aggressive building program, including construction of two outpatient clinics in Madison.

The Authority's financial performance, like that of other academic medical centers, has been mixed. Revenue in excess of expenses declined from \$13.8 million in FY 1996-97, the Authority's first year of operation, to \$5.0 million in FY 1999-2000; however, it increased during the first ten months of FY 2000-01.

The Authority is generally fulfilling its statutory mission of delivering comprehensive, high-quality health care, including charity care; providing medical instruction; sponsoring and supporting health care research; and providing medical outreach services stateside. In FY 1999-2000, the Authority transferred \$16.3 million to UW medical, nursing, and pharmacy schools and spent another \$14.7 million in support of medical education.

We appreciate the courtesy and cooperation extended to us by the Authority. The Authority's response is Appendix 5.

Sincerely,

JANICE MUELLER  
State Auditor

State of Wisconsin

June 20, 2001

The Honorable, The Senate:

Attached for the information of the members is a copy of the report of the Senate 2001–2003 Biennial Budget Committee on Senate Bill 55, relating to state finances and appropriations, constituting the executive budget act of the 2001 legislature.

Sincerely,

BOB JAUCH  
Chair

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

**Senate Clearinghouse Rule 01-043**

Relating to the licensure and regulation of speech-language pathologists, audiologists, temporary licensees and supervision of unlicensed individuals.

**Clearinghouse Rule 01-043** was withdrawn from the committee on **Health, Utilities, Veterans and Military Affairs** and referred to committee on **Human Services and Aging** pursuant to **Senate Rule 46 (2)(b)**.

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

**Senate Clearinghouse Rule 00-091**

Relating to licensing of emergency medical technicians-paramedic and approval of emergency medical technician-paramedic operational plans.

Report objection in part recommended, Ayes 7, Noes 2.

Ayes, 7 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig and Cowles.

Noes, 2 – Senators S. Fitzgerald and Lazich.

Rodney Moen  
Chairperson

Referred to joint committee for **review of Administrative Rules**, June 21, 2001.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, June 26 at 10:00 A.M..

Adjourned.

10:01 A.M.

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**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Bill 9**

Presented to the Governor on June 20, 2001.



# STATE OF WISCONSIN

# Senate Journal

## Ninety-Fifth Regular Session

10:00 A.M.

TUESDAY, June 26, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 210

Relating to: the liability of married persons filing a joint income tax return, the payment of the alternate fuel tax and the tobacco products tax, reducing nondelinquent taxes, rounding dollar amounts to whole dollars on all tax returns, allowing a mathematical computation of sales and use taxes, extending the time for filing a tax withholding report, delivering tax-related documents and related payments, granting rule-making authority, making an appropriation, and providing a penalty.

By Senators M. Meyer, Wirch, Zien and Huelsman; cosponsored by Representatives M. Lehman, Sykora, Plale, Huebsch, Musser, Grothman, Plouff, Powers, Gronemus, Wood, Miller, Ainsworth, Vrakas, Hahn, Albers and Stone.

To joint survey committee on **Tax Exemptions**.

### PETITIONS AND COMMUNICATIONS

State of Wisconsin  
Office of the Governor

June 22, 2001

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Senate Bill 9	Wisconsin Act 10	June 22, 2001(In Part)

Sincerely,

SCOTT MCCALLUM  
Governor

State of Wisconsin  
Office of the Governor

June 22, 2001

The Honorable, The Senate:

I have approve **Senate Bill 9** as 2001 Wisconsin Act 10 and have deposited it in the Office of the Secretary of State. I have exercised the partial veto in sections 121m and 122g.

**Senate Bill 9** is Wisconsin's enactment of the National Conference of Commissioner on Uniform State Laws' revision of Article 9 in the Uniform Commercial Code. The Uniform Commercial Code generally has standardized key business processes and basic rules for credit transactions throughout the United States. The Wisconsin version of Article 9 is Chapter 409 of the Wisconsin Statutes. **Senate Bill 9** repeals and recreates Chapter 409 to streamline and modernize the statutory framework for establishing, perfecting and prioritizing liens on property.

Section 121m provides for an increase of \$442,600 PR to the fiscal year 2000-01 s.20.144 (1)(g) appropriation of the Department of Financial Institutions. This section also provides 3.0 FTE project positions to the department for fiscal year 2001-02. These resources are needed for the department to successfully implement **Senate Bill 9**. However, successful implementation of **Senate Bill 9** is jeopardized by how the bill provides these resources. There is a mismatch between the year of funding and the year the positions are authorized. Further, the timing of passage and enactment virtually ensures the \$442,600 provided for implementation would lapse within days of enactment. I object to this timing mismatch and I am partially vetoing this section so the \$442,600 can be provided in fiscal year 2001-02, when the work will actually be done.

Section 122g sets a general effective date of July 1, 2001, (or the day after publication, whichever is later) for the bill. I also object to the separate provision in this section for an earlier effective date for the appropriation provision in section 121m. This provision in section 122g would make the appropriation in section 121m effective on the day after publication. I am partially vetoing this section to provide for a uniform effective date for the entire bill.

My partial veto of sections 121m and 122g will move the funding to a year these resources can actually be used, from fiscal year 2000-01 to fiscal year 2001-02. This technical veto will ensure that the department has the appropriated funding in the fiscal year that implementation work will begin and place the 3.0 FTE project positions and the funding to implement **Senate Bill 9** in the same fiscal year.

I support Wisconsin's continued participation in a uniform commercial code. My action on this bill allows Wisconsin to adopt a significant revision to the code and to implement it successfully.

Sincerely,

SCOTT MCCALLUM  
Governor



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

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>Senate Bill 9</b>	Wisconsin Act 10 (vetoed in part)	June 25, 2001

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Legislative Audit Bureau**

June 21, 2001

The Honorable, The Legislature:

On April 30, 2001, we completed our fiscal year 1999-2000 single audit and issued our report (01-08). During the course of our audit, we identified approximately \$2.1 million in available funds that the Legislature may wish to consider during the current 2001-03 biennial budget deliberations. This amount includes potential revenue of \$1.8 million for the General Fund, \$246,000 for the Conservation Fund, and \$40,000 for the Transportation Fund.

First, if the Legislature directed the Department of Workforce Development to immediately claim all federal funds available to the State through the Temporary Assistance for Needy Families program, an estimated \$800,000 in additional interest earnings would be generated during the 2001-03 biennium. These additional interest earnings could be used for any purpose.

Second, the State receives rebates related to use of certain purchasing cards it has authorized state agencies to use to make purchases of less than \$5,000. As of December 31, 2000, the State received \$285,000 in purchasing card rebates, and we estimate that an additional \$400,000 will be received during the 2001-03 biennium. If it desired, the Legislature could direct the Department of Administration to lapse the purchasing card rebates to the funds that were the source of payments for the purchases and, in the future, record the rebates as miscellaneous revenues of the affected funds. If this action were taken, approximately \$620,000 could be deposited in the General Fund, \$40,000 to the Transportation Fund, and \$25,000 to other funds.

Finally, we identified \$392,000 in General Fund encumbrances and \$246,000 in Conservation Fund encumbrances that the Department of Workforce Development is currently in the process of reviewing. We believe the majority of these encumbrances, which have been outstanding since June 30, 1999, will lapse. Therefore, the Legislature may wish to consider the availability of these additional lapses as it continues its budget deliberations.

We hope that you find this information useful. If you have any questions or comments, please contact me.

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
University of Wisconsin – Madison**

June 19, 2001

The Honorable, The Senate:

Pursuant to 1999 Wisconsin Act 9, s 9111 (4xx), enclosed please find a report on the correlation between prior convictions and the propensity to commit future acts of abuse, neglect or misappropriation. The report, *The Risks of Recidivism: An Employment Perspective*, was prepared by Herbert M. Kritzer, Professor of Political Science and Law at the University of Wisconsin–Madison.

If you have any questions about this report, please do not hesitate to contact me at 263-5510 or [hoslet@bascom.wisc.edu](mailto:hoslet@bascom.wisc.edu).

Sincerely,

CHARLES B. HOSLET  
Senior Special Assistant to the Chancellor  
Director, State Relations

**State of Wisconsin  
Department of Regulation and Licensing**

June 19, 2001

The Honorable, The Senate:

In accordance with WSS 961.36(3), enclosed please find the 2000 Controlled Substances Board Annual Report.

It is hoped that the Senate will find this report useful.

Sincerely,

PATRICK D. BRAATZ  
Administrator  
Division of Health Professionals and Services Licensing

**State of Wisconsin  
Ethics Board**

July 26, 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/>

Bentley, Marc S	<b>Murphy Oil USA, Inc.</b>
Broydrick, Cynthia	<b>Council for Affordable Health Insurance</b>
Broydrick, William	<b>Council for Affordable Health Insurance</b>
Christianson, Peter C	<b>Wal-Mart Stores, Inc.</b>
Driscoll, Darcy	<b>Mirant Americas Inc (formerly SEI Wisconsin LLC)</b>
Eisenberg, Alan D	<b>Share the Earth</b>
Fonfara, Thomas	<b>Wal-Mart Stores, Inc.</b>
Fountain, J Marie	<b>El Paso Corporation (formerly ANR Pipeline / The Coastal Corporation)</b>
Hanson, Thomas	<b>Roeschen's Omnicare</b>
Leonhart, James	<b>Mirant Americas Inc (formerly SEI Wisconsin LLC)</b>
Longmire, Erin	<b>Funeral Service Alliance of Wisconsin</b>
Moore, Thomas E	<b>Community Bankers of Wisconsin</b>
Petak, George	<b>Mirant Americas Inc (formerly SEI Wisconsin LLC)</b>
Petersen, Eric J	<b>Council for Affordable Health Insurance</b>
Peterson, Craig	<b>Mirant Americas Inc (formerly SEI Wisconsin LLC)</b>

Rice, Joseph      **Mirant Americas Inc (formerly SEI  
Wisconsin LLC**  
Thompson, Kelli   **Milwaukee Metropolitan Sewerage  
District**  
Thompson, Kelli   **Mirant Americas Inc (formerly SEI  
Wisconsin LLC**

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

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

**Senate Clearinghouse Rule 00-179**

Relating to construction and fire prevention for public buildings and places of employment, including commercial buildings and structures and multifamily dwellings.

Submitted by Department of Commerce.

Report received from Agency, June 26, 2001.

Referred to committee on **Universities, Housing, and Government Operations**, June 26, 2001.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Thursday, June 28 at 10:00 A.M..

Adjourned.

10:01 A.M.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

THURSDAY, June 28, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 211

Relating to: mandatory overtime hours worked by health care workers employed by health care facilities and providing penalties.

By Senators Robson, Burke, Erpenbach, Baumgart, Grobschmidt, George, Risser, Hansen and Rosenzweig; cosponsored by Representatives Johnsrud, Underheim, Urban, Wasserman, La Fave, Pocan, Turner, Musser, Bock, J. Lehman, Balow, Plale, Cullen, Black, Richards, Miller, Gronemus, Sinicki, Carpenter, Boyle, Kestell, Meyerhofer, Berceau, Shilling, Schooff, Colon and Coggs.

To committee on **Labor and Agriculture**.

#### Senate Bill 212

Relating to: restrictions on the transmission of unsolicited electronic mail.

By Senators Risser, Roessler, Burke, Decker, Huelsman and Hansen; cosponsored by Representatives Krug, Musser, Bock, Urban, Hahn, Albers and Ott.

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

### REPORT OF COMMITTEES

The committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform** reports and recommends:

#### Assembly Bill 60

Relating to: the prohibition against making, possessing, or distributing a representation that depicts nudity, and providing a penalty.

Introduction and adoption of Senate amendment 1.

Ayes, 4 – Senators George, Risser, Wirsch and S. Fitzgerald.  
Noes, 1 – Senator Huelsman.

Concurrence as amended.

Ayes, 5 – Senators George, Risser, Wirsch, Huelsman and S. Fitzgerald.  
Noes, 0 – None.

#### Senate Bill 103

Relating to: jurisdiction in divorces.

Passage.

Ayes, 5 – Senators George, Risser, Wirsch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

#### Senate Bill 106

Relating to: expressing child support as a fixed sum, requiring child support payers annually to furnish copies of tax returns, and providing for annual adjustments in child support.

Introduction of Senate substitute amendment 1.

Ayes, 5 – Senators George, Risser, Wirsch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Introduction and adoption of Senate amendment 1 to Senate substitute amendment 1.

Ayes, 5 – Senators George, Risser, Wirsch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Introduction and adoption of Senate amendment 2 to Senate substitute amendment 1.

Ayes, 4 – Senators George, Risser, Wirsch and Huelsman.  
Noes, 1 – Senator S. Fitzgerald.

Senate substitute amendment 1 adoption.

Ayes, 4 – Senators George, Risser, Wirsch and Huelsman.  
Noes, 1 – Senator S. Fitzgerald.

Passage as amended.

Ayes, 4 – Senators George, Risser, Wirsch and Huelsman.  
Noes, 1 – Senator S. Fitzgerald.

#### Senate Bill 205

Relating to: nominating major party candidates for the office of lieutenant governor and filling vacancies in certain nominations.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 4 – Senators George, Risser, Wirsch and Huelsman.  
Noes, 1 – Senator S. Fitzgerald.

Passage as amended.

Ayes, 4 – Senators George, Risser, Wirsch and Huelsman.  
Noes, 1 – Senator S. Fitzgerald.

**Senate Bill 47**

Relating to: enforcement of motor vehicle safety belt violations and providing a penalty.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Passage as amended.

Ayes, 4 – Senators George, Risser, Wirch and Huelsman.

Noes, 1 – Senator S. Fitzgerald.

Gary George  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

June 26, 2001

The Honorable, The Senate:

Pursuant to s. 15.107(17), Wisconsin Statutes, I have reappointed Robert Jones of Madison to the Council on Utility Public Benefits. The term of Mr. Jones will expire on July 1, 2004.

Sincerely,

CHUCK CHVALA  
Senate Majority Leader

**State of Wisconsin  
Joint Legislative Council**

June 20, 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 2001–11 Legislation on Discipline of Health Care Professionals (2001 Senate Bills 139 and 140)

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/report\\_by\\_topic.htm](http://www.legis.state.wi.us/lc/report_by_topic.htm).

Sincerely,

TERRY C. ANDERSON  
Director

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

**Senate Clearinghouse Rule 00–133**

Relating to revising requirements for insurers offering medicare + choice, medicare supplement and replacement plans in order to comply with recent changes in federal laws.

Submitted by Office of the Commissioner of Insurance.

Report received from Agency, June 22, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, June 28, 2001.

**Senate Clearinghouse Rule 01–046**

Relating to the nurse licensure compact.

Submitted by Department of Regulation and Licensing.

Report received from Agency, June 22, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, June 28, 2001.

**Senate Clearinghouse Rule 01–049**

Relating to board–approved schools, application procedures and licensure by endorsement.

Submitted by Department of Regulation and Licensing.

Report received from Agency, June 27, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, June 28, 2001.

**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Friday, June 29 at 12:00 P.M..

Adjourned.

10:01 A.M.

**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Bill 10**

**Senate Bill 58**

Report correctly enrolled on June 26, 2001.





# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

FRIDAY, June 29, 2001

The Senate met.

The Senate was called to order by Senator David Hansen.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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

State of Wisconsin  
Revisor of Statutes Bureau

July 1, 2001  
To the Honorable, the Senate:

The following rules have been published:

Clearinghouse Rules	Effective Date(s)
00– 10	January 1, 2002
00–124	July 1, 2001
00–143	July 1, 2001
00–170	July 1, 2001
00–178	July 1, 2001
00–189	July 1, 2001
01– 3	July 1, 2001
01– 5	July 1, 2001

Sincerely,  
GARY L. POULSON  
Deputy Revisor

Senator Hansen, with unanimous consent, asked that the Senate recess until 11:30 A.M..

12:01 P.M.

### RECESS

11:30 A.M.

The Senate reconvened.  
Senator Risser in the chair.

### MESSAGES FROM THE ASSEMBLY

By John A. Scocos, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has concurred in:

**Senate Bill 138**

**Senate Bill 144**

Senate amendment 1 to **Assembly Bill 274**

### ANNOUNCEMENTS, ADJOURNMENT HONORS, AND REMARKS UNDER SPECIAL PRIVILEGE

Senator Rosenzweig, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Rotary Representatives Harold Hoak, Micheal Slawny, Jerry Falk, Richard Muirhead.

Senator Risser, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Peru Rotarians: José and Edmee Barrientos, Edgar and Mary Wong, Melva and Herbert Pinto, Janet Marquez, Adito Milon, José Valdivieso, Oscar Torres, and Ricardo Zavala and son, Alonso.

### ADJOURNMENT

Senator Risser, with unanimous consent, asked that the Senate adjourn until Monday, July 2 at 10:00 A.M.

Adjourned.

11:31 A.M.

### MOTIONS UNDER SENATE RULE 98 AND JOINT RULE 7

*for the Month of June 2001*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Huelsman, for Kevin Ark, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Nick Augustin, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for the Badger Candy Kitchen, on the occasion of celebrating its 77th year of business.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Schultz, for Melody Bahr, RN, on the occasion of being recognized as a 2001 Wisconsin Outstanding Nurse of the Year by the Wisconsin League for Nursing and Blue Cross and Blue Shield United of Wisconsin.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Moore, for Gwendolyn Banks, on the occasion of her 37 years of dedication and devotion to teaching.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Christopher E. Bartel, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Christopher E. Bartel, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Moore, for Dr. John R. Birkholz, on the occasion of his years of service as the administrator and president of the Milwaukee Area Technical College.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Dr. John R. Birkholz, on the occasion of his years of dedication as the administrator and president of the Milwaukee Area Technical College.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Marjorie Bruce-Burnett, on the occasion of her devotion to her family and community.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Theodore Louis Coyer, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of condolence by the Wisconsin Senate on the motion of Senator George, for the family and friends of Samuel H. Day, Jr., on the occasion of celebrating his life with them.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Daniel D. Duren, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Erpenbach, for Evansville Manor, on the occasion of its years of exemplary service provided to the residents the past 30 years.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Decker, for the town of Fifield, on the occasion of its 125th Anniversary.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Blaise Gaboriault, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Anthony J. Gahn III, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Jacob Gehring, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for James Gordon, on the occasion of his dedicated 30 years of teaching that included a 22 years of coaching basketball.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Burke, for Graef, Anhalt, Schloemer & Associates, Inc., on the occasion of providing outstanding engineering services for the past 40 years.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Breske, for Margaret Hopfensberger, on the occasion of years of dedication to the community of Menasha and all the lives that she has touched.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Burke, for the Iron Workers Local NO. 8, on the occasion of celebrating its 100th Anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator George, for Louvenia Johnson, on the occasion of celebrating her 90th Birthday.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Harsdorf, for Dr. Benny Henry Kettelkamp, on the occasion of celebrating his 100th Birthday shared with family and friends.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Damien Kuhn, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Huelsman, for Matthew Kysely, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Lyman and Irene Laude, on the occasion of celebrating 50 years of marriage.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Harsdorf, for Bob and Shirley Melrose, on the occasion of celebrating their 50th Wedding Anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Burke, for the Milwaukee Brewers, on the occasion of their continued support of the Child Abuse Prevention Fund.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Petty Officer Joseph Minten, on the occasion of his retirement from the United States Navy.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Harsdorf, for Matthew Mountain, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Hansen, for Joe O'Neil, on the occasion of his dedication to the Green Bay community.*

*A certificate of condolence by the Wisconsin Senate on the motion of Senator George, for the family and friends of Jack S. Patterson, on the occasion of celebrating his life with them.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Harsdorf, for Julie Pomasl, RN, on the occasion of being recognized as a 2001 Wisconsin Outstanding Nurse of the Year by the Wisconsin League for Nursing and Blue Cross and Blue Shield United of Wisconsin.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Verna and Harold Schuster, on the occasion of celebrating their 66th wedding anniversary.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Emily Swenty, on the occasion of celebrating her 103rd Birthday shared with family and friends.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Andrew Szmanda, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Samantha Toigo, on the occasion of her extraordinary excellence through education and representing the State of Wisconsin at the 74th annual Scripps Howard National Spelling Bee.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Breske, for Vaughn Lee Vance, on the occasion of celebrating his Birthday shared with family, friends and co-workers.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Hansen, for Donald VerHeyen, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Bonnie Vick, on the occasion of her retirement after 40 years of committed service to the Gaenslen School.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Chuck Welda, on the occasion of his retirement from the Middleton–Cross Plains Area School District after 33 years of dedicated service.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for John T. Westerhausen, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Wisconsin Service Club, on the occasion of their 50 years of dedicated service to their community.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Breske, for Mitch Ziemke, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Harsdorf, for Robert and Mary Zwald, on the occasion of celebrating their 50th Wedding anniversary.*



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

MONDAY, July 2, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The roll was called and the following Senators answered to their names:

Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 31.

Absent – Senators S. Fitzgerald – 1.

Absent with leave – None.

The Senate stood for the prayer which was offered by Iman Amin Amer, Religious Director of the Islamic Society of Milwaukee.

The Senate remained standing and Senator George led the Senate in the pledge of allegiance to the flag of the United States of America.

### INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

#### Senate Joint Resolution 39

Relating to: the life and public service of Ernest C. Keppler.

By Senators Baumgart, Risser, A. Lasee, Rosenzweig and Moen; cosponsored by Representatives Leibham, Kestell, Plouff, Montgomery, Krug, Nass, Gronemus, Owens, Ryba, Gunderson, Turner, Schneider, Townsend, J. Lehman, Miller, Lippert and Sykora.

Read.

Considered as privileged and taken up.

Adopted by unanimous rising vote.

Senator Panzer, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 39**.

Senator Chvala, with unanimous consent, asked that **Senate Joint Resolution 38** be taken up.

#### Senate Joint Resolution 38

Relating to: honoring and commending the devoted public service of John T. Benson.

Read.

Senator Chvala, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 38**.

Adopted.

Senator Panzer, with unanimous consent, asked that the Senate recess until 11:55 A.M..

10:59 A.M.

### RECESS

11:55 A.M.

The Senate reconvened.

Senator Risser in the chair.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 213

Relating to: a real estate transfer fee exemption for a conveyance between related corporations, partnerships, and limited liability companies.

By Senators Huelsman, Cowles, Schultz and Rosenzweig; cosponsored by Representatives Pettis, Powers, Grothman, Vrakas, Lippert and Owens.

To joint survey committee on **Tax Exemptions**.

### REPORT OF COMMITTEES

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

#### Assembly Bill 114

Relating to: allowing managed forest land to be located in cities.

Concurrence.

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

Noes, 0 – None.

Jim Baumgart  
Chairperson

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

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

#### Senate Clearinghouse Rule 00–111

Relating to implementation of a geographic information system registry of closed remediation sites for properties with groundwater contamination exceeding NR 140 enforcement standards at the time of case closure.

No action taken.

#### Senate Clearinghouse Rule 01–006

Relating to hunting, trapping and nuisance wildlife control.

No action taken.



**Senate Clearinghouse Rule 01-008**

Relating to hunting, trapping and captive wildlife.

No action taken.

**Senate Clearinghouse Rule 01-012**

Relating to fishing on the inland, outlying and boundary waters of Wisconsin and fish rearing pond grants.

No action taken.

**Senate Clearinghouse Rule 01-013**

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

No action taken.

Jim Baumgart  
Chairperson

**MESSAGES FROM THE ASSEMBLY**

By John A. Scocos, chief clerk.

Mr. President:

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

**Assembly Joint Resolution 55**

Passed and asks concurrence in:

**Assembly Bill 123**

**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 123**

Relating to: who may be appointed personal representative in informal administration.

By Representatives Staskunas, Duff, Sherman, La Fave, Montgomery, Huebsch, Richards, Cullen, Powers, J. Lehman, Ryba, Hundertmark, Jeskewitz, Albers, Gunderson, Vrakas, Townsend, Berceau, Kreuser and McCormick; cosponsored by Senators Burke, Farrow and Huelsman.

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

**Assembly Joint Resolution 55**

Relating to: creating a committee of conference on 2001 Senate Bill 55, the executive budget bill of the 2001 legislature. Read.

Considered as privileged and taken up.

Senator Panzer, with unanimous consent, asked that the Senate Stand Informal.

Senator Chvala objected.

Senator Panzer, with unanimous consent, asked that the Senate Recess.

Senator Chvala objected.

Senator Panzer moved that the Senate recess.

Senator Chvala, with unanimous consent, asked that the Senate recess until 12:27 P.M.

12:14 P.M.

**RECESS**

12:27 P.M.

The Senate reconvened.

Senator Risser in the chair.

Senator Panzer, with unanimous consent, withdrew her motion for recess.

Senate amendment 1 to **Assembly Joint Resolution 55** offered by Senators Chvala, Risser and Moen.

Senate substitute amendment 1 to **Assembly Joint Resolution 55** offered by Senator Panzer.

Senator Burke moved that Senate substitute amendment 1 to **Assembly Joint Resolution 55** be laid on the table.

**LEAVES OF ABSENCE**

Senator Panzer, with unanimous consent, asked that Senator S. Fitzgerald be granted a leave of absence for today's session.

The question was: Shall Senate substitute amendment 1 to **Assembly Joint Resolution 55** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 13; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, Harsdorf, Huelsman, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 13.

Absent or not voting – Senator S. Fitzgerald – 1.

Tabled.

The question was: Adoption of Senate amendment 1 to **Assembly Joint Resolution 55**?

Adopted.

The question was: Concurrence in **Assembly Joint Resolution 55**?

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 31.

Noes – None.

Absent or not voting – Senator S. Fitzgerald – 1.

Concurred in as amended.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

**ANNOUNCEMENTS, ADJOURNMENT  
HONORS, AND REMARKS UNDER  
SPECIAL PRIVILEGE**

Senator Baumgart, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Ernie Keppler, a good friend, progressive and someone always willing to listen.

Senator Grobschmidt, with unanimous consent, asked that when the Senate adjourn, it do so in memory of Joseph Kehoe, in honor of his life of public service to the city of South Milwaukee serving as an alderman, mayor, and a member of several boards and commissions.

Senator Panzer, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Senator Lasee and his wife on this day which is their 41st wedding anniversary.

Senator Chvala, with unanimous consent, asked that the Senate recess until 5:13 P.M.

12:55 P.M.

Noes – Senators Cowles, Darling, Harsdorf, Huelsman, A. Lazich, Panzer, Roessler, Rosenzweig, Schultz and Welch – 10.

**RECESS**

Absent or not voting – Senators Ellis, S. Fitzgerald, Lasee, Robson and Zien – 5.

5:13 P.M.

Recessed.

5:26 P.M.

The Senate reconvened.

Senator Risser in the chair.

The Chair, with unanimous consent, asked that the Senate return to the eighth order of business.

**RECESS**

9:18 P.M.

**MESSAGES FROM THE ASSEMBLY**

By John A. Scocos, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has amended and concurred in as amended:

Senate amendment 1 to **Assembly Joint Resolution 55** (Assembly amendment 1 adopted)

Concurred in:

**Senate Joint Resolution 38**

**Senate Joint Resolution 39**

The Senate reconvened.

Senator Risser in the chair.

**MESSAGES FROM THE ASSEMBLY**

By John A. Scocos, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has refused to recede from its position on:

Assembly amendment 1 to Senate amendment 1 to **Assembly Joint Resolution 55**

**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Joint Resolution 55**

Relating to: creating a committee of conference on 2001 Senate Bill 55, the executive budget bill of the 2001 legislature.

Read.

Considered as privileged and taken up.

Senator Chvala moved nonconcurrence in Assembly amendment 1 to Senate amendment 1 to **Assembly Joint Resolution 55**.

The question was: Shall Assembly amendment 1 to Senate amendment 1 to **Assembly Joint Resolution 55** be nonconcurred in?

Nonconcurred in.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

Senator Chvala, with unanimous consent, asked that the Senate recess.

Senator Welch objected.

Senator Chvala moved that the Senate recess.

**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Joint Resolution 55**

Relating to: creating a committee of conference on 2001 Senate Bill 55, the executive budget bill of the 2001 legislature.

Read.

Considered as privileged and taken up.

Senator Robson, with unanimous consent, would like the journal to show she would have voted aye on the question of recessing.

Senator Chvala moved that the Senate adhere to its position on Assembly amendment 1 to Senate amendment 1 to **Assembly Joint Resolution 55**.

**LEAVES OF ABSENCE**

Senator Panzer, with unanimous consent, asked that Senator Schultz be granted a leave of absence for the balance of today's session.

The question was: Shall the Senate adhere to its position on Assembly amendment 1 to Senate amendment 1 to **Assembly Joint Resolution 55**?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 10; absent or not voting, 4; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Noes – Senators Cowles, Darling, S. Fitzgerald, Harsdorf, Huelsman, Lazich, Panzer, Roessler, Rosenzweig and Welch – 10.

Absent or not voting – Senators Ellis, A. Lasee, Schultz and Zien – 4.

Adheres to its position.

Senator Chvala, with unanimous consent, asked that the Senate request through a formal message to the Assembly that the State Assembly message their action on **Senate Bill 55** for further consideration by the Senate.

Senator Panzer objected.

**LEAVES OF ABSENCE**

Senator Panzer, with unanimous consent, asked that Senators Lasee, Zien and Ellis be granted a leave of absence for the balance today's session.

**LEAVES OF ABSENCE**

Senator Chvala, with unanimous consent, asked that Senator Robson be granted a leave of absence for the balance of today's session.

The question was: Shall the Senate recess.

The ayes and no were demanded and the vote was: ayes, 17; noes, 10; absent or not voting, 5; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Shibilski and Wirch – 17.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

Senator Chvala moved that the Senate request through a formal message to the Assembly that the State Assembly message their action on **Senate Bill 55** for further consideration by the Senate.

The question was: Shall the Senate request through a formal message to the Assembly that the State Assembly message their action on **Senate Bill 55** for further consideration by the Senate?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 10; absent or not voting, 4; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Noes – Senators Cowles, Darling, S. Fitzgerald, Harsdorf, Huelsman, Lazich, Panzer, Roessler, Rosenzweig and Welch – 10.

Absent or not voting – Senators Ellis, A. Lasee, Schultz and Zien – 4.

Motion adopted.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

Senator Chvala, with unanimous consent, asked that the Senate recess until 2:41 P.M.

10:10 P.M.

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**RECESS**

2:41 P.M.

The Senate reconvened.

Senator Decker in the chair.

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**ADJOURNMENT**

Senator Decker, with unanimous consent, asked that the Senate adjourn until Thursday, July 7 at 10:00 A.M.

Adjourned.

2:42 P.M.

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**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Bill 138**

**Senate Bill 144**

Report correctly enrolled on July 2, 2001.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

THURSDAY, July 5, 2001

The Senate met.

The Senate was called to order by Senator Chuck Chvala.

The Chair, with unanimous consent, asked that the proper entries be made in the Journal.

Senator Chvala, with unanimous consent, asked that the Senate recess until 12:38 P.M..

10:01 A.M.

### RECESS

12:38 P.M.

The Senate reconvened.

Senator Chvala in the chair.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 214

Relating to: drilling beneath the beds of the Great Lakes and adjacent waters to explore for or produce oil or gas and construction of pipelines on or beneath the beds of the Great Lakes or adjacent waters.

By Senators George, Burke, Hansen, Moen, Robson, Plache, Grobschmidt and Cowles; cosponsored by Representatives Richards, Sinicki, Boyle, Sherman, La Fave, Reynolds, Carpenter, Pocan, J. Lehman, Turner, Plouff, Gronemus, Wasserman, Lassa, Miller, Berceau and Krug.

To committee on **Environmental Resources**.

#### Senate Bill 215

Relating to: late and false or fraudulent cigarette tax returns and providing a penalty.

By Senator Robson; cosponsored by Representative M. Lehman, by request of the Department of Revenue.

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

#### Senate Bill 216

Relating to: the requirements for a permit to sell or manufacture cigarettes.

By Senator Robson; cosponsored by Representative M. Lehman, by request of the Department of Revenue.

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

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin

July 5, 2001

The Honorable, The Senate:

Pursuant to Senate Rule 20m and Assembly Joint Resolution 55, I have appointed to the Committee of Conference on Senate Bill 55, Senators Chvala, Burke, George and Panzer.

Sincerely,

CHUCK CHVALA, Chair  
Committee on Senate Organization

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

#### Senate Clearinghouse Rule 00–140

Relating to classification, assessment and evaluation and program review.

Submitted by Department of Corrections.

Report received from Agency, July 5, 2001.

Referred to committee on **Economic Development and Corrections**, July 5, 2001.

#### Senate Clearinghouse Rule 01–034

Relating to seals and stamps.

Submitted by Department of Regulation and Licensing.

Report received from Agency, July 2, 2001.

Referred to committee on **Universities, Housing, and Government Operations**, July 5, 2001.

#### Senate Clearinghouse Rule 01–051

Relating to the collection, analysis and dissemination of health care information.

Submitted by Department of Health and Family Services.

Report received from Agency, July 2, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, July 5, 2001.

#### Senate Clearinghouse Rule 01–052

Relating to licensing of ambulance service providers and licensing of emergency medical technicians–basic and emergency medical technicians–basic IV.

Submitted by Department of Health and Family Services.

Report received from Agency, July 3, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, July 5, 2001.



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**MESSAGES FROM THE ASSEMBLY**

By John A. Scocos, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has recessed from its position on:

Assembly amendment 1 to Senate amendment 1 to  
**Assembly Joint Resolution 55**

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Tuesday, July 10 at 10:00 A.M..

Adjourned.

12:39 P.M.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

TUESDAY, July 10, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 217

Relating to: removing the maximum amount recoverable for noneconomic damages in future medical malpractice cases.

By Senators George and Decker; cosponsored by Representatives Bock, Reynolds, Young, Plouff, Turner, Williams, Gronemus and Morris–Tatum.

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

### REPORT OF COMMITTEES

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

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.

Confirmation.

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

Noes, 0 – None.

Jim Baumgart  
Chairperson

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin

July 5, 2001

The Honorable, The Senate:

Pursuant to Senate Rule 20m and Assembly Joint Resolution 55, I have appointed to the Committee of Conference on Senate Bill 55, Senator Decker, in place of Senator George, effective at 6:00 P.M. on July 5, 2001.

Sincerely,

CHUCK CHVALA, Chair  
Committee on Senate Organization

#### State of Wisconsin Ethics Board

July 10, 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/>

Broydrick, William	<b>Wisconsin Center District</b>
Dilweg, Sean	<b>Prison Health Services</b>
Essie, Patrick	<b>Prison Health Services</b>
Fargen, Matthew	<b>United Council of UW Students Inc</b>
Fitzgerald, Moira E	<b>Wisconsin Center District</b>
Muenzmaier, Marty	<b>Kimberly–Clark Corporation</b>
Trost, Craig	<b>United Council of UW Students Inc</b>

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 Ethics Board

July 3, 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/>

LaFreniere, Karin	<b>Share the Earth</b>
Longmire, Erin	<b>MHM Services Inc, by MultiState Associates Inc</b>
McCoshen, William J	<b>Council for Affordable Health Insurance</b>
Trueblood, Steve	<b>Advantage Control Company LLC</b>

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

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**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

July 3, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HARVEY, STEVEN A., of Brookfield, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

July 3, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SRB, ARTHUR L., of Mosinee, as a member of the Dentistry Examining Board, to serve for the interim term ending July 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

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

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

**Senate Clearinghouse Rule 01-033**

Relating to standards for water public utility service.

Submitted by Public Service Commission.

Report received from Agency, July 5, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, July 10, 2001.

**Senate Clearinghouse Rule 01-039**

Relating to the unemployment insurance requirement of ability to work and availability for work.

Submitted by Department of Workforce Development .

Report received from Agency, July 5, 2001.

Referred to committee on **Labor and Agriculture**, July 10, 2001.

**Senate Clearinghouse Rule 99-071**

Relating to the eligibility of nonparent relatives of children to receive kinship care benefits to help them provide care and maintenance for the children.

Submitted by Department of Health and Family Services.

Report received from Agency, July 9, 2001.

Referred to committee on **Human Services and Aging**, July 10, 2001.

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

**Senate Clearinghouse Rule 01-022**

Relating to resources for inmates.

No action taken.

Robert Jauch  
Chairperson

The committee on **Human Services and Aging** reports and recommends:

**Senate Clearinghouse Rule 00-147**

Relating to clinical social work concentration and supervised clinical field training.

No action taken.

Judith Robson  
Chairperson

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Thursday, July 12 at 10:00 A.M.

Adjourned.

10:01 A.M

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**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Bill 138**

**Senate Bill 144**

Report correctly enrolled on July 9, 2001.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

THURSDAY, July 12, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 218

Relating to: ratification of the Midwest Interstate Passenger Rail Compact.

By Senators Burke, Plache, Cowles, Roessler and Schultz; cosponsored by Representatives Kreibich, Balow, Black, Bock, Berceau, La Fave, J. Lehman, Miller, Plouff, Richards, Turner and Urban.

To committee on **Insurance, Tourism, and Transportation.**

#### Senate Bill 219

Relating to: the billboard elimination grant program, prohibiting the erection of new billboards, requiring the exercise of rule-making authority, and making an appropriation.

By Senators Baumgart and Risser; cosponsored by Representatives Black, Miller and Boyle.

To committee on **Environmental Resources.**

#### Senate Bill 220

Relating to: a sales tax and use tax exemption for textbooks.

By Senators Lazich, Grobschmidt, Schultz, Baumgart, Hansen, Darling and Roessler; cosponsored by Representatives Krawczyk, Musser, Shilling, Ryba, Schneider, Pettis, Gunderson, Boyle, Balow, Hoven, Powers, Freese, Lassa, Petrowski, McCormick, Plale, Seratti, D. Meyer, Jeskewitz, Wade, Plouff, F. Lasee, Gronemus, Young and Owens.

To joint survey committee on **Tax Exemptions.**

#### Senate Bill 221

Relating to: juvenile court dispositions for a juvenile who is found to have made a bomb scare involving a school premises or to have possessed or discharged a firearm in a school zone.

By Senators Baumgart, Burke, Darling, Schultz and Roessler; cosponsored by Representatives Albers, Turner and Ryba.

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

#### Senate Bill 222

Relating to: restructuring of legislative partisan caucus staffs.

By Senator Baumgart; cosponsored by Representatives J. Lehman and Staskunas.

To committee on **Senate Organization.**

### REPORT OF COMMITTEES

The joint committee on **Employment Relations** reports and recommends:

#### Senate Bill 223

Relating to: executive salary group assignments for certain state employees.

Introduction.

Ayes, 5 – Senators Risser, Burke and Chvala. Representatives Jensen and Black.

Noes, 2 – Senator Panzer. Representative Foti.

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

#### Senate Bill 224

Relating to: determination of annual salaries for the director and the executive assistant of the Wisconsin Technical College System.

Introduction.

Ayes, 5 – Senators Risser, Burke and Chvala. Representatives Jensen and Black.

Noes, 2 – Senator Panzer. Representative Foti.

To committee on **Education.**

Fred Risser  
Senate Chairperson

### PETITIONS AND COMMUNICATIONS

State of Wisconsin  
Office of the Governor

July 10, 2001

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Senate Bill 138	Wisconsin Act 11	July 10, 2001
Senate Bill 144	Wisconsin Act 12	July 10, 2001

Sincerely,  
SCOTT MCCALLUM  
Governor



**State of Wisconsin  
Department of Health and Family Services**

June 29, 2001

The Honorable, The Senate:

As required by s. 242.04(11), Wis. Stats., enclosed is the Annual Statewide Immunization Program Report. Please distribute this report to the appropriate standing committees.

Sincerely,

PHYLLIS J. DUBE  
Secretary

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

**State of Wisconsin  
University of Wisconsin – Madison**

July 10, 2001

The Honorable, The Senate:

As required by Sections 227.485(9) and 814.245(10) of the Wisconsin Statutes, our office is submitting the report concerning decisions and resulting payments of attorney fees and related legal costs. Attorney fees and other legal costs may be awarded when an opposing party prevails in an action against a state agency and it is determined that the agency's position was not substantially justified. Payments for fiscal year July 1, 2000 to June 30, 2001 are shown on the attached schedule.

If you have any questions regarding this report, please contact me. Thank you.

Sincerely,

NANCY K. LYNCH  
Associate University Legal Counsel

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

**Senate Clearinghouse Rule 01–002**

Relating to control of particulate matter emissions.

Submitted by Department of Natural Resources.

Report received from Agency, July 10, 2001.

Referred to committee on **Environmental Resources**, July 12, 2001.

**Senate Clearinghouse Rule 01–030**

Relating to the cooperating forester program and private forestry priorities for assistance.

Submitted by Department of Natural Resources.

Report received from Agency, July 10, 2001.

Referred to committee on **Environmental Resources**, July 12, 2001.

**Senate Clearinghouse Rule 01–036**

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

Submitted by Department of Natural Resources.

Report received from Agency, July 10, 2001.

Referred to committee on **Environmental Resources**, July 12, 2001.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, July 17 at 10:00 A.M.

Adjourned.

10:01 A.M

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**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Joint Resolution 38**

**Senate Joint Resolution 39**

Report correctly enrolled on July 11, 2001.

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**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**2001 SENATE JOINT RESOLUTION 38**

Prepared by the Legislative Reference Bureau  
(July 9, 2001)

**14.** Page 3, line 9: delete “sons” and substitute “sons,”.

**CORRECTIONS IN:**

**2001 SENATE JOINT RESOLUTION 39**

Prepared by the Legislative Reference Bureau  
(July 9, 2001)

**15.** Page 2, line 13: delete “*senatesenate*” and substitute “*senate, the*”.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

TUESDAY, July 17, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### REPORT OF COMMITTEES

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

#### Assembly Bill 153

Relating to: authorizing resident senior citizens to hunt with a crossbow.

Concurrence.

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

Noes, 0 – None.

Jim Baumgart  
Chairperson

### PETITIONS AND COMMUNICATIONS

#### THE STATE OF WISCONSIN OFFICE OF THE GOVERNOR

##### EXECUTIVE ORDER #17

#### *Proclaims of a State of Emergency Relating to Drought Conditions*

**WHEREAS**, the counties of Buffalo, Burnett, Columbia, Dane, Fond du Lac, Iowa, Lafayette, Manitowoc, Milwaukee, Sawyer, Sheboygan, Washburn, Washington, Waukesha and Waushara in the State of Wisconsin have experienced extreme drought conditions due to the lack of precipitation during June and July of 2001; and

**WHEREAS**, the drought condition has caused extreme damage to agricultural crops in these counties; and

**WHEREAS**, continued lack of water will result in greater damage to the crops; and

**WHEREAS**, crop losses have already occurred due to spring flooding conditions; and

**WHEREAS**, continued and projected crop damage will result in severe economic losses to the agricultural industry in the listed counties; and

**WHEREAS**, water can generally be diverted from certain streams and lakes in the State of Wisconsin without causing serious environmental damage; and

**WHEREAS**, section 30.18, Wis. Stats., presently requires that certain lake and stream diversions for agricultural purposes must be accomplished pursuant to permit issued by the Department of Natural Resources; and

**WHEREAS**, section 30.18, Wis. Stats., requires notice and hearing provisions that are too lengthy to be responsive to the existing drought conditions; and

**WHEREAS**, the waiver of the notice and hearing provisions of section 30.18, Wis. Stats., in the manner set forth in this Executive Order will enable the State of Wisconsin to be more responsive to the current agricultural crisis and still protect the valuable water resources of this state.

**NOW, THEREFORE, I SCOTT McCALLUM**, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this state, and specifically by Section 166.03(1)(b)1 of the Wisconsin Statutes, do hereby declare the present drought condition to be a natural disaster and proclaim the counties of Buffalo, Burnett, Columbia, Dane, Fond du Lac, Iowa, Lafayette, Manitowoc, Milwaukee, Sawyer, Sheboygan, Washburn, Washington, Waukesha and Waushara to be in a state of emergency for 30 days, unless extended by joint resolution of the legislature.

**PURSUANT TO** said state of emergency, by virtue of the authority vested in me by the Constitution and Laws of Wisconsin, and section 166.03(1)(b)1, Wis. Stats., I hereby order:

1. That the statutory notice and hearing provisions of section 30.18, Wis. Stats., relating to the diversion of water of certain lakes and streams for purposes of crop irrigation be suspended for diversions in the counties of Buffalo, Burnett, Columbia, Dane, Fond du Lac, Iowa, Lafayette, Manitowoc, Milwaukee, Sawyer, Sheboygan, Washburn, Washington, Waukesha and Waushara; and

2. That the water may be diverted from certain lakes and streams for purposes of crop irrigation on a case–by–case basis only where the following procedures have been adhered to:

a. The proposed diverter has requested permission from the Department of Natural Resources service center area office.

b. The proposed site of diversion has been field inspected by Department of Natural Resources personnel. The Department is directed to conduct the field inspection within 72 hours of the request for permission to divert.

c. The on–site inspector will grant immediate written authority if the proposed diversion will not cause unduly adverse environmental effects. The inspector may authorize the proposed diversion subject to whatever conditions he or she deems necessary to ensure that there will not be unduly adverse environmental effects as a result of that diversion and other diversions on the stream. Such conditions may include but are not limited to: exact location of the diversion, rate of diversion, hours of diversion and

frequency of the diversion within the specified time period.

3. That the Department of Natural Resources will maintain active enforcement surveillance on all diversions authorized under the procedures established pursuant to this Order to ensure that only duly authorized stream or lake diversions occur.

4. That the emergency authorities granted herein shall be applicable only to agricultural irrigation that requires emergency assistance.

5. That any permits authorized pursuant to this Order shall not be valid for longer than 30 days after the date of this Order, unless the state of emergency is extended by joint resolution of the Legislature.

6. That this Order is not to be construed in any manner as limiting the statutory enforcement power of the Department of Natural Resources with respect to any violations of existing section 30.18, Wis. Stats., permits, any permits issued pursuant to this Order, any conditions of any such permits, or any diversions which occur without authorization pursuant to section section 30.18, Wis. Stats., or this Order.

7. That the Department of Natural Resources is authorized to rescind any emergency diversion permits granted herein if it becomes apparent that unduly adverse environmental effects are being caused or aggravated by said permits. Any permit rescission shall be in writing to the permittee.

**IN TESTIMONY WHERE OF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this thirteenth day of July in the year two thousand and one.

SCOTT McCALLUM  
Governor

*BY THE GOVERNOR:*

DOUGLAS LA FOLLETTE  
Secretary of State

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

### Senate Clearinghouse Rule 01-065

Relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by Department of Transportation.

Report received from Agency, July 16, 2001.

Referred to committee on **Insurance, Tourism, and Transportation**, July 17, 2001.

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

### Senate Clearinghouse Rule 01-014

Relating to establishing municipal flood control and riparian restoration grants.

No action taken.

Jim Baumgart  
Chairperson

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## ADJOURNMENT

Senator Risser, with unanimous consent, asked that the Senate adjourn until Thursday, July 19 at 10:00 A.M.

Adjourned.

10:01 A.M

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## AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 208** offered by Senator Risser.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

THURSDAY, July 19, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### PETITIONS AND COMMUNICATIONS

#### THE STATE OF WISCONSIN OFFICE OF THE GOVERNOR

##### EXECUTIVE ORDER #17

##### *Proclaims of a State of Emergency Relating to Drought Conditions*

**WHEREAS**, a State of Emergency was declared in Executive Order No. 17 for the counties of Buffalo, Burnett, Columbia, Dane, Fond du Lac, Iowa, Lafayette, Manitowoc, Milwaukee, Sawyer, Sheboygan, Washburn, Washington, Waukesha and Waushara due to extreme drought conditions; and

**WHEREAS**, the entire State of Wisconsin has experienced severe drought conditions due to the lack of precipitation during June and July of 2001; and

**WHEREAS**, continued lack of water will result in greater damage to the crops; and

**WHEREAS**, crop losses have already occurred due to spring flooding conditions; and

**WHEREAS**, continued and projected crop damage will result in severe economic losses to the agricultural industry in the listed counties; and

**WHEREAS**, water can generally be diverted from certain streams and lakes in the State of Wisconsin without causing serious environmental damage; and

**WHEREAS**, section 30.18, Wis. Stats., presently requires that certain lake and stream diversions for agricultural purposes must be accomplished pursuant to permit issued by the Department of Natural Resources; and

**WHEREAS**, section 30.18, Wis. Stats., requires notice and hearing provisions that are too lengthy to be responsive to the existing drought conditions; and

**WHEREAS**, the waiver of the notice and hearing provisions of section 30.18, Wis. Stats., in the manner set forth in this Executive Order will enable the State of Wisconsin to be more responsive to the current agricultural crisis and still protect the valuable water resources of this state.

**NOW, THEREFORE, I SCOTT McCALLUM**, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this state, and specifically by Section 166.03(1)(b)1 of the Wisconsin Statutes, do hereby declare the present drought condition to be a natural disaster and proclaim the entire State of Wisconsin to be in a state of emergency for 30 days, unless extended by joint resolution of the legislature.

**PURSUANT TO** said state of emergency, by virtue of the authority vested in me by the Constitution and Laws of Wisconsin, and section 166.03(1)(b)1, Wis. Stats., I hereby order:

1. That the statutory notice and hearing provisions of section 30.18, Wis. Stats., relating to the diversion of water of certain lakes and streams for purposes of crop irrigation be suspended for diversions in all Wisconsin counties; and  
2. That the water may be diverted from certain lakes and streams for purposes of crop irrigation on a case-by-case basis only where the following procedures have been adhered to:

a. The proposed diverter has requested permission from the Department of Natural Resources service center area office.

b. The proposed site of diversion has been field inspected by Department of Natural Resources personnel. The Department is directed to conduct the field inspection within 72 hours of the request for permission to divert.

c. The on-site inspector will grant immediate written authority if the proposed diversion will not cause unduly adverse environmental effects. The inspector may authorize the proposed diversion subject to whatever conditions he or she deems necessary to ensure that there will not be unduly adverse environmental effects as a result of that diversion and other diversions on the stream. Such conditions may include but are not limited to: exact location of the diversion, rate of diversion, hours of diversion and frequency of the diversion within the specified time period.

3. That the Department of Natural Resources will maintain active enforcement surveillance on all diversions authorized under the procedures established pursuant to this Order to ensure that only duly authorized stream or lake diversions occur.

4. That the emergency authorities granted herein shall be applicable only to agricultural irrigation that requires emergency assistance.

5. That any permits authorized pursuant to this Order shall not be valid for longer than 30 days after the date of this Order, unless the state of emergency is extended by joint resolution of the Legislature.

6. That this Order is not to be construed in any manner as limiting the statutory enforcement power of the Department of Natural Resources with respect to any violations of existing section 30.18, Wis. Stats., permits, any permits issued pursuant to this Order, any conditions of any such permits, or any diversions which occur without authorization pursuant to section 30.18, Wis. Stats., or this Order.



7. That the Department of Natural Resources is authorized to rescind any emergency diversion permits granted herein if it becomes apparent that unduly adverse environmental effects are being caused or aggravated by said permits. Any permit rescission shall be in writing to the permittee.

**IN TESTIMONY WHERE OF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this seventeenth day of July in the year two thousand and one.

SCOTT McCALLUM  
Governor

*BY THE GOVERNOR:*  
DOUGLAS LA FOLLETTE  
Secretary of State

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

**Senate Clearinghouse Rule 00-164**

Relating to wetland compensatory mitigation.

Submitted by Department of Natural Resources.

Report received from Agency, July 18, 2001.

Referred to committee on **Environmental Resources**, July 19, 2001.

**Senate Clearinghouse Rule 01-004**

Relating to drainage district finances and grants to county drainage boards.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, July 18, 2001.

Referred to committee on **Labor and Agriculture**, July 19, 2001.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, July 24 at 10:00 A.M.

Adjourned.

10:01 A.M



# STATE OF WISCONSIN Senate Journal Ninety-Fifth Regular Session

10:00 A.M.

TUESDAY, July 24, 2001

The Senate met.

The Senate was called to order by Senator Ted Kanavas.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

### Senate Bill 225

Relating to: the authority of certain cities, villages, or towns to regulate the operation of bicycles owned by nonresidents.

By Senator Jauch; cosponsored by Representative Sherman.

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

## PETITIONS AND COMMUNICATIONS

### State of Wisconsin Elections Board

July 17, 2001

The Honorable, The Senate:

I am pleased to provide you with a copy of the official canvass of the July 10, 2001 Special Election vote for State Senator, District 33, along with the determination of the winner by the Chairperson of the State Elections Board.

In addition, I am providing you with the Certificate of Election for the winner.

If the State Elections Board staff can provide you with any further information or assistance, please contact our office.

Sincerely,

KEVIN J. KENNEDY  
Executive Director

### Statement of Canvass for State Senator Special Election, July 10, 2001

I, Jeralyn B. Wendelberger, Chairperson of the State Election Board, certify that the attached tabular statements, as compiled from the certified returns made to the State Elections Board by the county clerks of the several counties of the state, contain a correct abstract of the total number of votes given for the election of a candidate for State Senator, at a Special Election held in the several towns, wards, villages and election districts in said counties on the Tenth day of July, 2001.

I DO, THEREFORE, DETERMINE AND CERTIFY that the following candidate, having received the greatest number of votes, is duly elected State Senator.

District  
33rd District

Elected  
Theodore J. Kanavas

Done in the City of Milwaukee, this 17th day of July, 2001.

JERALYN B. WENDELBERGER  
Chairperson, State Elections Board

Senator Kanavas was given the oath of office July 18, 2001.

## THE STATE OF WISCONSIN OFFICE OF THE GOVERNOR

### EXECUTIVE ORDER #19

*Relating to Executive Order No. 6*

**WHEREAS**, Executive Order No. 6 created the Governor's committee on Judicial Selection; and

**WHEREAS**, it is the duty of the Governor under the Constitution and laws of the State of Wisconsin to appoint persons to fill vacancies in the courts until a successor is elected to such office as provided by law; and

**WHEREAS**, it is desirable to establish a procedure through which vacant judicial offices will be filled by appointment of competent, public-minded lawyers of the highest integrity;

**NOW, THEREFORE, I SCOTT McCALLUM**, Governor of the State of Wisconsin, pursuant to the authority vested in me by Section 14.019 of Wisconsin Statutes, do hereby provide:

1. That in the event that there are less than five (5) applications for a judicial opening the committee will interview the applicants and send no more than two (2) to the Governor for selection.

**IN TESTIMONY WHERE OF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this twentieth day of July in the year two thousand and one.

SCOTT McCALLUM  
Governor

*BY THE GOVERNOR:*

DOUGLAS LA FOLLETTE  
Secretary of State

### State of Wisconsin Office of the Secretary of State

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>Senate Bill 138</b>	Wisconsin Act 11	July 24, 2001
<b>Senate Bill 144</b>	Wisconsin Act 12	July 24, 2001

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Ethics Board**

July 24, 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/>

Amato, Anthony    **Wisconsin Industrial Energy Group Inc**

Bentley, Marc S    **Schneider National Inc**

Dennik, Robert    **WI Rental Housing Legislative Council**

Plautz, Jolene    **Wisconsin Professional Animal  
Chiropractors Association (WIPACA)**

Rybarik, Brian    **Catholic Health Association of  
Wisconsin**

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

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**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

July 9, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JONES, TOMMIE L., of Milwaukee, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2003.

Sincerely,

SCOTT MCCALLUM  
Governor

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

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

**Senate Clearinghouse Rule 01-050**

Relating to notes to financial statements.

Submitted by Office of the Commissioner of Insurance.

Report received from Agency, July 23, 2001.

Referred to committee on **Insurance, Tourism, and Transportation**, July 24, 2001.

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The committee on **Labor and Agriculture** reports and recommends:

**Senate Clearinghouse Rule 01-028**

Relating to minor remedial drafting changes to department rules.

No action taken.

David Hansen  
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 00-159**

Relating to uniform dwelling code inspection agencies.

No action taken.

Mark Meyer  
Chairperson

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Senator Kanavas, with unanimous consent, asked that the Senate recess until 6:40 P.M.

10:01 A.M.

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**RECESS**

6:40 P.M.

The Senate reconvened.

Senator Chvala in the chair.

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Wednesday, July 25 at 10:00 A.M.

Adjourned.

6:41 P.M.



STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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10:00 A.M.

WEDNESDAY, July 25, 2001

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The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Thursday, July 26 at 8:00 P.M..

Adjourned.

10:01 A.M.

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**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Joint Resolution 38**

**Senate Joint Resolution 39**

Deposited in the office of the Secretary of State on July 25, 2001.





# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

8:00 P.M.

THURSDAY, July 26, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The roll was called and the following Senators answered to their names:

Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate remained standing and Senator Decker led the Senate in the pledge of allegiance to the flag of the United States of America.

### INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

#### Senate Resolution 5

Relating to: commemorating on September 1, 2001, the 90th anniversary of Wausau Insurance and the enactment of the nation's first constitutional worker's compensation law.

By Senator Decker, by request of Representative Huber.

To committee on **Senate Organization**.

Senator Chvala, with unanimous consent, asked that **Senate Resolution 5** be withdrawn from the committee on **Senate Organization** and taken up at this time.

#### Senate Resolution 5

Relating to: commemorating on September 1, 2001, the 90th anniversary of Wausau Insurance and the enactment of the nation's first constitutional worker's compensation law.

Read.

Adopted.

### REPORT OF COMMITTEES

The committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform** reports and recommends:

#### Senate Bill 104

Relating to: campaign financing, providing exemptions from emergency rule procedures, granting rule-making authority, making appropriations and providing penalties.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 4 – Senators George, Risser, Wirch and Huelsman.

Noes, 1 – Senator S. Fitzgerald.

Passage as amended.

Ayes, 4 – Senators George, Risser, Wirch and Huelsman.

Noes, 1 – Senator S. Fitzgerald.

#### Senate Bill 115

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

Passage.

Ayes, 4 – Senators George, Risser, Wirch and Huelsman.

Noes, 1 – Senator S. Fitzgerald.

Gary George  
Chairperson

### MESSAGES FROM THE ASSEMBLY

By John A. Scocos, chief clerk.

Mr. President:

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

Committee on Conference Report on **Senate Bill 55**

### MESSAGES FROM THE ASSEMBLY CONSIDERED

Senator Chvala, with unanimous consent, asked that **Senate Bill 55** be withdrawn and taken up at this time.

#### Senate Bill 55

Relating to: state finances and appropriations, constituting the executive budget act of the 2001 legislature.

Read.

The question was: Shall the Senate concur in the Committee of Conference report?

The ayes and noes were required and the vote was: ayes, 25; noes, 8; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Darling, Decker, Erpenbach, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Wirch and Zien – 25.

Noes – Senators Cowles, Ellis, S. Fitzgerald, George, Kanavas, A. Lasee, Lazich and Welch – 8.

Absent or not voting – None.

Concurred in.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

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**ANNOUNCEMENTS, ADJOURNMENT  
HONORS, AND REMARKS UNDER  
SPECIAL PRIVILEGE**

Senator Chvala, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Senators Harsdorf and Moens birthdays.

Senator Panzer, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Senator Kanavas our newest Senator.

Senator Panzer, with unanimous consent, asked that when the Senate adjourn, it do so in honor of John J. Schulze Jr. who will be leaving the Republican Caucus.

Senator Panzer, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her mother Verna Panzer's 90th birthday.

Senator Erpenbach, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his mother Elizabeth Erpenbach's retirement as a teacher.

Senator Welch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Senate Sergeants staff.

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Legislative Fiscal Bureau which was recently selected for a 2001 staff award presented by the National Association of Legislative Fiscal Officers. In addition, Senator Jauch, with unanimous consent, asked that the Senate adjourn in honor of the staff of the Legislative Fiscal Bureau and that the name of each member of the Bureau be printed in the Journal: Fred Ammerman, Yvonne Arsenault, Jere Bauer, Kendra Bonderud, Rachel Carabell, Victoria Carreón, Jon Dyck, Becky Hannah, Lori Hanson, Daryl Hinz, Vicki Holten, Rebecca Hotynski, Carri Jakel, Russ Kava, Bob Lang, Drew Larson, Dave Loppnow, Tony Mason, Richard Megna, Layla Merrifield, Charles Morgan, Rick Olin, Paul Onsager, Rob Reinhardt, Darin Renner, Terry Rhodes, Al Runde, Faith Russell, Debbie Salm, David Schug, Ron Shanovich, John Stott, Sandy Swain, Art Zimmerman.

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn pursuant to **Senate Joint Resolution 1**.

Adjourned.

9:58 P.M.

# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

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WEDNESDAY, August 1, 2001

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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 226

Relating to: adding one representative of the Wisconsin chapter of the Paralyzed Veterans of America to the council on veterans programs.

By Senators Burke, Moen, Roessler, Decker, Hansen and Darling; cosponsored by Representatives Musser, Suder, Turner, Montgomery, Krawczyk, Gronemus, Hundertmark, Plouff, Ladwig, McCormick, Jeskewitz, La Fave, Townsend, Riley, Lippert, Albers, Ryba, J. Lehman, Vrakas, Starzyk, Underheim, M. Lehman and Wasserman, by request of the Council on Veterans Programs and the Vietnam Veterans of America.

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

### REPORT OF COMMITTEES

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

BENZEL, TRACY C., of Mercer, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2005.

Confirmation.

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

Noes, 0 – None.

KARNAUSKAS, ROBERT J., of Pewaukee, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2005.

Confirmation.

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

Noes, 0 – None.

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.

Confirmation.

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

Noes, 0 – None.

ONSAGER, CATHERINE, of West Salem, as a member of the Kickapoo Reserve Management Board, to serve for the term ending May 1, 2004.

Confirmation.

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

Noes, 0 – None.

Jim Baumgart  
Chairperson

### PETITIONS AND COMMUNICATIONS

State of Wisconsin  
Office of the Commissioner of Insurance

July 24, 2001

The Honorable, The Legislature:

It is my pleasure to forward to you the final report of the Governor's Small Employer Health Insurance Task Force. The task force met five times to review statistical presentations, background information, and research into twelve separate subject areas dealing with small employer health insurance.

Through careful consideration and consensus decision making, the task force has formulated ten recommendations for your consideration. These recommendations are intended to help address some of the problems that small employers have been experiencing as they attempt to provide affordable health insurance coverage for their employees. The recommendations of the task force focused on reducing the Medicare reimbursement inequities, reforming the small group application process, further evaluating the effects of mandated insurance coverage or proposed coverage and increasing education and outreach efforts to small employers.

I wish to thank the task force members, a diverse group that represented the small employer, health care provider, health insurer, and insurance agent industries as well as the legislature. I would like to particularly note the participation of your colleagues Senator Roger Breske and Representative Lorraine Seratti. They provided valuable public policy insights that helped guide the task force's activities.

It is my hope that this report assists you in the future as you continue to deliberate health insurance issues.

Sincerely,  
CONNIE L. O'CONNELL  
Commissioner

**State of Wisconsin  
Office of the Commissioner of Insurance**

July 25, 2001

The Honorable, The Legislature:

In accordance with s. 601.427 (9), Wis. Stats., a report is to evaluate the impact that 1995 Wisconsin Act 10 has had on the following:

- (a) The number of health care providers practicing in Wisconsin.
- (b) The fees that health care providers pay under s. 655.27 (3), Wis. Stats.
- (c) The premiums that health care providers pay for health care liability insurance,

was submitted to the legislature in May 2001. We have revised the report to clarify some of the figures included. The original report included statements regarding both a \$100 million and \$125 million reduction in fees. The actual amount should be \$125 million, which is the actual amount of loss reduction imbedded in the ultimate loss estimates, as a result of the Act 10. This reduction in the ultimate loss estimate translates to a \$60.8 million dollar reduction in fees collected under s. 655.27 (3), Wis. Stats., over the last seven years. However, it was further noted that loss experience to date is too immature to validate the reduction. I apologize for any confusion created by the report.

The attached report provides information regarding the background of Act 10, the statistics collected and the analyses performed.

Sincerely,

CONNIE L. O'CONNELL  
Commissioner

**State of Wisconsin  
Legislative Audit Bureau**

July 26, 2001

The Honorable, The Senate:

As requested by the joint Legislative Audit Committee, we have completed an evaluation of the Department of Health and Family Services' (DHFS's) prior authorization process for occupational, physical, and speech therapy services provided under the Medical Assistance program. Administrative code states that prior authorization is intended to safeguard against unnecessary or inappropriate care. In 1999, approximately 6,300 individuals received therapy services that required prior authorization; these services cost \$11.2 million.

From 1995 through June 2000, the average processing time for therapy prior authorization requests increased by 6.7 percent (1.1 working days), despite a decrease in the number of requests submitted and an increase in the number of staff processing requests. Longer processing times resulted primarily from increases in the percentage of incomplete requests returned to providers. In 1995, 43.9 percent of requests were returned at least once; in 1999, the rate of return was 49.5 percent.

We also examined denial rates for therapy prior authorization requests. We found that since 1997, denial rates have been substantially higher for school-age children than for other age groups. Unlike other age groups, school-age children can obtain services without prior authorization through the School-Based Services program. The Legislature created this program in 1995 to capture Medical Assistance funds for special education services. In 1992, 62 percent of Medical Assistance expenditures for therapy services for school-age children were paid to school-based providers. Community-based therapy providers and some parents believe

that the growth of the program has made it difficult to obtain approval for therapy services outside of school and that DHFS staff are inclined to deny community-based services to children receiving school-based services. However, we found that denial rates for community-based therapy were slightly lower for children receiving therapy through the School-Based Services program than they were for children who were not receiving therapy through that program.

We appreciate the courtesy and cooperation extended to us by DHFS and the Department of Public Instruction. DHFS's response is the appendix.

Sincerely,

JANICE MUELLER  
State Auditor

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

To the Honorable, the Senate:

<u>Bill, Joint Resolu- tion or Resolution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>2001 Senate Joint Resolution 38</b>	<b>Enrolled Joint Resolution, 17</b>	N/A
<b>2001 Senate Joint Resolution 39</b>	<b>Enrolled Joint Resolution, 18</b>	N/A

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Department of Commerce**

July 12, 2001

The Honorable, The Senate:

The enclosed report has been sent to you pursuant to s. 1.11 (2)(j), Stats. This section requires agencies to submit a report to the chief clerk of each house of the legislature, including the number of proposed actions for which the agency conducted an assessment of whether an impact statement was required and the number of impact statements prepared.

This report encompasses the activities of the Wisconsin Department of Commerce for the period from July 1, 2000 to July 1, 2001.

Any questions concerning this report may be directed to Dennis W. Kozich, General Counsel, at 608-266-3203.

Sincerely,

BRENDA J. BLANCHARD  
Secretary

**State of Wisconsin  
Joint Legislative Council**

July 27, 2001

The Honorable, The Senate:

Enclosed is a copy of the General Report of the Joint Legislative Council to the 1999 Legislature, prepared and submitted pursuant to s. 13.81 (3), Stats.

I would appreciate your noting in the Senate Journal, pursuant to s. 13.172, Stats., that this report has been delivered to your office.

Sincerely,

TERRY C. ANDERSON  
Director



**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

July 23, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CONNOLLY-KEESLER, EILEEN, of Neenah, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Human Services and Aging.**

**State of Wisconsin  
Office of the Governor**

July 23, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KAUFERT, REPRESENTATIVE DEAN, of Neenah, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Human Services and Aging.**

**State of Wisconsin  
Office of the Governor**

July 23, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint VUE, MAI ZONG, of Madison, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Human Services and Aging.**

**State of Wisconsin  
Office of the Governor**

July 23, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BOHEN, MARY LOU, of Middleton, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Human Services and Aging.**

**State of Wisconsin  
Office of the Governor**

July 23, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MARSCHMAN, KATHLEEN S., of Middleton, as a member of the Board of Veterans Affairs, to serve for the interim term ending May 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

July 23, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BARRY, JONATHAN B., of Mount Horeb, as a member of the Wisconsin Technical College System Board, to serve for the interim term ending May 1, 2003.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Education.**

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

**State of Wisconsin  
Revisor of Statutes Bureau**

August 1, 2001

To the Honorable, the Senate:

The following rules have been published:

<b>Clearinghouse Rules</b>	<b>Effective Date(s)</b>
99-151	August 1, 2001
00- 21	August 1, 2001
00- 22	August 1, 2001
00- 65	August 1, 2001
00- 79	August 1, 2001
00-135	August 1, 2001
00-136	August 1, 2001
00-139	August 1, 2001
00-163	August 1, 2001
00-165	August 1, 2001
00-176	August 1, 2001
00-177	August 1, 2001
00-181	August 1, 2001
00-183	August 1, 2001
00-186	January 1, 2004
00-188	January 1, 2002
01- 15	August 1, 2001
01- 25	August 1, 2001

Sincerely,  
GARY L. POULSON  
Deputy Revisor

**Senate Clearinghouse Rule 01–026**

Relating to conforming existing rules to present practices and to other rules.

Submitted by Department of Regulation and Licensing.  
Report received from Agency, July 26, 2001.

Referred to committee on **Human Services and Aging**, August 1, 2001.

**Senate Clearinghouse Rule 01–027**

Relating to professional counselor training certificates.

Submitted by Department of Regulation and Licensing.  
Report received from Agency, July 26, 2001.

Referred to committee on **Human Services and Aging**, August 1, 2001.

**Senate Clearinghouse Rule 01–064**

Relating to the state jurisprudence examination.

Submitted by Department of Regulation and Licensing.  
Report received from Agency, July 31, 2001.

Referred to committee on **Human Services and Aging**, August 1, 2001.

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**Motions Under Senate Rule 98 and Joint Rule 7  
for the Month of July 2001**

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Benjamin R. Bechwar, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Cowles, for Herb Behnke, on the occasion of receiving the University of Wisconsin College of Agriculture and Life Sciences Honorary Recognition Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Baumgart, for Bemis Manufacturing Company of Sheboygan Falls, on the occasion of celebrating 100 years of excellence.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Harsdorf, for Charles E. Bricston, on the occasion of his retirement after 21 years of dedicated service to the University of Wisconsin–River Falls.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Risser, for the Capitol City Band, on the occasion of their 600th performance.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grobschmidt, for the City of St. Francis, on the occasion of celebrating their 50th anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Bob Dailey, on the occasion of being inducted into the Wisconsin Broadcaster's Hall of Fame.*

*A certificate of condolence by the Wisconsin Senate on the motion of Senator George, for family and friends of Lincoln Gaines, on the occasion of celebrating his life with them.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Huelsman, for Dan and Ann Garity, on the occasion of being chosen as "Parents of the Year 2001" by the Parents' Day Council of Wisconsin.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Mrs. Ruby Heurion, on the occasion of celebrating her 108th Birthday shared with family and friends.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Breske, for Dan Hoeft, on the occasion of his retirement after 19 years of service as Airport Director for Austin Straubel Airport in Green Bay, Wisconsin.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Wirch, for Ian Stewart Jaquish, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Cowles, for Raymond Johnson, on the occasion of his retirement after 27 1/2 years of service with the Outagamie County Sheriff's Department.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for John Karcher, on the occasion of his 20 years of serving the Madison community as a news anchor.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Phillip John Kollmeyer, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Rosenzweig, for Daniel Adam Kulasiewicz, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Lorleberg's True Value Store, on the occasion of its 131st Anniversary.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Charlene Lowe, on the occasion of her extraordinary commitment to the Oshkosh community.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Alaric P. Marien, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Steve Masar, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Daniel Kenneth Molzahn, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator George, for Jack Murtaugh, on the occasion of his distinguished and faithful service to the Milwaukee community.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Jauch, for Tim O'Driscoll, on the occasion of his recognition of his his significant*

*achievement in scoring his 1000th Milwaukee Brewers baseball game as official scorer.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Tim Oehler, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Rosenzweig, for Richard P. Polaski, on the occasion of his retirement from the West Allis Police Department after 31 years of dedicated service.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Edward M. Safford, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of condolence by the Wisconsin Senate on the motion of Senator George, for family and friends of William G. Schuett, Sr., on the occasion of celebrating his life with them.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for David K. Stevens Jr., on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of condolence by the Wisconsin Senate on the motion of Senator George, for family and friends of Reverend Doctor Walter W. Stuenkel, on the occasion of celebrating his life with them.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Kanavas, for the village of Sussex, the Sussex Senior Center and the Bielinski Custom*

*Homes, on the occasion of breaking ground for the new Senior Center.*

*A certificate of condolence by the Wisconsin Senate on the motion of Senator George, for family and friends of Reverend Olee Lee Sutton, on the occasion of celebrating his life with them.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for the Wisconsin Coalition Against Domestic Violence and the National Coalition Against Domestic Violence, on the occasion of recognizing October 10, 2001 as "Health Cares About Domestic Violence Day" in the State of Wisconsin.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for the Wisconsin Coalition Against Domestic Violence and the National Coalition Against Domestic Violence, on the occasion of recognizing October as Domestic Violence Awareness Month in the State of Wisconsin.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for the Wisconsin Coalition Against Domestic Violence and the National Coalition Against Domestic Violence, on the occasion of recognizing October 1, 2001 as "Day of Unity" for victims of domestic violence and their children in the State of Wisconsin.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for the Wisconsin Coalition Against Domestic Violence and the National Coalition Against Domestic Violence, on the occasion of recognizing October 1, 2001 as "Work To End Domestic Violence Day" in the State of Wisconsin.*

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, August 8, 2001

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

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**INTRODUCTION, FIRST READING AND  
REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 227**

Relating to: qualifications for endorsements authorizing the operation of a school bus.

By Senators Breske, Burke, Roessler and Darling; cosponsored by Representatives Olsen, Ryba, Ladwig, Musser, Ainsworth, Turner, Krawczyk, Jeskewitz, Lassa, Vrakas, Nass, Urban and Pettis.

To committee on **Insurance, Tourism, and Transportation.**

**Senate Bill 228**

Relating to: school buses and alternative motor vehicles used for pupil transportation.

By Senators Breske and Cowles; cosponsored by Representatives Olsen, Ryba, Krawczyk, Plouff, Lippert, Vrakas and Hahn.

To committee on **Insurance, Tourism, and Transportation.**

**Senate Bill 229**

Relating to: qualifications for an endorsement authorizing a person to operate a school bus.

By Senators Breske, Burke, Schultz and Roessler; cosponsored by Representatives Olsen, Ryba, Musser, Turner, Krawczyk, Lassa, Vrakas, Hahn, Nass and Urban.

To committee on **Insurance, Tourism, and Transportation.**

**Senate Bill 230**

Relating to: delegates from tribal governments to the legislature.

By Senators George and Moore; cosponsored by Representatives Musser, Coggs, Berceau, Pohan, Riley, Morris–Tatum, Schneider, Ainsworth, Boyle and La Fave.

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

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Department of Transportation**

July 31, 2001

The Honorable, The Senate:

Enclosed is the report required under Wisconsin Act 119, regarding the release of photos from the Department of Transportation driver record files to Wisconsin and adjacent states law enforcement agencies.

This report is provided annually and contains the agencies and the purpose for which copies of the photographs were provided.

If you have questions regarding the release of photographs, please contact Debbie Kraemer, Supervisor in the Records and Licensing Information Section Bureau of Driver Services, Division of Motor Vehicles by telephone at (608) 264-7060, by fax at (608) 267-3636, or e-mail at [debbie.kraemer@dot.state.wi.us](mailto:debbie.kraemer@dot.state.wi.us).

Sincerely,

ROGER D. CROSS

Administrator, Division of Motor Vehicles

**State of Wisconsin  
Department of Administration**

July 31, 2001

The Honorable, The Legislature:

Included with this correspondence, I am submitting the report of the Department of Administration, Division of Gaming (Gaming), for the fourth quarter of fiscal year 2001 (March 31, 2001 through June 30, 2001). As required by s. 562.02(1)(g), Wis. Stats., the attached materials contain pari-mutuel wagering and racing statistical information, as well as the revenues for the program areas of Racing, Charitable Gaming and Indian Gaming. Please note that Bingo revenues are now captured in a new appropriation (836) and therefore are shown on a separate chart from the rest of Charitable Gaming.

If you have any questions or comments regarding this report, please do not hesitate to contact Richard Pedersen at (608) 270-2546.

Sincerely,

F. SCOTT SCEPANIAC

Administrator

**State of Wisconsin  
Ethics Board**

July 31, 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/>



Boyce, Catherine **GlaxoSmithKline Inc (formerly Glaxo Wellcome)**  
 Broydrick, William **GlaxoSmithKline Inc (formerly Glaxo Wellcome)**  
 Lehmann, Robert **Milwaukee Teachers Education Association**  
 Longmire, Erin **Insurance Auto Auctions Corp.**  
 Longmire, Erin **Distilled Spirits Council of the United States**  
 McIntosh, Forbes **SmartForce**  
 Prange, Alison **Wisconsin Health and Hospital Association Inc**

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

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**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
 Office of the Governor**

August 2, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BROCK, ROCHARD A., of Mequon, as a member of the Board of Agriculture, Trade and Consumer Protection, to serve for the term ending May 1, 2007.

Sincerely,  
 SCOTT MCCALLUM  
 Governor

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

**State of Wisconsin  
 Office of the Governor**

August 2, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JARVIS, CYNTHIA L., of Wautoma, as a member of the Board of Agriculture, Trade and Consumer Protection, to serve for the term ending May 1, 2007.

Sincerely,  
 SCOTT MCCALLUM  
 Governor

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

**State of Wisconsin  
 Office of the Governor**

August 2, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint PICKERIGN, JEFF, of Elmwood, as a member of the Board of Agriculture, Trade and Consumer Protection, to serve for the term ending May 1, 2007.

Sincerely,  
 SCOTT MCCALLUM  
 Governor

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

**State of Wisconsin  
 Office of the Governor**

August 1, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint THEODORE, ANTHONY J., of Madison, as a member of the Personnel Commission, to serve for the term ending March 1, 2006.

Sincerely,  
 SCOTT MCCALLUM  
 Governor

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

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

The committee on **Human Services and Aging** reports and recommends:

**Senate Clearinghouse Rule 01-043**

Relating to the licensure and regulation of speech-language pathologists, audiologists, temporary licensees and supervision of unlicensed individuals.

No action taken.

Judith Robson  
 Chairperson

The committee on **Insurance, Tourism, and Transportation** reports and recommends:

**Senate Clearinghouse Rule 01-040**

Relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

No action taken.

Roger Breske  
 Chairperson

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**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Bill 55**

Report correctly enrolled on August 8, 2001.

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**AMENDMENTS OFFERED**

Senate amendment 1 to **Senate Bill 197** offered by Senator Risser.

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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THURSDAY, August 16, 2001

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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 231**

Relating to: requiring the creation of a task force to develop a plan for the state centers for the developmentally disabled.

By Joint Legislative Council.

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

**Senate Bill 232**

Relating to: authorizing the department of workforce development to order a person who discriminates in promotion, compensation, or in terms, conditions, or privileges of employment on the basis of sex, race, color, national origin, or ancestry to pay compensatory and punitive damages and an assessment, directing the secretary of workforce development to appoint a committee to study wage disparities between men and women and between minority group members and nonminority group members, and making an appropriation.

By Senators Hansen, Baumgart, Burke, Chvala, Decker, Erpenbach, Moore, Risser, Robson and George; cosponsored by Representatives Sinicki, Balow, Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Gronemus, Hebl, Kreuser, La Fave, J. Lehman, Meyerhofer, Miller, Plouff, Pocan, Richards, Riley, Ryba, Shilling and Turner.

To committee on **Labor and Agriculture**.

**Senate Bill 233**

Relating to: prohibiting construction of a new highway through a veterans cemetery.

By Senators Burke, Moen, Cowles and Roessler; cosponsored by Representatives Bock, Musser, Gronemus, Lassa, Berceau, Sykora, Turner, Albers, Williams, Carpenter, Hahn, Black, Hundertmark and Lippert.

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

**REPORT OF COMMITTEES**

The joint committee for review of **Administrative Rules** reports and recommends:

**Senate Bill 234**

Relating to: extended area telephone service and granting rule-making authority.

Introduction.

Ayes, 10 – Senators Robson, Grobschmidt, Hansen, Schultz and Cowles. Representatives Grothman, Seratti, Gunderson, Turner and Hebl.

Noes, 0 – None.

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

Judith Robson  
Senate Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**  
**Senate Majority Leader**

August 10, 2001

The Honorable, The Senate:

Pursuant to Senate Rule 20, I have made the following appointments to Senate Committees:

To the Senate committee for **review of Administrative Rules**: Senator Welch to replace Senator Schultz;

To the Senate committee on **Audit**: Senator Huelsman to replace Senator Rosenzweig;

To the Senate committee on **Education**: Senator Kanavas;

To the Senate committee on **Finance**: Senator Rosenzweig to replace Senator Welch;

To the Senate committee on **Human Service and Aging**: Senator Kanavas to replace Senator Rosenzweig.

To the Senate committee on **Insurance, Tourism and Transportation**: Senator Schultz;

To the Senate committee on **Privacy, Electronic Commerce and Financial Institutions**: Senator Kanavas to replace Senator Huelsman;

To the **Joint Legislative Council**: Senator Welch to replace Senator Rosenzweig;

To the **State Historical Society Board of Curators**: Senator Schultz to replace Senator Rosenzweig.

With regard to the members of the minority party, the appointments reflect the recommendations of that caucus.

Sincerely,

CHUCK CHVALA

Chair, Committee on Senate Organization  
**State of Wisconsin**

August 15, 2001

The Honorable, The Senate:

This letter is to respectfully request that I be added as a cosponsor to the following Senate Bills:

**Senate Bill 227**, by Senator Breske, relating to qualifications for endorsements authorizing the operation of a school bus;

**Senate Bill 228**, by Senator Breske, relating to school buses and alternative motor vehicles used for pupil transportation; and

**Senate Bill 229**, by Senator Breske, relating to qualifications for an endorsement authorizing a person to operate a school bus.

Please advise me as to your action.

Sincerely,

JEFF STONE

State Representative 82nd Assembly District

**State of Wisconsin  
Department of Health and Family Services**

August 3, 2001

The Honorable, The Senate:

Section 46.972(4), Wis. Stats., requires the Department of Health and Family Services to submit to the chief clerk of each house of the Legislature a report on June 30 annually on the allocation and expenditure of funds for services for homeless individuals. Attached is the Department's annual report.

Sincerely,

PHYLLIS J. DUBE

Secretary

**State of Wisconsin  
Ethics Board**

August 7, 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/>

Blumenfeld, Michael **Community Health Partnership Inc**

Blumenfeld, Michael **Elder Care of Dane County**

Leonhart, James **AT&T Wireless Services Inc**

McCoshen, William J **DeHart & Darr Associates Inc on behalf of Direct Marketers**

Sheehy, Timothy **Metropolitan Milwaukee Association of Commerce**

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  
Ethics Board**

August 14, 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/>

Blumenfeld, Michael **Community Care Organization Inc**

Kipper, Scott **Health Insurance Association of America**

Ruzicka, Mike **Greater Milwaukee Association of REALTORS**

Strohl, Joseph **Racine Area Manufacturers and Commerce**

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

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

**Senate Clearinghouse Rule 01-085**

Relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by Department of Transportation.

Withdrawn by Agency, August 09, 2001.

**Senate Clearinghouse Rule 01-061**

Relating to the definition of unprofessional conduct of the practice of veterinary medicine.

Submitted by Department of Regulation and Licensing.

Report received from Agency, August 9, 2001.

Referred to committee on **Labor and Agriculture**, August 16, 2001.

**Senate Clearinghouse Rule 01-063**

Relating to apprenticeship credit and continuing education.

Submitted by Department of Regulation and Licensing.

Report received from Agency, August 9, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, August 16, 2001.

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The committee on **Labor and Agriculture** reports and recommends:

**Senate Clearinghouse Rule 01-021**

Relating to pesticide license fee surcharges.

No action taken.

**Senate Clearinghouse Rule 01-039**

Relating to the unemployment insurance requirement of ability to work and availability for work.

No action taken.

David Hansen

Chairperson

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**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Bill 10**

**Senate Bill 58**

Presented to the Governor on August 15, 2001.

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**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**2001 ASSEMBLY BILL 3**

Prepared by the Legislative Reference Bureau  
(July 2, 2001)

**16.** Page 66, line 9: delete "of".

Authorized by the President of the Senate, pursuant to Joint Rule 56(3).

**CORRECTIONS IN:**

**2001 SENATE BILL 55**

Prepared by the Legislative Reference Bureau  
(August 8, 2001)

In enrolling, the following corrections were made:

Senate Substitute Amendment 1 to Senate Bill 55:

1. Page 406, line 16: delete "20.566" and substitute "20.566".
2. Page 521, line 19: delete "(8), (19) and," and substitute "(8) and, (19).".
3. Page 523, line 3: delete "year." and substitute "year".
4. Page 523, line 8: delete "year." and substitute "year".
5. Page 540, line 14: substitute "appropriation" appropriations for "appropriation".
6. Page 1133, line 25: delete "is" and substitute "as".
7. Page 1136, line 13: delete "\$30" and substitute "\$30".
8. Page 1142, line 17: delete that line and substitute "application for registration has been made. This completed to be used by the dealer.".
9. Page 1142, line 23: delete "350.122." and substitute "350.122.".
10. Page 1355, line 4: delete "twelfth" and substitute "12th".

Conference Amendment 1 to Senate Substitute Amendment 1 to Senate Bill 55:

1. Page 27, line 2: delete "ballots." and substitute "ballots".
2. Page 109, line 5: delete that line and substitute:  
"430. Page 301, line 14: delete "and 560.139 (1) (c) and for" and substitute "and 560.139 (1) (c), for"."
3. Page 143, line 8: delete lines 8 and 9.
4. Page 144, line 11: delete "to 8" and substitute "to 9".
5. Page 152, line 9: substitute "property" for "property".
6. Page 152, line 18: delete "for "(5) (c)"" and substitute "for "(5) (c),"".
7. Page 153, line 11: delete "(c), (g), and (kc) and (9) (b) and (h)" and substitute "(g) and (kc)".
8. Page 153, line 12: delete "(b), (bp), (br), (g)" and substitute "(b), (bm), (bp), (br), (bt), (g)".
9. Page 154, line 17: delete "2002-2003" and substitute "2002-03".
10. Page 154, line 22: delete "31. 387" and substitute "31.387".
11. Page 157, line 15: substitute ". If the" for "If the".
12. Page 168, line 14: after "23.197" insert "(2m),".
13. Page 171, line 16: delete "RECIPIENT REQUIREMENTS." and substitute "RECIPIENT REQUIREMENTS.".

14. Page 189, line 5: delete "COUNTY" and substitute "COUNTY".
15. Page 195, line 17: delete "(1)" and substitute "(1)".
16. Page 203, line 22: delete "planting and" and substitute "planting, and".
17. Page 206, line 16: delete "and substitute "(intro.)"".
18. Page 213, line 21: delete "20.375 (1)" and substitute "20.370 (1)".
19. Page 214, line 18: delete "20.375 (1)" and substitute "20.370 (1)".
20. Page 384, line 13: delete "line 9" and substitute "line 10".
21. Page 386, line 3: delete "death" and substitute "present the certificate of death".
22. Page 427, line 6: after "as defined in" insert "s.".
23. Page 438, line 3: on lines 3 and 4, delete "79.085" and substitute "79.058".
- 23m. Page 459, line 10: delete "2307cf." and substitute "2307jn".
24. Page 459, line 13: delete "2307cg" and substitute "2307jp".
25. Page 536, line 8: delete "(j)" and substitute "(j)".
26. Page 659, line 5: delete "1." and substitute "(a)".
27. Page 659, line 6: delete "2." and substitute "(b)".
28. Page 672, line 17: delete "Rule-making" and substitute "Rule making".
29. Page 681, line 12: before "(intro.)" insert "(a)".
30. Page 681, line 14: delete "(a)" and substitute "(a)".
31. Page 737, line 14: delete "2859m" and substitute "2858no".
32. Page 869, line 16: delete "442.03" and substitute "442.03".
33. Page 1023, line 10: delete lines 10 and 11.
34. Page 1038, line 18: delete "(2)" and substitute "(2L)".
35. Page 1044, line 11: delete "SERVICES" and substitute "SERVICES".
36. Page 1055, line 9: delete "sections" and substitute "section".
37. Page 1081, line 20: delete "indicate." and substitute "indicate".
38. Page 1083, line 24: delete "positions" and substitute "position".
39. Page 1091, line 13: delete "subsection" and substitute "subsection.".
40. Page 1109, line 11: delete "2001." and substitute "2001".
41. Page 1120, line 2: delete that line.
42. Page 1125, line 6: delete "11" and substitute "14".
43. Page 1132, line 21: delete "2859m)" and substitute "2858no)".
44. Page 1138, line 13: delete "2307cg)" and substitute "2307jp)".



# STATE OF WISCONSIN

# Senate Journal

## Ninety-Fifth Regular Session

---

WEDNESDAY, August 22, 2001

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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 235

Relating to: requiring instruction in public schools on the history of organized labor in America and the collective bargaining process.

By Senators Shibilski, Plache, Wirsch, Hansen, Decker and Burke; cosponsored by Representatives J. Lehman, Schooff, Sinicki, Kreuser, Plouff, Meyerhofer, Steinbrink, Richards, Balow, Bock, Boyle, Berceau, Pocan, Black, Turner, La Fave, Sherman and Lassa.

To committee on **Education**.

### PETITIONS AND COMMUNICATIONS

#### THE STATE OF WISCONSIN OFFICE OF THE GOVERNOR

##### EXECUTIVE ORDER #21

*Directing the Public Service Commission to Redirect Funds Intended to Provide Voice Mail Services for the Homeless*

**WHEREAS**, the Wisconsin Legislature recently passed the 2001-2003 Wisconsin State Budget Bill (hereinafter "Budget"); and

**WHEREAS**, the Budget therein contains a provision and appropriation for the Public Service Commission (hereinafter "PSC") for the expenditure of \$6.9 Million from the PSC's Universal Service Fund (hereinafter "USF"); and

**WHEREAS**, as part of this \$6.9 Million appropriation the PSC is instructed to expend \$40,000 to establish and support the use of voice mail by homeless persons;

**NOW, THEREFORE, I SCOTT McCALLUM**, Governor of the State of Wisconsin, by the authority vested in me by Federal and State law, do hereby:

1. Direct the PSC to not expend any funds over this biennium for the funding of voice mail for the homeless.
2. Direct the PSC to redirect, where permissible under the laws of Wisconsin, such monies for the purpose of funding programs that serve to provide food, shelter, health care or other related services to homeless persons.
3. Direct the PSC, in accordance with its authority, to suspend any administrative rule or provision providing for the funding of voice mail service for the homeless.

**IN TESTIMONY WHERE OF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city

of Madison this seventeenth day of August in the year two thousand and one.

SCOTT McCALLUM  
Governor

BY THE GOVERNOR:

DOUGLAS LA FOLLETTE  
Secretary of State

State of Wisconsin  
Office of the Governor

August 17, 2001

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Senate Bill 58	Wisconsin Act 14	August 17, 2001
Senate Bill 10	Wisconsin Act 15	August 17, 2001

Sincerely,

SCOTT MCCALLUM  
Governor

State of Wisconsin  
Department of Health and Family Services

August 10, 2001

The Honorable, The Senate:

As required in Sections 227.485(9) and 814.245(10) of the Wis. Stats., I am submitting the report concerning decisions and resulting payments of attorney fees and related legal costs. Attorney fees and other legal costs are to be paid whenever the opposing party to an agency's Chapter 227 hearing prevails and it is determined the agency's position was not substantially justified. Payments for SFY 2001 are shown on the attached schedule.

In addition, the Department is required to report any awards granted to the Department regarding frivolous motions brought against this Department. If the hearing examiner determines that the motion of the opposing party in any Chapter 227 contested case is frivolous, the examiner may award the state agency all reasonable costs in responding to the motion. In SFY 2001, no motions of opposing parties were found to be frivolous. Consequently, the Department has no awards to report.

Sincerely,

PHYLLIS DUBE  
Secretary

**State of Wisconsin  
Department of Health and Family Services**

August 13, 2001

The Honorable, The Senate:

The Bureau of Health Information, Department of Health and Family Services, is pleased to submit to the Governor and the Legislature the *Annual Health Care Data Report, 1998*. The data for this report were collected under section 153.05, Wisconsin Statutes, and are published as authorized by the requirements of section 120.20, Wisconsin Administrative Code.

This report is based on data reported quarterly to the Bureau of Health Information by all operating general medical-surgical and specialty hospitals and Medicare-certified, freestanding ambulatory surgery centers in Wisconsin. It presents a summary of data on utilization and charges at those facilities in 1998.

Sincerely,

PHYLLIS J. DUBE  
Secretary

**State of Wisconsin  
Ethics Board**

August 21, 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/>

- Bentley, Marc S     **Freight, Lime & Sand Hauling Inc.**
- Boyce, Catherine     **Curative Rehabilitation Services**
- Cole, Darnell     **Milwaukee Area Technical College**
- Julius, Buddy     **Ameritech (Wis Bell Inc)**
- McCoshen, William J     **Development Association Inc, The**

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

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

**Senate Clearinghouse Rule 01-070**

Relating to the allocation of volume cap on tax-exempt private activity bonds.

Submitted by Department of Commerce.

Report received from Agency, August 16, 2001.

Referred to committee on **Universities, Housing, and Government Operations**, August 22, 2001.

**Senate Clearinghouse Rule 01-071**

Relating to the scheduling of dihydroetorphine under ch. 961, Stats., the uniform controlled substances act.

Submitted by Department of Regulation and Licensing.

Report received from Agency, August 17, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, August 22, 2001.

**Senate Clearinghouse Rule 01-078**

Relating to the teacher education loan program.

Submitted by Higher Educational Aids Board.

Report received from Agency, August 21, 2001.

Referred to committee on **Universities, Housing, and Government Operations**, August 22, 2001.

**Senate Clearinghouse Rule 01-079**

Relating to the teacher of the visually impaired loan program.

Submitted by Higher Educational Aids Board.

Report received from Agency, August 21, 2001.

Referred to committee on **Universities, Housing, and Government Operations**, August 22, 2001.

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

**Senate Clearinghouse Rule 01-002**

Relating to control of particulate matter emissions.

No action taken.

**Senate Clearinghouse Rule 01-030**

Relating to the cooperating forester program and private forestry priorities for assistance.

No action taken.

**Senate Clearinghouse Rule 01-036**

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

No action taken.

Jim Baumgart  
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 01-034**

Relating to seals and stamps.

No action taken.

Mark Meyer  
Chairperson

**AMENDMENTS OFFERED**

Senate amendment 1 to **Senate Bill 209** offered by Senator Risser.

**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

Authorized by the President of the Senate, pursuant to Joint Rule 56(3).

**CORRECTIONS IN:**

**2001 SENATE BILL 55**

Prepared by the Legislative Reference Bureau  
(August 17, 2001)

In enrolling, the following correction was made:

Conference Amendment 1 to Senate Substitute  
Amendment 1 to Senate Bill 55:

**17.** Page 539, line 2: delete "0.78" and substitute "0.78%".

# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

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WEDNESDAY, August 29, 2001

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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 236

Relating to: exemptions from securities registration requirements and licensing requirements for securities broker–dealers and securities agents.

By Senators Cowles, Burke, Roessler, Darling and Welch; cosponsored by Representatives Townsend, Sykora, Krawczyk and Jeskewitz.

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

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin Office of the Secretary of State

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
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<b>Senate Bill 58</b>	Wisconsin Act 14	August 31, 2001
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<b>Senate Bill 10</b>	Wisconsin Act 15	August 31, 2001
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Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

State of Wisconsin

August 28, 2001

The Honorable, The Senate:

Through a mix up, I am currently listed as a cosponsor of **Senate Bill 228**. I intended to be a cosponsor to **Senate Bill 227**.

Please remove my name from **Senate Bill 228** and add my name to **Senate Bill 227**. Senator Breske is the lead author of both bills. I have spoken to Senator Breske's office, and I understand that this is a clerical error.

Thank you for your cooperation in this matter.

Sincerely,

MARY ANN LIPPERT  
State Representative

#### State of Wisconsin Department of Administration

August 20, 2001

The Honorable, The Legislature:

Chapter 34, Laws of 1979, requires that when the Department of Administration maintains an office in Washington, DC, for the purpose of promoting federal/state cooperation, it should submit a report detailing the activities of the office and reporting the status of federal legislation of concern to the Legislature and other state agencies (Wis. Stats. 16.548(2)).

The report for the period April, 2001, through June, 2001, is attached.

Sincerely,

GEORGE LIGHTBOURN  
Secretary

#### State of Wisconsin Ethics Board

August 28, 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/>

Blumenfeld, Michael **Community Living Alliance**

Peters, Diane **Wisconsin Health and Hospital Association Inc**

Strauss, Bonita **District 1199W/United Professionals**  
Wolle, Christopher **Wisconsin Council for Administrators of Special Services**

Wolle, Christopher **Wisconsin Association of School District Administrators**

Wolle, Christopher **Wisconsin Association of School Business Officials**

Wolle, Christopher **Association of Wisconsin School Administrators**

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**

August 21, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint OTTO, JAMES G., of Hubertus, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

August 21, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint OHBERG, MICHAEL J., of Waukesha, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

August 21, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HANSON, MARTIN J., of Eau Claire, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

August 21, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ERICKSON, DR. LIEF W., of Burlington, as a member of the Medical Examining Board, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

August 21, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KALISHEK, KAREN A., of Shawano, as a member of the Medical Examining Board, to serve for the interim term ending July 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**

August 21, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HEISER, RAYMOND W., of Wausau, as a member of the Optometry Examining Board, to serve for the interim term ending July 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**

August 21, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KONTNEY, LAURIE B., of Muskego, as a member of the Physical Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

August 21, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BERG, CRYSTAL, of Hartford, as a member of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for the interim term ending May 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Human Services and Aging.**

**State of Wisconsin  
Office of the Governor**

August 21, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint GREER, YVONNE D., of Milwaukee, as a member of the Dietitians Affiliated



Credentialing Board, to serve for the interim term ending July 1, 2002, and for the full term ending July 1, 2006.

Sincerely,  
SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

August 21, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint FRANKLIN, LAMARR J., of Glendale, as a member of the Real Estate Appraisers Board, to serve for the term ending May 1, 2005.

Sincerely,  
SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

August 21, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint FIEDLER, SHARON R., of Neenah, as a member of the Real Estate Appraisers Board, to serve for the interim term ending May 1, 2003.

Sincerely,  
SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

August 21, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KOWBEL, MARK P., of Racine, as a member of the Real Estate Appraisers Board, to serve for the interim term ending May 1, 2004.

Sincerely,  
SCOTT MCCALLUM  
Governor

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

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

**Senate Clearinghouse Rule 01-007**

Relating to boating safety and enforcement.  
Submitted by Department of Natural Resources.  
Report received from Agency, August 28, 2001.

Referred to committee on **Environmental Resources**, August 29, 2001.

**Senate Clearinghouse Rule 01-038**

Relating to issuance of licenses and approvals.  
Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2001.

Referred to committee on **Environmental Resources**, August 29, 2001.

**Senate Clearinghouse Rule 01-053**

Relating to safe drinking water loan program financial assistance.

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2001.

Referred to committee on **Environmental Resources**, August 29, 2001.

The committee on **Labor and Agriculture** reports and recommends:

**Senate Clearinghouse Rule 01-004**

Relating to drainage district finances and grants to county drainage boards.

No action taken.

David Hansen  
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 00-179**

Relating to construction and fire prevention for public buildings and places of employment, including commercial buildings and structures and multifamily dwellings.

No action taken.

Mark Meyer  
Chairperson

**State of Wisconsin  
Revisor of Statutes Bureau**

September 1, 2001

To the Honorable, the Senate:

The following rules have been published:

<b>Clearinghouse Rules</b>	<b>Effective Date(s)</b>
99-115	September 1, 2001
00- 56	September 1, 2001
00-132	September 1, 2001
00-147	September 1, 2001
00-149	September 1, 2001
00-160	September 1, 2001
00-167	September 1, 2001
00-168	September 1, 2001
00-174	September 1, 2001
01- 6	September 1, 2001
01- 22	September 1, 2001
01- 23	September 1, 2001
01- 41	September 1, 2001
01- 56	September 1, 2001

Sincerely,  
GARY L. POULSON  
Deputy Revisor

**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Bill 55**

Presented to the Governor on August 23, 2001.

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, September 5, 2001

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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 237**

Relating to: requiring pharmacies to keep patient health care records confidential.

By Senators Erpenbach, Hansen, Moen, George, Huelsman, Plache and Risser; cosponsored by Representatives Powers, Walker, Musser, Sykora, Krug, Turner, Miller, Meyerhofer, Black, Gronemus, Stone, Ott, Young, Pocan, Boyle, Ainsworth, Plouff, Staskunas, Gunderson, Lassa, Sinicki, Cullen, J. Lehman, Carpenter and La Fave.

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

**Senate Bill 238**

Relating to: collection of data concerning motor vehicle contacts, law enforcement training standards, and granting rule-making authority.

By Senators Moore, George, Plache, Decker and Risser; cosponsored by Representatives Young, Colon, Morris–Tatum, Turner, Coggs, Williams, Riley, Pocan, Black, Boyle, Schooff, Berceau, Carpenter, Miller, Richards, Ryba and Wasserman.

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

**REPORT OF COMMITTEES**

The committee on **Insurance, Tourism, and Transportation** reports and recommends:

**Assembly Bill 154**

Relating to: requiring headlamps and other required lamps on a school bus to be lighted whenever the school bus is operated on a highway.

Concurrence.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

**Assembly Bill 290**

Relating to: prohibiting the installation of a previously deployed or an otherwise nonfunctional airbag and providing a penalty.

Concurrence.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

**Senate Bill 227**

Relating to: qualifications for endorsements authorizing the operation of a school bus.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

**Senate Bill 229**

Relating to: qualifications for an endorsement authorizing a person to operate a school bus.

Passage.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

**Senate Bill 56**

Relating to: following snowplows and providing a penalty.

Passage.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

Roger Breske  
Chairperson

**PETITIONS AND COMMUNICATIONS**

State of Wisconsin  
Office of the Governor

August 30, 2001

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
<b>Senate Bill 55 (Partial Veto)</b>	<b>Wisconsin Act 16</b>	August 30, 2001

Sincerely,  
SCOTT MCCALLUM  
Governor

**State of Wisconsin  
Office of the Governor**

August 30, 2001

The Honorable, The Senate:

To the Honorable Members of the Senate:

I have approved Senate Bill 55 as 2001 Wisconsin Act 16 and deposited it in the Office of the Secretary of State.

The bill I am signing represents many difficult decisions made by a Legislature that remained focused on concluding a budget in a timely and orderly fashion. I commend the Legislature for its civility and commitment in crafting the most important piece of legislation in this legislative session. Despite constraints in revenue growth and the unfunded costs of new programs adopted in the previous legislative session, significant progress was made in a number of key policy areas, particularly economic growth, educational quality, health care for seniors and lower taxes.

Wisconsin's taxes remain too high. The 1999–2001 state budget took a serious step toward reducing our state's income tax burden by lowering rates eleven percent and this budget continues the trend of lowering the tax burden on Wisconsin citizens. Despite the severe financial constraints faced in developing this budget, taxes are further reduced by eliminating the income tax on military pensions and implementing the federal phase-out of the estate tax. While the Legislature chose to reinstate the estate tax in fiscal year 2003–04, I intend to restore the federal phase-out schedule in my next budget.

Future tax reductions will require continued robust economic growth. This budget includes a number of measures that will propel Wisconsin's economic engine to new heights, including the creation of eight new technology development zones and one agricultural development zone; an airline hub tax exemption for Wisconsin-based airlines, Midwest Express and Air Wisconsin; \$317 million in new biotechnology facilities through the University of Wisconsin's BioStar Initiative; and \$38 million for expanded information technology and biological sciences courses and other economic stimulus initiatives at the University of Wisconsin. All of these measures were included in my budget and represent further investments in Wisconsin's economic renaissance.

This budget also continues the trend of stabilizing the property tax burden by increasing school aids and shared revenue. Property taxes as a percent of ability to pay have dropped fourteen percent since controls on school revenues began in December 1993. This reduction is the result of balancing reasonable school cost growth (that has exceeded the rate of inflation), with continued investments in educational quality.

Since 1994, the first year that the school district allowable revenue formula was in place, the state has invested over \$2.6 billion in our local schools. This funding has served to reduce property taxes and increase educational quality. State taxpayers will spend almost \$100 million in school year 2002–03 to reduce class sizes in early grades through the Student Achievement Guarantee in Education (SAGE) program. School technology has increased exponentially with the \$290 million provided since 1998 for the Technology for Educational Achievement in Wisconsin (TEACH) program. Improved educational attainment for all Wisconsin children is also being supported through an eighteen percent increase in funding for school breakfasts and investments in the private and public school choice and charter school programs.

Many other significant needs are addressed in this budget. We take the lead in health care access for seniors by establishing a new prescription drug benefit for Wisconsin's greatest generation. We provide a significant increase to the Birth to Three and Family Support programs to assist disabled children and their families. We improve the environment and support

economic development through expanding the brownfields redevelopment program and providing continued funding for recycling. We have funded additional prison capacity while also supporting community corrections efforts. We fully fund child care subsidies so that low-income individuals can work and seek more educational opportunities. We protect more of Wisconsin's pristine landscape through a \$112 million expansion of the Warren Knowles–Gaylord Nelson Stewardship 2000 Program.

Wisconsin is on the right path, we're reducing taxes and investing in our future. Unfortunately, the budget I received from the Legislature included a number of initiatives that could divert us from this path. First and foremost, the Legislature ignored the significant investments it has made in educational quality and listened instead to calls for a return to unfocused school spending.

Exemptions to school district allowable revenues and modifications to the qualified economic offer for teacher compensation packages will further burden Wisconsin taxpayers with no clearly defined benefit to students. Wisconsin already spends generously on a per student basis, sixth highest in the country. Growth in school district costs has outpaced inflation since the allowable revenue formula was adopted in the 1993–95 budget. Compensation for Wisconsin teachers remains among the highest in the country and our class sizes among the smallest. And, most notably and most importantly, our students are the best and the brightest.

Can more be done? Yes. Should more be done? Absolutely. We must continue to focus on improving educational achievement for all students, from inner city Milwaukee to South Shore on Lake Superior. The bill I am signing includes relief to small school districts that must serve large geographic areas. It also supports the private school choice program, restores state funding for four-year-old kindergarten and expands charter schools. It prudently targets taxpayer dollars toward programs shown to be effective in improving student achievement.

Many school districts continue to offer wage and compensation increases to teachers that exceed the 3.8 percent that constitute a qualified economic offer. According to the American Federation of Teachers, Wisconsin ranks tenth nationally when comparing teacher salaries to annual private sector earnings. In addition, the recent Supreme Court decision upholding changes to the state retirement system will serve to provide school districts with an \$84 million windfall, much of which will translate into enhanced compensation packages for teachers.

My second major concern is the risk to our financial future by using over \$800 million of one-time funding measures to deliver a "balanced" budget. These measures include \$109 million from the intergovernmental transfer program for county and privately-owned nursing homes, \$100 million in borrowing to extend existing debt, \$50 million from reducing the statutory ending balance, \$450 million from the tobacco endowment fund and \$115 million from delaying a school aid payment. While my budget included \$350 million from the tobacco endowment fund as a "bridge" to get us to a firmer financial footing, the bill before me puts us on a bridge to financial risk and uncertainty. Financing the permanent spending supported by these one-time measures will likely consume all of the anticipated revenue growth in fiscal year 2003–04, making it extremely difficult to fund growth in existing programs such as school aids, medical assistance and the University of Wisconsin System.

These one-time measures, combined with payment shifts made in previous budgets and an unwillingness to create meaningful budget reserves, have weakened the state's standing in the eyes of financial markets. That weakness has manifested itself in a lower rating of creditworthiness on the state's bonds, raising the



potential for higher borrowing costs. The financial cost of this lower rating pales in comparison to the perception that Wisconsin's finances are inherently unstable. This is not the message we want to deliver to businesses looking to expand operations or venture capitalists looking for fertile ground to grow high tech enterprises. We must act decisively to right our financial ship and keep our economy on a direction toward high wage, high skill employment.

To begin this transformation toward financial stability, I have used my veto power to eliminate the \$115 million school aid payment delay, and I have increased the statutory ending balance to 1.2 percent of appropriations and compensation reserves. We must live within our means. Just as a family cannot delay a mortgage payment without risking foreclosure, the state cannot continue to ignore today's obligations with promises to pay tomorrow.

In this budget, I remain committed to controlling school property taxes through the school district allowable revenue formula and to meeting the state's commitment to fund two-thirds of school costs. These goals must be accomplished honestly by paying the bills, as they come due, not by further shifts in paying school aids. We cannot responsibly meet these goals at the expense of the state's fiscal health and by extension threatening the stability of local government finances. While I cannot use my veto authority to restore the full 2002-03 school year payment, by law the Joint Committee on Finance must meet in June 2002 to review estimated school costs and set the school aid funding level.

I remain confident that our economy will show renewed vigor in the next two years, providing additional revenues for schools without the need to resort to budget gimmicks. However, even without further growth in revenues, I have aggressively vetoed spending increases and prudently built up the required general fund balance to ensure that the state's two-thirds school funding commitment will be met in full as it comes due.

In addition to vetoing the school aid payment delay and restoring the required general fund balance, I am acting to further improve the state's fiscal situation by directing the secretary of the Department of Administration to monitor the need for the \$100 million in debt restructuring authorized by the Legislature. We cannot afford to borrow money instead of making difficult decisions on budget priorities. In the event revenues grow faster than expected, the secretary of the Department of Administration will decide whether the issuance of these bonds is necessary.

I have also used my veto power to restore a four percent budget reduction for the Department of Public Instruction and a five percent reduction for the State Public Defender. When all state agencies, the Legislature and the courts are making budget reductions, we should not shield any administrative operations appropriations from sharing the burden. The reduction for the Department of Public Instruction exempts the state residential schools to reflect their direct service responsibilities.

The budget, as passed by the Legislature, also tapped questionable funding sources to support certain programs. For instance, use of growth in revenues from fines and forfeitures retained by counties is neither a stable nor realistic funding source for new district attorney positions. District attorneys face real world work load issues that are not addressed through unreliable funding sources. I support an increase in district attorney positions to address critical work load needs, but cannot agree to the funding source proposed by the Legislature. I urge the Joint Committee on Finance to consider meeting this need from a different source of funding through its authority under s. 13.10.

My third major concern is the amount of bonding authorized in this budget. My proposed budget authorized \$522 million in new GPR-supported general obligation bonding in the 2001-03 biennium, a level calculated specifically to ensure that debt service payments would remain at 3.5 percent of total GPR revenue over the next decade. The budget passed by the Legislature contains \$564 million in new GPR-supported bonding authorizations for the 2001-03 biennium. This level of bonding means that debt service will increase as a percentage of total revenue. We should not incur new long-term debt of this magnitude. Debt service payments will increase by 9.4 percent in fiscal year 2002-03, while our GPR revenue will increase less than 4.5 percent. Therefore, my vetoes have reduced the total new bonding authorization amount by \$9 million to reduce the new debt we will incur to a more affordable level.

To improve the ending balance, I vetoed a total of \$62 million in additional GPR spending items approved by the Legislature. This is the largest amount of GPR budget savings ever realized in a biennial budget through gubernatorial vetoes and reflects the critical need to restore fiscal responsibility and stability. I also exercised a veto to increase the size of the balance we are required to maintain from 0.7 percent to 1.2 percent of GPR spending. Since many states maintain balances of at least five percent, we must continue toward the current law goal of 2 percent. The required balance is scheduled to grow to 1.6 percent as we enter the next biennium and we need to honor this commitment. Meeting this responsibility will require fiscal discipline and prudent management of resources. Therefore, I am very pleased that the budget I am signing takes a step in this direction by including a meaningful budget stabilization fund that will set-aside fifty percent of unanticipated revenues to help us avoid future budget crises.

From general purpose revenue, net spending will be \$11.4 billion in fiscal year 2001-02 and \$11.6 billion in fiscal year 2002-03, for a biennial total of \$23.0 billion. These figures represent annual spending increases of 3.0 percent and 1.7 percent, primarily due to increases in spending to meet our commitment to fund two-thirds of school costs, to reduce class sizes in early grades, to return inmates housed in out-of-state prisons to Wisconsin facilities, to implement a new prescription drug subsidy for seniors, to pay for increased child care and medical assistance costs for our low-income citizens, and to make investments in our higher education system. Total spending under the 2001-03 budget, as passed, is \$23.3 billion in fiscal year 2001-02 and \$23.5 billion in fiscal year 2002-03, for a biennial total of \$46.8 billion.

I am signing this budget with a total of 315 vetoes. Many of these vetoes were needed to reduce spending by a total of \$62 million GPR. These vetoes will also reduce the structural deficit confronting the state in the next biennium. A number of these vetoes are technical in nature and were required to make provisions workable. A number of these vetoes curb the Legislature's involvement in the day-to-day management of state agencies by eliminating the most burdensome new reporting requirements. The Legislature has a legitimate interest in knowing how state programs are working, but it should not micromanage agencies or dictate agency work load through the budget bill.

The budget I introduced in February, and the Legislature passed, keeps Wisconsin moving ahead: growing our economy through lower taxes and targeted investments, improving



educational quality through innovative programs, and ensuring all citizens can access jobs, education and health care. Among the highlights are the following items:

**Tax and Local Government Finance**

- Eliminates the state income tax on military pensions and reduces the estate tax in fiscal year 2002–03. These changes reduce taxes by over \$37 million.
- Provides a property tax exemption for air carrier hub facilities.
- Increases the state cigarette tax by 18 cents to provide prescription drug benefits for eligible lower-income seniors.
- Provides an exemption from the sales tax for electricity sold to utilities by merchant power plants to encourage the development of adequate energy supplies in Wisconsin.
- Holds the total property tax burden per \$1,000 of personal income to 14 percent below December 1993 rates.
- Increases shared revenues, expenditure restraint payments, county mandate relief payments and small municipalities shared revenues by one percent annually in fiscal year 2002–03 and fiscal year 2003–04.
- Restores the municipal shared revenue formula in 2004 to ensure that state aid is delivered to communities with the greatest needs.
- Provides \$5.6 million in fiscal year 2001–02 and \$7.4 million in fiscal year 2002–03 to fully fund the personal property tax exemption for computer equipment. Business taxes are reduced by retaining exemptions for automated teller machines and expanding exemptions to copier and fax machines.
- Establishes a state spending cap to limit annual noneducation GPR spending increases to the increase in state personal income.
- Requires that fifty percent of unanticipated revenues be set aside in the state’s budget stabilization fund to help avoid future budget crises and reduce Wisconsin’s deficit under generally accepted accounting principles.
- Maintains the state’s budgetary balance at 1.2 percent of spending instead of reducing the balance to a sixteen-year low of \$90 million.
- Creates a permanent endowment fund from tobacco securitization proceeds to support tobacco cessation and prevention efforts, provide interest earnings to the general fund and provide an offset to the state’s \$1.2 billion deficit under generally accepted accounting principles.
- Implements full disclosure in budgeting by requiring state budget documents to state the impact of the proposed budget on future state finances and to report the estimated budget balance under generally accepted accounting principles.

**Economic Development and Transportation**

- Protects state residents from unwanted telephone sales calls by prohibiting telephone solicitors from calling those listed in a statewide no-call database.
- Preserves the application of the Wisconsin Consumer Act to rental purchase agreements.
- Improves highway safety and enhances economic development by increasing state and federal support for

highway construction projects and local transportation aids by over \$300 million over the biennium.

- Enumerates three new major highway projects: STH 17 in Oneida County; I-39/USH51 in Marathon County (Wausau Beltline); and STH 26 in Rock, Jefferson and Dodge counties.
- Provides over \$160 million over the biennium for reconstruction of the Marquette Interchange in the city of Milwaukee.
- Increases the basic allocations for local road improvement funding by providing a six percent annual increase for critical transportation infrastructure projects.
- Increases local transportation aids by four percent in calendar year 2002 and three percent in calendar year 2003 to meet rehabilitation and maintenance costs and to limit growth in property taxes.
- Increases state assistance to local transit systems by four percent in calendar year 2002 and two percent in calendar year 2003.
- Provides \$14 million over the biennium for brownfields assessment, remediation and redevelopment efforts.
- Creates technology development zones to enhance investment in high technology and create high-skill, high-wage jobs by providing credits against income, sales and property taxes for qualified businesses.
- Authorizes \$25 million in bonding for a biomedical technology research incubator at the Medical College of Wisconsin.
- Protects Wisconsin’s critical animal agriculture industry by providing a 150 percent increase for the Johne’s disease control program.
- Promotes economic development in the city of Beloit by designating a development opportunity zone and allocating \$4.7 million in tax credits to reward job creation and capital investment.
- Protects Wisconsin’s agricultural and biotechnology industries by providing felony penalties for the intentional introduction of contagious disease into livestock or the intentional destruction of plants grown for commercial or research purposes.

**Environmental Protection and Resource Management**

- Supports efforts to protect children from pesticide exposure in schools by increasing notification requirements, ensuring pesticides are applied by licensed individuals and providing 1.0 FTE SEG position to continue and expand the Integrated Pest Management training program for school districts.
- Creates a Fox River Navigational System Authority governed by a nine-member board to repair and manage the system of locks on the Fox River.
- Enhances protection of Wisconsin’s pristine natural resources by increasing bonding authorization for the Warren Knowles-Gaylord Nelson Stewardship 2000 Program by \$112 million.
- Increases funding and positions for forestry operation and private forest landowner assistance by approximately \$4.5 million SEG and 15.0 FTE SEG positions in fiscal year 2001–02 and designates a chief state forester.
- Enhances control of invasive aquatic plants and animals by providing stronger enforcement authority and additional funding to the Department of Natural Resources.

- Enhances wetland protection efforts by providing \$196,900 SEG and 2.5 FTE positions over the biennium to implement the Wetlands Compensatory Mitigation program.
- Enhances local land use planning by providing additional funding for land information systems.
- Prohibits oil and gas drilling beneath the Great Lakes.
- Creates an Adopt-a-River program to encourage volunteers to oversee a section of a lake, river, wetland or ravine; conduct annual clean-ups; and ensure the long-term environmental health of the area.

#### **Education and Training**

- Provides \$380 million over the biennium to increase state aid to Wisconsin's elementary and secondary schools.
- Eliminates the delayed payment of \$115 million in general equalization aid to help restore sound fiscal practices to the state.
- Provides \$53.5 million GPR in additional funding to support full implementation of the Student Achievement Guarantee in Education (SAGE) program, which reduces class size in grades kindergarten through three, bringing the total funding of SAGE to \$95 million.
- Maintains existing level of state support for four-year-old kindergarten programs in public and choice schools.
- Provides an 18 percent increase in funding for the school breakfast program, which will allow for a significant expansion of participation rates.
- Provides a 10 percent increase in funding for the minority precollege scholarship program for middle and high school students to participate in challenging academic programs at Wisconsin's public and private colleges and universities.
- Creates a revenue limit adjustment for low enrollment districts with large geographical areas, which are experiencing declining enrollments.
- Provides \$195,000 GPR to support student organizations related to career and technical education.
- Authorizes the University of Wisconsin-Parkside to create a charter school in the Racine school district.
- Provides \$77.5 million in new GPR funding to the University of Wisconsin System, including \$38 million GPR to support initiatives for the Madison and Milwaukee campuses and to make systemwide investments that will expand enrollments in information technology and biotechnology.
- Authorizes a BioStar initiative and \$317 million in general fund supported borrowing over a ten-year period to attract federal and private funds for construction of biological sciences education and research activities at the University of Wisconsin-Madison.
- Provides \$6.4 million GPR to the Higher Educational Aids Board and the University of Wisconsin System to increase need-based financial aid programs.
- Provides \$500,000 to the University of Wisconsin Medical School for the purchase of a digital mammography machine.
- Authorizes the board of regents to use base funding to create GPR-funded faculty and academic staff positions.

- Provides an additional \$500,000 GPR over the biennium to the Wisconsin Technical College System to increase the availability of high demand courses.
- Increases funding for vocational rehabilitation services by \$2 million over the biennium, which will enable more of Wisconsin's disabled citizens to become part of Wisconsin's work force.

#### **Human Resources**

- Provides \$2 million GPR in fiscal year 2001-02 and \$49.9 million GPR in fiscal year 2002-03 to implement the new Senior Care program, beginning September 1, 2002. Senior Care is the new prescription drug assistance program for Wisconsin residents who are 65 years of age or older and who meet certain eligibility criteria. An estimated 260,000 individuals will be eligible, making the program one of the most generous in the country.
- Provides a \$218 million increase to fully fund child care for both W-2 clients and for low-income working families.
- Provides \$17.3 million GPR over the biennium to increase funding for the Community Option Program (COP) and Community Integration Program (CIP).
- Provides a \$5 million GPR increase over the biennium for the Family Support and Birth to Three programs, which serve disabled children and their families.
- Provides an additional \$32 million GPR over the biennium to fully fund the BadgerCare program, which is available to all low-income children and their parents not covered by Medical Assistance.
- Provides an additional \$53 million SEG in fiscal year 2001-02 and \$70 million SEG in fiscal year 2002-03 to nursing homes due in large part to their efforts to enhance the amount of federal intergovernmental transfer (IGT) funds received by the state.
- Provides an additional \$13.4 million SEG for hospitals and \$12.3 million SEG for noninstitutional providers over the biennium as a result of the receipt of the new IGT funds.

#### **Justice**

- Provides funding to staff the following new and expanded correctional facilities: Stanley, New Lisbon, an expansion at Taycheedah, two inmate workhouses (located at Winnebago and Sturtevant), an addition to the Oshkosh segregation unit and the new Sturtevant Probation and Parole Holding Facility.
- Provides \$4.6 million GPR to increase purchase of services for offenders in the community.
- Provides \$4.2 million GPR to add 56.5 FTE probation and parole agents. The additional agents will provide an average agent to offender ratio of one agent to supervise 47 offenders.
- Provides additional resources for inmate health care needs including: the new Highview geriatric facility for male inmates, a new mental health unit for female inmates at the Taycheedah Facility, twenty additional nursing positions and staffing for 24-hour nursing coverage at the Columbia, Oakhill and Taycheedah facilities.
- Provides \$3 million GPR to increase funding for Youth Aids payments to counties. Youth Aids fund the cost of placements to juvenile correctional facilities and other juvenile delinquency related services.
- Provides \$3.5 million to improve the state's Automated Fingerprint Identification System (AFIS).

- Provides \$450,000 GPR to increase reimbursement to counties for court interpreter services.
- Provides \$1.2 million of federal Byrne grant funds for a diversion program to encourage criminal justice agencies to collaboratively develop alternatives to incarceration for certain types of offenders.

**State Government Operations**

- Creates a new agency, the Department of Electronic Government, to strengthen the state's ability to plan and manage its information technology resources.
- Provides \$180 million to the general fund through eliminating vacancies, realizing savings from recent changes to the state retirement system and implementing five percent reductions in state operations appropriations to ensure a balanced budget.
- Enhances recruitment and retention in the Wisconsin National Guard by retaining a 100 percent tuition reimbursement program through a partial veto.
- Adds funding and positions to improve veterans benefits counseling.
- Provides \$45,000 annually for additional veterans benefits fairs and promotions.
- Increases tuition and fee reimbursement from 65 percent to 85 percent for veterans college and part-time study grant programs.
- Increases veterans emergency assistance grants funding by \$755,100.
- Authorizes 28.0 FTE positions and funding to staff the Southern Wisconsin Veterans Retirement Center.
- Expands veterans assistance centers by funding a new facility in Madison and expanding those at King and Southern Wisconsin Veterans Retirement Center.
- Increases funding by \$400,000 to support transportation services for disabled veterans.
- Funds a grant of \$200,000 to help establish a Milwaukee Veterans War Memorial Education Center.
- Adds 3.0 FTE and funding to strengthen enforcement in regulation and licensing.

There are also several budget provisions I did not veto that warrant discussion.

1. Shared Revenue – The budget bill includes one percent annual increases in each of the next two years for local government shared revenue and related programs. Specifically, the bill includes a one percent increase for the 2002 payments for shared revenue, expenditure restraint, small municipality shared revenue and county mandate relief. Another one percent increase is provided to these same programs for the 2003 payments. The municipal shared revenue increases will be distributed across-the-board. Each municipality in 2002 and 2003 will receive a one percent increase over its prior year payment.

While I am approving these increases, we must not diminish our efforts to restructure the shared revenue formula. Instead, we should continue the rethinking of this billion dollar program begun by the Governor's Blue Ribbon Commission on State-Local Partnerships under Professor Don Kettl's

visionary leadership. Consistent with the commission's goals, we must remake shared revenue to reward performance, increase accountability, eliminate incentives to spend, encourage cooperation and move Wisconsin toward a more competitive tax environment.

2. Property Tax Exemptions and Municipal Services – The budget bill includes a provision that clarifies exemptions for YMCA and YWCA facilities from local property taxes due to their status as charitable organizations. While I am very supportive of the services provided by these organizations, I am also very concerned about the impact these exemptions have on a competitive business environment. The budget also authorizes local governments to assess charges on tax-exempt organizations for certain services provided by a municipality, such as fire protection. I have used my veto power to remove this provision because it was meant to work within the broader package of reforms offered by the Kettl Commission and included in my budget, but not adopted by the Legislature. We must make progress on assigning appropriate tax status to certain organizations and implementing cost recovery mechanisms for local governments. I hope to build on the important progress made by the Kettl Commission in these policy areas and move toward meaningful change on issues of property tax exemptions, free market competition and municipal cost recovery issues.
3. Prescription Drugs – This budget includes a new prescription drug benefit for Wisconsin seniors that leads the nation. Clearly, the prescription assistance program will meet a critical need for many low-income seniors. However, given the deficit we face in developing the 2003-05 budget, I am concerned about the program being considered an entitlement requiring increased funding every biennium. The Legislature designed the program so that if funding is insufficient to meet demand in any given year, the Department of Health and Family Services is required to create waiting lists. I am directing the department to lay out a clear and equitable process to address this legislative mandate in its administrative rules.
4. Chiropractic Claims – The budget bill includes a provision that defines claims for payment of chiropractic services, with certain exceptions, as being overdue if not paid within thirty days after the insurer receives clinical documentation. My understanding is that property and casualty insurance or workers' compensation claims should not have been included in this requirement. I have requested the Commissioner of Insurance to work with affected parties to introduce separate legislation to clarify that this provision only applies to health insurance claims and not to property and casualty insurance or workers' compensation claims.
5. Child Care Subsidies – Child care assistance is one of the key priorities for use of Temporary Assistance for Needy Families (TANF) funding. However, we must not forget that the top priority for TANF funding is the Wisconsin Works (W-2) program. I am concerned that we may not always be able to fund growth in child care subsidies at the expense of the W-2 contracts and other related W-2 programs. In order to set priorities, the Legislature will, at some point, have to adopt the language I proposed allowing the administration to control child care expenditures through administrative means if the need arises.
6. Recycling – The budget bill increases the state recycling tipping fee to \$3.00 and provides \$24.5 million annually for municipal recycling grants in the 2001-03 biennium. At this level of support for local recycling programs,



Wisconsin has the most generous subsidy in the country. While I do not believe that tipping fees are the best funding source to support recycling costs, I am concerned that many out-of-state communities neighboring Wisconsin view our state as a dumping ground. A review of the average total tipping fees at out-of-state landfills located near Wisconsin's borders point to these landfills using tipping fees to discourage the dumping of Wisconsin waste. Wisconsin's average total tipping fee is \$38 per ton, and ranges from \$16 per ton to \$80 per ton. Average total tipping fees in Minnesota, Illinois and Michigan landfills near our state lines are \$54, \$44 and \$63 per ton, respectively. The range of tipping fees in Illinois varies from \$25 to \$152, with many of the higher cost landfills close to our border. I have retained the increase in the tipping fee to discourage other states from viewing Wisconsin as a dumping ground for their garbage.

However, I am not convinced that increasing expenditures for the current recycling program will automatically lead to improvements in the amount of waste being recycled. Several other states have produced better results with less state support. I encourage the Department of Natural Resources to carefully review the recycling program here, and in other states, and develop a proposal for the 2003-05 biennial budget that will lead to better results without increasing expenditure levels.

7. Light Rail – The budget bill contains an extension of the prohibition on use of state or federal Interstate Cost Estimate (ICE) funds for costs related to light rail to June 30, 2002. I am not vetoing this provision, but I expect that the extension of this sunset will not affect the completion of the Kenosha-Racine-Milwaukee Transit Corridor Alternatives Analysis study that is being undertaken by the Southeastern Wisconsin Regional Planning Commission. The use of the federal ICE funds allocated to several of the local governments in southeastern Wisconsin is governed by an agreement signed by those local governmental units. The state is not a party to those agreements and should not prevent implementation of those agreements.

I also want to commend the Legislature for improving its timeliness in completing a budget, limiting growth in spending and adopting measures I proposed to improve the state's fiscal stability. However, there is much more we can do to improve the budget process to ensure taxpayer dollars are used more efficiently to grow our economy, improve educational quality and create high skill, high wage employment. I will carefully consider such changes in my next budget.

Our state is rich in so many ways: abundant natural resources, a world class higher and elementary education system, a burgeoning technology economy, and an excellent quality of life. Wisconsin citizens also provide considerable resources to support programs at the state and local level. The bill I am signing seeks to ensure that we use those resources wisely now and in the future.

Respectfully submitted,  
SCOTT MCCALLUM  
Governor

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| 123.   | Designation of Overlength Truck Routes                          | 39.                   | Targeted Case Management Reimbursement Lapse   |
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| <p>47. Changes to W-2 Geographical Regions in Milwaukee County</p> <p>48. Performance Bonuses and Performance Standards for W-2 Agencies</p> <p>49. Oversight of W-2 Agencies in Milwaukee County</p> <p>50. Community Youth Grants</p> <p>51. After-School Care Grant Program</p> <p>52. Study of Unclaimed Impounded Vehicles</p> <p>53. Prevailing Wage Law</p> <p>54. Grant to the Milwaukee Metropolitan Fair Housing Council – Discriminatory Lending Practices</p> <p><b>D. JUSTICE</b></p> <p><b>CIRCUIT COURT</b></p> <p>1. Family Court Counseling Fee</p> <p>2. Admitting Health Care Records into Evidence in a Trial or Proceeding</p> <p>3. Civil Action for Domestic Abuse or Sexual Assault</p> <p><b>CORRECTIONS</b></p> <p>4. Telemarketing and Data Entry</p> <p>5. Residence of Sex Offenders on Parole or Extended Supervision</p> <p>6. Inmate Rehabilitation and Aftercare</p> <p>7. Inmate Health Care Reports and Procedures</p> <p>8. Inmate Death in Custody Reporting Act Requirements</p> <p>9. Inmate Tracking System and Integrated Corrections System Requirements</p> <p>10. Gender-Specific Treatment Programs and AODA Services</p> <p>11. Performance Evaluations for Substance Abuse Intervention and Treatment Grants</p> <p>12. Community Reintegration Facility</p> <p>13. Reduce Funding for the Mendota Juvenile Treatment Center</p> <p>14. Juvenile Justice Study</p> <p><b>DISTRICT ATTORNEYS</b></p> <p>15. Vehicle Fines and Forfeitures for Additional Prosecutor Positions</p> <p>16. Assistant District Attorney Positions for Restorative Justice Programs</p> <p><b>JUSTICE</b></p> <p>17. Post-Conviction and Post-Commitment DNA Testing</p> <p>18. Attorney General Authority in Civil Rights Actions and Inquests</p> <p>19. Law Enforcement Training on Alzheimer's Disease Recognition</p> <p>20. AFIS Workstation Grant Program</p> <p><b>OFFICE OF JUSTICE ASSISTANCE</b></p> <p>21. Federal Byrne Anti-Drug Enforcement Program</p> <p>22. Penalty Assessment Surcharge Balance Transfers</p> <p>23. Southern Oaks Girls School Mental Health Unit Funding</p> | <p>STATE PUBLIC DEFENDER</p> <p>24. Base Budget Reductions and Reporting Requirements</p> <p><b>SUPREME COURT</b></p> <p>25. Court Interpreter Program</p> <p>26. Prison Impact Assessment</p> <p>27. Court Commissioner Education</p> <p>28. Appropriation Modifications</p> <p><b>E. STATE GOVERNMENT OPERATIONS</b></p> <p><b>ADMINISTRATION</b></p> <p>1. Vacant Positions in State Government</p> <p>2. Dues and Membership Lapses</p> <p>3. Audit of State-Owned Aircraft Usage</p> <p>4. University of Wisconsin System Fleet Merger</p> <p>5. Procurement Conversion to Program Revenue</p> <p>6. Procurement Services Audit</p> <p>7. Purchasing Card Rebates</p> <p><b>BUILDING PROGRAM</b></p> <p>8. Retainage on Public Works Contracts</p> <p>9. Wisconsin History Center Reporting Requirement</p> <p>10. Facility Operating Cost Estimates</p> <p>11. Distributed Generation Units</p> <p>12. Restrictions on Acquisition Through Lease Purchase</p> <p>13. Sale of Residual State Property</p> <p>14. Utility Service Cost Allocation Study</p> <p>15. Revision of Enumerated Projects</p> <p>16. Restriction on General Fund Supported Borrowing</p> <p>17. Wausau State Office Facility Study</p> <p><b>ELECTIONS BOARD</b></p> <p>18. Recall Elections of City, Village, Town or School District Officials</p> <p>19. Lease of Electronic Voting Equipment</p> <p><b>ELECTRONIC GOVERNMENT</b></p> <p>20. Appropriation Structure</p> <p>21. Administrative Rule to Set Fees</p> <p>22. Chief Information Officer Vote on Information Technology Management Board</p> <p>23. Ethics Board Procurement Authority</p> <p>24. Veterans Museum Distance Learning Support</p> <p><b>EMPLOYEE TRUST FUNDS</b></p> <p>25. Private Employer Health Insurance Coverage Program Changes and Funding</p> <p><b>EMPLOYMENT RELATIONS</b></p> <p>26. Funding for Shared Human Resources System</p> <p><b>LEGISLATURE</b></p> <p>27. Legislative Hotline</p> <p>28. Emergency Rule Changes</p> <p>29. Legislative Council Studies</p> <p>30. Capstone Certificate Program Reimbursement Funding</p> <p><b>MILITARY AFFAIRS</b></p> <p>31. National Guard Tuition Grant Program</p> <p>32. Badger Challenge Program</p> |
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- 33. Regulation of Closing Agents
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- 35. Evaluation of Credentialing Fees
- 36. Inclusion of an Institutional Pharmacist on the Pharmacy Examining Board

VETERANS AFFAIRS

- 37. Regional Veterans Claims and Benefits Coordinators
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- 1. Division of Gaming – License Requirements for Simulcast Racing

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- 4. Qualified Economic Offer

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- 6. Internal Revenue Code Update
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- 8. Individual Income Tax Exclusion for Military Pensions
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- 10. Artistic Endowment Foundation Tax Credits
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PUBLIC SERVICE COMMISSION

- 12. Promulgation of Rules to Facilitate the Production of Distributed Energy
- 13. Technical Veto – Telecommunications Regulation
- 14. Voice Mail for the Homeless
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- 16. Volunteer Income Tax Assistance Program

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- 17. Municipal Shared Revenue Payments
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- 20. Automatic Teller Machines
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- 22. Annexations Creating Town Islands
- 23. Classification of Certain Property as Swamp and Waste

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- 27. Office of Justice Assistance – County-Tribal Law Enforcement Grants
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- 31. University of Wisconsin-Extension – Grazing Education Grants
- 32. Workforce Development – Trade Masters Pilot Program

A. EDUCATION AND TRAINING

HIGHER EDUCATIONAL AIDS BOARD

1. **Minority Undergraduate Retention Grant Program**

*Section 1382r*

This section amends 39.44 (1) (b) by expanding the eligibility requirement for the Minority Undergraduate Retention Grants program to include freshmen.

I am vetoing this section because the original intent of this program is to retain students who are making satisfactory progress at postsecondary institutions. Expanding the program to freshmen significantly alters this intent and is likely to reduce grants to those students who are meeting the original intent of the program. Furthermore, freshmen students are eligible to receive grants from the Wisconsin Higher Education Grant and Tuition Grant programs, as well as the federal Pell Grant program.

2. **Study on State Payment of Two Years of Postsecondary Education**

*Section 9101 (21g)*

This section would require the Department of Administration to study the development and implementation of a tuition grant program that would pay the cost of two years of postsecondary education.

I am vetoing this provision because the Legislature does not need to create a statutory mandate to study this issue. The Legislature has the authority to direct the Joint Legislative Council, Legislative Fiscal Bureau or the Legislative Audit Bureau to undertake such a study.

3. **Academic Excellence Scholarships for International Baccalaureate Degree Students**

*Section 1381m*

This provision would permit local school boards and the governing board of each private high school to award an Academic Excellence



Scholarship to the senior with the highest grade point average in the International Baccalaureate Degree program.

I am vetoing this provision because it could potentially deny Academic Excellence Scholarships to students who have higher grade point averages in demanding curricula other than the International Baccalaureate Degree program. The intent of the scholarships is to reward students with the highest grade point average in their respective schools. Although I support participation in the International Baccalaureate Degree program and recognize its challenging curriculum, I do not believe it is fair to single out one program in state statute for favored treatment.

## **MEDICAL COLLEGE OF WISCONSIN**

### **4. Domestic Abuse Training Requirements**

*Section 1379t*

This provision requires the Medical College of Wisconsin to increase the amount of domestic abuse training it provides to medical students.

I am vetoing this provision because the Medical College of Wisconsin already provides domestic abuse training to medical students. The provision also does not define increased training or demonstrate that current training by the Medical College is inadequate. This provision could have an unintended impact on curriculum development that could raise accreditation concerns.

In addition, the provision was apparently added to the budget bill without the involvement of the Wisconsin Coalition Against Domestic Violence, the Wisconsin Women's Health Foundation or the Department of Health and Family Services. These organizations are currently involved in a two-and-one-half year project to review domestic violence standards and protocols. It is appropriate to wait until the project is completed before considering changes to existing training efforts.

## **PUBLIC INSTRUCTION**

### **5. Delay of \$115,000,000 of School Aids to July 2003**

*Sections 395 [as it relates to s. 20.255 (2) (am)], 546m, 2767f, 2767m, 2777g, 2777r, 2779 [as it relates to s. 20.255 (2) (am)] and 2779m [as it relates to s. 20.255 (2) (am)]*

These sections delay \$115,000,000 of school aids that should be paid in fiscal year 2002-03 until fiscal year 2003-04. In addition, \$700,000 GPR is appropriated for interest due on the delayed aid payment.

I am vetoing these provisions because the Legislature cannot increase the amount of delayed payments without placing the state's financial future at considerable risk. Previous budgets have delayed over \$940,000,000 in payments to local governments to allow for more spending. Further increasing the amount of delayed payments weakens our standing in the eyes of financial markets, increasing the potential for higher interest costs to state and

local governments due to downgrading of the creditworthiness of the state's general obligation bonds.

The payment delay reflects an inability to prioritize spending. It conceals an unwillingness to fund two-thirds of local school costs within the state's fiscal year in order to allow more spending in other areas. As difficult as the choices in this budget have been, future budget choices will be much tougher if the delay is accepted.

We should not worsen our financial fundamentals by accepting this payment shift. According to generally accepted accounting principles, Wisconsin already has the worst budget imbalance in the country. The general fund must now regularly borrow hundreds of millions of dollars for operations just to pay bills on time. We have reached the point where further payment shifts place the state's finances at extreme risk.

Jeopardizing our financial future does a disservice to Wisconsin's local governments and its citizens. Delaying decisions on the tough choices only makes those choices more difficult. This puts those dependent on state government at even greater risk in the future. All are better served by truth-in-budgeting and ensuring the state can pay its bills on time.

While I cannot use my veto authority to increase school aid, I am still committed to meeting two-thirds of local school costs. Under current law, the Joint Committee on Finance is required to set the school aid funding level for fiscal year 2002-03 by June 30, 2002. I remain convinced that the state's economy will show increased vigor in the months ahead. However, in the event that revenues do not change from current estimates, the significant savings generated by my vetoes provides sufficient revenues for the Joint Committee on Finance to buy back the school aid payment delay.

### **6. Revenue Limit Flexibility**

*Sections 395 [as it relates to s. 20.255 (2) (ac)], 2798s and 9340 (14c)*

This provision allows any school board, on a two-thirds vote, to increase its allowable revenue per student above the amount that would be permitted under current law. The provision also includes an adjustment linking the maximum size of the allowable increase, measured on a percentage basis, to a district's equalized property value per pupil; the lower the property value, the larger the increase. On a statewide basis, the average increase would equal 0.78 percent of the allowable revenue per student.

I am vetoing this provision because it is likely to be inadequately funded, and it will have a negative effect on the state's overall fiscal condition. The Legislature included \$15,000,000 in fiscal year 2001-02 and \$30,000,000 in fiscal year 2002-03 to support this provision. The increase is based on the assumption that 37.5 percent of the available revenue limit flexibility will be used in 2001-02 and 75 percent in 2002-03. However, if the school boards representing the seventeen districts receiving the largest allowable increases make full use of their flexibility, the \$15,000,000 provided in

2001–02 to cover the state's two-thirds share will be exceeded. Any shortfall could increase local property taxes. If all districts make full use of the available flexibility in both years, the state would fall \$33,000,000 short of its commitment to fund two-thirds of the added spending. In addition, districts already have the authority to exceed limits through the referendum process.

This budget will include a \$53,450,000 increase in funding for the Student Achievement Guarantee in Education (SAGE) program, which will greatly expand the state's efforts to reduce class size in grades kindergarten through three. This will bring total funding of the SAGE program to \$95,029,600 in the 2002–03 school year. In addition, my veto of the provision that would have reduced funding for four-year-old kindergarten programs (see Department of Public Instruction, Item #7) will put more state resources into this important early learning program. Furthermore, the per student inflationary increases allowed under current law will add almost \$600,000,000 in state and local school spending over the biennium. School districts will also be receiving an estimated \$84,000,000 in credits under a premium holiday related to unfunded accrued liabilities within the Wisconsin Retirement System, authorized in 1999 Wisconsin Act 11. In addition, I have approved funding to allow small districts serving large geographic areas to exceed the allowable school revenue limits.

The most recent national survey of school spending by *Education Week* magazine ranks Wisconsin sixth in spending per student. Clearly, this budget increases the state's already strong commitment to elementary and secondary education. Funding additional revenue limit flexibility, beyond these commitments, would severely strain the state's resources and increase local property taxes. By lining out the Department of Public Instruction's s. 20.255 (2) (ac) appropriation for general equalization aids and writing in a smaller amount that deletes \$15,000,000 GPR in fiscal year 2001–02 and \$16,000,000 in fiscal year 2002–03, I am partially vetoing the part of the bill which funds this provision. This partial veto retains \$14,000,000 in fiscal year 2002–03 to fund the cost of my veto of changes to the four-year-old kindergarten membership count (see Department of Public Instruction, Item #7). I am also requesting the Department of Administration secretary not to allot these funds.

#### **7. Four-Year-Old Kindergarten Membership**

*Sections 2749m, 2761d, 2761g, 2764m, 2779 [as it relates to the amount of any revenue limit increase], 2788m, 2798L, 9140 (10f) and 9340 (8h)*

This provision reduces state funding for four-year-old kindergarten programs, beginning in the 2002–03 school year, by reducing the maximum full-time equivalent (FTE) enrollment count that is eligible for state aid from 0.5 FTE to 0.3 FTE per enrolled pupil in a regular program and from 0.6 FTE to 0.4 FTE in an expanded program. The provision also includes a revenue limit exemption that would authorize school

boards to increase local property taxes to offset the loss in state support.

I am vetoing this provision to restore the current level of state support for four-year-old kindergarten. Research has shown that early education is an important factor in academic achievement as students progress through the educational system. This is especially true for pupils from economically disadvantaged backgrounds. As we expect our children to learn more, we need to give them more opportunities to learn. Four-year-old kindergarten programs can serve as a valuable companion to the Student Achievement Guarantee in Education (SAGE) program, which reduces class size in grades kindergarten through three. Working together these programs can provide children with a solid foundation for continued achievement.

Under a separate veto of the revenue limit flexibility provision (see Department of Public Instruction, Item #6), I have also reversed the \$14,000,000 reduction in general equalization aids related to this provision. By deleting only \$16,000,000 of the \$30,000,000 included by the Legislature to fund the revenue limit flexibility provision in fiscal year 2002–03, \$14,000,000 is available to maintain the current level of support for four-year-old kindergarten programs.

While this lower reduction restores the funding to reflect the costs of these programs, it is not possible through a veto to properly split the funding between the appropriations affecting public schools and the Milwaukee Parental Choice program for four-year-old kindergarten programs. Based on current estimates of fiscal year 2002–03 costs, \$700,000 of the \$14,000,000 restored through this veto should be added to the appropriation for the Milwaukee Parental Choice program. The proper distribution of these funds can be addressed when the Joint Committee on Finance meets in June 2002 to determine the general equalization amount for fiscal year 2002–03.

#### **8. High School Graduation Test**

*Sections 2703m, 2707m and 2718m*

This provision delays implementation of the high school graduation test from the 2002–03 school year to the 2004–05 school year.

I am vetoing this provision to restore the implementation date to the 2002–03 school year. The Department of Public Instruction has been developing the high school graduation test for the past several years and is nearing completion of a version that it planned to pilot in the 2001–02 school year. School districts and pupils have also been preparing for implementation. To delay the test at this late date is unfair to those who are expecting implementation in 2002–03. It also damages the state's credibility with the educational community, which has made a considerable investment in getting ready for the test.

In addition, a two-year delay would require the department to repeat much of the work that has already been done at an additional cost to state taxpayers. Finally, it is critically important that greater accountability at a statewide level be

expected from a system educating over 850,000 pupils at a cost that will exceed \$8 billion by the 2002–03 school year. The high school graduation test is an important part of that accountability.

It is not possible, through a veto, to restore the \$9,300,000 included in my original budget request for continued development and implementation of the test. However, the federal government is currently considering funding to support the federal testing initiative in grades three through eight. Should that funding become available, the department should be able to reallocate existing state support for testing in the elementary grades to the high school graduation test. If additional federal funding is not forthcoming, I will propose separate legislation to address the implementation of the high school graduation test.

**9. Calculator Use on Statewide Fourth–Grade Examination**

*Sections 2709m and 9340 (16c)*

This provision prohibits pupils, beginning in the 2002–03 school year, from using calculators while taking the statewide fourth–grade examination.

I am vetoing this provision because one of Wisconsin’s model academic standards, which were developed under a process approved by the Legislature, requires fourth–grade pupils to “select and efficiently use appropriate computational procedures such as . . . using a calculator.” The current fourth–grade examination already includes a mathematical section where calculator use is prohibited. While I fully support the development of strong mathematical skills that do not rely on the use of a calculator, I also recognize that being able to use a calculator properly is both necessary in today’s society and allows pupils to solve more complicated and interesting problems.

**10. Study on School Financing**

*Section 9140 (10k)*

This provision requests the Joint Legislative Council to conduct a study of school financing.

I am vetoing this provision because the Legislature already has the authority to request a study without a nonstatutory provision.

**11. Special Education Study**

*Section 9140 (10fm)*

This provision requests the Joint Legislative Council to conduct a study of the criteria used to determine a pupil’s need for special education services.

I am vetoing this provision because the Legislature already has the authority to request a study without a nonstatutory provision.

**12. University of Wisconsin Special Education Study**

*Sections 1351zb and 2638m*

This provision requires the board of regents to direct the University of Wisconsin–Madison’s School of Education and Department of

Neurology to study methods of identifying and remediating special education pupils with dyslexia and irlen syndrome and to distribute the completed report to each school district.

I am vetoing these provisions because the Legislature and the university have the authority to conduct a study without a budget provision. Furthermore, while I believe this research could be of significant value, the University of Wisconsin does not require statutory language to conduct studies. In light of the potential value of research on dyslexia and irlen syndrome, I strongly encourage the board of regents to direct that such a study be done.

**13. Minority Group Pupil Scholarships**

*Section 395 [as it relates to s. 20.255 (3) (fz)]*

This provision increases funding for minority group pupil scholarships by \$450,000 GPR in fiscal years 2001–02 and 2002–03.

I am partially vetoing this provision because I object to providing a 29.5 percent increase to this program at a time when the state faces significant fiscal constraints. By lining out the Department of Public Instruction’s s. 20.255 (3) (fz) appropriation for minority group pupil scholarships and writing in smaller amounts that delete \$450,000 GPR in fiscal year 2001–02 and \$297,500 GPR in fiscal year 2002–03, I am vetoing the part of the bill which funds this provision. This will still provide the Minority Group Pupil Scholarship program with a ten percent increase in fiscal year 2002–03. The program also received a 45 percent increase in the 1999–2001 biennial budget.

**14. Wisconsin Educational Opportunity Program Study**

*Section 395 [as it relates to s. 20.255 (1) (a)]*

This section provides \$50,000 GPR in fiscal year 2002–03 to the Department of Public Instruction to study the effectiveness of the programs that comprise the Wisconsin Educational Opportunity Program.

I am vetoing this provision because the department can conduct this study without being required to do so by statute.

Although there is no language in the budget bill that authorizes this increase, the purpose of this funding was included in the Conference Committee amendment to the bill. By lining out the department’s s. 20.255 (1) (a) appropriation and writing in a smaller amount that deletes the \$50,000 GPR provided for this purpose in fiscal year 2002–03, I am vetoing that part of the bill which funds the Wisconsin Educational Opportunity Program study. The appropriation under s. 20.255 (1) (a) is also reduced by my veto of the department’s exclusion from base budget reductions (see Department of Public Instruction, Item #18). Furthermore, I am requesting the Department of Administration secretary not to allot these funds.



**15. Aid to Public Library Systems**

*Section 395 [as it relates to s. 20.255 (3) (e)]*

This provision increases funding for public library systems by \$250,000 GPR in fiscal year 2002–03.

I am vetoing this provision because it increases expenditure authority for this appropriation at a time when the state is experiencing significant financial constraints. In addition, aid to public library systems received an 11.3 percent increase in the 1999–2001 biennial budget.

Although there is no language in the budget bill that authorizes this increase, the purpose of this funding was included in the Conference Committee amendment to the bill. By lining out the Department of Public Instruction's s. 20.255 (3) (e) appropriation and writing in a smaller amount that deletes the \$250,000 GPR provided for this purpose in fiscal year 2002–03, I am vetoing that part of the bill which funds the increase to public library system aids. Furthermore, I am requesting the Department of Administration secretary not to allot these funds.

**16. Library Service Contracts**

*Section 395 [as it relates to s. 20.255 (3) (ea)]*

This provision increases funding for library service contracts by \$97,300 GPR in fiscal year 2001–02 and \$125,300 GPR in fiscal year 2002–03.

I am vetoing this provision because it increases expenditure authority for this appropriation at a time when the state is experiencing significant financial constraints. In addition, payments for library service contracts received a 7.6 percent increase in the 1999–2001 biennial budget.

Although there is no language in the budget bill that authorizes this increase, the purpose of this funding was included in the Conference Committee amendment to the bill. By lining out the Department of Public Instruction's s. 20.255 (3) (ea) appropriation and writing in smaller amounts that delete the \$97,300 GPR in fiscal year 2001–02 and the \$125,300 GPR in fiscal year 2002–03, I am vetoing that part of the bill which funds the increase to library service contracts. Furthermore, I am requesting the Department of Administration secretary not to allot these funds.

**17. Wisconsin Educational Services Program for the Deaf and Hard of Hearing**

*Sections 181m, 371b, 395 [as it relates to s. 20.255 (1) (b), s. 20.255 (1) (c), s. 20.255 (1) (gb), s. 20.255 (1) (gh), s. 20.255 (1) (gL), s. 20.255 (1) (gs) and s. 20.255 (1) (gt)], 541r, 542, 545d, 545f, 545h, 545j, 545L, 1381g, 1381p, 1381r, 1416 [as it relates to the Wisconsin Educational Services Program for the Deaf and Hard of Hearing], 1489m, 1789b, 1789c, 1789d, 2639m, 2660m, 2660r, 2660t, 2661m, 2661p, 2661r,*

*2661t, 2662g, 2764c, 2779s, 3938s and 9140 (3q)*

These provisions would expand the mission of the Wisconsin School for the Deaf by creating the Wisconsin Educational Services Program for the Deaf and Hard of Hearing. The purpose of this program would be to serve as a statewide educational resource for children with hearing impairments and their families.

I am vetoing these provisions because they would create future funding expectations at a time when the state is experiencing significant financial constraints. Any expansion of the Wisconsin School for the Deaf's mission would necessitate additional financial input from the state to implement. I am reluctant to commit in advance to such a use of state resources given current state financial trends.

In addition, this proposal was included in the budget without the type of full legislative study conducted by the Joint Legislative Council prior to the expansion of the Wisconsin School for the Visually Handicapped's mission in the 1999–2001 biennial budget. I do not oppose a legislative analysis of expanding the Wisconsin School for the Deaf's mission.

The effect of this veto will be to delete any changes to current law and to restore the Wisconsin School for the Deaf's existing mission.

**18. Base Budget Reduction**

*Section 395 [as it relates to s. 20.255 (1) (a)]*

This provision provides \$12,502,400 in fiscal year 2001–02 and \$12,747,400 in fiscal year 2002–03 for the Department of Public Instruction's central office operations. Although there is no language in the bill that authorizes this level of funding, the restoration of the five percent base reduction proposed in my budget request was included in Conference Committee amendment to the bill.

By lining out the department's s. 20.255 (1) (a) appropriation and writing in a smaller amount that deletes \$723,000 in fiscal year 2001–02 and \$723,000 in fiscal year 2002–03, I am vetoing section 395 [as it relates to s. 20.255 (1) (a)] to provide for a base budget reduction of four percent in each year of the biennium. The appropriation under s. 20.255 (1) (a) is also reduced by my veto of the Wisconsin Educational Opportunity Program study (see Department of Public Instruction, Item #14). There is no compelling reason to exclude the department's central office operations from any base budget reductions. A base budget reduction to the department's central operations will have no impact on the financial resources available to individual school districts. This veto retains the exemption from base reductions for the two residential schools operated by the department and requires a smaller reduction to the department's central operations than what is required of most other state agencies. I am also requesting the Department of Administration secretary not to allot these funds.



**TEACH WISCONSIN**

**19. Museum Eligibility for Telecommunications Access Program Services**

*Section 1416 [as it relates to museums]*

This provision would allow museums to participate in TEACH's telecommunications access program, which is funded by the universal service fund.

I am partially vetoing this provision because the cost of the expansion would lead to additional charges on consumers' monthly phone bills at a time when universal service fund charges to consumers are significant. In addition, the definition of museum is vague and overly broad. The effect of this veto will be to delete museum eligibility for TEACH's telecommunications access program.

**UNIVERSITY OF WISCONSIN SYSTEM**

**20. Nonresident Student Tuition and Base Reduction**

*Sections 395 [as it relates to s. 20.285 (1) (a)] and 9156 (3pn)*

Section 9156 (3pn) requires the board of regents to increase nonresident undergraduate tuition by 2.5 percent in each year of the 2001-03 biennium in addition to the regular tuition increases approved by the board.

I am partially vetoing this provision to increase the amount of the surcharge to five percent in each year. I believe the high quality of a University of Wisconsin education justifies increasing tuition for nonresident undergraduates. For example, the University of Wisconsin-Madison's nonresident undergraduate tuition is currently \$6,000 less than the nonresident tuition charged at the University of Michigan. Even with a five percent annual surcharge, the difference would still be approximately \$4,500.

The increased revenue obtained from the five percent surcharge will allow for additional reductions to the state's general purpose revenue spending, thereby helping to improve the state's overall fiscal condition. By lining out the University of Wisconsin System's s. 20.285 (1) (a) appropriation and writing in a smaller amount that deletes \$2,000,000 GPR in fiscal year 2001-02 and \$4,000,000 GPR in fiscal year 2002-03, I am vetoing the part of the bill that reflects my intent to use the additional revenue from increasing the nonresident undergraduate tuition to replace GPR. I am also requesting the Department of Administration secretary not to allot these funds.

**21. Transfer of Credits Between the University of Wisconsin and the Wisconsin Technical College System**

*Sections 1351x and 1370m*

Section 1351x requires the University of Wisconsin System institutions to accept all general education credits transferred from both the Wisconsin Technical College System and from within the University of Wisconsin System,

as well as credits included in cooperative agreements between the two systems. The provision also authorizes the Assembly and Senate Committees on Higher Education to block credits on a case-by-case basis, by a majority vote. Section 1370m requires the Wisconsin Technical College System to accept credits transferred between its campuses and from the University of Wisconsin System institutions.

I am vetoing sections 1351x and 1370m because I believe the University of Wisconsin System and Wisconsin Technical College System should continue to expand the number of transferable credits through the plan developed under the 1999-2001 biennial budget act. I fully support increasing the ease of movement between Wisconsin institutions of higher learning. As the economy becomes more knowledge-based, many workers with less than baccalaureate degrees are finding it necessary to pursue additional postsecondary education in order to advance in their careers. However, in order to maintain the academic quality of both systems, I believe it is more appropriate for the decisions to be made through existing negotiations between the two systems than by legislative mandate. I urge the University of Wisconsin and the Wisconsin Technical College Systems to continue their dialogue toward establishing a credit transfer policy.

I am retaining the provision that requires regular reporting on progress in implementing the credit transfer plan. This should provide policymakers with up-to-date information on credit transfer arrangements.

**22. Sex Offender Notification**

*Sections 1351zd, 3352p, 3352w and 9311 (7c)*

Section 3352p requires the Department of Corrections to immediately provide to the board of regents detailed information regarding registered sex offenders who are either employed by the University of Wisconsin or are students attending a University of Wisconsin institution. Section 1351zd requires the board of regents to provide the information received from the Department of Corrections regarding registered sex offenders to students attending the institutions at which the registered sex offenders are employed or attend and to the students' parents or guardians.

I am vetoing this provision in its entirety. While I agree with the intent of this provision to protect the well-being of students at the University of Wisconsin, I am concerned that the provision as drafted may not accomplish its intended purpose. By limiting the information to registered sex offenders who are employed by or attend the University of Wisconsin, the provision does not provide students with information about other registered sex offenders who may live in the same community, but are not associated with the university. Should a registered sex offender be a threat to the safety of students, it is as likely to be someone not affiliated with the University of Wisconsin as it is a fellow student or employee.

Current law authorizes law enforcement agencies to provide other organizations with the same information required under this provision if the law enforcement agencies determine that providing this information is necessary to protect the public. In the case of the University of Wisconsin, the information provided could include registered sex offenders not affiliated with the university. I request that the board of regents make use of the authority under current law to obtain information on registered sex offenders in those communities where the university has a presence.

In addition, I urge the Department of Corrections to consider adding the University of Wisconsin to the list of organizations to which the department can directly provide information on request under the s. 301.46 (4) (a) 14. If the department has legal concerns about its authority under this provision, I will support the introduction of legislation to include the board of regents on the statutory list. The effect of this veto will be to provide students with more comprehensive information on registered sex offenders than would be provided under this provision.

**23. Resident Tuition for Certain Undocumented Persons**

*Section 1360m*

This section provides an exemption from nonresident tuition to citizens of other countries who are not citizens of the United States, if they graduate from a Wisconsin high school (or receive a Wisconsin graduation equivalency), reside in the state for three years following high school graduation and submit an affidavit of their intent to apply for permanent residency as soon as they are eligible.

I am vetoing this provision because under the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996, aliens who are not lawfully present in the United States are not eligible for any postsecondary education benefit based on residency in a specific state unless all legal residents of the United States are eligible for the same benefit. Under this act, all nonresident students would be eligible for resident tuition if that benefit is provided to persons living in Wisconsin who are not citizens or permanent residents of the United States. I object to potentially obligating state taxpayers to subsidize the tuition of out-of-state students.

Similar legislation passed by the California Legislature was recently vetoed by Governor Gray Davis due to concerns about the requirements of federal law and the potential cost to the state. While I appreciate the academic accomplishments many noncitizens have made in Wisconsin high schools, until Congress changes the eligibility status of undocumented persons for this benefit, the focus of taxpayer subsidized postsecondary education needs to remain on students who are legal residents of the state.

**24. Provide Full Fringe Benefits to Certain Limited Term**

**Appointments at the University of Wisconsin–Madison**

*Section 9156 (3e)*

This section requires the University of Wisconsin–Madison to provide paid vacation and sick leave benefits to limited term appointment employees (LTEs) who meet the requirements of participating employees as defined in section 40.02 (46).

While I support the pilot program to convert fifty long-term LTE positions to permanent status, included under another provision of this bill, I am vetoing the extension of benefits to other LTE employees who are not granted permanent status. Extending benefits to these employees raises issues with respect to the classified civil service system, to LTE positions in other state agencies, which are excluded by this provision, and to the cost of this expansion. This is an issue that should only be considered after a complete and objective analysis, including a review of the results of the fifty LTE conversion pilot program.

**25. Tribal Logo Development**

*Section 1351t*

This provision creates a requirement that the Robert M. La Follette Institute of Public Affairs at the University of Wisconsin–Madison develop a tribal logo that is representative of federally recognized American Indian tribes and bands in Wisconsin for use on official state notifications of grants funded all or in part by Indian gaming receipts.

I am vetoing this provision because it is unnecessary. It is not appropriate to assign the task of developing a tribal logo to a school of public policy. In addition, the development of and use of a tribal logo for state notifications does not require a statutory mandate.

**26. Domestic Abuse Training Requirements**

*Section 1351za*

This provision requires the University of Wisconsin System board of regents to increase the amount of domestic abuse training it provides to medical and nursing students.

I am vetoing this provision because the University of Wisconsin already provides domestic abuse training to medical and nursing students. The provision also does not define increased training or demonstrate that current training by the university is inadequate.

In addition, the provision was apparently added to the budget bill without the involvement of the Wisconsin Coalition Against Domestic Violence, the Wisconsin Women's Health Foundation or the Department of Health and Family Services. These organizations are currently involved in a two-and-one-half year project to review domestic violence standards and protocols. It is appropriate to wait until the project is completed before considering changes to existing training efforts.

**27. Study of Postsecondary Education Commission**

*Section 9101 (21jm)*

This section requires the Department of Administration to conduct a study of the feasibility of creating a Postsecondary Education Commission to provide a comprehensive and coordinated framework for all postsecondary education and training and report the study results to the Legislature by January 1, 2003.

I am vetoing this provision because the Legislature does not need a statutory mandate to study this issue. The Legislature has the authority to direct the Joint Legislative Council, Legislative Fiscal Bureau or the Legislative Audit Bureau to undertake such a study.

**28. Aquaculture Demonstration Facility**

*Section 1349v*

This provision prohibits any person from releasing sturgeon raised in an aquaculture demonstration facility into any natural body of water in the state.

I am vetoing this provision because it is unnecessary and may inhibit research. Under existing law, the rearing of lake sturgeon in an aquaculture facility is limited to the Department of Natural Resources. In addition, current law prohibits any person from releasing fish into the waters of the state without a permit from the department and also explicitly prohibits the release of any species of lake sturgeon. I believe these existing provisions adequately protect the state's natural fish stock.

The original intent of the Joint Committee on Finance was to limit the prohibition to commercially-bred sturgeon. However, as drafted, the provision applies to all sturgeon. Given the broad wording of the initiative, concerns have been raised that it could have a chilling effect on the ability of researchers in their efforts to improve the quality and productivity of fish farming in the state. The effect of this veto will be to maintain current law. I would consider legislation that was more narrowly drafted.

**WISCONSIN TECHNICAL COLLEGE SYSTEM**

**29. Funding for Assistive Technology Grants**

*Sections 395 [as it relates to s. 20.292 (1) (cs)] and 582w*

These sections create a new annual appropriation and provide \$300,000 GPR in the 2001-03 biennium to expand the availability of assistive technology to technical college students and graduates.

While I believe that individuals with disabilities are part of the solution to Wisconsin's skilled labor shortage, I am vetoing these provisions in their entirety because of the fiscal constraints facing the state. In addition, the budget includes a \$2,000,000 GPR increase for vocational rehabilitation services in the Department of Workforce Development. This program was recently praised by federal officials as a national leader in providing vocational rehabilitation

services. The additional funding should greatly improve access to assistive technology for those citizens who need it and help more individuals with disabilities enter the state's work force.

**30. Funding for Grants for Additional Course Sections**

*Section 395 [as it relates to s. 20.292 (1) (er)]*

Section 395 [as it relates to s. 20.292 (1) (er)] provides \$750,000 GPR annually to increase funding in the Grants for Additional Course Sections appropriation. This program awards grants to help technical college districts add course sections in areas of high demand. Although there is no language in the budget bill that authorizes this increase, the purpose of this funding was included in the Conference Committee amendment to the budget bill.

I am vetoing this provision to reduce the size of the increase to \$250,000 annually because I object to providing a 34 percent increase to a program that is just completing its first year of operation. I am sympathetic to the frustrations of students who are on waiting lists to take courses that are in high demand. My veto will still provide an 11.4 percent increase in this grant program. This will enable technical colleges to further increase course sections to meet student and employer demands but in a more fiscally prudent way. By lining out the Wisconsin Technical College System's s. 20.292 (1) (er) appropriation and writing in a smaller amount that deletes \$500,000 GPR provided for this purpose in each year, I am partially vetoing the part of the bill which funds this provision. Furthermore, I am requesting the Department of Administration secretary not to allot these funds.

**31. Funding for Additional Incentive Grants**

*Sections 395 [as it relates to s. 20.292 (1) (dc)] and 1374m*

Section 395 [as it relates to s. 20.292 (1) (dc)] provides \$750,000 GPR annually for Incentive Grants. Section 1374m requires the Wisconsin Technical College System Board to award this amount to technical college districts that are at or near the 1.5 mill property tax levy limit.

I am vetoing section 395 [as it relates to s. 20.292 (1) (dc)] because I object to increasing GPR spending to support new eligibility categories for Incentive Grants at a time when the state faces significant fiscal constraints. I support expanding the eligible uses of Incentive Grants to include addressing limited fiscal capacity, but this must be done through the efficient and effective management of existing resources. By lining out the Wisconsin Technical College System's s. 20.292 (1) (dc) appropriation and writing in a smaller amount that deletes \$750,000 GPR provided for this purpose in each year, I am vetoing the part of the bill which funds this provision. Furthermore, I am requesting the Department of Administration secretary not to allot these funds.

I am partially vetoing Section 1374m so that the board retains the authority to award Incentive Grants for this purpose, but without the need to



promulgate rules. This will provide the state board with additional flexibility in allocating Incentive Grants within the eligible categories.

**32. Modify the Composition of the Committee that Appoints the Milwaukee Area Technical College District Board**

*Section 1369m*

Section 1369m modifies the composition of the committee that appoints the Milwaukee Area Technical College district board. This section would require the four appointment committee members selected by the Milwaukee Board of School Directors to be members of the Milwaukee Board of School Directors.

I am vetoing section 1369m because this provision contradicts an existing statutory requirement, which is retained in the budget bill, that Milwaukee Board of School Directors appointments to the committee reflect the distribution of women and minorities within Milwaukee. Since the composition of the elected Milwaukee Board of School Directors does not necessarily always reflect the distribution of women and minorities, requiring the Milwaukee Board of School Directors' four appointments to be board members makes it difficult to meet this goal. The effect of this veto will be to retain the authority of the Milwaukee Board of School Directors to make appointments that do, to the extent possible, reflect the distribution of women and minorities in Milwaukee.

**33. Domestic Abuse Training Requirements**

*Section 1370n*

This provision requires the technical college district boards to increase the amount of domestic abuse training they provide to nursing students.

I am vetoing this provision because Wisconsin's technical colleges already provide domestic abuse training to nursing students. The provision also does not define increased training or demonstrate that current training by technical colleges is inadequate.

In addition, the provision was apparently added to the budget bill without the involvement of the Wisconsin Coalition Against Domestic Violence, the Wisconsin Women's Health Foundation or the Department of Health and Family Services. These organizations are currently involved in a two-and-one-half year project to review domestic violence standards and protocols. It is appropriate to wait until the project is completed before considering changes to existing training efforts.

**B. ENVIRONMENTAL AND COMMERCIAL RESOURCES**

**AGRICULTURE, TRADE AND CONSUMER PROTECTION**

**1. Telephone Solicitation Regulation**

*Sections 2429d, 2437b, 2439b, 2443b, 2444b [as it relates to the manner of the*

*recipient's request and to contributions, donations, grants or pledges], 2446b, 2446f [as it relates to penalty amounts] and 2819b [as it relates to contributions, donations, grants or pledges]*

These provisions relate to new regulations creating a "no-call" database maintained by the Department of Agriculture, Trade and Consumer Protection. Section 2429d establishes a supplemental forfeiture not to exceed \$10,000 for violations of the telephone solicitation regulations involving calls to the elderly or disabled.

Sections 2437b and 2439b define the terms "affiliate" and "nonprofit organization," respectively. Section 2443b prohibits nonprofit organizations or their employees or contractors from making telephone solicitations to residential customers who have provided a no-call request to the nonprofit by telephone, mail or facsimile. Section 2444b [as it relates to the manner of the recipient's request] allows calls in response to the recipient's express written request.

Section 2446b creates a private cause of action for violations of the telephone solicitation provisions. Section 2446f [as it relates to penalty amounts] establishes penalties of not less than \$100 nor more than \$500 for each general violation and not less than \$1,000 nor more than \$10,000 for each violation of the no-call provisions.

Section 2819b [as it relates to contributions, donations, grants or pledges] defines telephone solicitation to include calls made to solicit contributions, donations, grants or pledges.

I am vetoing sections 2439b and 2443b and partially vetoing sections 2444b [as it relates to contributions, donations, grants or pledges] and 2819b [as it relates to contributions, donations, grants or pledges] because I object to the regulation of requests for contributions by nonprofit organizations and charities.

I am vetoing section 2429d and partially vetoing section 2446f [as it relates to penalty amounts] to provide for penalties of \$100 per violation because the penalties included in the bill are excessive. Each call in violation of the law is a separate offense, so with my veto, frequent violators face large total forfeitures while businesses that make occasional mistakes will not face penalties that could threaten their ability to remain in business. Furthermore, the elderly and disabled supplemental forfeiture already applies to a variety of fraudulent and deceptive practices targeted at these individuals. It is not necessary to impose a penalty that would apply to possibly mistaken telephone calls.

I am vetoing section 2437b because the definition is vague, leaves loopholes to the telephone solicitation restrictions and fails to allow legitimate calls by certain businesses. I am requesting the department to define the term "affiliate" in administrative rule in consultation with the Legislature, consumer groups and businesses.

I am vetoing section 2446b because it is unnecessary. The bill allows the department to investigate violations and bring actions to prohibit



further violations or collect forfeitures. Since individual monetary damages from telephone solicitation are generally low, the allowance of a private cause of action could encourage frivolous litigation.

I am partially vetoing section 2444b [as it relates to the manner of the recipient's request] because requiring a potential customer to make an "express written" request for a call would prevent businesses from responding to voicemail, email or facsimile messages by potential customers.

My vetoes retain the creation of a no-call database and the ability of the Department of Agriculture, Trade and Consumer Protection to investigate and assess penalties for violations. It is important that individuals be able to control the types of telephone calls they receive, but this must be balanced against the right of organizations and businesses to contact potential contributors and customers. My vetoes create this balance by providing individuals the opportunity to be listed in the no-call database while allowing nonprofit organizations and businesses to continue to operate and determine which method of contacting individuals is most cost-effective.

**2. Arsenic in Wood**

*Sections 2394p [as it relates to the report to the Legislature and the promulgation of rules] and 9104 (2k)*

These provisions require the Department of Agriculture, Trade and Consumer Protection and the Department of Commerce, by June 30, 2002, to report to the Legislature the results of their review of the scientific evidence concerning the likelihood that wood treated with arsenic is harmful to the environment or to human health. If the departments determine that there is substantial likelihood of such harm, the departments must jointly promulgate rules restricting the use of arsenic treated wood. Violations of these rules will be subject to a forfeiture of not more than \$500. In addition, the departments must submit a report to the Joint Committee on Finance recommending ways to keep arsenic treated wood from being used in picnic tables, park benches and playground equipment.

I am partially vetoing these provisions to remove the requirements that the departments submit a report to the Legislature and Joint Committee on Finance and promulgate rules. I object to the additional reporting burdens on the departments and to the specific requirements regarding forfeiture amounts and the departments' regulation of arsenic treated wood. Since the departments have not yet studied the issue, it is premature to specify details of future regulation of arsenic treated wood. If the departments find evidence of potential harm, I expect that they will work together and with other affected departments and groups to address the issue.

**3. K-12 Integrated Pest Management**

*Sections 395 [as it relates to ss. 20.115 (7) (rm) and 20.285 (1) (s)], 426p, 582k, 1357k and 2395t [as it relates to school*

*integrated pest management plans, written notice and reporting requirements, prohibitions, and the department reporting requirement]*

These provisions require school boards to propose and implement plans for using integrated pest management practices for pest control on school grounds. School boards would be required to provide 72-hour written notice to employees and students who may be present in the application area and to the parents of those students. School boards would be required to maintain detailed records on their pesticide use and to make those records available to the Department of Agriculture, Trade and Consumer Protection and interested persons. School districts would be prohibited from using pesticides unless nonchemical methods of pest control have failed; for routine use; or for aesthetic or cosmetic purposes. School districts would also be prohibited from using pesticide fumigation. The department would be provided 2.0 FTE SEG positions and associated funding from the agrichemical management fund. Finally, the University of Wisconsin-Extension would be provided funding from the agrichemical management fund to give assistance to school districts.

I am partially vetoing these provisions because they will impose an excessive financial and administrative burden on school boards and districts for recordkeeping and reporting. I am concerned that these additional burdens will reduce the success of the K-12 integrated pest management training program that is currently administered by the department. Fifty-four percent of Wisconsin school districts representing approximately 72 percent of students have participated in the program to date. To further improve this program, my vetoes retain the requirements that schools post a notice of pesticide application during and for 72 hours following application and that all pesticide application in schools be performed by licensed applicators.

**4. Pet Regulation and Inspection Positions**

*Sections 395 [as it relates to s. 20.115 (2) (j)], 2881b [as it relates to penalties], 2881d, 2881e [as it relates to license taxes], 2881k and 2881L*

These provisions relate to the regulation of pet dealers, pet breeders, animal shelters and kennels. Section 395 [as it relates to s. 20.115 (2) (j)] provides \$135,500 PR in fiscal year 2001-02 and \$271,100 PR in fiscal year 2002-03 for 7.0 FTE PR positions for licensing and inspection. Although there is no language in the budget bill that authorizes this increase, the purpose of this funding was included in a Joint Committee on Finance amendment to the bill. Section 2881b establishes penalties for operation without a license and other violations. Sections 2881d, 2881e, 2881k and 2881L change dog license fees.

I am vetoing sections 2881d, 2881k and 2881L and partially vetoing sections 395 [as it relates to s. 20.115 (2) (j)], 2881b and 2881e because the

prescribed penalties and taxes are burdensome to pet owners and businesses.

By lining out the Department of Agriculture, Trade and Consumer Protection's s. 20.115 (2) (j) appropriation and writing in a smaller amount that deletes \$135,500 PR in fiscal year 2001-02 and \$271,100 PR in fiscal year 2002-03, I am vetoing the creation of 7.0 FTE PR positions because they are not needed at this time. The inspection and licensing provisions have a delayed effective date. The inspection program will be developed over the next two years and the number of staff needed will not be known until the program is fully established. If necessary, the department may submit a request for additional staff in the next biennial budget. I am also requesting the Department of Administration secretary not to allot these funds and not to authorize the 7.0 FTE PR positions.

**5. Johne's Disease Testing**

*Section 395 [as it relates to s. 20.115 (2) (c)]*

Section 395 [as it relates to s. 20.115 (2) (c)] provides an additional \$400,000 GPR annually to subsidize the testing of cattle for paratuberculosis (or Johne's disease).

I object to this increase because it is excessive given the state's fiscal condition. However, I recognize the importance of this critical testing program to animal agriculture and am retaining an increase of \$150,000 GPR in each year over the current funding level of \$100,000 GPR annually (a 150 percent increase in funding). By lining out the Department of Agriculture, Trade and Consumer Protection's s. 20.115 (2) (c) appropriation and writing in a smaller amount that deletes \$250,000 GPR in each year, I am vetoing the part of the bill that funds part of this provision. I am also requesting the Department of Administration secretary not to allot these funds.

**6. Drainage District Funding**

*Sections 395 [as it relates to s. 20.115 (7) (i)], 423g and 2351h*

These provisions require the Department of Agriculture, Trade and Consumer Protection to create and maintain a secure Internet site where drainage districts may post engineering projects in order to obtain bids electronically for engineering services. The department must promulgate rules setting fees to cover the costs of the Internet site. Revenues from the fees would be deposited in and expended from a new appropriation.

I am vetoing these provisions to remove the requirement for the department to create and maintain the Internet site and charge fees and to eliminate the associated appropriation. I object to this provision because it increases costs to property owners located in drainage districts and restricts the department's ability to work with drainage districts to best address their needs.

**7. Tobacco Minimum Markup Violations**

*Section 2430L [as it relates to cigarette wholesalers]*

This provision allows an association of cigarette wholesalers to bring an action on behalf of a person injured or threatened with injury by a violation of the tobacco minimum markup law. The minimum markup law prohibits tobacco or motor fuel sellers from selling their products below cost.

I am partially vetoing this provision to remove the ability of cigarette wholesalers to bring an action on behalf of the person injured or threatened with injury. With passage of this bill, individual businesses that are injured or threatened with injury may bring an action under the minimum markup law and extending that right to uninjured third party wholesaler associations is unnecessary.

**8. Food Advisory Council**

*Sections 168e and 2403e*

These provisions establish a food advisory council within the Department of Agriculture, Trade and Consumer Protection composed of representatives of the department, industry and academia. The council is required to meet quarterly and to advise the department concerning issues related to providing a safe and wholesome food supply in Wisconsin.

I am vetoing this provision because it is unnecessary and duplicative. The department can and does meet regularly with industry and academic representatives regarding food safety in Wisconsin.

**9. Producer Security Effective Date**

*Section 9404 (1) [as it relates to s. 221.0320 (2) (a) (intro.)]*

Section 9404 (1) [as it relates to s. 221.0320 (2) (a) (intro.)] establishes an effective date of January 1, 2002, for the provision affecting grain warehouse keepers.

I am partially vetoing section 9404 (1) [as it relates to s. 221.0320 (2) (a) (intro.)] because it establishes the wrong effective date. The correct date of September 1, 2002, is established in section 9404 (4).

**10. Producer Security Payment Schedule**

*Section 2813 [as it relates to s. 126.48 (1), (2) and (4)]*

These provisions establish the schedule by which milk contractors, including qualified producer agents, must submit payments to producers. The provisions are part of the comprehensive overhaul of producer security regulation and the new producer security fund.

I am partially vetoing section 2813 [as it relates to s. 126.48 (1), (2) and (4)] because these provisions establish the wrong monthly payment schedule for qualified producer agents. By this veto, qualified producer agents will be subject to

the same payment schedule as other milk contractors.

**COMMERCE**

**11. Minority Business Certification Program**

*Sections 321j, 1111j, 1346t, 1372i, 1406w, 2001r, 2002m, 2003t, 2003vp, 2003vq, 2003wm, 2003wq, 2026k, 2307h, 2307i, 2307j, 2307ji, 2744m, 2760m, 3020h, 3020i, 3020j, 3020k, 3035x, 3037p, 3037q, 3037r, 3095j, 3097e, 3098v, 3141d [as it relates to the awarding of HIV prevention grants to organizations operated by minority group members], 3619sd, 3619sg, 3619sj, 3619sm, 3619sp and 3710j*

These provisions extend the Department of Commerce's minority business certification process to make department certification the standard for other units of state and local government, including the State of Wisconsin Investment Board, Department of Transportation, counties, Milwaukee Metropolitan Sewerage District, public libraries and school boards.

I am vetoing sections 321j, 1111j, 1346t, 1372i, 1406w, 2001r, 2002m, 2003t, 2003vp, 2003vq, 2003wm, 2003wq, 2026k, 2307h, 2307i, 2307j, 2307ji, 2744m, 2760m, 3020h, 3020i, 3020j, 3020k, 3035x, 3037p, 3037q, 3037r, 3095j, 3097e, 3098v, 3619sd, 3619sg, 3619sj, 3619sm, 3619sp and 3710j and partially vetoing section 3141d [as it relates to the awarding of HIV prevention grants to organizations operated by minority group members] to maintain the current minority business certification system.

While I recognize that a uniform statewide minority business certification process would be beneficial, I object to including these provisions in this budget because they leave significant issues unresolved including potential conflicts between federal and state requirements that may result from the expanded scope of the certification program. I am requesting the Departments of Commerce and Administration to perform a thorough review of the process of minority business certification and to propose a uniform certification process in the next biennial budget. The plan should consider all affected groups including businesses; minority organizations; and federal, state and local governments.

**12. Joint Committee on Finance Zone Approval Process**

*Sections 3708m [as it relates to the Joint Committee on Finance] and 3713 [as it relates to the Joint Committee on Finance]*

These sections establish a technology zone program and an agricultural development zone program. The Department of Commerce is authorized to designate these zones with the approval of the Joint Committee on Finance.

I am partially vetoing these sections to remove the Joint Committee on Finance approval requirement because it would infringe on executive branch authority to manage programs

and would cause unnecessary delays in the designation of the zones.

**13. PECFA Interest Cost Reimbursement**

*Sections 2470p, 2470r and 9310 (1x)*

These provisions repeal the two-tier reimbursement structure for PECFA claims and replace it with a maximum interest reimbursement of prime rate minus one percent on all loans.

I am vetoing these provisions to return to the current law two-tier rate schedule because I object to state taxpayers having to absorb significant interest cost subsidies to PECFA claimants. The two-tier schedule reimburses interest costs at the prime rate minus one percent for applicants with gross revenues of less than or equal to \$25,000,000 in the previous tax year, and at four percent for applicants with gross revenues of greater than \$25,000,000 in the previous tax year. With limited PECFA funds available to reimburse claims each year, it is appropriate for the state to focus its limited resources on assisting owners and operators of petroleum storage tanks with fewer financial resources in order to ensure loans can be obtained to conduct environmental remediation. Since large companies are often able to self-finance PECFA cleanup costs, maintaining a lower interest reimbursement rate for these companies will help the fund remain solvent.

**14. PECFA Rules for Arbitration and Mediation Recommendations**

*Sections 9110 (2x) and 9110 (2y)*

These provisions direct the Department of Commerce to submit administrative rules for its arbitration process to the Legislative Council staff by May 1, 2002, and to submit recommendations for a process to mediate disputes over PECFA decisions to the Joint Committee on Finance by March 1, 2002.

I am vetoing these provisions because I object to this infringement on executive branch authority to manage programs and because they are unnecessary. Current law already instructs the department to promulgate rules for arbitration. Additionally, if the department determines that mediation is a cost-effective and efficient way to handle disputes, it can study the possibility and suggest solutions.

**15. Brownfields Grant Program**

*Section 3631m*

This section requires the Department of Commerce to semiannually consider brownfields grant applications and awards.

I am vetoing this section because I object to the Legislature excessively managing agency programs. The department is best able to assess whether or not it is plausible and/or advisable to award brownfields grants on a semiannual basis.

**16. Gaming Economic Development Earmarks**

*Sections 451 [as it relates to the earmarks for the Lincoln Park Center, the Keyes Peak Recreation Center and*



*the Great Lakes Forestry Museum] and 9110 (1), 9110 (10fk) and 9110 (10p)*

These sections earmark or require funding from the Department of Commerce's gaming economic development and diversification program to the M7 Development Corporation for construction of the Lincoln Park Center, to the Keyes Peak Recreation Center for a construction project and to the Great Lakes Forestry Museum to develop a facility for educating the public about the history of forestry in the state.

I am vetoing sections 9110 (1), 9110 (10fk) and 9110 (10p) and partially vetoing section 451 [as it relates to the earmarks for the Lincoln Park Center, the Keyes Peak Recreation Center and the Great Lakes Forestry Museum] because they are inconsistent with the primary focus of the gaming economic development and diversification program, compromise the award selection process and limit the Department of Commerce in its efforts to create and retain jobs in Wisconsin. Local communities, organizations, businesses and individuals associated with the identified programs can continue to compete for funding through the wide array of economic development assistance offered by the department.

While funding for the Lincoln Park Center was included in my budget, I object to removing the requirement that the M7 Development Corporation obtain matching financing from the city of Milwaukee.

**17. Wisconsin Development Fund Earmarks**

*Sections 438m [as it relates to the grant to the Clearwater Lake Distilling Company and the allocation to the Menominee Tribe] and 9110 (10eg)*

These provisions earmark or require funding from the Wisconsin development fund for an economic development project for the Menominee Tribe and for a grant to the Clearwater Lake Distilling Company for a project that uses potato waste in vodka distillation.

I am partially vetoing section 438m and vetoing section 9110 (10eg) because they are inconsistent with the primary focus of the Wisconsin development fund, compromise the award selection process and limit the Department of Commerce in its efforts to create and retain jobs in Wisconsin. Local communities, organizations, businesses and individuals associated with the identified programs can continue to compete for funding through the wide array of economic development assistance offered by the department.

**18. Minority Business Finance Program Earmark**

*Section 439c*

This section requires funding from the Minority Business Finance program for grants to the Multicultural Center of Greater Green Bay for programming to educate community businesses and nonprofit organizations in recruiting and retaining a multicultural work force.

I am vetoing this section because it compromises the award selection process and limits the Department of Commerce in its efforts to promote minority business development in Wisconsin. I support minority business development in the state and feel that all minority businesses should have equal chance to receive funding. Local communities, organizations, businesses and individuals associated with the identified program can continue to compete for funding through the wide array of economic development and minority business assistance offered by the department.

**19. Community-Based Economic Development Earmarks**

*Sections 439, 9110 (8x) and 9110 (8y)*

These sections earmark funding from the Community-Based Economic Development Program for Gateway Technical College for costs related to a consortium for a manufacturing training center and for CAP Services, Inc., to provide technical assistance and management services to small businesses.

I am vetoing these sections because they compromise the award selection process and limit the Department of Commerce in its efforts to promote economic development in Wisconsin. Furthermore, the department already provides training programs and technical and managerial assistance to small businesses. Local communities, organizations, businesses and individuals associated with the identified programs can continue to compete for funding through the wide array of economic development assistance offered by the department.

**20. Grant to Westby Fire Department**

*Section 9110 (10d)*

This section requires the Department of Commerce to make a Community Development Block Grant to the Westby Fire Department for costs related to the purchase of a new fire engine and the construction of a new fire station. The grant is to be made only in the event that the Federal Emergency Management Agency does not make a fire grant to the fire department.

I am vetoing this section because it is inconsistent with federal rules and regulations concerning the awarding of Community Development Block Grant funding. The state receives funding from the federal government based on a set of goals and objectives. Applications are then solicited from municipalities and awarded based on a competitive scoring process that must conform to federal regulations. Earmarking funds from this program is inconsistent with federal law and risks the loss of federal funding.

**21. International Division Audit**

*Section 9132 (5q)*

This section requests the Joint Legislative Audit Committee to direct the Legislative Audit Bureau to perform a financial and performance evaluation audit of the Department of Commerce's Division of International and Export Services.

I am vetoing this section because it is unnecessary. The division and its overseas



offices have been regularly evaluated by independent consultants. Furthermore, the division is subject to periodic financial audits by the Legislative Audit Bureau, as are other agencies.

**22. Office of Economic Strategy Report**

*Section 9110 (8z)*

This section requires the Department of Commerce to submit a report to the Legislature concerning a plan to create an Office of Economic Strategy. The office would be responsible for coordinating all state government efforts and activities related to economic development.

I am vetoing this provision because it creates an unnecessary burden on the department. Furthermore, the department is already charged with the responsibility to foster the growth and diversification of the economy of the state and to serve as the central agency and clearinghouse for economic development activities.

**23. Fire Suppression Grant Program**

*Section 3664m*

This section creates a fire suppression grant program in the Department of Commerce. Under the program, the department may award up to \$250,000 from Community Development Block Grant funds annually to first-responder fire departments that serve areas with populations under 6,000. The grants may be used for equipment and training materials.

I am vetoing this provision because it is unnecessary. The department is currently authorized to make such grants to fire departments under the Community Development Block Grant program. Most awards already go to areas with populations under 6,000. Imposing additional population and funding restrictions unnecessarily reduces administrative flexibility.

**24. Certified Capital Companies Administration Lapse**

*Section 442g*

This section lapses the unencumbered balance in the certified capital companies administration appropriation to the general fund at the end of each fiscal year. Funds in the appropriation derive from fees charged to certified capital companies for administration of the program.

I am vetoing this section because the fees have been collected for the purpose of administering the certified capital companies program, and the proposed transfer would limit the resources available for this purpose.

**25. Certification of Crane Operators**

*Sections 2447x, 2490b, 2490f, 9110 (9q), 9110 (9qq), 9110 (9qr), 9310 (2q) and 9410 (2q)*

These sections prohibit the operation of cranes over fifteen tons without a valid operator certificate and require the Department of Commerce to certify private crane operator certification programs. The sections include exceptions for training, the uniformed services,

personal use, emergencies and public utilities. The requirements do not apply where they are inconsistent with a collective bargaining agreement. Operation of a crane without a certificate is punishable by a \$500 fine or up to three months imprisonment.

I am vetoing these sections because they are unnecessary. Crane operators are subject to regulation by the federal Occupational Safety and Health Administration. Costly and duplicative state training requirements would not improve safety. Furthermore, the regulation has the potential to increase construction costs and reduce employment opportunities in the construction trades by prohibiting otherwise properly trained and qualified tradespersons from operating crane equipment.

**26. Fire Dues Distribution**

*Sections 2490r, 2495m and 2497m*

These sections prohibit the Department of Commerce from withholding fire dues payments from a municipality because of the municipality's failure to meet eligibility requirements. The prohibition will be removed after the department promulgates rules modifying the eligibility requirements. The rules must be approved by the Joint Legislative Audit Committee and must be based on the recommendations of a forthcoming Legislative Audit Bureau performance evaluation of the fire dues program.

I am vetoing these sections because they are unnecessary. The department has been examining the fire dues distribution program independently and is able to promulgate necessary rule changes without a formal requirement to do so. The ability to withhold fire dues payments is required for the department to oversee the fire safety efforts of municipalities.

**27. Storage and Handling of Ammonia**

*Section 2449d [as it relates to pollution control devices]*

This provision exempts facilities where ammonia is used in pollution control devices from the Department of Commerce's rules regarding the safe storage and handling of ammonia.

I am vetoing this provision because these facilities often store large quantities of ammonia. Exempting them from regulation would create an excessive safety hazard.

**28. Milwaukee Development Opportunity Zone**

*Sections 2146, 2147p, 2177, 2178p, 2191 and 2192p [as they relate to the use of credits to offset the income from partnerships', companies' or corporations' business operations or directly related business operations]*

These provisions limit partners, members of limited liability companies and shareholders of tax-option corporations to using the tax credits available in the Milwaukee Development Opportunity Zone to offset taxes attributable to their income from all of the partnership's, company's or corporation's business operations or directly related business operations.

I am vetoing these provisions to allow partners, members of limited liability companies and shareholders to use the affected tax credits to offset all of their income. This change removes an unintended limitation on the use of the tax credits and is in keeping with the original intent of the Milwaukee Development Opportunity Zone.

**LAND USE**

**29. Land Information Board and Land Council Changes**

*Sections 163, 164, 165, 166, 167, 200b, 201c, 1999n, 2001n, 4039b, 4041b [as it relates to the effective date], 4059b, 4059g and 9459 (5r)*

These provisions add members to the Wisconsin Land Council, extend the deadline for submission of a report concerning the continuation and combination of the council and the Land Information Board, and extend the sunset of both the council and the board to September 1, 2007.

I am vetoing these provisions because I object to the extension of the report deadline. The report was required in 1997 Wisconsin Act 27, and the council and board have sufficient time to begin and complete the required report by September 1, 2002. I object to the addition of three members to the council and the extension of the sunset for both the council and the board prior to receipt of the required report. After reviewing the report, I will consider the future of the council and board.

**30. Wisconsin Land Information System**

*Sections 342m, 342n, 343r and 4041b [as it relates to s. 16.966 (5)]*

These provisions require the Land Information Board to promulgate rules to create and maintain a land information system and require the Department of Administration to contract for operation and maintenance of such a system.

I am vetoing these provisions because they put an administrative burden on the Land Information Board and infringe on executive branch authority to manage programs. Under this budget bill, the staff provided to the Land Information Board is reduced by 2.0 FTE PR positions. In addition, the board and the Wisconsin Land Council are required to submit, no later than September 1, 2002, a report concerning the issue of continuation and the feasibility of combination of their function.

**31. Release of Smart Growth Data**

*Section 9101 (19b)*

This section requires the Department of Administration to make the initial release of state land information submitted to the Land Information Board by May 31, 2002.

I am vetoing this section because the deadline is unrealistic. The board would receive the information by March 31, 2002, and the department would not be able to prepare the information for release until the board has determined how the information should be integrated and presented to the public. In addition, the budget bill reduces funding and positions allocated to the Land Information

Board. I am requesting that the board and the department strive to make this information available in a reasonable timeframe.

**32. Comprehensive Planning Grants**

*Sections 332 [as it relates to establishing a deadline and opening applications to public inspection] and 395 [as it relates to s. 20.505 (1) (cm)]*

These provisions increase funding to the Department of Administration for comprehensive planning grants by \$157,900 GPR annually. The provisions also require the department to establish a deadline for receipt of applications and to open all applications received by the department to public inspection after the deadline.

I am vetoing these provisions because they increase expenditure authority for this appropriation at a time when the state is experiencing significant financial constraints. Furthermore, I object to legislative interference in the way the department currently conducts the application process.

The effect of this veto will be to delete the provisions allocating additional funding to the department for comprehensive planning grants and establishing further administrative requirements. Although there is no language in the budget bill that authorizes the funding increase, the purpose of this funding was included in the Conference Committee amendment to the bill. By lining out the Department of Administration's s. 20.505 (1) (cm) appropriation and writing in a smaller amount that deletes \$157,900 GPR provided for this purpose annually, I am vetoing that part of the bill which funds the increase to comprehensive planning grants. Furthermore, I am requesting the Department of Administration secretary not to allot these funds.

**33. Property Development Rights**

*Sections 3862w and 9309 (5z)*

These provisions allow the seller of property development rights lasting longer than thirty years to bring an action to recover the difference in the sale price of the property development rights and value of those rights.

Retaining and protecting Wisconsin's agricultural, natural, recreational and open spaces has become a very important issue in recent years. The purchase of property development rights is a voluntary agreement that places deed restrictions on a property to ensure that the parcel will remain agricultural or open space. I am vetoing these provisions because of the potential dampening effect they could have on the purchase of property development rights, especially by nonprofit organizations and local units of government.

**34. Dane County Regional Planning Commission Sunset**

*Section 4046s*

This section repeals the October 1, 2002, sunset date of the Dane County Regional Planning Commission as established by 1999 Wisconsin Act 9.

I am vetoing this section because I object to the repeal of the sunset prior to receipt of the task force report required by 1999 Wisconsin Act 9. The task force is to study and make recommendations regarding the creation of a multicounty regional planning commission. I will review the continuation or modification of the Dane County Regional Planning Commission after receiving that report.

## NATURAL RESOURCES

### 35. Creation of a Department of Forestry

Sections 1bg, 1br, 99m, 178f, 179t, 183m, 343p, 394 [as it relates to s. 20.375], 395 [as it relates to ss. 20.370 (1) (mv) and (mx) and 20.375], 425c, 458m, 582i, 582j, 584d, 584h, 584p, 584t, 585gm, 585hm, 585im, 589g, 591m, 591q, 591r, 591s, 600p, 603i, 603m, 603p, 603rd, 603rf, 603rk, 603rn, 603rp, 603rs, 603rw, 603ub, 603x, 604m, 608e, 608m, 608s, 621b, 621hc, 621hL, 621hx, 629db, 629dj, 629dk, 629dL, 629dm, 629dn, 629do, 629dom, 629dp, 629dq, 629ds, 629dsm, 629dt, 629dy, 629dz, 629dzb, 629dzd, 629dzi, 629fb, 629fd, 629fg, 629fj, 629fm, 632g, 753m, 759p, 962b, 969eg, 988m, 1034fb, 1034fd, 1034fg, 1034fh, 1034fj, 1034fk, 1034fL, 1034fn, 1034fp, 1034fq, 1034fr, 1034fs, 1034ft, 1034fu, 1034fv, 1034fw, 1034fx, 1034fyr, 1034hm, 1034r, 1036b, 1036bb, 1036bd, 1036be, 1036bf, 1036bg, 1036bm, 1036br, 1036bv, 1036f, 1036x, 1036yi, 1036yj, 1036yk, 1036yL, 1036ym, 1036yn, 1036yp, 1037m, 1038bb, 1038bd, 1038be, 1038bg, 1038bi, 1038bk, 1038bm, 1038bp, 1038br, 1038dc, 1038dm, 1038p, 1038qc, 1038sam, 1038sb, 1038sc, 1038sd, 1038se, 1038sf, 1038sg, 1038sh, 1038si, 1038sj, 1038sk, 1039aj, 1042kb, 1042kd, 1042kn, 1042kp, 1042kpm, 1042kr, 1042ks, 1042kt, 1042ku, 1042kv, 1046m, 1066am, 1066atg, 1066ati, 1066atv, 1066atz, 1066aul, 1066auk, 1067g, 1067r, 1107g, 1107r, 1113g, 1113r, 1119c, 1119g, 1119L, 1119p, 1119t, 1119x, 1146g, 1146r, 1146t, 1146u, 1147m, 1147r, 1148c, 1148f, 1148j, 1148r, 1149b, 1149c, 1149d, 1149e, 1149g, 1149h, 1149i, 1149j, 1149k, 1149L, 1149Lb, 1149Ld, 1149m [as it relates to distribution of seedling surcharge revenue], 1149md, 1149rx, 1153h, 1153ic, 1153iL, 1153iq, 1153ir, 1153is, 1153it, 1153Lb, 1153Lc, 1153Ld, 1153Le, 1153Lf, 1153Lg, 1153Lh, 1153Lj, 1153Lm, 1153Ln, 1153Lp, 1153Lq, 1153Ls, 1153Lt, 1153Lu, 1153nc, 1153np, 1153nx, 1153nxb, 1153nxc, 1153nxd, 1153nxf, 1153nxg, 1153nxx, 1153nxj, 1153nxk, 1153nxxp, 1153nxq, 1153nxr, 1153pc, 1153pd, 1153pdg, 1153pdm, 1153pdr, 1153pdu, 1153pe, 1153ph, 1153phb, 1153phf,

1153phk, 1153php, 1153phs, 1153pm, 1153pr, 1153qc, 1153r, 1153rm, 1153sc, 1153t, 1153u, 1153v, 1153w, 1153x, 1153y, 1153yc, 1153yf, 1153yg, 1153yj, 1153ym, 1261r, 1266m, 1304g, 1304r, 1306m, 1319m, 1328m, 1346g, 1346r, 1387e, 1389r, 1398ym, 1405g, 1414g, 1993z, 2001nm, 2003mn, 2019g, 2019mn, 2020m, 2021g, 2021p, 2022tb, 2114gb, 2114gd, 2114ge, 2114gf, 2114gj, 2114gk, 2114gL, 2114gn, 2114gp, 2115m, 2195m, 2243b, 2243c, 2243d, 2243e, 2243f, 2243g, 2243h, 2243i, 2243j, 2243k, 2243L, 2243m, 2243n, 2243p, 2243q, 2243r, 2243s, 2243t, 2243u, 2243v, 2243w, 2243x, 2243y, 2243z, 2243zm, 2247c, 2247pg, 2247q, 2247r, 2247tg, 2247tj, 2247tk, 2247tm, 2247tn, 2247tp, 2247tr, 2247tt, 2247tu, 2294j, 2294m, 2294pm, 2304g, 2308p, 2308sc, 2349m, 2586r, 2672m, 2813m, 2854r, 2858no, 3035c, 3035g, 3035n, 3035r, 3035w, 3050g, 3050r, 3080m, 3081d, 3081t, 3389gm, 3390m, 3407w, 3408w, 3445c, 3445d, 3457m, 3483m, 3484m, 3485c, 3485g, 3485n, 3485r, 3485w, 3491d, 3491h, 3491p, 3491t, 3816p, 3866d, 3866h, 3866p, 3866t, 3984t, 4034yu, 9137 (5mk) [as it relates to s. 20.375 (2) (rq) and the Department of Forestry], 9137 (5vy) [as it relates to s. 20.375 (2) (w) and the Department of Forestry], 9137 (5x) [as it relates to s. 20.375 (2) (w) and the Department of Forestry], 9137 (5y) [as it relates to s. 20.375 (2) (w) and the Department of Forestry], 9137 (9zw), 9137 (9zy), 9437 (1z), 9437 (3mk) [as it relates to the July 1, 2002 date] and 9437 (3mkx) [as it relates to the treatment of s. 20.375 (2) (rq)]

These sections create a Department of Forestry from the Department of Natural Resources' current Division of Forestry, effective July 1, 2002. The new department would be responsible for six major state forests (Northern Highlands—American Legion, Flambeau River, Black River, Brule River, Governor Knowles and the Coulee Experimental forest) and some smaller forests. The Department of Forestry would also oversee several tree nurseries, local governmental and private forestry assistance, forest health, and fire management as well as grants, loans and payments to certain towns, counties and private forest owners. The "southern forests" (Point Beach, Havenwoods and five units of the Kettle Moraine State Forest) would continue to receive support from forestry revenues and would remain under the jurisdiction of the Department of Natural Resources Bureau of Parks for operations and maintenance.

Prior to July 1, 2002, the Governor, with the advice and consent of the Senate, could appoint a secretary to head the new department, who could then appoint one unclassified division administrator, a deputy secretary and an executive assistant. The number of division administrators within the Department of Natural



Resources would be reduced from seven to six. The operational budget of the Department of Forestry, excluding aids and debt service appropriations, would be over \$54,100,000 and include 619 positions.

The Department of Forestry would consult and cooperate with other state agencies, especially the Department of Natural Resources. The two departments would confer on funding issues, the Warren Knowles–Gaylord Nelson Stewardship 2000 Program, grant awards, environmental clean–up activities, outdoor recreation policies, proposed laws that affect snowmobiles, approval of National Forest boundaries, leases and treaties with the federal government establishing state forests, the Natural Areas Preservation Council activities and in all other areas where the departments' interests and responsibilities overlap. Like other agencies, the Department of Forestry would be required to keep the Governor informed of its actions and activities, to obtain the Governor's approval before acquiring new lands and to meet set conditions for selling or trading public land.

The Department of Forestry would have the same powers as other state agencies to accept gifts, grants, bequests, devises or donations. The Department of Forestry would have the authority to extend or consolidate lands under its supervision, to grant or acquire easements to areas of state forests, to acquire land to furnish access to state forests, to determine the value of donated lands, to lease lands in state forests and to designate special use areas within state forests. Twice each year, the department would be required to inspect trail signs and designated features. The department would manage forestry fund support of wildlife management and habitat development, private and county forestry, urban land conservation, forest law, fire suppression, county forest administrator grants, and distribution of federal national forest income payments.

The department would pay aids in lieu of taxes for properties under its jurisdiction, as well as debt service, for the acquisition and development of state forests. A forestry land endowment fund would be created to parallel the Department of Natural Resources' natural resources endowment fund.

Responsibilities transferred from the Department of Natural Resources to the Department of Forestry would include gypsy moth eradication, plant protection, forestry education and grants to cooperatives, support of the Wisconsin Conservation Corps, forestry–related environment education grants, reforestation, forestry recording fees, forest fire emergencies and reimbursements related to timber sales contract oversight. The Department of Forestry would support the resource aids and debt service payments formerly provided by the forestry account of the conservation fund.

Under the provisions of the new department, state forest rangers would be classified as law enforcement officers and as such, would have additional general authority.

On July 1, 2002, the staff, assets, liabilities, obligations, rules and orders primarily associated with the Department of Forestry would vest in that agency, as determined by the secretary of the Department of Administration. All incumbent Department of Natural Resources employees relating primarily to the functions of the Division of Forestry would be transferred to the Department of Forestry. The secretary of the Department of Administration would also determine which incumbent Department of Natural Resources employees that relate primarily to general administration and program support would be transferred to the Department of Forestry. After determining these employees, the secretaries of the Department of Natural Resources and the Department of Forestry could submit a request to the Joint Committee on Finance to transfer monies between the departments' GPR, FED, PR and SEG appropriations to reflect the personnel transfer.

I am vetoing these provisions to retain forestry–related activities and programs in the Department of Natural Resources. I object to the duplication of effort and reduced accountability to the public for management of Wisconsin's abundant natural resources that would result from creation of a separate department. Forests are an important and integral part of Wisconsin's environment, history, culture and economy. In addition to providing valuable timber, Wisconsin's forests also support wildlife, endangered resources, recreational opportunities for residents and visitors, and lake and river ecosystems. These forests improve water quality and aquatic habitat by reducing erosion and regulating water temperatures. In order for a separate Department of Forestry to adequately manage the state's forest resources, staff would need to be reallocated to provide expertise in fish and wildlife, endangered resources and recreational issues. Also, the Department of Natural Resources would need to reallocate staff to address forestry–related management issues on properties such as the Willow, Chippewa and Turtle–Flambeau Flowages.

Separation of forestry management from the Department of Natural Resources would also result in each department having to devote fee and other segregated revenues to activities for which the revenues were not originally collected. Federal regulations restrict the use of fish and wildlife fee revenue to the state agency responsible for fish and wildlife management. Therefore, the Department of Forestry would be required to use forestry revenues or to find an alternative revenue source to complete wildlife–related activities in the forests. Likewise, the Department of Natural Resources would be required to expend fish and wildlife, endangered resources, parks, recreational vehicle and other segregated revenues on forestry–related activities on land under its jurisdiction. The departments could agree to jointly manage these state lands, though this would result in foresters reporting to wildlife managers and vice versa.



Creation of a separate department would result in the same problems it is purported to solve.

I also object to the creation of a new state police force, the state forest rangers. State forest rangers would be the equivalent of conservation wardens. Having two equivalent police forces in the same areas of the state would lead to public confusion and could result in uncoordinated law enforcement. For example, a snowmobiler could be stopped multiple times within a relatively short period of time by a conservation warden for a routine check on land under the Department of Natural Resources' jurisdiction and then by a state forest ranger on land under the jurisdiction of the Department of Forestry. Having separate police forces would also reduce accountability, as the public would have two possible contacts with which to register a complaint. Investigations of complaints would take more time, as each department would need to determine if the complaint is correctly filed against one of its officers, or should have been filed with the other department.

Wisconsin's forests are vital to the well-being of the state, its residents and visitors because of their impact on the state's history, economy (both through timber harvesting and tourism and recreational use), environment and culture. I support the continued improvement in management of this significant component of the quality of life for Wisconsin's citizens. Under the budget bill, funding for forestry activities and programs in fiscal year 2001-02 will increase by \$4,514,400 SEG and 15.0 FTE additional forester positions are authorized. The division administrator of the Division of Forestry will be designated the chief state forester and will be required to be a professional forester. Funds within the Warren Knowles-Gaylord Nelson Stewardship 2000 Program will be set aside to match federal funds for protection of forested lands, and public education and awareness of forestry issues will be increased through a new kindergarten through twelfth grade education curriculum and public education program. Since my veto cannot restore funding in the Department of Natural Resources forestry-related appropriations, I request the Department of Natural Resources to review the funding needs for fiscal year 2002-03 and submit either a request for corrective legislation or a request for supplemental funding to address funding and position needs for forestry-related programs, assistance and activities.

I recognize the serious concerns raised by the forestry industry and other interested groups concerning the diversion of forestry account resources and the lack of adequate attention by the Department of Natural Resources to the importance of a sustainable forest industry in Wisconsin. The bill I am signing includes considerable funding increases to support more positions in the field to meet the planning and management needs of private and industrial forest land owners. To continue to better address these serious concerns, I am directing the secretary of the Department of Natural Resources to increase efforts to serve the needs

of forest land owners and Wisconsin's forest industry.

### 36. Recycling

*Sections 395 [as it relates to s. 20.285 (1) (tb) and (tm)], 3222e, 3222f, 3222g, 3222h, 3222m, 3222p, 3222q, 3222r, 3225c, 3225f, 3226k, 3227e, 3619k, 3619m, 3619n, 3619s, 9137 (1k) and 9137 (1km)*

These sections make the following changes to Wisconsin's recycling program:

- Convert the existing grant distribution formula to a per capita formula, with a rate of \$5.30 per capita;
- Limit grant amounts to eligible costs incurred two years earlier and prorate grants if available funds are insufficient;
- Create a recycling efficiency incentive grant program, funded with \$1,900,000 SEG in fiscal year 2002-03 and reduce the per capita rate for responsible units ineligible for recycling efficiency incentive grants by \$1.50 per capita;
- Create a pilot program to identify workable alternatives for compliance with the landfill bans which became effective in 1995;
- Modify the Department of Natural Resources' audit requirement to require the department to annually review, in cooperation with the University of Wisconsin-Extension, at least 5 percent of grant recipients for compliance with the landfill bans and effective recycling program criteria and to identify ways for the responsible unit to become more efficient and effective;
- Prohibit solid waste facilities from accepting solid waste from a building containing five or more dwelling units or a facility not providing for collection of recycled materials;
- Require the Recycling Market Development Board to give priority to projects that seek to use materials that either constitute a relatively high volume of solid waste generated in the state or are hazardous to human health and the environment; and
- Allocate up to \$200,000 annually in forgivable loans for projects that have an exceptional potential to meet one of the existing four eligibility criteria but do not comply with fiduciary responsibility criteria established by Recycling Market Development Board or the Department of Commerce

Section 3222m [as it relates to the reporting requirement] requires the Department of Natural Resources to submit two reports concerning the pilot program for compliance with banned materials to the Legislature and the Joint Committee on Finance. The first would be submitted by January 1, 2003, and the second by January 1, 2005. I am partially vetoing this section to remove the reporting requirement because it places an unnecessary administrative burden on the department.

Sections 3222p and 3222q replace the department's current audit requirement with a

requirement to review, in cooperation with the University of Wisconsin–Extension, at least five percent of grant recipients to ensure compliance with landfill bans and effective recycling program criteria and to identify activities, methods or procedures that would make the responsible unit's program more efficient or effective. Section 3222r requires the department to annually report to Joint Committee on Finance on the number of recycling programs reviewed. I am vetoing sections 3222q and 3222r and partially vetoing section 3222p to remove the University of Wisconsin–Extension's participation, the list of items for which the review would be conducted and the reporting requirement. I object to the infringement on the executive branch's ability to manage programs. I also object to requiring the University of Wisconsin–Extension to participate in a review that could be viewed as regulatory. The University of Wisconsin–Extension provides technical assistance and educational support to responsible units and creating a situation in which the University of Wisconsin–Extension could be viewed as a regulatory entity could undermine its relationship with responsible units.

Section 3222e allows the Department of Natural Resources to promulgate rules regarding incidental amounts of materials banned from landfills and specifying the minimum elements for coordinated program delivery. Sections 3222f, 3222g and 3222h prohibit solid waste facilities from accepting solid waste with more than an incidental amount of recyclable waste and section 3227e imposes fines for violations. Sections 3226k and 9137 (1k) create a recycling efficiency incentive grant program to provide grants to responsible units which engage in coordinated program delivery. I am vetoing sections 3222f, 3222g, 3222h, 3227e and 9137 (1k) and partially vetoing sections 3222e and 3226k to remove the solid waste facility enforcement requirements and the recycling efficiency incentive grant program requirements. I object to placing the burden of enforcing recycling laws on solid waste facilities. Enforcement is a governmental responsibility, and it is unfair to punish a solid waste facility or hauler for not knowing all contents of the waste it receives. I also object to the restrictions placed on the department's ability to develop a recycling efficiency incentive grant. My vetoes retain \$1,900,000 for grants under this program, and I am requesting the department to solicit input from the public, responsible units, businesses and other interested groups on development of this program.

Sections 3225c and 3225f establish a per capita grant formula beginning with grants awarded for 2002. Grants would be awarded on a per capita basis at a rate of \$5.30 per capita. Beginning with grant year 2005, recipients that are not eligible for a recycling efficiency grant would be awarded grants at a rate of \$3.80 per capita. I am vetoing these sections because I object to the effect redistribution will have on many communities. Smaller, rural communities in particular would receive less funding than under the current formula; whereas large, urban communities

would gain additional funding. This redistribution is not based on the cost–effectiveness and efficiency of the local programs, merely population.

Section 9137 (1km) provides the Department of Natural Resources with 1.0 FTE SEG position to be funded with existing monies. I am vetoing this section because with the significant base budget reductions to the department included in this budget bill, it is inappropriate to require the department to further reallocate funds for this position.

Section 395 [as it relates to s. 20.285 (1) (tb) and (tm)] provides funding for recycling education and solid waste research. I object to this funding because the limited resources for recycling should be focused on implementation of effective programs. By lining out the University of Wisconsin's s. 20.285 (1) (tb) and (tm) appropriations and writing in \$0, I am vetoing the part of the bill which funds this provision. I am also requesting the Department of Administration secretary not to allot these funds.

Sections 3619k, 3619m, 3619n and 3619s require the Recycling Marketing Development Board to give priority to projects that involve recovered materials that constitute a relatively high volume of solid waste generated in the state or that are hazardous to human health or the environment; to annually allocate up to \$200,000 for forgivable loans for projects that have exceptional potential to meet one of the qualifying considerations, but do not comply with the board's or the Department of Commerce's criteria for meeting fiduciary responsibilities; and in consultation with the Council on Recycling, to annually establish a list of materials for which the board may award financial assistance. I am vetoing these sections because they create additional administrative burdens for the board and infringe on the board's authority to determine how to best use its limited resources.

My vetoes retain the increase in the state tipping fee to allow the recycling program to continue and to begin exploring different approaches to the current program. The Department of Natural Resources should closely monitor the pilot program for compliance with landfill bans and the recycling efficiency incentive grant program. The effects of these programs should be considered in the proposal I am requesting the department to submit for the 2003–05 biennial budget.

### **37. Brownfields Staff**

*Section 395 [as it relates to s. 20.370 (2) (mq)]*

This provision appropriates \$242,400 in fiscal year 2001–02 and \$306,900 in fiscal year 2002–03 for 5.0 FTE SEG two–year project waste management specialist positions to geo–locate brownfields properties and update the Department of Natural Resources' Web–based registry of closed sites. Although there is no language in the budget bill that authorizes this increase, the purpose of this funding was included in a Joint Committee on Finance budget motion.

I am partially vetoing section 395 [as it relates to s. 20.370 (2) (mq)] because I object to the

increase in the number of positions related to this program. The department has received a total of 25.0 FTE positions in the last two budgets (7.0 FTE positions in the 1999–2001 biennial budget and 18.0 FTE positions in the 1997–99 biennial budget) for brownfields program activities and should use those resources as effectively as possible. The department has streamlined the work load at PECFA sites in order to provide additional staff and resources for brownfields work. By lining out the Department of Natural Resources' s. 20.370 (2) (mq) appropriation and writing in a smaller amount that deletes \$242,400 SEG provided in fiscal year 2001–02 and deletes \$306,900 SEG provided in fiscal year 2002–03, I am vetoing the part of the bill which funds this provision. I am also requesting the Department of Administration secretary not to allot these funds and not to authorize the 5.0 FTE SEG positions in fiscal years 2001–02 and 2002–03.

**38. Land Recycling Loan Program Site Assessments**

*Section 3168n [as it relates to site assessments and investigations]*

This provision directs the Department of Natural Resources to accept site assessments and investigations as eligible costs under the program for applicants able to demonstrate that remediation will be necessary.

I am partially vetoing section 3168n [as it relates to site assessments and investigations] to remove the requirement that the department accept site assessments and investigations as eligible costs because it is unnecessary. Under the program, reimbursement for previously incurred site assessment expenses is available as part of an overall project loan. Additionally, the department's Site Assessment Grant Program provides grant funding to eligible applicants for initial investigations of contaminated properties.

**39. Land Recycling Loan Program Intent to Apply**

*Sections 3168p and 3168r [as it relates to the notice to apply]*

These provisions repeal the requirement that applicants submit a notice of intent to apply for financial assistance under the program to the Department of Natural Resources by December 31 of the preceding fiscal year.

I am partially vetoing section 3168r [as it relates to the notice to apply] and vetoing section 3168p because these provisions are unnecessary. Under current law, the department has the ability to waive this notice requirement if an eligible applicant makes a written request for a waiver.

**40. Regulation of High-Capacity Wells**

*Sections 3160v [as it relates to s. 281.17 (1) (c) 2.] and 9137 (1x)*

These provisions direct the Department of Natural Resources to condition approval of high-capacity wells for bottled drinking water based on possible adverse effects to the quality and quantity of state waters, and to prepare an environmental impact statement with each approval of a high-capacity well for bottled

drinking water. Additionally, new requirements on high-capacity wells are retroactively applied to all wells approved by the department on or after September 1, 2000.

I am partially vetoing section 3160v [as it relates to s. 281.17 (1) (c) 2.] and vetoing section 9137 (1x) because these provisions are unnecessary and because I object to applying them retroactively. First, the department already has an established environmental analysis and review process. Under this process, an environmental impact statement is prepared for all major actions that will significantly affect the quality of the human environment. Since not all high-capacity wells will significantly impact the human environment, and their potential to do so depends upon the location, aquifer type and rate of withdrawal, conditioning each approval on an environmental impact statement and a study of possible adverse effects is excessive. Second, applying these new restrictions to already issued permits would hurt businesses that have moved forward and based plans around those permits.

I recognize that there are serious concerns about the impact of these wells and believe that the existing Department of Natural Resources' requirements combined with the new permit process for wells that produce water for bottling which I am retaining in this bill will adequately protect the state's interests.

**41. Legislative Council Studies**

*Sections 9132 (1q) and 9132 (2x)*

These sections request that the Joint Legislative Council study high-capacity well usage as well as the need to modify state laws to address the impacts of groundwater usage.

I am vetoing these sections because they are unnecessary. The Joint Legislative Council can conduct these studies without a nonstatutory law requiring them to be performed.

**42. Residential Well Air Filtration**

*Sections 3160q and 9437 (6p)*

These sections require an owner of a residential well to install an air filter to prevent airborne bacteria from contaminating the well water if the well was constructed on or after January 1, 2003, or if water from the well tests positive for bacteria.

I am vetoing these sections because I object to requiring well owners and the Department of Natural Resources to invest substantial time and effort in a program of unproven value. There is no solid evidence that these filters will bring about the intended public health benefit, or that they will even work correctly. Further research on the public health protection offered by these filters and potential alternatives is needed.

**43. Elcho Land Spreading Grant**

*Sections 395 [as it relates to s. 20.370 (6) (dc)], 615t and 3207v*

These provisions provide an annual \$25,000 GPR grant to the Elcho Sanitary District #1 to subsidize wastewater treatment costs for residents of that community. The district received financial hardship assistance in early 1999 from the Clean Water Fund Program for the purpose of constructing a wastewater treatment facility. A portion of the financial assistance was



provided as a grant and the remainder as a loan with an interest rate of 0.823 percent.

I am vetoing these provisions because they set a bad precedent. The Clean Water Fund Hardship Program uses formulas that consider costs but will not always result in user rates at exactly the target of 2 percent of median household income. Communities must establish and maintain user charges sufficient to make payments on their obligations even if all forecasted revenues do not materialize or if costs are greater than predicted. The Clean Water Fund Program has over 400 loans to Wisconsin communities and it would be unfair to single out the Elcho Sanitary District #1 for this grant.

**44. Municipal Flood Control and Dam Rehabilitation**

*Sections 395 [as it relates to s. 20.370 (7) (da)], 621h, 962 [as it relates to s. 20.370 (7) (da)], 962b [as it relates to s. 20.370 (7) (da)], 967 [as it relates to municipal flood control and riparian restoration grants], 967e [as it relates to municipal flood control and riparian restoration grants] and 1345cm [as it relates to promulgating rules]*

These sections provide \$9,000,000 of general obligation bonding authority in a new appropriation for municipal flood control and riparian restoration cost-sharing grants. The sections also create a new grant program to match federal funds for rehabilitation of flood control dams and allocate \$500,000 of the bonding authority for these grants.

I am vetoing section 621h and partially vetoing sections 395, 962, 962b, 967 and 967e to remove the separate appropriation and bonding authority for municipal flood control and riparian restoration. I object to the separation of funding for municipal flood control from urban nonpoint pollution abatement issues. Combining the funding for these two programs recognizes the effect of storm water control and pollution abatement measures on flooding and gives the Department of Natural Resources and the Natural Resources Board more flexibility to direct funds to maximize water quality and quantity improvements.

Recognizing the need for rehabilitation of flood control dams in western Wisconsin and around the state, I am retaining the \$500,000 set-aside to match federal funding for dam rehabilitation. To allow the department and counties to maximize the amount of federal funding received by the state and expedite the awarding of grants, I am partially vetoing section 1345cm to remove the requirement that the department promulgate rules for the grant program.

**45. Funding Notices of Discharge**

*Section 3173j*

This provision would require the Department of Natural Resources to provide a cost-sharing grant to an animal feeding operation to correct unacceptable practices identified in a notice of discharge.

I am vetoing this provision because I object to singling out animal feeding operations which

have violated pollution control laws for special consideration under this program. These animal feeding operations should compete for this funding like any other entity. Furthermore, requiring the department to make cost-sharing grants in this manner would be in direct violation of federal law, which bars this practice in some cases.

**46. Watershed Center**

*Sections 1066d and 1358m*

These sections would require the Department of Natural Resources to provide \$150,000 SEG annually to the University of Wisconsin System for the establishment and operation of a watershed management center at the University of Wisconsin-Stevens Point.

I am vetoing these sections because they are unnecessary and are not a cost-effective use of water resources account monies. Given the limited revenues available in the water resources account of the conservation fund, it would not be prudent at this time to expand the uses of this account to support a new center. The university may pursue watershed research or establishment of such a center without a statutory directive.

**47. Wisconsin Waters Initiative**

*Sections 395 [as it relates to s. 20.370 (4) (ax)], 600r and 9137 (2t)*

These provisions create an appropriation to receive funds from the environmental fund for providing computer accessible water resources management information and allow the Department of Natural Resources to submit a proposal to the Joint Committee on Finance concerning the continued development of a system to provide computer accessible water management information. If the committee does not notify the department within 14 days of submittal of the request that a meeting would be scheduled to review the proposal, the new appropriation and the appropriation under s. 20.370 (4) (aq) would each be supplemented by \$100,000 SEG.

I am vetoing these provisions because I object to the infringement on executive branch authority to manage programs. This information is important for water management and planning activities. Therefore, I encourage the department to pursue cost-effective continued development of this system with existing funds allocated for this project.

**48. Lake Management Grant for Fish Lake**

*Section 9137 (8q)*

This section requires the Department of Natural Resources to provide a lake management grant to Dane County for water quality and lake level improvements for Fish, Mud and Crystal Lakes. The grant would not be subject to the statutory limitation on the portion of project costs that may be funded.

I am vetoing this section because it infringes on the department's authority to decide which projects, and associated funding, will provide the best management of Wisconsin's lakes. I also object to the waiver of the 75 percent limitation.



Dane County can continue to compete for funding through the various assistance programs provided by the department.

**49. Stewardship Earmarks**

*Sections 1034h, 1034hm [as it relates to s. 23.197 (7)], 1034pm, 1039bv, 1039fm, 1039k, 1039km, 1039m, 1039s and 9107 [as it relates to (1) (i) 2.]*

These provisions require the Department of Natural Resources to do the following under the Warren Knowles–Gaylord Nelson Stewardship 2000 Program:

- Provide up to \$175,000 SEG for the development of a recreational area on Keyes Lake in Florence County;
- Provide \$60,000 SEG to the city of Hillsboro and waive the 50 percent matching requirement for the development of a camping and recreational area near the Hillsboro and Northeastern Spur Trail;
- Provide \$135,000 SEG to acquire conservation easements along the Plover River in Marathon County and Portage County;
- Provide \$648,100 SEG to Milwaukee County to redevelop the beach at Grant Park;
- Provide \$25,000 to the city of Menasha for the purchase of land to be used for a skateboard park facility in Winnebago County; and
- Provide up to \$200,000 SEG in matching funds for the development of a conservation law enforcement museum.

I am vetoing these provisions because I object to the infringement on executive branch authority to manage programs and because these provisions are unnecessary. The department currently reviews grant applications under several criteria that take into account the importance of the property for recreational and conservation purposes. These criteria and the requirement for a local match for grants ensure that local projects are planned and supported by the communities affected by the projects. Circumventing this process undermines the integrity of the Stewardship 2000 Program.

**50. Forest Legacy Program Funding**

*Section 1034k*

This section requires the Department of Natural Resources to set aside not less than \$12,000,000 from the land acquisition subprogram of the Warren Knowles–Gaylord Nelson Stewardship 2000 Program. These funds may be obligated only to provide matching funds for the purchase of land or easements under the federal Forest Legacy Program.

By striking the digit "1", I am partially vetoing this section to limit the set aside amount to not less than \$2,000,000. I object to the amount of funding being set aside because this requirement limits the department's flexibility in determining the best use of the Stewardship 2000 Program funds. In addition, the Forest Legacy Program matching requirement is 25 percent of the program costs. Although I strongly support the conservation of Wisconsin's forested land, the

state is not expected to receive enough federal funding for the department to obligate the total amount of the proposed set-aside. If additional federal funding becomes available, I am requesting the department to set aside additional Stewardship 2000 Program funds to maximize the amount of federal dollars coming to the state.

**51. Stewardship Appraisal Requirements**

*Section 1035g*

This section requires governmental units or nonprofit organizations to submit at least one appraisal to the Department of Natural Resources if they request a Warren Knowles–Gaylord Nelson Stewardship 2000 Program grant to purchase land which the department estimates has a fair market value exceeding \$200,000. The department is required to also obtain a separate independent appraisal.

I am vetoing this section because it creates an unnecessary burden on the department. The department did not receive any additional resources to obtain and review these appraisals. Requiring the department to manage this requirement with existing funds may result in delays in awarding grants to applicants.

**52. Stewardship Purchase Notification**

*Sections 1038q, 1038qc and 9437 (1z) [as it relates to s. 23.14 (1m)]*

These sections require the Department of Natural Resources to notify, in writing, affected local units of government of any acquisition of land or interest in land at least thirty days prior to completion of the acquisition.

I am vetoing sections 1038q and 1038qc and partially vetoing section 9437 (1z) [as it relates to s. 23.14 (1m)] because they unduly limit the department's ability to work with sellers and to expedite the protection of sensitive environmental areas.

**53. Chiwaukee Prairie–Carol Beach Acquisition**

*Section 1038saq*

This section prohibits the Department of Natural Resources from promulgating administrative rules or establishing a department policy that imposes a specific maximum purchase price per parcel or per acre for real property that the department acquires within the Chiwaukee Prairie–Carol Beach National Natural Landmark.

I am vetoing this section because it limits the department's flexibility to determine how best to use limited resources to protect and preserve sensitive areas of the state.

**54. Signage for Fishing Easements**

*Section 1038dg*

This section requires the Department of Natural Resources to place a sign on any property where the department acquires an easement allowing public access for fishing. The sign must inform the public that the easement allows public access to the body of water for fishing.

I am vetoing this section because it is unnecessary and infringes on the property

owner's rights. The department may erect signs on property with fishing easements at its own discretion and in cooperation with the property owner.

**55. Forestry Demonstration and Education Center**

*Sections 1038r, 1038sam and 9437 (1z) [as it relates to s. 23.14 (2)]*

These provisions would require the Department of Natural Resources to notify the Joint Committee on Finance of any proposed acquisition, for a forestry demonstration and education center, of rights in lands that are part of Milwaukee County grounds.

I am vetoing these provisions because I object to legislative intrusion in this area. In addition, sufficient oversight procedures already exist in cases where large, expensive land purchases are being made and do not require additional legislative oversight.

**56. World Paper Center**

*Sections 395 [as it relates to s. 20.370 (5) (ax)], 603rb and 9137 (8mk)*

These provisions would allocate \$250,000 SEG in fiscal year 2001–02 to the Paper International Hall of Fame, Inc., to renovate the Atlas Mill and retitle it the World Paper Center.

I am vetoing these provisions because I object to expending state fiscal resources for this purpose. By lining out the Department of Natural Resources' s. 20.370 (5) (ax) appropriation, I am vetoing that part of the bill which funds the renovation of the Atlas Mill. The effect of this veto will be to delete all funding for this purpose.

**57. Great Lakes Forestry Museum**

*Sections 395 [as it relates to s. 20.375 (2) (rq)], 603q, 603r, 629do, 629dom, 9137 (5mk), 9437 (3mk) and 9437 (3mkx)*

These sections require the Department of Natural Resources and the proposed Department of Forestry to award grants of up to \$150,000 to an organization known as the Great Lakes Forestry Museum to develop a facility in the city of Rice Lake for educating the public about the history of forestry and logging in this state. In addition, within six months of receiving the grant, the grant recipient is required to submit a report to the Department of Natural Resources or the Department of Forestry detailing how the grant proceeds were used.

I am vetoing these sections because I object to expending state fiscal resources for this purpose. Forestry revenues should be focused on the protection, acquisition, development, operation and maintenance of forests of the state. Although Wisconsin's rich history of forestry and logging is important, other funds should be found to support this facility.

**58. Managed Forest Land Eligibility**

*Sections 2247d, 2247h, 2247p, 2247t and 9337 (3f)*

These sections modify criteria used to define a parcel of land that is capable of producing merchantable timber for designation as managed forestland.

I am vetoing these sections because they inappropriately expand the use of the managed forest land program. Managed forest land receives preferential tax treatment because it is dedicated to timber production and recreational use. Allowing more land that is not favorable to timber production to enroll in this popular program would endanger its original focus and purpose.

**59. Urban Forestry Grant Earmarks**

*Sections 9137 (5vy), 9137 (5x) and 9137 (5y)*

These sections earmark funding within the urban forestry grant program for tree planting demonstration projects in the cities of Waupaca, Milwaukee and Racine.

I am vetoing these sections because they are unnecessary and unduly infringe on executive branch authority to manage programs. The cities may continue to compete for grants through the established grant review process.

**60. Urban Land Conservation Grant**

*Sections 395 [as it relates to ss. 20.370 (5) (ay) and 20.375 (2) (sm)], 1036bx, 1036c, 1036d, 1036e, 1036em [as it relates to the grant amount and the purposes of the grant], 1036f [as it relates to the grant amount and the purposes of the grant], 1036g, 1036h, 1036j, 1036k, 1036m, 1036n, 1036p, 1036q, 1036r, 1036s, 1036t, 1036u, 1036v, 1036w and 1036y*

These sections increase the amount of an annual grant to the Urban Open Space Foundation and modify the requirements the foundation must comply with in order to receive the grant.

I am partially vetoing sections 395 [as it relates to ss. 20.370 (5) (ay) and 20.375 (2) (sm)], 1036em [as it relates to the grant amount and the purposes of the grant] and 1036f [as it relates to the grant amount and the purposes of the grant] because the increase is excessive and unnecessary. By striking "of \$150,000" in the amended language of section 1036f and by lining out the appropriations under ss. 20.370 (5) (ay) and 20.375 (2) (sm) and writing in \$75,000 for this purpose in each fiscal year, I am notifying the Legislature of my intent to veto the increase in the grant amount. I am also requesting the Department of Administration secretary not to allot these funds. In addition, I am requesting the Department of Natural Resources to continue to provide an annual grant of \$75,000 to the foundation.

I am vetoing sections 1036bx, 1036c, 1036e, 1036g, 1036h, 1036j, 1036k, 1036m, 1036n, 1036p, 1036q, 1036r, 1036s, 1036t, 1036u, 1036v, 1036w and 1036y to retain the current requirements the foundation must meet to receive the grant. I object to the expansion of the activities the grant funds may support because they are redundant. The department already has an urban forestry grant program to address these issues and the foundation may compete with other nonprofit organizations for land acquisition grants through the Warren Knowles–Gaylord Nelson Stewardship 2000 Program.

**61. Sustainable Forestry Grant Program Rules**

*Section 1153s*

This section allows the Department of Natural Resources to make grants to counties having forest land to fund the cost of activities related to improving the sustainable forestry on the land. The section specifies that the department will promulgate rules to include the following: establish criteria to award grants; maximum amount of grant available to each recipient; activities for which a grant may be awarded; required match from counties; and a method for establishing priorities for awarding grants or providing partial grants.

I am partially vetoing this section to eliminate the requirement for the department to promulgate rules to establish criteria and procedures for awarding sustainable forestry grants to provide the department with more flexibility in administering and establishing rules for this program.

**62. Conservation Fund Transfers**

*Section 585m, 624m, 9237 (3k) and 9237 (5z)*

These sections transfer \$15,000 SEG from the fish and wildlife account to the endangered resources account and \$200,000 SEG from the forestry account to the *Natural Resources Magazine* account. All accounts are within the conservation fund.

I am vetoing these sections because the transfers are inappropriate and unnecessary. Each account receives revenues collected from citizens of the state for a specific purpose. Although the transfers would enhance funding for endangered resources and *Natural Resources Magazine* activities, the monies were not collected for these purposes.

**63. State Parks Concessions Report**

*Section 9137 (4z)*

This section requires the Department of Natural Resources to submit a report to the Governor and the Joint Committee on Finance by October 1, 2002, on the operation and profitability of concession operations in the state parks. In addition, the department is to investigate the option of contracting with the private sector for concession services.

I am vetoing this section because this provision would limit the department's ability to effectively administer the operation of concession services at state parks. The department continually evaluates these operations and investigates options for providing concession operations. In addition, several of these operations are now provided by not-for-profit charitable organizations and such a provision could adversely affect their fund-raising capabilities.

**64. Perrot State Park Bridge Study**

*Section 9137 (8m)*

This section requires the Department of Natural Resources to conduct a study and submit a report to the Legislature by June 30, 2002, on the feasibility of constructing a bridge at Perrot State

Park that would provide access by park users to Trempealeau Mountain.

I am vetoing this section because it is unnecessary. The department is already looking at the feasibility of the proposed bridge as part of the master planning process in cooperation with local units of government and other interest groups.

**65. Mountain-Bay State Trail Access**

*Section 1153m*

This section allows the town of Weston to establish a public access site to the Mountain-Bay State Trail and prohibits the Department of Natural Resources from requiring the closure of another public access site to offset the opening of the new site.

I am vetoing this section because opening another public access site along a state trail without closing an existing access site may pose a safety hazard for recreational users of the state trail system. I will support such a provision if it can be demonstrated that it will not pose a safety hazard.

**66. Park and Forest Beaches**

*Sections 395 [as it relates to s. 20.370 (1) (es)], 585k, 600p and 9437 (1z) [as it relates to s. 20.370 (4) (aw)]*

These provisions create an appropriation to provide \$150,000 SEG annually from the Department of Natural Resources' Division of Land for the operation, development and maintenance of beaches at state park and southern forest properties.

I am partially vetoing section 395 [as it relates to s. 20.370 (1) (es)] to eliminate \$150,000 SEG in fiscal years 2001-02 and 2002-03. I am vetoing these provisions because this is not an appropriate use of motor boat gas tax revenues.

**67. State Trail Funding**

*Section 590m [as it relates to trail operation]*

This section creates an appropriation funded by all-terrain vehicle (ATV) registration fee revenue for operation and maintenance of trails in state parks and southern forests.

I am partially vetoing this section to limit the expenditure of ATV revenue to the maintenance of these trails. I object to the use of this fee revenue for trails that may not be open to ATV riders. However, I recognize the need to maintain these heavily traveled trails. I encourage the Department of Natural Resources, to the extent possible, to focus these funds on trails open for recreational vehicle use.

**68. Hunting and Fishing in State Parks**

*Sections 1162h, 1162p, 1162t, 1162w and 1162wm*

These sections require the Department of Natural Resources to open all state parks to hunting and fishing if the park has received any funding from the fish and wildlife account of the conservation fund at any time during the preceding ten years. The Natural Resources Board may exempt a state park from this requirement.



I am vetoing this provision because this is a policy issue that should be addressed by the Natural Resources Board as part of its public hearing process. In addition, I have concerns pertaining to the safety of other persons using the state parks during designated hunting seasons.

**69. Recreational Boating Earmarks**

*Sections 605 [as it relates to Black Point Estate, a recreational fishing pier, the Wausau Whitewater Course and a museum in Racine], 605b, 605c, 848r, 962 [as it relates to s. 20.505 (5) (c)], 972m, 1036yr, 1036yt, 9107 [as it relates to (1) (p) 2. and 3.], 9137 (4x), 9137 (5e), 9137 (6g), 9137 (7f), 9137 (8k), 9437 (2q) and 9437 (2x)*

These provisions make various earmarks of funding from the recreational boating facilities aids appropriation for grants to:

- Village of Whiting for a recreational fishing pier;
- City of Wausau to upgrade the Wausau Whitewater Course;
- City of Racine for the Discovery Place Museum;
- City of Racine for dredging the Root River;
- City of Oconto for dredging the Oconto River; and
- City of Marinette for improvements to boat launching facilities on the Menominee River.

The provisions also repeal an earmark of recreational boating aid and general obligation bonding authority for Black Point Estate.

I am vetoing sections 605b, 605c, 1036yt, 9137 (4x), 9137 (5e), 9137 (6g), 9137 (7f), 9137 (8k), 9437 (2q) and 9437 (2x) and partially vetoing sections 605 [as it relates to a recreational fishing pier, the Wausau Whitewater Course and a museum in Racine] and 9107 [as it relates to (1) (p) 2. and 3.], because I object to the infringement on the Department of Natural Resources' and Waterways Commission's authority to decide which projects, and associated funding, will provide the best recreational opportunities to the many users of Wisconsin's waters. In addition, the funding earmarked for a museum in the city of Racine is excessive. Under the budget bill, the city of Racine will receive a separate grant of \$1,000,000 of general obligation bonding authority for this project.

I am vetoing sections 848r, 972m and 1036yr and partially vetoing sections 605 [as it relates to Black Point Estate] and 962 [as it relates to s. 20.505 (5) (c)] to retain the earmarked funding and general obligation bonding authority for Black Point Estate. I object to the removal of these funds because Black Point Estate reflects an important part of Wisconsin's culture and history. This project would not be eligible for funding without these earmarks and although the future of the estate is still under discussion, these funds should remain available to preserve the estate in whatever manner is decided.

**70. All-Terrain Vehicle Ambassador Program**

*Section 1066ar*

This section requires the Department of Natural Resources to establish a program to award grants to organizations that meet specified qualifications, including that the organization is a nonprofit corporation that is tax-exempt under section 501 (a) of the Internal Revenue Code. In addition, the section requires grant recipients to use the grant monies to enhance all-terrain vehicle law enforcement safety and education programs.

I am partially vetoing this section because I object to the requirement that eligible grant recipients be from a nonprofit corporation that is tax-exempt under section 501 (a) of the Internal Revenue Code. Without this veto, many of the organizations that would benefit from receiving these grants would not be eligible because they are organized as social all-terrain vehicle groups.

**71. All-Terrain Vehicle Warden Report**

*Section 1066atk*

This section requires the Department of Natural Resources to submit an annual report to the Joint Committee on Finance on how the increase in conservation wardens has benefited the department's efforts to enforce laws relating to the operation of all-terrain vehicles and to educate the public on these laws.

I am vetoing this section because it places an unnecessary administrative burden upon the department.

**72. Chief Warden Authority**

*Section 1038bq*

This section requires the Department of Natural Resources to designate a conservation warden as the chief warden. The chief warden will direct, supervise and control conservation wardens and the performance of their duties.

I am vetoing this section because I object to the infringement on the executive branch's authority to manage programs. I am requesting the department to follow-up on public complaints against a warden's actions to ensure accountability of the wardens.

**73. Determination of Fish and Wildlife Fee Use**

*Section 1117m*

This provision would allow the Joint Committee on Finance to determine what constitutes an eligible administrative expense in regard to the management of fish and wildlife resources in the state.

I am vetoing this provision because I object to legislative interference in executive branch functions. Moreover, federal auditing processes are already in place to ensure that the Department of Natural Resources does not misuse fish and wildlife fee revenues for its administrative functions.



**74. Commercial Fishing Suspended License**

*Section 1184m*

This section authorizes a commercial fishing license holder to retain a license without conducting any commercial fishing operations in Green Bay for one period of up to seven years. The section also exempts a commercial fishing license holder from the minimum catch requirements during the seven-year period.

I am vetoing this section because it infringes on the Department of Natural Resources' and the Natural Resources Board's authority to protect and manage the fisheries of the state for the benefit of all residents and visitors. The department and the board are working to address the concerns of commercial fishing license holders and the declining fish populations in Green Bay and other Great Lakes waters. I request the department and the Natural Resources Board to continue working with the commercial fishing license holders and other users of these resources on this issue.

**75. Fish Ladder Exemption**

*Sections 1340r and 1345c*

These sections prohibit the Department of Natural Resources from requiring the city of Jefferson to include a fish passage as part of a dam safety project and require the department to provide the city with a grant for the dam safety project.

I am vetoing these sections because they set an undesirable precedent by providing assistance to a project that does not comply with requirements established to protect Wisconsin's aquatic resources. I am requesting the department to continue working with the city of Jefferson to address this issue.

**76. Sturgeon Fishing Season Limit**

*Sections 1197g, 1197h and 9437 (4v)*

These sections specify that a license for sturgeon spearing may not be issued beginning October 1 and ending on the last day of the open season for the spearing of rock or lake sturgeon except to a person who is a Wisconsin resident who turns fourteen-years-old during that period or a state resident serving in the U.S. armed forces.

I am vetoing these sections because this is a policy issue that should be addressed by the Natural Resources Board during its public hearing process.

**77. University of Wisconsin-Stevens Point Bear Biologist**

*Sections 395 [as it relates to ss. 20.285 (1) (k) and 20.370 (1) (mu)] and 1351zf*

These provisions provide \$24,000 in each fiscal year for an additional position at the University of Wisconsin-Stevens Point. The provisions also require the board of regents to ensure that the position focuses on bear hunting research and data collection. Although there is no language authorizing the position increase, the purpose of this funding was included in a Joint Committee on Finance amendment to the bill.

By lining out the appropriations and writing in smaller amounts that delete \$24,000 in each

fiscal year, I am vetoing the parts of the bill which fund this position. I am also vetoing section 1351zf to remove the requirement that the position focuses on bear hunting research. I object to having the Legislature define specific job description responsibilities in statute. Agencies need to retain the flexibility to prepare and modify job descriptions without obtaining legislative approval. However, in light of the interest in this area, I request that the board of regents consider addressing this issue within existing resources. In addition, I am requesting the Department of Administration secretary not to allot these funds.

**78. Group Deer Hunting**

*Sections 1171gb, 1171gd, 1171gf and 1171gh*

These sections allow bow hunters to group hunt for antlerless deer after the close of the regular gun deer season.

I am vetoing these sections because the extension of group deer hunting privileges to bow hunters is unnecessary. Bow hunting for deer is traditionally a solitary pursuit. To improve chances of harvesting a deer, bow hunters reduce the number of factors that may alert a deer to their presence, including wearing camouflaged clothing and hunting individually. These factors make group bow hunting for deer unnecessary and a safety concern.

**79. Outdoor Wildlife Heritage Fund**

*Sections 395 [as it relates to s. 20.370 (1) (Lu)], 589i, 1110m and 1119z*

These provisions create an outdoor wildlife heritage trust fund to receive gifts, grants, bequests or other contributions. Monies deposited in the fund may be expended for activities and programs listed in Chapter 29, Wisconsin Statutes.

I am vetoing these provisions because creating a separate fund for these monies is unnecessary. Donations may currently be made to the Department of Natural Resources exclusively for these programs and activities and are accounted for separately.

**80. New Positions**

*Section 395 [as it relates to s. 20.370 (4) (aq) and (9) (mu)]*

Section 395 [as it relates to s. 20.370 (4) (aq) and (9) (mu)] provides \$70,000 SEG in fiscal year 2001-02 and \$87,000 SEG in fiscal year 2002-03 for an additional 2.0 FTE SEG positions in the Department of Natural Resources. The positions consist of 1.0 FTE SEG position for a Wisconsin River coordinator and 1.0 FTE SEG program assistant position for the Medford ranger station.

Although there is no language in the budget bill that authorizes these increases, the purposes of this funding were included in Joint Committee on Finance and Senate amendments to the bill.

By lining out the Department of Natural Resources' appropriations and writing in smaller amounts that delete the following amounts from s. 20.370 (4) (aq), \$46,000 SEG in fiscal year 2001-02 and \$55,000 SEG in fiscal year 2002-03 and s. 20.370 (9) (mu), \$24,000 SEG in

fiscal year 2001–02 and \$32,000 SEG in fiscal year 2002–03, provided for these purposes, I am vetoing the parts of the bill which fund these 2.0 FTE SEG positions. I object to having the Legislature manage agency programs and reduce departmental flexibility by directing the allocation of staff. I am requesting the Department of Administration secretary not to allot the funds and not to authorize the 2.0 FTE SEG positions.

**81. Geographic Management Requirements**

*Sections 1042g and 1042i*

Section 1042g requires the Department of Natural Resources to include the LaCrosse–Bad Axe Watershed and the Kickapoo River Watershed in the same management unit if the state is divided for management purposes. In addition, section 1042i requires the department to include Crawford and Vernon counties in the region that covers the west central part of the state for management functions.

I am vetoing this provision because it is unnecessary. The sections infringe on executive branch authority to manage department resources.

**82. On–line Bidding for the Automated License Issuance System**

*Section 1158m*

This section requires the Department of Natural Resources to post specifications for the operation of an automated license issuance system on an Internet site maintained by the Department of Agriculture, Trade and Consumer Protection. In addition, the section specifies that the Internet site provide a means for contractors to electronically post bids and view bids posted by other contractors.

I am vetoing this section because such a system would be difficult to maintain and the provision limits the Department of Natural Resources' flexibility in awarding the contract to the most qualified bidder.

**83. Tourism Funding**

*Section 1066y*

This section prohibits the Department of Natural Resources from expending monies appropriated from the conservation fund to support a program or activity of the Department of Tourism.

I am vetoing this section because it unduly limits the Department of Natural Resources' ability to work in conjunction with another state agency to promote Wisconsin's natural resources and recreational opportunities.

**84. Privatization of Geographic Information Systems Study**

*Section 9132 (2z)*

This section requests the Joint Legislative Audit Committee to direct the Legislative Audit Bureau to perform a performance evaluation audit of geographic information systems mapping services provided by the Department of Natural Resources. The audit must analyze the degree to which the department's services compete with

private mapping services and the cost–effectiveness of the services provided by both the department and private businesses.

I am vetoing this section because it is unnecessary. The Joint Legislative Audit Committee has the authority to decide which audits are appropriate. Also, such a study should include the geographic information systems services offered by all state agencies. I request the Department of Electronic Government to review geographic information systems services offered by state agencies and their cost–effectiveness.

**85. Administrative Funding Report**

*Section 9137 (4y)*

This section requires the Department of Natural Resources to prepare a report for the Joint Committee on Finance by March 1, 2002, that explains the department's reasoning for distributing administrative costs among the department's programs and how the method is viewed as being equitable. In addition, the report is to propose alternatives to the distribution process that the department believes may result in a more equitable distribution of administrative costs.

I am vetoing this section because a formal report is unnecessary. However, I am requesting the department to continue to review its methodology and to share this information with interested parties.

**BOARD OF COMMISSIONERS OF PUBLIC LANDS**

**86. Land Purchase**

*Sections 1039b, 1088e, 1088m and 1088r*

These sections allow the Board of Commissioners of Public Lands to purchase land in the state and require the board to submit a request to the Joint Committee on Finance for approval of any proposed land purchase under a 14–day passive review process. If the committee takes no action during this 14–day passive review, the board may purchase the land. If the committee does schedule a meeting, the land may be purchased only upon its approval.

These provisions restrict a land purchase by the board to no more than 10,000 acres of land in any five–year period. Within five years of a land purchase by the board, the Department of Natural Resources may offer to exchange land under its jurisdiction for the land purchased by the board or the department must pay the board for the land and the board must transfer jurisdiction over the land to the department.

Under these provisions, land exchange transactions between the board and the department would be exempt from current law provisions requiring the Natural Resources Board to make a finding that the department lands are no longer needed for conservation purposes before they may be transferred. The provisions would also exempt any land transaction related to the Board of Commissioners of Public Lands' land purchases from current law provisions requiring the

Governor's review and approval of Department of Natural Resources' land transactions.

I am vetoing these sections entirely for three reasons. First, the provisions do not limit Board of Commissioners of Public Lands to the one-time acquisition of the Wisconsin Public Service Corporation land in Marinette County. Instead, the board is granted continuing authority to acquire lands associated with any hydroelectric project. I object to including this major expansion of the authority and responsibility of the board in the budget. Such an expansion should be deliberately considered as separate legislation. Second, as this is an ongoing authority, the provisions put an excessive burden on the Department of Natural Resources. Although the Warren Knowles-Gaylord Nelson Stewardship 2000 Program currently provides adequate funds for land purchases, it is unknown if funding will always be available to meet the department's obligations under these provisions. Forced or untimely acquisition could adversely affect the department's ability to protect lands around the state. Third, this purchase may have significant fiscal implications for the trust funds managed by the Board of Commissioners of Public Lands. These fiscal implications could include a reduction in library aids supported by the common school fund of at least \$1,000,000 annually.

I recognize that preserving the Wisconsin Public Service Corporation land in Marinette County for public recreation and natural resources protection is important to residents and visitors to the state. This budget bill contains a significant increase in funding for the Stewardship 2000 Program. Therefore, I am requesting the Department of Natural Resources to work to ensure that this land is preserved and protected for the state of Wisconsin through use of the Stewardship 2000 Program.

**STATE FAIR PARK BOARD**

**87. Board Membership**

*Sections 183h and 183i*

These sections remove the June 30, 2003, sunset date for legislative membership on the State Fair Park Board.

I am vetoing these sections because the sunset date was agreed to as part of the State Fair Park master plan building program. The program is proceeding on schedule, and there is no need to mandate continued legislative membership on the board.

Current law requires board members to have particular affiliations with business, agriculture, tourism and the city of West Allis but allows the appointment of one nonaffiliated member. I am willing to consider appointing two members of the Legislature to the board in the event that two additional nonaffiliated seats are added to the board.

**TOURISM**

**88. Tourism Earmarks**

*Sections 629n, 630 [as it relates to s. 41.11 (7)], 1400q and 9151 (1mk)*

Sections 629n and 9151 (1mk) allocate \$35,000 in fiscal year 2001-02 for a grant to the New Berlin Historical Society for costs related to moving the historic Youmans home. Sections 630 [as it relates to s. 41.11 (7)] and 1400q allocate \$20,000 annually on an ongoing basis for a grant to the Wild Rivers Interpretive Center for costs related to the distribution of state tourism materials.

I am vetoing sections 629n, 1400q and 9151 (1mk) and partially vetoing section 630 [as it relates to s. 41.11 (7)] because these sections are inconsistent with the primary focus of the tourism marketing program and limit the Department of Tourism's flexibility in promoting Wisconsin tourism.

**89. Kickapoo Valley Reserve Report**

*Sections 1263h and 1404f*

These sections require the Kickapoo Valley Reserve Board and the Lower Wisconsin State Riverway Board to submit a joint report to the Building Commission and the Joint Committee on Finance. The report must include recommendations on how revenue may be generated to cover the operational costs of the boards. The report must also include a resubmission of plans for building facilities.

I am vetoing these sections because they are unnecessary. The Kickapoo Valley Reserve Board has already developed plans for a visitor center, funding for which is provided in this budget. The Lower Wisconsin State Riverway Board has no immediate plans for a visitor center. Furthermore, the Kickapoo Valley Reserve Board is already working to enhance user fee revenue. Also, the Lower Wisconsin State Riverway Board is primarily a regulatory board with oversight over timber harvesting and the development of land along the Lower Wisconsin River. The Lower Wisconsin State Riverway Board does not manage wildlife areas or camping sites in the riverway and, therefore, has no opportunity to collect user fees. Finally, federal regulations restrict the use of hunting and fishing license revenue. Funding either of these boards with license revenue would result in the loss of federal revenues.

**90. State Historical Society Promotions**

*Sections 1400n and 1400r*

These sections require the Department of Tourism to advertise historic sites and state parks and allow the State Historical Society to use program revenue funds to meet joint effort marketing grant program match requirements. The department's administrative rules currently prohibit the use of state funds to meet match requirements.

I am vetoing section 1400n because it is unnecessary. The department already



advertises historic sites and state parks. Imposing a requirement would limit the department's flexibility in promoting Wisconsin tourism. In addition, I am vetoing section 1400r because it undermines the purpose of the joint effort marketing program which is to pair state funds with private funds and, thereby, allow public funds to promote the maximum number of attractions.

**TRANSPORTATION**

**91. Administrative Appropriation Reductions**

*Section 9152 (2cd)*

This section requires the Department of Transportation to submit a plan to the Joint Committee on Finance that allocates reductions of \$3,530,800 in fiscal year 2001-02 among the department's SEG, SEG-S, PR and PR-S appropriations to reflect credits to the department's appropriations made by the Department of Employee Trust Funds to implement a provision of 1999 Wisconsin Act 11, less any amounts lapsed in fiscal year 2000-01 as a result of credits made in that year. In addition, the department's submission to Joint Committee on Finance is to include a plan for lapsing \$800,000 annually from the department's 2001-03 appropriations for departmental management and operations, highway administration and planning, the delivery cost portion of other highway appropriations, the Division of Motor Vehicles, and the Division of State Patrol. The department may not implement the plan until it is approved by Joint Committee on Finance as submitted or as modified.

I am partially vetoing this section to request that the plan be submitted to the Department of Administration secretary for approval rather than the Joint Committee on Finance to eliminate the need for additional legislative oversight. Upon approval of the plan, I am requesting the Department of Administration secretary to lapse the savings from identified reductions to the transportation fund.

**92. General Transportation Aid Distribution**

*Sections 632m, 632n, 2345m, 2345n, 9159 (3q) and 9452 (10q)*

Sections 2345m and 2345n suspend the general transportation aids distribution formula for aid distributed in calendar year 2002 and calendar year 2003. In addition, sections 632m, 632n, 9159 (3q) and 9452 (10q) require the Department of Transportation to pay \$8,420.92 to the city of La Crosse as partial reimbursement for a penalty that was assessed against the city for tardy filing of its 1999 annual report.

I am vetoing sections 2345m and 2345n because suspending the general transportation aids distribution formula continues to penalize some local governments due to previous penalties or changes in reported costs.

In addition, I am vetoing the provision requiring the department to reimburse the city of La Crosse for a penalty that was assessed against the city. This requirement is unnecessary since the

department has already made payment for the claim as required in a ruling by the State Claims Board. The effect of this veto will be to reduce expenditures in the sum sufficient appropriation under s. 20.395 (1) (ar) by \$8,400 SEG in fiscal year 2001-02. I am requesting the Department of Administration secretary to reestimate expenditures by this amount.

**93. Mass Transit Aid Overpayments**

*Section 9152 (3mp)*

This section waives the repayment of overpayments for state transit operating aids previously distributed by the Department of Transportation to the city of Rhinelander.

I am vetoing this section because I object to the precedent it sets for other recipients to avoid repaying excess state transit aid received. This would lead to a drain on transportation revenues and the unfair distribution of transit aids among communities.

**94. Aviation Career Education Program**

*Sections 395 [as it relates to s. 20.395 (2) (ds)] and 2615x*

These sections provide \$25,000 SEG in each of fiscal years 2001-02 and 2002-03 in appropriation s. 20.395 (2) (ds) for the administration of the Aviation Career Education program. In addition, the sections require the Department of Transportation to offer the program in the city of Green Bay if there are interested and eligible applicants in the city.

While I strongly support the Aviation Career Education program, I am vetoing additional expenditure authority because this use of taxpayer dollars is unwarranted during this period of tight transportation revenues. Therefore, I am partially vetoing section 395 [as it relates to s. 20.395 (2) (ds)] by writing down the allotted amounts by \$25,000 SEG in each of fiscal years 2001-02 and 2002-03, and I am requesting the Department of Administration secretary to not allot these funds to this appropriation. The effect of this veto will be to reduce expenditures in the Department of Transportation's appropriation under s. 20.395 (2) (ds) by \$25,000 SEG in each of fiscal years 2001-02 and 2002-03. In addition, I am vetoing section 2615x because it is not necessary. Applicants may already petition the department to expand the program to include the city of Green Bay if there are interested and eligible applicants in the city.

**95. Expressway Policing Aids**

*Section 395 [as it relates to s. 20.395 (1) (gq)]*

This section provides \$94,600 SEG in the 2001-03 biennium for expressway policing aid to Milwaukee County.

I am vetoing this provision because the allocation of these aids is not based on the cost to administer the program. Therefore, I am requesting the Department of Transportation to review current policies related to allocating funds for expressway policing aids and to find an equitable means of relating program expenses with the aid amounts. In addition, I am requesting



the Department of Administration secretary to place \$31,200 SEG in fiscal year 2001–02 and \$63,400 SEG in fiscal year 2002–03 into unallotted reserve in the Department of Transportation's appropriation under s. 20.395 (1) (gq) to lapse to the transportation fund.

**96. Local Road Improvement Program**

*Sections 649m, 2346m, 9152 (4x) and 9152 (4z)*

Section 2346m requires the Department of Transportation to give priority to town road improvements that have been requested due to damage as a result of heavy motor truck loads. In addition, section 9152 (4x) requires the department to allocate \$25,000 SEG in the 2001–03 biennium to the town of Menasha for construction of a recreational trail and section 9152 (4z) allocates \$609,000 SEG to the village of Pleasant Prairie for street improvements before making any other allocations of funds under the Local Road Improvement Program.

I am vetoing section 2346m because this provision is arbitrary and should be addressed through separate legislation. In addition, I am vetoing sections 9152 (4x) and 9152 (4z) because these provisions circumvent the required approval process for allocating funds under this program and construction of a recreational trail should not be an allowable use of these funds.

**97. Unofficial Detour Claims**

*Sections 2308m and 9352 (1f)*

These sections require the Department of Transportation to pay claims submitted by local governments for damage to any gravel road that the department determines was caused by the road's use as an unofficial detour around a state trunk highway construction project. This provision also includes what information is to be included on the claim by the local government and a list of specific factors that the department must consider when evaluating such claims.

I am vetoing this provision since it places an unnecessary burden on the department's administrative staff and the transportation fund. This provision would be a burden because it would be difficult for the department to determine which road motorists may use as unofficial detour routes.

**98. Transportation Economic Assistance Program**

*Sections 2308h and 9152 (4v)*

Section 2308h requires the Department of Transportation to give priority to funding applications under the Transportation Economic Assistance program for applicants that have expressed a willingness to accept a loan for all or part of the state share of the project. In addition, this section prohibits the department from allocating more than 80 percent of the total amount of state funds and loan repayments appropriated to the program for making grants. Section 9152 (4v) requires the department to waive a requirement for a local match and award a grant of \$410,000 in January 2002 to Brown

County, the city of Green Bay and the village of Ashwaubenon for reconstruction of a local road. I am vetoing section 2308h because it places an unnecessary financial burden upon the department and any applicants requesting state assistance under the Transportation Economic Assistance program. In addition, I am vetoing section 9152 (4v) because it circumvents the approval process for projects funded by the Transportation Economic Assistance program and results in the inequitable distribution of program funds.

**99. Transportation Enhancements Projects**

*Sections 9152 (4c) and 9152 (4nk)*

Section 9152 (4c) requires the Department of Transportation to award a grant from federal enhancement funds to the city of Wausau for the City Square Park Pedestrian Pathway project if the city contributes at least twenty percent of the project's cost. In addition, Section 9152 (4nk) requires the department to award a grant for the Clayton Pedestrian Facility if the town of Clayton contributes at least fifteen percent to the project's cost.

I am vetoing these sections because they undermine the department's authority to award grants under the federal transportation enhancements program. In addition, approval of these projects will delay completion of other projects that are eligible to receive funding.

**100. Roadway Improvements in the City of Ladysmith**

*Sections 654p, 654r, 9152 (3d) and 9152 (5g)*

Section 9152 (3d) allocates \$200,000 from the SEG-funded highway and local bridge assistance appropriation to fund a local road project in the city of Ladysmith if the city contributes an amount equal to at least twenty percent of the project's cost. In addition, the other sections allocate \$480,000 from state and federal funds provided for railroad crossing improvement and protection projects to construct an underpass under the railroad tracks in the city of Ladysmith.

I am vetoing these sections because they are unnecessary. The provisions circumvent established policies, processes and eligibility requirements for funding local road projects and may impair the safety of other railroad crossings by reallocating funds from other high priority railroad crossing projects.

**101. Passenger Rail Restrictions**

*Section 2311g*

This section prohibits the use of bond proceeds authorized for passenger rail improvements between Milwaukee and Green Bay or Milwaukee and Madison or for passenger rail station improvements on any project unless state funds are limited to twenty percent of the project's cost and Amtrak or another applicable railroad has agreed to provide passenger rail service along these routes.

I am vetoing this section because it may adversely influence Wisconsin's ability to fully utilize federal funds for passenger rail

development in this state and the Legislature already has oversight of passenger rail expenditures. This veto maintains the requirement that the Department of Transportation receive approval from the Joint Committee on Finance before using authorized bond proceeds along specified passenger rail routes.

**102. Safety Contracts**

*Sections 2340t and 9352 (3y)*

These sections require the Department of Transportation to receive approval from the Joint Committee on Finance before entering any contract relating to alcohol or traffic enforcement activities that are funded with federal transportation safety funds.

I am vetoing these sections because they create an unnecessary administrative burden upon the department that may delay the approval and implementation of safety-oriented programs.

**103. Federal Highway Formula Aid**

*Section 2305m*

Section 2305m requires the Department of Transportation secretary to submit a plan for approval to the Joint Committee on Finance if the department's most recent estimate of federal highway funds the department will receive are three percent more or less than amounts provided in the schedule for appropriations under s. 20.395 for that fiscal year.

I am vetoing this provision because it is unnecessary. Current law requires the department to submit a plan to the Joint Committee on Finance if the amount of federal funds received is five percent more or less than what was provided in the schedule for appropriations under s. 20.395.

**104. Major Highway Program**

*Sections 108o, 2297 and 2309*

Section 108o requires the Department of Transportation to provide a life-cycle cost statement for each proposed major highway development project presented to the Transportation Projects Commission for consideration for enumeration. Sections 2297 and 2309 would limit the amount of revenue bond proceeds used in the major highway program to a maximum of 55 percent over any three consecutive fiscal years.

I am vetoing section 108o because life-cycle costs for highway projects are difficult to project and the existing major highway project approval process ensures projects are only recommended for enumeration if warranted. Furthermore, I am vetoing sections 2297 and 2309 since these provisions unnecessarily limit the department's flexibility in funding major highway construction projects.

**105. Long-Range Surface Transportation Investment Planning Committee**

*Section 9152 (3b)*

This section creates a Long-Range Surface Transportation Investment Planning Committee that will gather information relating to state and local needs for surface transportation planning,

involve the participation of relevant groups, assess the long-range funding needs for surface transportation programs, develop a multiprogram state surface transportation investment plan, and prepare a report containing the committee's evaluation, findings and recommendations. Members of the committee are to be nominated by the Assembly speaker and Senate majority leader and appointed by the Governor from specified transportation related groups.

I am vetoing this section because the Department of Transportation is currently completing twenty-year plans for all major modes of transportation in the state. Creating the proposed planning committee would replicate this process and place an unnecessary administrative burden on department staff.

**106. Highway Development Projects**

*Sections 2302c, 2302e, 2302g, 2302gg, 2305k, 9152 (3e), 9152 (3h) and 9152 (6bg)*

These sections require the Department of Transportation to complete construction of USH 10 by December 31, 2013, and construct an interchange at the intersection of STH 57 and CTH P and at the intersection of USH 141 and CTH B as part of major highway projects. In addition, the sections do the following:

- Exempt a portion of USH 12 from being widened until December 31, 2011, during any reconstruction or repair;
- Widen a portion of USH 12 to five lanes without requiring a local matching contribution for project costs;
- Require reconstruction of a portion of STH 100 by June 30, 2003, and completion of the Hanson Road bridge project by December 31, 2003; and
- Allocate up to \$300,000 of federal funding for specified improvements to a project on USH 51 in the city of Madison.

I am vetoing these sections because approval of these projects may delay and increase costs and safety concerns associated with other important projects that have already been scheduled for completion. In addition, modifications to major highway projects that have already been enumerated may adversely affect the design and environmental processes used in selecting these projects for enumeration. The USH 51 project in Madison poses safety concerns. Regarding the Hanson Road bridge, I recognize that thousands of jobs and economic growth will be served by the project and I am requesting the Department of Transportation secretary to expedite the time line. I am also requesting that the secretary review the timetable for the USH 10 project to ensure that construction is completed as soon as possible.

**107. Corridor Grant Program**

*Sections 654t and 2310m*

These sections require the Department of Transportation to administer a highway corridor grant program that awards grants from the Major Highway Development program to local governments for highway corridor planning

activities. The department may not expend more than \$500,000 in any fiscal year under this program.

I am vetoing these sections because this program is unnecessary. Local planning grants are currently available through the Office of Land Information Services in the Department of Administration. Funding these new grants from the Major Highway Development program will limit the amount of funding available for enumerated major highway projects and may delay the construction of these projects.

**108. Southeast Wisconsin Freeway System**

*Sections 656k, 657k, 658t, 2303b and 9152 (5x)*

Section 2303b provides definitions for "interim repair," "Marquette Interchange," "reconstruction," "rehabilitation" and the "Southeast Wisconsin freeway" to specify that any southeast Wisconsin freeway rehabilitation projects may only be funded from the Department of Transportation's appropriations under s. 20.395 (3) (cr), (cw) and (cy) as created under this act. In addition, this section limits expenditures under these appropriations by the Department of Transportation to no more than \$160,643,900 in the 2001–03 biennium and no more than \$45,918,500 in any fiscal year thereafter, for the Marquette Interchange reconstruction project, unless the expenditure of more funds is approved by the Joint Committee on Finance.

The department may exceed the expenditure limit for the 2001–03 biennium or for fiscal years thereafter to meet project deadlines if the department makes a subsequent reduction in allocations for the Marquette Interchange reconstruction project by an equal amount. In addition, the department may transfer funding for the southeast Wisconsin freeway rehabilitation project between the state and federally funded appropriations to minimize project costs. However, the department must receive approval from Joint Committee on Finance before transferring funds from appropriations supporting the state rehabilitation program to the southeast Wisconsin rehabilitation program. The department is also required to submit its proposed relocation agreement with Aldrich Chemical Company, Inc., to the Joint Committee on Finance for approval. This agreement is to include a provision identifying the responsible party for remediation of any environmental contamination on the property.

This section also includes several requirements that must be met during reconstruction of the Marquette Interchange. These requirements include constructing and keeping open during the reconstruction project, interchanges at the intersection of 13<sup>th</sup> Street and I-94 and the intersection of Plankinton Avenue and I-794; requiring reconstruction work to be performed on a 24-hour basis; and requiring the redesign of the Marquette Interchange and I-94 in Milwaukee and Waukesha counties to allow for vehicle capacity expansion for up to thirty years.

Section 9152 (5x) requires the department to submit to the Joint Committee on Finance a request to transfer monies from the SEG, SEG-L and SEG-F appropriations that allocate funds for the state highway rehabilitation program to the southeast Wisconsin freeway rehabilitation appropriations to account for expenditures associated with rehabilitation of the freeway system. The department's request, and the committee's action on the request, may not include funding allocated for projects in other parts of the state or other funding that is not allocated to rehabilitation of southeast Wisconsin freeways.

The Department of Transportation needs to maintain flexibility to properly fund reconstruction projects that are part of the southeast freeway system. Therefore, I am partially vetoing section 2303b and vetoing section 9152 (5x) to remove provisions that limit the department's ability to reallocate expenditures from the southeast Wisconsin freeway rehabilitation appropriations created under this act to provide the department with more flexibility in allocating these funds towards projects identified as having the greatest need. I am also vetoing provisions that limit expenditures for the Marquette Interchange, after the 2001–03 biennium, to ensure that reconstruction of the Marquette Interchange is not delayed. In addition, I am vetoing provisions requiring the department to construct interchanges, allow expansion capacity to meet projected traffic capacity needs and requiring 24-hour construction of the Marquette Interchange. These provisions work against the department's efforts to reach a consensus with community members on the Marquette Interchange's reconstruction plan and could further delay reconstruction and increase costs associated with this project.

**109. West Canal Street Reconstruction Funding**

*Sections 655 and 9152 (5y)*

This section requires the Department of Transportation to request up to \$5,000,000 in tribal gaming revenues in its 2003–05 biennial budget request if additional funds are needed in the 2003–05 fiscal biennium to complete the West Canal Street project. The section specifies that if a request for additional funds is made, the department's request shall include a recommendation for statutory changes to require the city of Milwaukee to make a matching contribution equal to the amount of the grant to be awarded by the department in the 2003–05 biennium.

I am partially vetoing this section to eliminate the requirement for the department to request additional funding for the West Canal Street reconstruction project in the 2003–05 biennium. In addition, I am partially vetoing the provision that specifies that the city of Milwaukee will be required to make a matching contribution if additional funds are received in the 2003–05 biennium for the West Canal Street reconstruction project. I am vetoing these provisions because they limit flexibility in addressing funding for this critical project. The



level of future local government contributions will be dependent on the scope of the project and the capacity of other funding sources to address this important infrastructure need. I remain committed to the funding goals included in my original budget proposal and intend to ensure completion of this project in the 2003–05 biennium.

**110. Locations of Highway Rest Areas**

*Sections 2307f, 9152 (3wy) and 9352 (3wy)*

These sections prohibit the construction of rest areas along a state trunk highway at a location that is within five miles of an exit from the highway that provides access to motorists' services. In addition, the Department of Transportation is required to use any savings realized under this provision to reopen previously closed rest areas or to keep areas proposed for closure that do not meet these restrictions open. This restriction does not apply to rest areas located within five miles of the state border or to any rest area near the village of Belmont in Lafayette County.

I am vetoing this provision because it may adversely affect our efforts to maintain public safety on state roadways by requiring the removal of existing rest areas as those facilities become inadequate to meet public demand. In addition, this provision is inefficient because it would prohibit the construction of rest areas that are already scheduled for construction and require reopening other facilities that have been closed.

**111. Traffic Signals and Streetlights**

*Sections 9152 (6dd), 9152 (6dg) and 9152 (6x)*

These sections require the Department of Transportation to install traffic signals at the intersection of USH 63 and West Beaver Brook Avenue in the city of Spooner and STH 38 and Oakwood Road in the city of Oak Creek. In addition, the sections require the department to install a streetlight at the intersection of STH 27 and STH 71 in the town of Little Falls.

I am vetoing these sections because they circumvent normal approval processes and may impose additional safety hazards for motorists without full review and study by the department. Therefore, I am requesting that the department to work in cooperation with local officials to determine if the installation of the traffic signals and streetlight is warranted.

**112. Erection of Signs**

*Sections 9152 (6b), 9152 (6e), 9152 (6h), 9152 (6pp), 9152 (6q) and 9152 (6s)*

These sections require the Department of Transportation to erect several signs, including:

- A specific information sign on I–94 for Tenuta's Delicatessen and Liquors if the word "liquor" does not appear on the sign;
- Directional signs for the Wayland Academy along USH 151 and the Clear Lake All Veterans' Memorial and Cemetery along USH 63;

- Signs along I–43 identifying the city of Delavan as a "Historic Downtown";
- Signs along STH 29 and STH 107 identifying the area known as "Little Chicago"; and
- Directional signs along I–43/894 for downtown Greendale.

I am vetoing these sections because these items circumvent established policies, processes and eligibility requirements in statutory and administrative law. In addition, the installation and ongoing operating costs to maintain these signs will place an additional burden on the transportation fund.

**113. Agricultural Tourism Facilities**

*Section 2340y*

This section requires the Department of Transportation to develop and implement a plan to promote and maximize the erection of agricultural tourism signs along highways in Wisconsin to identify and provide directional information to any agricultural tourism facility located in Wisconsin. The section also requires the department to consult with the Department of Agriculture, Trade and Consumer Protection while developing and implementing the plan.

I am vetoing this section because it is overly broad and could reduce safety on Wisconsin's highways. However, I recognize the importance of these facilities to the state and request the Departments of Transportation; Tourism; and Agriculture, Trade and Consumer Protection to consider these facilities when promoting Wisconsin's agricultural and tourism industries.

**114. Speed Limit Restrictions**

*Sections 3442g, 3442h, 3442j, 3442k, 3442m, 3456m and 3456p*

These sections designate the speed limit along portions of STH 58 in the city of Mauston as 35 miles per hour and 45 miles per hour along certain portions of STH 58 in the town of Lisbon. In addition, the sections prohibit the Department of Transportation from modifying these established speed limits and extend current law provisions related to the posting of speed limits and forfeitures for exceeding those limits to these newly established speed limits.

I am vetoing this provision because it bypasses current law for designating speed limits on highways and is not appropriate for inclusion in the budget bill. I encourage the department to assess the speed limits in this area in order to address the safety concerns of the communities along this transportation corridor.

**115. Highway Reports and Studies**

*Sections 2296m, 2302k, 2302m, 2305g and 9152 (5yq)*

These sections require the Department of Transportation to submit to specific entities the following reports: a biennial report showing transportation revenues and funding for transportation programs for at least fifteen years preceding the report; an annual report on the schedule for construction of enumerated major highway projects; and a biennial report on the condition and performance of state trunk highways. In addition, the department is required to do a study on the STH 11/USH 14



transportation corridor and allocate \$200,000 in fiscal year 2001–02 from appropriations for major highway projects to conduct a location study and environmental assessment for a STH 15/USH 45 project. The sections also waive the current law provision requiring the department to get approval from the Transportation Projects Commission before conducting an environmental impact statement or environmental assessment on a potential major highway development project.

I am vetoing the provisions requiring the department to provide reports because they are unnecessary and place an additional administrative burden on the department. I am vetoing the provision requiring the department to conduct a study of STH 11/USH14 and STH 15/USH 45 because these projects undermine the Transportation Projects Commission's authority to oversee the development of potential major highway projects. In addition, appropriating funds from the major highway appropriations to fund a study for STH 15/USH 45 may delay the construction of other enumerated major highway projects. However, I recognize the need for these and other critical mobility projects around the state. As such, I request the Department of Transportation secretary to consider alternatives to accelerate Transportation Projects Commission's review of these important projects.

**116. Stillwater Bridge Project**

*Section 2296p*

Section 2296p requires the Department of Transportation to develop and submit a proposal to the Joint Committee on Finance specifying the amount of anticipated expenditures to be made by the department for mitigation in connection with the Stillwater Bridge project across the St. Croix River. This section also specifies that, if the department determines expenditures will exceed the amount anticipated, it must submit a proposal to the Joint Committee on Finance for unanticipated expenditures.

I am vetoing this section because it adds an unnecessary step in the process of approving the Stillwater Bridge project and could further delay or jeopardize the completion of a new bridge.

**117. Bridge Designations**

*Sections 2307k and 2307r*

These sections require the Department of Transportation to designate and mark the I–43 bridge across the Fox River as the "Leo Frigo Bridge" and to designate and mark the USH 45 bridge across the south branch of the Embarrass River as the "Gateway to the North."

I am vetoing these sections because they are policy items that should be addressed through separate legislation.

**118. Outdoor Advertising**

*Sections 2308sr, 2308st and 2340vg*

Section 2340vg allows for the trimming or removal of vegetation located in a highway right-of-way under the Department of Transportation's jurisdiction if the vegetation prevents an operator of a vehicle traveling on the

highway from seeing, for six uninterrupted seconds, a business or sign located adjacent to the highway right-of-way. In order to trim or remove vegetation the person must obtain a permit from the department, pay the cost of trimming or removing the vegetation, and replace any removed vegetation with comparable vegetation along the same highway right-of-way. In addition, the section specifies that no state funds may be expended for the trimming or removal process. The section requires the department to grant or deny any application for a permit within thirty days of receipt of the application. Sections 2308sr and 2308st require the department to exempt an advertising sign that is owned by a religious organization and a sign that has been permanently removed, even if the department is not notified, from being assessed an annual sign permit fee as established in administrative rule.

I am vetoing these provisions because the public and other interested parties have not been allowed adequate input in the development of this policy. Many of the proposed changes can be addressed through administrative rules. Therefore, I am requesting the department improve its current permit review and approval process, and solicit and review comments from the public, affected businesses and landowners, and state agencies to determine if changes to the department's administrative rules are necessary.

**119. Motor Vehicle Studies and Reports**

*Sections 2340k, 9152 (3k) and 9152 (5z)*

Section 9152 (3k) requires the Department of Transportation to conduct a study and report on implementing a statewide automated drivers' license testing program. In addition, sections 2340k and 9152 (5z) require the department to study and prepare a report, in consultation with the Department of Electronic Government, on the department's computerized information systems and the department's plan for utilizing its data processing resources. The department is required to report its findings to the Joint Committee on Finance in fiscal year 2001–02. As part of its approval of the report, the committee may transfer up to \$2,000,000 from appropriation under s. 20.395 (5) (cq) to the appropriation under s. 20.395 (4) (aq) for the purposes of a consultant study of the department's computerized information systems and information technology needs.

I am vetoing sections 2340k and 9152 (3k) because they are unnecessary and provide too much legislative oversight of the department's operations. In addition, I am partially vetoing section 9152 (5z) to allow the Department of Administration secretary to transfer up to \$2,000,000 from the Department of Transportation's appropriation under s. 20.395 (5) (cq) to the Department of Transportation's appropriation under s. 20.395 (4) (aq) in fiscal year 2002–03 for the purpose of conducting a consultant study of the Department of Transportation's computerized information systems and information technology needs. I am requesting the Department of Transportation to

submit a report analyzing its computerized information systems and its plan for utilizing its data processing resources to the Department of Administration secretary upon its completion.

**120. Low Speed Vehicles**

*Sections 2114c, 2972k, 3020q, 3020r, 3020s, 3020t, 3020u, 3219L, 3219v, 3390u, 3390v, 3390x, 3390y, 3407e, 3407h, 3407p, 3407r, 3407v, 3408t, 3408v, 3408y, 3409n, 3409r, 3442d, 3445be, 3445bk, 3445bp, 3456mg, 3456nm, 3456s and 3816m*

These sections create a new classification of motor vehicle called a "low-speed vehicle." A low-speed vehicle is a motor vehicle, as defined by federal law, which complies with applicable equipment standards, but does not include a golf cart. This provision generally makes low-speed vehicles subject to the same regulations applicable to other motor vehicles including the following: requiring vehicles to be manufactured to meet federal safety standards; subject dealers, distributors, manufacturers and transporters to the same regulations that apply to motorcycles; exempt low-speed vehicles from the state's property tax; and requires low-speed vehicles to be registered with the Department of Transportation. The provision treats low-speed vehicles differently from most other motor vehicles in the following respects: low-speed vehicles are operable on roadways having a speed limit under 25 miles per hour, except that local authorities may allow their operation on highways having a speed limit between 25 and 35 miles per hour; low-speed vehicles are prohibited from operating on state trunk highways or connecting highways unless they are operated in a designated crossing zone.

I am vetoing this provision because of safety concerns associated with operating a low-speed vehicle on local streets even if the speed limit is 25 miles per hour or less. I also object to the circumvention of the authority of local governments to regulate the use of these vehicles on local roads. While I support the creation of a new classification for low-speed vehicles, this policy should be developed with input from local governments and the public and be addressed in separate legislation.

**121. Motorcycle Requirements**

*Sections 395 [as it relates to s. 20.395 (4) (aq)], 3390yd, 3390yw, 3406p, 3445dg and 3445dm*

Section 395 [as it relates to s. 20.395 (4) (aq)] provides \$406,000 annually for the motorcycle, moped and motor bicycle safety program and sections 3390yd, 3390yw and 3406p establish specifications for the color and size of a motorcycle license plate. In addition, sections 3445dg and 3445dm specify that the stop lamp on a motorcycle must be red and may be able to emit a blue light in the center of the lamp.

While I support the motorcycle, moped and motor bicycle safety program, this use of taxpayer

dollars is unwarranted during this period of tight transportation revenues. Therefore, I am partially vetoing section 395 [as it relates to s. 20.395 (4) (aq)] to eliminate \$406,000 SEG in fiscal years 2001-02 and 2002-03. The effect of this veto is to provide \$53,900,000 in fiscal year 2001-02 and \$53,892,200 in fiscal year 2002-03 for departmental management and operations expenditures.

I am vetoing the provisions pertaining to the size and color of a motorcycle license plate and color of a motorcycle stop lamp because these policy issues should be addressed as separate legislation. In addition, current federal motor vehicle safety standards indicate that the blue dot in the middle of the red motorcycle brake light is not permissible for sale or use.

**122. Vehicle Extrication Training Grants**

*Sections 395 [as it relates to s. 20.395 (5) (ds)], 671h, 2337k, 3410k, 3411k, 3412k, 3413k, 3414k and 9452 (2f)*

These sections create an appropriation to make an annual grant of \$375,000 beginning in fiscal year 2002-03 to a nonprofit corporation that has experience in providing training to teach vehicle extrication techniques. In addition, these sections increase the fee for vehicle operator's license search requests by \$2.20.

I am vetoing section 2337k that requires the Department of Transportation to make an annual grant for vehicle extrication since the grant would duplicate similar services already provided by the Wisconsin Technical College System. Therefore, I am partially vetoing section 395 [as it relates to s. 20.395 (5) (ds)] and section 671h to eliminate the appropriation used for allocating these grants.

In addition, I am vetoing sections 3410k, 3411k, 3412k, 3413k, 3414k and 9452 (2f) to remove twenty cents of the fee increase, thereby reducing the fee increase to \$2.00 per request. Since the intended use of the twenty cent fee increase was to fund the vehicle extrication grant program, it is no longer necessary and would only serve to place an additional cost upon persons eligible to receive this information.

**123. Designation of Overlength Truck Routes**

*Section 9152 (5c)*

Section 9152 (5c) lifts restrictions on motor truck lengths for portions of STH 107 and other specific county trunk highways until the Department of Transportation has had an opportunity to review these routes to determine if the routes should be designated as overlength truck routes under administrative rule.

I am vetoing section 9152 (5c) because it bypasses the administrative rule process that designates truck routes as overlength truck routes. Allowing overlength truck travel on these routes before requiring a full assessment by the department and a public hearing may lead to

premature wear on the roadway and other driver safety problems.

**124. Oversize and Overweight Vehicle Permit Fees**

*Sections 3446k, 3447k, 3448k, 3449k, 3450k, 3451k, 3452k, 3453k, 3454k, 3455k and 9452 (3k)*

These sections increase the surcharge on oversize and overweight vehicle permits from ten percent to fifteen percent effective with permits issued after December 31, 2001, and extend the expiration of this surcharge from July 1, 2003, to March 1, 2009.

I am vetoing these sections because the fee increase places an unnecessary financial burden on our state's commercial motor carrier industry. I am requesting the Department of Transportation to work in cooperation with the commercial motor carrier industry and other interested parties to develop a funding alternative that will fully support implementation of an automated oversize and overweight vehicle permitting system. This veto will allow the ten percent surcharge on oversize and overweight vehicles to expire on July 1, 2003.

**125. Farm Progress Days**

*Sections 2339, 2339m and 2340i*

These sections exempt any sponsor of Farm Progress Days from a provision that allows the Department of Transportation to charge sponsors of public events, that charge an admissions fee, for security and traffic enforcement services provided by state patrol officers. The sections also require the department to promulgate rules specifying sponsorship eligibility and what events qualify as Farm Progress Days.

I am partially vetoing this provision because it establishes a precedent for other special public event sponsors to request an exemption from paying for services provided by state patrol officers. The effect of this partial veto is to allow the department to charge public event sponsors a fee for security and traffic enforcement services if an admission fee is charged for the event.

**126. Passive Alcohol Sensors**

*Section 2882m*

This section prohibits the use of a passive alcohol sensor by a law enforcement official for the purposes of detecting the presence of alcohol in a person's breath unless the person consents to its use.

I am vetoing this section because the use of these sensors may assist law enforcement personnel in deterring persons from driving while intoxicated or under the influence of alcohol. However, I do have concerns pertaining to the accuracy of these instruments and to ensuring that privacy rights are considered. Therefore, I am requesting the Department of Transportation to work in cooperation with other agencies and local law enforcement agencies to conduct a study on the effectiveness and use of these devices. Furthermore, this policy should be developed with greater input from law

enforcement agencies and the public and be addressed in separate legislation.

**127. Fireworks Possession, Sale and Enforcement**

*Sections 2599m, 2599mg, 2881ae, 2881af, 2881ag, 2881ah, 2881aj, 2881ak, 2881am, 2881an, 2881ap, 3427t and 3427g*

These sections authorize resident wholesalers to sell regulated fireworks to any nonresident person if the nonresident person gives the wholesaler a signed statement indicating that the fireworks are for use outside this state. The sections also authorize nonresident persons to transport fireworks to an out-of-state location and to stop in any Wisconsin municipality for up to twelve hours while en route to the out-of-state destination. The section specifies that a person who intends to lawfully sell regulated fireworks may possess the fireworks without first obtaining a fireworks permit. In addition, state traffic patrol officers are authorized to enforce the permit requirement for the possession and use of fireworks on highways and to issue uniform traffic citations for violations of the permit requirement. However, the authority to seize fireworks that are possessed and are used in violation of fireworks statutes or ordinances is removed unless the violation is subject to criminal penalties. The sections prohibit courts from forwarding a record of conviction for any violation of the permit requirement to the Department of Transportation and prohibit the department from assessing any demerit points against driving records for convictions for violations of the permit requirement.

I am vetoing these sections because this is a policy issue that should be addressed through separate legislation to allow for further public input and discussion.

**128. Public Safety Radio Program**

*Sections 2321m and 2321p*

These sections require the Department of Natural Resources to make quarterly payments to the Department of Transportation if it provides radio services to the Department of Natural Resources and the provision would limit the Department of Transportation's expenditures for the program to fifty percent of the cost or \$138,000, whichever is less.

I am vetoing these provisions because they circumvent a previous agreement made between these two agencies and may leave the public safety radio program underfunded since the Department of Transportation is the primary user of the program's radio services. This veto will require payments for the public radio system to be based on the level of each agency's usage.

**WISCONSIN HOUSING AND ECONOMIC DEVELOPMENT AUTHORITY**

**129. Development Reserve Fund Authorization**

*Section 3125c*

This section requires the Wisconsin Housing and Economic Development Authority to include in its annual report to the Legislature recommendations for maximum expenditure



amounts for the loan programs guaranteed by the Wisconsin development reserve fund. The Joint Committee on Finance may adjust the submitted amounts. The authority may request adjustments to the amounts during the year under a 14-day passive review process.

I am vetoing this section because it is unnecessary and reduces the administrative flexibility of the authority. Guarantee requirements under the programs can change rapidly. To efficiently administer the Wisconsin development reserve fund, the authority must be able to adjust guarantee amounts across programs quickly.

## C. HUMAN RESOURCES

### BOARD ON AGING AND LONG-TERM CARE

#### 1. Volunteer Ombudsman Position

*Sections 395 [as it relates to s. 20.432 (1) (kc)], 688d and 721w*

Sections 395 [as it relates to s. 20.432 (1) (kc)] and 688d provide funding for 1.0 FTE PR-S volunteer ombudsman coordinator position. Section 721w requires the Department of Health and Family Services to transfer \$35,300 PR in fiscal year 2001-02 and \$40,200 PR in fiscal year 2002-03 to s. 20.432 (1) (kc) to fund the position. I am vetoing these sections because the expansion is unnecessary at this time. In addition, the civil money penalty funding from s. 20.435 (6) (g) is needed by the department for current nursing home monitoring costs and to create a reserve for future monitoring costs. I have retained the provision in the budget bill that requires the department to seek approval from the federal government to use civil money penalty funding for the ombudsman position. If the department receives federal approval and if the revenues are sufficient to support monitoring costs and the ongoing costs for the coordinator, the board can request the position and expenditure authority under ss. 16.505 and 16.515. I am requesting the Department of Administration secretary not to authorize the 1.0 FTE PR-S position.

### HEALTH AND FAMILY SERVICES

#### 2. Intergovernmental Transfer Program

*Sections 395 [as it relates to s. 20.435 (4) (wm)], 717bd, 1776m and 1778*

These sections relate to the use of nursing home intergovernmental transfer (IGT) funds for payments to county nursing homes and to other nursing homes receiving reimbursement under Medical Assistance. These sections specify that if less than \$115,200,000 in revenue from the IGT program is received in a given fiscal year, the Department of Health and Family Services may only make a supplemental payment to counties of \$37,100,000. This provision also allows the department to make a payment up to \$77,100,000 if more than \$115,200,000 in IGT revenues are received in a given fiscal year. Finally, these sections create a new sum sufficient appropriation in which any

unanticipated or otherwise unappropriated IGT revenues are to be deposited, to be used only for supplemental payments to county or other nursing homes.

The budget as passed by the Legislature assumes annual IGT revenues will be significantly less than \$115,200,000. Counties would receive an increased supplemental payment only if revenues are more than \$115,200,000, yet if even slightly less revenue is available, the counties would receive no increase in the supplement. At the same time, the Legislature appropriated IGT revenues to pay fully for the increased payment, which is inconsistent with maintaining this \$115,200,000 threshold in state statutes.

With respect to the new appropriation for unanticipated IGT revenues, this provision will create significant pressure to expend these revenues in the 2001-03 biennium, exacerbating a cost-to-continue problem. The intent of the administration was to dedicate the vast majority of unanticipated IGT revenues to county and other nursing home payments for use in future years. With the Medical Assistance budget facing a \$220 million structural deficit at the start of fiscal year 2003-04, any IGT revenues received above what have already been appropriated should not be expended unless an unforeseen problem arises.

Therefore, I am digit vetoing sections 1776m and 1778, eliminating the \$115,200,000 threshold and thus removing this inconsistency from the budget. Also, I am partially vetoing sections 395 [as it relates to s. 20.435 (4) (wm)] and 717bd to remove language specifying this new appropriation for unanticipated IGT funds as a sum sufficient appropriation. By default, as outlined in s. 20.001 (3) (a), this appropriation will operate as an annual appropriation which can only be increased by an act of the Legislature or by an emergency action as specified under s. 13.10. Furthermore, I direct the department, working cooperatively with the county and other nursing homes, to pursue separate legislation clarifying that the vast majority of any unanticipated IGT funds will be dedicated to future county and other nursing home payments.

#### 3. Supplemental Hospital Payment

*Section 395 [as it relates to s. 20.435 (4) (w)]*

Section 395 appropriates a supplemental payment to hospitals participating in the Medical Assistance (MA) managed care initiative. Although there is no language in the budget bill authorizing this supplement, the Legislature passed a motion and an amendment during its deliberations to authorize the increases in this area.

All hospitals serving MA or BadgerCare recipients received a rate increase in the 2001-03 biennial budget using intergovernmental transfer funds. I see no reason to retain an additional supplement for facilities participating in the MA managed care initiative. Therefore, I am vetoing this provision and decreasing the Department of Health and Family Services' appropriation under s. 20.435



(4) (w) by \$71,000 SEG in fiscal year 2001–02 and by \$74,500 SEG in fiscal year 2002–03. I am requesting the Department of Administration secretary not to allot these funds.

**4. Joint Committee on Finance  
Authority to Supplement  
BadgerCare**

*Sections 1836g and 1836r*

These sections authorize the Joint Committee on Finance to supplement the BadgerCare benefits appropriation under s. 13.10 from any other appropriation after the administration has submitted a proposal to reduce or stop program enrollment in the event of a projected funding shortfall. Under current law, the Department of Health and Family Services is required to limit enrollment in the program if the program is projected to exceed its budget, and BadgerCare may be supplemented only through an act of the full Legislature, signed by the Governor into law.

In its first two years, the BadgerCare program experienced rapid caseload growth which left the program facing budget shortfalls. Fully funding BadgerCare required separate legislation in fiscal year 2000–01 as well as additional increases in the 2001–03 biennial budget. However, caseload growth in the program has stabilized, and the need for future supplements is less likely.

If, however, there is unanticipated growth in the BadgerCare program, it is appropriate to consider reducing or stopping program enrollment. If both the Legislature and administration agree that sufficient funds exist to supplement the program, then separate legislation can still remedy any shortfall. Therefore, I am vetoing these sections, to eliminate the Joint Committee on Finance's authority to supplement the BadgerCare program from any other state appropriation because it is unnecessary.

**5. BadgerCare Funding Study**

*Section 9123 (9wo)*

This provision requires the Department of Health and Family Services to produce a report for the Joint Committee on Finance on the potential for long-term savings under the BadgerCare program, to be completed by January 1, 2002.

I support finding ways to reduce program costs in BadgerCare and other health care programs, but this provision does not provide the department sufficient time to complete a comprehensive review of the program. Therefore, I am partially vetoing this provision and am directing the department to complete its review of the BadgerCare program by January 1, 2003. Furthermore, I direct the department to submit a copy of the report to the secretary of the Department of Administration as a cost-containment proposal to be considered during the 2003–05 biennial budget process.

**6. Medical Assistance Estate  
Recovery Audit**

*Section 9132 (3w)*

This section requests that the Joint Committee on Audit direct the Legislative Audit Bureau to

study the estate recovery program administered by the Department of Health and Family Services. The Joint Committee on Audit currently has the authority to request such a study if it deems an evaluation is needed, making this budget provision unnecessary. Therefore, I am vetoing this provision.

**7. Provider Fraud and Abuse  
Administrative Rules**

*Section 9123 (15k)*

This provision requires the Department of Health and Family Services to craft proposed administrative rules for new Medical Assistance fraud and abuse provisions within nine months of the budget bill's effective date. I feel nine months is not sufficient time for the department to develop proposed administrative rules. Therefore, I am vetoing section 9123 (15k) and am directing the department to submit its proposed rules to the Joint Legislative Council staff by January 1, 2003.

**8. Grants for Case Management  
Services for Children with  
Asthma**

*Sections 395 [as it relates to s. 20.435 (5) (ca)], 718s and 3142m*

These sections authorize a \$150,000 GPR annual grant to Milwaukee County to provide case management services to children with asthma. I am vetoing this provision because the Department of Health and Family Services is investing significant resources into Medical Assistance (MA) services for asthma treatment. Furthermore, asthma is a statewide medical issue and its treatment and control is not well served through geographic earmarks. Therefore, I am vetoing these sections and eliminating this special grant to Milwaukee County.

Medical Assistance as well as the BadgerCare program currently cover case management services for children with asthma, including comprehensive assessments of the child's needs, the development of an individualized case plan and on-going monitoring of the child. The department also encourages health maintenance organizations (HMOs) to report on the asthma care received by MA and BadgerCare recipients in their respective areas of service and will begin including performance measures tracking asthma care in the department's contracts with HMOs. These initiatives represent just a few of several state programs that address asthma issues.

**9. Standards for Health  
Maintenance Organizations**

*Sections 1787m, 1787mg, 9323 (15k) and 9423 (12p)*

These sections require all health maintenance organizations (HMOs) serving Medical Assistance (MA) and BadgerCare recipients within a specific zip code to have a sufficient number of primary care providers available within thirty miles of that zip code. This provision was intended to broaden the number of primary care providers to which MA or BadgerCare recipients have access. While I support ensuring recipients

have sufficient access to care, this policy item will not have any measurable effect on access issues.

The Department of Health and Family Services currently requires these HMOs to have a sufficient number of primary care providers within twenty miles of the zip code in which they serve recipients. I feel that a narrower radius is more beneficial to participants in that it ensures more providers are available closer to an individual's home. Furthermore, by specifying a radius in state statute, the department's authority to administratively respond to unique geographical access issues would be limited. Therefore, I am vetoing these sections and retaining the department's current authority to address primary care access issues through its administrative authority.

**10. Medical Assistance Income Limit for Medically Needy Recipients**

*Sections 1797g, 1797j, 1798g, 1800m, 1804g, 1804m, 1805d, 1815g, 1815j, 9323 (10d) and 9423 (6d)*

These provisions provide \$500,800 GPR in fiscal year 2002–03 in order to expand Medical Assistance (MA) eligibility by increasing the income limit for medically needy recipients by the annual increase in the consumer price index. This change would not be effective until January 1, 2003.

Under current law, individuals who are not categorically eligible for MA can "spend down" their incomes to the medically needy limit to qualify for assistance. Some families have difficulty obtaining and maintaining coverage under this provision because the spend down threshold is capped at 133 percent of the Aid to Families with Dependent Children income limit in 1996, which is \$596 for a family of two. While I am sympathetic to families who have difficulty obtaining services under the medically needy criteria, the tight fiscal constraints faced by the state make additional expansions of the MA program problematic. Since these annual adjustments will be only partially implemented in fiscal year 2002–03, they will add approximately \$500,000 GPR to the structural deficit facing the state at the start of the 2003–05 biennium. Therefore, I am vetoing these provisions to maintain the current income threshold for those seeking MA under the medically needy eligibility category. Furthermore, I am requesting that the Department of Administration secretary place \$500,800 GPR in fiscal year 2002–03 in unallotted reserve in appropriation s. 20.435 (4) (b) to lapse to the general fund.

**11. Transfer of Medical Assistance Funds to Community Options Program**

*Sections 1778d, 1778h, 1778p and 1778r*

These sections require the Department of Health and Family Services to submit annually a report to the Joint Committee on Finance on the

utilization of nursing home beds funded by Medical Assistance (MA) program benefits. These provisions further require the department to submit an annual proposal to the Joint Committee on Finance, under 14–day passive review, to transfer MA funds to the Community Options Program (COP) if the report shows decreasing MA nursing home bed utilization. The specific amount the department must transfer to COP is equal to the decrease in nursing home bed utilization over the prior two fiscal years multiplied by the average cost of a nursing home bed in the most recently completed fiscal year. This provision does not require the Joint Committee on Finance to consider the overall fiscal condition of the MA program before approving this transfer.

Under current law, the department may transfer surplus MA funds budgeted for nursing homes to COP, but such transfers may occur only if there is an overall surplus in the MA benefits appropriation. While I support community–based strategies for providing long–term care services, I object to this requirement to transfer MA funds to COP even if the MA budget is in deficit. Such a transfer would simply worsen a deficit which can only be filled by appropriating additional general purpose revenue. Transfers made in one fiscal year should not be dictated by occurrences in prior years, because the factors contributing to the situation in the past may not recur or persist in the present.

Therefore, I am vetoing these provisions, reinstating the Department of Health and Family Services' current authority to transfer MA nursing home funds to COP if a surplus in the entire MA program exists.

**12. Health Insurance Supplement for Community Disability Service Providers**

*Sections 395 [as it relates to s. 20.435 (4) (bu)], 707r, 707s, 9123 (13q) and 9423 (15r)*

These sections provide a \$250,000 GPR supplement in fiscal year 2001–02 to providers under the home– and community–based waiver programs to meet the costs of providing employee health insurance. While I acknowledge that health insurance costs can be significant for these facilities, such costs are not unique to these providers. Any health care provider, company or small business faces similar cost pressures, and I see no justification for providing a special supplement only to community–based waiver program providers. Therefore, I am vetoing these sections and eliminating the supplement.

**13. Medical Assistance Speech Therapy Services**

*Section 395 [as it relates to s. 20.435 (4) (b) and (bc)]*

This provision includes a 76 percent increase in rates paid for speech therapy services, costing \$250,000 GPR and \$354,000 FED in fiscal year 2002–03. Although there is no language in the

budget bill that authorizes these increases, the Legislature passed a motion and an amendment during its deliberations to authorize funding increases in this service area.

Although I understand and appreciate the value of speech therapy services, I cannot justify a rate increase of this magnitude, given the fiscal constraints of the budget. Rates for noninstitutional providers, which includes speech therapy services, were already increased in the budget by 2.5 percent in each year. Further rate increases cannot be justified given the current fiscal situation of the state. Thus, I am decreasing the Department of Health and Family Services' appropriations under s. 20.435 (4) (b) by \$246,000 GPR in fiscal year 2002–03 and s. 20.435 (4) (bc) by \$4,000 GPR in fiscal year 2002–03. This veto is part of a larger write-down of the Medical Assistance appropriation. I am requesting the Department of Administration secretary not to allot these funds.

**14. Adult Day Care Certification Fee**

*Section 1791i*

This section removes the Department of Health and Family Services' authority to change the fee for the certification of adult day care facilities through administrative rule. Under current law, the department charges a fee equal to a flat rate of \$89 plus a variable rate of \$17.80 multiplied by the number of clients the facility serves. The department's practice is to multiply this variable rate by the maximum number of individuals a facility is capable of serving, not necessarily the actual number of persons receiving adult day care services. The budget bill changes this fee to a flat rate of \$100 per facility.

While I support changing the fee, I object to removing the department's authority to change the fee through administrative rule. By setting the fee at a flat rate per facility, the revenue received by the department for administering this license will be reduced from approximately \$31,600 PR per year to \$5,000 PR per year. This reduction leaves the department with virtually no funds to monitor these facilities. While I understand that the current fee may be considered excessive by facilities equipped to serve large numbers of individuals, I maintain the department should have the ability to reasonably increase its fees so that it may respond to future program needs.

Therefore, I am vetoing the section to retain the department's authority to change the fee through administrative rule. Under this veto, any increase to the fee must be approved through the rules process which is overseen by the Legislature.

**15. Licensure for Respite Facilities**

*Sections 1877g, 1877h, 1877i, 1894r, 1897g, 1900b, 1900c, 1900d, 1900e, 1900f, 1900g, 1900h, 1900i, 1900j, 1900k, 1900L, 1900m, 9123 (18f) and 9423 (18f)*

These sections would require the Department of Health and Family Services to create a new type of licensure for facilities serving individuals with similar disabilities over the age of two. Facilities receiving this license would be allowed to provide respite, residential care to both children and

adults, serving up to ten individuals under a single license. Under current law, a facility seeking to provide these services would need to obtain licenses both as a group or foster home and as a Community-Based Residential Facility. The intent of these sections was to allow a provider to serve both adults and children under only one license. However, since these provisions do not extend coverage to children under Chapter 48 of state statutes, which provides legal rights for children in out-of-home placement settings, a facility seeking this new respite licensure would still have to obtain a group foster home license in order to legally provide respite care for children.

While I support efforts to improve the access to respite care for both adults and children, I object to this provision because it replaces one form of dual licensure with a new dual licensure. This new licensure category is not likely to result in any additional flexibility to providers than available under current law and administrative rules. Furthermore, the department has the authority to waive portions of current license rules in order to accommodate providers demonstrating a unique need.

Therefore, I am vetoing these sections, eliminating this new form of respite licensure. I am further directing the department to develop a waiver process for facilities seeking to serve individuals with similar disabilities over the age of two, in order to find new strategies to improve the supply of respite care in Wisconsin.

**16. Fees for Health Care Records**

*Sections 2850bg, 2850bh, 2850bi, 3872x, 3872y, 9123 (14g) and 9423 (16f)*

These provisions require the Department of Health and Family Services to develop uniform rules by January 1, 2003, on fees to be charged for providing copies of health care records. The language identifies all of the items to be considered in establishing such charges.

I am vetoing these provisions because they are duplicative. Current law already provides the department with the authority to develop such rules. I am directing the department to develop these rules in conformance with the intent of the provisions being vetoed and submit these rules to the Department of Administration secretary for review and, with his concurrence, forward the rules to the standard rule-making process.

**17. Acquired Immunodeficiency Syndrome (AIDS) Funding**

*Sections 3140c and 3140m*

Section 3140c requires that all funding for life care services and early intervention be granted to the AIDS services organizations throughout the state. I am partially vetoing this section to ensure that the Department of Health and Family Services can continue to provide grants to a variety of organizations including, but not limited to, the AIDS services organizations. This section also includes housing assistance as an eligible service. I am partially vetoing this provision to retain the current allowable services because housing assistance can be funded from other sources.



Section 3140m authorizes funding for an African-American family resource center in Milwaukee targeting AIDS prevention efforts to families. I am vetoing funding in fiscal year 2002-03 so that an ongoing commitment is not made to this organization and requesting that the Department of Administration secretary place \$62,500 GPR in fiscal year 2002-03 in unallotted reserve in the Department of Health and Family Services' appropriation s. 20.435 (5) (am) to lapse to the general fund.

**18. Statewide Trauma System**

*Sections 174p, 670, 2850ag, 9123 (12r), 9123 (12s) and 9152 (2t)*

These provisions require the Department of Transportation to provide federal highway safety funds to the Department of Health and Family Services to fund two project positions to develop the statewide trauma system and to provide grants to regional trauma councils as established through these provisions. Although I support the statewide trauma system, I am vetoing provisions relating to this transfer of funds because I believe these federal funds are more appropriately used to improve highway safety. Dedication of these funds to the trauma system program would also result in reductions in other highway safety grants, which is counterproductive. I am also vetoing the requirement that regional trauma advisory councils be established because there will not be funding to support these councils.

**19. Assessment on Small Employer Insurers**

*Section 2850dm, 2850Ldc, 2850Ldm, 2850Le [as it relates to the small employer insurer assessment], 2850Lem, 2850Lj [as it relates to the small employer insurer assessment], 2850Ln [as it relates to the small employer insurer assessment] and 3766r*

These provisions establish a penalty that would be assessed on small employer insurers that terminate health coverage and whose enrollees subsequently enroll in the Health Insurance Risk Sharing Plan (HIRSP). The penalty would be used to reduce the policyholders' premiums and the assessment on insurers that is currently part of the financial support for HIRSP. I am vetoing these provisions because they are directly counter to our efforts to encourage a broader market for health care policies sold to small businesses. It would also be administratively difficult to calculate the penalty, which could actually increase HIRSP program costs because the Department of Health and Family Services would have to contract for additional actuarial services.

Section 3766r eliminates the Commissioner of Insurance's ability to grant exceptions to certain regulations that pertain to the small employer insurers market. I am vetoing this section because I object to the limitation it places on the commissioner's ability to protect policyholders.

**20. Health Insurance Risk Sharing Plan Study**

*Section 9123 (16mn)*

This section requires the Health Insurance Risk Sharing Plan (HIRSP) board of governors to study alternative funding sources for the HIRSP program and submit a report on its findings by January 1, 2002, to the standing committees of the Legislature that examine health-related issues and to the Joint Committee on Finance. I am vetoing this provision because another study of this issue is unnecessary. When this program was transferred from the Office of the Commissioner of Insurance to the Department of Health and Family Services, the Governor's Office, the Legislature, the board, service providers and insurers all worked together to establish funding that is equitable for all affected parties.

**21. Disease Aids Rebate**

*Section 1838c*

This section establishes a rebate program for drug manufacturers that participate in providing drugs under the disease aids program similar to the rebate program under Medical Assistance (MA). However, unlike the MA rebate program, this rebate language would exempt manufacturers for a ten-year period from a penalty which is assessed when their drug prices are higher than the consumer price index. This would result in fewer dollars available to support the program and would be very difficult to administer. As a result, I am vetoing this section so that the rebate program is the same as the MA rebate program.

**22. Vital Records Fees**

*Sections 2095g, 2095h, 2095i and 2096c*

These provisions change the fees charged for vital records for events that occurred before 1930. Marriage, divorce and death record charges would change from \$7 to \$3 and birth certificates would be reduced from \$12 to \$3. Additional copies of any of these records would be \$1. While such a change would be beneficial to genealogists who conduct record searches, it reduces revenue to the vital records section which sets its rates to cover program expenses. More importantly, the change in fees would result in reduced revenue to the Child Abuse and Neglect Prevention Board which receives \$7 from the \$12 charged for a birth certificate to support its program. Because of the loss in revenue and the inequity of charging two sets of fees, I am vetoing these sections.

**23. Cash Accounting for Certain Appropriation**

*Section 248t*

This section exempts the conditional and supervised release appropriation, s. 20.435 (2) (bj), from state accounting standards that require state agencies to use accrual accounting so that a service provided in June of one fiscal year would be paid in July of the next fiscal year. This change allowed one month of the program's funding to be lapsed on a



one-time basis. While the funds cannot be restored, I am vetoing this section so that funds can be properly accounted for as required under state accounting standards. Should program funding budgeted in fiscal year 2001-02 be insufficient, there are processes under which the Department of Health and Family Services can seek reallocation of base funds for use in this program.

**24. Sexually Violent Persons' Mail**

*Section 1993n*

This section specifies that mail which is considered to be privileged, such as from an attorney, sent to sexually violent persons at the Sand Ridge Secure Treatment Center must be opened in the presence of the person. It also authorizes staff, if they have reason to suspect that the mail could cause a security problem, to open and read nonprivileged mail. I am partially vetoing this section to allow staff to open any mail outside the presence of the person and inspect it for contraband. Opening mail in the presence of the person could create security problems and interfere with the person's treatment program.

**25. Lie Detector Tests**

*Section 1967p*

This section allows staff at the Sand Ridge Secure Treatment Center to administer lie detector tests to sexually violent persons as part of their treatment plan. The language also specifically prohibits staff from asking the person about offenses committed for which the person was not convicted. One of the goals of treatment is for these people to take responsibility and acknowledge the sexual crimes they have committed. Not being able to question the predator about these past incidents is detrimental to achieving treatment goals. Patient advocates have expressed concerns about staff asking about specific details of a previously undetected crime that could result in new charges being brought. As part of a compromise with that group, the Department of Health and Family Services proposed that staff could question the predator about previous incidents but not about specific details such as the victim's name or the place the assault took place. As a result, I am partially vetoing this section and requesting the Department of Health and Family Services to seek legislation restoring the language in the original, agreed-upon proposal.

**26. Community-Based Waiver Programs**

*Section 395 [as it relates to s. 20.435 (4) (b) and (7) (bd)]*

Section 395 [as it relates to s. 20.435 (4) (b)] appropriates \$2,898,600 GPR in fiscal year 2001-02 and \$6,796,800 GPR in fiscal year 2002-03 to fund: (a) 388 new placements in fiscal year 2001-02 and an additional 300 placements in fiscal year 2002-03 for the Community Integration Program for persons with developmental disabilities (CIP 1B); (b) a daily rate increase from \$48.33 to \$49.67 in fiscal year 2001-02 and from \$49.67 to \$50.33 in fiscal year

2002-03 for CIP 1B; and (c) a daily rate increase from \$40.78 to \$41.86 in fiscal year 2001-02 and from \$41.86 to \$42.23 in fiscal year 2002-03 for the Community Integration Program for persons relocated or meeting reimbursable levels of care (CIP II). Section 395 [as it relates to s. 20.435 (7) (bd)] appropriates \$2,851,300 GPR in fiscal year 2001-02 and \$7,147,300 GPR in fiscal year 2002-03 for 1,000 new placements in fiscal year 2001-02 and 960 additional new placements in fiscal year 2002-03 for the Community Options Program-Waiver (COP-W). Although there is no language in the budget bill that authorizes these increases, the Legislature passed a motion and an amendment during its deliberations to authorize funding increases in CIP 1B, CIP II and COP-W.

Given the future deficit created in this budget by unfunded commitments to program expansions, I cannot support the funding increases in these programs at the levels approved by the Legislature. However, because I understand the importance of providing alternatives to institutional care, I am approving an increase of \$3,760,900 GPR in fiscal year 2001-02 and \$7,394,100 GPR in fiscal year 2002-03 to fund: (a) 250 new CIP 1B placements in calendar year 2002; (b) a daily rate increase for CIP 1B from \$48.33 to \$49.67 in fiscal year 2002-03; (c) a daily rate increase for CIP II from \$40.78 to \$41.86 in fiscal year 2002-03; and (d) 1,000 new COP-W placements in calendar year 2002.

Wisconsin has made a significant investment in community-based programs and services and I want to continue that commitment. This increase will provide reasonable growth for the community-based waiver programs but at a level that is within the state's financial means. In addition, it is important to note that the budget includes a 2.5 percent annual increase for personal care and home health agencies who provide services to individuals in the CIP 1B and CIP II programs.

Thus, I am decreasing the Department of Health and Family Services' s. 20.435 (4) (b) appropriation by \$1,989,000 GPR in fiscal year 2001-02 and \$3,855,400 GPR in fiscal year 2002-03. This veto is part of a larger write-down of the Medical Assistance appropriation. I am also decreasing the department's s. 20.435 (7) (bd) appropriation by \$2,694,600 GPR in fiscal year 2002-03. I am requesting the Department of Administration secretary not to allot these funds.

**27. Community-Based Residential Facilities**

*Section 1504r*

This section repeals the provision allowing counties to establish more restrictive conditions for Community Options Program (COP) waiver funding in Community-Based Residential Facilities. I am vetoing this section because I want counties to retain the flexibility to administer the COP waiver program in a manner that meets their community needs and priorities.

**28. Legislative Council on Developmental Disabilities Recommendations**

*Sections 174g, 174h, 9123 (16r), 9123 (16rq) and 9123 (16rs)*

Section 174g adds four members of the Legislature, one each designated by the Assembly speaker, the Senate majority leader and the minority leader of each house of the Legislature and appointed by the Governor to the Council on Developmental Disabilities. I am vetoing section 174g because federal law requires that a minimum of sixty percent of the council's membership consist of persons with developmental disabilities, their parents or guardians. The addition of four legislators will require the appointment of an additional six individuals to meet federal requirements, which will decrease the effectiveness of the council by increasing its size from 26 to 36 members.

Section 174h requires that the Council on Developmental Disabilities, by January 31 of each year, submit a report to the Legislature on an evaluation of waiting lists compiled by the Department of Health and Family Services for services for persons with developmental disabilities. I am vetoing this section because the council currently evaluates the waiting lists and its evaluation is available to all interested parties.

Section 9123 (16r) requires the department to develop a plan to administer and fund services for people with developmental disabilities. The plan, which must be submitted to the Department of Administration for the 2003–05 biennial budget, must include the following provisions: (a) consolidate administration of both institutional and community-based services within the department's subunit responsible for community-based services for people with developmental disabilities; (b) combine funding under the Medical Assistance (MA) program for institutional services and community-based waivers for people with developmental disabilities into one appropriation, to the extent possible under federal law; and (c) ensure that funding in the MA appropriation not be tied to any specific program or service setting and be individually tailored to enable the person to live in the least restrictive environment appropriate to his or her needs and preferences.

Section 9123 (16rq) requires the department to determine whether any new federal waivers under the MA program are necessary to administer funding for MA services as described in section 9123 (16r). The department shall apply for any waivers of federal MA statutes and regulations that the department determines are necessary to administer funding for MA services as described in 9123 (16r).

I am vetoing sections 9123 (16r) and 9123 (16rq) because the department is in the best position to determine the organizational structure that will most efficiently strengthen the delivery system for individuals with long-term care needs, including the developmentally disabled. In addition, placing institutional and community-based funding in one appropriation

and having administration of institutional and community-based services in a single subunit of the department will not necessarily improve services for the developmentally disabled.

Section 9123 (16rs) requires the department, as soon as possible before July 1, 2002, to seek waivers of federal MA statutes and regulations that are necessary to implement a pilot program for long-term care of children with disabilities. If the federal waivers are received, the department is required, as soon as possible before July 1, 2002, to seek enactment of statutory language to implement the pilot program.

While maintaining the language that requires the department to seek the waiver and enactment of statutory language, I am partially vetoing this section to remove the requirement that it do so as soon as possible before July 1, 2002. I am concerned that the department will not be able to have the federal waiver approved by July 1, 2002. I am directing the secretary of the Department of Health and Family Services, if the waiver is received, to submit enabling legislation to the Department of Administration for the 2003–05 biennial budget.

Section 9123 (16rs) also provides that, if the waivers are granted, that the pilot program do the following: expand eligibility under the MA community-based waiver, Birth to Three and Family Support programs to include children with severe disabilities and long-term care needs and children eligible for MA with high medical costs; expand MA coverage of services to include services focused on the needs of children with developmental disabilities and their families; and require the department to provide transitional services to families whose children with physical or developmental disabilities are preparing to enter the adult service system. I am partially vetoing this section to remove these provisions because I object to expanding the MA program and am concerned about the fiscal impact in the 2003–05 biennium if the department must provide the transitional services. However, I want children and families to receive the transitional planning needed to enter the adult system. I am therefore requesting the secretary of the Department of Health and Family Services to ensure that transitional planning is part of the federal waiver request.

**29. Family Care**

*Sections 395 [as it relates to ss. 20.432 (1) (k) and 20.435 (4) (b), (bm) and (bn) and (8) (a)], 1520d, 1520e, 1520w and 4060c*

Section 395 [as it relates to ss. 20.432 (1) (k) and 20.435 (4) (b), (bm) and (bn) and (8) (a)] appropriates \$255,000 GPR in fiscal year 2001–02 and \$4,012,100 GPR in fiscal year 2002–03 for the following: (a) \$3,032,100 GPR in fiscal year 2002–03 for expansion of the Family Care pilot program to Kenosha County; (b) \$700,000 GPR in fiscal year 2002–03 as start-up funds for expansion of Family Care to five additional counties in the 2003–05 biennium; (c) \$5,000 GPR in each fiscal year for administrative costs associated with the Council on Long-Term Care; and (d) \$250,000 GPR in fiscal year

2001–02 and \$275,000 GPR in fiscal year 2002–03 for a Family Care external advocacy program that the Department of Health and Family Services contracts for with the Board on Aging and Long–Term Care and 1.0 FTE PR–S position to administer the program. Although there is no language in the budget bill that authorizes these increases, the Legislature passed a motion and an amendment during its deliberations to authorize funding increases for these purposes.

Family Care is a pilot program designed to test a new model for the provision of long–term care services. It involves an extensive redesign of the current system, which is often fragmented and confusing. While preliminary evaluations appear to be quite positive, the program’s significant costs compel me to delay further expansion until the full evaluation of the program is completed in September 2002. With this evaluation, we should have better information to understand the cost effectiveness of the program, both in terms of the cost per person served as well as the overall cost of the pilot compared to current programs, and the quality of services received by participants and their families.

To reflect the elimination of funding for Kenosha County and the funding for the expansion to five additional counties in the 2003–05 biennium, I am decreasing the following Department of Health and Family Services’ appropriations: s. 20.435 (4) (b) appropriation by \$2,963,700 GPR in fiscal year 2002–03, s. 20.435 (4) (bn) appropriation by \$33,400 GPR in fiscal year 2002–03 and s. 20.435 (8) (a) appropriation by \$735,000 GPR in fiscal year 2002–03. This veto is part of a larger write–down of the Medical Assistance appropriation. I am requesting the Department of Administration secretary not to allot these funds.

Sections 1520d, 1520e, 1520w and 4060c extend the sunset date for the Council on Long–Term Care from July 1, 2001, to July 1, 2003. I am vetoing these sections because 1999 Wisconsin Act 9 created the council primarily to advise the department on the development of the Family Care pilot program, and the development phase is complete. The secretary has the administrative ability to seek advice from groups and individuals interested in Family Care implementation and other long–term care issues. Thus, I am decreasing the department’s s. 20.435 (8) (a) appropriation by \$5,000 GPR in fiscal year 2001–02 and \$5,000 GPR in fiscal year 2002–03. I am requesting the Department of Administration secretary not to allot these funds.

Finally, I object to funding for a separate external advocacy program for individuals applying for, or enrolled in, Family Care. The department has grievance procedures in place that individuals can utilize if they are not satisfied with their Family Care eligibility or level of services. Thus, I am decreasing the department’s s. 20.435 (4) (bm) appropriation by \$250,000 GPR in fiscal year 2001–02 and by \$275,000 GPR in fiscal year 2002–03 and the Board on Aging and

Long–Term Care’s s. 20.432 (1) (k) appropriation by \$500,000 PR–S in fiscal year 2001–02 and \$550,000 PR–S in fiscal year 2002–03. I am requesting the Department of Administration secretary not to allot these funds. I am also requesting the Department of Administration secretary not to authorize the 1.0 FTE PR–S position for the Board on Aging and Long–Term Care.

### **30. Elder Abuse Services**

*Section 395 [as it relates to s. 20.435 (7) (dh)]*

Section 395 [as it relates to s. 20.435 (7) (dh)] appropriates \$1,500,000 GPR in each fiscal year for funding to counties for direct services for the elderly who have been determined to be abused or neglected. Although there is no language in the budget bill that authorizes these increases, the Legislature passed a motion and an amendment during its deliberations to authorize the funding increase. I object to the funding increase in fiscal year 2001–02. The Department of Health and Family Services contracts with counties on a calendar year basis and I am willing to approve a \$750,000 increase in fiscal year 2001–02. Thus, I am decreasing the department’s s. 20.435 (7) (dh) appropriation by \$750,000 GPR in fiscal year 2001–02. I am requesting the Department of Administration secretary not to allot these funds.

### **31. Life Span Respite Care**

*Section 395 [as it relates to s. 20.435 (7) (br)]*

Section 395 [as it relates to s. 20.435 (7) (br)] appropriates \$112,500 GPR in each fiscal year for the Life Span Respite Care program. Although there is no language in the budget bill that authorizes these increases, the Legislature passed a motion and an amendment during its deliberations to authorize the funding increase. I object to the funding increase for this program. A fifty percent increase in funding is unwise when the state faces a significant structural deficit in the 2003–05 biennium. In addition, an evaluation of this new program is to be completed by June 1, 2004, and it is prudent to wait for the results before considering additional funding. Thus, I am decreasing the Department of Health and Family Services’ s. 20.435 (7) (br) appropriation by \$112,500 GPR in fiscal year 2001–02 and \$112,500 GPR in fiscal year 2002–03. I am requesting the Department of Administration secretary not to allot these funds.

### **32. Mental Health Systems Change Grants**

*Section 1562*

This section details the requirements that the Department of Health and Family Services must meet in administering mental health systems change grants. I am partially vetoing this section to remove language that limits the awarding of these grants to a nonprofit, tax–exempt corporation or a county because I want the Department of Health and Family Services to have the flexibility to award grants to the best



applicants, regardless of organizational structure.

**33. Community Support Program**

*Sections 395 [as it relates to s. 20.435 (7) (bL)] and 1971L*

Sections 395 [as it relates to s. 20.435 (7) (bL)] and 1971L appropriate \$1,000,000 GPR in each fiscal year as the state share of Medical Assistance benefits for the Community Support Program. I object to the funding increase in fiscal year 2001–02. The Department of Health and Family Services contracts with counties on a calendar year basis and I am willing to approve a \$500,000 GPR increase in fiscal year 2001–02. Thus, I am decreasing the department's s. 20.435 (7) (bL) appropriation by \$500,000 GPR in fiscal year 2001–02. I am requesting the Department of Administration secretary not to allot these funds.

**34. Community–Based Psychological Service Program**

*Section 9123 (8d)*

This section requires the Department of Health and Family Services to submit a report to the Joint Committee on Finance on the status of the implementation of the Community–Based Psychological Service Program. The report must be submitted by the first day of the sixth month after the effective date of the budget bill. I am vetoing this section because this service, if implemented, would be a new Medical Assistance benefit that must be offered as an entitlement. This service was authorized by the Legislature with the expectation that counties would pay the state share. However, in the event that counties would not adequately fund or make available the services, the state would be responsible for assuring adequate access to the benefit statewide.

**35. Drug Prevention and Intervention Grant**

*Section 1557v*

This section requires the Department of Health and Family Services to distribute \$30,000 GPR in each fiscal year to the Career Youth Development Center for drug prevention and intervention programs for middle and high school athletes in the Milwaukee public school system. I am vetoing section 1557v because, while the provision has laudable goals, the state cannot afford the associated costs in this budget. I am requesting the Department of Administration secretary to place \$30,000 GPR in fiscal year 2001–02 and \$30,000 GPR in fiscal year 2002–03 in unallotted reserve in the Department of Health and Family Services' appropriation s. 20.435 (7) (bc) to lapse to the general fund.

**36. Milwaukee Child Welfare Operations**

*Sections 1618r and 9123 (12zk)*

Section 1618r requires the Department of Health and Family Services to promulgate rules regulating the administration of child welfare services in a county having a population of 500,000 or more. The rules must include provisions for: (a) contracting processes; (b)

grievance procedures; (c) caseload ratios; (d) standards for the provision of services; and (e) citizen participation. Section 9123 (12zk) requires that the rules be submitted to the Legislature no later than the first day of the ninth month beginning after the effective date of the budget bill.

I am vetoing these sections because the Department of Health and Family Services has existing policies, procedures and standards which address the areas identified in section 1618r. In addition, I want the department to focus existing resources on the management of the child welfare system in Milwaukee, rather than the administrative work load associated with promulgating administrative rules.

**37. Kinship Care Funding Supplementation**

*Section 1629x*

This section authorizes the Joint Committee on Finance to supplement the kinship care appropriation under s. 16.515 if the amounts budgeted for the program are insufficient to fund benefit payments to all eligible families. I am vetoing this provision because the biennial budget provides a level of funding that fully funds the projected kinship care caseload. In addition, the Department of Health and Family Services has the administrative flexibility to reallocate funding among counties if waiting lists become a problem.

**38. Medical Assistance For Foster Care Adolescents**

*Sections 1799f, 1968d, 1968dh, 9323 (16f) and 9423 (17g)*

These sections extend Medical Assistance (MA) eligibility to any individual who is at least nineteen years of age but under twenty years of age and who, on his or her eighteenth birthday, was in foster care or treatment foster care, as determined by the Department of Health and Family Services. They also give second priority for county substance abuse services to individuals who are twenty years of age and were eligible for MA under the provision contained in section 1799f and give first priority for county mental health services to individuals who are twenty years of age and were eligible for MA under the provision contained in section 1799f. These provisions are effective on January 1, 2003. I am vetoing these provisions because I am very concerned about the advanced funding commitments created by this extension of MA eligibility. In addition, I am directing the department to conduct a cost benefit analysis to determine if the extension of MA benefits is cost effective in the long run. Based on the results of this study and if revenue is available in the 2003–05 biennium, I am willing to reconsider this MA eligibility issue.

**39. Targeted Case Management Reimbursement Lapse**

*Section 9223 (5zk)*

Section 9223 (5zk) requires the Department of Administration secretary to lapse \$3,008,300 in fiscal year 2001–02 and \$3,328,500 in fiscal year 2002–03 from Medical Assistance (MA)



reimbursement of the cost of providing targeted case management services to children whose care is not eligible for reimbursement under Title IV–E of the federal Social Security Act.

I am partially vetoing section 9223 (5zk) to delete the requirement that revenues for the lapse come from reimbursement of the cost of providing targeted case management services to children whose care is not eligible for reimbursement under federal Title IV–E. The Department of Health and Family Services has recently determined that it is uncertain whether the targeted case management reimbursement revenues will be sufficient to satisfy the required lapse amounts. In addition, some counties are currently claiming MA reimbursement for targeted case management and using the federal revenues to fund social services, particularly for children with mental health needs. Counties would lose these revenues if they were lapsed under section 9223 (5zk). The effect of this veto will be to allow the department to use income augmentation revenues to meet the required lapse and allow counties to continue to use the targeted case management funds.

**40. Income Augmentation**

*Sections 732q, 1557jd, 1557k, 9123 (9bk) and 9323 (16k)*

Sections 732q, 1557jd and 9323 (16k) require the Department of Health and Family Services to perform activities to augment the amount of federal moneys received by the state and prohibits the department from contracting with any person to perform these augmentation activities. Section 9123 (9bk) authorizes 1.0 FTE FED position, funded with income augmentation revenues, to perform income augmentation activities. I am partially vetoing section 732q and vetoing sections 1557jd, 9123 (9bk) and 9323 (16k) because I want the department to have the flexibility to augment federal income in a manner that maximizes the amount of revenue the state receives from the federal government. The work of the vendor currently under contract with the department has enabled the state to receive over \$102,000,000 in additional federal revenue. I am requesting the Department of Administration secretary not to authorize the 1.0 FTE FED position in fiscal year 2001–02 and not to allot \$43,800 FED in fiscal year 2001–02 and \$49,700 FED in fiscal year 2002–03 for the cost of the position.

Section 1557k repeals the current law provision that allows the department to submit a plan to the Department of Administration secretary for use of income augmentation revenues for purposes other than the operational costs exclusively related to augmenting federal income. I am vetoing section 1557k because I want the administration to retain the flexibility to use income augmentation funding to meet state and department needs with the approval of the Joint Committee on Finance.

**41. Food Pantry Grants**

*Sections 395 [as it relates to s. 20.435 (3) (fp)], 701h, 1568b and 9123 (4h)*

Sections 395 [as it relates to s. 20.435 (3) (fp)], 701h and 1568b: (a) appropriate \$750,000 GPR in each fiscal year for grants to food pantries to purchase, store, transport and distribute food to needy households; (b) specify that the total amount of each grant cannot exceed \$15,000 and that each grant awarded be in proportion to the number of persons served by the food pantry; (c) specify the criteria for allocating funding between rural food pantries and the rest of the state; (d) specify the requirements for a food pantry to be eligible for a grant; (e) limit the amount that the Department of Health and Family Services may use for administration of the program to five percent of the total amount appropriated; and (f) require each grantee to submit a report to the department on how the funds were used and require the department to compile the reports and submit the results to the Legislature. Section 9123 (4h) requires the department, within ninety days after the effective date of the budget bill, to submit a plan to the Joint Committee on Finance, under a 14–day passive review process, for distributing grants to food pantries.

I am concerned about the future funding commitment created by this new program. I am vetoing the second year funding of \$750,000 GPR and directing the secretary of the Department of Health and Family Services to ensure that applicants receive funding on a one–time basis and that the funding be used for emergency assistance. I am vetoing the provisions that specify a \$15,000 limit on a grant, the criteria for awarding grants to individual food pantries and allocating grants between rural pantries and the rest of the state, and the requirements for food pantries to be eligible for a grant. The department, because of its expertise in the state’s food programs, is best able to determine how the funds should be allocated to meet the needs of individual communities. I am directing the secretary of the Department of Health and Family Services to develop a distribution method and to distribute grants to the state’s existing emergency food assistance programs that meet the state and federal standards.

I am vetoing the provision that restricts state administrative costs to five percent of the amount appropriated because it limits program flexibility. I am directing the secretary of the Department of Health and Family Services to limit administrative costs to five percent and to set aside \$50,000 for distribution and storage of federal bonus food. This will ensure that the state has the necessary funding for the next delivery of federal bonus food. I am also vetoing the provision that requires the grantees to submit a report to the department on the use of the funds and requires the department to compile the reports and submit

them to the Legislature because the funding will be one-time and for emergency assistance. The department can summarize the results of the program in its annual hunger report which is submitted to the Legislature. Finally, I am vetoing section 9123 (4h) because I want the department to quickly distribute the grants for emergency assistance.

**42. Publicity for Alzheimer's Disease Registration and Funding for Assistive Technology**

*Sections 395 [as it relates to s. 20.435 (6) (a)], 721r, 721s, 725, 726p, 726q, 1568c, 9123 (15j) and 9423 (18j)]*

Sections 395 [as it relates to s. 20.435 (6) (a)], 721r, 721s and 1568c appropriate \$30,000 GPR in each fiscal year for the Department of Health and Family Services to publicize the existence of a program administered by a nongovernmental entity that registers persons with Alzheimer's disease or other related dementias and provides identification products in order to facilitate the safe return of persons who become lost or wander. Although there is no language in the budget bill that authorizes these increases, the Legislature passed a motion and an amendment during its deliberations to authorize the funding increase.

I am partially vetoing section 395 [as it relates to s. 20.435 (6) (a)] and vetoing section 1568c because, while this provision has laudable goals, the state cannot afford the cost of a publicity campaign in this budget. In addition, the department currently funds the Alzheimer's Family and Caregiver Support program and provides funding for training and information on Alzheimer's disease. Thus, I am decreasing the department's s. 20.435 (6) (a) appropriation by \$30,000 GPR in fiscal year 2001-02 and \$30,000 GPR in fiscal year 2002-03. I am also requesting the Department of Administration secretary not to allot these funds.

Sections 721r, 721s, 725, 726p, 726q, 9123 (15j) (a), (b), (c) and (d) and 9423 (18j) provide one-time funding for the following: (a) \$15,000 GPR annually to the Department of Health and Family Services for technical assistance; (b) \$15,000 GPR annually to Easter Seals for specialized assistance to persons in the agricultural industry; (c) \$20,000 GPR annually for the Wheelchair Recycling program; and (d) \$150,000 GPR annually to Independent Living Centers. I am vetoing sections 726p, 726q and 9123 (15j) (a), (b) and (d) and 9423 (18j), and partially vetoing sections 725 and 9123 (15j) (c) because this funding increase is unreasonable. The net effect of these vetoes is to only provide \$20,000 GPR in fiscal year 2001-02 for the Wheelchair Recycling program.

The department currently provides funds to Independent Living Centers and Easter Seals for assistive technology projects. I am concerned that the projects in this budget proposal are ongoing despite only receiving one-time funding. I am directing the secretary of the Department of Health and Family Services to ensure that the

grant for the Wheelchair Recycling program involves only one-time projects.

Because sections 721r and 721s contain language related to both publicity activities for Alzheimer's disease registration and the objectionable portions of the assistive technology initiative, I am partially vetoing section 721r and vetoing section 721s.

I am requesting the Department of Administration secretary to: (a) place \$15,000 GPR in fiscal year 2001-02 and \$15,000 GPR in fiscal year 2002-03 in unallotted reserve in appropriation s. 20.435 (6) (a) to lapse to the general fund; (b) place \$15,000 GPR in fiscal year 2001-02 and \$35,000 GPR in fiscal year 2002-03 in unallotted reserve in appropriation s. 20.435 (7) (bc) to lapse to the general fund; and (c) place \$150,000 GPR in fiscal year 2001-02 and \$150,000 GPR in fiscal year 2002-03 in unallotted reserve in appropriation s. 20.435 (7) (c) to lapse to the general fund.

**TOBACCO CONTROL BOARD**

**43. Tobacco Control Board Membership**

*Sections 173p, 173r, 173s and 9423 (12mk)*

These provisions require that the Tobacco Control Board have fifteen members, including one legislator from each party in both houses and the Attorney General or his designee. I am vetoing these provisions because they unreasonably limit the executive branch. Board members must have the necessary backgrounds to ensure the state's tobacco control efforts are effective.

**WORKFORCE DEVELOPMENT**

**44. W-2 Contract Prohibitions**

*Sections 1660d and 9358 (8c) [as it relates to s. 49.143 (2g)]*

Section 1660d removes flexibility that the Department of Workforce Development currently has to manage resources for the Wisconsin Works (W-2) program, by prohibiting the department from transferring funds initially allocated for cash benefits to pay for costs associated with providing direct services to W-2 participants and administration of the W-2 program.

Section 1660d also stipulates that funding provided under a W-2 contract could not be expended by a W-2 agency for public relations activities, unless those activities are directly related to providing community outreach and informing participants about the services available under the W-2 program.

I object to this provision because it prevents the department from reallocating resources to the areas where they may be most needed, in order to manage the W-2 program efficiently and serve W-2 participants effectively. In addition, the prohibition on public relations spending is duplicative of federal law; the department currently administers a test to determine whether a W-2 agency's public relations activities conform to federal regulations. Further, it is unclear what activities constitute "community outreach," as the term is not defined.

I am vetoing section 1660d in its entirety, and partially vetoing section 9358 (8c), as it relates to s. 49.143 (2g), thereby maintaining current law. This will ensure that the department has the management tools necessary to administer the W-2 program efficiently and effectively.

**45. Review of Expenditures and Reallocations**

*Sections 255p, 1716m, 1716o, 1716q, 1716s, 1716v and 1718*

These sections eliminate the Department of Workforce Development's current authority to transfer funds from one allocation to another allocation under the Temporary Assistance for Needy Families (TANF) program [under s. 49.175 (1)] with approval from the Department of Administration secretary. Instead, these provisions stipulate that the department must meet certain requirements and obtain approval from both the Department of Administration secretary and the Joint Committee on Finance in order to reallocate funds under the TANF program. In addition, the department would be required to report annually to the Department of Administration secretary and the co-chairs of the Joint Committee on Finance on TANF expenditures for the previous fiscal year.

The transfer authority, which exists under current law, allows the department flexibility in making adjustments to its public assistance allocations, which are funded primarily with GPR and the federal TANF block grant. This flexibility is necessary in maintaining the department's ability to manage and respond to needed changes in the Wisconsin Works (W-2) program.

I am vetoing all of the new requirements concerning reallocation of funds, so that the department will retain the flexibility to reallocate resources as needed in order to administer the program efficiently and serve W-2 participants effectively. As with current practice, I direct the department to not request any reallocation that transfers more than ten percent from one allocation to another. I would be willing to support separate legislation to restore Joint Committee on Finance review of any transfer greater than ten percent.

I am also vetoing the requirement that the department submit annual reports on TANF expenditures to the Department of Administration secretary and the co-chairs of the Joint Committee on Finance, because I believe that it is unnecessary to require the report in statute. However, I do feel that such a report would provide useful information; therefore, I am directing the department to submit an annual report to the Department of Administration secretary on TANF expenditures for the previous fiscal year.

**46. W-2 Contingency Fund**

*Section 961r*

This section creates an appropriation for the Joint Committee on Finance to supplement appropriations for cash benefits for Wisconsin Works (W-2) participants, child care benefits, and kinship care and long-term kinship care benefits.

While I do not object to the contingency fund itself, I disagree with the purposes for which the fund may be used, as specified in the bill. Historically, the intent of the W-2 contingency fund was for cash assistance payments only, as a safeguard against times of economic downturn and increased caseloads.

The bill removes over \$12,000,000 associated with community reinvestment funds from the 1997-99 W-2 contracts, some of which was held by W-2 agencies as their own contingency funds. Further, as a means of fully funding the anticipated costs of the Wisconsin Shares child care subsidy program, the Legislature modified funding in the W-2 contracts from what my proposed budget included, by reducing funds for direct services and administration and by providing no increase for cash benefits. Given these reductions to the W-2 contracts and the loss of community reinvestment dollars for W-2 agencies, it would seem prudent to provide the contingency fund for the purpose that W-2 agencies suggest it would be most needed, namely, cash benefits.

I am partially vetoing this section to remove child care benefits and kinship care and long-term kinship care benefits as eligible uses for the W-2 contingency fund, in order to reserve the fund for the purpose for which it is most needed.

**47. Changes to W-2 Geographical Regions in Milwaukee County**

*Section 1660g*

This section requires the Department of Workforce Development to consult with the Milwaukee County Department of Human Services prior to implementing any changes to the Wisconsin Works (W-2) geographic regions in Milwaukee County. The department would also be required to hold at least one public hearing in each of the Milwaukee W-2 regions that would be affected by any proposed change. I object to this provision because it is unnecessary for the Legislature to add this type of requirement to the statutes. The department will solicit feedback and input from all affected parties on any plans to change the geographic regions in Milwaukee County.

I am vetoing this section to maintain current law.

**48. Performance Bonuses and Performance Standards for W-2 Agencies**

*Sections 9158 (9e) (b) and 9158 (9e) (d)*

Section 9158 (9e) (b) specifies in session law the amount that the Department of Workforce Development would be required to include in Wisconsin Works (W-2) contracts for performance bonuses for W-2 agencies that meet performance benchmarks, based on criteria established by the department. Section 9158 (9e) (d) codifies in session law several performance standards that the department would be required to include in W-2 contracts. The standards would be used to determine whether a W-2 agency meets benchmarks for base contract terms, restricted and unrestricted bonuses and renewal of contracts under the right-of-first selection option.



I object to specifying in law the amount the department must build into contracts for bonuses, because such a requirement would prohibit the department from adjusting performance bonuses, which may become appropriate as the program changes.

While I support the use of performance standards in the decision-making process, I object to including specific performance standards in law. The department already includes several performance criteria in the contracts with W-2 agencies. Further, I believe the department should have the flexibility to adjust benchmarks and change standards as the W-2 program evolves.

I am vetoing sections 9158 (9e) (b) and 9158 (9e) (d) in their entirety. This will allow the department to set standards, measure the performance of W-2 agencies and award bonuses to W-2 agencies as the department deems appropriate. More generally, it will provide the department with the flexibility it requires to administer the W-2 program effectively.

**49. Oversight of W-2 Agencies in Milwaukee County**

*Section 1660e*

This section requires the department to provide certain oversight and coordination services for Wisconsin Works (W-2) agencies in Milwaukee County. Specifically, the Department of Workforce Development would be required to monitor compliance with W-2 contracts, provide technical assistance to W-2 agencies and assist in coordination among those agencies for services offered to W-2 participants in Milwaukee County.

Currently, the Milwaukee Private Industry Council (PIC) receives \$1,000,000 annually to provide these functions for Milwaukee W-2 agencies. In my proposed budget, I reduced funding for the Milwaukee PIC by \$500,000 each year, with the idea that while this function is valuable, it could be performed at a lower cost. The Legislature removed all funding for the Milwaukee PIC and specified in the budget bill that the department conduct these oversight and coordination activities.

While I believe that these oversight and coordination activities are important, I object to specifying in statute that the department itself must be responsible for performing this function.

I am vetoing this section, but I also am directing the department to either conduct the oversight and coordination activities itself, or contract with a provider to perform this valuable function for Milwaukee W-2 agencies.

**50. Community Youth Grants**

*Sections 1700b and 9158 (8x)*

Section 1700b allocates an additional \$500,000 each fiscal year in Temporary Assistance for Needy Families (TANF) funding above what my budget provided for community youth grants. Section 9158 (8x) specifically earmarks the \$500,000 in each fiscal year for grants to the Wisconsin Chapters of the Boys and Girls Clubs of America.

Community youth grants are administered by the Department of Workforce Development and are generally awarded on a competitive basis. The grants are intended to fund programs that improve the social, academic and employment skills of youth who are eligible to receive TANF benefits. For this reason, I do not object to providing some funding for grants to the Boys and Girls Clubs of America. However, I do not agree with earmarking such a large portion of what is essentially a competitive grant program for one organization. Further, the TANF fund is constrained by several spending pressures at this time and cannot support excessive spending on additional programs.

I am partially vetoing the amount earmarked for the Wisconsin Chapter of Boys and Girls Clubs of America in each fiscal year of the 2001-03 biennium, so as to reduce the amount from \$500,000 to \$50,000 in each fiscal year. I am also partially vetoing the amount allocated for community youth grants in fiscal year 2002-03 so as to reduce the amount from \$500,000 to \$50,000. Further, I am requesting the Department of Administration secretary to place \$450,000 into unallotted reserve in appropriation s. 20.445 (3) (md) in 2002-03. This veto will have the effect of providing \$50,000 in each fiscal year specifically for grants to the Wisconsin Chapter of Boys and Girls Clubs of America, and of adding \$450,000 in fiscal year 2002-03 to the TANF balance.

**51. After-School Care Grant Program**

*Sections 395 [as it relates to s. 20.255 (2) (kn)], 560d, 743dc, 1714d, 2779m [as it relates to s. 20.255 (2) (kn)] and 9140 (6w)*

These sections allocate \$150,000 of Temporary Assistance to Needy Families (TANF) block grant funding for transfer from the Department of Workforce Development to a newly created appropriation in the Department of Public Instruction, for an after-school care grant program beginning in fiscal year 2002-03. Under this new grant program, school boards would be able to apply to the State Superintendent of Public Instruction to fund an after-school care program for TANF-eligible children who would otherwise be unsupervised by an adult in the afternoon after school.

I believe that children who would normally be unsupervised after school hours would benefit from a program like this; thus, I do not object to the idea of the program itself. However, the TANF fund is currently constrained by several spending pressures, ranging from cash assistance, to education and job skills training, and other work supports, especially child care benefits. While providing after-school care for all children is a



worthwhile goal, the TANF fund cannot support spending on additional programs at this time.

I am vetoing this section to delete this new grant program, in order to conserve resources for the many important programs that are currently supported with TANF funds. I am also requesting the Department of Administration secretary to place these funds into unallotted reserve in s. 20.445 (3) (md).

**52. Study of Unclaimed Impounded Vehicles**

*Section 9158 (3f)*

This section requires the Department of Workforce Development, in consultation with the Department of Transportation and local governmental entities, to conduct a study of the feasibility of a program that would provide or sell unclaimed impounded vehicles to low-income individuals at below-market prices. The departments would be required to submit the findings of the study to the Joint Committee on Finance and other appropriate standing committees by June 30, 2002. The Legislature provided no funding to the Department of Workforce Development to conduct the study.

I object to this provision, because, while the study may produce valuable information, it is not one of the department's priorities for use of its base resources.

I am vetoing this section to remove the requirement that the department conduct this study.

**53. Prevailing Wage Law**

*Sections 2026nz, 2026p, 2026r, 2558i, 2558j, 2558m, 2559d and 9458 (3z)*

These sections affect the prevailing wage law, which requires workers employed on state or local public works projects to be paid the prevailing wage, as determined by the Department of Workforce Development, for the worker's trade or occupation in the area where the project is located. Specifically, these provisions would: (a) include wage data from public works projects where the wage paid is higher than the current prevailing wage in the annual wage rate survey; (b) require contractors and subcontractors to allow any individual to have access to their payroll records for projects subject to prevailing wage law to the same extent as if those records were public documents subject to the open records law; (c) prohibit the department from establishing swimming pool installer as a separate job classification; and (d) require the department to modify the metal building assembler job classification to include work on prefabricated, packaged metal buildings among the duties of that job classification.

I am vetoing sections 2026p and 2558j because including public works projects in the annual wage rate survey would violate the principles on which prevailing wage laws are based. Prevailing wage laws are intended to ensure that workers on public building projects are paid wages comparable to wages paid by the private sector for similar work. Including public construction projects when computing the

prevailing wage rate would artificially inflate the prevailing wage rate for the county.

Sections 2026r, 2558m and 2559d require contractors and subcontractors to allow access to their payroll records for projects subject to prevailing wage laws. Under current law, if an individual has questions regarding a contractor's records for a public building project, that individual may request the department to examine the payroll records. Following the investigation, the payroll records become public documents and may be examined by any individual. I am vetoing these provisions because allowing any individual to obtain payroll records directly from contractors would create an unnecessary burden on private employers. If individuals wish to obtain these documents, they need only to file a request with the department. Current law gives the department the power to establish prevailing wage rate job classifications and the power to establish the prevailing wage for those job classifications. Sections 2026nz, 2558j and 9458(3z) would require the department to modify the metal building erector job classification and prohibit the department from establishing a swimming pool installer job classification. I am vetoing these provisions because the statutes should not be used to modify the job classifications of selected occupations. If an individual or organization would like to create, delete or modify a job classification, then that individual or organization can file a request with the department. The department will then seek comment from individuals and organizations that would be affected by the change. It is inappropriate to include these changes through a process that does not allow the people and businesses who will be affected a chance to comment on the proposed change. I am sensitive to concerns about how prevailing wage data are calculated, and I encourage the department to review and evaluate its methodology for computing the prevailing wage rate.

**54. Grant to the Milwaukee Metropolitan Fair Housing Council – Discriminatory Lending Practices**

*Sections 395 [as it relates to s. 20.445 (1) (a)] and 9158 (10c)*

Section 395 [as it relates to s. 20.445 (1) (a)] provides \$150,000 GPR for the Department of Workforce Development to award a grant to the Milwaukee Metropolitan Fair Housing Council for the investigation of predatory residential real estate lending practices in Milwaukee County. As a condition of receiving these funds, the Milwaukee Metropolitan Fair Housing Council would be required to submit a report evaluating the results of the investigation to the department by January 1, 2004.

By lining out the department's s. 20.445 (1) (a) appropriation and writing in a smaller amount that deletes \$150,000 GPR in fiscal year 2001-02, I am vetoing the part of the bill which funds this provision. Furthermore, I am requesting the Department of Administration secretary not to allot these funds.

I object to this provision because it is more appropriate to select an organization to conduct the study through an open and objective process rather than through targeted legislation. This is also an issue that may be better served by a broader review that involves significant input from policy experts, lenders, homebuyers and the general public. In addition, it has not been demonstrated that the council lacks the resources to internally fund a study. My veto is not intended to reflect on the quality of work and level of commitment to fair housing of the Milwaukee Metropolitan Fair Housing Council.

## D. JUSTICE

### CIRCUIT COURT

#### 1. Family Court Counseling Fee

*Sections 3832k and 9309 (4w)*

These provisions increase the family court counseling service fee for custody and physical placement studies from \$300 to \$500. A court may order these studies when a custody or placement case has been contested.

I am vetoing these provisions because the fee increase is excessive, has not been justified and may inhibit involved parties from exploring their full range of legal options. The effect of this veto is to retain current law.

#### 2. Admitting Health Care Records into Evidence in a Trial or Proceeding

*Sections 3872v and 9309 (7p)*

This provision reduces the time period during which a party must either serve health care records or notify the other parties of the location where records can be inspected or photocopied from forty days to twenty days in order for the health records to be admitted into evidence at trial without testimony by the custodian of the records.

I am vetoing this provision because the change in the time period has not been justified and is unreasonable.

#### 3. Civil Action for Domestic Abuse or Sexual Assault

*Section 3871x*

This provision provides that any person, who suffers damage as the result of intentional conduct that constitutes sexual assault or as a result of domestic abuse, has a cause of action against the person who causes the damage.

I am vetoing this provision because the definition of who has a cause of action is very broad and due to its complexity this issue should be addressed in separate legislation. Further, language pertaining to domestic abuse restitution has been included in the budget to provide victims of domestic abuse broader legal avenues to address this problem.

### CORRECTIONS

#### 4. Telemarketing and Data Entry

*Sections 3325q and 9311 (7k)*

These provisions specify that the Department of Corrections may not enter into a contract or other

agreement if, in the performance of the agreement, a prisoner would perform data entry or telemarketing services and would have access to any personal identifying information of an individual who is not a prisoner. Personal identifying information is defined in s. 943.201 as a name, address, telephone number, driver's license number, social security number, employer or place of employment, employer identification number, mother's maiden name, or identifying number of a depository account.

I am vetoing these provisions to retain the current programs. These programs have many procedures in place to prohibit inmate access to social security numbers, financial data and information that could serve to identify a juvenile. Inmates currently employed in the telemarketing program make calls to previous donors on behalf of charities that have contracted with the Department of Corrections. The inmates inquire as to whether the donor is interested in donating again. The response is forwarded to the charity, who follows up with the donor if interest in donating is expressed. Inmates identify themselves and receive no personal information during the call.

Inmates employed in the data entry program are able to enter data into a computer, but are not able to retrieve data. Careful screening is conducted to ensure inmates with a propensity for committing a financial crime involving personal identifying information would not be hired. Inmates are prohibited from having access to social security numbers, credit card numbers, other financial data and information that would identify a juvenile. Verifiers conduct random checks of entered data and can identify who entered data for any record, and inmates are searched each day to make sure no information is taken with them.

Elimination of these programs will reduce the department's ability to provide meaningful work experience to inmates and result in increased inmate idleness. Inmates are carefully screened prior to being selected for the programs and are closely monitored while they are employed. The personal privacy of the general public is not being compromised under current law. Inmates involved in these programs have access to no more information than is readily available in a telephone book.

#### 5. Residence of Sex Offenders on Parole or Extended Supervision

*Sections 3329m, 3354g, 3354r, 3357m, 3385r, 3389m, 3389p, 3389q, 3389r, 3389s, 3389t, 3389u, 3389v, 3389w, 3389x and 3389y*

These provisions require serious sex offenders to live in a residence approved by the Department of Corrections or the Parole Commission as a condition of extended supervision or parole. They also require the department and the Parole Commission to work cooperatively to minimize the residential population density of sex offenders who are on probation, parole, extended supervision or placed on supervised release as a sexually violent person.

I am partially vetoing these provisions because they would limit the department's ability to provide effective offender treatment and community protection. I am vetoing all provisions that relate to the Department of Corrections' utilizing specific criteria when placing sex offenders because these provisions are already in administrative rule or are part of internal departmental procedures. I am vetoing the provision that would require agreement of the sex offender before the department could place the offender in an approved residence because it would limit the department's ability to provide treatment to the offender and compromise the department's ability to ensure community protection. I am vetoing the Parole Commission from the requirement to minimize the residential density of sex offenders because the Division of Community Corrections is responsible for coordinating the placement of offenders in the community.

The effect of this veto will be to require the Department of Corrections to minimize the density of sex offender residential populations while leaving the department with the flexibility needed to make appropriate placements.

**6. Inmate Rehabilitation and Aftercare**

*Section 3333j*

This provision would allow the Department of Corrections to permit one or more community-based organizations to operate an inmate rehabilitation program in any departmental facility. As part of this provision, organizations seeking to operate such a facility would need to submit a detailed proposal, the department would be required to establish policies providing organizations with reasonable access to inmates, the department would be required to evaluate the program and contractors would be allowed to terminate an inmate's participation in the program.

I am partially vetoing this provision to remove limitations on the department's ability to restrict an inmate's participation and to remove the ability of the contractor to terminate an inmate from the program without the involvement of the department because it limits the department's flexibility and undermines the department's authority. The current language provides a nonprofit community-based organization with broad authority to suspend or terminate an inmate's participation in a rehabilitation program, but the department would only be allowed to restrict an inmate's participation if necessary for the security of the facility or the safety of the inmates or the public. The Department of Corrections is charged with supervising the custody and discipline of all inmates in state correctional facilities. As the official caretaker, the department needs to maintain order and control in correctional facilities. By removing the restrictions, the department and the contractor can jointly determine whether an inmate's participation in a rehabilitation program should be restricted.

The effect of this veto will be to permit community-based organizations to operate inmate rehabilitation programs in departmental facilities but not allow a contractor to unilaterally terminate an inmate's participation in the program.

**7. Inmate Health Care Reports and Procedures**

*Sections 3329p, 3329q, 3329r, 3329s, 3329t, 3329u, 9111 (3c), 9111 (3cb), 9111 (3cc) and 9111 (3cd)*

These provisions require the Department of Corrections to do all of the following:

- Submit reports to the Joint Committee on Finance by January 4, 2002, regarding the following: a review of all professional medical services contracts to determine whether costs can be controlled, plans to provide continuing education for health care staff, additional training in the delivery of controlled medications for correctional officers and the collection of monies from reimbursement available in health care services contracts.
- Submit a report to the Joint Legislative Audit Committee and the Joint Committee on Finance by the first day of the second month after the effective date of the bill on the progress toward meeting the standards selected as the basis for health care delivery to inmates.
- Prepare written contracts for all health care vendors for delivery of basic health services at correctional institutions and submit any contract, agreement or extension over \$500,000 to the Joint Committee on Finance for prior approval.
- Evaluate the effectiveness of efforts to allocate mental health resources to inmates in an equitable and efficient manner, to evaluate the outcome of random medical chart reviews conducted by a physician to ensure proper medical procedures are followed, and to evaluate efforts to negotiate Medical Assistance rates for eligible inmates.

I am vetoing these provisions because the reporting requirements and deadlines impose a burdensome work load without additional resources at a time when agency budgets are limited. The Department of Corrections is actively working to implement these provisions as recommended by the Legislative Audit Bureau.

**8. Inmate Death in Custody Reporting Act Requirements**

*Section 3330g*

This provision requires the Department of Corrections to comply with guidelines established by the U.S. Attorney General under 42 USC 13704 (2) in reporting, on a quarterly basis, information regarding the death of any person in the custody of the department, including inmates incarcerated in facilities located outside this state, and to provide this information to the Wisconsin Attorney General at



the same time that it is submitted to the U.S. Attorney General.

I am vetoing this provision because the Department of Corrections is currently compliant with inmate death in custody reporting requirements under federal law to maintain eligibility for federal grant funding.

**9. Inmate Tracking System and Integrated Corrections System Requirements**

*Sections 3329e, 3330c, 3330d, 3330e and 3330f*

These provisions require the Department of Corrections to create and maintain an inmate tracking system that includes the inmate's criminal history, medical and mental health history, alcohol and other drug abuse history, victimization history, violence history, education and vocational history, religion, marital status, and status of all of his or her children. They also require the department to collect and maintain information that determines the number of inmates that return to prison due to a probation or parole revocation and whether the revocation is due to the inmate committing a new crime or violating a condition or rule of probation or parole.

These provisions require the department to publish adult and juvenile statistical information on its Internet Web site. The required adult information includes total population, population in each institution, commitments to and releases from the adult correctional system, average sentence length, offenses, race, gender, educational level, marital status, parental status, religion, and county of commitment. The required juvenile information includes total population, population in each institution, average population, admissions to and releases from the juvenile correctional system, offenses, race, gender, average age, and county of commitment.

These provisions also require the department to create and maintain an Intranet site with the medical histories of all inmates sentenced to Wisconsin state prisons. It requires the site to be completed no later than June 30, 2003, and to include prescriptions, laboratory reports and x-rays ordered for each inmate.

I am vetoing these provisions because the requirements impose an undue burden and timing requirement on the development of the integrated corrections system (ICS). The department is just beginning the development of ICS and needs to maintain the flexibility to determine how it will be designed and the order in which elements will be added. The Department of Corrections currently has several computer systems, making it difficult to pull information together to create reports of the type required by these provisions. The ICS will be one complete system that encompasses the existing systems and adds new elements that will allow the department to synthesize information from all aspects of corrections. If the department does not have the flexibility to design elements of the system, the result will be a system that is not fully

integrated, making it difficult to present information in a useful manner and increasing the costs of ICS. The department will be able to provide information as phases of ICS are completed.

**10. Gender-Specific Treatment Programs and AODA Services**

*Sections 3327q, 3329x, 9111 (6e) and 9111 (7d)*

These provisions require the Department of Corrections to offer the same level of alcohol and other drug abuse treatment (AODA) to male and female inmates and to work with the Department of Health and Family Services to develop a gender-specific treatment program for addressing individual treatment needs of female inmates. The departments are required to submit a report with a program plan regarding the gender-specific treatment program to the Legislature by July 1, 2002. The Department of Corrections is required to submit a report to the Joint Committee on Finance no later than six months after the effective date of the subsection comparing the alcohol and other drug abuse evaluation and treatment services provided to women to those provided to men.

I am vetoing these provisions because the Department of Corrections is currently exploring gender-specific treatment programs and comparing the level of alcohol and other drug abuse services for male and female inmates as part of an internal work group on female offender needs. In addition, the reporting requirements and deadlines imposed by these provisions would create a burdensome work load without additional resources at a time when agency budgets are limited.

**11. Performance Evaluations for Substance Abuse Intervention and Treatment Grants**

*Sections 1483j and 3327r*

These provisions require the Department of Corrections and the Department of Health and Family Services to evaluate and develop performance standards for substance abuse intervention and treatment services.

I am vetoing these provisions because both departments currently evaluate as many substance abuse programs as possible within available resources, including a requirement to evaluate at least twenty percent of programs that receive Community Block Grant funding. The departments are also working to conduct effective evaluations of more programs. In addition, these requirements impose a burdensome work load without additional resources at a time when agency budgets are limited.

**12. Community Reintegration Facility**

*Section 9111 (3g)*

This provision requires the Department of Corrections to prepare a feasibility study of the creation of a transitional placement facility for parolees. The department is required to submit



the study and a funding proposal to the Joint Committee on Finance.

I am vetoing this provision because it imposes additional work load and reporting requirements on the Department of Corrections at a time when agency budgets are limited. The department will continue to look at the creation of a transitional placement facility as a possibility for the future.

**13. Reduce Funding for the Mendota Juvenile Treatment Center**

*Section 1491*

This provision directs the Department of Corrections to transfer \$1,379,300 GPR in each of fiscal years 2001–02 and 2002–03 and \$2,694,400 PR in fiscal year 2001–02 and \$2,947,200 PR in fiscal year 2002–03 to the Department of Health and Family Services to pay for services provided for juveniles placed at the Mendota Juvenile Treatment Center.

I am vetoing in part the provision that transfers PR funding to the Department of Health and Family Services because new population estimates indicate a declining juvenile population. These new estimates do not support the current funding levels or current population levels at the Mendota Juvenile Treatment Center. The veto will strike out the new fiscal years and amounts, thereby restoring the current language that directs the transfer of \$2,489,300 in fiscal year 1999–2000 and \$2,489,900 in fiscal year 2000–01.

In accordance with s. 46.057 (2) it is my intent with this veto for the Department of Health and Family Services to charge the Department of Corrections not more than the actual cost of providing services for juveniles placed at the Mendota Juvenile Treatment Center. The Department of Corrections will compensate the Department of Health and Family Services as specified in s. 20.410 (3) (hm). Based on current population projections this cost is estimated to be \$1,817,200 PR in fiscal year 2001–02 and \$2,070,000 PR in fiscal year 2002–03.

**14. Juvenile Justice Study**

*Section 9111 (6c)*

This provision creates a committee to study the costs to the state of assuming responsibility for the operation of the juvenile justice system from the counties by January 1, 2004. The provision requires the committee to report its findings, conclusions and recommendations to the Legislature by May 1, 2003, and to include in its report legislation for the assumption by the state of all or part of the operating costs of the juvenile justice system and the elimination of youth aids payments.

I am vetoing this provision because the timeframe for assuming that responsibility is unrealistic and the Blue–Ribbons Commission on State–Local Partnerships for the 21st Century has already addressed much of what the committee would be required to study.

**DISTRICT ATTORNEYS**

**15. Vehicle Fines and Forfeitures for Additional Prosecutor Positions**

*Sections 395 [as it relates to s. 20.475 (1) (g)], 781m, 1996f, 1996h, 1996j and 9113 (1q)*

These provisions create a new annual appropriation and authorize \$1,135,000 PR in the 2001–03 biennium from vehicle–related fines, penalties and forfeitures under Chapters 341 to 347, 349 and 351 to fund an additional 14.55 FTE PR assistant district attorney positions beginning January 1, 2002, in Ashland, Brown, Chippewa, Columbia, Dane, Jefferson, Kenosha, Juneau, La Crosse, Manitowoc, Marathon, Outagamie, Rock, Sauk and Winnebago counties and to increase the Pepin County elected district attorney by 0.20 FTE PR position.

I am vetoing these provisions because the identified funding source is contrary to the state's commitment to pay for prosecutor positions, limits revenues for county judicial operations and requires all counties to forego revenue increases to aid a few counties. Since 1990, the state has been committed to funding the salary and fringe benefit costs of prosecutors and the funding source identified by the Joint Committee on Finance reneges on this commitment. The proposed shift in financing would set a bad precedent by requiring the counties to bear the responsibility of paying for prosecutor positions. Also, these provisions unfairly freeze the amount that counties may retain from fines and forfeitures at the level collected in state fiscal year 2000–01. Finally, requiring all counties to provide funding for prosecutor positions while only a few would receive the positions would be inequitable.

I recognize and support the need for additional prosecutorial resources. By vetoing this provision, it is my intent that the need for additional prosecutor positions be addressed in a s. 13.10 meeting, which will give the Joint Committee on Finance the opportunity to consider a more appropriate funding source for prosecutor positions.

**16. Assistant District Attorney Positions for Restorative Justice Programs**

*Section 4031p*

This section authorizes 2.0 FTE PR–S project assistant district attorney positions annually to establish restorative justice programs. Funding comes from the federal Edward Byrne Memorial Law Enforcement Assistance Program and penalty assessment match funds administered by the Office of Justice Assistance. Under this section, Milwaukee County and a county to be determined by the Attorney General, in consultation with the Department of Corrections, will each receive 1.0 FTE assistant district attorney position to serve as a restorative justice coordinator.

I am partially vetoing this section to eliminate the discretion of the Attorney General to select the second county to receive an assistant district attorney position for restorative justice efforts. Because one of the central themes of restorative justice is exploring alternatives to incarceration, the Department of Corrections is better equipped to make the determination of which county should implement such a program.

**JUSTICE**

**17. Post–Conviction and Post–Commitment DNA Testing**

*Sections 395 [as it relates to s. 20.410 (1) (be)], 676r and 4028j*

These provisions relate to GPR funding to cover the costs of post–conviction and post–commitment DNA tests and the ability of the courts to order the State Crime Lab to accept biological evidence for preservation.

I am partially vetoing these provisions to eliminate the GPR appropriation at the Department of Corrections that would have been used to cover the costs of post–conviction and post–commitment DNA testing if a defendant is determined indigent because of the severe funding constraints facing the general fund.

It is my intent to grant the courts authority to order the Department of Justice to cover such costs with program revenue from the crime laboratories and drug law enforcement assessments authorized under s. 165.755 and DNA surcharges authorized under s. 973.046. Accordingly, the Department of Justice may submit a request under s. 16.515 near the end of each fiscal year to use the appropriation under s. 20.455 (2) (kd), drug law enforcement, crime laboratories and genetic evidence activities.

I am also partially vetoing these provisions to eliminate the ability of the crime lab to prohibit the courts from ordering a transfer of evidence for the purpose of preservation. I am vetoing this provision because it undermines the court’s discretion regarding the preservation of biological evidence and its ability to designate who shall preserve such evidence.

**18. Attorney General Authority in Civil Rights Actions and Inquests**

*Sections 1996m, 2854m, 4033g, 4033k, 4033n, 4034b, 4034c, 4034d, 4034f, 4034g, 4034h, 4034j, 4034m, 4034n, 4034p, 4034r, 4034t, 4034u, 4034v, 4034w and 4034y*

These provisions authorize the Attorney General to investigate alleged civil rights violations, order and participate in inquests, request autopsies and medical examinations, and bring actions for injunction.

I am vetoing this provision because it is duplicative and unnecessary. District attorneys have this authority under current law. Wisconsin’s district attorneys have provided commendable service to the residents of this state regarding the defense of individual and civil rights and granting the Attorney General the same authority would serve no useful purpose.

**19. Law Enforcement Training on Alzheimer’s Disease Recognition**

*Section 2858p*

This provision specifies that, of the 48 hours of biennial recertification training required for law enforcement officers, at least one hour of training be dedicated to recognizing the symptoms of Alzheimer’s disease and other related dementia. I am vetoing this provision because the Law Enforcement Standards Board should determine if this addition to the curriculum for officer recertification training is needed. The Law Enforcement Standards Board under the Department of Justice establishes minimum training standards and develops the training curriculum for Wisconsin’s law enforcement officers. I encourage the board to review its curriculum on the recognition of Alzheimer’s disease and other dementia as part of its ongoing curriculum development function.

**20. AFIS Workstation Grant Program**

*Sections 395 [as it relates to s. 20.455 (2) (kh)], 770n, 770p, 855n, 855p, 9131 (2c) and 9431 (1c)*

These provisions provide penalty assessment revenue in fiscal year 2001–02 to create a grant program in the Department of Justice to fund the purchase of automated fingerprint identification system (AFIS) workstations by local law enforcement agencies and to cover the initial costs of installing a BadgerNet line.

I am vetoing these provisions because projected revenues from the penalty assessment surcharge would not be sufficient to support any new programs. This action is also necessary to cover the lapse of \$875,200 in penalty assessment revenues to the general fund in fiscal year 2001–02.

It should also be noted that I am providing \$3,540,200 over the biennium from various state and federal funding sources to improve and upgrade the statewide AFIS system to better serve Wisconsin’s law enforcement agencies.

**OFFICE OF JUSTICE ASSISTANCE**

**21. Federal Byrne Anti–Drug Enforcement Program**

*Sections 327n, 395 [as it relates to s. 20.395 (5) (jt)], 672L, 1375r, 2340q, 9101 (21j) and 9101 (22w)*

These provisions earmark funding to provide one–time community justice center planning grants, to expand the pretrial intoxicated driver intervention grant program under the Department of Transportation and to fund a crime prevention resource center at the Fox Valley Technical College.

I am vetoing these earmarks because they subvert the existing grant application review and approval process for federal Byrne funding administered by the Office of Justice Assistance. This action ensures that use of these funds will conform to federal regulations and will restore the set–aside for the Governor’s Law Enforcement and Crime Commission and discretionary special project funding for local law enforcement agencies to the greatest extent possible.

**22. Penalty Assessment Surcharge Balance Transfers**

*Sections 9201 (6c), 9211 (2c) and 9240 (1c)*

These provisions require the transfer of 85 percent of the unencumbered balances from certain appropriations on June 30, 2001, to the penalty assessment surcharge receipts appropriation under s. 20.505 (6) (j). Appropriation accounts affected by the transfer are the aid for alcohol and other drug abuse programs appropriation at the Department of Public Instruction, the victim services appropriation at the Department of Corrections and three appropriations at the Office of Justice Assistance used to match funding from the federal Byrne anti-drug program.

I am partially vetoing these provisions to increase the required balance transfer from 85 percent to 100 percent. This action is necessary to cover the lapse of \$875,200 in penalty assessment revenues to the general fund in fiscal year 2001–02 and to ensure that enough funding is available for ongoing programs that are supported by revenues from the penalty assessment surcharge.

**23. Southern Oaks Girls School Mental Health Unit Funding**

*Section 9201 (5v)*

This provision directs the Department of Administration secretary, to the extent permitted under federal regulations, to transfer \$433,100 PR–S in fiscal year 2001–02 and \$541,700 PR–S in fiscal year 2002–03 in federal Juvenile Accountability Incentive Block Grant funds from the Office of Justice Assistance to the Department of Corrections to operate the mental health unit at the Southern Oaks Girls School.

I am vetoing this provision because it is unnecessary to earmark these funds through the budget process. The Office of Justice Assistance has funding available for this purpose and these funds have already been allocated for this purpose.

**STATE PUBLIC DEFENDER**

**24. Base Budget Reductions and Reporting Requirements**

*Sections 395 [as it relates to s. 20.550 (1) (c)] and 9139 (2q)*

These provisions provide funding for the State Public Defender's office and require the State Public Defender to submit a quarterly report and a s. 13.10 request if a funding shortfall occurs in any of its appropriations.

In my budget I recommended a five percent GPR state operations base budget cut for most state agencies and branches of government and I intended for all agencies and branches to absorb these reductions in their budgets. However, the Legislature partially restored the five percent cut to the State Public Defender's budget and added 59.3 FTE GPR positions. Funding was shifted from the private bar appropriation to the trial representation appropriation to fund these positions. The effect of the Legislature's changes results in base budget reductions of only 0.528

percent in fiscal year 2001–02 and 4.4 percent in fiscal year 2002–03.

I object to some of the modifications made to the five percent reduction and the creation of the 59.3 FTE GPR positions. I am vetoing this provision because additional savings are needed and a contribution by all state agencies is essential to this effort. By lining out the State Public Defender's s. 20.550 (1) (c) appropriation and writing in a smaller amount that deletes \$2,894,800 GPR in fiscal year 2001–02 and \$373,100 GPR in fiscal year 2002–03, I am vetoing section 395 [as it relates to s. 20.550 (1) (c)] to provide a base budget cut of five percent in each year of the biennium and I am deleting the funding for the additional 59.3 FTE GPR positions. Furthermore, I am requesting the Department of Administration secretary not to allot these funds and not to authorize the additional 59.3 FTE GPR positions. I am also vetoing section 9139 (2q) to remove the report requirement because it is no longer applicable due to the reduction in funding. All agencies should have the same ability to make emergency requests under s. 13.10. Singling out the State Public Defender for a special report and s. 13.10 request authority is unnecessary and inequitable to other agencies faced with similar reductions.

Since 1997, the caseload for the State Public Defender has remained stable. However, during this same time period, the number of cases assigned to State Public Defender staff as a percentage of total cases has been reduced by 6.7 percent while the number of cases assigned to the private bar has increased by 6.7 percent. By returning to the 1997 assigned caseload ratios, the State Public Defender should be able to implement the base budget reductions without any reductions in positions. According to the State Public Defender, it is more efficient for State Public Defender staff to prosecute a case than the private bar. Therefore, I am requesting the State Public Defender to implement this reduction through improved efficiencies rather than personnel reductions.

**SUPREME COURT**

**25. Court Interpreter Program**

*Sections 395 [as it relates to s. 20.680 (2) (a)] and 9147*

These sections provide \$97,800 GPR in fiscal year 2001–02 and \$100,800 GPR in fiscal year 2002–03 and 1.0 FTE two-year project interpreter coordinator position.

I am vetoing section 9147 in its entirety because the cost is excessive. All branches of government need to prioritize and seek efficiencies in the use of taxpayer funding. By lining out the Supreme Court's s. 20.680 (2) (a) appropriation and writing in a smaller amount that deletes \$97,800 GPR in fiscal year 2001–02 and \$100,800 GPR in fiscal year 2002–03, I am vetoing the portion of the bill that funds the two-year project interpreter coordinator position. Furthermore, I am requesting the Department of Administration secretary not to allot these funds and not to authorize the additional 1.0 FTE position. My vetoes retain the \$456,200 GPR



increase in the state reimbursement rate to counties for court interpreters.

**26. Prison Impact Assessment**

*Sections 97m, 114v and 395 [as it relates to s. 20.765 (3) (d)]*

These provisions require the Legislative Fiscal Bureau to provide prison impact assessments for any bill or, upon request, any bill draft that creates a felony or modifies the period of imprisonment for a felony. Funding and positions are also provided to support this requirement.

I am vetoing these provisions because the cost is excessive and other fiscal impact requirements included in the budget will provide estimates of the cost of criminal legislation. By lining out the Legislature's s. 20.765 (3) (d) appropriation and writing in a smaller amount that deletes \$101,500 GPR in fiscal year 2001–02 and \$113,300 GPR in fiscal year 2002–03, I am vetoing the requirements and the additional positions. Furthermore, I am requesting the Department of Administration secretary not to allot these funds and not to authorize the additional 2.25 FTE GPR positions.

**27. Court Commissioner Education**

*Section 3780q*

This provision requires court commissioners to participate in programs of continuing education and requires that the court commissioners be charged a fee by the Supreme Court for the costs of the continuing education classes.

I am partially vetoing this provision to remove the requirement that court commissioners be charged the fee. This veto will maintain the current billing status, with the fee being assessed to the county where the court commissioner is employed.

**28. Appropriation Modifications**

*Sections 395 [as it relates to s. 20.680 (2) (a)] and 926r*

These provisions convert the general program appropriation for the director of state courts from an annual to biennial appropriation.

I am vetoing these provisions in order to maintain the stricter fiscal controls provided under annual appropriations and to continue to adequately monitor appropriation expenditures. The effect of this veto is to retain current law.

**E. STATE GOVERNMENT OPERATIONS**

**ADMINISTRATION**

**1. Vacant Positions in State Government**

*Section 9101 (26n)*

This provision requires the secretary of the Department of Administration, within thirty days of the budget's effective date, to determine vacant positions of various funding sources in executive branch agencies as of July 1, 2001; determine the associated salary and fringe benefit costs; and lapse these amounts to the respective appropriation and fund balances. In addition, the authorized positions determined by the secretary are deleted.

My budget recommendations to the Legislature included GPR state operations base appropriations reductions of five percent for most state agencies. Since the budget was introduced, agency managers have been planning how to implement these cuts. Many are holding authorized positions vacant in anticipation of using them to help meet the funding reductions. While these five percent reductions involve GPR, agencies with other funding sources have been holding vacancies in program revenue and segregated funds so that employees may be reallocated in order to minimize layoffs. The cuts of vacant positions and associated funding proposed by the Legislature place an additional burden on agencies in that the dollars associated with many vacancies have already been accounted for in agency planning.

I understand that the estimated GPR savings of \$7,900,000 annually related to this provision are needed to maintain the general fund balance. However, estimated savings from vacant positions in other funding sources that would lapse to those sources would be of no benefit to the general fund.

For these reasons, I am partially vetoing this provision to give the department secretary and state agencies needed flexibility to implement the several general fund reductions and lapses in the budget. Specifically, my partial veto deletes the thirty-day deadline for determining vacant positions; removes non-GPR funding sources from the lapse requirement; eliminates the requirement that individual appropriations be part of the secretary's determination and implementation of GPR lapses; and strikes the requirement that vacancies identified be deleted. I am also vetoing the limitation of this lapse provision to only the executive branch, since I believe all branches of state government should share responsibility for reducing costs in each fiscal year. The effect of this partial veto will give the secretary flexibility to apportion the required general purpose revenue lapse equitably among all agencies.

**2. Dues and Membership Lapses**

*Section 9101 (22k)*

This provision requires the secretary of the Department of Administration to determine the amount spent by each state agency in fiscal year 2000–01 for membership dues for any state or national organization and to lapse twenty percent of those amounts from each affected agency appropriation.

This language, as presented, provides no latitude regarding the appropriations or respective amount of required lapse that must be assessed. Because there are appropriations that exist solely for payment of a dues or membership fee which will require all of their budgeted resources in the 2001–03 biennium, I find the requirement to take twenty percent of each and every such appropriation to be overly restrictive. I am therefore partially vetoing the provision in a way that will permit the Department of Administration secretary to apportion the provision's overall required lapse on a more



flexible basis across agencies and their appropriations. The fiscal effect of this veto will be neutral, since the total required amount will be lapsed.

**3. Audit of State–Owned Aircraft Usage**

*Sections 9132 (3y) and 9159 (3y)*

These provisions request the Joint Legislative Audit Committee to direct the Legislative Audit Bureau to conduct a performance evaluation audit of aircraft usage by state agencies. If the bureau does not initiate this audit by December 1, 2001, the Department of Administration, Department of Transportation and Department of Natural Resources are directed to conduct a joint study to determine how reductions can be made in the costs associated with use of aircraft by state agencies.

I object to the required Legislative Audit Bureau study because I believe the three state agencies involved can perform this study adequately. I am, therefore, partially vetoing these provisions to remove the Legislative Audit Bureau study, but leave in place the requirement that the three agencies do the evaluation and report the results to the chief clerk of each house of the Legislature.

**4. University of Wisconsin System Fleet Merger**

*Section 9156 (3s)*

This section transfers to the Department of Administration the assets and liabilities of the board of regents of the University of Wisconsin System relating to its fleet maintenance functions at the Madison campus, as determined by the secretary of the Department of Administration.

I am vetoing this section because it is unnecessary. An interagency committee is already studying how to optimize state fleet maintenance and is working toward this same goal. Combining the University of Wisconsin–Madison and Department of Administration fleet maintenance operations at this time would be premature until those study efforts have been completed.

**5. Procurement Conversion to Program Revenue**

*Sections 395 [as it relates to s. 20.505 (1) (kf)] and 817*

This provision creates a new biennial appropriation for support of central procurement operations.

I believe that a biennial appropriation does not provide enough flexibility to carry out the goals of the program. I am, therefore, partially vetoing this provision to give the Department of Administration greater flexibility in providing procurement services. The effect of this veto will be to change the biennial appropriation to continuing.

**6. Procurement Services Audit**

*Section 9132 (2ak)*

This section requests the Joint Legislative Audit Committee to direct the Legislative Audit Bureau

to conduct a performance evaluation audit of procurement services provided by the Department of Administration to state agencies.

I am vetoing this section because it is unnecessary. The Legislature does not need nonstatutory authority to direct that a Legislative Audit Bureau study be conducted.

**7. Purchasing Card Rebates**

*Sections 227q and 9101 (19r)*

This provision requires the Department of Administration to credit any rebates received by state agencies through the use of the purchasing card to the fund from which the purchase was incurred.

The budget includes the conversion of funding for the state procurement program from GPR to program revenue. Among the intended sources available to agencies to fund the charges for the central procurement bureau are internal savings realized through the use of innovations such as the purchasing card. Requiring agencies to lapse such savings contradicts the original concept of converting state procurement functions to program revenue. It also would act to discourage agencies from trying to use technology in their operations. For these reasons, I am vetoing the purchase card rebate requirement.

**BUILDING PROGRAM**

**8. Retainage on Public Works Contracts**

*Sections 321m, 2026m and 9359 (10b)*

These provisions reduce the percentage of payments withheld on public works contracts from ten percent to five percent.

I am vetoing this provision because it is contrary to the industry standard of ten percent on such payments and reduces the state's ability to manage state building projects by decreasing the incentive of contractors to complete projects in a satisfactory manner. The effect of this veto will be to retain the ten percent standard, which is current law.

**9. Wisconsin History Center Reporting Requirement**

*Section 9107 (7x)*

This provision requires that at least \$75,000,000 in gift, grants or other receipts funding be secured before any bonds are sold for the Wisconsin History Center project. It also requires that the Building Commission notify the Joint Committee on Finance when this gift funding has been secured which is then subject to the fourteen–day passive approval authority of the Joint Committee on Finance before the Building Commission may authorize any public debt for the project.

I believe the Building Commission should remain the sole state government body responsible for oversight of building projects. I object to the requirement that this project be subject to the additional review and approval of another legislative committee. Therefore, I am vetoing this provision.

**10. Facility Operating Cost Estimates**

*Sections 104m and 227m*

These sections require the Department of Administration to provide the Building Commission with a statement of anticipated annual operating costs and other information for each building project proposed for enumeration. They also prohibit the Building Commission from recommending any project for enumeration in the authorized state building program unless the commission adopts and provides an estimate of the anticipated annual operating costs or the increased annual operating costs, plus the anticipated annual debt service costs of all projects in the first full year following their completion, and the revenue source for these costs.

I am vetoing these sections because the Building Commission already collects this information and includes these costs as part of its recommendations on the authorized state building program through the Department of Administration. The commission and the department are committed to addressing anticipated operating costs when considering building projects for approval.

**11. Distributed Generation Units**

*Section 319s*

This section requires the Department of Administration to investigate the potential of incorporating and using distributed generation units in any state building project that is expected to cost \$5,000,000 or more. The department is required to consider the cost effectiveness of these units, their potential for statewide power generation capacity and their potential for cost savings to the state. The department is also required to report its findings, together with its recommendations and the reasons for its recommendations, to the Building Commission prior to the commission's consideration of a project.

I am vetoing this section because the Department of Administration already reviews the feasibility of using this type of generation in larger building projects and incorporates such units when found to be cost-effective.

**12. Restrictions on Acquisition Through Lease Purchase**

*Sections 108b, 108c, 108e, 994e and 9307 (1x)*

These provisions prohibit the state from entering into a lease-purchase agreement that contains an option for the state to purchase a building constructed for purposes of initial occupancy by the state, unless construction and purchase of the facility is enumerated in the state building program prior to entering into the lease-purchase agreement.

I am partially vetoing these provisions because they place an unnecessary restriction on the Building Commission's ability to sign lease-purchase agreements on behalf of the state. The Legislature is represented on the Building Commission and is fully aware of

lease-purchase agreements as they are considered and signed by the Building Commission.

**13. Sale of Residual State Property**

*Sections 107m, 107mm, 107n, 107nm, 107p, 107pm, 983m, 983mn, 2307jn, 2307jp and 9459 (5s)*

These provisions require each state agency that has jurisdiction over residual state property to solicit bids for the sale of that property no later than the end of a two-year period beginning on the effective date of the bill. They also require that any agency selling residual state property during that two-year period would have to sell the property to the highest responsible bidder, if any, who offers to pay at least the fair market value of the property. Residual property is defined as vacant state-owned land, including any improvements on that land, which is not utilized under any statutory program or any plan or proposal of a state agency. Annually, no later than September 1, each state agency that sold a parcel of residual property would be required to file a report with the cochairpersons of the Joint Committee on Finance that specifies the location and size of each parcel sold, the date sold, the estimated fair market value of the parcel sold, sales price and the allocation of the proceeds of the sale. The requirement for the sale of residual property would not apply to property that is leased to a person other than a state agency on the effective date of the bill, if the terms of lease preclude the sale of property during the term of the lease, until the lease expires or is modified, renewed or extended, whichever occurs first. Finally, current law governing the sale of the surplus property by the Building Commission is subject to the requirements relating to the sale of residual property. These provisions would sunset on March 1, 2004.

I am vetoing these provisions because they place unnecessary time constraints on state agencies that may prevent them from realizing the full value of any state property sold. In addition, existing state policies on the sale of surplus land are adequate.

**14. Utility Service Cost Allocation Study**

*Section 9107 (12w)*

This provision requires the Building Commission to direct the Department of Administration to contract with a private person to study the extent of utility services provided to state programs funded by program revenue and to determine whether the charges made to the programs utilizing this service are fairly compensating the state for the cost of the service provided to the programs. The report must include any recommendations for changes in allocation of charges for utility services. The department must report the results of the study, together with any recommendations included in the study report, to the cochairpersons of the Joint Committee on Finance no later than July 1, 2002.

I am vetoing this provision because it is unnecessary. The Building Commission and the Department of Administration have the authority

under current law to conduct a utility service cost allocation study.

**15. Revision of Enumerated Projects**

*Section 9101 (20z)*

In this provision, the Legislature requires the Department of Administration's Division of Facilities Development and the Building Commission to revise the enumerated projects listed in the authorized state building program. At the second quarterly s. 13.10 meeting of the Joint Committee on Finance, the Department of Administration must provide the Joint Committee on Finance the recommendations of the Building Commission to revise the 2001-03 authorized state building program to reflect the reduction of \$13,100,000 general fund supported borrowing provided in the budget bill. The Joint Committee on Finance is required to introduce appropriate legislation required to implement any revisions approved by the committee.

I am vetoing this provision because it is unnecessary. The legislative members of the Building Commission can introduce appropriate legislation required to make changes in the authorized state building program if such changes are deemed necessary. I believe the Building Commission should remain the sole state body responsible for oversight of building projects. I object to the requirement that changes in the authorized state building program be subject to s. 13.10 review prior to being introduced as separate legislation.

**16. Restriction on General Fund Supported Borrowing**

*Section 392p*

This section prohibits the level of general fund supported borrowing that is authorized in any biennium, excluding borrowing for the purpose of refunding previously authorized bonds, from exceeding 3.5 percent of the estimated taxes of the first year of the biennium.

I am vetoing this section because I believe the formula provided is unworkable and does not recognize that the cost of borrowing is controlled by the amount of annual debt service on bonds issued, not the principal amount of the bonds issued. The proposed formula does not take into account the different forms of borrowing the state enters into, which have different interest costs, as well as different amortization periods, affecting both the interest cost as well as the average life of the debt. Most importantly, the section does not recognize the time variability of debt issuance. Debt authorized by the Legislature in this budget may not be issued for several years. Moreover, the overall bonding increase included in the bill, as passed by the Legislature, is two-and-one-half times what would be allowed under the proposed formula. Wisconsin is one of the few states with a constitutional limitation on the amount of debt that it can incur. I am striking this section which attempts to create a different standard.

**17. Wausau State Office Facility Study**

*Section 9107 (12mk)*

This provision requires a study of the feasibility of constructing a state office facility in the Wausau area.

I am vetoing this provision because it is unnecessary. The Building Commission is already authorized to conduct studies on the feasibility of constructing state office facilities.

**ELECTIONS BOARD**

**18. Recall Elections of City, Village, Town or School District Officials**

*Sections 94f, 94i, 94L, 94p, 94s, 3828m and 9359 (11q)*

These provisions revise the procedures for recalling city, village, town or school district officials. I am vetoing these provisions in their entirety because I believe changes in the procedures for recalling these officials should be adopted through separate legislation.

**19. Lease of Electronic Voting Equipment**

*Sections 906m, 9101 (20x), 9115 and 9129 (1x)*

These provisions require the Department of Administration to enter into a master lease on behalf of the Elections Board to obtain sufficient electronic voting equipment suitable for use in municipalities that employed a punch card electronic voting system at the 2001 spring election. I am vetoing these provisions because the department should make the determination as to whether use of master leasing is appropriate to replace punch card voting systems.

**ELECTRONIC GOVERNMENT**

**20. Appropriation Structure**

*Sections 395 [as it relates to s. 20.530 (1) (g), (is), (it), (kf), (kL) and (kr)], 914, 9101 (7) and 9201 (4v)*

These provisions establish appropriations in the new Department of Electronic Government. In my budget recommendations to the Legislature, I proposed that the department have one continuing appropriation with which to conduct general program operations. I did this because the new direction the state must take in managing its information technology resources requires both the broader authorities vested in the chief information officer position heading the agency and the financial flexibility inherent in a continuing appropriation.

The Legislature adopted several of the recommended changes in powers and duties recommended for the chief information officer. However, it approved an annual appropriation instead of continuing. By applying my partial veto, the continuing appropriation authority which I originally recommended will be retained. Because my partial veto simplifies and eliminates several appropriations under the new department, I also am partially vetoing some of the language relating to appropriation transfers. I



am doing this to clarify that the secretary of the Department of Administration has full authority to ensure that appropriate assets and liabilities of operations and programs previously in the Department of Administration are transferred to the new department. Further, my veto is intended to give the secretary of the Department of Administration full authority to determine any question that might arise with respect to treatment of appropriation revenues and expenditures in the new department.

**21. Administrative Rule to Set Fees**

*Section 1030d*

The Department of Electronic Government created in the budget derives its funding through the assessment of fees for various services and activities. This section requires the department to establish all fees and charges through the administrative rule process. I am removing this requirement with my partial veto because it will unnecessarily burden the chief information officer in expeditiously implementing the agency's mission.

**22. Chief Information Officer Vote on Information Technology Management Board**

*Section 176*

This section creates the Information Technology Management Board which is attached to the Department of Electronic Government. The chief information officer is given membership on the board which is limited to a nonvoting status. I object to this limitation because I believe the chief information officer should be a full participating member. I am, therefore, vetoing the provision to remove the nonvoting status for the chief information officer.

**23. Ethics Board Procurement Authority**

*Sections 275m and 355m*

The Department of Electronic Government is authorized to oversee and provide technical assistance and training to small agencies. Provisions added in the budget permit the State Ethics Board an exemption from department oversight. The board may utilize any funding made available for small agency support to obtain assistance or training from any source. I am vetoing these provisions because the department should retain authority to determine the form and source of technical assistance for these agencies.

**24. Veterans Museum Distance Learning Support**

*Section 1030m*

This provision requires the Department of Electronic Government to administer a program providing outreach and training to veterans through a satellite system that is linked to five remote locations throughout the state.

I am vetoing this requirement because it is unnecessary. I believe that the Departments of Veterans Affairs and Electronic Government will mutually explore and pursue the best ways to use technology to assist veterans. The department will work with the Department of Veterans Affairs

to increase outreach to veterans regarding veterans services and benefits and to provide training to Department of Veterans Affairs employees and to county veterans service officers. However, the new department should be allowed to decide how to accomplish this task after an assessment of how best to provide this assistance.

**EMPLOYEE TRUST FUNDS**

**25. Private Employer Health Insurance Coverage Program Changes and Funding**

*Sections 395 [as it relates to s. 20.515 (2) (a)], 910t, 1400mm, 3741amb, 3766ec, 3766ef, 3766em, 9327 (3q) (a) [as it relates to s. 635.05 (1)] and 9427 (3q) [as it relates to s. 635.05 (1)]*

These sections provide funding for the start-up costs associated with the private employer health care coverage program, restrict the variance in health insurance premium rates which insurers are allowed to charge small employers and revise the definition of small employer. One provision requires the state life fund to provide an interest-free loan to the general fund in the amount of \$850,000. The same amount is appropriated under the Department of Employee Trust Funds. The loan is to be paid back from program receipts or from the general fund if the program receipts are not sufficient within a reasonable period of time. Another provision reduces the variance permissible in health insurance premiums charged by insurers to plus or minus ten percent of the midpoint rate for small employers with similar case characteristics. A third provision revises the statutory definition of small employer to incorporate an eligible employee standard present under current state law.

I am partially vetoing these provisions for the following reasons. The additional premium rate variance restrictions may have the effect of increasing costs to many small businesses that currently provide health insurance benefits to their employees. Therefore, I am striking out the rate band change. Also, I object to funding this program by an interest-free loan from the state life fund to the general fund. The life fund's assets are owned by the policyholders and are managed by the State of Wisconsin Investment Board, which has investment guidelines which such a required loan may violate. Therefore, I am vetoing the loan provision, and by lining out the Department of Employee Trust Funds' s. 20.515 (2) (a) appropriation and writing in a smaller amount that deletes \$850,000 GPR in fiscal year 2001-02, I am deleting the funds appropriated for this program. I am also requesting the Department of Administration secretary not to allot these funds. The Department of Employee Trust Funds, Office of the Commissioner of Insurance and State of Wisconsin Investment Board should explore arranging a loan which addresses needed program costs and conforms with the investment requirements of the board. Finally, I am vetoing the change in definition of small employer. I do so because the new



definition would not meet the requirements of the federal definitions under the Health Insurance Portability and Accountability Act of 1996.

**EMPLOYMENT RELATIONS**

**26. Funding for Shared Human Resources System**

*Sections 395 [as it relates to s. 20.512 (1) (k)], 910d and 9129 (1m)*

These provisions change the appropriation for the shared human resources system from continuing to a sum certain. In addition, these provisions prevent the Joint Committee on Finance from supplementing the appropriation above \$16,000 until provided a number of reports.

I object to the change in appropriation status because I believe a continuing appropriation is better suited to the requirements of maintaining the system. I also am concerned that the requirements to prepare and submit additional reports as a condition for having supplemental funding requests considered will unnecessarily delay implementation of the shared human resources system. I am, therefore, vetoing these provisions in their entirety. The effect of my veto will retain the current law continuing appropriation.

**LEGISLATURE**

**27. Legislative Hotline**

*Sections 102p, 2304p and 9432 (1z)*

This provision prohibits the Legislature from maintaining a toll-free telephone service for use of the public to contact members of the Legislature.

The legislative hotline provides a convenient means for the public to contact members of the Legislature. Eliminating this central point of access could discourage citizens from communicating with their legislators. For this reason, I am vetoing deletion of the legislative hotline.

**28. Emergency Rule Changes**

*Sections 3034d, 3034j and 3034k*

This provision changes the initial length of time that emergency administrative rules may be in effect from 150 to ninety days. It also modifies the maximum extension of the effective period from 120 days to 180 days. Also included is a new requirement that any proposed administrative rule must be submitted to the Revisor of Statutes and the Secretary of State within thirty days after legislative review is complete.

I am vetoing this provision because it places unnecessary restrictions on the executive branch and the emergency rule process.

**29. Legislative Council Studies**

*Sections 9132 (4b) and 9132 (4z)*

Section 9132 (4b) requests the Joint Legislative Council to study how juries are selected, including what actions are needed to increase the participation of racial and ethnic minorities on juries so that juries reflect the racial and ethnic composition of the areas from which the juries were selected. Section 9132 (4z) requests the council to study how state government, the

state's research universities and the state's business community can foster economic development in this state by assisting industries and businesses that are based on science and technology.

I am vetoing these provisions because they are unnecessary. These studies can be completed without a nonstatutory requirement.

**30. Capstone Certificate Program Reimbursement Funding**

*Section 395 [as it relates to s. 20.765 (1) (a)]*

This section provides \$9,500 GPR annually to the Assembly to reimburse staff members who participate in the Capstone Certificate Program. This program provides professional development courses to staff members of the Legislature.

I am vetoing this section because providing funding to only one house of the Legislature would discourage other staff members from participating in the program. By lining out the s. 20.765 (1) (a) appropriation and writing in a smaller amount, I am deleting \$9,500 each year for the Capstone Certificate Program.

**MILITARY AFFAIRS**

**31. National Guard Tuition Grant Program**

*Sections 1024bg, 1024c, 1024m, 9336 (2gk) and 9436 (1gk)*

These sections reduce the reimbursement percentage for the National Guard Tuition Grant program from 100 percent to 85 percent. They also make grant recipients ineligible for tuition reimbursement if they are members of the U.S. armed forces, including the National Guard, for ten years or more and make guard members eligible for grants after June 30, 2005, only if they attend University of Wisconsin System schools, schools participating in the Minnesota-Wisconsin reciprocity agreement or any technical college.

I am vetoing these sections in their entirety because they will have an adverse affect on maintaining a strong National Guard. I am committed to maintaining a 100 percent tuition grant reimbursement program for the National Guard in Wisconsin. The program is a vital recruitment incentive. While I cannot restore funding for the current law reimbursement rate through a veto, I will support legislation that provides full funding of the program at a 100 percent reimbursement level.

**32. Badger Challenge Program**

*Section 9159 (1) (b)*

This provision prohibits the Department of Military Affairs from submitting a request to reduce funding for the Badger Challenge Program as part of the department's general purpose revenue appropriation reduction for state operations.

I am vetoing this provision because it will have an adverse affect on the department. Every other state agency that must reduce general purpose revenue funding in state operations may request to reallocate its reduction to any other general purpose revenue appropriation for state

operations within the agency. It is inequitable to prohibit the Department of Military Affairs from requesting to reduce general purpose revenue in the Badger Challenge Program when other state agencies are not restricted in such a manner.

**REGULATION AND LICENSING**

**33. Regulation of Closing Agents**

*Sections 3579c, 3608cg, 3608cm, 3608cr, 3608dg, 3608dq, 3608dr, 3608eg, 3608em, 3608er, 3608fg, 3608fm, 3608fr, 3608gg, 3608gm, 3608gr, 3608hg, 3608hm, 3608hr, 3608ig, 3608im, 3608ir, 3608jg, 3608jm, 3608jr, 3608kg, 3608km, 3608kr, 3608Lg and 9443 (3km)*

These provisions newly regulate real estate closing agents and require that all trust accounts used by closing agents be interest-bearing. The interest earned by these trust accounts would be transferred to the Department of Administration to provide grants to alleviate homelessness.

I am vetoing these provisions in their entirety because the licensing requirements do not respond to a demonstrated need and will add little additional protection for consumers.

**34. Regulation of Cemeteries**

*Sections 395 [as it relates to 20.165 (1) (q)], 465p, 1104p, 1144m, 2077, 2093, 2100m, 2852bb, 2852bf, 2852bj, 2852bL, 2852bn, 2852bp, 2852br, 2852bt, 2852bx, 2852da, 2852dc, 2852de, 2852dk, 2852dm, 2852ds, 2852dt, 2852dy, 2852fb, 2852fd, 2852fh, 2852fi, 2852fl, 2852fn, 2852fp, 2852fr, 2852ft, 2852fu, 2852fw, 2852fx, 2852gb, 2852hb, 2852jd, 2852jf, 2852jh, 2852jj, 2852jL, 2852jn, 2852jp, 2852jr, 2852jt, 2852jv, 2852jx, 2852jy, 2852jz, 2852Lb, 2852Ld, 2852Lf, 2852Lh, 2852Lj, 2852LL, 2852Ln, 2852Lp, 2852Lt, 2852ob, 2852obm, 2852oc, 2852od, 2852oh, 2852of, 2852og, 2852oj, 2852ok, 2852oL, 2852on, 2852op, 2852or, 2852ot, 2852ov, 2852ox, 2852oz, 2852pb, 2852pd, 2852pf, 2852ph, 2852pj, 2852pL, 2852pn, 2852pp, 2852pr, 2852pt, 2852pv, 2852px, 2852pz, 2852qb, 2852qd, 2852qf, 2852qh, 2852qhk, 2852qhL, 2852qj, 2852qL, 2852qn, 2852qp, 2852qr, 2852qt, 2852qv, 2852se, 2852sh, 2852si, 2852sj, 2852sk, 2852sL, 2852sm, 2852sn, 2852snb, 2852so, 2852sp, 2852sq, 2852sr, 2852ss, 2852st, 2852sv, 2852sx, 2852sz, 2852w, 2852yh, 2852yL, 2852yu, 3492w, 3504f, 3504h, 3504k, 3605gb, 3605gf, 3605gL, 3605gn, 3605gp, 3605gx, 3605ic, 3605ih, 3605in, 3605iq, 3605is, 3605iv, 3605kd, 3605kL, 3605km, 3605kn, 3605kp, 3605kr, 3605kt, 3605kv, 3605kx, 3605kz, 3605mb, 3605md, 3605mf, 3605mh, 3605mj, 3605mm, 3605mn, 3605mv, 3605mx, 3605mz, 3605ob, 3605od, 3605of, 3605oh, 3605oj,*

*3605oL, 3605on, 3605op, 3605or, 3605ot, 3605ov, 3605ox, 3605oz, 3605qb, 3605qd, 3605qg, 3605qh, 3605qhc, 3605qhe, 3605qhg, 3605qhj, 3605qhk, 3605qj, 3605qjd, 3605qjf, 3605qr, 3605qt, 3605qx, 3605qz, 3605sb, 3605sd, 3605sh, 3605sj, 3605sL, 3605sn, 3605sp, 3605sr, 3605st, 3605sv, 3605ud, 3605uh, 3605uv and 3605ux.*

Under current law, if a cemetery is abandoned, the respective city, town or municipality having jurisdiction is obliged to assume care for the property. These provisions change the law to require that if a cemetery in Milwaukee County is abandoned or neglected for a period of six months, the city, town or municipality in which the cemetery is located must report the problem to a cemetery authority. The authority then has 90 days (plus one 90-day extension) to address the situation. If the cemetery authority does not succeed with a remedy, a court may appoint a trustee to manage the cemetery and correct existing problems.

The provision also creates a new Cemetery Management Insurance Trust Fund. This fund would consist of revenues collected in Milwaukee County from a \$10 filing fee for death certificates and a \$1 surcharge on certified copies of death certificates. The amounts available are to be used to fund activities of the trustee appointed to manage the neglected or abandoned cemetery.

I am concerned that the trustee's ability to adequately maintain the cemetery will be linked to the new Cemetery Management Insurance Fund balance. Currently, no other state requires a fee to file a death certificate. This fee could provide a disincentive for individuals to file a death certificate, which could impact the official number of deaths for Milwaukee County as well as limit the liquidity of the new fund.

Also, there has not been a formal inventory to estimate how many neglected cemeteries might require management by a trustee. Nor has there been a study to determine the trustee costs for managing a neglected cemetery. The provision provides no alternate means of payment of trustee costs should the insurance fund become depleted.

For these reasons, I am vetoing this provision in its entirety. Although local units of government in Milwaukee County are naturally concerned with the costs in assuming control of an abandoned cemetery, the provisions in the budget proposal offer questionable relief and would likely prove to be insufficient to accomplish their goals.

**35. Evaluation of Credentialing Fees**

*Section 9132 (3v)*

This section requires the Legislative Audit Bureau to conduct a review to evaluate the methodology used by the Department of Regulation and Licensing for recalculating administrative and enforcement costs as part of fee setting for issuing and renewing credentials.

I am vetoing this section because this review can be completed without a session law requirement.

**36. Inclusion of an Institutional Pharmacist on the Pharmacy Examining Board**

*Sections 182q, 182r and 9443 (2x)*

This provision changes the makeup of the Pharmacy Examining Board to require that one of the seven members appointed to the board shall be employed as an institutional pharmacist.

I am committed to the appointment to the board of individuals who represent diverse aspects of the profession. However, I object to having membership dictated by statute, in this case, and am, therefore, vetoing this provision. Appointments to the board will continue to show the proper balance of interests without this requirement.

**VETERANS AFFAIRS**

**37. Regional Veterans Claims and Benefits Coordinators**

*Sections 1451m, 1451n, 1451p, 1451r and 9157 (5mk)*

These provisions prohibit the Department of Veterans Affairs from employing more than eight regional coordinators, more than seven claims officers, more than two mobile claims officers, and more than one claims officer in each of the department's other three regions. In addition, the department is required to study the need for additional mobile claims officers and regional coordinators with the focus of each study to be on needs outside of the southeastern regional service area. Finally, the provisions require that the department consult with and receive the concurrence of a county veterans' service officer organization before submitting a request to the Joint Committee on Finance under a 14-day passive review procedure for additional regional coordinator positions if both the department and the organization find that more positions are needed.

These sections unduly constrain the current statutory authority of the Veterans Affairs Board which oversees the operations of the department and limits the ability and flexibility of the secretary of the department to analyze and accommodate the changing demographics and needs of Wisconsin's veterans. I object to restrictions and am vetoing these provisions. Currently, five committees comprised of eighteen representatives from the County Veterans Service Organization and 21 veterans service organizations provide counsel and recommendations on department programs and processes. The board also receives public testimony. This is sufficient oversight. The proposed language mandating consultation or concurrence from advocacy groups regarding internal staffing management is unacceptable.

**38. Veterans Outreach Initiative**

*Sections 788s, 788sf, 792j, 1458m and 9157 (6c)*

These provisions require the Department of Veterans Affairs to provide funding for federal benefits dispute training for the Wisconsin

Chapter of Vietnam Veterans of America, Inc., and to provide funding to the Armitage House for homeless veterans in Onalaska, Wisconsin.

I am vetoing the requirement to provide funding to the Wisconsin Chapter of Vietnam Veterans of America, Inc., because I object to the duplication this creates in services already available under existing department programs. The National Vietnam Veterans of America Office has approved the department's use of contractual claims training in place of National Vietnam Veterans of America sponsored training to meet accreditation requirements. There is no need for additional funding to support other training for this purpose.

I am also vetoing the requirement to provide funding to the Armitage House in Onalaska, Wisconsin. Although it is a worthy project and one that could be considered for increased funding in the future, I believe it is inappropriate to require the department to provide a grant to one specific program housing homeless veterans when the department already operates the Veterans Assistance Program which provides housing and veterans rehabilitation services to homeless veterans in several locations around the state.

**39. Veterans Emergency Aid Pilot Program**

*Sections 788s, 9157 (8c) and 9457 (3c)*

These provisions establish a Veterans Emergency Aid Pilot Program in Monroe County. This program requires the department to provide a grant of \$20,000 to the Monroe County Veterans Service Office to administer an emergency assistance program to low-income veterans receiving services from the Veterans Administration Medical Center in Tomah or at the Veterans Assistance Center in the same location. The program would allow the Monroe County Veterans Service Officer to determine eligibility of veterans for aid, which may consist of emergency services such as transportation services, food or temporary housing.

I am vetoing this program because it duplicates existing federal, state and local emergency aid facilities, programs and services to low-income veterans currently in use in Monroe County and surrounding counties. Discharge planning programs from the Veterans Administration Medical Center and Veterans Assistance Center at Tomah offer adequate referral services for veterans in transition from those facilities into, and around, Monroe County. The department currently operates the Veterans Assistance Program, which offers services to homeless veterans, and the Subsistence Aid Grant Program, which offers financial assistance for the same transportation services, food and temporary housing as the proposed emergency aid pilot program would provide. In addition, the proposed program would establish an inequitable use of a veterans trust fund allocation to one county and may establish a precedent in which multiple counties may pursue funding for similar purposes.



**F. TAX, FINANCE AND LOCAL GOVERNMENT**

**ADMINISTRATION**

**1. Division of Gaming – License Requirements for Simulcast Racing**

*Sections 3713c, 3713d and 3713e*

These provisions change the license requirements for simulcast racing. These sections would increase the number of live race performances from 250 to 275 performances, remove the requirement that simulcast wagering be conducted at a track only as an adjunct to live performance wagering and remove the requirement that simulcast revenues could not be a primary source of revenue.

I am vetoing these sections because I am concerned about this expansion of gaming. These sections could give rise to a virtual off-track betting facility at a racetrack. I believe such an expansion is beyond the scope envisioned in the constitutional amendment that originally authorized pari-mutuel wagering at racetracks. Such an expansion does not belong in the budget but should instead be subject to extensive legislative scrutiny and should be considered as separate legislation.

**BUDGET MANAGEMENT**

**2. Budget Stabilization Fund, Cash Building Projects Fund and "Buy Down" of School Aid Payment Shift**

*Sections 103, 245, 395 [as it relates to s. 20.867 (6) (a) and (q)], 980c, 1104n, 1145d, and 9101 (25j) [as it relates to the cash building projects fund]*

These sections create a cash building projects fund and specify an allocation of unanticipated tax revenues. Unanticipated revenues are split three ways under these provisions. One-half of unanticipated revenues are paid to the budget stabilization fund. Of the remainder, the first \$115,000,000 is used to annually reduce the amount of the \$115,000,000 June school aid payment shift. Any residual amount after paying the \$115,000,000 is paid to the cash building projects fund.

I am vetoing these provisions because the payment flow to the cash building projects fund is badly flawed. Before any funds are actually paid to that fund, the unanticipated revenues must exceed \$230,000,000 in a year. This seems unlikely in most years. Even in years this would occur, only a small amount of any unanticipated revenues would actually be allocated to the fund.

I am also vetoing these provisions because I am concerned with the "buy down" provisions of the school aid payment shift. The provisions preserve the \$115,000,000 payment shift permanently and only reduce the amount shifted by one-half of unanticipated revenues in any one year. Rather than use a gain in revenues to permanently restore the payment, the payment shift is allowed to continue as an unfunded commitment in future years.

The fiscal future of the state is better served by investing unanticipated revenues toward paying its bills on time and building budget reserves. By vetoing this provision, I am maximizing the amount of revenues allocated to the general fund balance and placing the state on firmer financial footing.

**3. Statutory Minimum Balance**

*Sections 392m and 9101 (25j) [as it relates to establishing the statutory minimum balance for fiscal year 2002–03]*

These provisions reduce the statutory minimum balance from 1.4 percent of general fund appropriations and compensation reserves to \$90,000,000.

I am vetoing this provision because the reduction in the minimum balance would jeopardize the financial soundness of the general fund. At \$90,000,000, the minimum balance would be less than one percent of general fund appropriations. This is inadequate as a financial reserve to preserve a balanced budget. As a result of my veto, the minimum balance would be increased to 1.2 percent for fiscal year 2002–03.

The state of Wisconsin has one of the weakest financial reserves of any state in the nation. Unlike the vast majority of states, Wisconsin has failed to build budget balances or set-aside revenues in a stabilization fund. During the last biennium, recognizing this weakness, the Legislature saw fit to adopt a staged approach to building higher budget balances. This biennium, the Legislature chose to retreat from this objective by adopting a minimum balance that is the lowest in years.

If Wisconsin had developed adequate reserves in times of surplus, some of the difficult decisions made in this budget would be unnecessary. To avoid retreating on the budget balance, I am partially vetoing these sections to preserve the budget balance standard in place for fiscal year 2000–01.

**EMPLOYMENT RELATIONS COMMISSION**

**4. Qualified Economic Offer**

*Sections 2609L, 2609m, 2609p, 2609t and 9317 (8m)*

These sections make three major changes to Wisconsin's qualified economic offer provision, which affects the collective bargaining process between school boards and teachers unions. First, section 2609L requires a qualified economic offer to maintain all conditions of employment that existed in the previous contract. Second, section 2609m requires a qualified economic offer to maintain all permissive subjects of borrowing that existed in the previous contract. Third, section 2609p requires that school boards submit qualified economic offers on a timely basis. Section 2609t requires the Employment Relations Commission to establish a methodology for assessing the validity of qualified economic offers, and section 9317 (8m) makes the changes first apply to petitions for arbitration on the effective date of the budget act.



I am vetoing these sections in their entirety because their potential economic and policy impact has not received any objective review or analysis. Before any changes are made to the qualified economic offer provision it is critical to know what impact they will have on the state's financial commitment to support elementary and secondary education and on school district revenue limits.

It is also important to analyze how the changes will effect the collective bargaining process itself. For example, requiring school boards to maintain all permissive subjects of borrowing may increase the reluctance of school boards to include these subjects in future contracts. Maintaining all conditions of employment, no matter how innocuous, could result in otherwise qualified offers being invalidated on technicalities. Depending on the interpretation, requiring school boards to submit qualified economic offers on a timely basis could force school boards to impose qualified economic offers instead of actively bargaining with teachers unions. In addition, making this provision apply to petitions for arbitration filed after the effective date creates a double standard between districts that have already settled their contracts for the 2001-03 contract period and those that have not.

The collective bargaining process is very complex and has significant implications for both the financing and management of the state's public school system. Major changes to the process must not be made without careful study and review. Including these changes in an omnibus budget bill without objective analysis or public hearings is not good public policy.

I recognize that state programs need to be reviewed periodically and sometimes require revision. I would support efforts to provide for a comprehensive and objective study of Wisconsin's qualified economic offer law.

**DEPARTMENT OF FINANCIAL INSTITUTIONS**

**5. Regulation of Rent-to-Own Agreements**

*Sections 3020p, 3020v, 3021v, 3021w, 3492f, 3492r, 9120 (1d), 9320 (1d) and 9420 (1d)*

These sections remove rental purchase companies from the jurisdiction of the Wisconsin Consumer Act and create Subchapter XI of Chapter 218 under which these companies would be licensed and rental purchase agreements regulated. The sections also authorize the Department of Financial Institutions to promulgate rules regarding certain licensing fees required under Subchapter XI.

Merchants who offer credit sales and merchants offering rental purchase agreements should be regulated to guarantee a level playing field for the merchants and fairness for consumers. Although these provisions recognize that the rental purchase industry offers a service that is in some ways different from credit sales, they do not

sufficiently recognize the issues common to both rental purchase and credit sales merchants. One of these issues is disclosure of annual percentage rates. Without full disclosure of these rates, comparison shopping by consumers becomes even more difficult. These provisions fail to address this essential issue of consumer fairness.

I am vetoing these sections entirely because these provisions do not adequately address the common issues of consumer protection and because I object to the inclusion of this substantial and important policy change in the budget. The rental purchase industry offers consumers a valuable service and the unique features of this service should be recognized. Revisions to acknowledge the appropriate manner and substance of the regulation of rental purchase companies should be considered as separate legislation.

**GENERAL FUND TAXES**

**6. Internal Revenue Code Update**

*Sections 2130d, 2130db, 2130dd, 2130df, 2130dh, 2130dj, 2130dL, 2130dn, 2130dp, 2130dr, 2130dt, 2158d, 2158db, 2158dd, 2158df, 2158dh, 2158dj, 2158dL, 2158dn, 2158dp, 2158dr, 2158dt, 2158du, 2158dv, 2158dw, 2158dx, 2158dy, 2158dz, 2158dzb, 2158dzd, 2158dzf, 2175d, 2175db, 2175dc, 2175dd, 2175de, 2175df, 2175dg, 2175dgm, 2175dh, 2175dj, 2176d, 2182d, 2182db, 2182dc, 2182dd, 2182de, 2182df, 2182dg, 2182dh, 2182dj, 2182dk, 2182dL, 2182dm, 2182dn, 2182dp, 2182dq, 2182dr, 2182ds, 2182dt, 2182du, 2182dv, 2182dw, 2184r, 9144 (3z) and 9344 (28z)*

Beginning in tax year 2001, these sections, with three exceptions, provide that state individual and corporate income and business tax provisions referenced to the federal Internal Revenue Code (IRC) would refer to the code in effect on December 31, 2000, rather than to December 1999, as under current law.

The Legislature intended to exclude the three federal law changes that relate to the deductions for environmental remediation costs, donations of computer equipment and the treatment of foreign sales corporations. However, the bill as passed by the Legislature excludes these provisions only for tax years prior to 2001. It inadvertently adopts them for 2001 and subsequent years. In so doing, there could be a decrease in tax revenue not intended by the Legislature.

I am vetoing these sections to avoid the potential revenue loss. This would keep the revenue estimates in accord with the estimates the Legislature considered in passing the budget.

I recognize the inherent complexity of the Internal Revenue Code. I request the Legislature to reconsider the IRC update as it intended and pass the update as separate legislation.

**7. Sales Tax Exemption for Water Slides**

*Sections 2246nm and 9444 (3w)*

This provision provides a sales and use tax exemption for commercial water-park slides including support structures, attachments and parts. The exemption reduces general fund revenues by \$90,000 in 2001-02 and by \$120,000 in 2002-03.

I am vetoing this section because I object to such a narrowing of the sales tax base. This is a highly selective exemption for one form of construction and maintenance of entertainment or recreational structures. This favors a single industry among a variety of industries providing recreation

**8. Individual Income Tax Exclusion for Military Pensions**

*Sections 2142m and 2142n*

Starting in tax year 2002, these sections exclude from taxation all payments, other than surviving spouse benefits, received from the U.S. military employee retirement system that are not excluded under current law.

I object to the exclusion of surviving spouse benefits from this new tax benefit. Under current law pre-1964 military pension and surviving spouse benefits are not taxed. It is inequitable to broaden the exemption to include only post-1963 military pension and to not include post-1963 surviving spouse military retirement benefits. My partial veto of this section will make these surviving spouse benefits tax exempt.

**9. Estate Tax**

*Section 2200L*

This section requires persons who prepare an estate tax return for deaths occurring after December 31, 2002, to prepare a return under this newly decoupled Wisconsin estate tax. Other provisions in the bill decouple the Wisconsin estate tax from the federal estate tax beginning in fiscal year 2003-04. Because estate taxes are due nine months after a death, the relevant date for deaths should have been for deaths occurring after September 30, 2002.

I am partially vetoing this section to remove the December 31, 2002, date because it does not reflect legislative intent. This partial veto realizes the Legislature's intent to begin the new, separate Wisconsin estate tax in fiscal year 2003-04 by requiring estate tax preparers to prepare returns under the decoupled Wisconsin tax in fiscal year 2003-04. It is my intent to rescind the decoupling of Wisconsin's estate tax from the federal estate tax in my 2003-05 biennial budget.

**10. Artistic Endowment Foundation Tax Credits**

*Sections 2148m, 2150d, 2150t, 2175, 2179d, 2179h, 2193d, 2193h and 2205n*

Sections 2148m, 2150d, 2150t, 2175, 2179d, 2179h, 2193d and 2193h provide a nonrefundable individual, corporate and insurance company tax credit for contributions to the Artistic Endowment Foundation created in this budget.

Under this credit a tax filer could claim ten percent of the amounts contributed to the artistic endowment fund. The maximum credit is \$50 (\$100 for married couples filing jointly) or \$500 for the corporate tax credit.

Section 2205n requires the Department of Revenue to provide for an income tax form provision that would allow a taxpayer to contribute additional funds to the Artistic Endowment Foundation. These additional contributions would reduce a taxpayer's refund or increase a taxpayer's payment for tax liability. I support the new Artistic Endowment Foundation, but I object to the new ten percent credit as it doubles the amount of the current five percent itemized deductions credit. Many contributions or expenses that are eligible for the current five percent credit are as worthy of tax code benefits as are contributions to the arts. I support the arts, but I do not believe Wisconsin should provide a new and exceptional tax benefit to artistic contributions. I am vetoing these sections to eliminate this new credit. As a charitable contribution, contributions to the Artistic Endowment Fund will be eligible for the current five percent itemized deductions credit.

I am vetoing section 2205n entirely because I object to the requirement that the Department of Revenue should modify the tax forms as indicated in section 2205n. The above veto of the credit removes the need for the department to modify the tax forms.

**11. Baseball Park District Income Tax Checkoff**

*Sections 395 [as it relates to s. 20.566 (1) (hp)] 917r, 2153g, 3037m, 3037n and 9344 (8x)*

These sections:

- Provide funding for the Department of Revenue's administration of voluntary payments for professional baseball park districts.
- Define voluntary payments for these districts and establish the procedure for making such contributions to a baseball park district on the income tax return. These additional contributions would reduce a taxpayer's refund or increase a taxpayer's payment for tax liability.
- Specify how the department must handle taxpayer conditional donations and errors such as failures to remit correct amounts or refunds insufficient to pay the designated contribution.
- Structure the collection and distribution of any such contributions for administrative expenses and to retire bonds issued for the initial construction of such baseball park facilities.
- Provide for refunds of such donations under specific circumstances.

I am vetoing these sections entirely because I object to this checkoff. Wisconsin should strive to simplify and reduce the length of income tax forms. This provision will increase the complexity and length of our forms. This veto will not prevent taxpayers and other interested parties from

contributing to a baseball park district. Therefore, this checkoff is not needed and this veto eliminates the provision.

**PUBLIC SERVICE COMMISSION**

**12. Promulgation of Rules to Facilitate the Production of Distributed Energy**

*Section 9142 (2zq)*

These provisions direct the Public Service Commission to promulgate rules on distributed energy by the first day of the ninth month after the effective date of the budget.

I am vetoing this section to give the commission flexibility in developing these rules. The technical requirements for engineering, electric reliability and safety set elsewhere in the bill are extensive. The bill also adds review and analysis by an advisory panel in addition to the review already required by the Joint Committee on Administrative Rules. To ensure there is adequate time for complete review and analysis of these rules, I am partially vetoing this section to remove the nine month deadline.

**13. Technical Veto – Telecommunications Regulation**

*Section 3011d*

This provision was among a series of changes I recommended regarding the Public Service Commission's enforcement authority against telecommunications providers. The Joint Committee on Finance decided to remove the proposal from the budget. However, due to a drafting error this section of the proposal remained in the bill.

I am vetoing this section to conform the bill to the record of legislative intent.

**14. Voice Mail for the Homeless**

*Section 395 [as it affects s. 20.155 (1) (q)]*

This provision provides funding from the universal service fund. This includes \$20,000 each year for voice mail for the homeless.

By lining out the Public Service Commission's s. 20.155 (1) (q) appropriation and writing in a smaller amount that deletes \$20,000 SEG in fiscal year 2001–02 and \$20,000 SEG in fiscal year 2002–03, I am vetoing the funding for voice mail for the homeless. Relative to the overall needs of the homeless, this is a luxury. Funds for homeless services should first be allocated for food and shelter. It is ironic that working families are called upon to pay for voice mail services they cannot afford for themselves.

This is not an area requiring state involvement. It can be handled through private donations and corporate contributions. In many states, and even in Wisconsin, telecommunications providers have stepped forward to provide the homeless with voice mail.

**15. Wisconsin Advanced Telecommunications Foundation Contributions**

*Section 9142 (3mk) (d)*

This provision would allow telecommunications providers to pass assessments related to the

Wisconsin Advanced Telecommunications Foundation (WATF) onto a customer's bill in the form of a surcharge. A telecommunications provider could only levy such a surcharge if the bill states that the surcharge is being assessed because of the telecommunications provider's failure to contribute to the WATF prior to its dissolution.

I am vetoing this provision because it would result in additional charges on consumers' phone bills at a time when consumers are already paying significant state and federal charges on their bills. The effect of this veto would be to delete telecommunications providers' ability to pass remaining WATF assessments onto consumers.

**DEPARTMENT OF REVENUE**

**16. Volunteer Income Tax Assistance Program**

*Sections 2205m and 9144 (2x)*

These sections require the Department of Revenue to work with the Internal Revenue Service and the University of Wisconsin–Extension to undertake a volunteer income tax assistance program. The program is to encourage volunteering by the state's financial and legal professionals, provide training for the volunteers, and assist in creating mobile sites to offer income tax assistance to rural and underserved areas.

I am making two partial vetoes to these sections. First, I am vetoing the requirement that the department assist in the creation of mobile sites because this may not be the best means to serve all rural and underserved areas of the state. With my veto, the department will be able to examine other means of service delivery and consider the cost and benefit of each option. Second, I am vetoing the requirement that sufficient volunteers be recruited by January 1, 2002, to meet the demand for tax assistance services. I am vetoing this provision because the department will not be able to perfectly discern the level of demand for services by this date. If necessary, the department may need to recruit additional volunteers after January 1. Both of my partial vetoes of these sections reflect the Department of Revenue's ongoing effort to serve Wisconsin residents in the most efficient and effective manner possible.

**SHARED REVENUE AND TAX RELIEF**

**17. Municipal Shared Revenue Payments**

*Section 2281e*

This section specifies that each municipality in calendar years 2002 and 2003 shall receive a one percent increase in its shared revenue payment compared to the payment the municipality received in the previous year. It also specifies that in 2004 and thereafter, each municipality shall receive a shared revenue payment equal to the payment it received in 2003.

I am partially vetoing this section in two ways. I am partially vetoing the section to eliminate the freeze in shared revenue payments that the section creates beginning in 2004. I am vetoing this provision because the shared revenue



formula should be allowed to redistribute state aid according to need over time. Without my veto, payments would remain static forever into the future regardless of whether a municipality gains tremendous property wealth or loses a large share of its tax base. With my veto, shared revenue payments will increase for those municipalities with greater needs.

I am also using a partial veto to eliminate an ambiguity in the language. I am vetoing the phrase "under this section" because deleting this phrase will clarify that the one percent across-the-board increases provided in 2002 and 2003 include the utility component of shared revenue but exclude small municipality shared revenue. This technical correction was recommended by the Legislative Fiscal Bureau to ensure that this section's language reflects legislative intent.

**18. Exclude Lafayette County from Maximum Constraint**

*Section 9344 (9m)*

This section specifies that the exemption of Lafayette County from the maximum constraint provision of the shared revenue formula shall first apply to the shared revenue payments made in November 2001.

I am partially vetoing this section to move the initial applicability of the Lafayette County exemption from the 2001 to the 2002 payments. I am making this partial veto because it is disruptive to change shared revenue payments this late in counties' 2001 fiscal year. Without this partial veto, shared revenue payments for nineteen counties will be reduced in November 2001 to amounts below those anticipated by these counties when they set their 2001 budgets. As a consequence, these counties could end up in deficit situations by no fault of their own. My veto avoids this concern. By shifting the first year to which the exemption applies to 2002, counties will have adequate time to incorporate all of the bill's shared revenue provisions into their budget planning.

Because my veto moves the first year of the Lafayette County provision to coincide with the first of two back-to-back increases in shared revenue under the bill, I expect no county to experience, solely as a result of the exemption, a decline in its 2002 payment compared to 2001. This is because I am signing into law increases in county shared revenue payments that exceed the amount of funding that the Lafayette County exemption reallocates. For the 2002 payments, I am approving increases in county shared revenue and county mandate relief payments that total \$1,897,400. The Lafayette County exemption will redirect to that county approximately \$1,200,000 of this increase. The additional aid will more than offset the amount redistributed by the exemption and will largely flow to the specific counties impacted by the Lafayette exemption. The bill's second increase in county shared revenue and county mandate relief totaling \$1,916,400 in 2003 should further relieve concerns over the redistributive impact of the Lafayette County exemption because it

provides an additional increase after the Lafayette County exemption is already implemented. Only a small portion of the 2003 increase is expected to go to Lafayette County. Lafayette County's need for assistance is clear. Lafayette County imposed the second highest tax rate of all counties on the December 2000 property tax bills. The first and third highest, Menominee and Florence, were previously exempted from the maximum constraint. In 2001, the county's operating levy was the highest permissible under the county mill rate limit. By far, Lafayette County is the most negatively impacted county under the current minimum/maximum provisions of the shared revenue formula. In 2001, the county is receiving only sixteen percent of the amount it is entitled to under the equalization formula.

The county's situation is not new. Lafayette County has been on the maximum constraint for years. As the county with the largest share of its property value in agricultural land, the fall in farmland values in the 1980s hit the county's tax base very hard. The county's 2001 tax base is virtually identical to what it was twenty years ago. In 1981, the county's equalized value was \$682,437,900. In 2001, it is only one percent higher, at \$690,737,800. During this same time period, the tax base of all counties statewide increased by 177 percent. Adjusted for inflation, Lafayette County's tax base is half of what it was twenty years ago.

I am not content, however, with the means the Legislature chose to assist Lafayette County. Exempting a county from the maximum constraint is a crude on/off switch for adjusting state aid. This approach provides only two choices: allowing a county to be punished by the constraint or allowing it to gain substantially without regard to the needs of others. Consequently, I encourage the Legislature to consider other means to adjust the maximum constraint. Other approaches could create a more equitable situation rather than an environment in which each county subject to the maximum seeks to become the next exception.

**19. Special Charges for Municipal Services**

*Sections 2022tL, 2022w, 2022x, 2023 and 9359 (8z)*

These sections allow municipalities to impose special charges for services available, regardless of whether the services are actually rendered, by allowing municipalities to allocate all or part of the cost of the services to properties served or eligible to be served.

I am vetoing these sections because the imposition of a charge for services not rendered blurs the line between fees and taxes. I am also concerned that this provision will have a negative impact on the activities of many nonprofit organizations because the provision would broaden the scope of charges that could be applied to tax-exempt property. While this provision would help municipalities finance public services, it could hinder private entities that produce public benefits. I am especially concerned that this provision would lead to



reductions in programs that help the homeless, the disabled and other populations assisted by the many nonprofit organizations across the state. I do hope, however, that a dialogue between municipalities and the owners of tax-exempt property will occur that will produce an acceptable means to ensure that municipalities are enabled to adequately finance public services without impairing the benevolent efforts of our nonprofit organizations.

**20. Automatic Teller Machines**

*Sections 2108q and 9344 (23k)*

These sections exclude automatic teller machines from the property tax exemption for computer equipment beginning January 1, 2002.

I am vetoing this provision because it will lead to higher fees for Wisconsin residents to use automatic teller machines by increasing the costs of operating the machines. I am also vetoing this provision because it is an unnecessary intrusion into the Department of Revenue's administrative responsibility to apply the computer exemption fairly and uniformly to all property. As a result of my veto, GPR expenditures under the sum sufficient appropriation to reimburse local governments for the tax base lost by the computer exemption under s. 20.835 (1) (e) will increase by an estimated \$1,117,500 in fiscal year 2002-03.

**21. Area Cooperation Compacts**

*Section 2022t*

This section requires municipalities in standard metropolitan statistical areas to enter into area cooperation compacts with other municipalities or counties in the same region. The compacts will produce savings to taxpayers by improving cooperation in service delivery. Beginning in 2003, each municipality will be required to enter into an area cooperation compact with at least two municipalities and/or counties to perform at least two governmental services. Beginning in 2006, each municipality will be required to enter into an area cooperation compact with at least four municipalities and/or counties to provide at least five governmental services. An exception is provided for municipalities with less than two adjacent municipalities.

I am partially vetoing this section to eliminate the broader compact requirement that begins in 2006. As a result of my veto, the compacts will be with at least two local governments for at least two services for 2003 and each year thereafter. I am vetoing the broader requirement beginning in 2006 because it is premature. Municipalities should be given greater opportunity to gain experience with this new means for seeking cooperative gains before it is expanded. Although my veto eliminates the mandate for broader compacts, broader compacts will not be prohibited. Indeed, I encourage local governments to fully explore all opportunities to create savings by working together.

**22. Annexations Creating Town Islands**

*Section 2019n*

This section allows a city or village to create a town island by annexation if an intergovernmental cooperation agreement or a cooperative plan for boundary change applies to the territory that is annexed in creation of the town island.

Intergovernmental cooperation agreements can cover a wide range of concerns. I am partially vetoing this section to eliminate the use of these agreements to create town islands because the provision does not specify that the agreement must cover boundary issues. My veto prevents the use of agreements related to nonboundary concerns from being inappropriately applied to this section. As a result of my veto, a city or village may create a town island by annexation, but only if a cooperative plan for boundary change between the city or village and the town exists and the plan applies to the land that is annexed.

**23. Classification of Certain Property as Swamp and Waste**

*Sections 2114m and 9344 (28v)*

These sections require undeveloped land to be classified as swamp and wasteland if the land is not classified as agricultural or productive forest land and the land is part of a parcel where the other part of the parcel is enrolled in the Managed Forest Program.

I am vetoing these sections because they undermine the property tax system while providing no tax relief. Except for agricultural property, real property is assessed at market value. Consequently, no property impacted by these sections would receive a property tax reduction. In addition, determining the classification of land based on the characteristics of adjacent land rather than the characteristics of the land itself weakens the uniformity of the property tax system.

**STATE TREASURER**

**24. Changes in Statutory Appropriations**

*Sections 395 [as it relates to s. 20.585 (2) (tm)] and 920x*

These sections convert a continuing appropriation to an annual appropriation for College Savings Program administrative expenses. I object to this conversion because it is premature. The current appropriation structure was approved less than four months ago in 2001 Wisconsin Act 7. Also, this change may be programmatically unwise. The Legislature's first choice of a continuing appropriation type for these administrative expenses was sound and, until we have more experience with the program, I believe that a continuing appropriation is most suitable for these program expenses. For these reasons, I am partially vetoing these sections to

restore this appropriation as a continuing appropriation.

**TOBACCO SECURITIZATION  
PERMANENT ENDOWMENT FUND**

**25. Technical Veto to Remove  
Erroneous Cross-Reference**

*Section 940*

This section creates the appropriation for the annual transfer from the permanent endowment fund to the general fund.

I am partially vetoing this section to remove a cross-reference to a section that does not exist. This correction conforms Senate Bill 55 to the intent of the Conference Committee.

**TRIBAL GAMING ALLOCATIONS**

**26. Health and Family Services –  
Minority Health Program**

*Section 2848r*

This section provides \$250,000 in tribal gaming funding for a minority health program. Of this funding, \$200,000 will be used for grants to improve minority health and \$50,000 will be used for a public awareness campaign. I am vetoing the grant funding in fiscal year 2002–03 because I believe the ongoing funding commitment is excessive. As a result, I am requesting the Department of Administration secretary to place \$200,000 in unallotted reserve in fiscal year 2002–03 in appropriation s. 20.435 (5) (kb) to lapse to the tribal gaming appropriation, s. 20.505 (8) (hm), at the end of that fiscal year.

**27. Office of Justice Assistance –  
County-Tribal Law Enforcement  
Grants**

*Sections 395 [as it relates to s. 20.505 (6) (kr)], 859r, 859s, 890g, 890h, 9101 (21k) and 9401 (3k)*

These provisions create a cooperative county-tribal law enforcement grant program funded with Indian gaming receipts and administered by the Office of Justice Assistance. The new program will provide Vilas County with \$210,600 PR-S annually to support a law enforcement agreement with the Lac du Flambeau and provide Oneida County with \$50,000 PR-S annually to support a law enforcement agreement with the Lac du Flambeau.

I am vetoing these provisions because both counties already participate in existing law enforcement grant programs. Vilas County receives funding for an agreement with the Lac du Flambeau under the cooperative county-tribal law enforcement grant program under s. 165.90 in the Department of Justice. Oneida County has received statutorily-established maximum award amounts through the Office of Justice Assistance's county law enforcement grant program under s. 16.964 (7). Furthermore, these earmarks would provide disparate treatment for these two counties compared to other recipients of Indian gaming receipts for tribal law enforcement efforts. By creating a fourth separate but related grant program for tribal law enforcement assistance

using Indian gaming receipts, these provisions are unnecessary and duplicative.

**28. Natural Resources – Trout  
Management**

*Section 395 [as it relates to s. 20.370 (1) (jk)]*

This provision appropriates \$20,000 in fiscal year 2001–02 and \$150,000 in fiscal year 2002–03 for the study and reintroduction of the coaster brook trout.

By lining out the appropriation and writing in a smaller amount in fiscal year 2002–03, I am limiting the appropriation to \$20,000 in each fiscal year. I am vetoing this provision because I am concerned about the depletion of tribal gaming revenue. Appropriations from tribal gaming revenue in fiscal year 2002–03 exceed the revenues taken in that year. Without restraint, there will be a mismatch between revenues and expenditures for the next fiscal year. Further, funding for introduction should await the findings of the study. If the findings are favorable, full reintroduction should also be supported by fish and wildlife revenues. In addition, I am requesting the Department of Administration secretary not to allot these funds.

**29. Natural Resources – Wild Crane  
Study**

*Sections 395 [as it relates to s. 20.370 (1) (kk)] and 9137 (6f)*

This provision appropriates \$30,000 in each fiscal year for the study of crop damage by wild cranes.

By lining out the appropriation and writing in smaller amounts that delete \$10,000 in fiscal year 2001–02 and \$30,000 in fiscal year 2002–03, I am limiting the appropriation to \$20,000 in fiscal year 2001–02 only. I am vetoing this provision because I object to the continuing nature of this study. Funds were appropriated for such a study in the last biennium as well. That study was to have been completed by July 1, 2001, and this should not become a continuing obligation. There should be adequate revenues remaining to complete the study and report the findings. In addition, I am requesting the Department of Administration secretary not to allot these funds.

**30. Tourism – Kickapoo Valley  
Reserve, Law Enforcement  
Services**

*Section 395 [as it relates to s. 20.380 (2) (kc)]*

This provision appropriates \$31,300 in fiscal year 2001–02 and \$41,800 in fiscal year 2002–03 to provide law enforcement services for the Kickapoo Valley Reserve.

By lining out the appropriation and writing in a smaller amount in fiscal year 2002–03, I am limiting the appropriation to \$31,000 in each fiscal year. I am vetoing this provision because I am concerned about the depletion of tribal gaming revenue. Appropriations from tribal gaming revenue in fiscal year 2002–03 exceed the revenues taken in that year. Without restraint, there will be a mismatch between revenues and expenditures for the next fiscal

year. This veto limits the amount provided in fiscal year 2002–03 to the amount appropriated in fiscal year 2001–02. This should be sufficient to provide the necessary services. In addition, I am requesting the Department of Administration secretary not to allot these funds.

**31. University of Wisconsin–Extension – Grazing Education Grants**

*Sections 395 [as it relates to s. 20.285 (1) (kj)], 580t, 890n and 1356g*

These provisions create and fund a grazing education grant program of \$100,000 annually. The program would provide grants for education and technical assistance on intensive grazing.

I am partially vetoing these sections because I am concerned about the depletion of tribal gaming revenue. Appropriations from tribal gaming revenue in fiscal year 2002–03 exceed the revenues taken in that year. Further, such technical assistance to agriculture has been a long-standing mission of the University of Wisconsin–Extension. This assistance should be provided from its base resources. A new program is not warranted.

**32. Workforce Development – Trade Masters Pilot Program**

*Section 2560r*

This provision creates the Trade Masters Pilot Program. It also provides that an evaluation be submitted to the Legislature by July 1, 2010.

I am partially vetoing this provision because I find the nine year deadline excessive. Instead, I am directing the Department of Workforce Development to explain how the funds were spent at the conclusion of the fiscal year. Moreover, an independent evaluation of the program can be done on a continuing basis as necessary by the Legislative Audit Bureau or the Performance Evaluation Office in the Department of Administration.

**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>
<b>Senate Bill 55 (In Part)</b>	Wisconsin Act 16	August 31, 2001

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**THE STATE OF WISCONSIN  
OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER #22**

*Relating to a Special election for the Forty-second Assembly District*

**WHEREAS**, the Honorable Joan Wade submitted her resignation as a State Representative for the Forty-second Assembly District, effective September 1, 2001;

**NOW, THEREFORE, I SCOTT McCALLUM**, Governor of the State of Wisconsin, pursuant to section 8.50(4) of the Wisconsin Statutes, order that a special election be held

on November 6, 2001 to fill the vacancy in the Forty-second Assembly District. If a primary is necessary, it shall be held on October 9, 2001. Circulation of nomination papers for candidates may begin on September 4, 2001 and nomination papers may be filed no later than 5:00 P.M., September 11, 2001 in the office of the State Elections Board. The term will expire on the first Monday in January, 2003. A description of the boundaries of the Forty-second Assembly District as created in *Prosser et al. v. Elections Board et al.*, 793 F. Supp. 859 (W.D. Wis. 1992) is set out in the 1999-00 Wisconsin Statutes following section 4.005. This election shall be held, conducted, canvassed and returned in accordance with law.

**IN TESTIMONY WHERE OF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this fourth day of September in the year two thousand and one.

SCOTT McCALLUM  
Governor

*BY THE GOVERNOR:*

DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin**

September 5, 2001

The Honorable, The Senate:

I will be unable to attend the Joint Finance Committee meeting of September 5, 2001. Therefore I am submitting my resignation from the committee.

I will be available to resume my position immediately for the next committee meeting. If you have any questions, please do not hesitate to contact me.

Sincerely,  
KEVIN W. SHIBILSKI  
State Senator, District 24

**State of Wisconsin**

September 5, 2001

The Honorable, The Senate:

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

Sincerely,  
CHUCK CHVALA  
Chair, Committee on Senate Organization

**State of Wisconsin  
Legislative Audit Bureau**

August 29, 2001

The Honorable, The Senate:

The Audit Bureau is required by statute to contract for the performance of an actuarial audit of the Wisconsin Retirement System (WRS) at least once every five years. After a formal request-for-proposal process, the Audit Bureau awarded a contract to an actuarial firm, Milliman USA, to perform the most recent actuarial audit. The audit has been completed and the actuary's audit report, much of which is quite technical, and a response from the Department of Employee Trust Funds and its consulting actuary have been released.

In its report, Milliman USA concluded that the actuarial method used to determine WRS liabilities and funding requirements is reasonable and appropriate for the WRS. Further, Milliman USA concluded that the actuarial functions of the WRS are being adequately performed and that the WRS actuarial assumptions are reasonable.

Milliman USA also offered observations on trends in contribution rates, noting that contribution rates in the



protective categories have declined more steeply than in other employment categories. An effect of declines in contribution rates have been to provide reduced values for separation, death, and money purchase retirement benefits for participants. Suggested alternatives for addressing these trends would require legislative action.

Copies of the actuarial report have been distributed to members of the Joint Audit Committee, the Retirement Research Committee, the Department of Employee Trust Funds and its board, and to others required by law to receive copies. If you are interested in receiving a copy of the report, please contact our office and request a copy of the 2001 actuarial report of the Wisconsin Retirement System. The report is also available on line at [www.legis.state.wi.us/lab/windex.htm](http://www.legis.state.wi.us/lab/windex.htm).

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Department of Administration**

August 28, 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 July 2001.

On July 23, 2001 the **General Fund** balance was -\$148.6 million. This shortfall continued until July 31, 2001 when the balance reached a positive \$3.4 million. During this period, the **General Fund** balance reached a low of -\$162.1 million on July 25, 2001. This shortfall was due to the difference in the timing of revenues and expenditures that occurs each July, and the delay in issuing the 2001 Operating Note.

On July 6, 2001 the **College Savings Program Trust Fund** balance was -\$2 thousand. This shortfall continued until July 31, 2001 when the balance reached a positive \$48 thousand. The shortfall was due to the initial start-up of the fund and a delay in the transfer of revenues into the fund.

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**

September 4, 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/>

Benen, Sandie **GlaxoSmithKline Inc (formerly Glaxo Wellcome)**

Pagel, Matthew **Brown County**

Shaffer, Fred **Kimberly-Clark Corporation**

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**

August 23, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CERNY, MIKE J., of Sharon, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

August 23, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DITTMAR, BEVERLY ANN, of Eagle River, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

August 23, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint GABERT, DR. THOMAS C., of Minocqua, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

August 23, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HUMLEKER, MARGARET B., of Fond du Lac, as a member of the Historical Society Board of Curators, to serve for the term ending July 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

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



**State of Wisconsin  
Office of the Governor**

August 23, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LANGDON, JAMES M., of De Forest, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

August 23, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LARSEN, MARK A., of River Falls, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

August 23, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SCHUMANN, WILLIAM E., of Manitowish Waters, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

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

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

**Senate Clearinghouse Rule 00-172**

Relating to certification for the identification, removal and reduction of lead-based paint hazards and the issuance and registration of certificates of lead-free status and lead-safe status.

Submitted by Department of Health and Family Services.

Report received from Agency, August 30, 2001.

Referred to committee on **Universities, Housing, and Government Operations**, September 5, 2001.

**Senate Clearinghouse Rule 01-074**

Relating to revising Wisconsin agent licensing rules to be reciprocal and more uniform under Gramm Leach Bliley Act and the NAIC Producer model.

Submitted by Office of the Commissioner of Insurance.

Report received from Agency, September 5, 2001.

Referred to committee on **Insurance, Tourism, and Transportation**, September 5, 2001.

**Senate Clearinghouse Rule 01-082**

Relating to securities broker-dealer, agent, investment adviser and investment adviser representative licensing procedures, examination requirements, and rule of conduct provisions.

Submitted by Department of Financial Institutions.

Report received from Agency, August 31, 2001.

Referred to committee on **Privacy, Electronic Commerce and Financial Institutions**, September 5, 2001.

**Senate Clearinghouse Rule 01-083**

Relating to securities registration exemptions involving capital formation by businesses.

Submitted by Department of Financial Institutions.

Report received from Agency, August 31, 2001.

Referred to committee on **Privacy, Electronic Commerce and Financial Institutions**, September 5, 2001.

**Senate Clearinghouse Rule 01-084**

Relating to fees for searching, verifying and certifying motor vehicle records.

Submitted by Department of Transportation.

Report received from Agency, August 30, 2001.

Referred to committee on **Insurance, Tourism, and Transportation**, September 5, 2001.

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

**Senate Clearinghouse Rule 01-018**

Relating to the revocation of extended supervision of persons serving a bifurcated sentence under the truth-in-sentencing provisions of 1997 Wisconsin Act 283.

No action taken.

Robert Jauch  
Chairperson

The committee on **Human Services and Aging** reports and recommends:

**Senate Clearinghouse Rule 01-026**

Relating to conforming existing rules to present practices and to other rules.

No action taken.

**Senate Clearinghouse Rule 01-027**

Relating to professional counselor training certificates.

No action taken.

**Senate Clearinghouse Rule 01-064**

Relating to the state jurisprudence examination.

No action taken.

Judith Robson  
Chairperson

The committee on **Privacy, Electronic Commerce and Financial Institutions** reports and recommends:

**Senate Clearinghouse Rule 01-041**

Relating to investments in development companies.

No action taken.

**Senate Clearinghouse Rule 01-056**

Relating to investments in development companies.

No action taken.

Jon Erpenbach  
Chairperson

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**AMENDMENTS OFFERED**

Senate substitute amendment 1 to **Senate Bill 96** offered by  
Senator Grobschmidt.

**MOTIONS UNDER SENATE RULE 98 AND  
JOINT RULE 7**

*for the Month of August 2001*

A certificate of commendation by the Wisconsin Senate on the motion of Senator Schultz, for Jay Adams, John Brown, Charles Hartwig, Matt Masters and Matt Schneider are members of the Muscoda Sportsman's Club, on the occasion of earning first place in the 2001 Senior Division Championship at the Wisconsin State Scholastic Trapshooting Championship.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Nick Augustin, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Mary Babula, on the occasion of being recognized as Stateswoman of the Year.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Hansen, for David Bongel, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Robson, for Gerald A. Bown, on the occasion of his retirement after more than 35 years of distinguished service to the Wisconsin Department of Transportation.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Harsdorf, for Brown Seed Farms, Inc., on the occasion of celebrating their 90th anniversary.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Burke, for Sergeant Richard Bud, on the occasion of his retirement from the Glendale Police Department after 29 years of tireless service.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Sergeant Richard Bud, on the occasion of his 29 years of commitment and service to the Glendale Police Department.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Deenie and Mel Cohen, on the occasion of their many years of dedication to the Jewish community and being honored by the Jewish National Fund at the annual banquet dinner.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Andrew A. Covi, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Kevin B. Cronin, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Kyle Cudahay, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Don and Sallie Davis, on the occasion of being named "Parents of the Year" for 2001 by the COA Youth and Family Centers.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Jauch, for Dolores "DoDo" Dumanch, on the occasion of her 45 years of committed service as the Postmaster of Clam Lake, Wisconsin.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for the Farmers & Merchants Union Bank, on the occasion of celebrating their 140th anniversary.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Gerald Friedenfeld, on the occasion of his commitment to the Jewish community and being honored by the Jewish National Fund at the annual banquet dinner.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Robson, for Doctor Kenneth Gold, on the occasion of receiving the prestigious Laureate Award from the Wisconsin Chapter of the American College of Physicians–Americans Society of Internal Medicine.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Sherry and Albert Goldstein, on the occasion of his commitment to the Jewish community and being honored by the Jewish National Fund at the annual banquet dinner.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Beverly and Martin Greenberg, on the occasion of his commitment to the Jewish community and being honored by the Jewish National Fund at the annual banquet dinner.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Pierce Francis Griffin, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Bridget Hamblin, on the occasion of earning and attaining the Girl Scout Gold Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Peter M. Haslanger, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Emily Haswell, on the occasion of earning and attaining the Girl Scout Gold Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for J. Andrew Herber, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Burke, for Sandra Hoeh, on the occasion of her retirement after years of dedicated service to the City of Milwaukee.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Grobschmidt, for Sandra Hoeh, on the occasion of her retirement and her dedication and commitment to the University of Wisconsin–Milwaukee.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Samantha Juneau, on the occasion of celebrating her 18th Birthday.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Timothy Kirchner, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Decker, for Tim Knihtila, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Stefan Ralf Kramer, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Hansen, for Labor Day, on the occasion of honoring and recognizing working families of our state whose labor and contributions make the State of Wisconsin a quality, healthy and prosperous place to live.

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Brian Lallier, on the occasion of his courage and composure in his efforts to save the life of a drowning man.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for David Lallier, on the occasion of his courage under extreme duress and for his dedication to the welfare of those in need .*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Deborah and Rabbi Gil-Ezer Lerer, on the occasion of his commitment to the Jewish community and being honored by the Jewish National Fund at the annual banquet dinner.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Clark Lovell, on the occasion of his retirement from the Milwaukee Public School system after a long and fulfilling career.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Clinton Malisch, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Burke, for Jack Murtaugh, on the occasion of receiving the 2001 Vision for Milwaukee Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Kanavas, for the graduating class of 1975 from Nathan Hale High School, on the occasion of their 26th class reunion.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Tim Oehler, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for the Pancerniak, on the occasion of celebrating their 33rd anniversary of the first publication of the Pancerniak.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Decker, for David Pipkorn, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Ryan John Plantenberg, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Don and Helen Polacheck, on the occasion of being named the "Parents of the Year" for 2001 by the COA Youth and Family Centers.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Gene Posner, on the occasion of his commitment to the Jewish community and being honored by the Jewish National Fund at the annual banquet dinner.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Harsdorf, for Judge Conrad A. Richards, on the occasion of his retirement and his dedicated 12 years to St. Croix County and the Hudson community.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Schultz, for the Richland County Bank, on the occasion of the customers, staff and owners celebrating 120 years of outstanding service.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Antoni Rogozinski, on the occasion of his many accomplishments throughout life as founder and editor and chief of Pancerniak.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for James Lionel Robert Ryberg, Jr., on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Rosenzweig, for Saint Bernard's Congregation, staff and parishioners, on the occasion of the completion of their renovation project.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Harsdorf, for St. Bridget's Parish School, on the occasion of celebrating their 50th anniversary.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Burke, for Betty Thompson, on the occasion of receiving the 2001 Vision for Milwaukee Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Darling, for Betty J. Thompson, on the occasion of receiving the 2001 Vision for Milwaukee Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Joe Urban, on the occasion of his retirement after 50 years he has given the community on the air.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Lee and Nola Vahldieck, on the occasion of celebrating their 60th wedding anniversary.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Dave Vander Meulen, on the occasion of his retirement from a distinguished basketball coaching career.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Jerry Van Sistine, on the occasion of celebrating his 75th Birthday.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Peggy Vinson, on the occasion of her dedication and devotion of the Schroeder YMCA.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Renee and Leo Weinschel, on the occasion of his commitment to the Jewish community and being honored by the Jewish National Fund at the annual banquet dinner.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for Nash Williams, on the occasion of celebrating his 95th Birthday.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Burke, for Wyman Winston, on the occasion of being named as the new Director of Housing for the Portland Development Commission.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Jauch, for Winter Woods, Inc. and Steve Lewis, on the occasion of being recognized as Ashland County Business of the Year.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Jauch, for David J. Zeug, on the occasion of his retirement after 26 years of dedicated service to the State of Wisconsin Department of Natural Resources.*



STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, September 12, 2001

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

**INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS**

Read and referred:

**Senate Resolution 6**

Relating to: the life and public service of Jim Besson, mayor of Greenfield.

By Senators Lazich, Burke, Huelsman, Plache, Kanavas and Welch.

To committee on **Senate Organization**.

**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 239**

Relating to: the valuation of a state employee's accumulated sick leave credits for the payment of health insurance premiums under a group health insurance program administered by the group insurance board.

By Senators Risser, Burke, Plache, Hansen and Schultz; cosponsored by Representatives Berceau, Boyle, Pocan, Musser, Turner, J. Lehman, Black, Miller, Ryba and Sykora.

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

**Senate Bill 240**

Relating to: designating STH 122 as the Walt Bresette Memorial Highway.

By Senators Jauch, Moore, Burke and Baumgart; cosponsored by Representatives Sherman, Stone, Plouff, Staskunas, Ryba, Young, Turner, Williams, Bies, Berceau, Coggs, Black, Miller, J. Lehman, Boyle, Lippert, La Fave, Musser, Pocan, Richards, Sykora and Bock.

To committee on **Insurance, Tourism, and Transportation**.

**Senate Bill 241**

Relating to: designating the bridge on I 43 across the Fox River in the city of Green Bay as the Leo Frigo Memorial Bridge.

By Senators Cowles and Hansen.

To committee on **Insurance, Tourism, and Transportation**.

**Senate Bill 242**

Relating to: a certain highway improvement project on USH 51 in the city of Madison.

By Senator Erpenbach; cosponsored by Representative Travis.

To committee on **Insurance, Tourism, and Transportation**.

**REPORT OF COMMITTEES**

The committee on **Human Services and Aging** reports and recommends:

**Senate Bill 77**

Relating to: requiring the department of workforce development to submit to the governor, the joint committee on finance, the department of administration, and certain standing committees a statewide plan for providing employment and support services to low–income, noncustodial parents.

Passage.

Ayes, 7 – Senators Robson, Moore, Wirch, Hansen, Roessler, Welch and Kanavas.

Noes, 0 – None.

**Senate Bill 91**

Relating to: federal waivers to waive certain work requirements under the food stamp program.

Passage.

Ayes, 4 – Senators Robson, Moore, Wirch and Hansen.

Noes, 3 – Senators Roessler, Welch and Kanavas.

Judith Robson  
Chairperson

The committee on **Labor and Agriculture** reports and recommends:

LEIPOLD, CRAIG L., of Racine, as a member of the State Fair Park Board, to serve for the interim term ending May 1, 2002, and for the full term ending May 1, 2007.

Confirmation.

Ayes, 4 – Senators Hansen, Decker, Baumgart and Harsdorf.

Noes, 0 – None.

David Hansen  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**THE STATE OF WISCONSIN  
OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER #23**

*Relating to a Proclamation that the Flag of the United States and the Flag of the State of Wisconsin be Flown at Half-Staff Due to Terrorist Attacks on the United States*

**WHEREAS**, on September 11, 2001, a series of vicious and cowardly terrorist attacks claimed the lives of numerous innocent and unsuspecting United States citizens; and

**WHEREAS**, the people of the State of Wisconsin are compassionate people who care deeply about their fellow Americans; and

**WHEREAS**, the people of the State of Wisconsin, with heavy hearts, mourn the loss of all of the men, women and children who died as a result of these cowardly acts; and

**WHEREAS**, the people of the State of Wisconsin wish to commend and honor the bravery exhibited by all emergency and volunteer personnel who assisted in rescue, evacuation and medical assistance efforts; and

**WHEREAS**, the people of the State of Wisconsin offer their prayers and sympathies to all persons and families affected by this tragedy;

**NOW, THEREFORE, I, SCOTT McCALLUM**, Governor of the State of Wisconsin, by the authority vested in me by Federal and State law, do hereby order that the flag of the United States and the flag of the State of Wisconsin be flown at half-staff at all buildings, grounds and military installations of the State of Wisconsin equipped with such flags beginning forthwith and ending at sundown on Friday, September 14, 2001.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this eleventh day of September in the year two thousand and one.

SCOTT McCALLUM  
Governor

*BY THE GOVERNOR:*

DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Public Service Commission**

August 23, 2001

The Honorable, The Senate:

Enclosed is a copy of the annual report the Public Service Commission (Commission) recently submitted to the legislature as provided for in Wis. Stat. s. 1.11(2)(j). It reports on the number of environmental assessments and environmental impact statements prepared by the Commission between July 1, 2000 and June 30, 2001.

If you have any questions on this report, please contact our Environmental Affairs Coordinator, Kathleen Zuelsdorff, at (608) 266-2730 or e-mail: zuelsk@psc.state.wi.us.

Sincerely,

AVE M. BIE  
Chairperson

**State of Wisconsin  
Department of Employment Relations**

August 30, 2001

The Honorable, The Senate:

I am pleased to submit the State Council on Affirmative Action Report for July 1, 2000, to June 30, 2001. The report includes accomplishments for the past year and identifies Council direction for the future.

Additional copies may be obtained from the Department of Employment Relations, Division of Affirmative Action, 345 West Washington Avenue, Madison, Wisconsin 53703.

Please contact Greg Jones, Administrator of the Division of Affirmative Action, at 266-3017 or Email: Greg.Jones@der.state.wi.us if you have any questions or need additional information regarding the report.

Sincerely,

GREGORY C. JONES  
Administrator

**State of Wisconsin  
Legislative Audit Bureau**

September 11, 2001

The Honorable, The Legislature:

At the request of several legislators, we have completed a review of Brown County's financial condition. Concerns about the county's financial condition were raised in late 2000, when county officials projected a \$3.9 million budget deficit for 2001 and larger deficits in subsequent years. In mid-2001, the county revised its budget estimates and projected a smaller deficit for 2002, as well as for future years. Nevertheless, Brown County is likely to face financial challenges in the future.

Brown County's total expenditures have grown by 27.1 percent from 1995 to 1999. Despite this substantial increase, its 1999 per capita expenditures have, in most cases, been typical of counties with populations over 100,000. In addition, Brown County's financial condition has been satisfactory since 1995: the county had a surplus in its general fund for four of the past six years; it has had an adequate undesignated balance in its general fund at year-end; it has a low level of outstanding debt; and its bond rating has been "Aa1," the second-highest attainable. In 2001, Brown County's corrections expenditures are expected to increase significantly, largely as the result of the June opening of a new jail. We estimate that costs associated with housing inmates in 2001 may be as much as \$20 per day more than was spent for housing inmates in 2000, when many inmates were housed in out-of-county facilities.

Brown County provides more services than most other counties. To address the county's projected budget deficits in the future, county officials will need to either control expenditures or enhance revenues. We have identified several areas they may wish to consider.

We appreciate the courtesy and cooperation extended to us by officials of Brown County. The county's response is Appendix 2.

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Legislative Audit Bureau**

September 7, 2001

The Honorable, The Legislature:

We have completed a review of the Environmental Cooperation Pilot Program, which was established by 1997 Wisconsin Act 27. This pilot program, operated by the Department of Natural Resources (DNR) is intended to provide increased flexibility

for businesses in complying with environmental regulations, while maintaining existing levels of environmental protection. The Legislative Audit Bureau is required by statutes to monitor and report annually on this pilot program.

The program allows DNR to sign up to ten cooperative agreements with businesses. No cooperative agreements were established during the program's first two years. Of the nine companies that submitted letters of intent to join the program, three have withdrawn or chosen to pursue their objectives within existing regulations. In February 2001, an agreement with Wisconsin Electric Power Company became the first to be executed under the program. Agreements with the remaining five companies are in various stages of development.

Both DNR staff and program participants identified challenges associated with the Environmental Cooperation Pilot Program. These challenges include encouraging businesses to participate despite the time required to advance through the application process and reach a signed agreement, the uncertainty of the final outcome for program participants, and the process involving the federal Environmental Protection Agency. Addressing these challenges will be important because the Legislature will likely be asked to consider a new flexible environmental management program, known as Green Tier, which has been proposed by a DNR-appointed committee to enhance the environmental performance of companies.

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

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Legislative Audit Bureau**

September 5, 2001

The Honorable, The Senate:

We have completed a financial audit of the Mendota and Winnebago Mental Health Institutes for fiscal year 1999-2000, at the request of the Department of Health and Family Services. We are able to provide unqualified opinions on the Institutes' financial statements. The financial statements show that, on an accrual basis, Mendota Mental Health Institute had net income of \$2.8 million and Winnebago Mental Health Institute had net income of \$3.0 million.

For several years, the Department did not have an adequate system to accumulate and summarize information on patient revenues and accounts receivables. In January 1999, the Department began implementing a new \$525,000 billing and accounting system; however, its automated billing functions are not yet properly working, which has resulted in delays in billing and collection activities. The Department is taking reasonable steps to solve the problems with the system and reduce the delays, which we will continue to monitor in our future audits of the Institutes. In addition, we recommend improvements for the Department's process for developing and documenting estimates of patient revenues and receivables.

Copies of the audit report have been distributed to members of the joint Legislative Audit Committee and those required by law to receive them. If you are interested in receiving a copy of this report, please contact our office and request report 01-14. The report is also available on line at [www.legis.state.wi.us/lab/windex.htm](http://www.legis.state.wi.us/lab/windex.htm).

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Elections Board**

September 5, 2001

The Honorable, The Legislature:

Enclosed is a report of the State Elections boards describing impediments to voting faced by elderly and disabled electors. This report has been prepared pursuant to Section 5.25(4)(d), Wisconsin Statutes. The Elections Board is providing it to you for distribution to the appropriate standing committee of the legislature as directed by Section 13.172 (3), Wisconsin Statutes.

Additional copies have been prepared for distribution to representatives of appropriate advocacy groups and individuals on our subscription list. The report is also available on our website: <http://elections.state.wi.us/>.

Sincerely,

KEVIN J. KENNEDY  
Executive Director

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

**State of Wisconsin  
Ethics Board**

September 11, 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/>

Carey, Ray **Single Sales Factor Coalition, LLC**

Longmire, Erin **UST Public Affairs Inc**

Matthews, John **Single Sales Factor Coalition, LLC**

Thompson, Brett **Wisconsin Credit Union League**

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

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

**Senate Clearinghouse Rule 01-044**

Relating to fire department safety and health.

Submitted by Department of Commerce.

Report received from Agency, September 11, 2001.

Referred to committee on **Labor and Agriculture**,  
September 12, 2001.

**Senate Clearinghouse Rule 01-066**

Relating to the 2001 migratory game bird season.

Submitted by Department of Natural Resources.

Report received from Agency, September 10, 2001.

Referred to committee on **Environmental Resources**,  
September 12, 2001.

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The committee on **Human Services and Aging** reports and recommends:

**Senate Clearinghouse Rule 99-071**

Relating to the eligibility of nonparent relatives of children to receive kinship care benefits to help them provide care and

maintenance for the children.

Modifications requested, Ayes 6, Noes 1.

Ayes, 6 – Senators Robson, Moore, Wirch, Hansen, Roessler and Kanavas.

Noes, 1 – Senator Welch.

Judith Robson  
Chairperson



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

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THURSDAY, September 20, 2001

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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 40

Relating to: urging the U.S. Congress to designate The Highground Veterans Memorial Park a national park or a national monument.

By Senators Zien, Schultz, Burke, Huelsman, Roessler, Welch, Darling, Harsdorf and Lazich; cosponsored by Representatives Suder, Musser, Vrakas, Schneider, Kreibich, Huebsch, Albers, Ladwig, Owens, Turner, Balow, Urban, Freese, Gronemus, Rhoades, Plale, Hahn, Skindrud, Ott, Sykora, Krawczyk, Lassa, Gunderson, Ryba, Pettis, Petrowski and Starzyk.

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

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 243

Relating to: increasing a school district's revenue limit for the costs of teaching school professional staff how to use digital technology and distance-learning technology.

By Senators Erpenbach and Grobschmidt.

To committee on **Education.**

#### Senate Bill 244

Relating to: school district use of educational technology block grants.

By Senator Erpenbach.

To committee on **Education.**

#### Senate Bill 245

Relating to: contribution rates under the Wisconsin retirement system.

By Senator Wirch; cosponsored by Representative Vrakas.

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

#### Senate Bill 246

Relating to: references to the Internal Revenue Code for income and franchise tax purposes.

By Senator Burke; cosponsored by Representative Gard, by request of the Department of Revenue.

To joint survey committee on **Tax Exemptions.**

#### Senate Bill 247

Relating to: the membership of the child abuse and neglect prevention board.

By Senators Erpenbach and Darling.

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

#### Senate Bill 248

Relating to: prohibiting certain governmental subdivisions from providing or selling certain telecommunications services and Internet access services and from making certain transfers of telecommunications transmission facilities.

By Senators Shibilski, Breske, Moen, Rosenzweig, Welch, Kanavas, M. Meyer, Huelsman and Hansen; cosponsored by Representatives Kedzie, Huebsch, Suder, Gronemus, Musser, Stone, Seratti, Freese, Pettis, Walker, Skindrud, Nass and D. Meyer.

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

### REPORT OF COMMITTEES

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

MICKELSON, DR. DAVID M., of Madison, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2005.

Confirmation.

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

Noes, 0 – None.

MIYAMOTO, DOUGLAS "BUB" M., of La Crosse, as a member of the Lower Wisconsin State Riverway Board, to serve for the term ending May 1, 2004.

Confirmation.

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

Noes, 0 – None.

Jim Baumgart  
Chairperson

The committee on **Human Services and Aging** reports and recommends:

#### Senate Bill 128

Relating to: requiring health insurance policies to cover contraceptive articles and services.

Passage.

Ayes, 4 – Senators Robson, Moore, Wirch and Hansen.

Noes, 2 – Senators Roessler and Welch.

Referred to joint committee on **Finance** pursuant to Senate Rule 41 (1)(e)

**Senate Bill 94**

Relating to: funding for food pantries, granting rule-making authority, and making an appropriation.

Passage.

Ayes, 4 – Senators Robson, Moore, Wirch and Hansen.

Noes, 2 – Senators Welch and Kanavas.

**Senate Bill 96**

Relating to: regulation of social workers, advanced practice social workers, independent social workers, clinical social workers, marriage and family therapists, professional counselors, and art, music, and dance therapists, insurance coverage for services provided by clinical social workers, marriage and family therapists, professional counselors, granting rule-making authority, and providing a penalty.

Senate substitute amendment 1 adoption.

Ayes, 5 – Senators Robson, Moore, Wirch, Hansen and Kanavas.

Noes, 1 – Senator Welch.

Passage as amended.

Ayes, 5 – Senators Robson, Moore, Wirch, Hansen and Kanavas.

Noes, 1 – Senator Welch.

Judith Robson  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**THE STATE OF WISCONSIN  
OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER #24**

*Relating to the Governor's Pardon Advisory Board*

**WHEREAS**, Article V, Section 6 of the Wisconsin Constitution vests in the Governor the exclusive and discretionary power to grant pardons, commutations and reprieves; and

**WHEREAS**, it is advantageous to the clemency applicants, the public and the Governor to have an informed review of each application for clemency; and

**WHEREAS**, such an informed review may ably be performed by a board of advisors; and

**WHEREAS**, all concerned will benefit from a uniform application process;

**NOW, THEREFORE, I, SCOTT McCALLUM**, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and laws of this state, and specifically by Section 14.019 of the Wisconsin Statutes, do hereby re-create the Governor's Pardon Advisory Board according to the following guidelines:

1. Membership. The Governor's Pardon Advisory Board shall consist of no more than seven members who serve a term of one year at the pleasure of the Governor.
  - (a) One member shall be appointed by the Governor to represent the Attorney General.
  - (b) One member shall be appointed by the Governor to represent the Secretary of the Department of Corrections.
  - (c) The Governor's Legal Counsel or his/her designee shall be a voting member and shall chair the board.
2. Functions and Operations. The Board shall review applications for executive clemency and make recommendations to the Governor as to each.
  - (a) Hearings

- (1) The Board shall hold a public hearing on each qualifying application at which hearing the applicant shall be heard.
- (2) Hearings shall be held subject to the discretion of the chair, at a date and place set at least two weeks in advance of the hearing.
- (b) Recommendations to the Governor
  - (1) After a hearing is concluded, the Board shall meet in closed executive session, as permitted by Wisconsin Stats. s. 19.85(1)(a), to arrive at a recommendation on the application. Four members constitute a quorum for executive action by the board.
  - (2) The factors the Board shall weigh in its decision include, but are not limited to, the severity of the offense, the time passed since discharge or conviction, the applicant's need for clemency and the applicant's activities and conduct since the offense.
  - (3) The chair shall convey to the Governor in writing the Board's recommendation for each application, along with dissenting recommendations, if any, and reasons given for each.
3. Manner and Form of Applications
  - (a) Scope
    - (1) These rules shall govern all applications for any form of clemency by an person except individuals currently incarcerated.
    - (2) All applications for any form of clemency to which these rules do not apply shall be governed by Wisconsin Statutes Sections 304.08 through 304.11.
  - (b) Form and Contents
    - (1) Applications for any form of Clemency shall be in writing, signed by the person seeking clemency, notarized by a notary public and submitted to the Governor.
    - (2) Applications shall contain the following information:
      - a. the name of the applicant
      - b. the applicant's current address and mailing address if different
      - c. the applicant's date of birth
      - d. the exact form of clemency sought
      - e. the conviction(s) from which relief is sought
      - f. the court that imposed sentence (county and branch)
      - g. the date of sentencing
      - h. the sentence imposed
      - i. the place of incarceration (if applicable)
      - j. a description, in the applicant's own words, of the circumstances of the crime
      - k. a statement of any facts which the applicant believes justify clemency, including activities since conviction, employment history and information pertaining to the applicant's need for clemency
      - l. subsequent contacts with law enforcement
      - m. whether the applicant has applied for clemency in the past and what date the application was decided by the Governor
  - (3) The Governor, through the office of Legal Counsel, may set other conditions,

requirements and procedures in relation to the application process, including but not limited to, prerequisites and conditions for applying for clemency.

- (c) Service of Notice
  - (1) The applicant shall serve on the judge of the court of conviction and on the district attorney of the county of conviction, a notice of application which shall contain the information required in the application by s. 3(b) of this order.
  - (2) Service of notice may be by mail, but the Governor's office must be given proof of service by providing a copy of the notice as signed or stamped by the person upon whom notice was served.
- (d) Court Records
  - (1) The applicant shall obtain and provide to the Governor's Office certified copies of the following court records for all convictions for which the person is seeking clemency:
    - a. The indictment, information or complaint; and
    - b. The judgment of conviction and sentencing
  - (2) If copies of any of the required court records are unavailable, the applicant shall submit to the Governor's Office a letter from the clerk of courts of the county of conviction stating that copies are unavailable.
- (e) An application shall be complete when it contains the information and documents required by subsections (a), (b) and (c) of this section.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this twelfth day of September in the year two thousand and one.

SCOTT McCALLUM  
Governor

BY THE GOVERNOR:  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Department of Health and Family Services**

The Honorable, The Legislature:

In accordance with sec. 1.11(2)(j) Wis. Stats., the Department of Health and Family Services reports that it has not conducted any Environmental Assessments or Environmental Impact Statements during the reporting period of July 1, 2000, through June 30, 2001.

Sincerely,  
PHYLLIS J. DUBE  
Secretary

**State of Wisconsin  
Legislative Audit Bureau**

September 18, 2001

The Honorable, The Legislature:

At the request of the Department of Health and Family Services, we have completed a financial audit of the Health Insurance Risk-Sharing Plan (HIRSP) for fiscal year (FY) 1999-2000. HIRSP provides medical insurance for nearly 11,500

policyholders who are unable to obtain coverage in the private market. We have provided an unqualified opinion on HIRSP's financial statements and have followed up on issues raised in prior audits.

One of these issues relates to overpayment of prescription drug claims. From July 1998 through January 2001, the Department did not have controls in place to ensure that policyholders and pharmacies were reimbursed for prescription drugs at HIRSP-allowed rates. As a result, HIRSP overpaid drug claims by an estimated \$5.5 million. The Department has reinstated system controls to reimburse drug claims at HIRSP-allowed rates, and it plans to begin recovery of overpayments in fall 2001. However, because of these efforts, at least 160 pharmacies have withdrawn from the program. The Department has recently implemented an on-line pharmacy claims processing system, which it expects will help to address pharmacy concerns and streamline the drug claims process.

Another major issue pertains to HIRSP's funding approach. In April 2001, the Board of Governors voted to implement an accrual-based funding approach in response to our prior audit recommendations, and following extensive debate. HIRSP's actuary projects that in fiscal year (FY) 2001-02, the change from a cash-based to an accrual-based approach will require additional \$16.6 million to fund an accumulated accounting deficit. An excess policyholder premium reserve will fund the policyholders' share; the required contributions paid by health care providers are expected to meet their share; and insurers will fund their share through their semi-annual assessments.

We appreciate the courtesy and cooperation extended to us by the Department and the plan administrator for HIRSP. A response from the Department is Appendix 2.

Sincerely,  
JANICE MUELLER  
State Auditor

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

**Senate Clearinghouse Rule 01-020**

Relating to supervision of precertification supervised practice of social work.

Submitted by Department of Regulation and Licensing.

Report received from Agency, September 14, 2001.

Referred to committee on **Human Services and Aging**, September 20, 2001.

**Senate Clearinghouse Rule 01-045**

Relating to the use of force to prevent escapes, pursue and capture escaped persons detained or committed under chapter 980, stats., and to provide security at facilities housing such persons.

Submitted by Department of Health and Family Services.

Report received from Agency, September 19, 2001.

Referred to committee on **Economic Development and Corrections**, September 20, 2001.

**Senate Clearinghouse Rule 01-060**

Relating to contact lens prescription release by optometrists.

Submitted by Department of Regulation and Licensing.

Report received from Agency, September 14, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, September 20, 2001.

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The committee on **Human Services and Aging** reports and recommends:

**Senate Clearinghouse Rule 99-071**

Relating to the eligibility of nonparent relatives of children to receive kinship care benefits to help them provide care and maintenance for the children.

Report objection recommended:

Ayes, 6 – Senators Robson, Moore, Wirch, Hansen, Roessler and Kanavas.

Noes, 1 – Senator Welch.

Referred to joint committee for **review of Administrative Rules**, September 20, 2001.

Judith Robson  
Chairperson

The committee on **Labor and Agriculture** reports and recommends:

**Senate Clearinghouse Rule 01-061**

Relating to the definition of unprofessional conduct of the practice of veterinary medicine.

No action taken.

David Hansen  
Chairperson



STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, September 26, 2001

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

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**INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS**

Read and referred:

**Senate Resolution 7**

Relating to: recognizing the week beginning the first Monday in October as “Household Hazardous Waste Awareness Week.”

By Senators Hansen, Burke and Roessler.

To committee on **Senate Organization**.

**Senate Joint Resolution 41**

Relating to: memorializing Congress to study and modify the social security earnings limit.

By Joint Legislative Council.

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

**Senate Joint Resolution 42**

Relating to: the life and public service of Jane Pettit.

By Senators Darling, Rosenzweig, Panzer, Kanavas, Grobschmidt, Burke, Huelsman, Welch, Lazich and Roessler; cosponsored by Representatives Jensen, Jeskewitz, Wasserman, Vrakas, Richards, Gunderson, Rhoades, Lippert, Walker, Plale, Colon, Carpenter, Bock, Urban, Townsend and Ryba.

To committee on **Senate Organization**.

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**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 249**

Relating to: special labor–related reports; training, education, and development zone tax credits; training and education programs; providing an exemption from emergency rule procedures; granting rule–making authority; and making appropriations.

By Joint Legislative Council.

To committee on **Labor and Agriculture**.

**Senate Bill 250**

Relating to: insurance coverage of prescription medications used to treat diabetes.

By Senators Moen, Breske, Moore, Erpenbach, Robson, Burke, Wirch, George, Grobschmidt, Plache, Hansen and Baumgart; cosponsored by Representatives Urban, Krug, Johnsrud, Berceau, Musser, Bock, Gunderson, Boyle, Ryba, Lassa, Pocan, Young, Turner, Gronemus and Wasserman.

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

**Senate Bill 251**

Relating to: various changes to the worker’s compensation law.

By Senators Hansen and A. Lasee; cosponsored by Representatives Hundertmark and Turner.

To committee on **Labor and Agriculture**.

**Senate Bill 252**

Relating to: single factor apportionment of income for corporate income tax and franchise tax purposes.

By Senators Shibilski, Plache, Baumgart, M. Meyer and Breske; cosponsored by Representatives Ziegelbauer and Riley.

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

**Senate Bill 253**

Relating to: payment of judgments in traffic cases and in municipal court and the suspension of operating privileges.

By Senators Moore, Plache and George; cosponsored by Representatives Jeskewitz, La Fave, Bock, Montgomery, Musser, Ryba, Coggs, Turner, Albers, Plale, Young, Ott and Ryba.

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

**Senate Bill 254**

Relating to: counting summer school enrollment for revenue limit purposes.

By Senators Grobschmidt, Plache, Burke and Moen; cosponsored by Representatives J. Lehman, Plale, Turner, Cullen, Miller, Krug, Staskunas, La Fave, Young, Bock, Pocan, Black and Ryba.

To committee on **Education**.

**Senate Bill 255**

Relating to: modifying the manner in which a pupil enrolled in a 4–year–old kindergarten program is counted for state aid.

By Senators Grobschmidt, Moore, George, Burke, Plache, Shibilski and Moen; cosponsored by Representatives Riley, Richards, Gronemus, Turner, Sinicki, Musser, Cullen, Miller, La Fave, Krug, Black, Pocan and Young.

To committee on **Education**.

**Senate Bill 256**

Relating to: national guard tuition grants and making an appropriation.

By Senators Moen, Burke, Breske, S. Fitzgerald, Zien, Hansen, Schultz, Wirch, Baumgart, Grobschmidt, Moore, Erpenbach, Roessler, Jauch and Harsdorf; cosponsored by Representatives Musser, Albers, Nass, Rhoades, Gronemus, Schneider, Black, Jensen, Townsend, Boyle, Krug, Ladwig, Berceau, Suder, Ryba, Carpenter, Pettis, Lassa, Hundertmark, Hubler, Miller, Loeffelholz, Jeskewitz, Meyerhofer, Gunderson, Friske, Lippert, J. Fitzgerald, Turner, Hahn, Ott, Walker, Vrakas, Urban, Riley, Sykora and Seratti.

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

**Senate Bill 257**

Relating to: payment from a ward's estate of reasonable attorney fees and costs for successful petitioners in incompetence and guardianship proceedings.

By Senators Chvala and Burke; cosponsored by Representatives Huber, La Fave, Turner and Ryba.

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

**REPORT OF COMMITTEES**

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

POULSON, HOWARD "DAN", of Palmyra, as a member of the Natural Resources Board, to serve for the term ending May 1, 2007.

Confirmation.

Ayes, 3 – Senators Baumgart, Cowles and Schultz.  
Noes, 2 – Senators Hansen and Wirch.

Jim Baumgart  
Chairperson

The committee on **Labor and Agriculture** reports and recommends:

BEIL, MARTIN, of Mazomanie, as a member of the Deferred Compensation Board, to serve for the term ending July 1, 2005.

Confirmation.

Ayes, 4 – Senators Hansen, Decker, A. Lasee and Harsdorf  
Noes, 1 – Senator Baumgart.

REINERT, JENNIFER, of Madison, as Secretary of the Department of Workforce Development, to serve for the term ending at the pleasure of the Governor.

Confirmation.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.  
Noes, 0 – None.

David Hansen  
Chairperson

The committee on **Privacy, Electronic Commerce and Financial Institutions** reports and recommends:

**Senate Bill 212**

Relating to: restrictions on the transmission of unsolicited electronic mail.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Erpenbach, Jauch, Plache, S. Fitzgerald and Kanavas.  
Noes, 0 – None.

Passage as amended.

Ayes, 3 – Senators Erpenbach, Jauch and Plache.  
Noes, 2 – Senators S. Fitzgerald and Kanavas.

**Senate Bill 237**

Relating to: requiring pharmacies to keep patient health care records confidential.

Passage.

Ayes, 3 – Senators Erpenbach, Jauch and Plache.  
Noes, 2 – Senators S. Fitzgerald and Kanavas.

Jon Erpenbach  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**Senate Petition 3**

A petition by approximately 1600 residents of the State of Wisconsin in support of Senate Bill 157, relating to health insurance coverage of nervous and mental disorders, alcoholism, and other drug abuse problems.

By Senator Moen.

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

**State of Wisconsin**

September 20, 2001

The Honorable, The Senate:

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

Sincerely,

CHUCK CHVALA  
Chair, Committee on Senate Organization

**State of Wisconsin**

September 20, 2001

The Honorable, The Senate:

I would like my name removed from a co-sponsor of **Senate Bill 155**. Thank you.

Sincerely,

ROB KREIBICH  
State Representative  
93rd Assembly District

**State of Wisconsin  
Department of Administration  
Department of Natural Resources**

September 21, 2001

The Honorable, The Senate:

Attached to this letter is the Environmental Improvement Fund Biennial Finance Plan for the 2001-2003 biennium.

Environmental Improvement Fund program legislation (s.281.59(3), Wis. Stats.) requires the Department of Natural Resources and the Department of Administration to submit the final version of the Biennial Finance Plan to the Legislature and to the State Building Commission following enactment of the biennial budget. The purpose of the plan is to provide information on loan, loan subsidy, and bonding levels for program operations in the 2001-2003 biennium.

Also attached is the Environmental Improvement Fund Biennial Report for the 1999-2001 biennium. The report provides information on the activities and operations of the program during the previous biennium. This report is submitted in accordance with s. 281.59(3), Wis. Stats.

If you have any questions regarding the Biennial Finance Plan or the Biennial Report, please contact Kathryn A. Curtner at 266-0860 or Frank R. Hoadley at 266-2305.

Sincerely,

KATHRYN A. CURTNER, Director  
Bureau of Community Financial Assistance  
Department of Natural Resources

Frank R. Hoadley  
Capital Finance Director  
Department of Administration

**State of Wisconsin  
Investment Board**

September 13, 2001

The Honorable, The Senate:

Pursuant to s. 1.11(2)(j), Stats., the State of Wisconsin Investment Board is pleased to report, that during fiscal year 2001, it did not consider any proposals for major actions in Wisconsin that could significantly affect the quality of the human environment. Accordingly, the agency was not required to prepare any environmental assessments or impact statements under s. 1.11, Stats.

Please contact Ken Johnson at 267-0221 or Sandy Drew at 261-0182 if you have any questions concerning this report.

Sincerely,

PATRICIA LIPTON  
Executive Director

**State of Wisconsin  
Department of Health and Family Services**

September 17, 2001

The Honorable, The Senate:

Pursuant to Section 46.014(4) of the Wis. Stats., the Department of Health and Family Services is required to submit an annual report to the Legislature concerning the activities of the community action agencies under s. 46.30, and their effectiveness in promoting social and economic opportunities for low-income persons.

The attached report describes the use of the Community Services Block Grant funding, and the services and activities of the community action agencies and limited purpose agencies carried out to reduce poverty, revitalize low-income communities, and empower low-income individuals and families to become fully self-sufficient.

If you have any questions or need additional information, please contact Moira Lafayette, CSBG Coordinator at 267-5149.

Sincerely,

PHYLLIS J. DUBE  
Secretary

**State of Wisconsin  
University of Wisconsin System**

September 21, 2001

The Honorable, The Legislature:

The University of Wisconsin System is please to provide you with a copy of our annual Wisconsin Environmental Policy Act (WEPA) report. In fulfillment of Section 1.11(2)(j), Wisconsin Statutes, this document provides information on the numbers of Environmental Assessments (EA's) and Environmental Impact Statements (EIS's) completed in the past fiscal year.

This report addresses the activities of the University of Wisconsin System for the period from July 1, 2000 through June 30, 2001.

Questions regarding this report should be directed to Terri Reda, UW System Environmental Affairs Officer. Terri may be reached at 263-4410.

Sincerely,

KATHARINE C. LYALL  
President

**State of Wisconsin  
Department of Public Instruction**

August 2001

The Honorable, The Legislature:

The Department of Public Instruction is submitting the 2000 Annual Report on the Status of Bilingual-Bicultural Education programs as required under s. 115.96, Wisconsin Statutes. The enclosed report provides data from the 38 state-aided bilingual-bicultural/ESL education programs for the 2000 fiscal year (July 1, 1999, through June 30, 2000).

This annual report includes details on the state's administration and funding of bilingual education in Wisconsin and factors contributing to program expansion; the continuously lower annual reimbursement rates for school districts; the number of pupils from minority languages served; the locations of the state-aided programs during the 2000 fiscal year; and staff-related data.

If you have questions on any aspect of this report, please contact Barbara A. Bitters, Director, Equity Mission Team, at [barbara.bitters@dpi.state.wi.us](mailto:barbara.bitters@dpi.state.wi.us) or 267-2276.

Sincerely,

ELIZABETH BURMASTER  
State Superintendent

**State of Wisconsin  
Office of the Commissioner of Insurance**

September 2001

The Honorable, The Legislature:

I am please to submit the 132nd *Wisconsin Insurance Report* covering 2000.

Wisconsin's tradition of sound regulation, combined with strong consumer protections, continued over the past year. Highlights of OCI's accomplishments and innovations are as follows:

- Implementation of legislation and administrative rules relating to Medicare supplemental and long-term care insurance, and continuing education;
- Implementation of legislation and development of administrative rules relating to independent review organizations and grievances, privacy and producer licensing;
- Further improvement and enhancement to information available on the OCI Internet site to include:
  - Financial and market conduct examination reports,
  - Frequently asked questions for health, auto and homeowner's insurance,
  - Annual and quarterly statement packets,
  - Premium tax forms;
- Implementation of a workplan to monitor and develop policy on regulation and enforcement of insurance electronic activities;
- Publication of *Guia del Consumidor para Seguros de Vivienda*, a Spanish version of the *Consumer's Guide to Homeowner's Insurance*;
- Implementation of a study to evaluate the feasibility of having companies file Wisconsin-specific forms electronically over the Internet.

- Announcement of a 25% decrease in annual fees which participating health care providers must pay to the Patient's Compensation Fund.

Sincerely,

CONNIE L. O'CONNELL  
Commissioner

**State of Wisconsin  
Department of Revenue**

September 17, 2001

The Honorable, The Legislature:

The use-value assessment law, enacted in 1995 Act 27, specified duties of the Farmland Advisory Council and required the Council to report to the Legislature on the usefulness of use-value assessment as a way to preserve farmland and to reduce the conversion of farmland to other uses. At that time, Wisconsin became the 49th state to institute some form of use-value assessment of agricultural land.

Section 73.03(49)(a), Wis. Stats., requires the Farmland Advisory Council to advise the Department of Revenue on the supplement to the *Wisconsin Property Assessment Manual (WPAM)* guidelines for assessing agricultural land, and on rules to implement use-value assessment of agricultural land and to reduce urban sprawl. The guidelines for the 2001 assessment year are attached for your reference.

Sincerely,

RICHARD G. CHANDLER  
Secretary  
Department of Revenue

**State of Wisconsin  
Department of Transportation**

September 25, 2001

The Honorable, The Senate:

The enclosed report has been sent to you pursuant to sec. 1.11 (2)(j), Stats. This statute states: "*Annually, no later than September 15, submit a report to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172(2), including the number of proposed actions for which the agency conducted an assessment of whether an impact statement was required under par. (c) and the number of impact statements prepared under par. (c).*"

This report addresses the activities of the Department of Transportation for fiscal year 2000, the period from July 1, 2000 to June 30, 2001.

Sincerely,

TERRY MULCAHY, P.E.  
Secretary

**State of Wisconsin  
Ethics Board**

September 25, 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/>

Lee, David R     **P. H. Glatfelter Company**

Salinero, Amparo **Child Care Resource & Referral Services of Greater Racine & Kenosha Inc**

Walsh, Kenneth **Wisconsin Troopers Association Inc**

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

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**ADVICE AND CONSENT OF THE SENATE  
State of Wisconsin  
Office of the Governor**

September 17, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint VAN BOGAERT, CYNTHIA A., of Brooklyn, as a member of the Employee Trust Fund 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**

September 17, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint OSBORNE, PATRICK J., of Madison, as a member of the Great Lakes Protection Fund, to serve for the term ending October 11, 2003.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

September 17, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SCHMIDT, CRAIG W.C., of Berlin, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

September 17, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ELMAN, WILLIAM R., of Appleton, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

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



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

State of Wisconsin  
Revisor of Statutes Bureau

October 1, 2001

To the Honorable, the Senate:

The following rules have been published:

<b>Clearinghouse Rules</b>	<b>Effective Date(s)</b>
<b>00-138</b>	October 1, 2001
<b>00-153</b>	October 1, 2001
<b>00-159 (part)</b>	October 1, 2001
<b>00-159 (part)</b>	December 1, 2001
<b>01- 18</b>	October 1, 2001
<b>01- 28 (part)</b>	October 1, 2001
<b>01- 28 (part)</b>	November 1, 2001
<b>01- 35</b>	October 1, 2001
<b>01- 39</b>	October 1, 2001
<b>01- 40</b>	October 1, 2001
<b>01- 51</b>	October 1, 2001
<b>01- 52</b>	October 1, 2001
<b>01- 65</b>	October 1, 2001

Sincerely,  
GARY L. POULSON  
Deputy Revisor

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The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 01-070**

Relating to the allocation of volume cap on tax-exempt private activity bonds.

No action taken.

**Senate Clearinghouse Rule 01-078**

Relating to the teacher education loan program.

No action taken.

**Senate Clearinghouse Rule 01-079**

Relating to the teacher of the visually impaired loan program.

No action taken.

Mark Meyer  
Chairperson

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**AMENDMENTS OFFERED**

Senate substitute amendment 1 to **Assembly Bill 60** offered by Senator Plache.

Senate amendment 1 to **Senate Bill 105** offered by Senator Harsdorf.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

TUESDAY, October 2, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

#### Senate Joint Resolution 43

Relating to: memorializing Congress to establish daylight savings time year–round throughout the United States.

By Senators Grobschmidt, Wirch, Risser and Schultz; cosponsored by Representatives Musser, La Fave, Ryba, Nass, Hoven and Hahn.

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

#### Senate Joint Resolution 44

Relating to: expressing the Wisconsin legislature's support for our troops and the use of all force necessary to accomplish this nation's goal of ridding the world of the threat of terrorism.

By Senators Zien, Kanavas, Breske, Welch, S. Fitzgerald, Cowles, Harsdorf, Rosenzweig, Roessler, Darling, Lazich, Plache, Huelsman, A. Lasee, Shibilski and Wirch; cosponsored by Representatives D. Meyer, Krawczyk, Leibham, Nass, Walker, Suder, Albers, Jensen, Gard, Pettis, Musser, Carpenter, Ryba, Starzyk, J. Fitzgerald, Gundrum, Petrowski, Bies, Ladwig, Turner, Kestell, Owens, Jeskewitz, Urban, Meyerhofer, Ott, Freese, Stone, Hahn, Gronemus, Sykora, Seratti, Kreibich, Huebsch and F. Lasee.

To committee on **Senate Organization**.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 258

Relating to: the specialized transportation assistance program, minimum qualifications for the operator of a human service vehicle, the registration of human service vehicles, granting rule–making authority, and providing a penalty.

By Senators Lazich, Grobschmidt and Huelsman; cosponsored by Representatives Gunderson, Ladwig, Plale, McCormick, Steinbrink, Lassa and Krawczyk, by request of Beverly Kraemer in memory of her father, Elmer Blundell.

To committee on **Insurance, Tourism, and Transportation**.

#### Senate Bill 259

Relating to: the deadline for filing a tax exemption report in the city of La Crosse by a church or religious association.

By Senator M. Meyer; cosponsored by Representative Huebsch.

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

#### Senate Bill 260

Relating to: the sales tax imposed on the sale of mobile telecommunications services.

By Senator Jauch; cosponsored by Representatives M. Lehman, Ainsworth, Jeskewitz, Lippert, Meyerhofer, Musser, Olsen and Stone.

To joint survey committee on **Tax Exemptions**.

#### Senate Bill 261

Relating to: increasing a school district's revenue limit for heating costs.

By Senators Baumgart, Plache, Burke, Risser, Moen and Grobschmidt; cosponsored by Representatives Gunderson, Pocan, Ott, Sinicki, Boyle, Staskunas, Plouff, M. Lehman, J. Lehman, La Fave, Meyerhofer, Coggs, Miller, Ryba, Bies and Wasserman.

To committee on **Education**.

#### Senate Bill 262

Relating to: creating a loan program for teachers of mathematics, science and special education in the Milwaukee Public Schools and in low–income school districts, granting rule–making authority, and making an appropriation.

By Senators Grobschmidt, Plache, Burke and Robson; cosponsored by Representatives Sinicki, Krug, Black, Carpenter, La Fave, Young, Turner, Pocan, Ryba, Sykora, J. Lehman, Plale, Musser and Miller.

To committee on **Education**.

### REPORT OF COMMITTEES

The committee on **Education** reports and recommends:

#### 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.

Passage.

Ayes, 11 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Roessler, Darling, Lazich, Harsdorf and Kanavas.

Noes, 0 – None.

**Senate Bill 176**

Relating to: the Wisconsin School for the Deaf and creating a deaf and hard-of-hearing education council.

Passage.

Ayes, 11 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Roessler, Darling, Lazich, Harsdorf and Kanavas.

Noes, 0 – None.

**Senate Bill 235**

Relating to: requiring instruction in public schools on the history of organized labor in America and the collective bargaining process.

Passage.

Ayes, 6 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson and Erpenbach.

Noes, 5 – Senators Roessler, Darling, Lazich, Harsdorf and Kanavas.

Richard Grobschmidt  
Chairperson

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

**Senate Bill 157**

Relating to: health insurance coverage of nervous and mental disorders, alcoholism, and other drug abuse problems.

Passage.

Ayes, 5 – Senators Moen, Robson, Erpenbach, M. Meyer and Rosenzweig.

Noes, 4 – Senators Breske, Cowles, S. Fitzgerald and Lazich.

Rodney Moen  
Chairperson

The committee on **Insurance, Tourism, and Transportation** reports and recommends:

**Senate Bill 196**

Relating to: state fleet management and consideration of vehicle's fuel economy and safety ratings.

Passage.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

**Senate Bill 240**

Relating to: designating STH 122 as the Walt Bresette Memorial Highway.

Passage.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

**Senate Bill 38**

Relating to: the speed limit at certain intersections marked with school crossing signs and providing a penalty.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

Roger Breske  
Chairperson

The committee on **Labor and Agriculture** reports and recommends:

**Senate Bill 185**

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

Passage.

Ayes, 4 – Senators Hansen, Decker, Baumgart and A. Lasee.

Noes, 1 – Senator Harsdorf.

**Senate Bill 251**

Relating to: various changes to the worker's compensation law.

Passage.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.

Noes, 0 – None.

David Hansen  
Chairperson

The committee on **Privacy, Electronic Commerce and Financial Institutions** reports and recommends:

**Senate Bill 135**

Relating to: disclosure of credit reports and providing a penalty.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Erpenbach, Jauch, Plache, S. Fitzgerald and Kanavas.

Noes, 0 – None.

Passage as amended.

Ayes, 3 – Senators Erpenbach, Jauch and Plache.

Noes, 2 – Senators S. Fitzgerald and Kanavas.

Jon Erpenbach  
Chairperson

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Department of Employment Relations**

September 28, 2001

The Honorable, The Senate:

I am please to submit the fiscal year 2000 and 2001 report of employment of Wisconsin Works (W-2) program customers. This report includes: (1) a description of each agency's efforts to employ W-2 customers; and (2) the number of W-2 customers under s. 49.19, Wis. Stats., employed by each agency and the classification title of each position filled from July 1, 1999, through June 30, 2001.

Enclosed is a copy of the W-2 Hiring Report. If you have any questions about W-2 hiring or the affirmative action planning process, please contact Kathryn A. Moore in the Division of Merit Recruitment and Selection (DMRS) or Pepe Indalecio in the Division of Affirmative Action (DAA). Kathryn can be reached at (608) 266-9472, fax (608) 267-1000 or by e-mail [Kathryn.Moore@der.state.wi.us](mailto:Kathryn.Moore@der.state.wi.us). Pepe can be reached at (608) 266-6475, fax (608) 267-1020 or e-mail at [Pepe.Indalecio@der.state.wi.us](mailto:Pepe.Indalecio@der.state.wi.us).

Sincerely,  
PETER D. FOX  
Secretary

**State of Wisconsin  
Department of Veterans Affairs**

September 28, 2001

The Honorable, The Legislature:

In compliance with section 45.35(3d)(b), Wis. Stats., as created by 1989 Wisconsin Act 36, the Council on Veterans Programs and the Wisconsin Department of Veterans Affairs (WDVA) are jointly submitting the attached general summary report of the activities and membership over the past two years of the Council and the organizations represented on the Council.

Organizations not yet reporting are the American Legion, AMVETS, American Red Cross, Army-Navy Union, Federation for Culturally Diverse Veterans, Jewish War Veterans, National Association for Black Veterans and the Navy Club of the USA.

The information contained in the report was compiled by WDVA staff and the Council Chair from materials submitted by the representative from each organization on the Council.

Sincerely,

WILLIAM KLOSTER  
Executive Assistant

**State of Wisconsin  
University of Wisconsin  
Hospital and Clinics**

September 28, 2001

The Honorable, The Senate:

I am pleased to submit to the Wisconsin Legislature the University of Wisconsin Hospitals and Clinics Authority Annual Report, as required by Chapter 233 Wisconsin Statutes. Our 2000-2001 fiscal year highlights include achieving our financial goals, increased collaboration among the UW Health partners, and development of a five-year Strategic Plan.

Though challenged by staffing shortages, rising costs and reduced reimbursements, UWHC Administration has developed a sound strategy to address today's needs while preparing us for the future. We are confident that we will continue to serve our mission of patient care, education, research and community service, as well as retain our reputation as one of the best hospitals in the country.

I would also like to take this opportunity to thank the Legislature for the confidence they have shown in our institution by authorizing the continuation of our affiliation agreement with the University of Wisconsin for the next five years. If you have any question about our Annual Report or would like additional information, please contact me at 263-8025.

Sincerely,

DONNA K. SOLLENBERGER  
President and Chief Executive Officer

**State of Wisconsin  
Director of State Courts**

October 1, 2001

The Honorable, The Legislature:

Pursuant to s. 758.19(5)(i), Wis. Stats., the information reported to the Director of State Courts under ss. 758.19(5)(e) and 758.19(6)(d), Wis. Stats., by Wisconsin's counties has been compiled and is herein submitted. Under ss. 758.19(5)(e) and 758.19(6)(d), Wis. Stats., each county is required to submit an annual report to the Director of State Courts which provides

information on the actual amount expended in the previous calendar year for court costs relating to the circuit court support and the guardian ad litem programs.

Sincerely,

J. DENIS MORAN  
Director of State Courts

**State of Wisconsin  
Joint Legislative Council**

September 27, 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 2001-08 Legislation Recommended by the Special Committee on Labor Shortage.

(2001 Senate Bill 249 and Assembly Bill 516)

(2001 Senate Joint Resolution 41 and Assembly Joint Resolution 57)

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/report\\_by\\_topic.htm](http://www.legis.state.wi.us/lc/report_by_topic.htm).

Sincerely,

TERRY C. ANDERSON  
Director

**State of Wisconsin  
Department of Transportation**

October 1, 2001

Dear Legislators:

Pursuant to 1999 Wisconsin Act 109, Section 84, the Departments of Transportation, Corrections, and Health and Family Services were required to "jointly study and evaluate the desirability of using treatment programs and other alternatives to incarceration as a way to reduce the length of incarceration or the need for incarceration of persons convicted of a second or subsequent violation of operating a motor vehicle while under the influence of an intoxicant, controlled substance or other drug."

The Act further indicated that the results of this study be reported to the Legislature no later than October 1, 2001 under sec. 13.172(3), Stats.

Our respective departments commissioned this study to be conducted by the Dieringer Research Group, Milwaukee, Wisconsin. Their study report, "Alternatives to Incarceration for Repeat Drunk Driving," is enclosed.

The opinions, findings and recommendations expressed in the enclosed report are those of The Dieringer Research Group and are not necessarily those of the departments that sponsored this research.

Sincerely,

TERRY MULCAHY, P.E., Secretary  
Wisconsin Department of Transportation

JON LITSCHER, Secretary  
Wisconsin Department of Corrections

PHYLLIS J. DUBE, Secretary  
Department of Health and Family Services

Referred to the committees on **Economic Development and Corrections, Health, Utilities, Veterans and Military Affairs, and Insurance, Tourism, and Transportation.**



**State of Wisconsin  
Department of Health and Family Services**

September 21, 2001

Dear Legislators:

I am pleased to provide you with an electronic copy of the Executive Summary from the 2000 Annual Report for Integrated Services Projects (ISP), from the Children Come First Advisory Committee. The Executive Summary provides some data and information about Integrated Services Projects throughout Wisconsin that work with children with severe emotional disturbance (SED). The goals of these projects are to keep children at home in communities, in school and out of trouble.

The Department of Health and Family Services (DHFS), Bureau of Community Mental Health (BCMh) provides funding, clinical oversight, contract monitoring and evaluation for the ISPs. In calendar year 2000, approximately 1,100 children with SED were served in 29 counties of Wisconsin.

The complete, 47 page Annual Report includes additional data and an appendix that lists ISP locations, contact people and phone numbers. It can be accessed on the DHFS website at [www.dhfs.state.wi.us/mh\\_bcmh](http://www.dhfs.state.wi.us/mh_bcmh) click on this address and then click on "2000 ISP Annual Report." If you would like a paper copy please contact Amy Weinberger at 608-266-9316, or via e-mail at [weinbal@dhfs.state.wi.us](mailto:weinbal@dhfs.state.wi.us)

Please share this report with other people who have an interest in improving children's mental health in Wisconsin.

Sincerely,

PHYLLIS J. DUBE  
Secretary

**State of Wisconsin  
Ethics Board**

October 2, 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/>

Driessen, Anthony **American Massage Therapy Assn, Wis Chapter, by MultiState Assoc**

Fonfara, Thomas **American Massage Therapy Assn, Wis Chapter, by MultiState Assoc**

Kuehn, Ronald W **Wisconsin Biotechnology Association Inc**

Leonhart, James **Wisconsin Biotechnology Association Inc**

Letzing, Sybil **Wisconsin Biotechnology Association Inc**

Platz, Red **United Auto Workers**

Thompson, Kelli **Wisconsin Biotechnology Association Inc**

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**

September 20, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HEIDPRIEM, REBECCA L., of Milwaukee, as the Chief Information Officer of the Department of Electronic Government, to serve for the term ending at the pleasure of the Governor.

Sincerely,

SCOTT MCCALLUM  
Governor

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

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

**Senate Clearinghouse Rule 01-068**

Relating to certification of optometrists to use diagnostic pharmaceutical agents.

Submitted by Department of Regulation and Licensing.

Report received from Agency, October 1, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, October 2, 2001.

**Senate Clearinghouse Rule 01-096**

Relating to joint and survivor annuity reduced 25% upon death of annuitant or named survivor.

Submitted by Department of Employee Trust Funds.

Report received from Agency, September 26, 2001.

Referred to committee on **Labor and Agriculture**, October 2, 2001.

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

**Senate Clearinghouse Rule 00-056**

Relating to criteria for county agency determination under the long-term support community options (COP) and community integration (CIP) programs that in-home services are infeasible, as a condition for use of program funds to pay for services to persons who reside in community-based residential facilities (CBRFs).

No action taken.

**Senate Clearinghouse Rule 00-133**

Relating to revising requirements for insurers offering medicare + choice, medicare supplement and replacement plans in order to comply with recent changes in federal laws.

No action taken.

**Senate Clearinghouse Rule 01-023**

Relating to minimum equipment.

No action taken.

**Senate Clearinghouse Rule 01-031**

Relating to prescribing or dispensing schedule II amphetamines or schedule II anorectics.

No action taken.

**Senate Clearinghouse Rule 01-032**

Relating to the USMLE examination.

No action taken.

**Senate Clearinghouse Rule 01-033**

Relating to standards for water public utility service.

No action taken.

**Senate Clearinghouse Rule 01-035**

Relating to annual patients compensation fund and mediation fund fees for the fiscal year beginning July 1, 2001.

No action taken.

**Senate Clearinghouse Rule 01-046**

Relating to the nurse licensure compact.

No action taken.

**Senate Clearinghouse Rule 01-049**

Relating to board-approved schools, application procedures and licensure by endorsement.

No action taken.

**Senate Clearinghouse Rule 01-051**

Relating to the collection, analysis and dissemination of health care information.

No action taken.

**Senate Clearinghouse Rule 01-052**

Relating to licensing of ambulance service providers and licensing of emergency medical technicians-basic and emergency medical technicians-basic IV.

No action taken.

**Senate Clearinghouse Rule 01-063**

Relating to apprenticeship credit and continuing education.

No action taken.

**Senate Clearinghouse Rule 01-071**

Relating to the scheduling of dihydroetorphine under ch.961, Stats., the unifor.

No action taken.

Rodney Moen  
Chairperson

**Senate Bill 115**

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

Referred to joint committee on Finance pursuant to Senate Rule 41 (1) (e).

**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Thursday, October 4 at 10:00 A.M..

Adjourned.

10:01 A.M.

**AMENDMENTS OFFERED**

Senate substitute amendment 2 to **Assembly Bill 60** offered by Senator Plache.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 104** offered by Senator Ellis.

**MOTIONS UNDER SENATE RULE 98 AND JOINT RULE 7**

*for the Month of September 2001*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Cowles, for Ruth and Joe Bauman, on the occasion of celebrating their Birthday's.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Mr. Dennis Biddle, on the occasion of his heroic efforts with his work in "Yesterday's Negro League Baseball Players Foundation" he formed in 1996.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Christopher Blank, on the occasion of earning and attaining the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Mr. Albert Brown, Sr., on the occasion of his years of distinguished and outstanding service as a teacher and work with the students and the community of Milwaukee.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Chvala, for Harold Bursaw, on the occasion of his retirement as President of the former Common Wealth Credit Union.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for Crestwood School, on the occasion of celebrating its 100th anniversary.*

*A certificate of condolence by the Wisconsin Senate on the motion of Senator George, for family and friends of Edith N. Finlayson, on the occasion of celebrating her life with them.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Andrew D. Frey, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Mildred M. Hart, on the occasion of celebrating her 80th Birthday.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Nick Havey, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Kyle D. Hirn, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Esther Johnson, on the occasion of celebrating her 102nd Birthday shared with family and friends.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Ellis, for Ian M. Klingenberger, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Rosenzweig, for Joe Lubarsky, on the occasion of his 6th annual Joes' Run, Walk & Roll.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Alexis A. Ludewig, on the occasion of being regonized as the Teacher of the Year award and a Kohl Teacher Fellowship recipient.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Marathon Cheese Corporation, on the occasion of the opening of its new plant in Medford, WI.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Sam Nepple, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for William (Bill) Oemichen, on the occasion of his years of public service to the people of Wisconsin.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Bishop Dr. Earl and Dr. Cora Parchia, on the occasion of their outstanding and righteous efforts in the City of Milwaukee.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Panzer, for Betty Pearson, on the occasion of her retirement from the West Bend Area Chamber of Commerce.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Burke, for Dennis Penkalski, on the occasion of his retirement after 41 years of dedicated service as a apprentice carpenter.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Michael Quackenboss, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Ms. Jeannetta Robinson, on the occasion of her contributions to the city of Milwaukee and the State of Wisconsin.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Wirch, for Betty Rygiel, on the occasion of celebrating her 80th Birthday.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Schultz, for the Sauk County Farm Bureau, on the occasion of celebrating its 75th anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Joseph Schellinger, on the*

*occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Ms. Claretta "Mother Freedom" Simpson, on the occasion of her contributions to the city of Milwaukee and the Youth Development Inc.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Matthew Sinclair, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Justin Stangel, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Matt Sweeney, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Jason Vogt, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Mr. Charles L. Walton, on the occasion of his contributions to the city of Milwaukee and the State of Wisconsin.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Rosenzweig, for the West Allis Senior Center, on the occasion of celebrating its 20th anniversary.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Harsdorf, for Mr. Peter Wiese, on the occasion of his new position as President of Chippewa Valley Realtors Association.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Joshua Wiley, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, October 3, 2001

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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 263**

Relating to: special distinguishing registration plates associated with the efforts of the American Red Cross to provide assistance to families affected by the terrorist attacks of September 11, 2001, on New York City and Washington, D.C., and making an appropriation.

By Senators Plache, Roessler, Burke, Decker, Hansen, Harsdorf, Moore, Shibilski and Wirch; cosponsored by Representatives Jeskewitz, Miller, Balow, Berceau, Black, Bock, Coggs, Hebl, Hoven, Krawczyk, Kreibich, Kreuser, Krug, Loeffelholz, Plale, Schneider, Shilling, Sinicki, Turner, Urban, Vrakas and Young.

To committee on **Insurance, Tourism, and Transportation.**

**Senate Bill 264**

Relating to: prohibiting certain persons from obtaining licenses that authorize hunting with a firearm and providing a penalty.

By Senators Moen, Burke, Baumgart, Cowles, Risser and Roessler; cosponsored by Representatives Musser, Black, Albers, Lassa, La Fave, Urban and Meyerhofer.

To committee on **Environmental Resources.**

**Senate Bill 265**

Relating to: creating a nonrefundable individual income and corporate income and franchise tax credit for contributions to the artistic endowment fund.

By Senator Shibilski; cosponsored by Representative Underheim.

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

**Senate Bill 266**

Relating to: transporting bulk materials on a highway, liability for spilling waste or foreign matter upon or along a highway, and mudguards on motor trucks and semitrailers transporting bulk materials.

By Senators Burke, Grobschmidt, Hansen and Risser; cosponsored by Representatives Krusick, Black, Bock, Boyle,

Carpenter, Cullen, Jeskewitz, Kaufert, J. Lehman, Schneider, Turner and Young.

To committee on **Insurance, Tourism, and Transportation.**

**REPORT OF COMMITTEES**

The joint committee for **review of Administrative Rules** reports and recommends:

**Senate Bill 267**

Relating to: limiting the approval of operational plans for staffing of ambulances for services authorized to be provided by emergency medical technicians–paramedic.

Introduction.

Ayes, 8 – Senators Robson, Grobschmidt, Hansen, Cowles and Welch. Representatives Gunderson, Turner and Hebl.

Noes, 2 – Representatives Grothman and Seratti.

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

Judith Robson  
Senate Chairperson

The committee on **Senate Organization** reports and recommends:

**Senate Resolution 7**

Relating to: recognizing the week beginning the first Monday in October as “Household Hazardous Waste Awareness Week.”

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

Charles Chvala  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

**Department of Administration**

September 14, 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 August 2001.

On August 1, 2001 the **General Fund** balance was –\$74.2 million. This shortfall continued until August 21, 2001 when



the balance reached a positive \$290.0 million. During this period, the **General Fund** balance reached a low of -\$202.2 million on August 15, 2001. This shortfall was due to the difference in the timing of revenues and expenditures and the delay in issuing the 2001 Operating Note.

The General Fund shortfall was 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**.

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

The joint committee for **review of Administrative Rules** reports and recommends:

**Senate Clearinghouse Rule 00-091**

Relating to licensing of emergency medical technicians-paramedic and approval of emergency medical technician-paramedic operational plans.

Report objection in part recommended, Ayes 10, Noes 0.

Ayes, 10 – Senators Robson, Grobschmidt, Hansen, Cowles and Welch. Representatives Grothman, Seratti, Gunderson, Turner and Hebl.

Noes, 0 – None.

Judith Robson  
Senate Chairperson

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**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 163**

**Assembly Bill 225**

**Assembly Bill 368**

**Assembly Bill 374**

**Assembly Bill 509**

Adopted and asks concurrence in:

**Assembly Joint Resolution 58**

**Assembly Joint Resolution 59**

**Assembly Joint Resolution 60**

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**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 163**

Relating to: the regulation of professional boxing contests.

By Representatives Colon, Gard, Coggs, Albers, Turner, Kreuser, Ryba, Townsend, Vrakas and Stone; cosponsored by Senators George, Zien, Burke, Plache and Schultz.

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

**Assembly Bill 225**

Relating to: mailing property tax bills.

By Representatives Ladwig, Suder, Gronemus, Krawczyk, Pettis, Wasserman, Owens, Freese, Lippert, Ryba, Townsend, J. Lehman, Albers and McCormick; cosponsored by Senators Plache, Darling and Roessler.

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

**Assembly Bill 368**

Relating to: the authority of cities, villages, towns, and counties to regulate amateur radio antennas and antenna support structures.

By Representatives Wade, Albers, Kestell, Kreuser, Loeffelholz, Nass, Olsen, Plouff, Schneider, Seratti, Starzyk and Townsend; cosponsored by Senators Risser, Schultz, Grobschmidt and Cowles.

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

**Assembly Bill 374**

Relating to: vehicles transporting human organs or medical personnel for human organ harvesting or transplantation purposes.

By Representatives Stone, Jeskewitz, Albers, Black, Bock, Duff, Freese, Gunderson, Hahn, Huebsch, Hundertmark, Kestell, Krawczyk, Ladwig, Musser, Ott, Petrowski, Pettis, Plouff, Starzyk, Staskunas, Suder, Sykora, Townsend, Turner, Urban, Walker, Ryba, Skindrud and D. Meyer; cosponsored by Senators Robson, Farrow, Breske, Cowles, Darling, Erpenbach, Grobschmidt, Huelsman, Roessler, Rosenzweig, Schultz and Zien.

Read first time and referred to committee on **Insurance, Tourism, and Transportation**.

**Assembly Bill 509**

Relating to: national guard tuition grants and making an appropriation.

By Representatives Musser, Albers, Nass, Lassa, Jensen, Boyle, Hundertmark, Schneider, Hubler, Miller, Loeffelholz, Jeskewitz, Gronemus, Meyerhofer, Suder, Rhoades, Gunderson, Friske, Ladwig, Black, Lippert, J. Fitzgerald, Turner, Carpenter, Hahn, Ott, Walker, Vrakas, Urban, Riley, Owens, Sykora, Ryba and Seratti; cosponsored by Senators Moen, Burke, S. Fitzgerald, Hansen, Schultz, Wirsch, Baumgart, Grobschmidt, Roessler and Zien.

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

**Assembly Joint Resolution 58**

Relating to: domestic violence awareness.

By Representatives Krawczyk, McCormick, Carpenter, Montgomery, Gronemus, Boyle, Starzyk, Suder, Sinicki, Walker, Ladwig, Kaufert, Turner, Rhoades, Meyerhofer, Loeffelholz, Jeskewitz, J. Fitzgerald, Berceau, Lippert, Musser,

Young, Cullen, Owens, Urban, Miller, Plouff, Bock, Ryba, Pocan, Albers, Ott, Huebsch and Vrakas; cosponsored by Senators Burke, Roessler, Darling, Cowles, Lazich, Huelsman, Plache and Harsdorf.

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

**Assembly Joint Resolution 59**

Relating to: proclaiming September 11th of each year as a State Day of Remembrance.

By Representatives Jensen, Black, Ainsworth, Albers, Bies, Carpenter, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Grothman, Gunderson, Gundrum, Hahn, Hebl, Hoven, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Kreibich, Kreuser, La Fave, Ladwig, F. Lasee, J. Lehman, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Meyerhofer, Miller, Montgomery, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Plouff, Powers, Rhoades, Richards, Ryba, Schneider, Seratti, Sherman, Shilling, Sinicki, Skindrud, Starzyk, Stone, Suder, Sykora, Townsend, Travis, Turner, Underheim, Urban, Vrakas, Walker, Ward, Wasserman and Wieckert; cosponsored by Senators Chvala, Panzer, Baumgart, Breske, Burke, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien.

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

**Assembly Joint Resolution 60**

Relating to: commending the President of the United States, the United States Congress, the United States armed forces, and the servicemen and servicewomen called into duty in connection with Operation Enduring Freedom.

By Representatives Jensen, Black, Ainsworth, Albers, Bies, Carpenter, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Grothman, Gunderson, Gundrum, Hahn, Hebl, Hoven, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Kreibich, Kreuser, La Fave, Ladwig, F.

Lasee, J. Lehman, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Meyerhofer, Miller, Montgomery, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Plouff, Powers, Rhoades, Ryba, Schneider, Seratti, Sherman, Shilling, Sinicki, Skindrud, Starzyk, Stone, Suder, Sykora, Townsend, Travis, Turner, Underheim, Urban, Vrakas, Walker, Ward, Wasserman and Wieckert; cosponsored by Senators Chvala, Panzer, Baumgart, Breske, Burke, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien.

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

**REPORT OF COMMITTEES**

The committee on **Senate Organization** reports and recommends:

**Assembly Joint Resolution 59**

Relating to: proclaiming September 11th of each year as a State Day of Remembrance.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

**Assembly Joint Resolution 60**

Relating to: commending the President of the United States, the United States Congress, the United States armed forces, and the servicemen and servicewomen called into duty in connection with Operation Enduring Freedom.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

Charles Chvala  
Chairperson



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

THURSDAY, October 4, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The roll was called and the following Senators answered to their names:

Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Shibilski, Schultz, Welch, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for the prayer which was offered by West Allis Fire Department Chaplain Jerry Kreamer.

The Senate remained standing and Senator Moen led the Senate in the pledge of allegiance to the flag of the United States of America.

The Senate was honored to have Miss Chelsea Riley, a student at the Wisconsin School for the Visually Impaired, sing “God Bless America”. Chelsea was accompanied by her parents, Don and Marsha Riley of Edgerton.

Senator Chvala, with unanimous consent, asked that **Assembly Joint Resolution 59** be taken up at this time.

### **Assembly Joint Resolution 59**

Relating to: proclaiming September 11th of each year as a State Day of Remembrance.

Read.

The question was: Shall **Assembly Joint Resolution 59** be concurred in?

Concurred in.

Senator Chvala, with unanimous consent, asked that **Assembly Joint Resolution 60** be taken up at this time.

### **Assembly Joint Resolution 60**

Relating to: commending the President of the United States, the United States Congress, the United States armed forces, and the servicemen and servicewomen called into duty in connection with Operation Enduring Freedom.

Read.

The question was: Shall **Assembly Joint Resolution 60** be concurred in?

Concurred in.

Senator Moore, with unanimous consent, asked to be added as cosponsors of **Assembly Joint Resolution 60**.

Senator Chvala, with unanimous consent, asked that the Senate recess until 12:18 P.M.

11:05 A.M.

### **RECESS**

12:18 P.M.

The Senate reconvened.

Senator Risser in the chair.

### **INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

#### **Senate Bill 268**

Relating to: public inspection of the payroll records of contractors, subcontractors, and agents performing work on those projects.

By Senators Burke, Baumgart, Decker, Grobschmidt, Hansen, Plache and Robson; cosponsored by Representatives Meyerhofer, Balow, Bock, Boyle, Carpenter, Colon, Gronemus, Johnsrud, Kreuser, La Fave, J. Lehman, Morris–Tatum, Pocan, Richards, Ryba and Turner.

To committee on **Labor and Agriculture**.

#### **Senate Bill 269**

Relating to: requiring school boards that provide instruction in human sexuality and related subjects to provide instruction in anti–bullying behavior and peer mediation.

By Senators Robson and Burke; cosponsored by Representatives Albers, J. Lehman and Young.

To committee on **Education**.

#### **Senate Bill 270**

Relating to: requiring school boards that provide instruction in human sexuality and related subjects to provide instruction in early childhood brain research and development.

By Senators Robson and Burke; cosponsored by Representatives J. Lehman and Young.

To committee on **Education**.

### **ADVICE AND CONSENT OF THE SENATE**

Senator Chvala, with unanimous consent, asked that all the appointments except for Martin Beil and Alberta Darling, be taken up en masse.

Senator Chvala, with unanimous consent, asked that the appointment of Martin Beil be laid on the table.

ADAMSKI, PAUL C., of Stevens Point, as a member of the College Savings Program Board, to serve for the term ending May 1, 2005.

Read.

BENZEL, TRACY C., of Mercer, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2005.

Read.

BOHLMAN, JOHN P., of Boscobel, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 2005.

Read.

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

Read.

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

Read.

HUBBELL, CHRIS L., of Eau Claire, as a member of the Optometry Examining Board, to serve for the term ending July 1, 2004.

Read.

HULWI, JOSEPH M., of Eleva, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2005.

Read.

KARNAUSKAS, ROBERT J., of Pewaukee, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2005.

Read.

KUPPERMAN, DR. GERARD L., of Oconomowoc, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2005.

Read.

LEIPOLD, CRAIG L., of Racine, as a member of the State Fair Park Board, to serve for the interim term ending May 1, 2002, and for the full term ending May 1, 2007.

Read.

MCKEITHAN, PATRICIA B., of Milwaukee, as a member of the State Fair Park Board, to serve for the term ending May 1, 2005.

Read.

MEJCHAR, JAMES D., of West Allis, as a member of the State Fair Park Board, to serve for the term ending May 1, 2004.

Read.

MICKELSON, DR. DAVID M., of Madison, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2005.

Read.

NEUENFELDT, PHILIP L., of Milwaukee, as a member of the Wisconsin Technical College System Board, to serve for the term ending May 1, 2007.

Read.

PERTZBORN, ROBERT J., of Madison, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the interim term ending July 1, 2003.

Read.

SUTTER, SUSAN L., of Horicon, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 2005.

Read.

THELEN, MICHAEL K., of Appleton, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2005.

Read.

UNBEHAUN, RICK D., of Richland Center, as a member of the Funeral Directors Examining Board, to serve for the term ending July 1, 2005.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

Senator Darling, with unanimous consent, asked that pursuant to Senate Rule 73 (1), she be excused from voting on the appointment of Alberta Darling.

DARLING, SENATOR ALBERTA, of River Hills, as a member of the College Savings Program Board, to serve for the term ending May 1, 2005.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 32.

Noes – None.

Absent or not voting – Senator Darling – 1.

Confirmed.

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## CONSIDERATION OF MOTIONS AND RESOLUTIONS

### Senate Resolution 7

Relating to: recognizing the week beginning the first Monday in October as “Household Hazardous Waste Awareness Week.”

Read.

Adopted.



**SECOND READING AND AMENDMENTS  
OF SENATE JOINT RESOLUTIONS AND  
SENATE BILLS**

**Senate Joint Resolution 36**

Relating to: urging the U.S. and Canadian governments to prohibit diversion of Great Lakes water.

Read.

The question was: Adoption of Senate amendment 1 to **Senate Joint Resolution 36**?

Adopted.

The question was: Adoption **Senate Joint Resolution 36**?

Adopted.

Senators Robson and Moore, with unanimous consent, asked to be made coauthors of **Senate Joint Resolution 36**.

Senators Darling, Welch and Kanavas, with unanimous consent, asked to be made coauthors of **Senate Bill 263**.

Senators Darling, Welch and Kanavas, with unanimous consent, asked to be made cosponsors of **Assembly Bill 523**.

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 4**.

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 69**.

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 79**.

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 120**.

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 124**.

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 153**.

**Senate Bill 4**

Relating to: increasing a school district's revenue limit by the amount spent to initiate a school breakfast or school lunch program and requiring a report on pupil nourishment.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 4** be referred to the Joint Committee on **Finance**.

**Senate Bill 69**

Relating to: state aid for special education and school age parents programs.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 69**

Read a third time and passed.

**Senate Bill 79**

Relating to: making an appropriation for the tuition, Wisconsin higher education, and Lawton minority undergraduate grant programs.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 79** be referred to the Joint Committee on **Finance**.

**Senate Bill 96**

Relating to: regulation of social workers, advanced practice social workers, independent social workers, clinical social workers, marriage and family therapists, professional counselors, and art, music, and dance therapists, insurance

coverage for services provided by clinical social workers, marriage and family therapists, professional counselors, granting rule-making authority, and providing a penalty.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 96** be referred to the Joint Committee on **Finance**.

**Senate Bill 103**

Relating to: jurisdiction in divorces.

Read a second time.

Senator Moen, with unanimous consent, asked that **Assembly Bill 246** be withdrawn from the committee on Judiciary, Consumer Affairs, and Campaign Finance Reform and taken up at this time.

**Assembly Bill 246**

Relating to: jurisdiction in divorces.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 246**

Read a third time and concurred in.

Senator Moen, with unanimous consent, asked that **Senate Bill 103** be laid on the table.

**Senate Bill 120**

Relating to: increasing a school district's revenue limit by the amount spent for school security measures and granting rule-making authority.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 120** be referred to the Joint Committee on **Finance**.

**Senate Bill 124**

Relating to: increasing revenue limits for increases in health insurance costs.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 124** be referred to the Joint Committee on **Finance**.

**Senate Bill 153**

Relating to: authorizing a school board to increase the school district's revenue limit.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 153** be referred to the Joint Committee on **Finance**.

**Senate Bill 157**

Relating to: health insurance coverage of nervous and mental disorders, alcoholism, and other drug abuse problems.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 157** be referred to the Joint Committee on **Finance**.

**Senate Bill 185**

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

Read a second time.

Senate amendment 1 to **Senate Bill 185** offered by Senator Burke.

The question was: Adoption of Senate amendment 1 to **Senate Bill 185**?

Adopted.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 185**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 23; noes, 10; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Ellis, Erpenbach, George, Grobschmidt, Hansen, Jauch, A. Lasee, Lazich, M. Meyer, Moen, Plache, Risser, Robson, Schultz, Shibilski, Welch, Wirch and Zien – 23.

Noes – Senators Cowles, Darling, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, Moore, Panzer, Roessler and Rosenzweig – 10.

Absent or not voting – None.

Passed.

**Senate Bill 235**

Relating to: requiring instruction in public schools on the history of organized labor in America and the collective bargaining process.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 235**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Ellis, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Rosenzweig, Shibilski, Wirch and Zien – 21.

Noes – Senators Cowles, Darling, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Schultz and Welch – 12.

Absent or not voting – None.

Passed.

Senator Robson, with unanimous consent, asked to be added as a coauthor of **Senate Bill 235**.

Senator Jauch, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 488**.

**SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS**

**Assembly Bill 60**

Relating to: the prohibition against making, possessing, or distributing a representation that depicts nudity, and providing a penalty.

Read a second time.

Senator George, with unanimous consent, asked that Senate substitute amendment 1 to **Assembly Bill 60** be laid on the table.

The question was: Adoption of Senate substitute amendment 2 to **Assembly Bill 60**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 60**

Read a third time and concurred in as amended.

**Assembly Bill 61**

Relating to: the issuance of temporary fishing licenses to disabled persons.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 61**

Read a third time and concurred in.

**Assembly Bill 110**

Relating to: access by law enforcement agencies to photographs taken for drivers' licenses and identification cards.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 110**

Read a third time and concurred in.

**ANNOUNCEMENTS, ADJOURNMENT HONORS, AND REMARKS UNDER SPECIAL PRIVILEGE**

Senators Rosenzweig and Grobschmidt, with unanimous consent, asked that when the Senate adjourn, it do so in honor and memory of George L. N. Meyer, Jr. for his interest and dedication to historic preservation that extended well beyond his beloved Third Ward and Milwaukee. Rather than try to save history one building at a time, Meyer took a bigger view. He successfully pursued legislative changes that made it easier to save historic structures in Wisconsin. He helped found the Wisconsin Trust for Historic Preservation. He also helped Wisconsin get one of the first federal grants for historical tourism efforts, and was involved in the Mainstreet program, which promotes retail and commercial business in neighborhoods throughout Milwaukee. In the last several years he was active in the movement to preserve old barns here in Wisconsin and elsewhere.

Senator Schultz, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the retirement of Fred Moscol, after two decades of leadership at the Office of Rural Health.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Jane Bradley Pettit who was very dedicated to civil rights issues.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Edith Norman Finlayson.

Senator Robson, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Fire Fighters, Police Officers and First Response Teams. They are our urban army, putting the safety and health of others ahead of their own.

Senator Baumgart, with unanimous consent, asked that when the Senate adjourn, it do so in honor of all the survivors of family abuse and in remembrance of all the women and children who have suffered abuse in Wisconsin and in the nation.

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of all Public Safety Officers, Fire Fighters and Police Officers, and especially Fire Fighters Tom Graber, Washburn, Wayne Chevier, Ashland, Paul Schelvan, Ashland, Skip Hafstad, Ashland, Michael Lightner, Washburn, and Tom Harrison, Ashland.

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Patty and Harold Anglin

of Mason Wisconsin. In addition to their seven biological children, Patty and Harold are the adoptive parents of eight children with special needs who came from all over the world. These children would have otherwise had no hope if the Anglin's had not opened their hearts and home to make them a permanent part of their family. In the belief that every child deserves a home and family, the Anglins founded and operate Acres of Hope, a non-profit charitable organization which provides adoption services for orphaned, abandoned or special-needs children as well as housing and counseling for birth mothers who are considering adoption as an option.

Senator Panzer, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Andrea Haberman, 25, who died September 11 in the World Trade Center, and her family and fiance.

Senator Panzer, with unanimous consent, asked that when

the Senate adjourn, it do so in honor of Joe Dickey who also perished September 11 in the World Trade Center.

Senator Moen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of all the men and women, officers and enlisted men, of our United States armed forces as they go into harms way to fight the war on terrorism. "We have an old saying in the Navy; 'May you go with fair winds and following seas.'"

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

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## ADJOURNMENT

Senator Chvala, with unanimous consent, asked that the Senate adjourn pursuant to Senate Joint Resolution 1.

Adjourned.

1:36 P.M.

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, October 10, 2001

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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 45**

Relating to: dedicating room 412 East of the Wisconsin state capitol as the permanent location and hearing room for the joint committee on finance and honoring 90 years of service by the joint committee on finance.

By Senators Risser, Chvala, Panzer and Burke; cosponsored by Representatives Jensen, Foti, Black and Gard.

To committee on **Senate Organization**.

**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 271**

Relating to: environmental regulation of mining and notice to transferees of interests in mining sites.

By Senators Hansen, Erpenbach, Shibilski and Decker; cosponsored by Representatives McCormick, Krawczyk, Meyerhofer, La Fave, Sherman, Black, Bies, Underheim, Ryba, Miller and Berceau.

To committee on **Environmental Resources**.

**Senate Bill 272**

Relating to: a community youth grant to the Wisconsin chapters of the Boys and Girls Clubs of America and making an appropriation.

By Senators Wirch, Shibilski, Burke, Darling, Grobschmidt, Moen, Baumgart, Hansen, M. Meyer and Roessler; cosponsored by Representatives Krawczyk, Underheim, Suder, Ryba, Schneider, Huber, Pocan, Coggs, La Fave, Kreuser, Jensen, Schooff, Lassa, Musser, Lippert, Plale, Berceau, Steinbrink, Wieckert, Sykora, F. Lasee, Kestell, Riley, Meyerhofer, Albers, Montgomery, Leibham, Shilling and Young.

To committee on **Labor and Agriculture**.

**Senate Bill 273**

Relating to: creating definitions for common and contract carriers for sales tax and use tax purposes.

By Senator Breske; cosponsored by Representative Stone.

To committee on **Insurance, Tourism, and Transportation**.

**Senate Bill 274**

Relating to: the licensing of motor vehicle dealers, motor vehicle salespersons, and sales finance companies and providing a penalty.

By Senators M. Meyer, Breske, Burke, Cowles, Darling, Huelsman, Jauch and Roessler; cosponsored by Representatives Suder, Huber, Ainsworth, Albers, Bies, Gunderson, Hahn, Jeskewitz, Krawczyk, Kreibich, Lassa, Ott, Ryba and Sykora.

To committee on **Insurance, Tourism, and Transportation**.

**Senate Bill 275**

Relating to: proposed actions regarding motor vehicle franchises.

By Senators Breske, Darling, Decker, Schultz, Plache, Welch, Moen, Huelsman, Jauch, S. Fitzgerald, M. Meyer, Rosenzweig, Grobschmidt, Lazich, Erpenbach and Cowles; cosponsored by Representatives Freese, Musser, Krawczyk, Ryba, Loeffelholz, Gunderson, Lippert, Lassa, Sinicki, Olsen, Kestell, Hundertmark, Ladwig, Skindrud, Vrakas, Gronemus, Sykora, M. Lehman, Coggs, Albers, Meyerhofer, Hahn and Wasserman.

To committee on **Insurance, Tourism, and Transportation**.

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**REPORT OF COMMITTEES**

The committee on **Education** reports and recommends:

BARRY, JONATHAN B., of Mount Horeb, as a member of the Wisconsin Technical College System Board, to serve for the interim term ending May 1, 2003.

Confirmation.

Ayes, 11 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Roessler, Darling, Lazich, Harsdorf and Kanavas.

Noes, 0 – None.

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.

Confirmation.

Ayes, 11 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Roessler, Darling, Lazich, Harsdorf and Kanavas.

Noes, 0 – None.



BARNETT, JEFFREY, of Whitewater, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2001.

Confirmation.

Ayes, 11 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Roessler, Darling, Lazich, Harsdorf and Kanavas.

Noes, 0 – None.

OPPERMAN, DIANE, of Iola, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2002.

Confirmation.

Ayes, 11 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Roessler, Darling, Lazich, Harsdorf and Kanavas.

Noes, 0 – None.

OTT, MARLENE, of Greendale, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2002.

Confirmation.

Ayes, 11 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Roessler, Darling, Lazich, Harsdorf and Kanavas.

Noes, 0 – None.

VIECHNICKI, KAREN, of River Falls, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2002.

Confirmation.

Ayes, 11 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Roessler, Darling, Lazich, Harsdorf and Kanavas.

Noes, 0 – None.

### Senate Bill 72

Relating to: authorizing the state superintendent of public instruction to award grants for family involvement in education projects and making appropriations.

Passage.

Ayes, 6 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson and Erpenbach.

Noes, 5 – Senators Roessler, Darling, Lazich, Harsdorf and Kanavas.

### Senate Bill 243

Relating to: increasing a school district's revenue limit for the costs of teaching school professional staff how to use digital technology and distance-learning technology.

Passage.

Ayes, 6 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson and Erpenbach.

Noes, 5 – Senators Roessler, Darling, Lazich, Harsdorf and Kanavas.

### Senate Bill 244

Relating to: school district use of educational technology block grants.

Passage.

Ayes, 8 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Harsdorf and Kanavas.

Noes, 3 – Senators Roessler, Darling and Lazich.

### Senate Bill 255

Relating to: modifying the manner in which a pupil enrolled in a 4-year-old kindergarten program is counted for state aid.

Passage.

Ayes, 6 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson and Erpenbach.

Noes, 5 – Senators Roessler, Darling, Lazich, Harsdorf and Kanavas.

Richard Grobschmidt  
Chairperson

The committee on **Finance** reports and recommends:

### Senate Bill 128

Relating to: requiring health insurance policies to cover contraceptive articles and services.

Passage.

Ayes, 6 – Senators Burke, Decker, Moore, Shibilski, Plache and Wirsch.

Noes, 2 – Senators Darling and Rosenzweig.

Brian Burke  
Chairperson

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

### Senate Bill 234

Relating to: extended area telephone service and granting rule-making authority.

No recommendation pursuant to s. 227.19 (6)(b), Wisconsin Statutes.

Rodney Moen  
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

### Assembly Bill 20

Relating to: the cut-off time for receipt of documents for filing and recording with a register of deeds.

Concurrence.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

BOYKOFF, THOMAS M., of Madison, as a Commissioner of the Tax Appeals Commission, to serve for the term ending March 1, 2007.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

HUTCHISON, DAVID E., of Luxemburg, as a member of the Educational Communications Board, to serve for the term ending at the pleasure of the Governor.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

JONES, TOMMIE L., of Milwaukee, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2003.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Senate Bill 136**

Relating to: using accumulated unused sick leave credits and certain health insurance premium credits for the purchase of long-term care insurance for participants under the Wisconsin retirement system.

Passage.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 1 – Senator Moore.

**Senate Bill 225**

Relating to: the authority of certain cities, villages, or towns to regulate the operation of bicycles owned by nonresidents.

Passage.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Senate Bill 259**

Relating to: the deadline for filing a tax exemption report in the city of La Crosse by a church or religious association.

Introduction and adoption of Senate amendment 1.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Mark Meyer  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

**Department of Health and Family Services**

October 2, 2001

The Honorable, The Senate:

The Bureau of Health Information, Department of Health and Family Services, is please to submit to the Governor and the Legislature the *Annual Health Care Data Report, 1999*. The data for this report were collected under section 153.05, Wisconsin Statutes, and are published as authorized by the requirements of section 120.20, Wisconsin Administrative Code.

This report is based on data reported quarterly to the Bureau of Health Information by all operating general medical-surgical and specialty hospitals and Medicare-certified, freestanding ambulatory surgery centers in Wisconsin. It presents a summary of data on utilization and charges at those facilities in 1999.

Sincerely,

PHYLLIS J. DUBE  
Secretary

**State of Wisconsin**  
**Department of Natural Resources**

October 1, 2001

The Honorable, The Senate:

Attached is the report on the environmental Cooperation Pilot Program as required by section 299.80 (16)(b) Wis. Stats., to be provided to the governor and the legislature. The report describes the success of the program, my recommendation on continuation of the program and the recommended changes that should be made to the program. We have used the information

contained in the Legislative Audit Bureau Letter, DNR analysis of the Pilot Program and consultation with our stakeholders as the basis for the report and recommendations.

Development of these agreements has been far more difficult than was initially envisioned but the results have been more instrumental in defining meaningful change that can be replicated and delivered on an ongoing basis. WEPCO, Cook Composites and Polymers, Northern Engraving, Packaging Corporation of America, Madison Gas & Electric and International Truck and Engine have been leaders. They have been the pioneers doing the research and development work that was necessary to get this program going. Their generosity with their resources, patience with research and development time frames, creativity with seemingly insurmountable odds, energy dedicated to stakeholder interests and dogged perseverance have defined practical systems that can deliver regulatory flexibility that most can only conceptualize.

Over the course of the last two years, we have seen a significant increase in use of environmental management systems, known principally as a concept at the start of the Environmental Cooperation Pilot Program. We have also seen a significant decreased suspicion of regulatory flexibility, interested persons, groups at the corporate level and measurable environmental performance. As a result of increase acceptance and reduced suspicion, we have been able to execute agreements over the course of the last year, move the negotiations along for other agreements and more effectively engage the United States Environmental Protection Agency. We have executed the first agreement in February 2001 and will sign the second agreement today. We have several other agreements that are in progress and several companies who are interested in further discussions.

Progress is being made and practical experience is being gained. This program is providing the practical experience needed to influence innovation discussions at the national level and prove the benefit of regulatory flexibility, public involvement and environmental performance measurement at the state level. Consistent with the DNR strategic plan, I am recommending that the Environmental Cooperation Pilot Program continue as a pilot through June 30, 2006, pursued as a simple, separate piece of legislation. The staff and the Environmental Cooperation Pilot Program Advisory Group have made recommendations for program modifications. Those recommendations should be presented as separate legislation or as a part of the 2003-05 Budget, if staffing recommendations are included. The language should be based on a working group review, seeking changes that would compliment Green Tier legislation should it pass or meet regulatory innovation needs in the absence of Green Tier.

The results of the program and the recommendations are described in greater detail in the attached documentation. I would be happy to meet with you to answer questions and provide additional detail on the information contained in this letter and the attached report. Thank you for the opportunity to share this information.

Sincerely,

DARRELL BAZZELL  
Secretary

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

**Senate Clearinghouse Rule 99-158**

Relating to the lottery and gaming property tax credit.

Submitted by Department of Revenue.

Report received from Agency, October 5, 2001.

Referred to committee on **Universities, Housing, and Government Operations**, October 10, 2001.

**Senate Clearinghouse Rule 01-011**

Relating to public use of department lands.

Submitted by Department of Natural Resources.

Report received from Agency, October 9, 2001.

Referred to committee on **Environmental Resources**, October 10, 2001.

**Senate Clearinghouse Rule 01-048**

Relating to the high-voltage transmission line fee.

Submitted by Department of Administration.

Report received from Agency, October 5, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, October 10, 2001.

**Senate Clearinghouse Rule 01-055**

Relating to asbestos inspection fees.

Submitted by Department of Natural Resources.

Report received from Agency, October 9, 2001.

Referred to committee on **Environmental Resources**, October 10, 2001.

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

**Senate Clearinghouse Rule 00-164**

Relating to wetland compensatory mitigation.

Report objection recommended, Ayes 5, Noes 0.

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

Noes, 0 – None.

Referred to joint committee for **review of Administrative Rules**, October 10, 2001.

**Senate Clearinghouse Rule 01-007**

relating to boating safety and enforcement.

No action taken.

**Senate Clearinghouse Rule 01-038**

relating to issuance of licenses and approvals.

No action taken.

**Senate Clearinghouse Rule 01-053**

relating to safe drinking water loan program financial assistance.

No action taken.

Jim Baumgart

Chairperson

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

**Senate Clearinghouse Rule 00-169**

Relating to health benefit plan grievance requirements and independent review organizations.

No action taken.

Rodney Moen

Chairperson

The committee on **Insurance, Tourism, and Transportation** reports and recommends:

**Senate Clearinghouse Rule 01-050**

Relating to notes to financial statements.

No action taken.

**Senate Clearinghouse Rule 01-065**

Relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

No action taken.

**Senate Clearinghouse Rule 01-074**

Relating to revising Wisconsin agent licensing rules to be reciprocal and more uniform under Gramm Leach Bliley Act and the NAIC Producer model.

No action taken.

**Senate Clearinghouse Rule 01-084**

Relating to fees for searching, verifying and certifying motor vehicle records.

No action taken.

Roger Breske  
Chairperson

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**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 47**

**Assembly Bill 281**

**Assembly Bill 320**

**Assembly Bill 512**

**Assembly Bill 513**

**Assembly Bill 514**

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**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 47**

Relating to: failure to pay owners of raw forest products.

By Representatives Pettis, Musser, La Fave, Freese, Krawczyk, Ladwig, Vrakas, Petrowski, Ainsworth, Gronemus, Plouff, Gunderson, Sykora, Williams and Skindrud; cosponsored by Senators Breske, Cowles and Harsdorf.

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

**Assembly Bill 281**

Relating to: requiring the department of revenue to prepare and maintain a list of delinquent taxpayer accounts and to post on the Internet the top 100 names from the list.

By Representatives F. Lasee, La Fave, Plale, Krawczyk, Wade, Ladwig, Staskunas, Stone, Bies and Sykora; cosponsored by Senators Shibilski and Darling.

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

**Assembly Bill 320**

Relating to: an education tax credit for businesses.

By Representatives Jensen, Rhoades, Plale, Wade, Musser, Gundrum, Urban, Ladwig, D. Meyer, Duff, Kestell, Starzyk, Ainsworth, Loeffelholz, Krawczyk, Townsend, Owens, Freese, McCormick, Gunderson, Hundertmark, Pettis, Riley, Hahn, Huebsch, Albers, Berceau, Ott, Vrakas, Leibham, Ward,

Sykora, Olsen, Ziegelbauer, Suder, Montgomery, Stone, Kreibich, Wasserman, Plouff, Petrowski, Jeskewitz, Seratti, F. Lasee, Johnsrud, Walker, Kaufert, Schooff, Wieckert and Underheim; cosponsored by Senators M. Meyer, Darling, Moore, Schultz, Plache, Huelsman, Roessler, Harsdorf, Welch, Burke, Wirch and George, by request of Wisconsin Association of Independent Colleges and Universities; University of Wisconsin System; and Wisconsin Technical College System.

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

**Assembly Bill 512**

Relating to: repealing, consolidating, renumbering, amending and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities and obsolete provisions, reconciling conflicts and repelling unintended repeals (Revisor's Correction Bill).

By Law Revision Committee.

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

**Assembly Bill 513**

Relating to: repealing, consolidating, renumbering, amending and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities and obsolete provisions, reconciling conflicts, and repelling unintended repeals (Revisor's Correction Bill).

By Law Revision Committee.

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

**Assembly Bill 514**

Relating to: reconciling conflicts and repelling unintended repeals (Revisor's Correction Bill).

By Law Revision Committee.

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

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**Senate Bill 104**

Relating to: campaign financing, providing exemptions from emergency rule procedures, granting rule-making authority, making appropriations and providing penalties.

Referred to joint committee on **Finance** pursuant to Senate Rule 41(1)(e).

**Senate Bill 147**

Relating to: an education tax credit for businesses.

Referred to joint committee on **Finance** pursuant to Senate Rule 41(1)(e).



STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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FRIDAY, October 12, 2001

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

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**INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS**

Read and referred:

**Senate Joint Resolution 46**

Relating to: commending Dr. James Thomson and his research team, the University of Wisconsin–Madison, and the Wisconsin Alumni Research Foundation for their pioneering work in embryonic stem cell research and asking the federal government to designate the University of Wisconsin–Madison as a National Center of Excellence for Embryonic Stem Cell Research.

By Senators Chvala, Rosenzweig, Plache, Burke, Risser, Wirch and Decker; cosponsored by Representatives Urban, Wasserman, Black, Riley, Carpenter, Berceau, Pocan, Turner, Bock, Sinicki, Townsend, Miller, Kreibich, Kreuser, Gronemus, Richards and Reynolds.

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

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**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 276**

Relating to: various changes in the unemployment insurance law, appointment of temporary reserve appeal tribunals, requiring the exercise of rule–making authority, and making an appropriation.

By Senators Hansen and A. Lasee; cosponsored by Representatives Hundertmark and Turner.

To committee on **Labor and Agriculture**.

**Senate Bill 277**

Relating to: abandoned property reporting requirements; reporting and delivery of abandoned stock, intangible business interests, and other intangible property to the state treasurer; the sale of abandoned property; and creating a procedure for claiming certain escheated funds.

By Senator George; cosponsored by Representative Gundrum, by request of the office of State Treasurer.

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

**Senate Bill 278**

Relating to: positions for the office of the state public defender, requiring quarterly reports, and making an appropriation.

By Senators Moore, Plache, George, Burke, Decker, Wirch, Shibilski, Darling, Roessler, Risser, Erpenbach, Grobschmidt, Harsdorf, Breske, M. Meyer, Kanavas, Moen, Robson, Schultz, Huelsman and Baumgart; cosponsored by Representatives Albers, Lassa, Turner, Schooff, J. Lehman, Young, Seratti, Jeskewitz, McCormick, Musser, Pocan, Shilling, La Fave, Wasserman, Bock, Meyerhofer, Plouff, Staskunas, Starzyk, Steinbrink, Miller, Walker, Sherman, Kreuser, Coggs, Gundrum, Huber, Hundertmark, Suder, Johnsrud, Cullen, Ott, Boyle, Hebl, Carpenter, Krawczyk, Berceau, Krug, Gunderson, Sykora, Hubler, Underheim, Richards, Balow, Plale, Ryba, Schneider, Sinicki, Reynolds, Williams, Pettis, Morris–Tatum, Kreibich and Riley.

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

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**REPORT OF COMMITTEES**

The joint committee on **Legislative Organization** reports and recommends:

**Senate Bill 279**

Relating to: elimination of legislative partisan caucus staffs.  
Introduction.

Ayes, 10 – Senators Risser, Chvala, Moen, Panzer and A. Lasee. Representatives Jensen, Foti, Ladwig, Black and Kreuser.

Noes, 0 – None.

Fred Risser  
Senate Chairperson

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

The committee on **Education** reports and recommends:

**Senate Bill 254**

Relating to: counting summer school enrollment for revenue limit purposes.

Introduction of Senate substitute amendment 1.

Ayes, 11 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Roessler, Darling, Lazich, Harsdorf and Kanavas.

Noes, 0 – None

Richard Grobschmidt  
Chairperson

The committee on **Finance** reports and recommends:

**Senate Bill 157**

Relating to: health insurance coverage of nervous and mental disorders, alcoholism, and other drug abuse problems.

Passage.

Ayes, 6 – Senators Burke, Decker, Moore, Shibilski, Plache and Wirch.

Noes, 2 – Senators Darling and Rosenzweig.

Brian Burke  
Chairperson

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

**Assembly Bill 151**

Relating to: proceeds from the sale of forest products at Badger Army Ammunition Plant and making an appropriation.

Concurrence.

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

Noes, 0 – None.

**Assembly Bill 238**

Relating to: designating and observing Prisoners of War Remembrance Day.

Concurrence.

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

Noes, 0 – None.

BLASK, DANIEL P., of Pewaukee, as a member of the Wisconsin Health and Educational Facilities Authority, to serve for the term ending June 30, 2008.

Confirmation.

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

Noes, 0 – None.

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.

Confirmation.

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

Noes, 0 – None.

ERICKSON, GINA, of Janesville, 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.

FLAHERTY, BARBARA ANNE, of Oshkosh, as a member of the Physical Therapists Affiliated Credentialing 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.

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.

Confirmation.

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

Noes, 0 – None.

HEISER, RAYMOND W., of Wausau, as a member of the Optometry Examining Board, to serve for the interim term ending July 1, 2004.

Confirmation.

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

Noes, 0 – None.

KALISHEK, KAREN A., of Shawano, as a member of the Medical Examining Board, to serve for the interim term ending July 1, 2004.

Confirmation.

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

Noes, 0 – None.

KONTNEY, LAURIE B., of Muskego, as a member of the Physical Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2005.

Confirmation.

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

Noes, 0 – None.

MARSCHMAN, KATHLEEN S., of Middleton, as a member of the Board of Veterans Affairs, to serve for the interim term ending May 1, 2005.

Confirmation.

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

Noes, 0 – None.

SRB, ARTHUR L., of Mosinee, as a member of the Dentistry Examining Board, to serve for the interim term ending July 1, 2004.

Confirmation.

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

Noes, 0 – None.

**Senate Bill 226**

Relating to: adding one representative of the Wisconsin chapter of the Paralyzed Veterans of America to the council on veterans programs.

Passage.

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

Noes, 0 – None.

**Senate Bill 233**

Relating to: prohibiting construction of a new highway through a veterans cemetery.

Passage.

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

Noes, 0 – None.

**Senate Bill 256**

Relating to: national guard tuition grants and making an appropriation.

Passage.

Ayes, 8 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, S. Fitzgerald and Lazich.

Noes, 1 – Senator Cowles.

Rodney Moen  
Chairperson

The committee on **Senate Organization** reports and recommends:

**Senate Joint Resolution 45**

Relating to: dedicating room 412 East of the Wisconsin state capitol as the permanent location and hearing room for the joint committee on finance and honoring 90 years of service by the joint committee on finance.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

**Senate Resolution 6**

Relating to: the life and public service of Jim Besson, mayor of Greenfield.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

Charles Chvala  
Chairperson

The joint survey committee on **Tax Exemptions** reports and recommends:

**Senate Bill 246**

Relating to: references to the Internal Revenue Code for income and franchise tax purposes.

The provisions of the bill affecting tax exemptions are good public policy.

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

**Senate Bill 260**

Relating to: the sales tax imposed on the sale of mobile telecommunications services.

The bill is good public policy. However, the bill should be amended to provide that the above-described provision affecting a tax exemption should be effective and applicable on the day after publication of the bill as an Act.

Referred to committee on **Information Policy and Technology**.

Russell Decker  
Senate Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Office of the Governor**

October 2, 2001

The Honorable, The Senate:

This is to inform you that I am withdrawing the following nominations:

Brenda Blanchard for reappointment as Secretary of the Department of Commerce. Ms. Blanchard resigned effective March 10, 2001.

Joe Alexander for appointment to the Board of Regents of the University of Wisconsin System. Mr. Alexander resigned effective July 9, 2001.

Thank you for your attention to this matter.

Sincerely,  
SCOTT MCCALLUM  
Governor

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

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

**Senate Clearinghouse Rule 01-066**

Relating to the 2001 migratory game bird season.

No action taken.

Jim Baumgart  
Chairperson



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

TUESDAY, October 16, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The roll was called and the following Senators answered to their names:

Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator Darling led the Senate in the pledge of allegiance to the flag of the United States of America.

### INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

#### Senate Joint Resolution 47

Relating to: supporting President Bush's efforts to extend unemployment insurance benefits and urging support of a universal extension of unemployment insurance benefits to cover all 50 states and all workers.

By Senators Plache, Baumgart, Breske, Burke, Erpenbach, George, Hansen, Jauch, M. Meyer, Moore, Risser, Robson, Roessler, Shibilski and Wirch; cosponsored by Representatives Krug, Balow, Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Hebl, Huber, Jeskewitz, Kreuser, Krusick, La Fave, J. Lehman, Meyerhofer, Miller, Morris–Tatum, Plale, Plouff, Reynolds, Richards, Ryba, Schooff, Shilling, Sinicki, Staskunas, Sykora, Turner and Ziegelbauer.

To committee on **Labor and Agriculture**.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 280

Relating to: increasing a school district's revenue limit by a portion of the school district's handicapped education costs.

By Senators Plache, Burke, Jauch, Risser, Wirch, Moore, Erpenbach, Grobschmidt and Breske; cosponsored by Representatives Ladwig, Jeskewitz, Sinicki, Bock, La Fave, Shilling, J. Lehman, Ott, Staskunas, Gronemus, Boyle, Turner,

Krawczyk, Black, Pocan, Ryba, Gunderson, Miller, Plouff, Kreuser and Berceau.

To committee on **Education**.

#### Senate Bill 281

Relating to: eligibility for veterans benefits for those veterans who are involved in Operation Enduring Freedom; the extension or renewal of a license held by a national guard member or member of the U.S. armed forces reserve who is called into active service; college students called to serve in the armed forces; and granting rule-making authority.

By Senators Moen, Risser, Erpenbach, Jauch, Burke, Breske, Plache, Zien, Schultz, Wirch, Shibilski, Decker, Grobschmidt, S. Fitzgerald, Hansen, Harsdorf, Baumgart and George; cosponsored by Representatives Musser, Nass, Ryba, Gronemus, Boyle, Suder, Kestell, Jeskewitz, Plouff, Turner, Albers, La Fave, Sykora, Krawczyk, Pettis, Staskunas, Meyerhofer, Bock, Freese, Petrowski, Grothman, Ladwig, Lassa, Berceau and Urban.

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

#### Senate Bill 282

Relating to: creating an individual income tax exemption for pay received from the federal government by members of the armed forces participating in Operation Enduring Freedom and abating interest or penalties due on income tax returns for members of the armed forces who are participating in that operation.

By Senators Moen, Wirch, Plache, Shibilski, S. Fitzgerald, Grobschmidt, Hansen, Harsdorf, Baumgart and George; cosponsored by Representatives Musser, Bock, Boyle, Nass, Ryba, Albers, Gronemus, Petrowski, Turner, Freese, Grothman, La Fave, Lassa, Berceau and Urban.

To joint survey committee on **Tax Exemptions**.

#### Senate Bill 283

Relating to: abating interest otherwise due on income tax returns filed under an extension by members of the armed forces who are participating in that operation.

By Senators Moen, Breske, Wirch, Plache, Shibilski, Burke, Decker, Grobschmidt, Hansen, Harsdorf, Baumgart and George; cosponsored by Representatives Musser, Nass, Ryba, La Fave, Hahn, Suder, Pettis, Bock, Freese, Staskunas, Boyle, Turner, Petrowski, Grothman, Albers, Lassa, Berceau and Urban.

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



**REPORT OF COMMITTEES**

The joint survey committee on **Retirement Systems** reports and recommends:

**Senate Bill 245**

Relating to: contribution rates under the Wisconsin retirement system.

The Joint Survey Committee on Retirement Systems find that **Senate Bill 245** is good public policy, and the Committee recommends its passage.

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

Robert Wirch  
Senate Chairperson

The committee on **Senate Organization** reports and recommends:

**Senate Bill 279**

Relating to: elimination of legislative partisan caucus staffs.

Passage.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

Charles Chvala  
Chairperson

Senator Robson, with unanimous consent, asked that the Senate recess until 3:00 P.M..

10:19 A.M.

**RECESS**

3:00 P.M.

The Senate reconvened.

Senator Risser in the chair.

Senator Chvala, with unanimous consent, asked that the sixth order of business be taken up before the fifth order business.

**ADVICE AND CONSENT OF THE SENATE**

Senator Chvala, with unanimous consent, asked that all the executive appointments be taken up en masse except for the appointments of Oscar Herrera and Tommie L. Jones.

BARRY, JONATHAN B., of Mount Horeb, as a member of the Wisconsin Technical College System Board, to serve for the interim term ending May 1, 2003.

Read.

HUTCHISON, DAVID E., of Luxemburg, as a member of the Educational Communications Board, to serve for the term ending at the pleasure of the Governor.

Read.

MANTHEI, BARBARA, of West Salem, as a member of the Wisconsin Technical College System Board, to serve for the interim term ending May 1, 2003.

Read.

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.

Read.

MIYAMOTO, DOUGLAS "BUB" M., of La Crosse, as a member of the Lower Wisconsin State Riverway Board, to serve for the term ending May 1, 2004.

Read.

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.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

HERRERA, OSCAR, of Madison, as Secretary of the Department of Regulation and Licensing, to serve for the term ending at the pleasure of the Governor.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

JONES, TOMMIE L., of Milwaukee, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2003.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

Senator Chvala, with unanimous consent, asked that all appointments by Department of Public Instruction be taken up en masse.

OPPERMAN, DIANE, of Iola, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2002.

Read.

OTT, MARLENE, of Greendale, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2002.

Read.

VIECHNICKI, KAREN, of River Falls, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2002.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

## PETITIONS AND COMMUNICATIONS

### State of Wisconsin Ethics Board

October 16, 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/>

Barth, Linda      **Wisconsin Education Association Council**

Bentley, Marc S      **Wisconsin Diesel Engine Manufacturer & Distributor Association (WDEMDA)**

Carey, Ray      **Coalition for Historic Preservation**

Matthews, John      **Coalition for Historic Preservation**

Mitchell, Charles      **Citizens for a Scenic Wisconsin**

Rezin, Kathleen      **Coalition for Historic Preservation**

Stenger, Scott      **Acros LLC**

Struhsacker, Debra      **Nicolet Minerals Company**

Walsh, Kenneth      **Wisconsin Automatic Fire Sprinkler Coalition**

Westphal, Jason      **State Bar of Wisconsin**

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

### Senate Bill 55

Relating to: state finances and appropriations, constituting the executive budget act of the 2001 legislature.

Read.

The question was: Shall Item C–26 [Section 395] of **Senate Bill 55** pass notwithstanding the objections of the governor?

The ayes and noes were required and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 15.

Absent or not voting – None.

Passage refused notwithstanding objections of the governor.

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

### Senate Clearinghouse Rule 00–155

Relating to the telecommunications utilities price regulation productivity factor.

Submitted by Public Service Commission.

Report received from Agency, October 12, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, October 16, 2001.

### Senate Clearinghouse Rule 01–073

Relating to operation of the health insurance risk-sharing plan (HIRSP).

Submitted by Department of Health and Family Services.

Report received from Agency, October 15, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, October 16, 2001.

The committee on **Labor and Agriculture** reports and recommends:

### Senate Clearinghouse Rule 01–044

Relating to fire department safety and health.

No action taken.

David Hansen  
Chairperson

## CONSIDERATION OF MOTIONS AND RESOLUTIONS

Senator Chvala, with unanimous consent, asked that **Senate Bill 279** be withdrawn and taken up at this time.

### Senate Bill 279

Relating to: elimination of legislative partisan caucus staffs.

Read a second time.

Senate amendment 1 to **Senate Bill 279** offered by Senator Lazich.

The question was: Adoption of Senate amendment 1 to **Senate Bill 279**?

### POINT OF ORDER

Senator Chvala raised the point of order that Senate amendment 1 was not germane.

Chair rules the point well taken.

Senator Lazich appeals the ruling of the chair

The question was: Shall the decision of the Chair stands as the judgement of the Senate?

The ayes and noes were required and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 15.

Absent or not voting – None.

The decision of the Chair stands as the judgement of the Senate.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

#### **Senate Bill 279**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 30; noes, 3; absent or not voting, 0; as follows:

Ayes – Senators Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 30.

Noes – Senators Baumgart, George and Moore – 3.

Absent or not voting – None.

Passed.

#### **Senate Resolution 6**

Relating to: the life and public service of Jim Besson, mayor of Greenfield.

Read.

Adopted.

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## **SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS**

#### **Senate Joint Resolution 45**

Relating to: dedicating room 412 East of the Wisconsin state capitol as the permanent location and hearing room for the joint committee on finance and honoring 90 years of service by the joint committee on finance.

Read.

Adopted.

#### **Senate Bill 38**

Relating to: the speed limit at certain intersections marked with school crossing signs and providing a penalty.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 38**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

#### **Senate Bill 38**

Read a third time and passed.

#### **Senate Bill 56**

Relating to: following snowplows and providing a penalty.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

#### **Senate Bill 56**

Read a third time and passed.

Senator Chvala, with unanimous consent, asked that all action be immediately be messaged to the Assembly.

#### **Senate Bill 72**

Relating to: authorizing the state superintendent of public instruction to award grants for family involvement in education projects and making appropriations.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 72** be referred to the Joint Committee on **Finance**.

#### **Senate Bill 107**

Relating to: membership of the dentistry examining board.

Read a second time.

Senator Chvala, with unanimous consent, asked that **Senate Bill 107** be laid on the table.

#### **Senate Bill 128**

Relating to: requiring health insurance policies to cover contraceptive articles and services.

Read a second time.

Ordered to a third reading.

Senator Burke, with unanimous consent, asked that the bill be considered for final action at this time.

#### **Senate Bill 128**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Rosenzweig, Shibilski and Wirch – 18.

Noes – Senators Baumgart, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Schultz, Welch and Zien – 15.

Absent or not voting – None.

Passed.

#### **Senate Bill 136**

Relating to: using accumulated unused sick leave credits and certain health insurance premium credits for the purchase of long-term care insurance for participants under the Wisconsin retirement system.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 136** be referred to the Joint Committee on **Finance**.

#### **Senate Bill 157**

Relating to: health insurance coverage of nervous and mental disorders, alcoholism, and other drug abuse problems.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

#### **Senate Bill 157**

Read a third time.

The ayes and noes were required and the vote was: ayes, 22; noes, 11; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Shibilski and Wirch – 22.

Noes – Senators Breske, Cowles, Darling, Ellis, S. Fitzgerald, Kanavas, A. Lasee, Lazich, Schultz, Welch and Zien – 11.

Absent or not voting – None.

Passed.

### **Senate Bill 196**

Relating to: state fleet management and consideration of vehicle's fuel economy and safety ratings.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

### **Senate Bill 196**

Read a third time.

### **IN THE CHAIR**

Senator George

5:10 P.M.

The ayes and noes were demanded and the vote was: ayes, 23; noes, 10; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski and Wirch – 23.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Kanavas, A. Lasee, Lazich, Panzer, Welch and Zien – 10.

Absent or not voting – None.

Passed.

### **Senate Bill 225**

Relating to: the authority of certain cities, villages, or towns to regulate the operation of bicycles owned by nonresidents.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

### **Senate Bill 225**

Read a third time and passed.

### **Senate Bill 234**

Relating to: extended area telephone service and granting rule-making authority.

Read a second time.

Senator Moen, with unanimous consent, asked that **Senate Bill 234** be referred to committee on **Health, Utilities, Veterans and Military Affairs**.

### **Senate Bill 240**

Relating to: designating STH 122 as the Walt Bresette Memorial Highway.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

### **Senate Bill 240**

Read a third time and passed.

### **Senate Bill 243**

Relating to: increasing a school district's revenue limit for the costs of teaching school professional staff how to use digital technology and distance-learning technology.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 243** be referred to the Joint Committee on **Finance**.

### **Senate Bill 244**

Relating to: school district use of educational technology block grants.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

### **Senate Bill 244**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 32; noes, 1; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 32.

Noes – Senator Lazich – 1.

Absent or not voting – None.

Passed.

### **Senate Bill 251**

Relating to: various changes to the worker's compensation law.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

### **Senate Bill 251**

Read a third time and passed.

### **Senate Bill 255**

Relating to: modifying the manner in which a pupil enrolled in a 4-year-old kindergarten program is counted for state aid.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 255** be referred to the Joint Committee on **Finance**.

### **Senate Bill 259**

Relating to: the deadline for filing a tax exemption report in the city of La Crosse by a church or religious association.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 259**?

Adopted.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

### **Senate Bill 259**

Read a third time and passed.



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**ANNOUNCEMENTS, ADJOURNMENT  
HONORS, AND REMARKS UNDER  
SPECIAL PRIVILEGE**

Senator Juach, with unanimous consent, asked that when the senate adjourn it do so in honor these 13 members of the Ashland fire department: Steve Adamski, Kevin Tamke, Chris Bulovsky, Kevin Alajoki, Tom Tolliver, Dave Robinson, Keith Newago, Karl Kanneberg, Brian Marko, Jim Morzenti, Scott Thimm, Tom Grahek and Keith Tveit.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

Senator Rosenzweig, with unanimous consent, asked that when the Senate adjourn it do so in honor of Tommie L. Jones who was just confirmed as a member of the Board of Regents of the University of Wisconsin System.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn it do so in honor of Senator Risser and

former Governor Lee Sherman Dreyfus on having two of the newest state buildings named for them.

Senator Meyer, with unanimous consent, asked that when the Senate adjourn it do so in honor of his new nephew Tedon Zimmerman and his sister and brother-in-law.

Senator Meyer, with unanimous consent, asked that when the Senate adjourn it do so in honor of Jane Kennedy's 60<sup>th</sup> birthday.

Senator Meyer, with unanimous consent, asked that when the Senate adjourn it do so in honor of Octoberfest in the capitol tomorrow.

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Thursday, October 18 at 10:00 A.M..

Adjourned.

5:30 P.M.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

THURSDAY, October 18, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

#### Senate Joint Resolution 48

Relating to: the life and public service of John Quentin Radcliffe.

By Senator Moen; cosponsored by Representative Gronemus.

To committee on **Senate Organization**.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 284

Relating to: certified capital investment limitations, qualified business requirements, and reviews of certified capital company financial statements.

By Senators Moore, Plache, Burke, M. Meyer, Kanavas, Erpenbach, Hansen, Wirch, Darling, George, Shibilski, Breske, Roessler, Welch, Huelsman, Schultz and S. Fitzgerald; cosponsored by Representatives Ward, Lippert, Vrakas, Townsend, Hundertmark, Gronemus, Hahn, Sykora, Walker, Duff, Ladwig, Owens, D. Meyer, Krawczyk, Boyle, Olsen, M. Lehman, Miller, Staskunas, Plale, Gundrum, Ott, Balow, Colon, Starzyk, Seratti, Berceau, La Fave, Jensen, Turner, Young, Krug, Shilling, Wasserman, Williams, Freese, Suder, Kedzie, Kestell, Pettis, Richards, Huebsch, Jeskewitz, Musser and Riley.

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

#### Senate Bill 285

Relating to: prohibiting the sale of lottery tickets or shares and requiring a referendum.

By Senators Welch and Lazich; cosponsored by Representative Huebsch.

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

#### Senate Bill 286

Relating to: creating an individual income tax exemption for pay received from the federal government by members of

a reserve component of the armed forces participating in Operation Enduring Freedom.

By Senators Lazich, Breske, S. Fitzgerald, Grobschmidt, Hansen, Plache, Roessler, Schultz and Welch; cosponsored by Representatives Owens, Ainsworth, Albers, Boyle, Duff, Freese, J. Fitzgerald, Gronemus, Grothman, Gunderson, Gundrum, Hoven, Jeskewitz, Kestell, Krawczyk, Ladwig, La Fave, Lassa, Leibham, McCormick, Musser, Nass, Petrowski, Pettis, Ryba, Starzyk, Suder, Sykora and Turner.

To joint survey committee on **Tax Exemptions**.

### REPORT OF COMMITTEES

The committee on **Human Services and Aging** reports and recommends:

#### Senate Bill 113

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

Passage.

Ayes, 4 – Senators Robson, Moore, Wirch and Hansen.

Noes, 3 – Senators Roessler, Welch and Kanavas.

#### Senate Bill 178

Relating to: administering drugs to pupils in compliance with instructions of practitioners.

Passage.

Ayes, 7 – Senators Robson, Moore, Wirch, Hansen, Roessler, Welch and Kanavas.

Noes, 0 – None.

Judith Robson  
Chairperson

The committee on **Insurance, Tourism, and Transportation** reports and recommends:

#### Senate Bill 242

Relating to: a certain highway improvement project on USH 51 in the city of Madison.

Passage.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

#### Senate Bill 275

Relating to: proposed actions regarding motor vehicle franchises.

Passage.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

Roger Breske  
Chairperson

The committee on **Labor and Agriculture** reports and recommends:

**Senate Bill 232**

Relating to: authorizing the department of workforce development to order a person who discriminates in promotion, compensation, or in terms, conditions, or privileges of employment on the basis of sex, race, color, national origin, or ancestry to pay compensatory and punitive damages and an assessment, directing the secretary of workforce development to appoint a committee to study wage disparities between men and women and between minority group members and nonminority group members, and making an appropriation.

Passage.

Ayes, 3 – Senators Hansen, Decker and Baumgart.

Noes, 2 – Senators A. Lasee and Harsdorf.

**Senate Bill 276**

Relating to: various changes in the unemployment insurance law, appointment of temporary reserve appeal tribunals, requiring the exercise of rule-making authority, and making an appropriation.

Passage.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.

Noes, 0 – None.

David Hansen  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Department of Administration**

October 15, 2001

The Honorable, The Legislature:

This report presents statements of fund condition and operations (budgetary basis) of the State of Wisconsin for the fiscal year ended June 30, 2001. This satisfies the requirements of sec. 16.40(3), Wisconsin Statutes. Displayed are major sources of revenues and major categories of expenditures for the General Fund and other funds compared to the prior year.

The General Fund has an undesignated balance of \$207.5 million as of the end of the fiscal year. This is \$58.4 million higher than the \$149.1 million estimate that was projected in the final Chapter 20 fund condition statement. In addition, this reflects only minor variations from the gross ending balance of \$197.8 million estimate for fiscal year 2001 by the Legislative Fiscal Bureau in its summary of 2001 Act 16.

General-purpose revenue taxes were \$10.063 billion compare to \$10.946 billion in the prior year, a decrease of \$883 million or 8.1 percent. This decrease is the result of reductions in income tax rates and other changes to state tax laws made in 1999 Wisconsin Act 9. General-purpose revenue expenditures, excluding fund transfers, were \$11.078 billion compared to \$11.270 billion in the prior year, a decrease of \$192 million or 1.7 percent. This reduction reflects the one-time sales tax rebate distributed in fiscal year 2000. If the rebate is excluded, fiscal year 2001 spending increased by \$506.9 million or 4.8 percent.

General-purpose revenue spending increases in fiscal year 2001 were largely driven by increases in three areas: School Aids increased by \$239.9 million, Corrections increased by \$94.1 million, and UW System increased by \$93.2 million.

In fiscal year 2001, the State of Wisconsin continued to devote the major share of state tax collections to assistance to local

school districts, municipalities and counties. Local assistance accounted for 60.3 percent of total general purpose revenue spending. Aid payments to individuals and organizations represented 16.1 percent of total general purpose revenue expenditures. The University of Wisconsin accounted for 9.4 percent of total general purpose revenue spending and state operations spending for all other state agencies accounted for 14.2 percent of the total.

The State of Wisconsin expects to publish its comprehensive annual financial report in December 2001. The report will be prepared under generally accepted accounting principles.

Sincerely,

GEORGE LIGHTBOURN

Secretary

**State of Wisconsin  
Department of Administration**

October 8, 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 September 2001.

On September 17, 2001 the **General Fund** balance was –\$99.7 million. The following day, September 18, 2001 the **General Fund** balance reached a positive \$83.9 million. The shortfall was due to the difference in the timing of revenues and expenditures and the delay in issuing the 2001 Operating Note.

The General Fund shortfall was 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  
Department of Public Instruction**

October 16, 2001

The Honorable, The Legislature:

Enclosed is a copy of “The 1999-2000 Inter-District Public School Open Enrollment Program: A Report to the Governor and the Legislature,” as required by sec. 118.51 (15)(c), Wis. Stats. The report is submitted to you as required by sec. 13.172 (3), Wis. Stats.

Sincerely,

ELIZABETH BURMASTER

State Superintendent

Referred to committee on **Education.**

**State of Wisconsin  
Claims Board**

October 11, 2001

The Honorable, The Senate:

Enclosed is the report of the State Claims Board covering the claims heard on September 21, 2001.

The amounts recommended for payment under \$5,000 on claims included in this report have, under the provisions of s. 16.007, Stats., been paid directly by the Board.

The Board is preparing the bill(s) on the recommended award(s) over \$5,000, if any, and will submit such to the Joint Finance Committee for legislative introduction.

This report is for the information of the Legislature. The Board would appreciate your acceptance and spreading of it upon the Journal to inform the members of the Legislature.

Sincerely,

JOHN E. ROTHSCHILD  
Secretary

**STATE OF WISCONSIN CLAIMS BOARD**

**The State Claims Board conducted hearings in the State Capitol, Grand Army of the Republic Memorial Hall, Madison, Wisconsin, on September 21, 2001, upon the following claims:**

<u>Claimant</u>	<u>Agency</u>	<u>Amount</u>
1. Jerome Schmidt	Transportation	\$7,072.20
2. Check Cashing Corporation	Health and Family Services	\$9,983.78
3. Shirley A. Anderson	Health and Family Services	\$1,800.00
4. Scott Rouse	Revenue	\$1,241.00
5. Craig R. Pajari	Revenue	\$3,229.94
6. Arthur W. Johnson	Revenue	\$7,501.01

**In addition, the following claims were considered and decided without hearings:**

<u>Claimant</u>	<u>Agency</u>	<u>Amount</u>
7. Richard W.Hennecke	Employe Trust Funds	\$5,000.00
8. Ronald P. Bristol	Administration	\$250.00
9. Amy Merrill	Corrections	\$100.00
10. Randall & Cindy Jaskot	Revenue	\$303.49
11. PACE Local 7-0765	Revenue	\$5,326.51
12. Kenneth C. Ketterer	Revenue	\$7,487.20

**The Board Finds:**

**1. Jerome Schmidt** of Brookfield, Wisconsin claims \$7,072.20 for property damage allegedly incurred during the Highway 33 construction project in West Bend in 1997. The claimant states that in July 1999 the floor drain in his building backed up and he began to experience drainage problems. The claimant believes that these problems are caused by damage to the sewer lateral leading from his building. The claimant states that he hired plumbers to excavate the sewer lateral and found that the pipe was damaged under the sidewalk, which had been installed as part of the construction project. The claimant also states that, prior to the project, his sewer lateral was attached to the old storm sewer but that the lateral was not reconnected after the project was complete. The claimant states that, according to a letter from the City of West Bend, a new storm sewer main was installed but the sanitary sewer main was not affected, contrary to the assertion by DOT that a new sanitary sewer main was installed. The claimant alleges that there is no evidence that any damage to the building lateral was caused by his excavator as DOT alleges. He states that the lateral was excavated north of the sidewalk, that the damage to the lateral was underneath the sidewalk, and that there was no damage to the lateral in the area of excavation. He provides affidavits from four individuals who were present during the excavation to support these assertions. The claimant points to the fact that DOT's own records show that the contractor apparently damaged the sewer lateral while installing a new water lateral nearby and that they supposedly repaired the damage. The

claimant has received no documentation from DOT regarding the exact nature of this damage or the alleged repairs. The claimant states that, contrary to DOT's assertion, he never received a letter regarding the construction project and points to the fact that DOT has been unable to produce any documentation of the letter that was allegedly sent. The claimant believes that DOT's contractor damaged the sewer lateral, failed to repair the damage and did not connect the claimant's lateral to the new storm sewer as they should have. He requests reimbursement of \$3,472.20 for his expenses to determine the cause of the drainage problems and \$3,600.00 for the estimated costs of repairing the lateral and properly connecting it to the storm sewer.

DOT recommends denial of this claim. DOT does not believe that the sidewalk or parking lot construction associated with the highway project would have affected the claimant's sewer lateral in any way, since it was located approximately 5' below the surface. DOT does not have any evidence to support the claimant's assertion that, prior to the construction project, his sewer lateral was connected to the old storm sewer main. DOT states that the construction project involved the installation of a new sanitary sewer main. DOT further states that, because the purpose of the claimant's sewer lateral is to dispose of "gray water", it falls under the City of West Bend's policy, which states that sewer laterals are the responsibility of the property owner and must be connected to the sanitary sewer main. DOT also alleges that there is evidence that the contractor hired by the claimant damaged the lateral during the excavation. DOT states that its records show that the project contractor did damage the claimant's sewer lateral during installation of the nearby water lateral but that the damage was repaired. DOT states that it sent a letter to all property owners in the project area requesting that they identify any private utilities that might be affected by the construction and that the claimant did not reply. However, DOT could not produce a copy of the letter and states that it would have been hand delivered to the building rather than sent to the address of the owner of the building.

The Board concludes the claim should be paid in the reduced amount of \$3,472.20 based on equitable principles. The Board further concludes, under authority of s. 16.007 (6m), Stats., payment should be made from the Department of Transportation appropriation s. 20.395 (3)(cq), Stats.

**2. Check Cashing Corporation** of Racine, Wisconsin claims \$9,983.78 for damages related to the cashing of a SSI benefit check. On August 31, 2000, Frances M. Jones presented a SSI benefit check in the amount of \$9,983.78 at the claimant business. The claimant cashed the check and was informed on September 9<sup>th</sup> by its bank that the state had put a stop payment on the check, effective September 6<sup>th</sup>, and that the check would not be honored. The claimant contacted DHFS and was told by the SSI department that the check was issued for the wrong amount and that Ms. Jones was only due a much smaller benefit of approximately \$5300. SSI also stated that Ms. Jones knew that the check was an error and that she was not supposed to cash it. The claimant contacted the Racine Police Department and took steps to pursue charges against Ms. Jones, however, the DA's office felt that there was not sufficient proof of intent to commit a crime and Ms. Jones was not charged. The claimant believes that it is an innocent third party and that it should not pay for the state's error. The claimant believes that it should at least be immediately reimbursed for the amount of SSI benefits legitimately owed to Ms. Jones.

DHFS recommends denial of this claim. Based on the Department's information, Ms. Jones attempted to cash the check at another business earlier that day. That check cashing business verified the check prior to cashing it and was informed that the check was an overpayment and that a stop payment was



in place. That business declined to cash the check. Ms. Jones then apparently went to the claimant in a second attempt to have the check cashed. An informal survey of check cashing establishments in the Madison area shows that their policy is to verify the validity of checks the size of this one. Based on a conversation with the Racine Police Department, DHFS believes that Ms. Jones may have been personally acquainted with the staff at the claimant business, which perhaps resulted in a lessening of their diligence in verifying the status of this unusually large check. The amount actually due Ms. Jones was \$4,283.78. SSI benefit funds may only be paid to eligible program recipients or their representative payees, therefore, DHFS is unable to issue a check to the claimant. DHFS believes that the claimant should seek reimbursement from Ms. Jones, who fraudulently cashed a check for money to which she knew she was not rightfully entitled.

The Board concludes the claim should be paid in the reduced amount of \$2,500.00 based on equitable principles. The Board further concludes, under authority of s. 16.007 (6m), Stats., payment should be made from the Department of Health and Family Services appropriation s. 20.435 (7)(ed), Stats.

**3. Shirley A. Anderson** of Milwaukee, Wisconsin claims \$1,800.00 for vehicle damage allegedly caused by a Department of Health and Family Services employee. The claimant, who also works for DHFS, states that her vehicle was parked at her state office building in Waukesha on February 22, 2001. She had taken a state vehicle to complete her job duties and left her personal vehicle in the state vehicle assigned space. She states that when she returned with the state vehicle on February 23, she discovered that her van had been hit and damaged. There was another state vehicle in the parking space adjacent to the claimant's personal vehicle. She states that she contacted the driver of the other state vehicle and was told by that individual that they did not hit her car. The claimant states that she contacted the police. The claimant alleges that the height of the adjacent state vehicle's bumper and the damage on her vehicle was the same and that there were black marks from the state vehicle's bumper on her van. The claimant believes that a state employee hit her vehicle and that she should therefore be reimbursed for the full amount of the damages. She requests reimbursement of \$1800. Her insurance deductible is \$500.

The Department of Health and Family Services recommends denial of this claim. A State Risk Management investigation determined that the state vehicle adjacent to the claimant's car was not the cause of the damage. Risk Management believes that the damage on the claimant's van is not consistent with the size and shape of the state vehicle's bumper. The police report indicates that the driver of the adjacent state vehicle claims to have backed the state vehicle directly out of the stall into an empty stall behind her and therefore could not possibly have struck the claimant's vehicle. There was a report from a witness who stated that she had seen this driver back the car straight out of the stall into the stall behind her. The officer also indicated that "The damage to the van was most severe near the rear wheel well and decreased in severity as the scrape went forward. This indicates the striking vehicle most likely struck the van at the wheel well and went forward. It does not appear a vehicle backing out of the stall next to the van would have caused the damage. Another state vehicle was also parked next to the claimant's van that day and the driver of that vehicle indicated that she did not strike the claimant's vehicle and that her state car was undamaged. The Department does not believe there is sufficient evidence as to how the vehicle was damaged to hold DHFS responsible for the claimant's damages.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**4. Scott Rouse** of Milwaukee, Wisconsin claims \$1,241.00 for overpayment of taxes. The claimant states that he failed to file income tax returns in 1992 and 1993 because of three hospital stays. The claimant states that he has been disabled since a stroke in 1978. He claims that his health problems prevented him from filing his 1992 and 1993 returns. The Department garnished his wages and intercepted tax refunds. The claimant filed the missing returns in January 2001. The claimant apologizes that it took so long to file the returns. He believes that he should be refunded this money since his returns show that he would not have owed any taxes for those years but would have actually received refunds. He requests return of \$750 garnished from his wages, the intercepted \$180 in refunds, and his \$311 in refunds from 1992 and 1993.

The Department of Revenue recommends denial of this claim. DOR states that this claim involves an assessment initiated by DOR based on a federal audit of the claimant's 1991 return and estimated assessments based on his failure to file returns in 1992 and 1993. DOR states that a combined assessment for all three years was issued on December 8, 1995, with a due date of 1996. DOR states that it worked diligently to locate the claimant, who moved frequently, as often as three times in eight months. DOR records show several promises by the claimant to file returns beginning in January 1998. DOR states that it intercepted the claimant's 1997 and 1998 income tax refunds, certified his wages in 1998 and again in 2000, and intercepted his 1998 sales tax rebate. DOR states that the claimant has contacted the Department more than once a month since August 1999 but failed to file the requested returns until January 12, 2001. Based on DOR's calculations of the actual liability for 1991 and the late filing fees and collection fees for 1992 and 1993, DOR over-collected \$881.43. DOR cites section 71.75(5), Stats., which prohibits it from refunding the amount collected on the original assessment since no refund was claimed within the prescribed two-year time period. In addition, DOR cites section 71.75(2), Stats., which does not allow for return of the 1992 and 1993 refunds (\$120 and \$99) because of the four-year statute of limitations.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**5. Craig R. Pajari** of Cloquet, Minnesota claims \$3,229.94 for monies levied from his account as well as attorney's fees and mileage. The claimant states that the DOR levied his bank account in the amount of \$2,709.44 for payment of back taxes. The claimant states that he has since proved that he did not owe any taxes to the State of Wisconsin for the years in question. He requests return of the money taken from his account as well as \$300 in attorney's fees and \$220.50 for mileage (31.5 cents per mile) traveling from Cloquet, MN to Madison, WI to resolve this issue.

The Department of Revenue recommends denial of this claim. The claimant failed to timely file income tax returns for the years 1993 through 1996. An estimated assessment for 1993 was issued in November 1996, with a due date of January 6, 1997. Estimated assessments for 1994 and 1995 were issued in November 1997, with a due date of January 5, 1998. An estimated assessment for 1996 was issued on November 30, 1998, with a due date of February 1, 1999. The claimant's bank account was levied in August 2000 in the amount of \$2,709.44. In March 2001 the claimant provided documentation that his

1993 income was \$2,706 and provided a copy of his 1996 Minnesota residence return. In April 2001 the claimant filed his 1994 and 1995 returns, each with refunds claimed that could not be issued due to the four-year statute of limitations. DOR states that s. 71.75(5), Stats., prohibits it from refunding the amount that was collected on the original assessments since no refund was claimed within the prescribed two-year period and recommends denial of this claim.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**6. Arthur W. Johnson** of Whitewater, Wisconsin claims \$7,501.01 for overpayment in taxes due to failure to file income tax returns for the years 1988 through 1994. The claimant states that he and his wife purchased their first farm in 1987. He states that they were not aware of how to handle tax issues related to the farm and that they therefore put off filing returns. In 1997 the claimant states that he realized that he would need to hire an accountant to take care of the overdue taxes. The claimant states that it took the accountant almost a year to get the taxes done and that the claimant's wife suffered two strokes during that year, leaving him to run the farm alone. The claimant states that the accountant, who was supposed to complete all the missing returns, only completed returns for three years. The claimant states that he has an unresolved dispute with the accountant over this matter. The claimant believes that the DOR hounded him for the returns and then used the statute of limitations as an excuse not to return his overpayments.

The Department of Revenue recommends denial of this claim. DOR states that two separate estimated assessments were issued in February 1996, one for 1988 through 1991 and one for 1992 through 1994. The assessments were referred to collections in May 1996. DOR records indicated that the claimant began contacting DOR in June 1996 to discuss his account. DOR states that the claimant filed returns for 1994 through 1997 in October of 1998. The farmland credit allowed for these four years, \$6582.00, was applied to the delinquent estimated assessments for 1988 through 1993. The 1988 through 1993 returns were filed in November of 1999, almost four years after the original assessment. DOR states that section 71.75(5), Stats., prohibits them from refunding the amount that was collected on the original assessment since no refund was claimed within the prescribed two-year period. The claimant also refers to a motor vehicle fuel tax refund of \$939.01. DOR believes that the claimant may have thought that he could apply for a motor vehicle fuel tax refund for the State of Wisconsin on his federal income tax return. That is not the case. The State of WI requires a separate refund claim, which must be filed within one year of the date of purchase. No such claim has been filed with DOR.

The Board concludes that the claim should be paid in the reduced amount of \$289.63, for payment of motor fuel credit for the years 1996-1998 based on equitable principles. The Board further concludes, under authority of s. 16.007 (6m), Stats., payment should be made from the Claims Board appropriation s. 20.505 (4)(d), Stats.

**7. Richard W. Hennecke** of Waukesha, Wisconsin claims \$5,000.0 for damages related to his retirement from state service. The claimant states that he was informed by DETF that he was eligible to retire on June 30, 1998. The claimant states that DETF employees informed him, both verbally and in writing, that he would be eligible to continue his state life insurance at his current rates. The claimant states that he was told by DETF that he had to work in each of five calendar years to be eligible to continue benefits. He states that since he was verbally assured and confirmed in writing that his life insurance

would continue and since he was eligible to continue all other benefits, he had no reason to suspect that DETF had given him incorrect information. Furthermore, the claimant believes that he was eligible to continue his life insurance. He points to s. 40.02(25)(a), Stats., which defines eligible employee for the purposes of insurance as someone who has participated in the Wisconsin Retirement System (WRS) for at least 6 months. The claimant participated in WRS beginning on 6/27/94 and was therefore an eligible employee for purposes of insurance on 12/27/94. The claimant states that the statute does not rely on insurance "effective dates" to determine eligibility. Since he was eligible and participating in WRS in 1994, the claimant believes that he meets DETF's requirement of being covered in each of five calendar years. The claimant was offered a conversion life insurance policy by DETF after the error was discovered, however, that insurance was significantly more expensive than his state policy (\$58.83 annually per \$1000 coverage versus \$0.52 annually per \$1000 coverage) and would have cost him over \$2300 more per year. The claimant states that he is requesting \$5,000 because that is the Claims Board payment limit and is also the approximate cost of burial. The claimant believes that either DETF is incorrectly defining "eligible employee" for purposes of insurance contrary to s. 40.02(25), Stats., or they simply gave him the incorrect information. The claimant alleges that he made his decision to retire based on DETF's statements about his eligibility to continue benefits and requests payment in the amount of \$5,000.

DETF does not make any recommendation on this claim. DETF acknowledges that its employee incorrectly advised the claimant that he was eligible to continue his life insurance and that she provided this information in writing. However, DETF believes that because the claimant was previously informed that he had to be covered by state insurance for five years in order to be eligible to continue his insurance and because no premiums were ever deducted from the claimant's retirement checks, he should have been aware that an error had been made. DETF states that the claimant was not eligible to continue his life insurance benefits because his insurance was not effective until 1/1/95 and that this effective date was clearly stated on the claimant's application and in a confirmation letter sent to the claimant after his insurance application was processed. After DETF's error was discovered DETF did offer the claimant a conversion insurance policy for which he would have been eligible but he declined. Finally, the claimant has provided no documentation for the \$5000 amount he is claiming. DETF acknowledges that it gave the claimant incorrect information and that he might have given that information, provided in writing, more weight than previous information he had received. 74 Op. Atty. Gen 193, 196 (1985), provides that the Claims Board lacks the authority to order payment from the Public Employee Trust Fund. Since any payment for this claim would have to come from the Claims Board appropriation, DETF declines to make any recommendation regarding payment.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**8. Ronald P. Bristol** of Madison, Wisconsin claims \$250.00 for lost property. The Department of Administration, Division of Facilities Development, employs the claimant as a HVAC Control Specialist. On March 28, 2001, the claimant was performing a site inspection at a Department of Health and Family Services facility in Mauston, WI. He states that he left his coat, with his sunglasses, keys and gloves in the pocket, in the upper floor mechanical room, along with the coats of the



other employees performing the inspection. He states that when they returned to the mechanical room, he found that his coat was missing. The claimant submitted a claim to his insurer and requests reimbursement of his \$250 deductible.

The Department of Administration recommends denial of this claim. DOA believes that it would set a bad precedent to pay this claim and does not believe that the state should be held liable for personal items lost by employees. DOA also states that, to the best of its recollection, these types of claims have not been granted in the past.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. (*Member Rothschild not participating.*)

**9. Amy Merrill** of Madison, Wisconsin claims \$100.00 for vehicle damage allegedly related to her employment with the Department of Corrections. The claimant is a Probation and Parole Agent for the DOC. She states that on April 26, 2001, she parked her car in the office parking lot on Allied Drive. She was out of the office all morning at a meeting, to which she rode in a co-worker's vehicle. When she returned to the office at 1:45 PM, she noticed that a passenger side window on her vehicle was smashed. She informed her supervisor, contacted the Madison Police and her insurance company. The repairman told her that two rocks had been thrown through the window to cause the damage. The claimant states that the office is located in a high risk neighborhood and that there are often many unsupervised children playing in the area, including in the parking lot amidst the vehicles. The claimant states that her supervisor indicated that they had been having problems with vandalism over the last several weeks. The claimant also states that many neighborhood residents are very aware of which vehicles are driven by parole agents. She requests reimbursement for her insurance deductible. The cost to fix the window was \$258 and the claimant's deductible was \$100.

DOC recommends payment of this claim based on equitable grounds. DOC agrees with the facts as stated by the claimant. DOC believes that this claimant incurred these expenses only because she works for this agency as a Probation and Parole Agent. DOC believes that it is very likely that residents of the neighborhood knew that the owner of the vehicle was a law enforcement representative and intentionally damaged the vehicle. DOC feels that it cannot allow Probation and Parole Agents and their families to bear the financial burden of expenses they incur solely and directly because they work with criminals for the benefit of the people of Wisconsin. This would be unfair and would undermine agent morale. DOC supports payment of the claim and is willing to pay the amount requested by the claimant.

The Board concludes the claim should be paid in the amount of \$100.00 based on equitable principles. The Board further concludes, under authority of s. 16.007 (6m), Stats., payment should be made from the Department of Corrections appropriation s. 20.410 (1)(a), Stats.

**10. Randall & Cindy Jaskot** of Dousman, Wisconsin claim \$303.49 for refund of tax assessment. The claimants state that on November 17, 1995, the company that he worked for transferred Randall Jaskot to Wisconsin from Illinois. The claimants state that they were told that the company would continue to pay Illinois taxes and that they did not need to worry about Wisconsin taxes. The claimants state that they believed what they were told because this was a \$100M company that had transferred people all the time. The claimants now regret that they relied on the company's assurances. They state that there was no malicious attempt on their part to avoid paying

their taxes and therefore request return of the \$303.49 assessment.

The Department of Revenue recommends denial of this claim. DOR records indicate that an estimated assessment was issued in September 2000 for failure to file a timely WI income tax return for 1995. The assessment was referred to collections in December 2000. The return was filed on April 26, 2001. The taxpayers were assessed the collection fee, late filing fee, and interest as imposed by state statute. The 25% negligence fee was not imposed after consideration was given for the claimants' circumstances.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**11. PACE Local 7-0765** of New Berlin, Wisconsin claims \$5,326.51 for refund of overpayment of taxes. The claimant states that two successive Financial Secretaries for its organization failed to file tax returns for withheld payroll taxes and make the appropriate payments to the Department of Revenue. This problem occurred between mid 1995 and October 1999. DOR has refunded \$5,391.38 in overpayments, plus \$341.70 in penalties. The claimant requests reimbursement of the remaining overpayments, totaling \$5,326.51, which DOR has refused to issue due to the two-year statute of limitations under s. 71.75(5), Stats. The claimant does not believe that the legislature intended that DOR use that section to deny refunds to ignorant taxpayers based on over-collection of taxes.

DOR recommends denial of this claim, which involves estimated assessments based on failure to file employee withholding tax reports from 1995 through 1999, specifically, the third and fourth quarters of 1995 and the first and second quarters of 1996. Estimated assessments for these four quarters were filed in January, April, June and September 1996, respectively. Tax reports for all four assessments were filed on October 22, 1998. DOR states that s. 71.75(5), Stats., prohibits it from refunding the amount that was collected on the original assessments since no refund was claimed within the prescribed two-year period.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**12. Kenneth C. Ketterer** of Indialantic, Florida claims \$7,487.20 for overpayment of taxes related to the sale of a Wisconsin condominium in 1983. The DOR issued an estimated assessment based on an adjustment to his 1983 tax return. The claimant issued assessments for both the claimant and his wife, however, no monies were ever collected on his wife's assessment. The claimant states that he and his wife moved to Florida in 1983 and that they have lived at their current address in Indialantic, FL for many years. He states that in March 1994 they were informed by their mutual fund that DOR had levied \$7,487.20 from their account for payment of back taxes. The claimant alleges that this was the first they were ever informed that there was a problem with their WI taxes and that they never received any notices from DOR. The claimant does not believe that DOR made a reasonable attempt to locate them and points to the fact that they had lived at their current address for many years and that the mutual fund had their correct address. The claimant alleges that they wrote DOR three times in 1994 to find out why the money was taken but never received any reply. The claimant states that they were then contacted by a collection agency in May 2000 regarding the assessment issued against his wife. The claimant states that

they immediately responded and sent DOR the required documentation to show that they did not owe the taxes assessed. He alleges that they tried to clear up the issue with DOR but that it took numerous phone calls and a certified letter before DOR finally responded four months later. The claimant points to the fact that they responded promptly to the May 2000 contact, resolving the issue to DOR's satisfaction within 16 days. The claimant believes that DOR has been extremely unresponsive and did not make a reasonable effort to locate his current address. The claimant states that, had they received the earlier notices, they would have responded to them promptly and request reimbursement of the amount levied from their account.

DOR recommends denial of this claim. DOR records indicate that the claimant filed a 1983 part-year Wisconsin resident tax return showing an address in Miami, Florida in March of 1984. In September 1986 DOR sent a letter to the claimant at that Miami address regarding the 1983 sale of their WI property. DOR received no reply. In December 1986 DOR issued an assessment, which was referred for collection in 1987. DOR states that over the course of the next seven years, various notices and letters were sent to the claimant at the Miami address and there is no record in DOR files that the claimant ever responded. On March 23, 1994, DOR received funds from the claimant's mutual fund to satisfy the debt. DOR states that it has no record of any correspondence from the claimant until his wife's assessment became an issue in 2000. DOR further states that this claim is for the entire amount levied from the claimant's account. Based on the information provided by the claimant, DOR calculates his revised liability to be \$3,095.18 and his wife's to be \$170.10, therefore, DOR believes the correct amount of overpayment is only \$4,221.92, not \$7,487.20 as the claimant is requesting.

The Board concludes the claim should be paid in the reduced amount of \$4,221.92 based on equitable principles. The Board further concludes, under authority of s. 16.007 (6m), Stats., payment should be made from the Department of Revenue appropriation s. 20.566 (1)(a), Stats.

**The Board concludes:**

**1. The claims of the following claimants should be denied:**

- Anderson, Shirley A.
- Bristol, Ronald P.
- Hennecke, Richard W.
- Jaskot, Randall and Cindy
- PACE Local 7-0765
- Pajari, Craig R.
- Rouse, Scott

**4. Payment of the following amounts to the following claimants is justified under s. 16.007, Stats:**

Check Cashing Corp.	\$2,500.00
Johnson, Arthur W.	\$289.63
Ketterer, Kenneth C.	\$4,221.92
Merrill, Amy	\$100.00
Schmidt, Jerome E.	\$3,472.20

**Dated at Madison, Wisconsin this 10th day of October 2001.**

Alan Lee, Chair  
 Representative of the Attorney General  
 John E. Rothschild, Secretary  
 Representative of the Secretary of Administration  
 Sheryl Albers  
 Assembly Finance Committee  
 Chad Taylor  
 Representative of the Governor

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

**Senate Clearinghouse Rule 01-072**

Relating to regulations concerning agent transactions with customers.

Submitted by Office of the Commissioner of Insurance.

Report received from Agency, October 17, 2001.

Referred to committee on **Insurance, Tourism, and Transportation**, October 18, 2001.

**Senate Clearinghouse Rule 01-088**

Relating to Wisconsin lottery retailers and nonprofit organization retailers, and the Wisconsin lottery's major procurements.

Submitted by Department of Revenue.

Report received from Agency, October 16, 2001.

Referred to committee on **Universities, Housing, and Government Operations**, October 18, 2001.

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**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 142**

**Assembly Bill 242**

**Assembly Bill 251**

**Assembly Bill 492**

**Assembly Bill 505**

**Assembly Bill 519**

**Assembly Bill 553**

**Assembly Bill 556**

**Assembly Bill 557**

Adopted and asks concurrence in:

**Assembly Joint Resolution 57**

Concurred in:

**Senate Bill 279**

**Senate Joint Resolution 45**

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**MESSAGES FROM THE ASSEMBLY CONSIDERED**

**Assembly Bill 142**

Relating to: following snowplows and providing a penalty.

By Representatives Ainsworth, Boyle, Freese, Huber, Krawczyk, Ladwig, Lassa, M. Lehman, J. Lehman, Lippert, Musser, Olsen, Owens, Plouff, Powers, Ryba, Starzyk, Stone, Townsend, Turner, Vrakas and Wade; cosponsored by Senators Plache, Breske, Burke, Darling, Moen and Schultz.

Read first time and referred to committee on **Insurance, Tourism, and Transportation**.



**Assembly Bill 242**

Relating to: the disclosure of information obtained by the department of transportation from applications for drivers' licenses, permits, or identification cards to the selective service system for the purposes of registration with the selective service system.

By Representatives Wasserman, Leibham, Schneider, Berceau, Boyle, Gundrum, Musser and Turner; cosponsored by Senators Burke and Darling.

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

**Assembly Bill 251**

Relating to: the period of time during which sturgeon spearing licenses may not be issued.

By Representatives Kaufert, Ott, Wade, Meyerhofer, Petrowski, Vrakas, Gunderson, Owens and Ward; cosponsored by Senators Burke, Roessler, Ellis and Shibilski.

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

**Assembly Bill 492**

Relating to: use of educational telecommunications access program grants.

By Representatives Underheim, McCormick, Wieckert, Jensen, Staskunas, Ainsworth, Duff, Sykora, Starzyk, Lippert, Krawczyk, M. Lehman, Petrowski, Ladwig, Miller, Ott, Vrakas and Jeskewitz; cosponsored by Senators Roessler and Huelsman.

Read first time and referred to committee on **Education**.

**Assembly Bill 505**

Relating to: various changes to the worker's compensation law.

By Representatives Hundertmark and Turner; cosponsored by Senators Hansen and A. Lasee.

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

**Assembly Bill 519**

Relating to: designating the bridge on I 43 across the Fox River in the city of Green Bay as the Leo Frigo Memorial Bridge.

By Representatives Montgomery, Krawczyk and Ryba; cosponsored by Senators Hansen and Cowles.

Read first time and referred to committee on **Insurance, Tourism, and Transportation**.

**Assembly Bill 553**

Relating to: various changes in the unemployment insurance law, appointment of temporary reserve appeal tribunals, requiring the exercise of rule-making authority, and making an appropriation.

By Representatives Hundertmark and Turner; cosponsored by Senators Hansen and A. Lasee.

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

**Assembly Bill 556**

Relating to: special labor-related reports, public educational institution job training access policies, and occupational driver's license fees.

By committee on Labor and Workforce Development.

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

**Assembly Bill 557**

Relating to: productivity enhancement training and development zone tax credits; a workplace diversity grant program, a job retention skills development program, preapprenticeship basic skills training, and an apprenticeship marketing program; providing an exemption from emergency rule procedures; granting rule-making authority; and making appropriations.

By committee on Labor and Workforce Development.

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

**Assembly Joint Resolution 57**

Relating to: memorializing Congress to study and modify the social security earnings limit.

By Joint Legislative Council.

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

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, October 23 at 10:00 A.M..

Adjourned.

10:01 A.M.

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**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Joint Resolution 45**

Report correctly enrolled on October 18, 2001.

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**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**2001 SENATE BILL 211**

Prepared by the Legislative Reference Bureau  
(October 17, 2001)

**18.** Page 4, line 10: delete "discriminated" and substitute "discriminate".



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

TUESDAY, October 23, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The roll was called and the following Senators answered to their names:

Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator Erpenbach led the Senate in the pledge of allegiance to the flag of the United States of America.

Senator Robson, with unanimous consent, asked that the Senate recess until 2:18 P.M..

11:19 A.M.

### RECESS

2:18 P.M.

The Senate reconvened.

Senator Risser in the chair.

### INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

#### Senate Joint Resolution 49

Relating to: the life and public service of Nile W. Soik.

By Senators Darling, Rosenzweig and Welch; cosponsored by Representatives Jeskewitz, J. Lehman, Hahn, Owens, Nass, Ryba, Urban, Riley, Gundrum, Ott, Gunderson and Stone.

Read.

Considered as privileged and taken up.

Adopted by unanimous rising vote.

#### Senate Joint Resolution 50

Relating to: the life and public service of Jerome Meyer.

By Senator Erpenbach; cosponsored by Representative Travis.

To committee on **Senate Organization**.

#### Senate Resolution 8

Relating to: the authorization by the joint committee on legislative organization for 12 senate positions.

By Senators Ellis, Cowles and Schultz.

To committee on **Senate Organization**.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 287

Relating to: creating a grant program to supplement medical assistance payments to nursing homes in the city of Milwaukee and making an appropriation.

By Senators George, Darling and Moore; cosponsored by Representatives Richards, Young, Krug, Riley, Bock, Morris–Tatum, Coggs and Carpenter.

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

#### Senate Bill 288

Relating to: administration of student financial aid programs by the higher educational aids board and granting rule–making authority (suggested as remedial legislation by the higher educational aids board).

By Law Revision Committee.

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

#### Senate Bill 289

Relating to: adding legislative members to the council on developmental disabilities; requiring the council on developmental disabilities to report annually to the legislature; expanding eligibility, requiring submission of wavier requests by a specified date, and providing transitional services under a pilot program for long–term care of children with disabilities; requiring the department of health and family services to develop a plan to administer and fund services for persons with developmental disabilities; and requiring the exercise of rule–making authority.

By Joint Legislative Council.

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

#### Senate Bill 290

Relating to: water quality standards for wetlands for an activity at a site in Trempealeau County and review of certain changes to shoreland, wetland, and floodplain zoning ordinances as they relate to an activity at a site in Trempealeau County.

By Senator Moen; cosponsored by Representative Gronemus.

To committee on **Environmental Resources**.

**Senate Bill 291**

Relating to: maintenance of grass and weeds below a specified height on department of transportation land abutting highways.

By Senators Grobschmidt, Cowles, Huelsman, Schultz and Darling; cosponsored by Representatives Ward, Stone, Gronemus, Montgomery, Ladwig, Ryba, Turner, Hahn, Musser, Jeskewitz, Duff, Owens, Ainsworth, Ott, Plouff, Sinicki, Boyle, Plale, Huber, Colon and Freese.

To committee on **Insurance, Tourism, and Transportation**.

**Senate Bill 292**

Relating to: creating a property tax exemption for a youth baseball association.

By Senators Grobschmidt, Burke and Kanavas; cosponsored by Representatives Sinicki, Plale, Gunderson, Bock, Kaufert, Turner, Ryba, Sykora and Lassa.

To joint survey committee on **Tax Exemptions**.

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**REPORT OF COMMITTEES**

The committee on **Finance** reports and recommends:

**Senate Bill 81**

Relating to: the private employer health care coverage program and making an appropriation.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 6 – Senators Burke, Decker, Moore, Shibilski, Plache and Wirch.

Noes, 2 – Senators Darling and Rosenzweig.

Passage as amended.

Ayes, 6 – Senators Burke, Decker, Moore, Shibilski, Plache and Wirch.

Noes, 2 – Senators Darling and Rosenzweig.

Brian Burke  
Chairperson

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

**Senate Bill 260**

Relating to: the sales tax imposed on the sale of mobile telecommunications services.

Passage.

Ayes, 4 – Senators Jauch, Erpenbach, Shibilski and Harsdorf.

Noes, 1 – Senator Lazich.

Robert Jauch  
Chairperson

The committee on **Insurance, Tourism, and Transportation** reports and recommends:

**Assembly Bill 142**

Relating to: following snowplows and providing a penalty.

Concurrence.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

Roger Breske  
Chairperson

The committee on **Labor and Agriculture** reports and recommends:

**Senate Bill 211**

Relating to: mandatory overtime hours worked by health care workers employed by health care facilities and providing penalties.

Passage.

Ayes, 3 – Senators Hansen, Decker and Baumgart.

Noes, 2 – Senators A. Lasee and Harsdorf.

**Senate Bill 272**

Relating to: a community youth grant to the Wisconsin chapters of the Boys and Girls Clubs of America and making an appropriation.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.

Noes, 0 – None.

David Hansen  
Chairperson

The committee on **Senate Organization** reports and recommends:

**Senate Joint Resolution 48**

Relating to: the life and public service of John Quentin Radcliffe.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

Charles Chvala  
Chairperson

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Department of Employment Relations**

October 15, 2001

The Honorable, The Senate:

I am pleased to present the fiscal year 2000 and 2001 report of employment of Wisconsin Works (W-2) program customers. This report was recently sent to Governor McCallum. The report includes: (1) a description of each agency's efforts to employ W-2 customers; and (2) the number of W-2 customers under s. 49.19, Wis. Stats., employed by each agency and the classification title of each position filled from July 1, 1999, through June 30, 2001.

Enclosed is a copy of the W-2 Hiring Report. If you have any questions about W-2 hiring or the affirmative action planning process, please contact Kathryn A. Moore in the Division of Merit Recruitment and Selections (DMRS) or Pepe Indalecio in the Division of Affirmative Action (DAA). Kathryn can be reached at (608) 266-9472, fax (608) 267-1000 or by e-mail at [Kathryn.Moore@der.state.wi.us](mailto:Kathryn.Moore@der.state.wi.us). Pepe can be reached at (608) 266-6475, fax (608) 267-1020 or by e-mail at [Pepe.Indalecio@der.state.wi.us](mailto:Pepe.Indalecio@der.state.wi.us).

Sincerely,

PETER D. FOX  
Secretary

**State of Wisconsin**

**Southeast Wisconsin Professional Baseball Park District**

September 20, 2001

The Honorable, The Legislature:

Enclosed please find the Final Progress Report for our Miller Park project. Final project accounting work, contract closure efforts, punch list completion, building commissioning tasks and other such close-out efforts will be completed shortly. As the enclosed progress report indicates, Miller Park is complete and has clearly achieved the District Board's objective of building the premiere baseball facility in the country, available for play on Opening Day 2001, completed within budget and with meaningful 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

**State of Wisconsin  
Ethics Board**

October 23, 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/>

Smith, Sandra J **Wisconsin Democracy Campaign**

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

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**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

October 17, 2001

The Honorable, The Senate:

This is to inform you that I am withdrawing the following nominations to the Minnesota-Wisconsin Boundary Area Commission as this Commission was repealed in 2001 Wisconsin Act 16:

Robert Mullally of Onalaska nominated September 25, 2001.

Francis Ogden of River Falls nominated May 16, 2001.

Craig Olson of River Falls nominated May 16, 2001.

Gerald Tyler of Amery nominated June 16, 1998.

Thank you for your attention to this matter.

Sincerely,

SCOTT MCCALLUM

Governor

**State of Wisconsin  
Office of the Governor**

October 16, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DAVID, DR. ALAN K., of

Cedarburg, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM

Governor

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

**State of Wisconsin  
Office of the Governor**

October 18, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HUGHES, MACK E., of Milwaukee, as a member of the Board of Veterans Affairs, to serve for the term ending May 1, 2007.

Sincerely,

SCOTT MCCALLUM

Governor

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

**State of Wisconsin  
Office of the Governor**

October 18, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KOHLBECK, MARIE, of Whitelaw, as a member of the Board of Nursing, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM

Governor

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

**State of Wisconsin  
Office of the Governor**

October 18, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MARSDEN, MICHAEL A., of Grand Chute, as a member of the Waste Facility Siting Board, to serve for the interim term ending May 1, 2003.

Sincerely,

SCOTT MCCALLUM

Governor

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

**State of Wisconsin  
Office of the Governor**

October 18, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MARTINEZ, LEE, of Milwaukee, as a member of the Barbering and Cosmetology 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**

October 18, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MOORE-CHURCH, MARY ANNE, of Appleton, 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 **Education.**

**State of Wisconsin  
Office of the Governor**

October 18, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint REAVEY, MARY, of Milwaukee, as a member of The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the interim term ending July 1, 2003.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

October 18, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ROSLANSKY, ROGER D., of La Crosse, as a member of the Real Estate Appraisers Board, to serve for the interim term ending May 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

October 18, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint STENAVICH, WALTER M., of Racine, as a member of the Board of Veterans Affairs, to serve for the term ending May 1, 2007.

Sincerely,

SCOTT MCCALLUM  
Governor

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

**State of Wisconsin  
Office of the Governor**

October 18, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WENDT, KENNETH C., of Sturgeon

Bay, as a member of the Board of Veterans Affairs, to serve for the term ending May 1, 2007.

Sincerely,

SCOTT MCCALLUM  
Governor

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

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.

Read.

ERICKSON, GINA, of Janesville, as a member of the Private Employer Health Care Coverage Board, to serve for the term ending May 1, 2004.

Read.

FLAHERTY, BARBARA ANNE, of Oshkosh, as a member of the Physical Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2004.

Read.

KALISHEK, KAREN A., of Shawano, as a member of the Medical Examining Board, to serve for the interim term ending July 1, 2004.

Read.

KONTNEY, LAURIE B., of Muskego, as a member of the Physical Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2005.

Read.

SRB, ARTHUR L., of Mosinee, as a member of the Dentistry Examining Board, to serve for the interim term ending July 1, 2004.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

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

**Senate Clearinghouse Rule 01-091**

Relating to examinations for original licensure and for persons licensed in another state.

Submitted by Department of Regulation and Licensing.

Report received from Agency, October 22, 2001.

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

The committee on **Privacy, Electronic Commerce and Financial Institutions** reports and recommends:

**Senate Clearinghouse Rule 01–082**

Relating to securities broker–dealer, agent, investment adviser and investment adviser representative licensing procedures, examination requirements, and rule of conduct provisions.

No action taken.

**Senate Clearinghouse Rule 01–083**

Relating to securities registration exemptions involving capital formation by businesses.

No action taken.

Jon Erpenbach  
Chairperson

**SECOND READING AND AMENDMENTS  
OF SENATE JOINT RESOLUTIONS AND  
SENATE BILLS**

**Senate Bill 47**

Relating to: enforcement of motor vehicle safety belt violations and providing a penalty.

Read a second time.

Senator Moore moved that **Senate Bill 47** be referred to the committee on **Senate Organization**.

The question was: Shall **Senate Bill 47** be referred to the committee on **Senate Organization**?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 11; absent or not voting, 0; as follows:

Ayes – Senators Breske, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grobschmidt, Hansen, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Roessler, Schultz, Welch and Zien – 22.

Noes – Senators Baumgart, Burke, George, Harsdorf, Huelsman, Jauch, Risser, Robson, Rosenzweig, Shibilski and Wirch – 11.

Absent or not voting – None.

Referred.

**Senate Bill 81**

Relating to: the private employer health care coverage program and making an appropriation.

Read a second time.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 81** offered by Senator Decker.

Senator Rosenzweig moved rejection of Senate substitute amendment 1 to **Senate Bill 81**.

The question was: Rejection of Senate substitute amendment 1 to **Senate Bill 81**?

Rejection refused.

Senator Moen moved rejection of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 81**.

The question was: Rejection of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 81**?

The ayes and noes were demanded and the vote was: ayes, 30; noes, 3; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Cowles, Darling, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser,

Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 30.

Noes – Senators Chvala, Decker and Robson – 3.

Absent or not voting – None.

Rejected.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 81**?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 11; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Roessler, Schultz, Shibilski and Wirch – 22.

Noes – Senators Cowles, Darling, Ellis, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Rosenzweig, Welch and Zien – 11.

Absent or not voting – None.

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 81**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 25; noes, 8; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Jauch, A. Lasee, M. Meyer, Moen, Moore, Plache, Risser, Robson, Roessler, Schultz, Shibilski, Welch, Wirch and Zien – 25.

Noes – Senators Cowles, Darling, Ellis, Huelsman, Kanavas, Lazich, Panzer and Rosenzweig – 8.

Absent or not voting – None.

Passed.

**Senate Bill 135**

Relating to: disclosure of credit reports and providing a penalty.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 135**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 135**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, Lazich, M. Meyer, Moen, Moore, Plache, Risser, Robson, Rosenzweig, Shibilski and Wirch – 20.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Panzer, Roessler, Schultz, Welch and Zien – 13.

Absent or not voting – None.

Passed.

**Senate Bill 166**

Relating to: the state contract for dental education; authorizing licensed dental health professional positions in the department of health and family services; funding for dental services at community health centers; grants for community water fluoridation; increasing the medical assistance reimbursement rates for dental services; making topical fluoride varnish a covered service under the early and periodic screening, diagnosis, and treatment program; creating a fluoride varnish education program; reimbursement for dental hygienist services under medical assistance; medical assistance reimbursement for dental cleanings; requiring the exercise of rule-making authority; and making appropriations.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 166** be referred to the Joint Committee on **Finance**.

**Senate Bill 167**

Relating to: regional dental testing service examinations; dentist licenses for individuals licensed in another jurisdiction; the scope of practice of dental hygienists; delegation of dentistry practices to dental hygienists and unlicensed individuals; providing loan assistance to dentists and dental hygienists who practice in underserved areas; requiring the technical college system board to report on community dental health education; requiring the dentistry examining board and the department of health and family services to prepare a joint report on the ability of the dental work force to meet dental needs; requiring the department of health and family services to prepare a plan for a comprehensive oral health data collection system; requiring the department of health and family services to report on prior authorization for dental services under medical assistance; and requiring the department of health and family services and the department of regulation and licensing to prepare joint reports on improved access to dental services and dental hygiene services.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 167** be referred to the Joint Committee on **Finance**.

**Senate Bill 212**

Relating to: restrictions on the transmission of unsolicited electronic mail.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 212**?

Adopted.

Senate amendment 2 to **Senate Bill 212** offered by Senator Risser.

The question was: Adoption of Senate amendment 2 to **Senate Bill 212**?

Adopted.

Senate amendment 3 to **Senate Bill 212** offered by Senator Risser.

The question was: Adoption of Senate amendment 3 to **Senate Bill 212**?

Adopted.

Senate amendment 4 to **Senate Bill 212** offered by Senator Huelsman.

Senate amendment 1 to Senate amendment 4 to **Senate Bill 212** offered by Senator Huelsman.

The question was: Adoption of Senate amendment 1 to Senate amendment 4 to **Senate Bill 212**?

Adopted.

The question was: Adoption of Senate amendment 4 to **Senate Bill 212**?

Adopted.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 212**

Read a third time and passed.

**Senate Bill 237**

Relating to: requiring pharmacies to keep patient health care records confidential.

Read a second time.

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 237**.

Senate amendment 1 to **Senate Bill 237** offered by Senator Erpenbach.

The question was: Adoption of Senate amendment 1 to **Senate Bill 237**?

Adopted.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 237**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 25; noes, 8; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Erpenbach, George, Grobschmidt, Hansen, Harsdorf, Jauch, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Shibilski and Wirch – 25.

Noes – Senators Ellis, S. Fitzgerald, Huelsman, Kanavas, A. Lasee, Schultz, Welch and Zien – 8.

Absent or not voting – None.

Passed.

**Senate Bill 275**

Relating to: proposed actions regarding motor vehicle franchises.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 275**

Read a third time and passed.

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**SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS**

**Assembly Bill 142**

Relating to: following snowplows and providing a penalty.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 142**

Read a third time and concurred in.

**Assembly Bill 153**

Relating to: authorizing resident senior citizens to hunt with a crossbow.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 153**

Read a third time and concurred in.

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**MOTIONS MAYBE OFFERED**

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

Senator Ellis moved that **Senate Resolution 8** be withdrawn from committee on **Senate Organization** and take up.

The question was: Shall **Senate Resolution 8** be withdrawn from committee on **Senate Organization** and taken up?

The ayes and noes were required and the vote was: ayes, 6; noes, 27; absent or not voting, 0; as follows:

Ayes – Senators Cowles, Ellis, S. Fitzgerald, George, A. Lasee and Schultz – 6.

Noes – Senators Baumgart, Breske, Burke, Chvala, Darling, Decker, Erpenbach, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, Lazich, M. Meyer, Moen, Moore,

Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Shibilski, Welch, Wirch and Zien – 27.

Absent or not voting – None.

Refused to withdraw from committee on **Senate Organization** and take up.

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Thursday, October 25 at 10:00 A.M..

Adjourned.

3:58 P.M.

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**AMENDMENTS OFFERED**

Senate amendment 2 to **Senate Bill 47** offered by Senators Shibilski and M. Meyer.

Senate amendment 3 to **Senate Bill 47** offered by Senators Shibilski and Moore.

Senate amendment 4 to **Senate Bill 47** offered by Senator S. Fitzgerald.

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**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Bill 279**

Report correctly enrolled on October 19, 2001.





# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

THURSDAY, October 25, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

#### **Senate Joint Resolution 51**

Relating to: honoring and commending the devoted public service of David A. Stella.

By Senators Wirch, Grobschmidt, Ellis, Baumgart, Risser, Rosenzweig, Darling and Burke; cosponsored by Representatives Vrakas, Ladwig, Plale, Krug, Owens, Jeskewitz, Hahn, Petrowski, Underheim and Olsen.

To committee on **Senate Organization**.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### **Senate Bill 293**

Relating to: creating the Wisconsin naval militia and making an appropriation.

By Senators Panzer, Zien, Huelsman, Rosenzweig, Darling, Roessler and Welch; cosponsored by Representatives Townsend, Jensen, Schneider, M. Lehman, Huebsch, Urban, Ott, Ladwig, Gronemus, Kreibich, Olsen, Freese, Owens, Krawczyk, Sykora, Petrowski, Vrakas and Musser.

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

### REPORT OF COMMITTEES

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

ERICKSON, DR. LIEF W., of Burlington, as a member of the Medical Examining Board, to serve for the term ending July 1, 2005.

Confirmation.

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

Noes, 0 – None.

FURNESS, DR. IAN C., of Fond du Lac, as a member of the Podiatrists Affiliated Credentialing Board, to serve for the term ending July 1, 2005.

Confirmation.

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

Noes, 0 – None.

GREER, YVONNE D., of Milwaukee, as a member of the Dietitians Affiliated Credentialing Board, to serve for the interim term ending July 1, 2002, and for the full term ending July 1, 2006.

Confirmation.

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

Noes, 0 – None.

SENTY, PAUL, of Middleton, as a member of the Wisconsin Health and Educational Facilities Authority, to serve for the term ending June 30, 2007.

Confirmation.

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

Noes, 0 – None.

SHERMAN, BRADLEY J., of Madison, as a member of the Athletic Trainers Affiliated Credentialing Board, to serve for the term ending July 1, 2005.

Confirmation.

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

Noes, 0 – None.

WALL, SCOT A., of Cashton, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2005.

Confirmation.

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

Noes, 0 – None.

#### **Senate Bill 250**

Relating to: insurance coverage of prescription medications used to treat diabetes.

Passage.

Ayes, 7 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig and Lazich.

Noes, 2 – Senators Cowles and S. Fitzgerald.

**Senate Bill 267**

Relating to: limiting the approval of operational plans for staffing of ambulances for services authorized to be provided by emergency medical technicians-paramedic.

Introduction and adoption of Senate amendment 1.

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

Passage as amended.

Ayes, 8 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles and S. Fitzgerald.  
Noes, 1 – Senator Lazich.

**Senate Bill 281**

Relating to: eligibility for veterans benefits for those veterans who are involved in Operation Enduring Freedom; the extension or renewal of a license held by a national guard member or member of the U.S. armed forces reserve who is called into active service; college students called to serve in the armed forces; and granting rule-making authority.

Introduction and adoption of Senate amendment 1.

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

Passage as amended.

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

**Senate Bill 283**

Relating to: abating interest otherwise due on income tax returns filed under an extension by members of the armed forces who are participating in that operation.

Passage.

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

Rodney Moen  
Chairperson

The committee on **Senate Organization** reports and recommends:

**Senate Joint Resolution 50**

Relating to: the life and public service of Jerome Meyer.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.  
Noes, 0 – None.

Charles Chvala  
Chairperson

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

**Senate Clearinghouse Rule 01–089**

Relating to the rights of patients to make telephone calls.

Submitted by Department of Health and Family Services.

Report received from Agency, October 23, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, October 25, 2001.

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

**Senate Clearinghouse Rule 01–045**

Relating to the use of force to prevent escapes, pursue and capture escaped persons detained or committed under chapter 980, stats., and to provide security at facilities housing such persons.

No action taken.

Robert Jauch  
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 439**

**Assembly Bill 468**

**Assembly Bill 510**

**Assembly Bill 555**

**Assembly Bill 558**

**Assembly Bill 560**

**Assembly Bill 571**

**Assembly Bill 572**

Concurred in:

Senate substitute amendment 2 to **Assembly Bill 60**.

**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 439**

Relating to: the liability of married persons filing a joint income tax return, the payment of the alternate fuel tax and the tobacco products tax, estate tax imposition and interest, reducing nondelinquent taxes, rounding dollar amounts to whole dollars on all tax returns, allowing a mathematical computation of sales and use taxes, extending the time for filing a tax withholding report, delivering tax-related documents and related payments, granting rule-making authority, and providing a penalty.

By Representatives M. Lehman, Huebsch, Wood, Vrakas, Albers, Powers, Plale, Ainsworth, Gronemus, Sykora, Musser, Plouff, Hahn, Miller and Grothman; cosponsored by Senators M. Meyer, Zien, Wirch and Huelsman.

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

**Assembly Bill 468**

Relating to: adding one representative of the Wisconsin chapter of the Paralyzed Veterans of America to the council on veterans programs.

By Representatives Musser, Turner, Krawczyk, Ryba, Hundertmark, Townsend, Gronemus, Plouff, Suder, Montgomery, Ladwig, La Fave, McCormick, Riley, Jeskewitz, Lippert, Albers, J. Lehman, Vrakas, Starzyk, Underheim, M. Lehman and Wasserman; cosponsored by Senators Burke, Moen, Roessler, Decker, Hansen and Darling, by request of Council on Veterans Programs and Vietnam Veterans of America.

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

**Assembly Bill 510**

Relating to: making technical and policy changes in the tax incremental financing program based on the recommendations of the governor's working group on tax incremental finance and modifying the environmental remediation tax incremental financing program.

By Representatives M. Lehman, Sykora, Musser, Olsen and Ainsworth.

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

**Assembly Bill 555**

Relating to: an income tax and franchise tax credit for training apprentices.

By committee on Labor and Workforce Development.

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

**Assembly Bill 558**

Relating to: eligibility for veterans benefits for those veterans who are involved in Operation Enduring Freedom; the extension or renewal of a license held by a national guard member or member of the U.S. armed forces reserve who is called into active service; college students called to serve in the armed forces; and granting rule-making authority.

By committee on Veterans and Military Affairs.

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

**Assembly Bill 560**

Relating to: abating interest otherwise due on income tax returns filed under an extension by members of the armed forces who are participating in that operation.

By committee on Veterans and Military Affairs.

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

**Assembly Bill 571**

Relating to: the rights of persons who are called into active state service.

By committee on Veterans and Military Affairs.

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

**Assembly Bill 572**

Relating to: reemployment rights after national guard or state defense force service, providing an exemption from emergency rule-making procedures, and granting rule-making authority.

By committee on Veterans and Military Affairs.

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

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**Senate Bill 289** was withdrawn from the committee on **Health, Utilities, Veterans and Military Affairs** and referred to the committee on **Human Services and Aging pursuant to Senate Rule 46 (2)(c)**.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, October 30 at 10:00 A.M..

Adjourned.

10:01 A.M.

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**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Joint Resolution 45**

Deposited in the office of the Secretary of State on October 25, 2001.

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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FRIDAY, October 26, 2001

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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 294**

Relating to: single sales factor apportionment of income for corporate income tax and franchise tax purposes and granting rule–making authority.

By Senators Shibilski, Wirch, Plache, Breske, Grobschmidt, M. Meyer, Moen, Welch, Rosenzweig, A. Lasee, Harsdorf and Schultz; cosponsored by Representatives Gard, Jensen, M. Lehman, Riley, Ziegelbauer, Townsend and Seratti.

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

**Senate Bill 295**

Relating to: funding for the Biostar program.

By Senators Chvala, Robson, Decker, Burke and Grobschmidt; cosponsored by Representatives Lassa, Wieckert, Black, Musser, Wasserman, M. Lehman, Boyle, Shilling, Balow, Colon, Turner, Bock and Ryba.

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

**Senate Bill 296**

Relating to: investment in venture capital investment firms, a grant to a high–technology business development corporation, and making an appropriation.

By Senators Chvala, Robson, Decker and Burke; cosponsored by Representatives Lassa, Wieckert, Black, Musser, Wasserman, M. Lehman, Boyle, Shilling, Balow, Colon, Turner and Ryba.

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

**Senate Bill 297**

Relating to: the rights of persons who are called into active state service and providing penalties.

By Senators Moen, Breske, S. Fitzgerald, Risser, Cowles, Wirch, Hansen, Grobschmidt, Baumgart, Darling, Welch, Schultz, Rosenzweig and Roessler; cosponsored by Representatives Musser, Pocan, Urban, Ryba, Gronemus, Ladwig, Freese, Suder, Turner, Lassa, Gundrum, J. Lehman, Petrowski, Riley, Kreuser, Ott, Sykora, Grothman, Owens, Nass, Colon, Gunderson, Miller, Vrakas, La Fave and Seratti.

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

**Senate Bill 298**

Relating to: reemployment rights after national guard or state defense force service, providing an exemption from emergency rule–making procedures, and granting rule–making authority.

By Senators Moen, Breske, S. Fitzgerald, Risser, Burke, Plache, Wirch, Hansen, Grobschmidt, Darling, Welch, Schultz, Rosenzweig and Roessler; cosponsored by Representatives Musser, Ryba, Nass, Pocan, Gronemus, Ladwig, Freese, Turner, Hahn, Townsend, Gundrum, Lassa, Petrowski, Boyle, Riley, Sykora, Ott, Vrakas, Owens, Colon, Kreuser, La Fave, Albers, Gunderson, Miller and Meyerhofer.

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

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Legislative Audit Bureau**

October 25, 2001

The Honorable, The Legislature:

We have completed an evaluation of the Department of Transportation's bridge inspection program, as requested by the Joint Legislative Audit Committee. In fiscal year 2000–01, the Department spent approximately \$2.2 million in segregated funds to inspect state-owned bridges, including an estimated \$1.2 million to hire consultants from the private sector

The Department's written policies for inspecting the 4,858 state-owned bridges are generally consistent with federal regulations and other national guidelines, and state staff meet federal bridge inspection qualifications. The Department does not, however, adequately monitor bridge inspection costs or value the cost-effectiveness of its use of consultants by comparing their costs to the costs of inspections performed by state staff. It also does not use the most recent data on bridge traffic to measure the condition of state bridges. We have included recommendations to address these concerns.

The Department has increased staff time devoted to bridge inspection. However, we found that from January 2000 through August 2001, 15.9 percent of routine bridge inspections and 8.0 percent of inspections of structurally deficient bridges were not completed within the two-year period required by both state and federal law. Therefore, we have also included a recommendation that the Department ensure inspections are completed in a timely manner.



National bridge experts have determined that the Department could not have foreseen the failure of the Hoan Bridge in Milwaukee in December 2000. We found, however, that the Department had not conducted routine inspections of the bridge as frequently as required by law. The Department estimates that the bridge repair work will cost approximately \$15.8 million.

We appreciate the courtesy and cooperation extended to us by the Department. The Department's response is Appendix 3.

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Joint Legislative Council**

October 25, 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 2001-07 Legislation on Developmental Disabilities  
(2001 Sente Bill 231 and Assembly Bill 473)

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/report\\_by\\_topic.htm](http://www.legis.state.wi.us/lc/report_by_topic.htm).

Sincerely,

TERRY C. ANDERSON  
Director

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

**Senate Clearinghouse Rule 01-094**

Relating to the minimum number of hours to be required in a social worker training certificate internship.

Submitted by Department of Regulation and Licensing.

Report received from Agency, October 25, 2001.

Referred to committee on **Human Services and Aging**, October 26, 2001.

**Senate Clearinghouse Rule 01-095**

Relating to the social worker temporary certificate to conform to a new procedure for computerized examinations.

Submitted by Department of Regulation and Licensing.

Report received from Agency, October 25, 2001.

Referred to committee on **Human Services and Aging**, October 26, 2001.

The committee on **Human Services and Aging** reports and recommends:

**Senate Clearinghouse Rule 01-020**

Relating to supervision of precertification supervised practice of social work.

No action taken.

Judith Robson  
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 157**

**Assembly Bill 280**

**Assembly Bill 488**

**Assembly Bill 507**

**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 157**

Relating to: possession of body armor by persons convicted of or adjudicated delinquent for certain felony offenses and providing a penalty.

By Representatives La Fave, Kaufert, Suder, Bies, Vrakas, Huebsch, Stone, Gronemus, Ziegelbauer, Olsen, Riley, M. Lehman, Ryba, Ladwig, Musser, J. Lehman, Albers, Seratti, Gunderson, Lassa, Plouff, Townsend, Petrowski, Wade and Pettis; cosponsored by Senators Burke, Schultz, Roessler and Darling.

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

**Assembly Bill 280**

Relating to: placing bodily substances in edibles and providing a penalty.

By Representatives F. Lasee, Ryba, Musser, Nass, Wade, Lassa, Krawczyk, Ladwig, Albers, Vrakas, Gunderson, Powers, Ott, Bies, Kreibich and Sykora; cosponsored by Senators Lazich, Darling and A. Lasee.

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

**Assembly Bill 488**

Relating to: placement of a child who is a custodial parent or an expectant mother in a safe and structured living arrangement in which the child is provided with training in parenting skills and other skills to promote the child's long-term economic independence and the well-being of the child's child, grants for the provision of such living arrangements and related services, granting rule-making authority, and making an appropriation.

By Representatives Jeskewitz, Plale, Lippert, Balow, Musser, Owens, Bock, Krawczyk, Turner, Montgomery, Staskunas, Ladwig, Ott, McCormick, Lassa, Plouff, Hundertmark, Olsen, Gunderson, Friske, Riley, Stone, Schooff, Young, Wasserman, Miller, Gronemus, J. Lehman and Petrowski; cosponsored by Senators Burke, Huelsman, Hansen, Plache, Darling, Roessler, Rosenzweig and Risser.

Read first time and referred to committee on **Human Services and Aging**.

**Assembly Bill 507**

Relating to: creating an exemption from the regulation of anhydrous ammonia.

By Representatives Ott, Freese, Ainsworth, Duff, J. Fitzgerald, Hahn, Jeskewitz, Musser, Olsen, Meyerhofer, Ward, Starzyk, Vrakas, Gronemus and Lippert; cosponsored by Senators Hansen, Erpenbach, Harsdorf, Roessler and Cowles.

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



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

TUESDAY, October 30, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The roll was called and the following Senators answered to their names:

Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator Grobschmidt led the Senate in the pledge of allegiance to the flag of the United States of America.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 299

Relating to: increasing the amount appropriated to the state hygiene laboratory.

By Senators M. Meyer, Burke, Hansen, Moen, Robson, Risser, Darling, Rosenzweig, Baumgart, Breske, Roessler and Shibilski; cosponsored by Representatives Huebsch, Rhoades, Shilling, Johnsrud, Krug, Musser, Wasserman, Black, Ott, Sykora, Turner, Lassa, J. Lehman, Townsend, Hahn, Pocan, Schooff, Gronemus, Boyle, Young, Bock, Balow, Jeskewitz, Bies and Plouff.

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

#### Senate Bill 300

Relating to: open enrollment in public schools and granting rule-making authority.

By Senators Rosenzweig, Roessler, Lazich and Darling; cosponsored by Representatives Walker, Ainsworth, Albers, Gunderson, Hahn, Jeskewitz, Krawczyk, Musser, Ott, Staskunas and Stone.

To committee on **Education**.

#### Senate Bill 301

Relating to: failure to pay for gasoline or diesel fuel and suspension of operating privileges after conviction for theft of gasoline or diesel fuel and providing penalties.

By Senators M. Meyer, Breske, Darling, Plache and Roessler; cosponsored by Representatives Montgomery, Nass, Hundertmark, Urban, Ott, Ainsworth, La Fave, Suder, Albers,

Meyerhofer, Ryba, Krawczyk, Hahn, Rhoades, Starzyk, Stone, Ladwig, Grothman and Gronemus.

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

### REPORT OF COMMITTEES

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

#### Senate Bill 297

Relating to: the rights of persons who are called into active state service and providing penalties.

Passage.

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

Noes, 0 – None.

#### Senate Bill 298

Relating to: reemployment rights after national guard or state defense force service, providing an exemption from emergency rule-making procedures, and granting rule-making authority.

Passage.

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

Noes, 0 – None.

Rodney Moen  
Chairperson

The committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform** reports and recommends:

#### Senate Bill 170

Relating to: notification of the state regarding a medical malpractice claim.

Passage.

Ayes, 4 – Senators George, Risser, Wirch and S. Fitzgerald.  
Noes, 1 – Senator Huelsman.

#### Senate Bill 193

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

Introduction and adoption of Senate substitute amendment 1.

Ayes, 4 – Senators George, Risser, Wirch and Huelsman.  
Noes, 1 – Senator S. Fitzgerald.

Passage as amended.

Ayes, 4 – Senators George, Risser, Wirch and Huelsman.  
Noes, 1 – Senator S. Fitzgerald.

Gary George  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Ethics Board**

October 30, 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/>

- Gruber, Richard     **Forward Janesville Inc**
- Hartung, Robert    **Milwaukee Area Technical College**
- Jacobs, Alan        **WEA Insurance Corporation**
- Petersen, Eric J    **Forward Janesville Inc**
- Schumacher-Comello,   **State Medical Society of Wisconsin**
- Walsh, Kenneth     **Wisconsin Teamsters Joint Council 39**

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

Senator Chvala, with unanimous consent, asked that **Senate Joint Resolution 48** be taken up.

**Senate Joint Resolution 48**

Relating to: the life and public service of John Quentin Radcliffe.

Adopted by unanimous rising vote.

Senator Chvala, with unanimous consent asked that all action be immediately messaged to the Assembly.

Senator Chvala, with unanimous consent, asked that **Senate Bill 246** be withdrawn from the committee on **Universities, Housing, and Government Operations** and referred to the joint committee on **Finance**.

Senator Burke, with unanimous consent, asked that **Senate Bill 246** be withdrawn from the joint committee on **Finance** and referred to the committee on **Senate Organization**.

Senator Robson, with unanimous consent, asked that the Senate recess until 12:15 A.M..

10:20 A.M.

**RECESS**

12:15 A.M.

The Senate reconvened.  
Senator Risser in the chair.

**ADVICE AND CONSENT OF THE SENATE**

ERICKSON, DR. LIEF W., of Burlington, as a member of the Medical Examining Board, to serve for the term ending July 1, 2005.

Read.

FURNESS, DR. IAN C., of Fond du Lac, as a member of the Podiatrists Affiliated Credentialing Board, to serve for the term ending July 1, 2005.

Read.

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.

Read.

SHERMAN, BRADLEY J., of Madison, as a member of the Athletic Trainers Affiliated Credentialing Board, to serve for the term ending July 1, 2005.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

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

**Senate Clearinghouse Rule 01–059**

Relating to course descriptions for students applying for social worker training certificates.

Submitted by Department of Regulation and Licensing.

Report received from Agency, October 26, 2001.

Referred to committee on **Human Services and Aging**, October 30, 2001.

**Senate Clearinghouse Rule 01–086**

Relating to the department's comprehensive planning and transportation planning grants to local governmental units.

Submitted by Department of Administration.

Report received from Agency, October 29, 2001.

Referred to committee on **Universities, Housing, and Government Operations**, October 30, 2001.

Senator Roessler, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 560**.

Senator Roessler, with unanimous consent, asked to be added as a coauthor of **Senate Bill 283**.

Senator Rosenzweig, with unanimous consent, asked to be added as a coauthor of **Senate Bill 284**.

Senator Schultz, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 468**.

Senator Schultz, with unanimous consent, asked to be added as a coauthor of **Senate Bill 233**.

Senator Schultz, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 560**.

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 226**.

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 233**.

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 256**.

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 281**.

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 283**.

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 272**.

Senator Moore, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 468**.

Senator Moore, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 509**.

Senator Moore, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 558**.

Senator Moore, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 560**.

Senator Moore, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 238**.

Senator Moore, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 571**.

Senator Moore, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 572**.

Senator Welch, with unanimous consent, asked to be added as a coauthor of **Senate Bill 256**.

Senator Welch, with unanimous consent, asked to be added as a coauthor of **Senate Bill 281**.

Senator Welch, with unanimous consent, asked to be added as a coauthor of **Senate Bill 283**.

Senator Welch, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 468**.

Senator Welch, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 558**.

Senator Welch, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 560**.

Senator Wirch, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 558**.

Senator Wirch, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 560**.

Senator Zien, with unanimous consent, asked to be added as a coauthor of **Senate Bill 226**.

Senator Zien, with unanimous consent, asked to be added as a coauthor of **Senate Bill 283**.

Senator Zien, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 468**.

Senator Zien, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 560**.

**IN THE CHAIR**

Senator George

12:25 P.M.

**MESSAGES FROM THE ASSEMBLY**

By John A. Scocos, chief clerk.

Mr. President:

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

**Assembly Joint Resolution 61**

Concurred in:

**Senate Joint Resolution 48**

**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Joint Resolution 61**

Relating to: the life and public service of John Quentin Radcliffe.

By Representative Gronemus; cosponsored by Senator Moen.

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

**SECOND READING AND AMENDMENTS  
OF SENATE JOINT RESOLUTIONS AND  
SENATE BILLS**

**Senate Joint Resolution 50**

Relating to: the life and public service of Jerome Meyer.

Read.

Adopted.

**Senate Bill 113**

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

Read a second time.

Senate amendment 1 to **Senate Bill 113** offered by Senators Decker and Welch.

Senate amendment 2 to **Senate Bill 113** offered by Senators Decker, Welch and Zien.

Senate amendment 3 to **Senate Bill 113** offered by Senator Risser.

Senator Risser, with unanimous consent, asked that Senate amendment 3 to **Senate Bill 113** be taken up.

The question was: Adoption of Senate amendment 3 to **Senate Bill 113**?

Adopted.

Senator Risser moved rejection of Senate amendment 1 to **Senate Bill 113**.

The question was: Rejection of Senate amendment 1 to **Senate Bill 113**?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 19; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Burke, Chvala, George, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Rosenzweig and Wirch – 14.

Noes – Senators Breske, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grobschmidt, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Schultz, Shibilski, Welch and Zien – 19.

Absent or not voting – None.

Rejection refused.

The question was: Adoption of Senate amendment 1 to **Senate Bill 113**?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes – Senators Breske, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, Panzer, Plache, Roessler, Shibilski, Welch and Zien – 21.

Noes – Senators Baumgart, Burke, Chvala, George, M. Meyer, Moen, Moore, Risser, Robson, Rosenzweig, Schultz and Wirch – 12.



Absent or not voting – None.

Adopted.

Senator Risser moved rejection of Senate amendment 2 to **Senate Bill 113**.

The question was: Rejection of Senate amendment 2 to **Senate Bill 113**?

The ayes and noes were demanded and the vote was: ayes, 16; noes, 17; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Burke, Chvala, Erpenbach, George, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Rosenzweig, Schultz and Wirch – 16.

Noes – Senators Breske, Cowles, Darling, Decker, Ellis, S. Fitzgerald, Grobschmidt, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Shibilski, Welch and Zien – 17.

Absent or not voting – None.

Rejection refused.

The question was: Adoption of Senate amendment 2 to **Senate Bill 113**?

The ayes and noes weredemanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes – Senators Breske, Cowles, Darling, Decker, Ellis, S. Fitzgerald, Grobschmidt, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Shibilski, Welch and Zien – 17.

Noes – Senators Baumgart, Burke, Chvala, Erpenbach, George, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Rosenzweig, Schultz and Wirch – 16.

Absent or not voting – None.

Adopted.

Senate amendment 4 to **Senate Bill 113** offered by Senator Shibilski.

Senator Shibilski, with unanimous consent, asked that Senate amendment 4 to **Senate Bill 113** be withdrawn and returned to author.

Senate amendment 5 to **Senate Bill 113** offered by Senator Shibilski.

Senator Risser moved rejection of Senate amendment 5 to **Senate Bill 113**.

The question was: Rejection of Senate amendment 5 to **Senate Bill 113**?

The ayes and noes weredemanded and the vote was: ayes, 15; noes, 18; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Burke, Chvala, Erpenbach, George, Hansen, Jauch, M. Meyer, Moen, Plache, Risser, Robson, Rosenzweig, Schultz and Wirch – 15.

Noes – Senators Breske, Cowles, Darling, Decker, Ellis, S. Fitzgerald, Grobschmidt, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Moore, Panzer, Roessler, Shibilski, Welch and Zien – 18.

Absent or not voting – None.

Rejection refused.

The question was: Adoption of Senate amendment 5 to **Senate Bill 113**?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Breske, Cowles, Darling, Decker, Ellis, S. Fitzgerald, Grobschmidt, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Moore, Panzer, Roessler, Shibilski, Welch and Zien – 18.

Noes – Senators Baumgart, Burke, Chvala, Erpenbach, George, Hansen, Jauch, M. Meyer, Moen, Plache, Risser, Robson, Rosenzweig, Schultz and Wirch – 15.

Absent or not voting – None.

Adopted.

Senate amendment 6 to **Senate Bill 113** offered by Senator Welch.

Senator Risser moved rejection of Senate amendment 6 to **Senate Bill 113**.

The question was: Rejection of Senate amendment 6 to **Senate Bill 113**?

Rejection refused.

The question was: Adoption of Senate amendment 6 to **Senate Bill 113**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 113**

Read a third time.

The ayes and noes weredemanded and the vote was: ayes, 16; noes, 17; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Burke, Chvala, Erpenbach, George, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Rosenzweig, Schultz and Wirch – 16.

Noes – Senators Breske, Cowles, Darling, Decker, Ellis, S. Fitzgerald, Grobschmidt, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Shibilski, Welch and Zien – 17.

Absent or not voting – None.

Refused passage.

**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.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 118**

Read a third time and passed.

**Senate Bill 178**

Relating to: administering drugs to pupils in compliance with instructions of practitioners.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 178**

Read a third time and passed.

**Senate Bill 193**

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

Read a second time.

Senator Chvala, with unanimous consent, asked that **Senate Bill 193** be placed at the foot of the 11th order of business on the calendar of October 30, 2001.

**Senate Bill 226**

Relating to: adding one representative of the Wisconsin chapter of the Paralyzed Veterans of America to the council on veterans programs.

Read a second time.

Senator Chvala, with unanimous consent, asked that **Senate Bill 226** be laid on the table.

Senator Chvala, with unanimous consent, asked that **Assembly Bill 468** be withdrawn from the committee on **Health, Utilities, Veterans and Military Affairs** and taken up.

**Assembly Bill 468**

Relating to: adding one representative of the Wisconsin chapter of the Paralyzed Veterans of America to the council on veterans programs.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 468**

Read a third time and concurred in.

**Senate Bill 232**

Relating to: authorizing the department of workforce development to order a person who discriminates in promotion, compensation, or in terms, conditions, or privileges of employment on the basis of sex, race, color, national origin, or ancestry to pay compensatory and punitive damages and an assessment, directing the secretary of workforce development to appoint a committee to study wage disparities between men and women and between minority group members and nonminority group members, and making an appropriation.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 232** be referred to the Joint Committee on **Finance**.

**Senate Bill 233**

Relating to: prohibiting construction of a new highway through a veterans cemetery.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 233**

Read a third time and passed.

**Senate Bill 256**

Relating to: national guard tuition grants and making an appropriation.

Read a second time.

Senator Chvala, with unanimous consent, asked that **Senate Bill 256** be referred to the Joint Committee on **Finance**.

Senator Chvala, with unanimous consent, asked that **Assembly Bill 509** be withdrawn from the committee on **Health, Utilities, Veterans and Military Affairs** and referred to the joint committee on **Finance**.

**Senate Bill 260**

Relating to: the sales tax imposed on the sale of mobile telecommunications services.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 260** be referred to the Joint Committee on **Finance**.

**Senate Bill 267**

Relating to: limiting the approval of operational plans for staffing of ambulances for services authorized to be provided by emergency medical technicians-paramedic.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 267**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 267**

Read a third time and passed.

**Senate Bill 272**

Relating to: a community youth grant to the Wisconsin chapters of the Boys and Girls Clubs of America and making an appropriation.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 272** be referred to the Joint Committee on **Finance**.

**Senate Bill 281**

Relating to: eligibility for veterans benefits for those veterans who are involved in Operation Enduring Freedom; the extension or renewal of a license held by a national guard member or member of the U.S. armed forces reserve who is called into active service; college students called to serve in the armed forces; and granting rule-making authority.

Read a second time.

Senator Chvala, with unanimous consent, asked that **Senate Bill 281** be laid on the table.

Senator Chvala, with unanimous consent, asked that **Assembly Bill 558** be withdrawn from the committee on **Health, Utilities, Veterans and Military Affairs** and taken up.

**Assembly Bill 558**

Relating to: eligibility for veterans benefits for those veterans who are involved in Operation Enduring Freedom; the extension or renewal of a license held by a national guard member or member of the U.S. armed forces reserve who is called into active service; college students called to serve in the armed forces; and granting rule-making authority.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 558**

Read a third time and concurred in.

**Senate Bill 283**

Relating to: abating interest otherwise due on income tax returns filed under an extension by members of the armed forces who are participating in that operation.

Read a second time.

Senator Chvala, with unanimous consent, asked that **Senate Bill 283** be laid on the table.

Senator Chvala, with unanimous consent, asked that **Assembly Bill 560** be withdrawn from the committee on **Health, Utilities, Veterans and Military Affairs** and taken up.

**Assembly Bill 560**

Relating to: abating interest otherwise due on income tax returns filed under an extension by members of the armed forces who are participating in that operation.

Read a second time.

Senator Shibilski, with unanimous consent, asked to be added as a coauthor of **Senate Bill 232**.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 560**

Read a third time and concurred in.

**IN THE CHAIR**

Senator Risser

1:55 P.M.

**Senate Bill 193**

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

Read a second time.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 193** offered by Senator George.

Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 193** offered by Senator George.

Senator George, with unanimous consent, asked that Senate substitute amendment 1 to **Senate Bill 193** be laid on the table.

Senate substitute amendment 2 to **Senate Bill 193** offered by Senator Huelsman.

Senator George moved rejection of Senate substitute amendment 2 to **Senate Bill 193**.

The question was: Rejection of Senate substitute amendment 2 to **Senate Bill 193**?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, Lazich, M. Meyer, Moen, Moore, Plache, Risser, Robson and Wirch – 18.

Noes – Senators Cowles, Darling, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Panzer, Roessler, Rosenzweig, Schultz, Shibilski, Welch and Zien – 14.

Absent or not voting – Senator Ellis – 1.

Rejected.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 193**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Jauch, Lazich, M. Meyer, Moen, Moore, Plache, Risser, Robson and Wirch – 17.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Hansen, Harsdorf, Huelsman, Kanavas, A. Lasee, Panzer, Roessler, Rosenzweig, Schultz, Shibilski, Welch and Zien – 16.

Absent or not voting – None.

Passed.

**SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS**

**Assembly Bill 135**

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

Read a second time.

Senator Burke, with unanimous consent, asked that **Assembly Bill 135** be referred to the Joint Committee on **Finance**.

Senator Burke, with unanimous consent, asked that the rules be suspended and that **Assembly Bill 135** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 135**

Read a third time and concurred in.

**Assembly Bill 238**

Relating to: designating and observing Prisoners of War Remembrance Day.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 238**

Read a third time and concurred in.

Senator Wirch, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 238**.

Senator Zien, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 238**.

Senator Welch, Panzer, Hansen, Kanavas, Moen and Robson, with unanimous consent, asked to be made cosponsors of **Assembly Bill 238**.

Senator Chvala, with unanimous consent, asked that **Assembly Bill 571** be withdrawn from the committee on **Health, Utilities, Veterans and Military Affairs** and taken up.

**Assembly Bill 571**

Relating to: the rights of persons who are called into active state service.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 571**

Read a third time and concurred in.

Senator Chvala, with unanimous consent, asked that **Assembly Bill 572** be withdrawn from the committee on **Health, Utilities, Veterans and Military Affairs** and taken up.

**Assembly Bill 572**

Relating to: reemployment rights after national guard or state defense force service, providing an exemption from emergency rule-making procedures, and granting rule-making authority.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 572**

Read a third time and concurred in.

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**MOTIONS MAYBE OFFERED**

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

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**ANNOUNCEMENTS, ADJOURNMENT  
HONORS, AND REMARKS UNDER  
SPECIAL PRIVILEGE**

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Ami-Machi Mayor Koji Kawata and the citizens of Ami-Machi Japan, for their generous donation of \$3,500 to the City of Superior fund benefiting firefighters, police officers and victims of the terrorist attacks on New York City and Washington D.C.

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Aoino-Kai construction group union, the Ami International Exchange Association, the Kokusai Noen International Farm Group, Staff at the Ami Town Hall, Ami Town Council, the Ami Rotary Club, and the Ami Lions Club for their contributions to the fund.

Senator Meyer, with unanimous consent, asked that when the Senate adjourn, it do so in memory of Angela L. O'Bryant and express our sorrow to her son Sam, her stepsons Peter and John and her husband Jerry at her death.

Senator Hansen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his mother Clare Hansen who will celebrate her 86th birthday on Saturday.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her great aunt Marcella Totzaurer who will celebrate her 96th birthday on Wednesday.

Senator Zien, with unanimous consent, asked that when the Senate adjourn, it do so in honor of all those POW's and MIA's in the state and country especially John L. Thompson a WWII POW who will be honored at 9:00 A.M. on Saturday, November 11, 2001, at the Highgrounds Veterans' Memorial Park, Neillsville

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Wednesday, October 31 at 4:00 P.M..

Adjourned.

2:36 P.M.





# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

4:00 P.M.

WEDNESDAY, October 31, 2001

The Senate met.

The Senate was called to order by Senator Charles Chvala.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 302

Relating to: the name of the division for libraries and community learning in the department of public instruction and the definition of minority group (suggested as remedial legislation by the department of public instruction).

By Law Revision Committee.

To committee on **Education**.

#### Senate Bill 303

Relating to: a temporary emergency unemployment insurance program and requiring the exercise of rule–making authority.

By Senators Jauch, Hansen, Wirch, Baumgart, Burke, Plache, Breske, M. Meyer, Moore and Risser; cosponsored by Representatives Hundertmark, Staskunas, Sherman, Boyle, Turner, McCormick, Meyerhofer and Sinicki.

To committee on **Labor and Agriculture**.

#### Senate Bill 304

Relating to: the definition of agricultural land for property tax purposes and the penalty for converting agricultural land.

By Senators Decker, Jauch and Grobschmidt; cosponsored by Representatives Krug, Reynolds, Coggs, Black, Kreuser, Miller, Huber and La Fave.

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

#### Senate Bill 305

Relating to: licensing of physical therapists and physical therapist assistants and granting rule–making authority.

By Senators Burke, Darling, Erpenbach, Grobschmidt, Hansen, Huelsman, Risser, Rosenzweig and Welch; cosponsored by Representatives Gard, Ward, Montgomery, Krawczyk, Ainsworth, Berceau, Black, Carpenter, Hahn, Hoven, Huber, Huebsch, Johnsrud, J. Lehman, Musser, Ott, Plale, Riley, Sykora and Townsend.

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

### REPORT OF COMMITTEES

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

#### Senate Bill 295

Relating to: funding for the Biostar program.

Passage.

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

Noes, 0 – None.

#### Senate Bill 296

Relating to: investment in venture capital investment firms, a grant to a high–technology business development corporation, and making an appropriation.

Passage.

Ayes, 2 – Senators Jauch and M. Meyer.

Noes, 1 – Senator Zien.

Robert Jauch  
Chairperson

The committee on **Education** reports and recommends:

#### Senate Bill 224

Relating to: determination of annual salaries for the director and the executive assistant of the Wisconsin Technical College System.

Introduction and adoption of Senate amendment 1.

Ayes, 10 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Roessler, Darling, Harsdorf and Kanavas.

Noes, 1 – Senator Lazich.

Passage as amended.

Ayes, 10 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Roessler, Darling, Harsdorf and Kanavas.

Noes, 1 – Senator Lazich.

#### Senate Bill 261

Relating to: increasing a school district’s revenue limit for heating costs.

Passage.

Ayes, 6 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson and Erpenbach.

Noes, 5 – Senators Roessler, Darling, Lazich, Harsdorf and Kanavas.

Richard Grobschmidt  
Chairperson

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

**Senate Bill 271**

Relating to: environmental regulation of mining and notice to transferees of interests in mining sites.

Introduction and adoption of Senate substitute amendment 1.

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

Noes, 0 – None.

Passage as amended.

Ayes, 4 – Senators Baumgart, Hansen, Wirch and Cowles.  
Noes, 1 – Senator Schultz.

Jim Baumgart  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

October 20, 2001

The Honorable, The Senate:

Through an omission by my office Senator Richard Grobschmidt failed to be listed as a coauthor of **Senate Bill 256**.

Please add Senator Grobschmidt as a coauthor.

Sincerely,

KEVIN SHIBILSKI  
State Senator

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

**Senate Clearinghouse Rule 01-042**

Relating to meat and meat food products.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, October 30, 2001.

Referred to committee on **Labor and Agriculture**, October 31, 2001.

**Senate Clearinghouse Rule 01-097**

Relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by Department of Transportation.

Report received from Agency, October 31, 2001.

Referred to committee on **Insurance, Tourism, and Transportation**, October 31, 2001.

**Senate Clearinghouse Rule 01-099**

Relating to aid to families with dependent children.

Submitted by Department of Workforce Development .

Report received from Agency, October 31, 2001.

Referred to committee on **Human Services and Aging**, October 31, 2001.

**State of Wisconsin  
Revisor of Statutes Bureau**

November 1, 2001

To the Honorable, the Senate:

The following rules have been published:

<b>Clearinghouse Rules</b>	<b>Effective Date(s)</b>
<b>00-111</b>	November 1, 2001
<b>00-133</b>	November 1, 2001
<b>00-182</b>	November 1, 2001
<b>01- 2</b>	November 1, 2001
<b>01-8 (part)</b>	November 1, 2001
<b>01-8 (part)</b>	January 1, 2002
<b>01-8 (part)</b>	April 1, 2002
<b>01- 14</b>	November 1, 2001
<b>01- 21</b>	November 1, 2001
<b>01- 31</b>	November 1, 2001
<b>01- 32</b>	November 1, 2001
<b>01- 33</b>	November 1, 2001
<b>01- 36</b>	November 1, 2001
<b>01- 43</b>	November 1, 2001
<b>01- 46</b>	November 1, 2001
<b>01- 49</b>	November 1, 2001
<b>01- 50</b>	November 1, 2001

Sincerely,  
GARY L. POULSON  
Deputy Revisor

**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 199**

**Assembly Bill 576**

**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 199**

Relating to: vehicle owner liability for violations of certain traffic laws relating to railroad crossings and providing penalties.

By Representatives Hahn, Wade, Skindrud, Gronemus, Powers, Nass, Urban, Stone, Owens, Musser, Vrakas, Townsend, Berceau and Sykora; cosponsored by Senators Darling, Huelsman, Cowles and Schultz.

Read first time and referred to committee on **Insurance, Tourism, and Transportation**.

**Assembly Bill 576**

Relating to: an airline loan guarantee program and making an appropriation.

By Representatives Stone, Plale, Vrakas, Kaufert, Jensen, Sykora, Meyerhofer, Starzyk, Ladwig, Duff, Turner, Krawczyk, Owens, Walker, Urban, McCormick, Musser, Ott, Jeskewitz, Petrowski, Ryba and Bies; cosponsored by Senators Grobschmidt, Rosenzweig, Panzer, Darling, Roessler and Welch, by request of Governor Scott McCallum.

Read first time and referred to committee on **Insurance, Tourism, and Transportation**.

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Senator Chvala, with unanimous consent, asked that **Senate Bill 295** be withdrawn from the committee on **Senate Organization** and referred to the joint committee on **Finance**.

Senator Chvala, with unanimous consent, asked that **Senate Bill 296** be withdrawn from the committee on **Senate Organization** and referred to the joint committee on **Finance**.

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Thursday, November 1 at 10:00 A.M..

Adjourned.

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**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**2001 ASSEMBLY JOINT RESOLUTION 61**

Prepared by the Legislative Reference Bureau  
(October 30, 2001)

**19.** Page 2, line 14: delete  
“*assemblyassembly senate*” and substitute  
“*assembly, the senate*”.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

THURSDAY, November 1, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### REPORT OF COMMITTEES

The committee on **Universities, Housing, and Government Operations** reports and recommends:

#### Assembly Bill 368

Relating to: the authority of cities, villages, towns, and counties to regulate amateur radio antennas and antenna support structures.

Concurrence.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

#### Assembly Bill 512

Relating to: repealing, consolidating, renumbering, amending and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities and obsolete provisions, reconciling conflicts and repelling unintended repeals (Revisor's Correction Bill).

Concurrence.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

#### Assembly Bill 513

Relating to: repealing, consolidating, renumbering, amending and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities and obsolete provisions, reconciling conflicts, and repelling unintended repeals (Revisor's Correction Bill).

Concurrence.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

#### Assembly Bill 514

Relating to: reconciling conflicts and repelling unintended repeals (Revisor's Correction Bill).

Concurrence.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

CHANDLER, RICHARD G., of Madison, as Secretary of the Department of Revenue, to serve for the term ending at the pleasure of the Governor.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

FIEDLER, SHARON R., of Neenah, as a member of the Real Estate Appraisers Board, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

FRANKLIN, LAMARR J., of Glendale, as a member of the Real Estate Appraisers Board, to serve for the term ending May 1, 2005.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

HAERING, ARNO WM., of Wausau, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the interim term ending July 1, 2004.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

HANSON, MARTIN J., of Eau Claire, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2005.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

KOWBEL, MARK P., of Racine, as a member of the Real Estate Appraisers Board, to serve for the interim term ending May 1, 2004.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.



OTTO, JAMES G., of Hubertus, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2005.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

### Senate Bill 173

Relating to: a child care worker loan repayment assistance program; a child care career education scholarship program, granting rule-making authority, and making appropriations.

Passage.

Ayes, 4 – Senators M. Meyer, Moore, Grobschmidt and Hansen.

Noes, 3 – Senators Ellis, Huelsman and Zien.

### Senate Bill 175

Relating to: appointment of students to the board of regents of the University of Wisconsin System.

Passage.

Ayes, 4 – Senators M. Meyer, Moore, Grobschmidt and Hansen.

Noes, 3 – Senators Ellis, Huelsman and Zien.

### Senate Bill 239

Relating to: the valuation of a state employee's accumulated sick leave credits for the payment of health insurance premiums under a group health insurance program administered by the group insurance board.

Passage.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

### Senate Bill 247

Relating to: the membership of the child abuse and neglect prevention board.

Passage.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

### Senate Bill 265

Relating to: creating a nonrefundable individual income and corporate income and franchise tax credit for contributions to the artistic endowment fund.

Passage.

Ayes, 6 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Huelsman and Zien.

Noes, 1 – Senator Ellis.

### Senate Joint Resolution 46

Relating to: commending Dr. James Thomson and his research team, the University of Wisconsin-Madison, and the Wisconsin Alumni Research Foundation for their pioneering work in embryonic stem cell research and asking the federal government to designate the University of Wisconsin-Madison

as a National Center of Excellence for Embryonic Stem Cell Research.

Adoption.

Ayes, 5 – Senators M. Meyer, Moore, Grobschmidt, Hansen and Huelsman.

Noes, 2 – Senators Ellis and Zien.

Mark Meyer  
Chairperson

## ANNOUNCEMENTS, ADJOURNMENT HONORS, AND REMARKS UNDER SPECIAL PRIVILEGE

Senator Risser, with unanimous consent, asked that when the Senate adjourn today it do so in honor of our guests from the Ukraine Government; Vyacheslav Koval, Viktor S. Omelich, Olexandr Syekun, and Volodymyr Pigenko.

## ADJOURNMENT

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, November 6 at 10:00 A.m..

Adjourned.

10:01 A.M.

## MOTIONS UNDER SENATE RULE 98 AND JOINT RULE 7

### *for the Month of October 2001*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Burke, for Joseph Alioto, on the occasion of being named "Person of the Year" by the Wisconsin Chapter of the Justinian Society of Lawyers.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for the Assumption Greek Orthodox Church, on the occasion of celebrating its 50th Anniversary.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Kari Behling, on the occasion of earning and attaining the 4-H Key Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator George, for Beloit Branch of the National Association for the Advancement of Colored People, on the occasion of its Annual Freedom Fund Dinner.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Burke, for Dick Bennett, on the occasion of being named "Person of the Year" by the Wisconsin Chapter of the Justinian Society of Lawyers.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Aaron Beversdorf, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for T. Michael Bolger, on the occasion of being named 2001 "Ben Franklin Award Nominee" by the Milwaukee Public Library Foundation.*

*A certificate of condolence by the Wisconsin Senate on the motion of Senator George, for the family and friends of Rudolfo "Rudy" Borrego, on the occasion of celebrating his life with them.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Joshua R. Briggs, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of condolence by the Wisconsin Senate on the motion of Senator George, for the family and friends of Roger Bright, on the occasion of celebrating with them his life.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Children's Health Care Access Day, on the occasion of working hard to have access to quality health care for all Wisconsin children and families.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Harsdorf, for Ms. Kristen Cooper, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Burke, for Michael Cudahy, on the occasion of receiving the American Jewish Committee's Institute of Human Relations Award for 2001.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Nick Drewsen, on the occasion of earning and attaining the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Michael Duhn, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Byron Eddy, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Scott Ekern, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator George, for Pastor Joseph W. Ellwanger, on the occasion of his distinguished faithful service to his community.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator George, for Joyce Ellwanger, on the occasion of her distinguished faithful service to her community.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Burke, for John Fiorenza, on the occasion of being named "Person of the Year" by the Wisconsin Chapter of the Justinian Society of Lawyers.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Peter Flood, on the occasion of earning and attaining the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Erpenbach, for Christopher Gobeli, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Cassandra Guenterberg, on the occasion of earning and attaining the 4-H Key Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Burke, for Margarite Garcia-Guerrero, on the occasion of receiving the Hispanic Women of the Year Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Margarite Garcia-Guerrero, on the occasion of her distinguished and outstanding service to the community, City of Milwaukee and the State of Wisconsin.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lasee, for Benjamin Herland, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Lloyd A. Holterman, on the occasion of deserving of the University of Wisconsin-Madison College of Agriculture and Life Science Honorary Recognition for 2001.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lasee, for Steven Hurley, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Burke, for Clarence Izard, on the occasion of celebrating his 100th Birthday shared with family and friends.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for James R. Jeske, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of condolence by the Wisconsin Senate on the motion of Senator George, for the family and friends of Al Jolly, on the occasion of celebrating with them his life.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Burke, for Marilyn Jones, on the occasion of receiving the Hispanic Youth of the Year Award from the United Migrant Opportunity Services Inc.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator George, for Ms. Marilyn Jones, on the occasion of outstanding and distinguished service to the community, city of Milwaukee and the State of Wisconsin.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Justin Kaney, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Jacob Daniel Karlen, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Michael Kruis, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Brandon Kurth, on the occasion of earning and attaining the 4-H Key Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Harsdorf, for Mr. Jacob Robert Lee, on the occasion of earning and attaining the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Burke, for Luis Lopez, on the occasion of receiving the Hispanic Man of the Year Award from the United Migrant Opportunity Services Inc.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator George, for Mr. Luis R. Lopez, on the occasion of outstanding and distinguished service to the community, city of Milwaukee and the State of Wisconsin.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for David Lutzewitz, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Schultz, for Joan Woodman Orton McCollum, on the occasion of celebrating her 90th Birthday shared with family and friends.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Huelsman, for Paul S. Meyer, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Matthew Michels, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Burke, for Jose, Sara, Cynthia and Cassandra Morales, on the occasion of receiving*

*the Hispanic Family of the Year Award from the United Migrant Opportunity Services Inc.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Mr. and Mrs. Joe Morales and family, on the occasion of outstanding and distinguished service to the community, city of Milwaukee and the State of Wisconsin.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grobschmidt, for W. Martin "Wally" Morics, on the occasion of being honored by the South Side Business Club as "Man of the Year" for 2001.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for the honorable Mr. Kweisi Mfume, on the occasion of his distinguished and outstanding service to the community of Milwaukee and the State of Wisconsin.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Cowles, for Oconto County, on the occasion of celebrating their Sesquicentennial Celebration.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Burke, for Ken Opin, on the occasion of his retirement from public advocacy after 20 years.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator George, for Ozaukee County Branch of the National Association for the Advancement of Colored People, on the occasion of its Eleventh Annual Freedom Fund Dinner.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Stella Papachristous, on the occasion of 10 years of dedicated service to the Annunciation Greek Orthodox Church as choir director.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Jill and Jack Pelisek, on the occasion of their unwavering commitment to the city of Milwaukee.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Pickett Community*

*Senior Center, on the occasion of its accreditation by the Wisconsin Association of Senior Centers.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Brian Powers, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator George, for Racine Branch of the National Association for the Advancement of Colored People, on the occasion of its Annual Freedom Fund Dinner.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Schultz, for the Sauk County Development Corporation, on the occasion of celebrating its 25th anniversary.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Mr. Paul Spraggins Jr., on the occasion of his dedicated service to the Waukesha Branch of the NAACP.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lasee, for Nathan Tellstrom, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Mr. Mike Umberger and his five students Emma Glanzer, Anna Hitchman, Riley Koval, Lily Smith and Erica Wiener of Mt. Horeb, on the occasion of receiving the 1st place award in the Scholastic Book Fair Award for the book they wrote and illustrated together "One Day in the Life of Bubblegum".*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for the Umos Latina Resources Center, on the occasion of its Open House Celebration.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Jon E. Vice, on the occasion of on his commitment to the Children's Health Systems, Inc.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Janelle Wiebelhaus, on the occasion of earning and attaining the 4-H Key Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Simon Wolff, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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FRIDAY, November 2, 2001

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

**REPORT OF COMMITTEES**

The committee on **Labor and Agriculture** reports and recommends:

**Assembly Bill 507**

Relating to: creating an exemption from the regulation of anhydrous ammonia.

Concurrence.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.

Noes, 0 – None.

**Senate Bill 303**

Relating to: a temporary emergency unemployment insurance program and requiring the exercise of rule-making authority.

Passage.

Ayes, 4 – Senators Hansen, Decker, Baumgart and A. Lasee.

Noes, 1 – Senator Harsdorf.

David Hansen  
Chairperson

The committee on **Senate Organization** reports and recommends:

**Senate Joint Resolution 42**

Relating to: the life and public service of Jane Pettit.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

**Senate Joint Resolution 51**

Relating to: honoring and commending the devoted public service of David A. Stella.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

Charles Chvala  
Chairperson





# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

TUESDAY, November 6, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The roll was called and the following Senators answered to their names:

Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for the prayer which was offered by Pastor Randy King of Wyldewood Baptist Church in Oshkosh..

The Senate remained standing and Senator Roessler led the Senate in the pledge of allegiance to the flag of the United States of America.

A musical selection was performed by Ehtan King, Philip Hammond, Philip Clayton and Daniel Clayton, a quartet of young men from the Wyldewood Christian School in Oshkosh. These young men have won 3 consecutive Christian school state competitions as well as 3 first place standings in the Accelerated Christian Education national competition.

### INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

#### Senate Resolution 9

Relating to: the bravery and public service of Stanley Stefanowski.

By Senators Lazich, Grobschmidt, Burke, Darling, Roessler, Rosenzweig, Schultz and Welch.

To committee on **Senate Organization**.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 306

Relating to: donated dental services and making an appropriation.

By Senators Roessler, Hansen and Baumgart; cosponsored by Representatives Krawczyk, Krug, Vrakas, Bock, Owens, McCormick, Miller, Balow, Gronemus, Jeskewitz, Lassa, M.

Lehman, Petrowski, Richards, Staskunas, Sykora, Wasserman, Young and Lippert.

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

#### Senate Bill 307

Relating to: the possession of wild animals and their carcass parts; farm–raised deer; farm–raised game birds; animal health and animal markets, dealers, and truckers; participation in the national poultry improvement plan; taking, removing, selling, and transporting certain wild plants; granting rule–making authority; making appropriations; and providing penalties.

By Senators Moen, Schultz, Burke, Darling, Hansen and Wirch; cosponsored by Representatives Johnsrud, Ott, Musser, Gunderson, Miller, Shilling, Albers, J. Lehman, Pettis, Nass, M. Lehman, Townsend, Freese, Hahn, Loeffelholz, Krawczyk, Sykora, D. Meyer and Kedzie.

To committee on **Environmental Resources**.

Senator Chvala, with unanimous consent, asked that **Senate Joint Resolution 51** be taken up.

#### Senate Joint Resolution 51

Relating to: honoring and commending the devoted public service of David A. Stella.

Read.

Senator Lazich, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 51**.

Adopted.

#### Senate Bill 308

Relating to: authorizing claims under the school property tax rent credit for property taxes paid in the year before the year in which they are due and authorizing such claims, for property taxes paid, for the year to which the taxes relate.

By Senators Harsdorf, Schultz, Huelsman, Roessler, Darling and Lazich; cosponsored by Representatives Stone, Ziegelbauer, J. Fitzgerald, Kestell, Meyerhofer, Black, Musser, Sykora, Carpenter, Ainsworth, Ryba, Ladwig, Gundrum, Pettis, Duff, Seratti, Gunderson, Grothman, Krawczyk, D. Meyer, Staskunas, Gard, Loeffelholz, Lippert, Plale, Ott, Nass, Jeskewitz, Vrakas, Petrowski, McCormick, Kedzie, Hahn, Leibham, Townsend and Huber.

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

#### Senate Bill 309

Relating to: one day of rest in 7 for a person who is employed exclusively in the production of pasteurized cheese products that have expiration dates that are not less than 60 days after the date on which the products were packaged.

By Senators Hansen, Baumgart, Burke, Decker, Plache, Risser and Wirch; cosponsored by Representatives Gunderson, Balow, Lassa, J. Lehman and Meyerhofer.

To committee on **Labor and Agriculture**.

## REPORT OF COMMITTEES

The joint committee on **Finance** reports and recommends:

### Assembly Bill 509

Relating to: national guard tuition grants and making an appropriation.

Concurrence.

Ayes, 15 – Senators Burke, Decker, Moore, Plache, Wirch, Darling and Rosenzweig. Representatives Gard, Kaufert, Albers, Duff, Ward, Huebsch, Huber and Coggs.

Noes, 0 – None.

### Senate Bill 256

Relating to: national guard tuition grants and making an appropriation.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 15 – Senators Burke, Decker, Moore, Plache, Wirch, Darling and Rosenzweig. Representatives Gard, Kaufert, Albers, Duff, Ward, Huebsch, Huber and Coggs.

Noes, 0 – None.

Passage as amended.

Ayes, 16 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirch, Darling and Rosenzweig. Representatives Gard, Kaufert, Albers, Duff, Ward, Huebsch, Huber and Coggs.

Noes, 0 – None.

### Senate Bill 260

Relating to: the sales tax imposed on the sale of mobile telecommunications services.

Introduction and adoption of Senate amendment 1.

Ayes, 16 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirch, Darling and Rosenzweig. Representatives Gard, Kaufert, Albers, Duff, Ward, Huebsch, Huber and Coggs.

Noes, 0 – None.

Passage as amended.

Ayes, 16 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirch, Darling and Rosenzweig. Representatives Gard, Kaufert, Albers, Duff, Ward, Huebsch, Huber and Coggs.

Noes, 0 – None.

### Senate Bill 272

Relating to: a community youth grant to the Wisconsin chapters of the Boys and Girls Clubs of America and making an appropriation.

Senate amendment 1 adoption.

Ayes, 15 – Senators Burke, Moore, Shibilski, Plache, Wirch, Darling and Rosenzweig. Representatives Gard, Kaufert, Albers, Duff, Ward, Huebsch, Huber and Coggs.

Noes, 1 – Senator Decker.

Passage as amended.

Ayes, 14 – Senators Burke, Moore, Shibilski, Plache, Wirch, Darling and Rosenzweig. Representatives Gard, Kaufert, Albers, Duff, Huebsch, Huber and Coggs.

Noes, 2 – Senator Decker. Representative Ward.

### Senate Bill 295

Relating to: funding for the Biostar program.

Passage and without recommendation.

Ayes, 8 – Senators Burke, Decker, Moore, Shibilski, Plache and Wirch. Representatives Huber and Coggs.

Noes, 8 – Senators Darling and Rosenzweig. Representatives Gard, Kaufert, Albers, Duff, Ward and Huebsch.

### Senate Bill 296

Relating to: investment in venture capital investment firms, a grant to a high-technology business development corporation, and making an appropriation.

Introduction and adoption of Senate amendment 1.

Ayes, 15 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirch, Darling and Rosenzweig. Representatives Gard, Kaufert, Duff, Ward, Huebsch, Huber and Coggs.

Noes, 1 – Representative Albers.

Passage as amended and without recommendation.

Ayes, 8 – Senators Burke, Decker, Moore, Shibilski, Plache and Wirch. Representatives Huber and Coggs.

Noes, 8 – Senators Darling and Rosenzweig. Representatives Gard, Kaufert, Albers, Duff, Ward and Huebsch.

### Senate Bill 35

Relating to: transferring toll-free calls to pay-per-call services or international numbers, creating certain disclosure and reporting requirements, and providing a penalty.

Senate amendment 1 adoption.

Ayes, 16 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirch, Darling and Rosenzweig. Representatives Gard, Kaufert, Albers, Duff, Ward, Huebsch, Huber and Coggs.

Noes, 0 – None.

Introduction and adoption of Senate amendment 2.

Ayes, 16 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirch, Darling and Rosenzweig. Representatives Gard, Kaufert, Albers, Duff, Ward, Huebsch, Huber and Coggs.

Noes, 0 – None.

Introduction and adoption of Senate amendment 3.

Ayes, 16 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirch, Darling and Rosenzweig. Representatives Gard, Kaufert, Albers, Duff, Ward, Huebsch, Huber and Coggs.

Noes, 0 – None.

Passage as amended.

Ayes, 16 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirch, Darling and Rosenzweig. Representatives Gard, Kaufert, Albers, Duff, Ward, Huebsch, Huber and Coggs.

Noes, 0 – None.

### Senate Bill 96

Relating to: regulation of social workers, advanced practice social workers, independent social workers, clinical social workers, marriage and family therapists, professional counselors, and art, music, and dance therapists, insurance coverage for services provided by clinical social workers, marriage and family therapists, professional counselors, granting rule-making authority, and providing a penalty.

Introduction and adoption of Senate amendment 1 to Senate substitute amendment 1.

Ayes, 16 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirch, Darling and Rosenzweig. Representatives Gard, Kaufert, Albers, Duff, Ward, Huebsch, Huber and Coggs.

Noes, 0 – None.

Senate substitute amendment 1 adoption.

Ayes, 16 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirch, Darling and Rosenzweig. Representatives Gard, Kaufert, Albers, Duff, Ward, Huebsch, Huber and Coggs.

Noes, 0 – None.

Passage as amended.

Ayes, 16 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirch, Darling and Rosenzweig. Representatives Gard, Kaufert, Albers, Duff, Ward, Huebsch, Huber and Coggs.  
Noes, 0 – None.

Brian Burke  
Senate Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Department of Revenue**

October 29, 2001

The Honorable, The Senate:

In accordance with section 71.55(10)(e), Wis. Stats. (1999-00), I am enclosing copies of the Department of Revenue reports on distribution of enrollment cards for the Wisconsin state Medical Society “Partnercare” program.

Sincerely,

RICHARD G. CHANDLER  
Secretary of Revenue

**State of Wisconsin  
Ethics Board**

November 6, 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/>

Cruz, Annette **Blue Cross/Blue Shield United of Wisconsin**  
Curtin, Wayne **Harley–Davidson Motor Company**  
Sefton, Donna **Wisconsin Association of Lakes Inc**

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**

November 1, 2001

The Honorable, The Senate:

I request that my name be removed as a cosponsor of **Senate joint Resolution 46**. I was included as an author in error.

Sincerely,

ROB KREIBICH  
State Representative  
93rd Assembly District

Senator Robson, with unanimous consent, asked that the Senate recess until 12:45 P.M..

10:25 A.M.

**RECESS**

12:45 P.M.

The Senate reconvened.  
Senator Risser in the chair.

**ADVICE AND CONSENT OF THE SENATE**

Senator Chvala, with unanimous consent, asked that all the appointments be taken up en masse.

BEIL, MARTIN, of Mazomanie, as a member of the Deferred Compensation Board, to serve for the term ending July 1, 2005.

Read.

HANSON, MARTIN J., of Eau Claire, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2005.

Read.

OTTO, JAMES G., of Hubertus, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2005.

Read.

SENTY, PAUL, of Middleton, as a member of the Wisconsin Health and Educational Facilities Authority, to serve for the term ending June 30, 2007.

Read.

SENTY, JAMES A., of La Crosse, as a member of the State of Wisconsin Investment Board, to serve for the interim term ending May 1, 2005.

Read.

WALL, SCOT A., of Cashton, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2005.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

Senator Chvala, with unanimous consent, asked that **Senate Resolution 9** be withdrawn from the committee on **Senate Organization** and taken up at this time.

**Senate Resolution 9**

Relating to: the bravery and public service of Stanley Stefanowski.

Read.

Adopted.

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

**Senate Clearinghouse Rule 01–098**

Relating to the 2001 edition of the uniform standards of professional appraisal practice (USPAP).

Submitted by Department of Regulation and Licensing.

Report received from Agency, November 1, 2001.

Referred to committee on **Universities, Housing, and Government Operations**, November 6, 2001.

**Senate Clearinghouse Rule 01–100**

Relating to real estate appraisers.

Submitted by Department of Regulation and Licensing.

Report received from Agency, November 1, 2001.

Referred to committee on **Universities, Housing, and Government Operations**, November 6, 2001.

**Senate Clearinghouse Rule 01–101**

Relating to examination, education, continuing education, reciprocity requirements and unprofessional conduct.

Submitted by Department of Regulation and Licensing.

Report received from Agency, November 2, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, November 6, 2001.

**Senate Clearinghouse Rule 01–102**

Relating to the 2002 edition of the uniform standards of professional appraisal practice (USPAP).

Submitted by Department of Regulation and Licensing.

Report received from Agency, November 1, 2001.

Referred to committee on **Universities, Housing, and Government Operations**, November 6, 2001.

**Senate Clearinghouse Rule 01–112**

Relating to collection agencies and mergers.

Submitted by Department of Financial Institutions.

Report received from Agency, November 5, 2001.

Referred to committee on **Privacy, Electronic Commerce and Financial Institutions**, November 6, 2001.

The committee on **Labor and Agriculture** reports and recommends:

**Senate Clearinghouse Rule 01–096**

Relating to joint and survivor annuity reduced 25% upon death of annuitant or named survivor.

No action taken.

David Hansen  
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 208**

**Assembly Bill 241**

**Assembly Bill 244**

**Assembly Bill 249**

**Assembly Bill 269**

**Assembly Bill 300**

**Assembly Bill 301**

**Assembly Bill 336**

**Assembly Bill 354**

**Assembly Bill 355**

**Assembly Bill 359**

**Assembly Bill 361**

**Assembly Bill 365**

**Assembly Bill 380**

**Assembly Bill 382**

**Assembly Bill 415**

**Assembly Bill 425**

**Assembly Bill 461**

**Assembly Bill 481**

**Assembly Bill 482**

**Assembly Bill 484**

**Assembly Bill 487**

**Assembly Bill 495**

**Assembly Bill 496**

**Assembly Bill 522**

**Assembly Bill 529**

**Assembly Bill 539**

**Assembly Bill 540**

**Assembly Bill 554**

**Assembly Bill 587**

Adopted and asks concurrence in:

**Assembly Joint Resolution 69**

Concurred in:

**Senate Bill 70**

**Senate Bill 275**

**Senate Joint Resolution 34**

**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Joint Resolution 69**

Relating to: honoring and commending the devoted public service of David A. Stella.

By Representatives Vrakas, Ladwig, Plale, Black, Hahn, Jeskewitz, Krug, Lassa, Olsen, Owens, Petrowski, Ryba and Starzyk; cosponsored by Senators Wirch, Grobschmidt, Ellis, Baumgart, Burke, Darling, Risser and Rosenzweig.

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

Senator Chvala, with unanimous consent, asked that **Assembly Joint Resolution 69** be withdrawn from the committee on **Senate Organization** and taken up at this time.

**Assembly Joint Resolution 69**

Relating to: honoring and commending the devoted public service of David A. Stella.

Read.

Concurred in.

**Assembly Bill 208**

Relating to: termination of a tenancy if notice given regarding drug or criminal gang activity.

By Representatives Sykora, Turner, Albers, Stone, Jeskewitz, Lippert, Ryba, Urban, Olsen, Riley, Ladwig, Morris–Tatum, Musser, Staskunas, Krawczyk, Vrakas, Hundertmark, Townsend, Lassa, Berceau, D. Meyer and M. Lehman; cosponsored by Senators Moore, Plache, Risser, Rosenzweig, Roessler, Darling and Schultz.

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



**Assembly Bill 241**

Relating to: requiring law enforcement officers to report traffic violations and accidents involving any foreign diplomat to the federal department of state.

By Representatives Stone, Suder, Ladwig, Freese, Gronemus, Urban, Olsen, Albers, Townsend, Ott, Colon, Turner, Musser, Krawczyk, La Fave, Kreuser and Gunderson; cosponsored by Senators Breske, Schultz, Farrow, Grobschmidt, Burke and Roessler, by request of United States Department of State.

Read first time and referred to committee on **Insurance, Tourism, and Transportation**.

**Assembly Bill 244**

Relating to: tax warrants and liens on property.

By Representatives M. Lehman, Ward, Sykora, Meyerhofer, Petrowski, Urban and Hahn.

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

**Assembly Bill 249**

Relating to: the effect of annexation or detachment of territory on a municipality's quota of "Class B" intoxicating liquor licenses.

By Representatives Hubler, Schneider, M. Lehman, Urban, Kreuser, Powers and Vrakas; cosponsored by Senators Jauch and Burke.

Read first time and referred to committee on **Insurance, Tourism, and Transportation**.

**Assembly Bill 269**

Relating to: deer hunting back tag number reservation fees.

By Representatives Gunderson, Johnsrud, Nass, Wade, Kreuser, Musser, Lippert, Olsen, D. Meyer, Berceau, Hoven, Kestell, Townsend, Krawczyk, Gundrum and Powers; cosponsored by Senators A. Lasee and Lazich.

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

**Assembly Bill 300**

Relating to: the designation and duties of chief warden, deputy chief warden, internal affairs officer, and complaint officer within the department of natural resources.

By Joint Legislative Council.

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

**Assembly Bill 301**

Relating to: authorizing conservation wardens to enforce the trespass law and prohibitions on shooting at caged or staked wild animals and to make arrests under warrants issued for felonies or misdemeanors.

By Joint Legislative Council.

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

**Assembly Bill 336**

Relating to: the unlawful use of electronic mail and other computerized communication systems, transmitting information about a child on the Internet, and providing penalties.

By Representatives Huebsch, Lippert, Pettis, Starzyk, Albers, Gunderson, Hundertmark, Jeskewitz, Kreibich, Ladwig, Musser, Ott, Petrowski, Stone, Sykora, Vrakas, Urban,

Plale, La Fave and Berceau; cosponsored by Senators Harsdorf, Darling, Huelsman, Roessler and Rosenzweig.

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

**Assembly Bill 354**

Relating to: powers, responsibilities, and appointment of court commissioners.

By Representative Gundrum.

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

**Assembly Bill 355**

Relating to: burglary and providing a penalty.

By Representatives Ladwig, Friske, Starzyk, Krawczyk, Loeffelholz, Berceau, Gunderson, Huebsch, Jeskewitz, Lassa, Musser, Owens, Turner and Ziegelbauer; cosponsored by Senators S. Fitzgerald, Roessler and Darling.

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

**Assembly Bill 359**

Relating to: sexual assault of and sexual activity involving a person confined in an adult or juvenile detention or correctional facility and providing a penalty.

By Representatives Walker, Boyle, Ainsworth, Albers, Berceau, Bies, J. Fitzgerald, Freese, Gunderson, Gundrum, Hundertmark, Jeskewitz, Kedzie, Ladwig, Lassa, J. Lehman, M. Lehman, Leibham, Lippert, Miller, Olsen, Owens, Plale, Pocan, Seratti, Stone, Sykora, Turner, Vrakas, Wade, Ward and Wasserman; cosponsored by Senators S. Fitzgerald, Darling, Huelsman, Plache, Roessler and Rosenzweig.

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

**Assembly Bill 361**

Relating to: the requirement that operators of fish farms provide evidence of fish health and granting rule-making authority.

By Representatives Sykora, Petrowski, Freese, Gunderson, Kedzie, Kreibich, Miller, Owens, Ott, Pettis, Plouff, Seratti, Starzyk, Townsend, Vrakas and Wade; cosponsored by Senators Breske, Harsdorf, Schultz and Zien.

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

**Assembly Bill 365**

Relating to: the newspaper recycling fee and the recycled content of newsprint used in newspapers.

By Representatives Johnsrud, Reynolds, Ott, Krawczyk, Nass, Albers, Seratti, Gronemus, Huebsch, Kreibich, Owens, Rhoades, Sykora, Hahn and Gunderson; cosponsored by Senators Breske, Schultz, Jauch, Roessler and Welch.

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

**Assembly Bill 380**

Relating to: single sales factor apportionment of income for corporate income tax and franchise tax purposes and granting rule-making authority.

By Representatives Gard, M. Lehman, Riley, Jensen, Huebsch, Starzyk, Montgomery, Krawczyk, Townsend, Rhoades, Kedzie, Gundrum, Ladwig, Ziegelbauer, Seratti, Grothman, Ainsworth, Ott, Jeskewitz, Sykora, Powers, Hundertmark, Vrakas, Walker, Nass, Pettis, Leibham, Hahn, J. Fitzgerald, Stone, Gunderson and Hoven; cosponsored by

Senators Huelsman, Darling, Welch, Plache, Schultz and Roessler.

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

**Assembly Bill 382**

Relating to: prisoner reimbursement to a municipality.

By Representatives J. Fitzgerald, Albers, Bies, Duff, Foti, Gunderson, Hahn, Hoven, Huebsch, Hundertmark, Jeskewitz, Kestell, Krawczyk, Ladwig, J. Lehman, M. Lehman, Leibham, La Fave, D. Meyer, Musser, Petrowski, Plouff, Powers, Starzyk, Sykora, Townsend, Urban, Vrakas, Wade and Ziegelbauer; cosponsored by Senators S. Fitzgerald, Huelsman and Roessler.

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

**Assembly Bill 415**

Relating to: trapping licenses issued to nonresidents.

By Representatives Powers, Gronemus, Hahn, Skindrud, Musser, Sykora and Townsend.

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

**Assembly Bill 425**

Relating to: substances used to induce false negative drug tests and providing a penalty.

By Representatives Walker, Suder, Albers, Jeskewitz, Krawczyk, Ladwig, McCormick, Nass, Owens, Stone, Sykora, Townsend and Vrakas; cosponsored by Senators Darling and Harsdorf.

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

**Assembly Bill 461**

Relating to: determination of annual salaries for the director and the executive assistant of the Wisconsin Technical College System.

By joint committee on Employment Relations.

Read first time and referred to committee on **Education.**

**Assembly Bill 481**

Relating to: the interstate compact for adult offender supervision.

By Representative Walker; cosponsored by Senator Jauch.

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

**Assembly Bill 482**

Relating to: child sex offenders working or volunteering with children and providing a penalty.

By Representatives Gundrum, Krawczyk, Staskunas, Starzyk, Wasserman, Gunderson, Ryba, Wade, Hundertmark, Jeskewitz, Sykora, Olsen, Walker, Nass, Skindrud, Musser, Urban, Ainsworth, Owens, Ott, Pettis, Vrakas, Leibham, McCormick, Lippert, Ward, Albers, Bies, Petrowski, Huebsch, Townsend, Montgomery, Rhoades, Ladwig, Kedzie, Kestell, Seratti, Kreibich and Stone; cosponsored by Senators Darling, Schultz, Zien, Roessler and Lazich.

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

**Assembly Bill 484**

Relating to: lie detector tests of sexual assault victims.

By Representatives Walker, Wasserman, Jeskewitz, Kedzie, Kestell, Ladwig, La Fave, Lippert, McCormick,

Owens, Starzyk, Staskunas and Stone; cosponsored by Senators Burke, Hansen and Plache.

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

**Assembly Bill 487**

Relating to: pretrial discovery in prosecutions for alcohol beverage violations.

By Representatives Gundrum, Friske, Bies, Krawczyk, Ott, McCormick, Albers, Duff, Ladwig, Townsend, Grothman and Stone; cosponsored by Senators Kanavas and Huelsman.

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

**Assembly Bill 495**

Relating to: seizure of computers used in crimes against children.

By Representatives Walker, Suder, Pettis, Starzyk, Underheim, Gundrum, Vrakas, Nass, Urban, Ladwig, Townsend, Olsen, Gronemus and Coggs; cosponsored by Senators Rosenzweig, Burke, Cowles, Hansen, Huelsman, Darling and Harsdorf.

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

**Assembly Bill 496**

Relating to: tuition vouchers for students who sound Taps at military honors funerals.

By Representatives Musser, Pettis, Turner, Krawczyk, Ryba, Jeskewitz, Sherman, Ladwig, Suder, Boyle, Townsend, Freese, Gronemus, J. Fitzgerald, Starzyk, Olsen, Gundrum, Gunderson, Stone, McCormick, Sykora, Petrowski, Plouff, Vrakas, Owens and Leibham; cosponsored by Senators Burke, Risser, George, Hansen and Baumgart.

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

**Assembly Bill 522**

Relating to: failure to pay for gasoline or diesel fuel and suspension of operating privileges after conviction for theft of gasoline or diesel fuel and providing penalties.

By Representatives Montgomery, Ladwig, Ryba, Krawczyk, Meyerhofer, Grothman, Gronemus, Starzyk, Suder, La Fave, Duff, Albers, Ainsworth, Stone, Huebsch, Owens, M. Lehman, Urban, Hundertmark, Vrakas, Ott, Rhoades, Nass, Staskunas and Hahn; cosponsored by Senators M. Meyer, Roessler, Darling, Plache and Breske.

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

**Assembly Bill 529**

Relating to: retired peace officers carrying a weapon.

By Representatives Musser, Pettis, Suder, Nass, Kaufert, Bies, Gunderson, Owens, Sykora, Grothman and Huebsch.

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

**Assembly Bill 539**

Relating to: requiring joint committee on finance approval of the designation of technology zones and an agricultural development zone.

By Representative Gard; cosponsored by Senator Burke.

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

**Assembly Bill 540**

Relating to: firearms restrictions record checks.

By Representatives Pettis, Albers, Balow, Bies, Duff, J. Fitzgerald, Friske, Gard, Gronemus, Gunderson, Gundrum, Hahn, Huebsch, Hundertmark, Jensen, Johnsrud, Kedzie, Kestell, Krawczyk, Ladwig, F. Lasee, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, Musser, Nass, Owens, Petrowski, Powers, Sherman, Shilling, Skindrud, Starzyk, Steinbrink, Suder, Sykora and Walker; cosponsored by Senators Roessler, Zien, S. Fitzgerald and Schultz.

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

**Assembly Bill 554**

Relating to: determining what constitutes the administration of the department of natural resources when managing the state's fish and wildlife resources.

By Representatives D. Meyer, Friske, Montgomery, Gard, Pettis, Duff, Johnsrud, Musser, M. Lehman, Gunderson, Starzyk, Ladwig, Sykora, Krawczyk, Owens, Stone, Ainsworth, Jensen, J. Fitzgerald, Gronemus, Olsen, Leibham, Kreibich, Meyerhofer, Ott, Suder, Albers, Seratti and Grothman; cosponsored by Senators Welch and Schultz.

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

**Assembly Bill 587**

Relating to: creating the Wisconsin naval militia and making an appropriation.

By Representatives Townsend, Ladwig, Gronemus, Kreibich, Olsen, Owens, Jensen, Freese, Schneider, M. Lehman, Huebsch, Urban, Ott, Krawczyk, Sykora, Petrowski and Vrakas; cosponsored by Senators Panzer, Welch, Zien, Huelsman, Rosenzweig, Darling and Roessler.

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

**SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS**

**Senate Joint Resolution 42**

Relating to: the life and public service of Jane Pettit.

Read.

Adopted.

**Senate Joint Resolution 46**

Relating to: commending Dr. James Thomson and his research team, the University of Wisconsin–Madison, and the Wisconsin Alumni Research Foundation for their pioneering work in embryonic stem cell research and asking the federal government to designate the University of Wisconsin–Madison as a National Center of Excellence for Embryonic Stem Cell Research.

Read.

The question was: Shall Senate Joint Resolution 46 be adopted?

The ayes and noes were demanded and the vote was: ayes, 23; noes, 9; absent or not voting, 1; as follows:

Ayes – Senators Burke, Chvala, Cowles, Darling, Decker, Erpenbach, George, Grobschmidt, Hansen, Huelsman, Jauch, Kanavas, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Rosenzweig, Schultz, Shibilski and Wirch – 23.

Noes – Senators Breske, Ellis, S. Fitzgerald, Harsdorf, A. Lasee, Lazich, Roessler, Welch and Zien – 9.

Absent or not voting – Senator Baumgart – 1.

Adopted.

**Senate Bill 35**

Relating to: transferring toll-free calls to pay-per-call services or international numbers, creating certain disclosure and reporting requirements, and providing a penalty.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 35?**

Adopted.

The question was: Adoption of Senate amendment 2 to **Senate Bill 35?**

Adopted.

The question was: Adoption of Senate amendment 3 to **Senate Bill 35?**

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 35**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Passed.

**Senate Bill 160**

Relating to: prohibiting the use of cyanide in metallic mining.

Read a second time.

Senate substitute amendment 1 to **Senate Bill 160** offered by Senator Schultz.

Senator Decker moved rejection of Senate substitute amendment 1 to **Senate Bill 160**.

The question was: Rejection of Senate substitute amendment 1 to **Senate Bill 160?**

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Burke, Chvala, Cowles, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Noes – Senators Breske, Darling, Ellis, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 15.

Absent or not voting – None.

Rejected.

Ordered to a third reading.



Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 160**

Read a third time.

The ayes and noes were required and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Burke, Chvala, Cowles, Decker, Ellis, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 19.

Noes – Senators Breske, Darling, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 14.

Absent or not voting – None.

Passed.

**Senate Bill 173**

Relating to: a child care worker loan repayment assistance program; a child care career education scholarship program, granting rule-making authority, and making appropriations.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 173** be referred to the Joint Committee on **Finance**.

**Senate Bill 224**

Relating to: determination of annual salaries for the director and the executive assistant of the Wisconsin Technical College System.

Read a second time.

Senator Chvala, with unanimous consent, asked that **Senate Bill 224** be referred to committee on **Senate Organization**.

Senator Chvala, with unanimous consent, asked that **Assembly Bill 461** be withdrawn from the committee on **Education** and taken up at this time.

**Assembly Bill 461**

Relating to: determination of annual salaries for the director and the executive assistant of the Wisconsin Technical College System.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 461**

Read a third time and concurred in.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

**Senate Bill 239**

Relating to: the valuation of a state employee's accumulated sick leave credits for the payment of health insurance premiums under a group health insurance program administered by the group insurance board.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 239**

Read a third time and passed.

**Senate Bill 242**

Relating to: a certain highway improvement project on USH 51 in the city of Madison.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 242**

Read a third time and passed.

**Senate Bill 246**

Relating to: references to the Internal Revenue Code for income and franchise tax purposes.

Read a second time.

Senate amendment 1 to **Senate Bill 246** offered by Senator Decker.

The question was: Adoption of Senate amendment 1 to **Senate Bill 246**?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Erpenbach, George, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Schultz, Shibilski and Wirch – 19.

Noes – Senators Darling, Ellis, S. Fitzgerald, Grobschmidt, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Welch and Zien – 14.

Absent or not voting – None.

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 246**

Read a third time.

The ayes and noes were required and the vote was: ayes, 22; noes, 11; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Ellis, Erpenbach, S. Fitzgerald, Grobschmidt, Hansen, Harsdorf, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Schultz, Shibilski and Wirch – 22.

Noes – Senators Darling, George, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Welch and Zien – 11.

Absent or not voting – None.

Passed.

**Senate Bill 247**

Relating to: the membership of the child abuse and neglect prevention board.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 247**

Read a third time and passed.

**Senate Bill 250**

Relating to: insurance coverage of prescription medications used to treat diabetes.

Read a second time.

Senate amendment 1 to **Senate Bill 250** offered by Senator Moen.

The question was: Adoption of Senate amendment 1 to **Senate Bill 250**?

Adopted.

Ordered to a third reading.



Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 250**

Read a third time and passed.

**Senate Bill 260**

Relating to: the sales tax imposed on the sale of mobile telecommunications services.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 260**?

Adopted.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 260**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 26; noes, 7; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski and Wirch – 26.

Noes – Senators S. Fitzgerald, Kanavas, A. Lasee, Lazich, Panzer, Welch and Zien – 7.

Absent or not voting – None.

Passed.

**Senate Bill 261**

Relating to: increasing a school district's revenue limit for heating costs.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 261** be referred to the Joint Committee on **Finance**.

**Senate Bill 265**

Relating to: creating a nonrefundable individual income and corporate income and franchise tax credit for contributions to the artistic endowment fund.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 265** be referred to the Joint Committee on **Finance**.

**Senate Bill 271**

Relating to: environmental regulation of mining and notice to transferees of interests in mining sites.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 271**?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Burke, Chvala, Cowles, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Noes – Senators Breske, Darling, Ellis, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 15.

Absent or not voting – None.

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 271**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Burke, Chvala, Cowles, Decker, Erpenbach, George, Grobschmidt, Hansen, Harsdorf, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 19.

Noes – Senators Breske, Darling, Ellis, S. Fitzgerald, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 14.

Absent or not voting – None.

Passed.

**Senate Bill 276**

Relating to: various changes in the unemployment insurance law, appointment of temporary reserve appeal tribunals, requiring the exercise of rule-making authority, and making an appropriation.

Read a second time.

Senator Chvala, with unanimous consent, asked that **Senate Bill 276** be referred to committee on **Senate Organization**.

Senator Chvala, with unanimous consent, asked that **Assembly Bill 553** be withdrawn from the committee on **Labor and Agriculture** and taken up at this time.

**Assembly Bill 553**

Relating to: various changes in the unemployment insurance law, appointment of temporary reserve appeal tribunals, requiring the exercise of rule-making authority, and making an appropriation.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 553**

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Concurred in.

**Senate Bill 295**

Relating to: funding for the Biostar program.

Read a second time.

Senators Shibilski, Hansen and Wirch, with unanimous consent, asked to be made coauthors of **Senate Bill 295**.

Senators Shibilski, Hansen and Wirch, with unanimous consent, asked to be made coauthors of **Senate Bill 296**.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 295**

Read a third time.

The ayes and noes were required and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 17.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, George, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 16.

Absent or not voting – None.

Passed.

### **Senate Bill 296**

Relating to: investment in venture capital investment firms, a grant to a high-technology business development corporation, and making an appropriation.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 296**?

Adopted.

Senate amendment 2 to **Senate Bill 296** offered by Senator Chvala.

The question was: Adoption of Senate amendment 2 to **Senate Bill 296**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

### **Senate Bill 296**

Read a third time.

Senator Panzer asked to be excused from voting according to Senate Rule 73(1).

The ayes and noes were required and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, Grobschmidt, Hansen, Harsdorf, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, George, Huelsman, Kanavas, A. Lasee, Lazich, Roessler, Rosenzweig, Schultz, Welch and Zien – 14.

Absent or not voting – Senator Panzer – 1.

Passed.

### **Senate Bill 303**

Relating to: a temporary emergency unemployment insurance program and requiring the exercise of rule-making authority.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

### **Senate Bill 303**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Passed.

## **SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS**

### **Assembly Bill 290**

Relating to: prohibiting the installation of a previously deployed or an otherwise nonfunctional airbag and providing a penalty.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

### **Assembly Bill 290**

Read a third time and concurred in.

### **Assembly Bill 509**

Relating to: national guard tuition grants and making an appropriation.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

### **Assembly Bill 509**

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 4; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Darling, Decker, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 29.

Noes – Senators Cowles, Ellis, Kanavas and A. Lasee – 4.

Absent or not voting – None.

Concurred in.

### **Assembly Bill 512**

Relating to: repealing, consolidating, renumbering, amending and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities and obsolete provisions, reconciling conflicts and repelling unintended repeals (Revisor's Correction Bill).

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

### **Assembly Bill 512**

Read a third time and concurred in.

### **Assembly Bill 513**

Relating to: repealing, consolidating, renumbering, amending and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities and obsolete provisions, reconciling conflicts, and repelling unintended repeals (Revisor's Correction Bill).

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 513**

Read a third time and concurred in.

**Assembly Bill 514**

Relating to: reconciling conflicts and repelling unintended repeals (Revisor's Correction Bill).

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 514**

Read a third time and concurred in.

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**MOTIONS MAY BE OFFERED**

Senator Robson, with unanimous consent, asked to be added as a coauthor of **Senate Bill 303**.

Senator Robson, with unanimous consent, asked to be added as a coauthor of **Senate Bill 271**.

Senator Chvala, with unanimous consent, asked that the Senate return to the third order of business.

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**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

**Senate Bill 310**

Relating to: designating STH 122 as the Walt Bresette Equal Rights Highway.

By Senators Jauch, Moore, Erpenbach, M. Meyer, Robson, Hansen, Breske, Burke, Chvala, Wirch, Shibilski, Decker, Plache, Moen, Baumgart, Grobschmidt, George and Risser; cosponsored by Representative Sherman.

To committee on **Insurance, Tourism, and Transportation**.

The Chair, with unanimous consent, asked that the Senate move to the fifteenth order of business.

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**ANNOUNCEMENTS, ADJOURNMENT HONORS, AND REMARKS UNDER SPECIAL PRIVILEGE**

Senator Moen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of all those men and women who have served in the U.S. Armed Services throughout history and especially my brother Ernest Moen who died December 25, 1944.

Senator Decker, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Senator Hansen and his wife Jane on their 30th anniversary.

Senator Harsdorf, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Grantsburg Pirates girls volleyball team who won the Division III Wisconsin State Champions and the only team to be undefeated with a record of 34-0.

Senator Harsdorf, with unanimous consent, asked that when the Senate adjourn, it do so in honor of St. Croix Falls Saints color guard for winning the Class A title in state competition in Whitewater.

Senator Baumgart, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Aldo Leopold.

Senator Darling, with unanimous consent, asked that when the Senate adjourn in do so in honor of two members of the 2001 Baseball World Series Champions Arizona Diamondbacks, Craig Counsell and Damian Miller. Counsell is a native of Senator Darling's 8th Senate District, Whitefish Bay, where he graduated from high school. Miller is from West Salem in Western Wisconsin.

Senator Kanavas, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Pewaukee High School Girls Cross Country team who won the WIAA Division 2 state championship in Wisconsin Rapids on October 27, 2001.

Senator Hansen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Green Bay Notre Dame boys soccer team for winning the WIAA Division II championship in soccer.

Senator Moore, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her son Adesolu Omokunde's 24 birthday today.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Tremper High School football team on having won their semi final game on their way to state.

Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

Senator Roessler, with unanimous consent would like the journal to show that her guests today Goerge Clayton, Betty Clayton, Pat Clayton, Kay Clayton, John Clayton, Jesse Frank, Karen Green, Phil Green, Marun Green, Dick Clayton, Jackie Clayton, Lori King, Janis Hammond and Mancy Vilbrand were present in the gallery.

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn pursuant to **Senate Joint Resolution 1**.

Adjourned.

4:56 P.M.

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**LEGISLATIVE REFERENCE BUREAU CORRECTIONS**

**CORRECTIONS IN:**

**2001 ASSEMBLY BILL 587**

Prepared by the Legislative Reference Bureau  
(November 2, 2001)

**20.** Page 7, line 18: delete "be to".

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, November 7, 2001

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

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**INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS**

Read and referred:

**Senate Resolution 10**

Relating to: urging Congress to enact the Steel Revitalization Act of 2001.

By Senator Burke.

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

---

**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 311**

Relating to: limiting the uses of tax incremental financing.

By Senator Burke; cosponsored by Representative Musser.

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

**Senate Bill 312**

Relating to: advertising by intoxicating liquor retailers.

By Senators Plache, Wirch, Hansen, Darling, Welch and Cowles; cosponsored by Representatives Gard, Bies, Krawczyk, Gronemus, Ainsworth, Albers, Gunderson, Jeskewitz, Ladwig, Leibham, Pettis, Seratti, Sykora, Montgomery, Shilling, Musser, Gundrum, Starzyk and Lassa.

To committee on **Insurance, Tourism, and Transportation.**

**Senate Bill 313**

Relating to: graffiti and providing a penalty.

By Senators Grobschmidt, Burke, Darling and Schultz; cosponsored by Representatives Plale, Krusick, Staskunas, Walker, Sinicki, Richards, Carpenter, Suder, La Fave, Jeskewitz, Ryba, Lassa, Leibham, Shilling, F. Lasee, Ott and Stone.

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

**Senate Bill 314**

Relating to: the salaries of technical college instructors.

By Senators George, Risser, Hansen, Burke and Wirch; cosponsored by Representatives Pocan, Musser, Gronemus,

Sykora, Miller, Black, Young, Coggs, Colon, Sinicki and Berceau.

To committee on **Education.**

**Senate Bill 315**

Relating to: deductions to labor and professional organizations from annuity payments under the Wisconsin retirement system.

By Senators Risser, Burke, Hansen and Schultz; cosponsored by Representatives Freese, Pocan, Turner, Black, J. Lehman, Boyle, Miller, Gronemus, Hahn, Sykora and Musser.

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

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**REPORT OF COMMITTEES**

The committee on **Human Services and Aging** reports and recommends:

BERG, CRYSTAL, of Hartford, as a member of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for the interim term ending May 1, 2004.

Confirmation.

Ayes, 7 – Senators Robson, Moore, Wirch, Hansen, Roessler, Welch and Kanavas.

Noes, 0 – None.

CARLIN, MARTE J., of Green Bay, as a member of the Council on Domestic Abuse, to serve for the interim term ending July 1, 2003.

Confirmation.

Ayes, 7 – Senators Robson, Moore, Wirch, Hansen, Roessler, Welch and Kanavas.

Noes, 0 – None.

CONNOLLY–KEESLER, EILEEN, of Neenah, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 7 – Senators Robson, Moore, Wirch, Hansen, Roessler, Welch and Kanavas.

Noes, 0 – None.

KAUFERT, REPRESENTATIVE DEAN, of Neenah, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 7 – Senators Robson, Moore, Wirch, Hansen, Roessler, Welch and Kanavas.

Noes, 0 – None.

Judith Robson  
Chairperson



**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Legislative Audit Bureau**

November 6, 2001

The Honorable, The Legislature:

We have completed an evaluation of the State of Wisconsin Investment Board, as directed by s. 25.17(51m), Wis. Stats. As of December 31, 2000, the Investment Board managed a total of \$67.0 billion in investments that included assets of the Wisconsin Retirement System, the State Investment Fund, and five smaller insurance and trust funds.

The Investment Board has recently been successful in exceeding its performance benchmarks for the Fixed Retirement Trust Fund, which represented 81.8 percent of the assets under its management in 2000. However, the Fixed Retirement Trust Fund's long-term returns continue to lag those of other large public pension funds. As of June 30, 2000, its five-year returns ranked last among ten funds we surveyed.

We focused our analysis on the Investment Board's Opportunity Portfolio for the Fixed Retirement Trust Fund, which is a higher-risk portfolio that has focused on private equity investments in emerging markets in Asia and Eastern Europe. The portfolio, which has assets of approximately \$1 billion, has failed to meet its performance benchmarks and is not meeting expectations of earning higher returns that the Investment Board achieves through its more traditional investments. In light of the lagging returns and controversy surrounding certain investments in South Korea, support for the portfolio among members of the Board of Trustees is divided. Another area of concern is the Board of Trustees' involvement in the Opportunity Portfolio. Of particular concern is the fact that some trustees own public stock in entities associated with the portfolio. These interests have previously not been publicly disclosed. We suggest that to avoid the appearance of conflicts of interest, the Investment Board revisit its policies to ensure trustees comply with provisions of the State Ethics Code.

We appreciate the courtesy and cooperation extended to us by the Investment Board. A response from the Board's Executive Director is Appendix 5.

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Department of Revenue**

November 1, 2001

The Honorable, The Legislature:

I am submitting the quarterly report of the Wisconsin Lottery for the quarter ending June 30, 2001. As required by s. 565.37(3), Wis. Stats., the attached materials contain unaudited Wisconsin Lottery year to date Sales and Expenditure information.

The summary information reported here is not intended to be a complete financial accounting of the Wisconsin Lottery Fund.

If you have any questions or comments regarding this report, please feel free to contact me at (608) 266-6466.

Sincerely,

RICHARD G. CHANDLER  
Secretary of Revenue

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

**Senate Clearinghouse Rule 00-175**

Relating to hazardous air pollutant emissions from pulp and paper mills.

Submitted by Department of Natural Resources.

Report received from Agency, November 6, 2001.

Referred to committee on **Environmental Resources**, November 7, 2001.

**Senate Clearinghouse Rule 01-037**

Relating to sport fishing and commercial fishing for yellow perch in Green Bay.

Submitted by Department of Natural Resources.

Report received from Agency, November 6, 2001.

Referred to committee on **Environmental Resources**, November 7, 2001.

**Senate Clearinghouse Rule 01-067**

Relating to safe drinking water standards for radionuclides.

Submitted by Department of Natural Resources.

Report received from Agency, November 6, 2001.

Referred to committee on **Environmental Resources**, November 7, 2001.

**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 39**

**Assembly Bill 109**

**Assembly Bill 256**

**Assembly Bill 263**

**Assembly Bill 326**

**Assembly Bill 327**

**Assembly Bill 373**

**Assembly Bill 427**

**Assembly Bill 436**

**Assembly Bill 464**

**Assembly Bill 470**

**Assembly Bill 580**

Adopted and asks concurrence in:

**Assembly Joint Resolution 65**

**Assembly Joint Resolution 72**

Concurred in:

**Senate Bill 259**

**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 39**

Relating to: requiring the elections board to make recommendations regarding statewide voter registration and maintenance of a statewide voter registration list.

By committee on Campaigns and Elections.

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

**Assembly Bill 109**

Relating to: surveys and questionnaires of pupils and providing a penalty.

By Representatives Pettis, Krawczyk, Ziegelbauer, Gronemus, Wade, Ainsworth, Owens, Urban, Hahn, Grothman, Albers, F. Lasee, McCormick and Vrakas; cosponsored by Senators Darling, Farrow and Lazich.

Read first time and referred to committee on **Education**.

**Assembly Bill 256**

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

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

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

**Assembly Bill 263**

Relating to: special event campground permits issued by the department of health and family services and granting rule-making authority.

By Representatives Johnsrud, Wade, Suder, Musser, Freese, Krawczyk, Townsend, Ott, Sykora and M. Lehman; cosponsored by Senators Schultz and Roessler.

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

**Assembly Bill 326**

Relating to: expenditure of \$12,600 from the general fund in payment of a claim against the state made by Alan and Marlene Sieker.

By Representatives Albers and Ziegelbauer; cosponsored by Senator Burke, by request of Claims Board.

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

**Assembly Bill 327**

Relating to: expenditure of \$9,296 from moneys appropriated to the department of transportation in payment of a claim against the state made by Robert and Dorothy Messner.

By Representative Albers; cosponsored by Senator Burke, by request of Claims Board.

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

**Assembly Bill 373**

Relating to: notice regarding ineligibility to vote.

By Representatives Freese, Albers, Duff, Gunderson, Hahn, Krawczyk, La Fave, J. Lehman, M. Lehman, Lippert, McCormick, Musser, Nass, Ott, Owens, Petrowski, Pettis, Ryba, Seratti, Skindrud, Starzyk, Stone, Suder, Sykora, Townsend, Wade and Wood; cosponsored by Senators Grobschmidt, Darling, Huelsman, Roessler, Rosenzweig and Schultz.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

**Assembly Bill 427**

Relating to: the requirements for examinations for nursing home administrator licenses and for reciprocal nursing home administrator licenses and granting rule-making authority.

By committee on Aging and Long-Term Care.

Read first time and referred to committee on **Health, Utilities, Veterans and Military Affairs**.

**Assembly Bill 436**

Relating to: requiring the department of transportation to provide transportation planning and assistance in reviewing the

site plan of proposed school construction or enlargement and granting rule-making authority.

By Representatives Wieckert, Krawczyk, McCormick, J. Lehman, Lippert, Suder, Meyerhofer, Friske, Hahn, Pettis, Townsend, Plale, Miller, Hoven, Sykora, Lassa, Huber, Vrakas, Wasserman and Jeskewitz; cosponsored by Senators Breske and Schultz.

Read first time and referred to committee on **Insurance, Tourism, and Transportation**.

**Assembly Bill 464**

Relating to: prohibitions related to certain controlled substances and providing a penalty.

By Representatives Underheim, Krawczyk, Suder, Plale, Hahn, Plouff, Lippert, Ryba, Vrakas, Owens, Townsend, Petrowski, Musser, Albers, Ladwig, Urban, D. Meyer, Sykora, Olsen, J. Fitzgerald, Stone and Ott; cosponsored by Senators Erpenbach, Roessler, Rosenzweig, Huelsman, Lazich, Darling and Schultz.

Read first time and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

**Assembly Bill 470**

Relating to: the appointment of municipal temporary reserve judges.

By Representatives Jeskewitz, Sherman, Lippert, D. Meyer, Wade, Townsend, Owens, Ladwig, Kedzie, Sykora, M. Lehman, Ott, Ryba and Olsen; cosponsored by Senators George, Huelsman, Darling and Roessler.

Read first time and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

**Assembly Bill 580**

Relating to: water quality standards for wetlands for an activity at a site in Trempealeau County and review of certain changes to shoreland, wetland, and floodplain zoning ordinances as they relate to an activity at a site in Trempealeau County.

By Representatives Gronemus, Jensen, Freese, Kreibich, Huebsch, Musser, Suder, Ziegelbauer, Plale, Steinbrink, Kreuser and Balow; cosponsored by Senator Moen.

Read first time and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 65**

Relating to: urging Congress to provide a permanent annual payment in lieu of taxes to the town and county of Menominee.

By Representatives Seratti, Musser, Urban, Sykora, Albers, Nass, Skindrud and La Fave; cosponsored by Senator Breske.

Read and referred to committee on **Universities, Housing, and Government Operations**.

**Assembly Joint Resolution 72**

Relating to: the 1,700th anniversary of Armenian Christianity.

By Representatives Plale, Ladwig, Turner, J. Lehman, Kreuser, Steinbrink, Stone, Richards, Starzyk, Owens, Staskunas, Jeskewitz, McCormick, Sykora, Freese, Gundrum and Lippert; cosponsored by Senators Plache, Burke, Wirsch, Grobschmidt, Rosenzweig, Schultz and Lazich.

Read and referred to committee on **Senate Organization**.

**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Joint Resolution 48**

Report correctly enrolled on November 7, 2001.

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, November 14, 2001

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The Chief Clerk makes the following entries under the above date.

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**INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS**

Read and referred:

**Senate Joint Resolution 52**

Relating to: the life and public service of Judge Stanley A. Miller.

By Senator Burke; cosponsored by Representatives Young, Riley and Coggs.

To committee on **Senate Organization**.

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**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 316**

Relating to: the income and franchise tax credit that supplements the federal historic rehabilitation tax credit.

By Senators Plache, Schultz, Burke, Breske, Rosenzweig, Grobschmidt and Robson; cosponsored by Representatives Freese, Bock, Bies, Boyle, Berceau, Friske, Gronemus, Huber, Hundertmark, Jeskewitz, La Fave, Lassa, M. Lehman, Leibham, Loeffelholz, McCormick, Montgomery, Ott, Powers, Riley, Ryba, Seratti, Shilling, Suder, Sykora, Turner and Vrakas.

To committee on **Universities, Housing, and Government Operations**.

**Senate Bill 317**

Relating to: sturgeon spearing licenses; the sturgeon stock, fishery, and habitat in the Lake Winnebago and upper Fox and Wolf rivers system; and making an appropriation.

By Senators Roessler and Ellis; cosponsored by Representatives Kaufert, Ott, Ryba, McCormick, Owens, Petrowski, Bies and Lassa.

To committee on **Environmental Resources**.

**Senate Bill 318**

Relating to: threatening to infect livestock or wild deer with a contagious or infectious disease and providing penalties.

By Senators Harsdorf, Hansen, Baumgart, S. Fitzgerald, Huelsman, A. Lasee, Roessler, Rosenzweig, Schultz and Welch; cosponsored by Representatives Ott, Gronemus,

Albers, Freese, Gard, Hahn, Hundertmark, Kedzie, Krawczyk, Ladwig, Lassa, Lippert, Loeffelholz, McCormick, Musser, Olsen, Owens, Petrowski, Plouff, Rhoades, Ryba, Skindrud, Stone, Suder, Sykora, Urban, Walker, Wasserman and Vrakas.

To committee on **Environmental Resources**.

**Senate Bill 319**

Relating to: recycling education, research concerning solid waste, and making appropriations.

By Senators Baumgart, Burke, Erpenbach, Grobschmidt, Hansen, Harsdorf, Huelsman, Risser, Schultz and Wirsch; cosponsored by Representatives Ott, Miller, Berceau, Bies, Black, Bock, Gunderson, Hahn, Hundertmark, Jeskewitz, Kedzie, Kreibich, Ladwig, Lassa, J. Lehman, Lippert, Musser, Olsen, Pohan, Sykora and Townsend.

To committee on **Universities, Housing, and Government Operations**.

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**REPORT OF COMMITTEES**

The committee on **Health, Utilities, Veterans and Military Affairs** reports and recommends:

**Assembly Bill 242**

Relating to: the disclosure of information obtained by the department of transportation from applications for drivers' licenses, permits, or identification cards to the selective service system for the purposes of registration with the selective service system.

Concurrence.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

DAVID, DR. ALAN K., of Cedarburg, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

HUGHES, MACK E., of Milwaukee, as a member of the Board of Veterans Affairs, to serve for the term ending May 1, 2007.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

KOHLBECK, MARIE, of Whitelaw, as a member of the Board of Nursing, to serve for the term ending July 1, 2005.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.  
Noes, 0 – None.

MARTINEZ, LEE, of Milwaukee, as a member of the Barbering and Cosmetology Examining Board, 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.

STENAVICH, WALTER M., of Racine, as a member of the Board of Veterans Affairs, to serve for the term ending May 1, 2007.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.  
Noes, 0 – None.

WENDT, KENNETH C., of Sturgeon Bay, as a member of the Board of Veterans Affairs, to serve for the term ending May 1, 2007.

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

### State of Wisconsin Office of the Secretary of State

To the Honorable, the Senate:

<u>Bill, Joint Resolu- tion or Resolution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
2001 Senate Joint Resolution 45	Enrolled Joint Resolution, 19	N/A

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

### THE STATE OF WISCONSIN OFFICE OF THE GOVERNOR

#### EXECUTIVE ORDER #31

#### *An Amendment Relating to the Governor's Task Force on Terrorism Preparedness*

**WHEREAS**, on September 11, 2001, a series of vicious and cowardly terrorist attacks claimed the lives of numerous innocent and unsuspecting United States citizens; and

**WHEREAS**, I created the Governor's Task Force on Terrorism Preparedness to

- (f) Study the State's past actions and policies related to Biological, Radiological, Incendiary, Explosive, Chemical and Cyber terrorism threats and preparedness; and
- (g) Identify and evaluate current terrorism risks; and
- (h) Offer suggested direction and guidance for the work that needs to be done in the future to ensure the safety of Wisconsin and its citizens;

**NOW, THEREFORE, I, SCOTT MCCALLUM**, Governor of the State of Wisconsin by the authority vested in me by the Constitution and the laws of this State, and specifically by Section 14.019 of the Wisconsin Statutes, do hereby:

4. Amend Executive Order No. 30 to provide that the Task Force shall consist of twenty-one (21) members appointed by the Governor to serve at the pleasure of the Governor; and

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this eighth day of November in the year two thousand and one.

SCOTT MCCALLUM  
Governor

BY THE GOVERNOR:

DOUGLAS LA FOLLETTE  
Secretary of State

### State of Wisconsin Wisconsin Women's Council

November 8, 2001

The Honorable, The Senate:

On behalf of the Wisconsin Women's Council, it is my pleasure to submit to you the Council's 1999-2001 Biennial Report.

In the last biennium, the Council has focused on projects designed to empower Wisconsin women through education and opportunity, provide an informational clearinghouse for programs and services affecting women, and promote partnerships addressing specific women's issues.

If you have any questions about the Council or would like additional copies of this report, please contact me at (608) 266-2219.

Sincerely,  
KATIE MNUK  
Executive Director

### State of Wisconsin Ethics Board

November 13, 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/>

Christianson, Peter C      **Enhanced Capital Partners  
LLC**

Dilweg, Sean      **Wisconsin Waterfowl Association**

Driessen, Anthony      **Experian**

Essie, Patrick      **Wisconsin Waterfowl Association**

Fonfara, Thomas      **Experian**

Oemichen, William      **Wisconsin Federation of  
Cooperatives**

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



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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 00–184**

Relating to telecommunications utilities price regulation.

Submitted by Public Service Commission.

Report received from Agency, November 9, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, November 14, 2001.

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The committee on **Environmental Resources** reports and recommends:

**Senate Clearinghouse Rule 01–011**

Relating to public use of department lands.

No action taken.

**Senate Clearinghouse Rule 01–055**

Relating to asbestos inspection fees.

No action taken.

Jim Baumgart  
Chairperson

The committee on **Health, Utilities, Veterans and Military Affairs** reports and recommends:

**Senate Clearinghouse Rule 01–048**

Relating to the high–voltage transmission line fee.

No action taken.

**Senate Clearinghouse Rule 01–060**

Relating to contact lens prescription release by optometrists.

No action taken.

**Senate Clearinghouse Rule 01–068**

Relating to certification of optometrists to use diagnostic pharmaceutical agents.

No action taken.

Rodney Moen  
Chairperson

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**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 65**

**Assembly Bill 136**

**Assembly Bill 206**

**Assembly Bill 267**

**Assembly Bill 358**

**Assembly Bill 453**

**Assembly Bill 497**

**Assembly Bill 506**

**Assembly Bill 521**

**Assembly Bill 579**

**Assembly Bill 584**

**Assembly Bill 588**

Adopted and asks concurrence in:

**Assembly Joint Resolution 76**

**Assembly Joint Resolution 77**

Concurred in:

**Senate Bill 251**

**Senate Bill 303**

**Senate Joint Resolution 28**

**Senate Joint Resolution 33**

**Senate Joint Resolution 42**

**Senate Joint Resolution 49**

**Senate Joint Resolution 50**

**Senate Joint Resolution 51**

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**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 65**

Relating to: parcels of land that may be included in a business improvement district.

By Representatives Richards, Ryba, Williams and Huber; cosponsored by Senators Grobschmidt, Plache and Roessler.

Read first time and referred to committee on **Economic Development and Corrections**.

**Assembly Bill 136**

Relating to: shared revenue payments for former utility property.

By Representatives Hahn, F. Lasee, Gronemus, Hoven, Huebsch, Schooff, Wade, Kestell, Leibham, Ott, Sykora, Johnsrud, Seratti, Montgomery, Skindrud, Owens, Huber and Plouff; cosponsored by Senators M. Meyer, Wirsch, Breske, A. Lasee, Baumgart, Schultz and Moen.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

**Assembly Bill 206**

Relating to: regulation of social workers, advanced practice social workers, independent social workers, clinical social workers, marriage and family therapists, professional counselors, and art, music, and dance therapists, insurance coverage for services provided by clinical social workers, marriage and family therapists, professional counselors, granting rule–making authority, and providing a penalty.

By Representatives Urban, Vrakas, Krawczyk, Wasserman, Freese, Berceau, Hahn, Lippert, La Fave, Starzyk, Young, Albers, Townsend, Schneider, Ott, Skindrud, Gronemus, Plouff, Kreibich and Carpenter; cosponsored by Senators Grobschmidt, George, Rosenzweig, Plache, Darling, Erpenbach and Huelsman.

Read first time and referred to committee on **Human Services and Aging**.

**Assembly Bill 267**

Relating to: including dentists and dental hygienists as health care professionals for the purpose of forming service corporations.

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; cosponsored by Senators Moen, Burke, Welch, Darling, Baumgart, Rosenzweig, Cowles and Roessler.

Read first time and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**Assembly Bill 358**

Relating to: exceptions from the requirement to obtain a license to practice professional geology, professional hydrology, or professional soil science and granting rule-making authority.

By Representatives Duff, Bock, Vrakas, Gunderson, Grothman, Ott, Hoven, Ryba, Petrowski and Townsend; cosponsored by Senator Grobschmidt.

Read first time and referred to committee on **Universities, Housing, and Government Operations.**

**Assembly Bill 453**

Relating to: sales tax on motor vehicles purchased after a consumer receives a refund under a new motor vehicle warranty.

By Representatives Ladwig, Schneider, Stone, Albers, Bies, Freese, Gronemus, Gunderson, Hundertmark, Johnsrud, Krawczyk, Musser, Nass, Ott, Owens, Pettis, Powers, Skindrud, Staskunas, Sykora, Turner and Petrowski; cosponsored by Senator Plache.

Read first time and referred to committee on **Universities, Housing, and Government Operations.**

**Assembly Bill 497**

Relating to: designating and observing POW-MIA Recognition Day.

By Representatives Musser, Starzyk, Pettis, Krawczyk, Ryba, Boyle, Hundertmark, Ainsworth, Hebl, Turner, Urban, Hahn, Huebsch, Plouff, Suder, M. Lehman, Krug, Bies, Coggs, J. Fitzgerald, Lassa, Owens, Ott, Meyerhofer, Richards, Pohan, Vrakas, Gundrum, Walker, Carpenter, Gunderson, Miller, Hoven, Freese, Kedzie, Jeskewitz and Stone; cosponsored by Senators Moen, S. Fitzgerald, Harsdorf, Plache, Hansen, Moore, Cowles, Darling, Grobschmidt and Roessler.

Read first time and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**Assembly Bill 506**

Relating to: references to the Internal Revenue Code for income and franchise tax purposes.

By Representative Gard; cosponsored by Senator Burke, by request of Department of Revenue.

Read first time and referred to committee on **Universities, Housing, and Government Operations.**

**Assembly Bill 521**

Relating to: permitting employers to refuse to employ, or to bar or terminate from employment, individuals who have been convicted of certain serious felonies, as defined in the bill, and who have not been pardoned; and permitting educational agencies to refuse to employ, or to bar or terminate from employment, individuals who have been convicted of those certain serious felonies or of certain other serious violations and who have not been pardoned.

By Representatives Petrowski, Starzyk, Bies, Huebsch, Jensen, Gronemus, Suder, Ziegelbauer, Stone, Pettis, Musser, Vrakas, Duff, Grothman, Albers, J. Fitzgerald, Ladwig, Skindrud, Owens, Kestell, Friske, Krawczyk, Freese, Nass, Jeskewitz, Urban, Gunderson, Walker, Ainsworth, Loeffelholz, Townsend, Leibham, Hahn, McCormick, Ott, Hoven, Kedzie

and Kreibich; cosponsored by Senators Darling, Welch, Harsdorf, Schultz, Roessler and Huelsman.

Read first time and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

**Assembly Bill 579**

Relating to: certified capital investment limitations, qualified business requirements, and reviews of certified capital company financial statements.

By Representatives Ward, Lippert, Vrakas, Townsend, Hundertmark, Gronemus, Hahn, Sykora, Walker, Duff, Ladwig, Owens, D. Meyer, Krawczyk, Boyle, Olsen, M. Lehman, Miller, Staskunas, Plale, Gunderson, Ott, Balow, Colon, Starzyk, Berceau, La Fave, Jensen, Turner, Young, Krug, Shilling, Wasserman, Williams, Freese, Suder, Kedzie, Kestell, Pettis, Richards, Huebsch, Jeskewitz, Musser and Riley; cosponsored by Senators Moore, Plache, Burke, M. Meyer, Kanavas, Erpenbach, Hansen, Wirch, Darling, George, Shibilski, Breske, Roessler, Welch, Huelsman, Schultz and S. Fitzgerald.

Read first time and referred to committee on **Economic Development and Corrections.**

**Assembly Bill 584**

Relating to: public utility shared revenue payments and making an appropriation.

By Representatives Hoven, Bies, Duff, Hahn, Hundertmark, Ladwig, Lassa, Lippert, Montgomery, Musser, Ott, Starzyk, Steinbrink, Stone, Suder, Townsend, Underheim, Urban and Vrakas; cosponsored by Senators Moen, Roessler, Schultz, Shibilski and Welch.

Read first time and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**Assembly Bill 588**

Relating to: funding for the enforcement of laws regulating snowmobiles and the operation of snowmobiles and making an appropriation.

By Representatives Gard, D. Meyer, Friske, Seratti, Suder, Kaufert, Bies, Starzyk and Pettis; cosponsored by Senators Decker, Welch and Breske.

Read first time and referred to committee on **Environmental Resources.**

**Assembly Joint Resolution 76**

Relating to: the life and public service of Judge Stanley A. Miller.

By Representatives Young, Coggs, Morris-Tatum, Riley, Williams, Bock, Jensen, Krug, Cullen, Carpenter, La Fave, Sinicki, Richards, Wasserman, Sherman, Colon, Walker, Plouff, Stone, Black, J. Lehman, Lassa, Townsend, Gunderson and Lippert; cosponsored by Senators George, Moore, Burke and Darling.

Read and referred to committee on **Senate Organization.**

**Assembly Joint Resolution 77**

Relating to: the life and public service of Ervin Butch Conradt.

By Representative Ainsworth; cosponsored by Senator Cowles.

Read and referred to committee on **Senate Organization.**

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**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Bill 70**

**Senate Bill 275**

Report correctly enrolled on November 8, 2001.

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**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Bill 259**

**Senate Joint Resolution 34**

Report correctly enrolled on November 13, 2001.

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**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**2001 SENATE BILL 249**

Prepared by the Legislative Reference Bureau  
(November 12, 2001)

**21.** Page 8, line 5: delete "(kh)" and substitute "(kh),".

**22.** Page 12, line 8: after "(5v)"

insert "and".

**23.** Page 12, line 9: delete "company" and substitute "company,".

**24.** Page 12, line 10: delete "company's," and substitute "company's,".

**25.** Page 19, line 2: delete "(sd)" and substitute "(5d)".

**26.** Page 33, line 1: delete "employe" and substitute "employee".

**CORRECTIONS IN:**

**2001 SENATE JOINT RESOLUTION 34**

Prepared by the Legislative Reference Bureau  
(November 8, 2001)

**1.** Page 2, line 11: delete "shinning" and substitute "shining".

**CORRECTIONS IN:**

**2001 ASSEMBLY JOINT RESOLUTION 77**

Prepared by the Legislative Reference Bureau  
(November 9, 2001)

**1.** Page 2, line 20: delete "Shioton" and substitute "Shiocton".

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, November 21, 2001

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The Chief Clerks makes the following entries under the above date.

**INTRODUCTION, FIRST READING AND  
REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 320**

Relating to: court procedures and time limits in forfeiture actions related to agriculture, consumer protection, and trade regulation; the date of expiration of fertilizer, soil and plant additive, and commercial feed licenses; and weather modification (suggested as remedial legislation by the department of agriculture, trade and consumer protection).

By Law Revision Committee.

To committee on **Labor and Agriculture**.

**Senate Bill 321**

Relating to: release of traffic accident reports relating to accidents resulting in death.

By Senator Darling; cosponsored by Representatives Wasserman, McCormick, Starzyk, Albers, Gunderson and Ainsworth.

To committee on **Insurance, Tourism, and Transportation**.

**Senate Bill 322**

Relating to: authorizing the creation of a local park and recreation district, authorizing a local park and recreation district to impose a sales tax and use tax and levy a property tax, authorizing a local park and recreation district to apply for funding from certain programs that receive funding from the stewardship 2000 program, authorizing a local park and recreation district to impose impact fees and issue debt, and making an appropriation.

By Senators Erpenbach, Decker, Hansen, Baumgart and Wirch; cosponsored by Representatives Huber, Underheim, Ziegelbauer, Musser, Plouff, Urban, Balow, Krawczyk, J. Lehman, Jeskewitz, Turner, Stone, Miller, Olsen, Lassa, Ott, Berceau, Gunderson, Shilling, Duff, Meyerhofer and Kaufert.

To joint survey committee on **Tax Exemptions**.

**Senate Bill 323**

Relating to: annuity payments for protective occupation participants under the Wisconsin retirement system.

By Senators Wirch, Risser, Burke and Moen; cosponsored by Representatives Sykora, Huber, McCormick, Musser and Kreuser.

To joint survey committee on **Retirement Systems**.

**Senate Bill 324**

Relating to: passive alcohol sensors.

By Senators Decker and Breske; cosponsored by Representatives Musser and F. Lasee.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

**Senate Bill 325**

Relating to: a grazing education grant program and making an appropriation.

By Senator Decker; cosponsored by Representatives Gunderson, Lassa, Freese, Plouff, Pohan, Bock, Gronemus and Sykora.

To committee on **Universities, Housing, and Government Operations**.

**Senate Bill 326**

Relating to: the capital gains income tax exclusion.

By Senators Kanavas, Welch, Darling, Roessler and Huelsman; cosponsored by Representatives Owens, Ziegelbauer, F. Lasee, Jensen, Suder, Pettis, Gronemus, Ladwig, Musser, Urban, Stone, J. Fitzgerald, Krawczyk, Jeskewitz, Townsend, Albers, Freese, Kedzie, Walker, Gunderson, McCormick, Leibham and Hines.

To joint survey committee on **Tax Exemptions**.

**Senate Bill 327**

Relating to: limiting school board payment for courses taken under the youth options program.

By Senators Moen, Roessler and Darling; cosponsored by Representatives Musser, Gronemus, Ladwig, Nass, Jeskewitz, La Fave, Plouff, Miller and Loeffelholz.

To committee on **Universities, Housing, and Government Operations**.

**Senate Bill 328**

Relating to: certain felonies committed with intent to terrorize, threats to use weapons of mass destruction, threats to commit acts of terrorism, supporting acts of terrorism, harboring a terrorist, a sentence of death or life imprisonment for certain first-degree intentional homicides, licenses to carry a concealed weapon, possession of firearms in certain places, providing an exemption from emergency rule procedures, requiring the exercise of rule-making authority, and making an appropriation and providing penalties.

By Senators Welch, Zien, S. Fitzgerald and Huelsman; cosponsored by Representatives Huebsch, Freese, Vrakas, Musser, Suder, Gunderson, McCormick, Albers, Ott, Krawczyk, Owens, F. Lasee, Loeffelholz, Stone and Leibham.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.



**Senate Bill 329**

Relating to: state agency status for physicians and dentists providing specific public health services and removal of a physician from the state immunization program.

By Senators Robson, Moen, Erpenbach, Wirch, Rosenzweig, Huelsman, Roessler, Schultz and Darling; cosponsored by Representatives Underheim, Urban, Wasserman, Gronemus, Krug, J. Lehman, Musser, Duff, Lippert, Huber, Ladwig, Hubler, Williams, Olsen, Bock, Sykora, Turner, Meyerhofer, Berceau, Miller, Balow, Lassa, Ryba, Plale, Riley, Vrakas and Walker.

To committee on **Human Services and Aging**.

**Senate Bill 330**

Relating to: establishing a Wisconsin outdoor wildlife heritage trust fund and making an appropriation.

By Senators Baumgart, Shibilski, Burke, Schultz, Grobschmidt, Robson, Wirch, Roessler, Risser, Darling, Hansen and S. Fitzgerald; cosponsored by Representatives Gunderson, Krug, Lassa, Carpenter, J. Lehman, Colon, Hahn, Miller, Albers, Balow, Leibham, Ott, Pettis, Powers, Musser, McCormick, Lippert, Krawczyk, Petrowski, Stone, Vrakas, Huebsch and Hundertmark.

To committee on **Environmental Resources**.

**PETITIONS AND COMMUNICATIONS**

**THE STATE OF WISCONSIN  
OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER #32**

*Relating to the Creation of the Governor's Commission on Historic Sites*

**WHEREAS**, the Wisconsin Historical Society's ten historic sites are important to the interpretation of our heritage for the citizens of Wisconsin; and

**WHEREAS**, Wisconsin's historic sites are an important component of our state's tourism industry and the schools' state history programs; and

**WHEREAS**, Wisconsin's historic sites have experienced declining attendance during the past five years and difficulties in retaining seasonal staff and caring for their large and important collections of artifacts; and

**WHEREAS**, Wisconsin is committed to maintaining a high-quality, economically viable system of state historic sites;

**NOW, THEREFORE, I SCOTT McCALLUM**, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this state, and specifically by Section 14.019 of the Wisconsin Statutes, do hereby:

1. Create the Governor's Commission on Historic Sites ("Commission"); and
2. Provide that the Commission shall consist of not more than eleven (11) members appointed by the Governor to serve at the pleasure of the Governor; and
3. Provide that the Governor shall designate one (1) member on the Commission as chair to serve in this capacity at the pleasure of the Governor; and
4. Provide that the Commission shall have the following mission:
  - a. Report on the current state of the Society's historic sites; and
  - b. Access economic operating models used by the sites; and
  - c. Assess models on interpretation used by the sites; and

d. Assess current promotional activities for the Society's historic sites; and

e. Assess the sites' stewardship of collections, which include historic buildings, major museum collections, and archives; and

5. Require the Commission to prepare and submit a report to the Governor detailing its findings and proposing recommendations for the operation of the Society's historic sites while not increasing current state funding levels; and

6. Require the Commission to submit periodic reports to the Governor as the chair deems necessary and a final report to the Governor no later than July 1, 2002; and

7. Direct the Wisconsin Historical Society to provide the Commission with administrative and support services; and

8. Direct the Department of Administration to provide the Commission with such sums of money as are necessary for travel and operating expenses in accordance with Section 20.505(3)(a) of the Wisconsin Statutes; and

9. Provide that the Commission shall dissolve when its final report is accepted by the Governor.

**IN TESTIMONY WHERE OF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this fifteen day of November in the year two thousand and one.

SCOTT McCALLUM  
Governor

*BY THE GOVERNOR:*

DOUGLAS LA FOLLETTE  
Secretary of State

**THE STATE OF WISCONSIN  
OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER #33**

*Relating to the Creation of the Governor's Task Force on Financial Education*

**WHEREAS**, numerous state and national authorities on the issue of financial education have documented a need for increased financial education in Wisconsin and nationally; and

**WHEREAS**, the Wisconsin Legislature, through 2001 Senate Joint Resolution 31 urged schools to improve the personal money management skills of high school students; and

**WHEREAS**, the Wisconsin Department of Financial Institutions' ("DFI") Task Force on Financial Competitiveness 2005 – representing Wisconsin's financial industry and consumers – ranked financial illiteracy as a top obstacle to financial competitiveness;

**NOW, THEREFORE, I SCOTT McCALLUM**, Governor of the State of Wisconsin, by the authority vested in me under Section 14.019(1), Wis. Statutes, do hereby:

1. Create the Governor's Task Force on Financial Education (hereinafter "Task Force"); and
2. Provide that the mission of the Task Force shall be to advise the Governor on how public and private organizations can prepare Wisconsin youth for successful entry into and participation in our evolving financial system and to produce a report which will;
  - a. identify the basic financial knowledge and skills which are appropriate and necessary for the successful entry into the financial marketplace by Wisconsin's youth;
  - b. catalog existing successful efforts of financial education by state agencies and private/non-agency organizations;
  - c. assess the adequacy, nature and extent of financial and economic education in Wisconsin and determine

whether and where gaps exist in the education infrastructure;

d. foster communication and cooperation between existing entities and programs in financial education;

e. identify topics and audiences which could be better served by financial education efforts in Wisconsin; and

f. suggest ways to meet the needs identified by the task force.

3. Provide that DFI will be responsible for guidance and administrative support to the Task Force; and

4. Provide that two Co-Chairs of the Task Force shall be appointed by the Governor to serve at the pleasure of the Governor; and

5. Provide that the other members of the Task Force shall be appointed by the Governor to serve at his pleasure and shall consist of:

a. the Secretary of the Department of Financial Institutions or his/her designee;

b. the State Superintendent of Public Instruction or his/her designee;

c. the Executive Secretary of the Higher Educational Aids Board or his/her designee;

d. three Wisconsin State Senators;

e. three Wisconsin State Representatives;

f. a University of Wisconsin Professor;

g. a representative of the Wisconsin Technical College System;

h. a representative of the University of Wisconsin Extension;

i. a representative of "Economics Wisconsin;"

j. two school administrators;

k. an educator;

l. a student

m. two representatives of private foundations;

n. two representatives of banks;

o. a representative of credit unions;

p. a member of the securities industry;

q. a representative of Americans for Consumer Education and Competition (ACEC);

r. a representative of the Wisconsin Jump Start Coalition;

s. an entrepreneur;

t. a representative of a Center for Economic Education; and

u. five at-large members; and

6. Provide that the Task Force submit a final report to the Governor no later than July 2002; and

7. Provide that the Task Force dissolve when its final report is received by the Governor.

**IN TESTIMONY WHERE OF,** I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this fifteen day of November in the year two thousand and one.

SCOTT McCALLUM  
Governor

*BY THE GOVERNOR:*

DOUGLAS LA FOLLETTE  
Secretary of State

**THE STATE OF WISCONSIN  
OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER #34**

***Relating to the Creation of the Governor's Year of the Trails Commission***

**WHEREAS,** Wisconsin's trail system has more than 1,400 miles of trails which provide outdoor enjoyment and recreation to thousands of users; and

**WHEREAS,** Wisconsin's trails offer a variety of activities including all-terrain vehicle riding, bicycling, cross-country skiing, disabled access, dog sledding, hiking, horseback riding, kayaking, rollerblading, snowmobiling, snowshoeing and walking; and

**WHEREAS,** Wisconsin's trails provide health benefits to its users, help preserve the environment, boost local economies, generate community pride and improve the quality of life for residents; and

**WHEREAS,** Wisconsin is committed to informing and educating others on the benefits of the trail system;

**NOW, THEREFORE, I SCOTT McCALLUM,** Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this state, and specifically by Section 14.019 of the Wisconsin Statutes, do hereby:

1. Create the Governor's Year of the Trails Commission ("Commission"); and

2. Provide that the Commission shall consist of not more than twenty-one (21) members appointed by the Governor to serve at the pleasure of the Governor; and

3. The Governor shall designate one (1) member of the Commission to serve as chair and one (1) member to serve as Vice-Chair; and

4. Provide that the Commission shall prepare a plan for the Year of the Trails by:

a. promoting of the economic, environmental and social benefits of trails including community-building opportunities; and

b. promoting of the health benefits of the trails; and

c. promoting of the use of trails as an alternative means of transportation; and

d. encouraging more people to use trails; and

e. increasing awareness of the importance of trails and the need to maintain them; and

f. raising the visibility of the trails.

5. Require the Commission to prepare and submit periodic reports to the Governor with recommendations for the Year of the Trails; and

6. Require the Commission to submit a final report to the Governor no later than January 2003; and

7. Direct the Department of Natural Resources' Bureau of Parks and Recreation to provide the Commission with administrative and support services; and

8. Direct the Department of Administration to provide the Commission with such sums of money as are necessary for travel and operating expenses in accordance with Section 20.505(3)(a) of the Wisconsin Statutes; and

Provide that the Commission shall dissolve when its final report is accepted by the Governor.

**IN TESTIMONY WHERE OF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this fifteen day of November in the year two thousand and one.

SCOTT McCALLUM  
Governor

BY THE GOVERNOR:

DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Wisconsin Environmental Education Board**

October 2001

The Honorable, The Legislature:

Every two years, units of state government are asked to provide a report to the legislature. A statement made by a citizen provides a wonderful testament to the Wisconsin Environmental Education Board's (WEEB) accomplishments: "I never realized the Board is served by just one part-time employee. I envisioned a much larger unit of government that that. You sure do a lot with a little! You had me completely fooled."

While fooling the public is not a WEEB goal, setting the future direction for environmental education in the state is. During the biennial period the WEEB began the implementation of a five-year strategic plan, EE-2005: *A Plan for Advancing Environmental Education in Wisconsin*. The primary goal of the plan is to enhance the environmental literacy of all Wisconsin residents.

As the WEEB strives to incorporate new initiatives, it continues to provide opportunities for Wisconsin residents to learn about the importance of creating and maintaining sustainable economic and ecological environments in the state. This report provides an overview of the projects that have been made possible over the last two years by the WEEB grant program. The diversity of projects attests to the many venues of daily life environmental education permeates. Environmental education ensures our Wisconsin heritage of concern and stewardship for our environment will continue for generations to come.

If, as you review the report, question arise, please don't hesitate to contact me.

Sincerely,

RICK KOZIEL  
Chairperson

**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 48	Enrolled Joint Resolution, 20	N/A

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Department of Natural Resources**

October 31, 2001

The Honorable, The Senate:

In fulfillment of the requirement under s. 299.80 (16), Wisconsin statutes, I am submitting to you a copy of the Environmental Cooperation Pilot Program 2001 Progress Report. I am also providing a copy of the Report to the Governor and to the Honorable Chief Clerk of the Assembly, John Scocos.

For more information on the Environmental Cooperation Pilot Program or additional copies of this report, please contact Mark McDermid at (608) 267-3125, or visit our web site at <http://www.dnr.state.wi.us/org/caer/cea/>.

Sincerely,  
DARRELL BAZZELL  
Secretary

**State of Wisconsin  
Ethics Board**

November 20, 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/>

Boyce, Catherine **Community Alliance of Providers of Wisconsin (CAPOW)**

Boyce, Catherine **Greater Milwaukee Convention & Visitors Bureau**

Broydrick, William **Greater Milwaukee Convention & Visitors Bureau**

Fonfara, Thomas **VoiceStream Wireless**

Traas, Kevin **Wisconsin Transportation Builders 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

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 00-020**

Relating to foster home care for children.

Submitted by Department of Health and Family Services.

Report received from Agency, November 20, 2001.

Referred to committee on **Human Services and Aging**, November 21, 2001.

**Senate Clearinghouse Rule 01-113**

Relating to the community development block grant program.

Submitted by Department of Commerce.

Report received from Agency, November 21, 2001.

Referred to committee on **Universities, Housing, and Government Operations**, November 21, 2001.

The joint committee for **review of Administrative Rules** reports and recommends:

**Senate Clearinghouse Rule 99-071**

Relating to the eligibility of nonparent relatives of children to receive kinship care benefits to help them provide care and maintenance for the children.

Report nonconcurrency in objection.

Ayes, 5 – Senators Robson, Grobschmidt and Hansen. Representatives Turner and Hebl.

Noes, 5 – Senators Cowles and Welch. Representatives Grothman, Seratti and Gunderson.

Judith Robson  
Senate Chairperson

The committee on **Economic Development and Corrections** reports and recommends:

**Senate Clearinghouse Rule 00-140**

Relating to classification, assessment and evaluation and program review.

No action taken.

Robert Jauch  
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 01-088**

Relating to Wisconsin lottery retailers and nonprofit organization retailers, and the Wisconsin lottery's major procurements.

No action taken.

**Senate Clearinghouse Rule 99-158**

Relating to the lottery and gaming property tax credit.

No action taken.

Mark Meyer  
Chairperson

**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Bill 279**

Presented to the Governor on November 19, 2001.

**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Bill 251**

**Senate Bill 303**

**Senate Joint Resolution 28**

**Senate Joint Resolution 33**

**Senate Joint Resolution 42**

**Senate Joint Resolution 49**

**Senate Joint Resolution 50**

**Senate Joint Resolution 51**

Report correctly enrolled on November 21, 1995.

**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Joint Resolution 34**

Deposited in the office of the Secretary of State on November 19, 2001.

**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Joint Resolution 48**

Deposited in the office of the Secretary of State on November 14, 2001.

**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**2001 SENATE JOINT RESOLUTION 50**

Prepared by the Legislative Reference Bureau

(October 30, 2001)

**2.** Page 2, line 8: delete "shinning" and substitute "shining".

**CORRECTIONS IN:**

**2001 SENATE JOINT RESOLUTION 51**

Prepared by the Legislative Reference Bureau

(November 15, 2001)

**1.** Page 2, line 12: delete "wisconsin" and substitute "Wisconsin".



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

TUESDAY, November 27, 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 331**

Relating to: collective bargaining and binding arbitration coverage under the Municipal Employment Relations Act for fire fighting supervisors employed by a 1st class city.

By Senators Burke and George; cosponsored by Representatives Krusick, Berceau, Bock, Carpenter, Meyerhofer, Plale, Richards, Sinicki, Sykora, Turner, Williams and Young.

To committee on **Labor and Agriculture**.

#### **Senate Bill 332**

Relating to: overpayment of state transit operating aids to the city of Rhinelander.

By Senator Breske; cosponsored by Representative D. Meyer.

To committee on **Insurance, Tourism, and Transportation**.

### PETITIONS AND COMMUNICATIONS

**State of Wisconsin  
Office of the Governor**

November 21, 2001

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
<b>Senate Bill 279</b>	<b>Wisconsin Act 19</b>	November 20, 2001

Sincerely,

SCOTT MCCALLUM  
Governor

**State of Wisconsin  
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>Senate Bill 279</b>	Wisconsin Act 19	December 4, 2001
<b>Senate Joint Resolution 34</b>	Enrolled Joint Reso- lution 21	N/A

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Legislative Audit Bureau**

November 26, 2001

The Honorable, The Legislature:

Under the terms of a contract with the Legislative Audit Bureau, the Lewin Group has completed its second report on implementation of the Family Care Pilot program. Its first implementation report was released in November 2000. The Legislature authorized the Family Care program—a redesign of Wisconsin’s long-term care system for the elderly and adults with physical and developmental disabilities—in 1999 Wisconsin Act 9. Act 9 also directed the Audit Bureau to contract with an organization other than an agency of the State to evaluate the pilot program. In addition to the enclosed report, the Lewin Group will provide a report on the program’s impact and cost-effectiveness, as well as additional reports on program implementation, in the 2001-03 biennium.

The Family Care program is being piloted in nine counties. Jackson, Kenosha, Marathon, and Trempealeau counties operate Resource Centers, which provide information and referral services to both consumers and providers of long-term care services. Fond du Lac, La Crosse, Milwaukee, Portage, and Richland counties operate both Resource Centers and Care Management Organizations (CMOs), which coordinate care and manage capitated payments for those determined to be eligible for the Family Care benefit. Expenditures for the Resource Centers and CMOs totaled \$32.2 million in calendar year 2000; expenditures are expected to increase in 2001 as enrollment is projected to increase from 2,875 individuals in March 2001, the first quarter in which all five CMOs were operational, to 5100 individuals by the end of 2001.

The Lewin Group notes that since November 2000, the Department of Health and Family Services and the pilot counties have made considerable progress in implementing Family care, although the counties are at different stages in terms of program processes, capacity, and enrollment. In January 2002, the counties will implement a final program

element, an independent enrollment broker, as proposed by the Department and approved by the federal government. The Lewin report points out a number of areas that need to be addressed as the pilots continue, including outreach, provider relations, care management, quality assurance, and cost.

We appreciate the cooperation and courtesy of the Department of Health and Family Services and the many county staff, citizen members of long-term care councils, and provider

representatives who have worked with the Lewin Group throughout the evaluation process. The second implementation report is available on our Web site at [www.legis.state.wi.us/lab](http://www.legis.state.wi.us/lab), or it can be obtained by contacting our office at (608) 266-2818.

Sincerely,

JANICE MUELLER  
State Auditor

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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THURSDAY, December 6, 2001

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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 333**

Relating to: merger and conversion of business entities, exemptions from securities registration requirements and licensing requirements for securities broker–dealers and securities agents, registered agents for business entities, filing of documents relating to certain business entities, administrative dissolution of business entities, amended certificates of authority for certain foreign business entities, granting rule–making authority, and making an appropriation.

By Senators M. Meyer, Cowles, Burke, Darling, S. Fitzgerald, Huelsman, Kanavas, Roessler and Harsdorf; cosponsored by Representatives Jeskewitz, Plale, Vrakas, Duff, Grothman, Hines, Krawczyk, La Fave, Lassa, McCormick, Olsen, Stone, Townsend, Urban, Walker, Sykora and Kreibich.

To committee on **Universities, Housing, and Government Operations.**

**Senate Bill 334**

Relating to: the administration of local exposition district taxes.

By Senator Burke; cosponsored by Representative Foti.

To committee on **Universities, Housing, and Government Operations.**

**Senate Bill 335**

Relating to: the intoxicated operation of an all–terrain vehicle, motorboat, or snowmobile.

By Joint Legislative Council.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

**Senate Bill 336**

Relating to: safety training for all–terrain vehicle and motorboat operation.

By Joint Legislative Council.

To committee on **Environmental Resources.**

**Senate Bill 337**

Relating to: requiring that personal flotation devices be worn by certain underaged persons in certain boats.

By Joint Legislative Council.

To committee on **Environmental Resources.**

**Senate Bill 338**

Relating to: intoxicated operation of a motor vehicle and providing a penalty.

By Joint Legislative Council.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

**Senate Bill 339**

Relating to: exclusive contracts for the sale of soft drinks in schools.

By Senators Hansen, Wirch, Baumgart, Burke, Schultz and Roessler; cosponsored by Representatives Plouff, Ott, Starzyk, Krug, Lassa, Turner, J. Lehman, Skindrud, Ryba, Hahn, Musser, Urban, Albers, Huber, Sykora, Hines, Berceau, McCormick and Schooff.

To committee on **Labor and Agriculture.**

**Senate Bill 340**

Relating to: veterinary postgraduate training permits.

By Senators Hansen, Risser, Burke, Darling and Rosenzweig; cosponsored by Representatives Ott, Foti, Musser, Ryba, Sykora, Lippert, Plouff, Owens, Petrowski, Gunderson and Vrakas, by request of Department of Regulation and Licensing, Veterinary Examining Board, and the University of Wisconsin–Madison School of Veterinary Medicine.

To committee on **Labor and Agriculture.**

**Senate Bill 341**

Relating to: civil liability relating to alcohol beverages.

By Senators Huelsman, Decker, Cowles, Darling, Baumgart, Kanavas and Roessler; cosponsored by Representatives Ladwig, Stone, Leibham, Krug, Urban, Jeskewitz, Kestell, Hahn, Starzyk, Gronemus, Turner, Musser, Lassa, Nass, Krawczyk, Albers, Freese, M. Lehman, Ainsworth, Lippert, Ward, Ott and Meyerhofer.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

**Senate Bill 342**

Relating to: a real estate transfer fee exemption for a conveyance between related corporations, partnerships, and limited liability companies.

By Senator Huelsman; cosponsored by Representatives Vrakas, Grothman and Lippert.

To committee on **Universities, Housing, and Government Operations.**

**Senate Bill 343**

Relating to: exemptions from the open meetings law for certain gatherings related to highway, street, alley, or public works projects.

By Senators Huelsman, Welch and Roessler; cosponsored by Representatives Stone, Musser, Ladwig, Staskunas, M. Lehman, Olsen, Grothman, Owens, Ott, Gundrum, Jeskewitz, F. Lasee and Vrakas.

To committee on **Universities, Housing, and Government Operations**.

**Senate Bill 344**

Relating to: development of a tribal logo for notification of state grants funded by Indian gaming receipts.

By Senators Burke, Wirch and Schultz; cosponsored by Representatives Turner and Musser.

To committee on **Universities, Housing, and Government Operations**.

**Senate Bill 345**

Relating to: threats to release or disseminate harmful chemical, biological, or radioactive substances and providing a penalty.

By Senators Grobschmidt, Darling, Cowles, Burke and Schultz; cosponsored by Representatives Wieckert, Urban, Duff, Suder, Musser, Jeskewitz, Sykora, Ladwig, Skindrud, Lippert, Ott, Albers, Townsend, Krawczyk, Lassa, Leibham, Owens, Freese, Plouff, Loeffelholz, Petrowski, Sinicki, Olsen, Hahn and Plale.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

**Senate Bill 346**

Relating to: increasing funding for services under the family support program and the respite care program; increasing the daily reimbursement rate for the community integration program for persons with mental retardation; providing funding for medical assistance home and community-based services for persons with developmental disabilities who are on waiting lists for services; requiring the department of health and family services to establish criteria for distribution of this funding and to develop a plan to eliminate waiting lists for services for persons with developmental disabilities by the end of state fiscal year 2004–05; requiring the council on developmental disabilities to evaluate, and report to the legislature, the number of persons with developmental disabilities on waiting lists for services at the end of each calendar year; requiring the exercise of rule-making authority; and making appropriations.

By Joint Legislative Council.

To committee on **Human Services and Aging**.

**Senate Bill 347**

Relating to: eliminating redundancy in statutes pertaining to license renewal requirements; limiting a credential issued by an examining board; use of the term “credential” in the statutes pertaining to the department of regulation and licensing; changing the definition of “licensing” as it relates to administrative procedure; the award of costs in a contested administrative case; persons exempt from regulation as private detectives or private security personnel; and renumbering and creating statutory titles for provisions pertaining to immunity from liability for testimony to the department of regulation and licensing and attached boards, advisory committees to the department of regulation and licensing and attached boards, and

cemetery preneed sellers (suggested as remedial legislation by the department of regulation and licensing).

By Law Revision Committee.

To committee on **Universities, Housing, and Government Operations**.

**REPORT OF COMMITTEES**

The committee on **Environmental Resources** reports and recommends:

CERNY, MIKE J., of Sharon, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

DITTMAR, BEVERLY ANN, of Eagle River, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

ELMAN, WILLIAM R., of Appleton, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2005.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

GABERT, DR. THOMAS C., of Minocqua, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

LANGDON, JAMES M., of De Forest, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

LARSEN, MARK A., of River Falls, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

MARSDEN, MICHAEL A., of Grand Chute, as a member of the Waste Facility Siting Board, to serve for the interim term ending May 1, 2003.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.



OSBORNE, PATRICK J., of Madison, as a member of the Great Lakes Protection Fund, to serve for the term ending October 11, 2003.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

SCHUMANN, WILLIAM E., of Manitowish Waters, as a member of the Snowmobile Recreation Council, 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 committee on **Insurance, Tourism, and Transportation** reports and recommends:

### Assembly Bill 167

Relating to: access by law enforcement agencies to photographs on motor vehicle operators' licenses and identification cards.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

Concurrence as amended.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

### Assembly Bill 249

Relating to: the effect of annexation or detachment of territory on a municipality's quota of "Class B" intoxicating liquor licenses.

Concurrence.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

### Assembly Bill 436

Relating to: requiring the department of transportation to provide transportation planning and assistance in reviewing the site plan of proposed school construction or enlargement and granting rule-making authority.

Concurrence.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

### Assembly Bill 519

Relating to: designating the bridge on I 43 across the Fox River in the city of Green Bay as the Leo Frigo Memorial Bridge.

Concurrence.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

### Senate Bill 241

Relating to: designating the bridge on I 43 across the Fox River in the city of Green Bay as the Leo Frigo Memorial Bridge.

Passage.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

### Senate Bill 274

Relating to: the licensing of motor vehicle dealers, motor vehicle salespersons, and sales finance companies and providing a penalty.

Passage.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

### Senate Bill 310

Relating to: designating STH 122 as the Walt Bresette Equal Rights Highway.

Passage.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

### Senate Bill 312

Relating to: advertising by intoxicating liquor retailers.

Passage.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

Roger Breske  
Chairperson

## PETITIONS AND COMMUNICATIONS

### State of Wisconsin

#### Department of Public Instruction

November 26, 2001

The Honorable, The Senate:

Pursuant to s. 15.377(8), Wis. Stats., enclosed please find a list of nominees to the Professional Standards Council for Teachers. These individuals were selected based upon organizational recommendations as prescribed in statute. Your confirmation of the appointees is requested.

Sincerely,

ELIZABETH BURMASTER  
State Superintendent

OPELT, DIANE, of Greenwood, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2004.

Read and referred to committee on **Education**.

ALLEN, RAY, of Madison, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2004.

Read and referred to committee on **Education**.

CHAMPEAU, RYAN, of Waukesha, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2003.

Read and referred to committee on **Education**.

**State of Wisconsin  
Office of the Governor**

December 3, 2001

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
<b>Senate Bill 70</b>	<b>Wisconsin Act 27</b>	November 30, 2001
<b>Senate Bill 275</b>	<b>Wisconsin Act 31</b>	November 30, 2001

Sincerely,  
SCOTT MCCALLUM  
Governor

**State of Wisconsin  
Office of the Governor**

December 4, 2001

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
<b>Senate Bill 259</b>	<b>Wisconsin Act 32</b>	December 3, 2001

Sincerely,  
SCOTT MCCALLUM  
Governor

**State of Wisconsin  
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>Senate Bill 70</b>	Wisconsin Act 27	December 13, 2001
<b>Senate Bill 275</b>	Wisconsin Act 31	December 13, 2001

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Legislative Audit Bureau**

November 29, 2001

The Honorable, The Senate:

We have completed a financial audit of the Petroleum Inspection Fee Revenue Obligations Program for the fiscal year ending June 30, 2001. The program provides financing for payment of claims under the Wisconsin Petroleum Environmental Cleanup Fund Award (PECFA) program. This financial audit was performed at the request of the Department of Commerce, which audits and pays PECFA claims, and the Department of Administration, which issues the program's revenue bonds and commercial paper.

As necessary parts of the financial audit, we reviewed the Revenue Obligations Program's control procedures, assessed the fair presentation of the Statement of Changes in Program Assets, and reviewed compliance with applicable laws and

regulations. We were able to provide an unqualified auditor's report on the program's financial statement and notes, and we found no reportable instances of weaknesses in the internal control structure or instances of noncompliance.

The State issued \$230 million in debt in fiscal year 1999-2000 and another \$20 million during our audit period. The debt proceeds, along with petroleum inspection fees in excess of debt service requirements, have allowed the Department of Commerce to reduce a backlog of unpaid PECFA claims from \$196 million as of January 1, 2000, to less than \$15 million as of June 30, 2001. However, as of June 30, 2001, the Department of Commerce had yet to review for approval approximately \$20 million of claimed costs, and it continues to receive new claims every month.

Copies of the report have been distributed to members of the Joint Legislative Audit Committee and those required by law to receive them. If you are interested in receiving a copy of this report, please contact our office and request report number 01-19. The report is also available on line at [www.legis.wi.us/lab/windex.htm](http://www.legis.wi.us/lab/windex.htm).

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Legislative Audit Bureau**

December 5, 2001

The Honorable, The Legislature:

We have completed a best practices review of local government operations, as directed by s.13.94(8), Wis. Stats. This report describes the development and implementation of electronic government services by local governments in Wisconsin.

Most local governments have already met a recommendation of the Blue-Ribbon Commission on State-Local Partnerships for the 21st Century, commonly known as the Kettl Commission, that all local governments serving populations of more than 25,000 have Web sites by June 30, 2002. Only 2 of 71 local governments with this population do not currently have Web sites. Further, 54 of 77 local governments with populations between 10,000 and 25,000 have Web sites.

E-government holds the potential to improve government services by making them less costly, more convenient, and more accessible to the public. Of the Web sites we reviewed, two-thirds are used primarily to publish information such as agendas and minutes of government meetings on line.

Increasingly, however, communities are developing features that allow interaction between residents and the government by allowing residents to send e-mail to local officials; print forms and applications; and in some cases, pay parking tickets or other fees on line using credit cards.

Our report highlights best practices for communities to use in making their Web sites as widely accessible as possible, making them easy to use, and addressing security and privacy concerns.

We appreciate the courtesy and cooperation extended to us by the many Wisconsin county and municipal officials who responded to an electronic survey we conducted, as well as to additional questions.

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Department of Administration**

November 15, 2001

The Honorable, The Senate:

In fulfillment of the requirements set forth under s. 9101(26n), I am notifying the Joint Committee on Finance of the Department of Administration's (DOA) action taken to lapse funding related to vacant positions in state government. This lapse plan totals \$7,948,300 in each fiscal year. The nonstatutory provision gives the DOA secretary the latitude to determine each agency's lapse amount and requires each agency to lapse the amount identified. I have apportioned the reduction on the same basis as the five percent state operations reductions were determined, with certain exclusions.

Agencies were informed of the amounts that they were required to lapse in my September 24, 2001, memorandum relating to the implementation of budget cuts and lapses. The reduction for the vacancy lapse amounts to a 1.47% state operations reduction for most state agencies. Positions in the Division of Care and Treatment Facilities in the Department of Health and Family Services, small agencies and the Circuit Courts have been exempted from this reduction. The lapse amount for each agency is listed in the attachment.

Sincerely,

GEORGE LIGHTBOURN  
Secretary

**State of Wisconsin  
Department of Administration**

November 20, 2001

The Honorable, The Legislature:

Chapter 34, Laws of 1979, requires that when the Department of Administration maintains an office in Washington, DC, for the purpose of promoting federal/state cooperation, it should submit a report detailing the activities of the office and reporting the status of federal legislation of concern to the Legislature and other state agencies (Wis. Stats. 16.548(2)). The report for the period July, 2001, through September, 2001, is attached.

Sincerely,

GEORGE LIGHTBOURN  
Secretary

**State of Wisconsin  
Department of Administration**

November 26, 2001

The Honorable, The Senate:

Included with this correspondence, I am submitting the report of the Department of Administration, Division of Gaming(Gaming), for the first quarter of fiscal year 2002 (July 1, 2001 through September 30, 2001). As required by s.562.02(1)(g), Wis. Stats., the attached materials contain pari-mutuel wagering and racing statistical information, as well as the revenues for the program areas of Racing, Charitable Gaming and Indian Gaming. Bingo revenues are now captured in a new appropriation (836) and therefore are shown on a separate chart form the rest of Charitable Gaming.

Please note that the final day of racing at St. Croix Meadows was August 9, 2001. The track is now closed. If you have any questions or comments regarding this report, please do not hesitate to contact Richard Pedersen at (608) 270-2546.

Sincerely,

F. SCOTT SCEPANIAC  
Administrator

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**State of Wisconsin  
Revisor of Statutes Bureau**

December 1, 2001

To the Honorable, the Senate:

The following rules have been published:

<b>Clearinghouse Rules</b>	<b>Effective Date(s)</b>
<b>00- 91</b>	December 1, 2001
<b>00-112 (part)</b>	December 1, 2001
<b>00-169</b>	December 1, 2001
<b>01- 07</b>	December 1, 2001
<b>01- 12 (part)</b>	December 31, 2001
<b>01- 12 (part)</b>	April 1, 2002
<b>01- 13 (part)</b>	December 31, 2001
<b>01- 13 (part)</b>	April 1, 2002
<b>01- 30</b>	December 1, 2001
<b>01- 38</b>	December 1, 2001
<b>01- 61</b>	December 1, 2001
<b>01- 63</b>	December 1, 2001
<b>01- 66</b>	December 1, 2001
<b>01- 70</b>	December 1, 2001
<b>01- 71</b>	December 1, 2001
<b>01- 84</b>	December 1, 2001

Sincerely,

GARY L. POULSON  
Deputy Revisor

**Senate Clearinghouse Rule 01-105**

Relating to control of communicable diseases.

Submitted by Department of Health and Family Services.

Report received from Agency, December 3, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, December 6, 2001.

**Senate Clearinghouse Rule 01-106**

Relating to early intervention services for children with developmental needs in the age group from birth to 3.

Submitted by Department of Health and Family Services.

Report received from Agency, December 5, 2001.

Referred to committee on **Human Services and Aging**, December 6, 2001.

**Senate Clearinghouse Rule 01-116**

Relating to licensing of emergency medical technicians-intermediate and approval of emergency medical technician-intermediate operational plans.

Submitted by Department of Health and Family Services.

Report received from Agency, December 5, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, December 6, 2001.

The committee on **Human Services and Aging** reports and recommends:

**Senate Clearinghouse Rule 01-059**

Relating to course descriptions for students applying for social worker training certificates.

No action taken.



**Senate Clearinghouse Rule 01-094**

Relating to the minimum number of hours to be required in a social worker training certificate internship.

No action taken.

**Senate Clearinghouse Rule 01-095**

Relating to the social worker temporary certificate to conform to a new procedure for computerized examinations.

No action taken.

**Senate Clearinghouse Rule 01-099**

Relating to aid to families with dependent children.

No action taken.

Judith Robson  
Chairperson

The committee on **Labor and Agriculture** reports and recommends:

**Senate Clearinghouse Rule 01-042**

Relating to meat and meat food products.

No action taken.

David Hansen  
Chairperson

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**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Bill 70**

**Senate Bill 259**

**Senate Bill 275**

Presented to the Governor on November 28, 2001.

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**MOTIONS UNDER SENATE RULE 98 AND  
JOINT RULE 7**

*for the Month of November 2001*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for the American Society for Quality (ASQ), on the occasion of the dedication of its new building and its years of service to the Milwaukee community.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for Irene "Rene" Beryl Walter Anderson, on the occasion of celebrating her 95th Birthday shared with family and friends.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Barbara Bender, on the occasion of her 30 years of dedicated service with Cuna Credit Union National Association.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Robert W. Braeger, on the occasion of being a distinguished World War II veteran at the 38th Annual Veterans Day Parade.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Greg Brusseau, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Erpenbach, for Edward Chin, on the occasion of his retirement as the State Director of the Wisconsin Technical College System Board.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grobschmidt, for Edward Chin, on the occasion of his retirement after 26 dedicated years with the Wisconsin Technical College System Board.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Michael J. Cudahy, on the occasion of being the recipient of the American Jewish Council Committee's Institute of Human Relations Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Mr. Michael J. Cudahy, on the occasion of his outstanding and distinguished service to the community, City of Milwaukee and the state of Wisconsin.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Mr. Thomas W. Dortch Jr., on the occasion of his contributions to the city of Milwaukee and the state of Wisconsin.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Ellis, for Byron Eddy, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for the Edgar Wildcats Football Team, on the occasion of winning the Division V state championship.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Burke, for the FDNY and EMT units, on the occasion of their outstanding bravery and service to all those in need.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Matthew Gibson, on the occasion of his faithful service to Elmbrook School District.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Harsdorf, for the Grantsburg Pirates Girls Volleyball team, coaching staff, parents and fans, on the occasion of winning the Division III championship.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Michael Grossheim, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Panzer, for Scott Craig Hanks, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Huelsman, for Michael Havican, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Megan Hawley, on the occasion of her distinguished and outstanding commitment to the community, City of Milwaukee and the State of Wisconsin.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Eric Heindl, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Eric R. Howard, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Mr. Willie Johnson Jr., on the occasion of his contributions to the city of Milwaukee and the state of Wisconsin.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Michael John Klingbeil, on the occasion of earning and attaining the rank of the Eagle Scout Award.*



*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Brian Martin, on the occasion of completing the National Guard's Wisconsin Challenge Academy.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Renee Matteson, on the occasion of her distinguished and outstanding commitment to the community, City of Milwaukee and the State of Wisconsin.*

*A certificate of condolence by the Wisconsin Senate on the motion of Senator George, for the family and friends of Judge Stanley A. Miller, on the occasion of celebrating his life.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Chvala, for Joseph McClain, on the occasion of being honored with the J. Martin Wolman Outstanding Service for Youth Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Dominic McIntyre, on the occasion of earning and attaining the Arrow of Light award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Schultz, for Colonel James A. McMurry, on the occasion of his life dedication to family, community and country.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Jim Metz, on the occasion of its continual generosity and dedication to Light-A-Light Dinner.*

*A certificate of condolence by the Wisconsin Senate on the motion of Senator George, for the family and friends of John R. Pandl, Sr., on the occasion of celebrating with them his life.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Daniel Paul, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Kanavas, for the Pewaukee High School Girls Cross Country Team, on the occasion of winning the WIAA Division 2 State Championship.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Decker, for Rib Lake Health Care Center, on the occasion of providing safe and caring environment for the residents and themselves.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moen, for Andrew Ripp, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for Nancy Nichols Risser, on the occasion of celebrating her 60th Birthday shared with family and friends.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Thomas Schultz, on the occasion of saving his father's life.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Andrew Soczka, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Burke, for St. Veronica's Parish and School, on the occasion of celebrating its 75th anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator George, for George Thompson, on the occasion of his induction into the Wisconsin Athletic Hall of Fame.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Bob Uecker, on the occasion of his induction into the Radio Hall of Fame.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Christopher Michael Ulicki, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Joseph Steve Ulicki, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Michael Wadman, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for the Waupun Girls Volleyball Team and Coach Keith Milkowski, on the occasion of their outstanding accomplishments.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Jeffery Wiswell, Jr., on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Young Women of Life: Mind, Body and Soul Conference on the occasion of its contributions to the community and the lives of young women.*

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, December 12, 2001

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The Chief Clerk makes the following entries under the above date.

**INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS**

Read and referred:

**Senate Resolution 11**

Relating to: the 27th year of military occupation of Cyprus.

By Senators Kanavas, Burke, Cowles, Darling and Welch, by request of American Hellenic Educational Progressive Association Chapter 369 of Madison and Chapter 40 Milwaukee.

To committee on **Senate Organization**.

**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 348**

Relating to: prohibiting an organization or affiliate of an organization that engages in abortion–related activities from receiving certain public funds, prohibiting an organization that receives certain public funds from using other public and private funds for abortion–related activities, specifying restrictions on affiliation between certain organizations, changing the types of information that may be provided by organizations that receive the funds, changing requirements related to the maternal and child health program and family planning services, and requiring audits.

By Senators Kanavas, Welch, Zien, Cowles, Schultz and S. Fitzgerald; cosponsored by Representatives Walker, Duff, Starzyk, Owens, Leibham, J. Fitzgerald, Suder, Ladwig, Kedzie, Gunderson, Jeskewitz, Hines, Hahn, Kreibich, Ryba, Urban, Vrakas, Nass, Stone, Albers, Huebsch, Krawczyk and Pettis.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

**Senate Bill 349**

Relating to: cross–subsidization requirements public and service commission jurisdiction regarding telecommunications cooperatives.

By Senators Moen, Erpenbach, Schultz and Harsdorf; cosponsored by Representatives Freese, Musser, Ott, Albers, Gronemus, Sherman, Ainsworth, Ladwig, Miller, Townsend and Plouff.

To committee on **Health, Utilities, Veterans and Military Affairs**.

**Senate Bill 350**

Relating to: authorizing a town board to exercise village powers.

By Senators Breske, A. Lasee, Erpenbach, Wirch, Shibilski and M. Meyer; cosponsored by Representatives Freese, Owens, Gronemus, Hahn, Huebsch, Hundertmark, Ladwig, F. Lasee, M. Lehman, Lippert, McCormick, Musser, Ott, Petrowski, Pettis, Plouff, Ryba, Schneider, Schooff, Seratti, Starzyk, Sykora, Townsend, Vrakas, Hubler and Sherman.

To committee on **Universities, Housing, and Government Operations**.

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

December 10, 2001

The Honorable, The Senate:

RE: Cosponsorship of **Senate Bill 319** and **Assembly Bill 636**

I write to request that you make the necessary arrangements to add my name as a cosponsor of the above referenced legislation. These companion bills relate to recycling education and continued funding for the University of Wisconsin–Extension’s Solid and Hazardous Waste Education Center. It was my intent to sign on to this legislation while it was first circulated. Unfortunately, my name did not appear in the list of cosponsors.

I appreciate your assistance with this request. As always, please feel free to give me a call should you have any questions or concerns about this or any other matter.

Sincerely,

ROGER BRESKE  
State Senator

**State of Wisconsin  
Ethics Board**

December 11, 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/>

O’Brien, Maureen

**Smokefree Wisconsin**

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  
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>Senate Bill 259</b>	Wisconsin Act 32	December 17, 2001

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Resolu- tion or Resolution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>2001 Senate Joint Resolution 28</b>	<b>Enrolled Joint Resolution, 22</b>	N/A
<b>2001 Senate Joint Resolution 33</b>	<b>Enrolled Joint Resolution, 23</b>	N/A
<b>2001 Senate Joint Resolution 42</b>	<b>Enrolled Joint Resolution, 24</b>	N/A
<b>2001 Senate Joint Resolution 49</b>	<b>Enrolled Joint Resolution, 25</b>	N/A
<b>2001 Senate Joint Resolution 50</b>	<b>Enrolled Joint Resolution, 26</b>	N/A
<b>2001 Senate Joint Resolution 51</b>	<b>Enrolled Joint Resolution, 27</b>	N/A

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 01-117**

Relating to the harbor assistance program.  
Submitted by Department of Transportation.  
Report received from Agency, December 11, 2001.

Referred to committee on **Insurance, Tourism, and Transportation**, December 12, 2001.

**Senate Clearinghouse Rule 01-122**

Relating to the uniform commercial code.  
Submitted by Department of Financial Institutions.  
Report received from Agency, December 10, 2001.

Referred to committee on **Privacy, Electronic Commerce and Financial Institutions**, December 12, 2001.

The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 01-086**

Relating to the department's comprehensive planning and transportation planning grants to local governmental units.

No action taken.

Mark Meyer  
Chairperson

**CHIEF CLERK'S REPORT**

The Chief Clerk records:

- Senate Joint Resolution 28**
- Senate Joint Resolution 33**
- Senate Joint Resolution 42**
- Senate Joint Resolution 49**
- Senate Joint Resolution 50**
- Senate Joint Resolution 51**

Deposited in the office of the Secretary of State on December 7, 2001.

# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

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WEDNESDAY, December 19, 2001

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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 351

Relating to: classifying certain nurses and physician assistants employed by the state as protective occupation participants under the Wisconsin retirement system.

By Senators Plache, Burke and Roessler; cosponsored by Representatives Underheim, Pocan, Musser, Lassa, Sykora, Berceau, Ryba, Miller, Turner and Plouff.

To joint survey committee on **Retirement Systems**.

#### Senate Bill 352

Relating to: a mandatory minimum sentence for a juvenile who is convicted of throwing a bodily substance at or toward a person while placed in a secured correctional facility, a secure detention facility, a secured child caring institution, or a secured group home and providing a penalty.

By Senators Hansen, Darling, Welch, Moen and Burke; cosponsored by Representatives Musser, Ainsworth, Gundrum, Bies, Ryba, Freese, Ladwig, Albers, Nass, Townsend, Vrakas, Owens, Ott, Krawczyk, Pettis, Stone and Hines.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

#### Senate Bill 353

Relating to: state government holidays.

By Senators Harsdorf, Wirch, Burke, Kanavas, Plache, Erpenbach, Roessler and Darling; cosponsored by Representatives Pettis, Musser, Pocan, Huebsch, Gronemus, Petrowski, Rhoades, Freese, Gunderson, McCormick, Leibham, Starzyk, Seratti, Miller, Plouff, Ott, Sykora, Hines, Kreuser, Loeffelholz, Urban and Ryba, by request of Mrs. Zirbel's 3rd grade class in River Falls, Wisconsin.

To committee on **Labor and Agriculture**.

#### Senate Bill 354

Relating to: medical leave for the purpose of receiving prenatal health care check-ups.

By Senators Grobschmidt, Moen, Wirch, Erpenbach, Risser, Moore, Plache and Hansen; cosponsored by Representatives Wasserman, F. Lasee, Freese, McCormick, Miller, Richards, Berceau, La Fave, Carpenter, Sinicki, Musser, Krug, Pocan, Boyle, Bock, Williams, Loeffelholz, Balow,

Lassa, Plale, Ott, Black, J. Lehman, Cullen, Gronemus and Turner.

To committee on **Labor and Agriculture**.

#### Senate Bill 355

Relating to: cross-subsidization requirements public and service commission jurisdiction regarding small telecommunications utilities.

By Senators Jauch, Harsdorf, Hansen and Schultz; cosponsored by Representatives Pettis, Freese, Gronemus, Plouff, Hundertmark, Sykora, Townsend, Kedzie, Lippert, Hubler, Lassa, Loeffelholz, Musser, Sherman, Ott, Hines, Albers and Ainsworth.

To committee on **Health, Utilities, Veterans and Military Affairs**.

#### Senate Bill 356

Relating to: the disclosure of information about licensed nurses to the coordinated licensure information system.

By Senators Robson, Erpenbach and Roessler; cosponsored by Representatives Johnsrud, La Fave, J. Lehman, Miller, Ott, Plouff, Pocan and Turner.

To committee on **Human Services and Aging**.

### REPORT OF COMMITTEES

The committee on **Universities, Housing, and Government Operations** reports and recommends:

#### Assembly Bill 263

Relating to: special event campground permits issued by the department of health and family services and granting rule-making authority.

Concurrence.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

#### Assembly Bill 281

Relating to: requiring the department of revenue to prepare and maintain a list of delinquent taxpayer accounts and to post on the Internet the top 100 names from the list.

Introduction and adoption of Senate amendment 1.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Concurrence as amended.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.



**Assembly Bill 326**

Relating to: expenditure of \$12,600 from the general fund in payment of a claim against the state made by Alan and Marlene Sieker.

Concurrence.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Assembly Bill 327**

Relating to: expenditure of \$9,296 from moneys appropriated to the department of transportation in payment of a claim against the state made by Robert and Dorothy Messner.

Concurrence.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Assembly Bill 439**

Relating to: the liability of married persons filing a joint income tax return, the payment of the alternate fuel tax and the tobacco products tax, estate tax imposition and interest, reducing nondelinquent taxes, rounding dollar amounts to whole dollars on all tax returns, allowing a mathematical computation of sales and use taxes, extending the time for filing a tax withholding report, delivering tax-related documents and related payments, granting rule-making authority, and providing a penalty.

Concurrence.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Assembly Bill 453**

Relating to: sales tax on motor vehicles purchased after a consumer receives a refund under a new motor vehicle warranty.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Concurrence as amended.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

FRANKLIN, FREDERICK, of Milwaukee, as a member of the Accounting Examining Board, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

HOSKINS, ROBERT G., of Franklin, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2005.

Confirmation.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

MOUW, EDWARD W., of Rhinelander, as a member of the Wisconsin Housing and Economic Development Authority, to serve for the term ending January 1, 2004.

Confirmation.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

PETERSEN, JOHN, of Madison, as a member of the Wisconsin Housing and Economic Development Authority, to serve for the term ending January 1, 2004.

Confirmation.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

ROSLANSKY, ROGER D., of La Crosse, as a member of the Real Estate Appraisers Board, to serve for the interim term ending May 1, 2004.

Confirmation.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Senate Bill 145**

Relating to: employment relations for members of the University of Wisconsin System faculty and academic staff.

Passage.

Ayes, 5 – Senators M. Meyer, Grobschmidt, Hansen, Ellis and Zien.

Noes, 1 – Senator Huelsman.

**Senate Bill 150**

Relating to: the election campaign fund designation on individual income tax returns.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Passage as amended.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Senate Bill 245**

Relating to: contribution rates under the Wisconsin retirement system.

Introduction and adoption of Senate amendment 1.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Passage as amended.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Senate Bill 333**

Relating to: merger and conversion of business entities, exemptions from securities registration requirements and licensing requirements for securities broker-dealers and securities agents, registered agents for business entities, filing of documents relating to certain business entities, administrative dissolution of business entities, amended certificates of authority for certain foreign business entities, granting rule-making authority, and making an appropriation.

Passage.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis,  
Huelsman and Zien.  
Noes, 0 – None.

Mark Meyer  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Office of the Governor**

December 17, 2001

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
<b>Senate Bill 303</b>	<b>Wisconsin Act 36</b>	Dec. 17, 2001
<b>Senate Bill 251</b>	<b>Wisconsin Act 37</b>	Dec. 17, 2001

Sincerely,  
SCOTT MCCALLUM  
Governor

**State of Wisconsin**

December 17, 2001

The Honorable, The Senate:

I will be unable to attend the Joint Committee on Finance meeting on December 18, 2001. Therefore, I am submitting my resignation from the committee.

I will be available to resume my position immediately for the next committee meeting. If you have any questions please contact me.

Sincerely,  
PEGGY ROSENZWEIG  
State Senator  
5th Senate District

**State of Wisconsin**

December 17, 2001

The Honorable, The Senate:

Please accept my resignation from the Joint Finance Committee for the date Tuesday, December 18, 2001.

Sincerely,  
KEVIN SHIBILSKI  
State Senator  
District 24

**State of Wisconsin**

December 18, 2001

The Honorable, The Senate:

Pursuant to Senate Rule 20 (2)(a) and (b), I have appointed Senator Scott Fitzgerald to the Joint Committee on Finance.

Sincerely,  
CHUCK CHVALA  
Chair, Committee on Senate Organization

**State of Wisconsin**

December 18, 2001

The Honorable, The Senate:

Pursuant to Senate Rule 20 (2)(a) and (b), I have appointed Senator Jim Baumgart to the Joint Committee on Finance.

Sincerely,  
CHUCK CHVALA

Chair, Committee on Senate Organization

**State of Wisconsin**

December 19, 2001

The Honorable, The Senate:

Pursuant to Senate Rule 20 (2)(a) and (b), I have appointed Senator Kevin Shibilski to replace Senator Jim Baumgart on the Joint Committee on Finance. Also, I have appointed Senator Peggy Rosenzweig to replace Senator Scott Fitzgerald on the Joint Committee on Finance.

Sincerely,  
CHUCK CHVALA  
Chair, Committee on Senate Organization

**State of Wisconsin**

**Department of Agriculture, Trade and Consumer  
Protection**

December 7, 2001

The Honorable, The Senate:

Enclosed is a copy of the Bottled Drinking Water report published by the Division of Food Safety, Wisconsin Department of Agriculture, Trade and Consumer Protection. This booklet contains results of laboratory tests from bottled water samples taken during the Fiscal Year of 2001. This report is mandated by Wisconsin Statutes, Chapter 97.34(2)(e).

Sincerely,  
HEATHER M. HEIMDAHL  
Food Scientist  
Division of Food Safety

**State of Wisconsin  
Investment Board**

December 17, 2001

The Honorable, The Legislature:

Annually under s. 25.17(14g), Stats., the Investment Board submits a report to the Legislature on investment goals and long-term strategies. As we have done the past two year, I am writing to advise you that we plan to submit the report in February. Although this will be after the December 31 due date, it will enable us to provide a more complete and informative report to you.

The Board of Trustees will consider recommendations on investment strategies made by an outside consultant at their January meeting and asset allocation for 2002 at their February meeting. We believe it will be helpful to reflect the outcome of those discussions in our report to you. In addition, we will include in the report ways we plan to achieve the recommendations included in the recently published report from the Legislative Audit Bureau.

The report we submit in February will also include the performance assessment required under s. 25.17(14m). As in past years, we plan to combine the two reports to make it easier to understand the relationship between our strategies and our investment results.

Please feel free to contact me if you have any questions or concerns.

Sincerely,  
PATRICIA LIPTON  
Executive Director

**State of Wisconsin**

**Department of Employment Relations**

December 2001

The Honorable, The Legislature:

Pursuant to s. 230.04 (9)(em), Wis. Stats., I am pleased to submit the Veterans Employment Report for 2001. The report

summarizes statistics for veteran new hires and employees and includes information for each state agency and each institution of the University of Wisconsin System.

Veterans are represented in all employment types throughout Wisconsin's civil service. Wisconsin State government can be truly proud of the efforts made to recruit and retain our nation's heroes.

Sincerely,

PETER D. FOX  
Secretary

**State of Wisconsin  
Department of Health and Family Services**

December 13, 2001

The Honorable, The Senate:

The Bureau of Health Information, Department of Health and Family Services, is please to submit to the Governor and the Legislature the *Annual Health Care Data Report, 2000*. The data for this report were collected under section 153.05, Wisconsin Statutes, and are published as authorized by the requirements of section 120.20, Wisconsin Administrative Code.

This report is based on data reported quarterly to the Bureau of Health Information by all operating general medical-surgical and specialty hospitals and Medicare-certified, freestanding ambulatory surgery centers in Wisconsin. It presents a summary of data on utilization and charges at those facilities in 2000.

Sincerely,

PHYLLIS J. DUBE  
Secretary

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**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

December 12, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SAXON, JULIANE M., of Prescott, as a member of the Board on Aging and Long-Term Care, to serve for the interim term ending May 1, 2002, and for the full term ending May 1, 2007.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Human Services and Aging**.

**State of Wisconsin  
Office of the Governor**

December 12, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LEE, SHOUA, of La Crosse, as a member of the Board on Aging and Long-Term Care, to serve for the interim term ending May 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Human Services and Aging**.

**State of Wisconsin  
Office of the Governor**

December 12, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint TOLLAKSEN, MARGARET F., of West Allis, as a member of the Board on Aging and Long-Term Care, to serve for the term ending May 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Human Services and Aging**.

**State of Wisconsin  
Office of the Governor**

December 12, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint FEITH, SUSAN, of Wisconsin Rapids, as a member of the Chiropractic Examining Board, to serve for the term ending May 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs**.

**State of Wisconsin  
Office of the Governor**

December 12, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MIOTA, DR. DANIEL J., of Wauwatosa, as a member of the Medical Examining Board, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs**.

**State of Wisconsin  
Office of the Governor**

December 12, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LAWRENCE, BETTYE J., of Madison, as a member of the Board of Nursing, 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**

December 12, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BROSMAN, DEANN L., of Appleton, as a member of the Real Estate Appraisers Board, to serve for the interim term ending May 1, 2003.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Universities, Housing, and Government Operations.**

**State of Wisconsin  
Office of the Governor**

December 12, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WATTS, MARIA E., of Waukesha, as a member of the Real Estate Board, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Universities, Housing, and Government Operations.**

**State of Wisconsin  
Office of the Governor**

December 12, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DYSLAND, REBECCA J., of Milwaukee, as a member of the Real Estate Board, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Universities, Housing, and Government Operations.**

**State of Wisconsin  
Office of the Governor**

December 12, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BORUP, JENNIFER E., of Huson, as a member of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for the term ending July 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Human Services and Aging.**

**State of Wisconsin  
Office of the Governor**

December 12, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KAMPS, GEORGE J., of Green Bay, as a member of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Human Services and Aging.**

**State of Wisconsin  
Office of the Governor**

December 12, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JOHNSON, DR. JAMES R., of Waukesha, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Labor and Agriculture.**

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 01-121**

Relating to vehicle emission inspections.

Submitted by Department of Transportation.

Report received from Agency, December 18, 2001.

Referred to committee on **Insurance, Tourism, and Transportation**, December 19, 2001.

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The committee on **Environmental Resources** reports and recommends:

**Senate Clearinghouse Rule 00-112**

Relating to the recreation boating facilities program.

No action taken.

**Senate Clearinghouse Rule 00-175**

Relating to hazardous air pollutant emissions from pulp and paper mills.

No action taken.

**Senate Clearinghouse Rule 01-037**

Relating to sport fishing and commercial fishing for yellow perch in Green Bay.

No action taken.

**Senate Clearinghouse Rule 01-067**

Relating to safe drinking water standards for radionuclides.

No action taken.

Jim Baumgart  
Chairperson

The committee on **Insurance, Tourism, and Transportation** reports and recommends:



**Senate Clearinghouse Rule 01-072**

Relating to regulations concerning agent transactions with customers.

No action taken.

**Senate Clearinghouse Rule 01-097**

Relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

No action taken.

Roger Breske  
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 01-098**

Relating to the 2001 edition of the uniform standards of professional appraisal practice (USPAP).

No action taken.

**Senate Clearinghouse Rule 01-100**

Relating to real estate appraisers.

No action taken.

**Senate Clearinghouse Rule 01-102**

Relating to the 2002 edition of the uniform standards of professional appraisal practice (USPAP).

No action taken.

Mark Meyer  
Chairperson

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**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Bill 251**

**Senate Bill 303**

Presented to the Governor on December 12, 2001.

# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

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THURSDAY, December 27, 2001

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The Chief Clerk makes the following entries under the above date.

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### INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

#### Senate Joint Resolution 53

Relating to: the life and public service of Frederick F. Kaftan.

By Senators Cowles, A. Lasee, Welch, Burke, Panzer, Lazich and Rosenzweig; cosponsored by Representatives Ainsworth, Meyerhofer, Boyle, Hahn, Jeskewitz, Owens, Petrowski, J. Lehman, Bies, Urban and Grothman.

To committee on **Senate Organization**.

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### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 357

Relating to: licenses to carry a concealed weapon, requiring the exercise of rule–making authority, making appropriations, and providing penalties.

By Senators Zien, Huelsman, Welch, A. Lasee, S. Fitzgerald and Schultz; cosponsored by Representatives Gunderson, Huebsch, Starzyk, Schneider, Bies, McCormick, Sykora, Nass, Hines, Stone, Lippert, J. Fitzgerald, Grothman, Gundrum, Pettis, Reynolds, Suder, F. Lasee, Owens, Hundertmark, Musser, Petrowski, Albers and Seratti.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

#### Senate Bill 358

Relating to: a sales tax and use tax exemption for military services flags, POW/MIA flags, and flag kits.

By Senators Roessler, Kanavas, Baumgart, Huelsman, Darling, Schultz and Burke; cosponsored by Representatives Leibham, J. Fitzgerald, Gunderson, Krawczyk, Lassa, McCormick, Musser, Ott, Petrowski, Pettis, Seratti, Shilling, Starzyk, Turner, Urban and Vrakas.

To joint survey committee on **Tax Exemptions**.

#### Senate Bill 359

Relating to: rest and meal periods for employees and providing a penalty.

By Senators Chvala, Hansen, Plache and Risser; cosponsored by Representatives Johnsrud, Miller, Young,

Musser, Reynolds, Berceau, Pocan, J. Lehman, Ryba, Lassa, Bock and Morris–Tatum.

To committee on **Labor and Agriculture**.

#### Senate Bill 360

Relating to: investigations to determine compliance with certain prohibitions against selling or giving cigarettes and tobacco products to minors and requiring certain information to be included on an application for a license to sell, expose for sale, possess with intent to sell, exchange, barter, dispose of, or give cigarettes or tobacco products to a person.

By Senators Robson, Roessler, Risser and Plache; cosponsored by Representatives Lippert, Urban, Bock, La Fave, J. Lehman, Turner, Ott, Miller, Morris–Tatum, Staskunas and Berceau.

To committee on **Human Services and Aging**.

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### REPORT OF COMMITTEES

The joint committee for **review of Administrative Rules** reports and recommends:

#### Senate Bill 361

Relating to: the size of restored, enhanced, or created wetlands that are parts of wetland mitigation projects.

Introduction.

Ayes, 8 – Senators Robson, Grobschmidt, Hansen and Cowles. Representatives Seratti, Gunderson, Turner and Hebl. Noes, 2 – Senator Welch. Representative Grothman.

Judith Robson

Senate Chairperson

Read first time and referred to committee on **Environmental Resources**.

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### PETITIONS AND COMMUNICATIONS

State of Wisconsin  
Office of the Governor

December 19, 2001

The Honorable, The Senate:

This is to inform you that I am withdrawing the following nominations:

Elaine August for appointment to the Nursing Home Administrator Examining Board. Ms. August has notified my office that due to a family illness she cannot accept the nomination at this time.

Harold Kolb for reappointment to the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors. Mr. Kolb has notified my office that he has resigned from the Board due to the time commitment.

Thank you for your attention to this matter.

Sincerely,

SCOTT MCCALLUM  
Governor

**State of Wisconsin  
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>Senate Bill 303</b>	Wisconsin Act 36	January 4, 2002
<b>Senate Bill 251</b>	Wisconsin Act 37	January 4, 2002

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>Senate Bill 251</b>	Wisconsin Act 37	January 4, 2002 and Dec. 31, 2001 (Republication date)

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Department of Health and Family Services**

December 14, 2001

The Honorable, The Senate:

Section 46.03(26) of the statutes requires the Department of Health and Family Services to report annually on information systems projects under development. The attached report is a summary of the departmental systems currently under development.

Sincerely,

PHYLLIS J. DUBE  
Secretary

**State of Wisconsin  
Legislative Audit Bureau**

December 20, 2001

The Honorable, The Senate:

We have audited the financial statements of the Radio and Television Networks operated by the Wisconsin Educational Communications Board (ECB) for the period July 1, 2000 through June 30, 2001 and have issued our reports on these statements, dated December 20, 2001.

The audits were requested by ECB to fulfill audit requirements of the Corporation for Public Broadcasting. The Corporation requires audited financial statements of public broadcasting entities and certifications of these entities' non-federal revenue sources in determining future funding levels.

Copies of the audit reports have been distributed to members of the Joint Legislative Audit Committee and those required by

law to receive them. Electronic copies of the reports are available on line at [www.legis.state.wi.us/lab/windex.htm](http://www.legis.state.wi.us/lab/windex.htm). If you are interested in receiving a copy of these reports, please contact our office and request the following report numbers:

01-20 An Audit of Educational Communications Board Radio Network

01-21 An Audit of Educational Communications Board Television Network

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Milwaukee Public Schools**

December 17, 2001

The Honorable, The Senate:

Enclosed you will find a copy of the report entitled "High/Scope All-Day Five-Year-Old Kindergarten Program and High/Scope First Grade Program". This report summarizes the projects and the data collected for the 2000-2001 school year.

Each year a report is prepared in response to Sections 119.71, 119.73, and 119.75 of the current state statutes.

Sincerely,

AUDRA MILEN  
Legislative Policy Manager  
Department of Governmental Relations

**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

December 19, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JAHIMIYAK, DR. KAREN M., of Brookfield, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

December 19, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CLEMENCE, DR. KEITH, of Hales Corners, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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TUESDAY, January 8, 2002

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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 362**

Relating to: fees for outdoor advertising signs owned by nonprofit organizations.

By Senators Harsdorf, Darling and Roessler; cosponsored by Representatives Johnsrud, Gronemus, Sherman, Musser, Plouff, Pettis, Olsen, Ott, Petrowski, Albers, Townsend, Rhoades, Freese, Hines, Miller and Kreibich.

To committee on **Insurance, Tourism, and Transportation.**

**Senate Bill 363**

Relating to: prohibitions related to explosives, destructive devices, detonators, or weapons of mass destruction; increased penalties for crimes committed with intent to terrorize; causing bodily harm or threatening to cause bodily harm to a public officer or employee and threatening to damage the property of a public officer or employee; communicating with or harassing or intimidating jurors; threatening to cause bodily harm or property damage; providing or soliciting material support for acts of terrorism; money laundering; making false statements to financial institutions and the definition of personal identification document; prohibitions related to automatic weapons; theft of a firearm or a machine gun; interfering with disarmament of an explosive or a destructive device; crimes that may entail the interception of wire, electronic, or oral communication, interception of communications in emergency situations, roving electronic surveillance, and providing assistance to persons authorized to engage in electronic surveillance; grand jury authority; John Doe proceedings; court orders for disclosure of the existence of depository accounts with financial institutions; court orders for disclosure regarding subscribers of electronic communications services; access to license and identification card photographs; the procedure for making a legal name change; and providing penalties.

By Senators Baumgart, Darling and Roessler; cosponsored by Representatives Kaufert, Freese, Hahn, Hines, Jeskewitz, Ladwig, M. Lehman, Lippert, D. Meyer, Musser, Olsen, Ott, Owens, Petrowski, Ryba, Urban and Vrakas.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

**Senate Bill 364**

Relating to: proclaiming Purple Heart Day.

By Senators Moen, Schultz, Breske, Rosenzweig, Erpenbach, Moore, Burke, Darling, Cowles, Grobschmidt, S. Fitzgerald, Roessler and Hansen; cosponsored by Representatives Musser, Gronemus, Kestell, Plouff, Nass, Sherman, Jeskewitz, Bock, Ladwig, Ryba, Boyle, Huber, Carpenter, Starzyk, Turner, Albers, Lassa, D. Meyer, Kreibich, Urban, Gundrum, Hahn, Hundertmark, Rhoades, Freese, Krawczyk, Coggs, Pettis, Miller, Vrakas, Steinbrink and Sykora, by request of Department of Wisconsin Military Order of the Purple Heart.

To committee on **Health, Utilities, Veterans and Military Affairs.**

**Senate Bill 365**

Relating to: nondisclosure of certain information on credit and debit card receipts.

By Senators Erpenbach, Hansen, Burke, Grobschmidt, Kanavas, Roessler and Harsdorf; cosponsored by Representatives Jeskewitz, Plouff, Powers, Ladwig, Starzyk, Lassa, Owens, J. Lehman, Rhoades, Cullen, J. Fitzgerald, Sinicki, Sykora, Hines, Ott, Gunderson, Townsend, Hahn, Musser, Montgomery, Pocan, Urban and Miller.

To committee on **Privacy, Electronic Commerce and Financial Institutions.**

**Senate Bill 366**

Relating to: a single registration plate for motor vehicles, local examining centers, grants to Brown County and municipalities, transfers from the transportation fund to the general fund, and making an appropriation.

By Senators Hansen and Cowles; cosponsored by Representatives Miller and Boyle.

To committee on **Insurance, Tourism, and Transportation.**

**Senate Bill 367**

Relating to: repealing, consolidating, renumbering, amending and revising various provisions of ss. 10.62 to 10.82 of the statutes for the purpose of correcting conflicts between the listings in ss. 10.62 to 10.82 and the substantive statutes to which those sections refer (Revisor's Correction Bill).

By Law Revision Committee.

To committee on **Universities, Housing, and Government Operations.**



**Senate Bill 368**

Relating to: numbering unnumbered subchapter titles in the statutes (Revisor’s Revision Bill).

By Law Revision Committee.

To committee on **Universities, Housing, and Government Operations.**

**Senate Bill 369**

Relating to: amending and revising section 409.109 (1) (intro.) of the statutes for the purpose of reconciling conflicts and repelling unintended repeals (Revisor’s Correction Bill).

By Law Revision Committee.

To committee on **Universities, Housing, and Government Operations.**

**Senate Bill 370**

Relating to: setting certain priorities that the higher educational aids board must observe in awarding loans under the nursing student loan forgiveness program and forgiveness of the principal and interest of a loan awarded under that program.

By Senators George, Robson and Grobschmidt; cosponsored by Representatives Morris–Tatum, Turner, Lassa, Walker, Carpenter, Miller, Plouff, Urban, Pettis, Underheim, La Fave and Staskunas.

To committee on **Universities, Housing, and Government Operations.**

**REPORT OF COMMITTEES**

The committee on **Environmental Resources** reports and recommends:

**Assembly Bill 30**

Relating to: the issuance of wild turkey hunting licenses to qualified resident landowners.

Concurrence.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

**Senate Bill 219**

Relating to: the billboard elimination grant program, prohibiting the erection of new billboards, requiring the exercise of rule-making authority, and making an appropriation.

Passage.

Ayes, 1 – Senator Baumgart.

Noes, 4 – Senators Hansen, Wirch, Cowles and Schultz.

**Senate Bill 264**

Relating to: prohibiting certain persons from obtaining licenses that authorize hunting with a firearm and providing a penalty.

Passage.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

**Senate Joint Resolution 30**

Relating to: memorializing the U.S. Congress to provide funding for research on recycled lumber by the Forest Products Laboratory of the U.S. Department of Agriculture Forest Service.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Adoption as amended.

Ayes, 4 – Senators Baumgart, Hansen, Wirch and Schultz.

Noes, 1 – Senator Cowles.

Jim Baumgart  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Office of the Governor**

January 4, 2002

The Honorable, The Legislature:

As required by Article V, Section 6 of the Wisconsin Constitution, I am submitting the annual Executive Clemency report to the Legislature, covering those clemency cases upon which final dispositions were rendered for applicants during the calendar year 2001. The following applicants received full pardons or conditional pardons in 2001:

**Aaron Foreman**, convicted of Possession of THC with Intent to Deliver and sentenced on 6/21/91 to two years probation, nine months jail with Huber rights and a fine, recommended by the Governor’s Pardon Advisory Board by a vote of 3-2 to be granted a pardon, was granted a pardon on January 10, 2001, because he is a productive member of society and otherwise deserving of extraordinary relief.

**John Gonsalves**, convicted of Battery to a Police Officer and sentenced on 6/30/75 to eighteen months probation, recommended by the Governor’s Pardon Advisory Board by a vote of 5-0 to be granted a pardon, was granted a pardon on January 10, 2001, because he is a productive member of society and otherwise deserving of extraordinary relief.

**Kenneth Rucker**, convicted of Delivery of Controlled Substance and sentenced on 8/17/81 to three years prison (stayed), four years probation, ten weekends in jail, restitution and costs, recommended by the Governor’s Pardon Advisory Board by a vote of 4-1 to be granted a pardon, was granted a pardon on January 10, 2001 (Conditional pardon to possess firearms that are discharged from the shoulder), because he is a productive member of society and otherwise deserving of extraordinary relief.

**William Grosskreuz**, convicted of Theft and Operating a Motor Vehicle without the Owner’s Consent and sentenced on 8/18/58 to two years imprisonment on each count (concurrent), recommended by the Governor’s Pardon Advisory Board by a vote of 5-0 to be granted a pardon, was granted a pardon on January 30, 2001, because he is a productive member of society and otherwise deserving of extraordinary relief.

**Paul Karlen** convicted of Theft by Fraud, Fraudulent Writing, and Forgery and sentenced on 5/13/91 to four months jail, twelve years probation and restitution, recommended by the Governor’s Pardon Advisory Board by a vote of 4-0 to be granted a pardon, was granted a pardon on January 30, 2001, because he is a productive member of society and otherwise deserving of extraordinary relief.

**David Krings**, convicted of Delivery of a Controlled Substance was sentenced on 1/13/87 to two years probation and restitution, recommended by the Governor’s Pardon Advisory Board by a vote of 5-1 to be granted a pardon, was granted a pardon on January 30, 2001, because he is a productive member of society and otherwise deserving of extraordinary relief.

**Stephanie Taylor**, convicted of Public Assistance Fraud and sentenced on 1/6/71 to a fine, recommended by the Governor’s

Pardon Advisory Board by a vote of 4-0 to be granted a pardon, was granted a pardon on January 30, 2001, because she is a productive member of society and otherwise deserving of extraordinary relief.

**Gregory Kelly**, convicted of Battery and sentenced on 9/9/86 to two years imprisonment, recommended by the Governor's Pardon Advisory Board by a vote of 3-1 to be granted a pardon, was granted a pardon on January 30, 2001, because he is a productive member of society and otherwise deserving of extraordinary relief.

**Jake Lasee**, convicted of Possession of Cocaine with Intent to Deliver and sentenced on 9/19/97 to six months imprisonment (five months stayed) and three years probation, recommended by the Governor's Pardon Advisory Board by a vote of 3-1 to be denied a pardon, was granted a pardon on January 30, 2001 (effective February 1, 2011 and shall only become effective if there is no subsequent contact with the criminal justice system), because he is a productive member of society and otherwise deserving of extraordinary relief.

**William Manthey**, convicted of Misconduct in Office and sentenced on 8/18/92 to two years probation, recommended by the Governor's Pardon Advisory Board by a vote of 2-1 to be granted a pardon, was granted a pardon on January 30, 2001, because he is a productive member of society and otherwise deserving of extraordinary relief.

**Bryan Morgan**, convicted of Delivery of Marijuana and sentenced on 6/15/87 to three years probation, recommended by the Governor's Pardon Advisory Board by a vote of 5-0 to be granted a pardon, was granted a pardon on January 30, 2001, because he is a productive member of society and otherwise deserving of extraordinary relief.

**Raymond Thomas**, convicted of Delivery of Cocaine and sentenced on 3/10/86 to two years probation, recommended by the Governor's Pardon Advisory Board by a vote of 5-0 to be granted a pardon, was granted a pardon on January 30, 2001, because he is a productive member of society and otherwise deserving of extraordinary relief.

**Duane Tracy, Sr.**, convicted of Breaking and Entering and sentenced on 1/17/62 to no more than eighteen months jail, recommended by the Governor's Pardon Advisory Board by a vote of 4-0 to be granted a pardon, was granted a pardon on January 30, 2001, because he is a productive member of society and otherwise deserving of extraordinary relief.

**Ralph Goss**, convicted of Burglary and sentenced on 4/30/58 to thirty months probation, restitution and suspension of driver's license, recommended by the Governor's Pardon Advisory Board by a vote of 6-0 to be granted a pardon, was granted a pardon on June 22, 2001, because he is a productive member of society and otherwise deserving of extraordinary relief.

**Jerome Kososki**, convicted of Breaking and Entering and theft and sentenced on 8/9/72 to three years probation, recommended by the Governor's Pardon Advisory Board by a vote of 6-0 to be granted a pardon, was granted a pardon on June 22, 2001, because he is a productive member of society and otherwise deserving of extraordinary relief.

**Thomas Harder**, convicted of Burglary and sentenced on 12/4/81 to thirty days jail and two years probation, recommended by the Governor's Pardon Advisory Board by a vote of 5-0 to be granted a pardon, was granted a pardon on August 23, 2001, because he is a productive member of society and otherwise deserving of extraordinary relief.

**Gregory Schmidt**, convicted on Burglary and sentenced on 5/11/70 to three years probation, recommended by the Governor's Pardon Advisory Board by a vote of 5-0 to be

granted a pardon, was granted a pardon on August 23, 2001, because he is a productive member of society and otherwise deserving of extraordinary relief.

**Allan Weyer**, convicted on Intentionally Taking and Carrying Away Moveable Property Without Consent and sentenced 7/27/77 to eighteen months probation, recommended by the Governor's Pardon Advisory Board by a vote of 5-0 to be granted a pardon, was granted a pardon on August 23, 2001, because he is a productive member of society and otherwise deserving of extraordinary relief.

**Paul Oestrike**, convicted of Burglary and sentenced in April of 1960 to probation, recommended by the Governor's Pardon Advisory Board by a vote of 4-0 to be granted a pardon, was granted a pardon on November 15, 2001, because he is a productive member of society and otherwise deserving of extraordinary relief.

Sincerely,

SCOTT MCCALLUM  
Governor

**State of Wisconsin  
Department of Revenue**

December 21, 2001

The Honorable, The Legislature:

**Introduction**

Section 565.45, Wisconsin Statutes, requires the Department of Revenue to submit a biennial report to the legislature regarding the impact on lottery operations of the 10% expense limitation under s. 25.75(3)(b).

**Defining the Expenditure Limitation for Lottery Operations**

Section 25.75(3)(b), Wisconsin Statutes, requires that expenses for the operation and administration of the lottery not exceed 10% of gross lottery revenues unless approved by the Joint Committee on Finance under s. 13.10.

Gross lottery revenues include gross revenues from the sale of lottery tickets and lottery shares under ch. 565 and retailer applications fees imposed under s. 565.10(8).

Expenses include:

1. amortization of capital expenditures;
2. payments to vendors under s. 565.25(2)(a) for on-line services and supplies;
3. operating expenses of the Department of Revenue under s. 20.566(2)(r)

Expenses exclude Department of Justice law enforcement expenses appropriated under s. 20.455(2)(r).

**On-Line Vendor Fees**

Effective June 15, 1997, a five-year contract with GTECH Corporation is in effect to determine on-line vendor fees. Under this contract on-line vendor fees are determined using a fixed base amount with an additional variable component amount that is based on sales.

**Lottery General Program Operations**

The accompanying chart illustrates administrative expenses, gross lottery revenues and the percentage of expenses of gross lottery revenues for Fiscal Year 1998 through 2001:

**Summary**

Total administrative expenditures as determined in accordance with Section 25.75(3)(b) in FY00 and FY01 were \$32,410,239 and \$33,579,382 respectively. These amounts represent 7.97% of gross lottery revenues for FY00 and 8.32% of gross lottery revenues for FY01. Amounts for both years are well within the 10% limitation imposed by Section 25.75(3)(b).

Sincerely,  
 RICHARD G. CHANDLER  
 Secretary of Revenue

**State of Wisconsin  
 Claims Board**

January 2, 2002

The Honorable, The Senate:

Enclosed is the report of the State Claims Board covering the claims heard on December 7, 2001.

The amounts recommended for payment under \$5,000 on claims included in this report have, under the provisions of s. 16.007, Stats., been paid directly by the Board.

The Board is preparing the bill(s) on the recommended award(s) over \$5,000, if any, and will submit such to the Joint Finance Committee for legislative introduction.

This report is for the information of the Legislature. The Board would appreciate your acceptance and spreading of it upon the Journal to inform the members of the Legislature.

Sincerely,  
 JOHN E. ROTHSCHILD  
 Secretary

**STATE OF WISCONSIN CLAIMS BOARD  
 The State Claims Board conducted hearings in the State Capitol, Grand Army of the Republic Memorial Hall, Madison, Wisconsin, on December 7, 2001, upon the following claims:**

<u>Claimant</u>	<u>Agency</u>	<u>Amount</u>
1. Alicia Bowman	UWS	\$156.00
2. Patrick D. Horkan	Revenue	\$1,700.00
3. Willie J. Wilks	Revenue	\$10,439.19
4. Pastori M. Balele	Administration	\$1,033.00

**In addition, the following claims were considered and decided without hearings:**

<u>Claimant</u>	<u>Agency</u>	<u>Amount</u>
5. Marquita Phillips	Revenue	\$2,158.00
6. James A. Mentek	Justice	\$1,022.23
7. Geoffrey T. Hermsen	Administration	\$354.66
8. Teck Trak/Terri L. Nielson	Administration	\$10,842.00
9. West Side Garage, Inc.	Transportation	\$2,579.34
10. James Cape & Sons, Co.	Transp.	\$1,483,781.60
11. Mary & Michael Brown	Transportation	\$88.12
12. Bryce Garrett	Corrections	\$157.80

**In addition, the Board considered changing the payment funding source for the claim of Kenneth C. Ketterer, which was previously approved for payment from the Department of Revenue appropriation s. 20.566(1)(a), Stats., on September 21, 2001.**

**In addition, the Board considered a motion to refer the innocent convict claim (s. 775.05, Stats.) of Frederick Saecker to a hearing examiner.**

**The Board Finds:**

**1. Alicia Bowman** of West Allis, Wisconsin claims \$156.00 for uninsured medical expenses related to a fall at the UW-Milwaukee Union. The claimant alleges that she approached a stairwell and saw a custodian mopping the landing below. She alleges that there were no "wet floor" or caution signs displayed. She states that she began to descend the stairs and slipped on the third step, falling down the stairwell and injuring her arm. She alleges that after the accident she

noticed drops of water on the steps, as though the custodian had carried a dripping mop down the stairs. She believes that this was what caused her fall. The claimant further states that when she returned to that area later in the day "caution, wet floor" signs had been placed at the top and bottom of the stairwell. The claimant believes that the UW custodian was negligent in not posting caution signs in the area, especially at the top of the stairwell.

The UW states that at the time of the incident, a custodian was mopping the landing between two flights of stairs. The UW alleges that the cart containing the mop bucket, marked with the words "wet floor," was blocking the upper entryway to the stairwell and that another warning sign was posted just below the landing, near the lower stairwell. The UW alleges that the claimant had to move the mop cart out of the way to enter the stairwell. The UW also claims that she was wearing "flip-flop" shoes and carrying a large backpack, which may have contributed to her fall.

The Board concludes the claim should be paid in the amount of \$156.00 based on equitable principles. The Board further concludes, under authority of s. 16.007 (6m), Stats., payment should be made from the University of Wisconsin appropriation s. 20.285(1)(h), Stats.

**2. Patrick D. Horkan** of Prairie du Sac, Wisconsin claims \$1,700.00 for Farmland Preservation Credit for the 1981 tax year. The claimant states that he was not able to get the appropriate form signed in time and that DOR therefore denied his Farmland Preservation Credit. The claimant believes that this money is rightfully his.

Because the tax year involved is so old, DOR records are very limited, however, DOR records do indicate a number of contacts with the claimant regarding this issue. According to the DOR's information, the claimant filed his 1981 income tax return in May 1983. The DOR has no record indicating that the taxpayer ever filed a Schedule FC for his Farmland Preservation Credit. According to the Wisconsin Statutes, a 1981 FPC claim had to be filed by December 31, 1982. The DOR states that even if its records are incorrect and the claimant did file his Schedule FC with his 1981 return, the return was filed past the December 31, 1982, deadline and the claimant would therefore not be entitled to the FPC. According to the Department's records, the claimant has contacted the DOR four times since 1984 requesting an explanation as to why he did not receive the credit. The DOR has responded to each inquiry, explaining the December 31, 1982 deadline.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**3. Willie J. Wilks** of Waseca, Minnesota claims \$10,439.19 for return of funds levied from his bank account to satisfy estimated tax assessments for the years 1993 through 1996. The claimant states that he was incarcerated during this period and never received any notices from the DOR. He further states that he did not earn enough money to necessitate filing during most of those years. The claimant states that when he did complete his 1993 through 1996 taxes, he owed no taxes for those years.

The DOR states that the claimant failed to file personal income tax returns for the years 1993 through 1996. Estimated assessments were issued for these years. The DOR states that it requested income tax returns from the claimant based on the



fact that DOR records showed that he had received large interest payments indicating a filing obligation. The DOR states that the claimant failed to respond to multiple hearing notices over a four-year period. On November 17, 2000, the department levied the claimant's bank account and collected \$10,439.19 to satisfy the delinquent assessments. The claimant filed the taxes for the years in question in May 2001, with no tax due. The DOR is prohibited from refunding the overpayment by s. 71.75(5), Stats. All notices were sent to the address of the claimant's spouse. This house is owned jointly by the claimant and his wife. The claimant's spouse resides there and has been receiving the claimant's mail. The DOR, however, cannot verify that she actually forwarded the notices to the claimant. The DOR states that if the Claims Board feels this mitigates the circumstances, The DOR would not object to payment of the claim.

The Board concludes the claim should be paid in the reduced amount of \$5,000.00 based on equitable principles. The Board further concludes, under authority of s. 16.007 (6m), Stats., payment should be made from the Claims Board appropriation s. 20.505(4)(d), Stats.

**4. Pastori M. Balele** of Madison, Wisconsin claims \$1,033.00 for return of monies garnished from his pay for costs associated with a court case filed by the claimant against the State of Wisconsin six years ago. The claimant alleges that the court judgment garnishing his wages for court costs was actually a void judgment and that the DOA therefore illegally garnished his wages. The claimant alleges that in-house copying and printing costs are not recoverable under state law and that the court was therefore not authorized to award these costs to the State of Wisconsin. He requests return of the \$1,033 garnished from his wages, plus the court filing fee.

The DOA states that the claimant provides no evidence that the judgment was void beyond his bald assertion to that effect. In Weingerd v. Rinehart, 114 Wis.2d 557 (Ct. of App. 1983), the Court held that a judgment is not void unless the court rendering it lacks subject matter or personal jurisdiction, or a party was denied due process of law. The Court further held that a party could waive any error that would form the basis for relief on a claim that a judgment is void. In Wengerd, failure to take subsequent action on a judgment for three years constituted a waiver. In this instance, the claimant was presented with a detailed bill of costs four and a half years ago. At that time, he had 10 days to file objections to those costs but did not do so. At any time between 1995 and the present, the claimant could have challenged the judgment but did not do so. The DOA believes that the claimant's failure to object, especially as his wages were being garnished more than five years ago, constitutes a waiver at this stage. The DOA believes that the claimant's claim is premature and that this is not the proper venue for him to object to the court judgment.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. [*Member Rothschild not participating.*]

**5. Marquita Phillips** of Milwaukee, Wisconsin claims \$2,158.00 for return of 2000 income tax refund, which was taken to satisfy outstanding estimated assessments for the years 1990–1994. The claimant states that she never received any notice of the assessments. She states that she moved in late August 1996 and did not file a change of address notice with the

Post Office. She was then incarcerated from May 1997 until March 1999 and states she did not receive any notices regarding any tax delinquency during that time. Finally, the claimant points to the fact that she did not have any taxable income during the 1990–1994 period in question and therefore would not have owed any taxes for this period.

The DOR recommends that this claim be denied. DOR records indicate that estimated assessments were issued on June 24, 1996, for failure to file 1990 through 1994 income tax returns. The original assessments were mailed to the claimant and the Department has no record that these statements were returned as undeliverable. The first delinquent tax notice was sent to the claimant in early September 1996. The claimant provided the information necessary to adjust her account on July 25, 2001. Because this information was provided more than two years after the assessment date, the DOR is not able to issue a refund pursuant to s. 71.75(5), Stats.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. [*Members Albers and Rothschild dissenting.*]

**6. James A. Mentek, Jr.** of Appleton, Minnesota claims \$1,022.23 for costs allegedly related to a lawsuit against the State of Wisconsin. The claimant states that, after erroneous rulings by the Circuit Court and Court of Appeals, his case was reversed by the Wisconsin Supreme Court, which ruled that the state had denied him meaningful judicial review by relying on a statute that was inapplicable to his case. The case was remanded back to the Circuit Court. The claimant states that he attempted to recover his costs associated with the suit but was denied costs by the Clerk of the Supreme Court. The claimant believes that since he won his case, he is entitled to recover the costs associated with bringing his lawsuit. The claimant agrees that there is a long-standing rule that litigants cannot recover costs from the state. However, the claimant states that s. 809.25(4), Stats., provides for costs "against the respondent before the Supreme Court when the judgment of the Court of Appeals is reversed..." The claimant believes that the word "respondent" is all inclusive and does not preclude the state. The claimant believes that the DOJ made unreasonable and unjustified arguments in his case and that he should be awarded his court costs.

The DOJ recommends that this claim be denied. The DOJ states that it is a long-standing rule that litigants are not entitled to recover costs from the state, even when they win and that departure from this rule could prove quite expensive. The DOJ points to the fact that the claimant is an aggressive prison litigator, who has sued the state a dozen times. The DOJ believes that the claimant would need little incentive to increase his pace. The DOJ believes that it made fair legal arguments in the claimant's case and that the reasonableness of the state's argument was supported by the fact that the state won in the Court of Appeals. The fact that the Supreme Court disagreed does not mean that the state's arguments were unreasonable.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.



**7. Geoffrey T. Hermesen** of Milwaukee, Wisconsin claims \$354.66 for medical bills related to an injury sustained at the Milwaukee State Office Building. The claimant states that he was approaching the building at 8:00 AM on September 6, 2000, when he slipped on some fresh grass clippings on the sidewalk. He states that he fell against the stairs and dislocated his shoulder. The accident was witnessed by several other people. The claimant requests reimbursement for his ambulance bill and ensuing medical treatment.

The DOA recommends payment of this claim. The DOA notes that there were grass clippings on the sidewalk in the area where the claimant fell and that the grass had been recently mowed. The DOA further notes that the pavement in the area was dry. The DOA believes that the grass clippings left on the walkway may have contributed to the claimant's accident and recommend that he be reimbursed for his medical expenses.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**8. Terri Nielson d/b/a Tech Trak Consulting** of Reedsburg, Wisconsin claims \$10,842.00 for damages allegedly related to the termination of a contract with the DOA. The claimant, through her company, entered into a contract with the DOA to provide technical writing services at a rate of \$39 per hour. The claimant states that the term of the contract was July 1, 1999 through June 30, 2000, and required the claimant to provide the DOA with up to 2,000 hours of technical writing services for a total of \$78,000. The claimant states that in mid May of 2000 the DOA informed her that the contract would be terminated on May 31, 2000. The claimant alleges that this termination was done without her consent and that she never requested to be relieved of her projects. She claims that she understood the contract as providing her with full-time work for one year and that she would not have entered into the contract had this not been the case.

The DOA recommends that this claim be denied. The DOA contends that, when construing the contract as a whole, it is clear that it was to be open-ended, depending on the need for and quality of the claimant's services. The DOA states that the purchase requisition, which in essence is the contract, followed standard purchasing requirements. The DOA points to the fact that the total cost of the contract is estimated based upon the potential hours at the hourly rate. The DOA states that this was obviously not a final, firm contract amount or it would not have been estimated. Moreover, the DOA states that if the contract had been for a fixed 2,000 hours/\$78,000, the DOA would not have paid the claimant by monthly invoice, as was the case in this instance. The DOA states that the claimant was paid on a monthly basis specifically in order to track the work performed and allow the DOA to review the work and, if necessary, terminate the contract at any time. Finally, the DOA states that the reason for the termination of the contract was the claimant's failure to perform her assignment after approximately 1700 hours of work under the contract. The DOA alleges that the claimant requested to be removed from the web-hosting project to which she was assigned. When notified that she was ceasing work on the project without finishing it, the DOA chose to terminate the claimant's services. The DOA states that the contract did not guarantee that the claimant would receive work

for the full 2,000 hours or that she would receive the absolute amount of \$78,000.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. *[Member Rothschild not participating.]*

**9. West Side Garage, Inc.** of Berlin, Wisconsin claims \$2,579.34 for lost value of vehicle allegedly related to an error by DOT employees. The claimant received a 1999 pick up truck in trade, which was appraised for \$18,000. The Wisconsin Vehicle Title was not marked salvage. The claimant states that when it attempted to sell the vehicle, it was discovered that the vehicle had been previously titled in Missouri as salvage and that the salvage brand from the MO title was not carried forward to the new WI title issued by the DOT. The claimant has since sold the vehicle, and claims a loss of \$2,579.34.

The DOT recommends payment of this claim in the amount of \$2,579.34. After conducting an investigation of the claim, the DOT does find negligence on the part of its employee, Nancy Davis, for not carrying forward the Missouri salvage brand and instead issuing a clean Wisconsin title.

The Board concludes the claim should be paid in the amount of \$2,579.34 based on equitable principles. The Board further concludes, under authority of s. 16.007 (6m), Stats., payment should be made from the Department of Transportation appropriation s. 20.395(5)(cq), Stats.

**10. James Cape & Sons, Inc.** of Racine, Wisconsin claims \$1,483,781.60 for additional construction costs allegedly incurred on a DOT construction project. The claimant alleges that, after they began construction work, the DOT notified them that the DOT would not allow the claimant to use excavated material for trench backfill. The claimant alleges that this is contrary to their interpretation of the contract, which they claim does allow for use of excavated material as backfill. The claimant also alleges that the DOT failed to provide them with access to the right of way, as provided for in the contract, thereby causing a delay in the project. The claimant alleges that the DOT failed to ensure that existing power lines and railroad tracks were relocated so as to avoid any interference with the project, and that the claimant incurred additional costs as a result of the delays.

The DOT requests that this claim be denied. The DOT states that the contract specifications require that trenches be backfilled with granular backfill. The DOT states that the claimant is an experienced state contractor and was well aware that the state always requires the use of granular backfill in such situations. The DOT alleges that specific conversations with the claimant indicate that they were aware that they would need to use granular backfill in the project. The DOT also alleges that at a meeting in April 1995, an employee of the claimant specifically admitted that he bid the project as using granular backfill. The DOT states that the claimant did have access to the right of way and that the contract did not require the DOT to ensure that the existing power lines and railroad tracks be relocated so as to avoid interference with the progress of the project. The DOT states that the contract advised the claimant to contact utilities and required the claimant to utilize applicable and safe construction methods when working around utility lines.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**11. Michael & Mary Brown** of Brookfield, Wisconsin claim \$88.12 for damage to tire allegedly caused by negligence of the DOT. The claimant states that at 10:30 PM on December 8, 2000, he was driving through a construction zone on Greenfield Avenue in Waukesha County. He states that there was a pole-style lane divider bent into his lane, which he had to swerve to avoid and that when he swerved, he hit a large pothole and damaged his tire and rim. The claimant states that he contacted the road contractor in charge of the project and was told that they would not pay the bill. He requests reimbursement for his tire damage.

The DOT recommends that this claim be denied. The DOT states that the area in which the accident occurred was at that time in a construction zone. The DOT states that all state construction contracts have a hold harmless agreement, which says that the contract will indemnify and save harmless the state from all claims brought because of damages received by any person on account of any act, omission, neglect or misconduct of the contractor. Therefore, the DOT believes that any responsibility to address claims of negligence resulting in damage rests with Zignego, Inc., the prime contractor on this project. The DOT finds no negligence on the part of any state employee.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. The Board further concludes that the claimants' remedy rests with the contractor, Zignego, Inc.

**12. Bryce Garrett** of Boscobel, Wisconsin claims \$157.80 for court costs incurred by the claimant. The claimant, an inmate at Supermax Correctional Institution, alleges that the DOC wrongly charged him with a violation of Wisconsin Administrative Code. The claimant appealed the discipline imposed on him, and filed a Writ of Certiorari in Dane County Circuit Court. The claimant states that Dane County Circuit Court reversed the decision of the DOC to discipline the claimant and ordered that the discipline be expunged from his correctional file. The claimant requests reimbursement for his court filing fee and the sheriff's fee to serve papers on the DOC. The claimant states that he will file two more lawsuits if the Claims Board does not pay this claim. He claims that the typical inmate lawsuit costs the state \$4,100 and believes that the board should pay the claim rather than have the state incur \$8,200 in lawsuit costs.

The DOC requests that this claim be denied. The claimant filed a motion for costs under s. 814.245(3), Wis. Stats., which the court denied, finding that the DOC was substantially justified in its position and that the claimant was therefore not entitled to costs. In addition, the DOC states that the claimant failed to serve the motion for costs on the assistant attorney general who represented the DOC in these matters. The DOC believes there is no legal basis to grant this claim. The claimant has not presented any reason why the Claims Board should ignore the circuit court decision or s. 814.25, Stats.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or

employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**Reconsideration of funding source for payment of claim of Kenneth C. Ketterer against the Department of Revenue.**

On September 21, 2001, the Claims Board decided to pay the claim of Kenneth C. Ketterer against the Department of Revenue in the amount of \$4,221.92. The Board further indicated that this payment should be made from the Department of Revenue appropriation s. 20.566(1)(a), Stats. The Department of Revenue has requested that the Board reconsider their decision to pay the claim from DOR funds and instead consider paying the claim from the Claims Board appropriation s. 20.505(4)(d), Stats.

After reconsideration of the funding source for payment of the claim, the board declines to change its previous decision to pay the claim from the Department of Revenue appropriation s. 20.566(1)(a), Stats.

**Consideration of motion to refer innocent convict claim of Frederick Saecker to a hearing examiner.**

Frederick Saecker has filed an innocent convict claim under s. 775.05, Stats., with the Claims Board. Claims Board Chairperson, Alan Lee, has made a motion that the claim should be heard by a hearing examiner designated by the board, rather than by the entire Claims Board. The hearing examiner would conduct the hearing for the claim and would submit a proposed Findings of Fact and Decision to the Claims Board for their approval.

After consideration of the issue, the Board concludes that the claim of Frederick Saecker should be considered by a designated hearing examiner, who will then submit to the Board a proposed Findings of Fact and Decision for their approval.

**The Board concludes:**

**1. The claims of the following claimants should be denied:**

- Patrick D. Horkan
- Pastori M. Balele
- Marquita Phillips
- James A. Mentek, Jr.
- Geoffrey T. Hermsen
- Terri Nielson/Tech Trak Consulting
- James Cape & Sons, Inc.
- Michael & Mary Brown
- Bryce Garrett

**5. Payment of the following amounts to the following claimants from the following appropriations is justified under s. 16.007, Stats:**

Alicia Bowman	\$156.00
Willie J. Wilks	\$5,000.00
West Side Garage, Inc.	\$2,579.34

**3. The board declines to change its previous decision to pay the claim from the Department of Revenue appropriation s. 20.566(1)(a), Stats.**

**4. The Board concludes that the claim of Frederick Saecker should be considered by a designated hearing examiner, who will then submit to the Board a proposed Findings of Fact and Decision for their approval.**

**Dated at Madison, Wisconsin this 21st day of December 2001.**

Alan Lee, Chair  
Representative of the Attorney General

John E. Rothschild, Secretary  
Representative of the Secretary of Administration  
Chad Taylor  
Representative of the Governor  
Sheryl Albers  
Assembly Finance Committee

**State of Wisconsin  
University of Wisconsin System**

December 10, 2001

The Honorable, The Legislature:

The 2001-03 State of Wisconsin Biennial Budget, 1999 Wisconsin Act 9, included a provision to change the University of Wisconsin System's appropriation for tuition and fee revenues (Academic Student Fees, Fund 131) from an annual, sum certain appropriation to a continuing appropriation.

Wisconsin Act 9 required the Board of Regents to report annually, beginning on December 15, 2000, the amount by which actual expenditures in the previous fiscal year, in this case, 2000-2001, exceeded the amount in the schedule for that appropriation in the previous fiscal year. That report, including the purposes for which the additional revenues were spent and the amount spent for each purpose, is attached. The Board of Regents approved this report for submission at its December 7, 2001 meeting.

Please contact Freda Harris at (608) 263-5679, if you have any questions related to this report.

Sincerely,

DEBORAH A. DURCAN  
Vice President for Finance

**State of Wisconsin  
Joint Legislative Council**

December 6, 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 2001-01 Legislation on recodification of Operating While Intoxicated and Safety Laws Pertaining to Motor Vehicle, All-Terrain Vehicle, Boat or Snowmobile Operation (2001 Assembly Bill 667 and Senate Bill 335)
- (2001 Assembly Bill 668 and Senate Bill 336)
- (2001 Assembly Bill 669 and Senate Bill 337)
- (2001 Assembly Bill 670 and Senate Bill 338)

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 site at [http://www.legis.state.wi.us/lc/reports\\_by\\_topic.htm](http://www.legis.state.wi.us/lc/reports_by_topic.htm).

Sincerely,

TERRY C. ANDERSON  
Director

**State of Wisconsin  
Joint Legislative Council**

December 11, 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 2001-10 Legislation recommended by the Special Committee on Use of Prescription Drugs for Children (2001 Assembly Bill 672)

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 site at [http://www.legis.state.wi.us/lc/reports\\_by\\_topic.htm](http://www.legis.state.wi.us/lc/reports_by_topic.htm).

Sincerely,

TERRY C. ANDERSON  
Director

**State of Wisconsin  
Department of Natural Resources**

December 27, 2001

The Honorable, The Legislature:

Sec. 292.65(3)(3e) requires that no later than January 1, 2002, the Department of Natural Resources shall complete a review of the Dry Cleaner Environmental Response Fund Program and submit a report on the results of that report to the Joint Committee on Finance and to the appropriate standing committee of the legislature as determined by the speaker of the House and the president of the Senate. Attached is that report for your information and review. This report also contains an addendum by the Governor's Council on the Dry Cleaner Environmental Response Fund Program, as part of their required program review.

If you have any questions on this program or this report, please contact me at 267-7569.

Sincerely,

ROBIN SCHMIDT  
Bureau for Remediation and Redevelopment

Referred to committee on **Environmental Resources**.

**Ice Age Park & Trail Foundation**

December 20, 2001

The Honorable, The Senate:

In 1999 the State Legislature included a \$75,000 annual grant in the state budget to be matched with \$25,000 of private funds for the purpose of establishing, maintaining and promoting the Ice Age National and State Scenic Trail. The Ice Age Park and Trail Foundation (IAPTF) was delighted to be the recipient of that grant in 2000 and 2001. It is with a great deal of pride that I submit our final report for the year 2001, as required by statute s. 23.295.

The protection, development and management of the Ice Age Trail is dependent on partnerships. The Trail's primary partners, including the National Park Service, Wisconsin Department of Natural Resources and IAPTF, work closely with county governments and other municipalities and with local volunteers from around the state. In 2000 alone, over 4,882 volunteers provided an "in kind" match of 60,323 hours spent in support of the trail. When translated into dollars their contribution equals almost \$900,000 annually – really quite extraordinary.

The grant from the DNR has allowed IAPTF to:

Support the work of volunteers who develop, maintain and promote the Ice Age Trail.

Build partnerships for the Ice Age Trail area with local governmental units and nonprofit organizations.

Promote the protection of a corridor for the Ice Age Trail by providing information about acquiring land, or an interest in land in the corridor.

Strengthen community support for the Ice Age Trail area by recruiting and training volunteers and by coordinating the activities of interest groups.

Promote tourism in the Ice Age Trail area.



We genuinely appreciate your continuing support and your true partnership. Please call me at 414-278-8518 with any questions you may have.

Sincerely,

CHRISTINE THISTED  
Executive Director

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**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

December 21, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ALBERT, PHILIP E., of Madison, as Secretary of the Department of Commerce, to serve for the term ending at the pleasure of the Governor.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Economic Development and Corrections.**

**State of Wisconsin  
Office of the Governor**

December 21, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KUSSART, GENE, of Verona, as Secretary of the Department of Transportation, to serve for the term ending at the pleasure of the Governor.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Insurance, Tourism, and Transportation.**

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 01-062**

Relating to public employee safety and health.

Submitted by Department of Commerce.

Report received from Agency, January 3, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, January 8, 2002.

**Senate Clearinghouse Rule 01-126**

Relating to mobile home park permit fees.

Submitted by Department of Commerce.

Report received from Agency, January 8, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, January 8, 2002.

**State of Wisconsin  
Revisor of Statutes Bureau**

January 1, 2002

To the Honorable, the Senate:

The following rules have been published:

<b>Clearinghouse Rules</b>	<b>Effective Date(s)</b>
00-179	July 1, 2002
01-020	January 1, 2002
01-026	January 1, 2002
01-027	January 1, 2002
01-034	January 1, 2002
01-044	January 1, 2002
01-053	January 1, 2002
01-060	January 1, 2002
01-064	January 1, 2002
01-082	January 1, 2002
01-083	January 1, 2002
01-096	January 1, 2002

Sincerely,  
GARY L. POULSON  
Deputy Revisor

The committee on **Health, Utilities, Veterans and Military Affairs** reports and recommends:

**Senate Clearinghouse Rule 00-184**

Relating to telecommunications utilities price regulation.

No action taken.

**Senate Clearinghouse Rule 01-073**

Relating to operation of the health insurance risk-sharing plan (HIRSP).

No action taken.

**Senate Clearinghouse Rule 01-089**

Relating to the rights of patients to make telephone calls.

No action taken.

**Senate Clearinghouse Rule 01-091**

Relating to examinations for original licensure and for persons licensed in another state.

No action taken.

**Senate Clearinghouse Rule 01-101**

Relating to examination, education, continuing education, reciprocity requirements and unprofessional conduct.

No action taken.

**Senate Clearinghouse Rule 01-105**

Relating to control of communicable diseases.

No action taken.

**Senate Clearinghouse Rule 01-116**

Relating to licensing of emergency medical technicians-intermediate and approval of emergency medical technician-intermediate operational plans.

No action taken.

Rodney Moen  
Chairperson

The committee on **Human Services and Aging** reports and recommends:

**Senate Clearinghouse Rule 00-020**

Relating to foster home care for children.

No action taken.

**Senate Clearinghouse Rule 01-106**

Relating to early intervention services for children with developmental needs in the age group from birth to 3.

No action taken.



Judith Robson  
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 01–113**

Relating to the community development block grant program.

No action taken.

Mark Meyer  
Chairperson

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**Senate Bill 145**

Relating to: employment relations for members of the University of Wisconsin System faculty and academic staff.

Referred to joint committee on **Finance** pursuant to Senate Rule 41(1)(e).

**Senate Bill 150**

Relating to: the election campaign fund designation on individual income tax returns.

Referred to joint committee on **Finance** pursuant to Senate Rule 41(1)(e).

**Senate Bill 333**

Relating to: merger and conversion of business entities, exemptions from securities registration requirements and licensing requirements for securities broker–dealers and securities agents, registered agents for business entities, filing of documents relating to certain business entities, administrative dissolution of business entities, amended certificates of authority for certain foreign business entities, granting rule–making authority, and making an appropriation.

Referred to joint committee on **Finance** pursuant to Senate Rule 41(1)(e).

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**AMENDMENTS OFFERED**

Senate substitute amendment 1 to **Senate Bill 221** offered by Senator Baumgart.

Senate amendment 1 to **Senate Bill 287** offered by Senator George.

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**Motions Under Senate Rule 98 and Joint Rule 7  
for the Month of December 2001**

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grobschmidt, for Danielle Baerwald, on the occasion of being chosen as “Outstanding Restaurateur of the Year”.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Luke Beno, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moen, for Richard Dimpfel, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Decker, for Kraft Foods Medford Facility, on the occasion of on the opening of the Medford Buffer Warehouse.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Daniel F. Kryst, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Rick and Pat Miller, on the occasion of being chosen by the Lake–to–Lake Chapter of the Wisconsin Restaurant Association as the Outstanding Restaurateur of the Year for 2001.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for David Nesseth, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Eric Nesseth, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for Dr. Bernice Owen, on the occasion of her retirement from the University of Wisconsin School of Nursing.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Harsdorf, for the River Falls FFA Team: Joe Jensen, Kyle Killian, Brad Peterson, Phil Rohl and Coach DeWayne Benedict, on the occasion of winning the National Championship in Agriculture Mechanics at the 74th annual convention.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Neal Sannes, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Matthew Schleis, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Ellis, for Darrell and Donna Schultz, on the occasion of celebrating their 50th Wedding Anniversary shared with family and friends.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Moore, for Rev. Gabriel Lee Shaw, Sr. and Mary H. Shaw, on the occasion of their years of service to St. Gabriel Church of God In Christ.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Chvala, for Lynn Sherman, on the occasion of her dedication to the State Medical Society.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Elliott Siebers, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator George, for Cha Vang, on the occasion of his time, effort and dedication to improving the lives of all in the South East Asian community.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator George, for Dr. Pobzeb Vang, on the occasion of his time, effort and dedication to improving the lives of all in the South East Asian community.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for R. Wallace Watson, on the occasion of his 40 years of service towards making a difference in the lives of young adults through the Boys & Girls Club.*

*on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Brian Zink,*

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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FRIDAY, January 11, 2002

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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 371**

Relating to: invasion of privacy and providing a penalty.

By Senators Roessler, Burke, Darling and A. Lasee; cosponsored by Representatives Meyerhofer, Hines, McCormick, Pettis, Lassa, Gronemus, Albers, Jeskewitz and Ryba.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

**Senate Bill 372**

Relating to: recording and filing documents with the offices of register of deeds and the department of financial institutions.

By Senators Plache, Hansen, Wirch and Roessler; cosponsored by Representatives F. Lasee, Powers, McCormick, J. Lehman, Lassa, Albers, Hahn, Plouff, Starzyk, Seratti, Hines, D. Meyer, Pettis, Olsen, Ladwig, M. Lehman, Freese, Krawczyk, Vrakas and Ott.

To committee on **Privacy, Electronic Commerce and Financial Institutions.**

**Senate Bill 373**

Relating to: the prohibition against underage persons entering or being on any premises operating under an alcohol beverage license.

By Senator Breske; cosponsored by Representative Sykora.

To committee on **Insurance, Tourism, and Transportation.**

**Senate Bill 374**

Relating to: removal of a shopping cart and providing a penalty.

By Senators Burke, Wirch, Breske, M. Meyer, Roessler, Darling, Schultz, Huelsman and Kanavas; cosponsored by Representatives Walker, Plale, Gronemus, Ryba, Starzyk, Gard, Huebsch, Freese, M. Lehman, Krawczyk, Urban, McCormick, Grothman, Ott, Montgomery, Stone, Pettis, Rhoades, Suder, Kestell, Vrakas, Jeskewitz, Musser, Gundrum, Sykora, Ladwig, Lippert, Leibham, Loeffelholz and Petrowski.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

**Senate Bill 375**

Relating to: miscellaneous changes to the insurance laws related to the confidentiality of personal information obtained in the course of administering a state insurance fund, the statute of limitations for bringing an action against the patients compensation fund, the applicability of a timeliness requirement for the payment of insurance claims for chiropractic services, an exception from a requirement to obtain consent to incorporate certain publications by reference in administrative rules, the type of property for which the loss amount is the insurance limits, the renewal date for viatical settlement brokers' licenses, eliminating the requirement to keep a separate account for surplus lines taxes, issuance of temporary licenses for intermediaries, specifying by rule the amount of stop-loss reinsurance that a town mutual must obtain, standards related to assisting unauthorized insurers, and defining extraordinary dividends for life insurers; and granting rule-making authority.

By Senator Breske; cosponsored by Representative Montgomery.

To committee on **Insurance, Tourism, and Transportation.**

**Senate Bill 376**

Relating to: limiting the amount of time for an insurer to recover an overpayment of a health insurance claim.

By Senator Decker; cosponsored by Representative Miller.

To committee on **Insurance, Tourism, and Transportation.**

**Senate Bill 377**

Relating to: calculation and payment of certain duty disability benefits under the Wisconsin retirement system.

By Senator Breske, by request of Donald Kiey, Woodruff.

To committee on **Universities, Housing, and Government Operations.**

**Senate Bill 378**

Relating to: theft of farm-raised fish and providing penalties.

By Senators Schultz, Baumgart, Jauch and Roessler; cosponsored by Representatives Freese, Gronemus, Ladwig, Lassa, Ryba, Loeffelholz, Krawczyk, Turner, Skindrud, Starzyk, Plouff, Musser, Pettis, Hahn, McCormick, Albers, Petrowski, Johnsrud, Hines, Ott, Stone, Vrakas, Townsend, Sykora and Gunderson.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

**Senate Bill 379**

Relating to: banning human cloning and the sale or purchase of an ovum, embryo, or fetus for the purpose of cloning a human, prohibiting the use of state funds for cloning, and providing penalties.

By Senators M. Meyer, Hansen, Plache, Chvala and Burke; cosponsored by Representatives Plouff, Hines, Sykora, Gunderson, Miller and Ryba.

To committee on **Health, Utilities, Veterans and Military Affairs**.

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**REPORT OF COMMITTEES**

The committee on **Education** reports and recommends:

MOORE-CHURCH, MARY ANNE, of Appleton, as a member of the Wisconsin Technical College System Board, to serve for the term ending May 1, 2007.

Confirmation.

Ayes, 11 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Roessler, Darling, Lazich, Harsdorf and Kanavas.

Noes, 0 – None.

**Senate Bill 280**

Relating to: increasing a school district's revenue limit by a portion of the school district's handicapped education costs.

Passage.

Ayes, 6 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson and Erpenbach.

Noes, 5 – Senators Roessler, Darling, Lazich, Harsdorf and Kanavas.

**Senate Bill 300**

Relating to: open enrollment in public schools and granting rule-making authority.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 11 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Roessler, Darling, Lazich, Harsdorf and Kanavas.

Noes, 0 – None.

Passage as amended.

Ayes, 8 – Senators Grobschmidt, Shibilski, Baumgart, Roessler, Darling, Lazich, Harsdorf and Kanavas.

Noes, 3 – Senators Jauch, Robson and Erpenbach.

**Senate Bill 302**

Relating to: the name of the division for libraries and community learning in the department of public instruction and the definition of minority group (suggested as remedial legislation by the department of public instruction).

Passage.

Ayes, 11 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Roessler, Darling, Lazich, Harsdorf and Kanavas.

Noes, 0 – None.

Richard Grobschmidt  
Chairperson

The committee on **Insurance, Tourism, and Transportation** reports and recommends:

**Assembly Bill 147**

Relating to: creating a permit authorizing the operation upon a highway of a specialized hauling rig that exceeds statutory size and weight limits.

Concurrence.

Ayes, 4 – Senators Breske, Grobschmidt, A. Lasee and Schultz.

Noes, 1 – Senator Baumgart.

OCONNELL, CONNIE L., of Sun Prairie, as Commissioner of Insurance, to serve for the term ending at the pleasure of the Governor.

Confirmation.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

**Senate Bill 273**

Relating to: creating definitions for common and contract carriers for sales tax and use tax purposes.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

**Senate Bill 332**

Relating to: overpayment of state transit operating aids to the city of Rhinelander.

Passage.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

Roger Breske  
Chairperson

The committee on **Senate Organization** reports and recommends:

**Assembly Joint Resolution 42**

Relating to: the life and accomplishments of Edwin Lee Mathews, Sr.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

**Assembly Joint Resolution 46**

Relating to: urging all Wisconsinites to observe March as "Women's History Month."

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

**Assembly Joint Resolution 72**

Relating to: the 1,700th anniversary of Armenian Christianity.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

**Assembly Joint Resolution 77**

Relating to: the life and public service of Ervin Butch Conradt.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.



**Senate Joint Resolution 52**

Relating to: the life and public service of Judge Stanley A. Miller.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

**Senate Joint Resolution 53**

Relating to: the life and public service of Frederick F. Kaftan.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

Charles Chvala  
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Senate Bill 299**

Relating to: increasing the amount appropriated to the state hygiene laboratory.

Passage.

Ayes, 4 – Senators M. Meyer, Grobschmidt, Hansen and Zien.

Noes, 2 – Senators Ellis and Huelsman.

Mark Meyer  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

January 10, 2002

The Honorable, The Senate:

Please remove my name from co-sponsorship of Senate Bill 339, which requires that milk be made available wherever soft drinks are sold in schools. I have also asked Chief Clerk John Scocos to remove my name from co-sponsorship of the Assembly companion bill, Assembly Bill 678.

Sincerely,

JOHN LEHMAN  
62nd Assembly District

**State of Wisconsin**  
**State Treasurer of Wisconsin**

December 28, 2001

The Honorable, The Senate:

Attached to this letter is the EdVest College Savings Program Annual Report for the 2000-2001 Fiscal Year. Legislation for the EdVest program requires the Office of the State Treasurer to annually report to the Governor and the Legislature on the program. This fourth annual report includes summaries of the required actuarial valuation, prepared by Milliman & Robertson, Inc. and a program audit prepared by the PriceWaterhouseCoopers, LLP as well as discussions of the key developments in the program over the past fiscal year.

The most significant event of the year for the program involved the implementation of state legislation designed specifically to give EdVest new authority to take advantage of benefits and flexibility currently allowed under federal law. The legislation provided broader eligibility and coverage for the program, created a new state tax deduction for parents, expanded the number of investment options, eliminated the residency requirement and established protection of eligibility for state

financial aid. It directed the state to contract with a private firm to assist with the new program. At the conclusion of a national search, Strong Capital Management of Menomonee Falls, Wisconsin was selected as the EdVest program manager. A second partnership was developed with American Express, which offers a slightly reconfigured "tomorrow's scholar" version of the program through its financial advisors nationwide. After a period of intense planning and development, as well as passage of state legislation to formally provide the trust fund structure necessary for operation [2001 Wisconsin Act 7] the EdVest program was relaunched in May, 2001.

These program improvements were an immediate success with the public, proving that we are now meeting the college savings needs of families nationwide. By the close of the fiscal year on June 30, there were 5,337 EdVest accounts and assets under management totaled \$21.5 million. For your information, the program has continued to grow dramatically and as we are near the end of the calendar year we have over 45,000 accounts and \$230 million under management.

The College Savings Program Board, EdVest staff and I look forward to continued growth with quality service to participants in this exciting program. If you have any questions regarding the EdVest Annual Report, please contact Marty Olle at 264-7886.

Sincerely,

JACK C. VOIGHT  
State Treasurer

**Greater Milwaukee Committee**

January 8, 2001

The Honorable, The Senate:

Attached please find the final report of the *Greater Milwaukee Committee's Economic Development Task Force Report*. The report was presented at the recent Economic Summit held in Milwaukee sponsored by the University of Wisconsin.

The GMC report contains many recommendations to grow the Wisconsin economy in the years ahead. We wanted you to have a copy for your information.

If you have any questions or comments, please do not hesitate to call (414-272-0588).

Sincerely,

ROBERT H. MILBOURNE  
Staff

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 01-115**

Relating to commercial fishing in Lake Superior and Lake Michigan.

Submitted by Department of Natural Resources.

Report received from Agency, January 9, 2002.

Referred to committee on **Environmental Resources**, January 11, 2002.

**Senate Clearinghouse Rule 01-062**

Relating to public employee safety and health.

Withdrawn from the committee on Universities, Housing and Government Operations pursuant to Senate Rule 46(2)(b).

Referred to committee on **Human Services and Aging**.

The committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform** reports and recommends:

**Senate Clearinghouse Rule 00-183**

Relating to public warehouse keeper license fees.

No action taken.

Gary George  
Chairperson

The committee on **Universities, Housing, and**

**Government Operations** reports and recommends:

**Senate Clearinghouse Rule 00-172**

Relating to certification for the identification, removal and reduction of lead-based paint hazards and the issuance and registration of certificates of lead-free status and lead-safe status.

No action taken.

Mark Meyer  
Chairperson

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, January 16, 2002

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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 54**

Relating to: congratulating Bob Uecker on his induction into the Radio Hall of Fame.

By Senators Kanavas, Darling, Rosenzweig, Risser, Lazich, Burke, Welch, George, Zien, Grobschmidt, Decker, Hansen, Schultz, Roessler, Wirch and Jauch; cosponsored by Representatives Vrakas, Bock, Jensen, M. Lehman, Huebsch, J. Fitzgerald, McCormick, Ryba, Owens, Turner, Rhoades, Plouff, Starzyk, Lassa, Ward, Gunderson, Walker, Nass, Olsen, Ladwig, Musser, Townsend, Stone, Kaufert, Ott, Urban, Albers, Plale, Petrowski, Hines, Coggs, Boyle, Carpenter and Miller.

To committee on **Senate Organization**.

**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 380**

Relating to: fishing licenses issued to disabled residents.

By Senators Lazich, Darling, Kanavas and Zien; cosponsored by Representatives Krawczyk, Pettis, Gronemus, Miller, Reynolds, Boyle, Hines, Ladwig, La Fave, Lassa, Petrowski, Ryba, Starzyk, Townsend and Turner.

To committee on **Environmental Resources**.

**Senate Bill 381**

Relating to: construction of electric generating facilities that affect residential wells.

By Senators Lazich and Cowles; cosponsored by Representatives Gundrum, Gunderson, Hines, J. Lehman, Miller and Musser.

To committee on **Health, Utilities, Veterans and Military Affairs**.

**Senate Bill 382**

Relating to: the sales tax and use tax exemptions for motor vehicles used for recycling activities and for equipment used to collect and transport waste for recycling activities.

By Senators Lazich and Schultz; cosponsored by Representatives F. Lasee, Gunderson, Duff, Grothman and Hines.

To joint survey committee on **Tax Exemptions**.

**Senate Bill 383**

Relating to: the residence of child sex offenders.

By Senators M. Meyer, Burke, Kanavas, Schultz, Hansen, S. Fitzgerald, Darling and Cowles; cosponsored by Representatives Johnsrud, Lassa, Townsend, Hoven, Wasserman, Ott, Petrowski, Plale, Grothman, Hines, Loeffelholz, Gundrum, Gronemus, Olsen, Ryba, Leibham, Kaufert, Stone, Turner, D. Meyer, McCormick, Huebsch, Starzyk, Musser, Krawczyk, Pettis, Nass, Freese, Gunderson, Seratti and Vrakas.

To committee on **Economic Development and Corrections**.

**Senate Bill 384**

Relating to: permitting the period for which a serious juvenile offender program participant may be placed in a juvenile secured correctional facility to be extended; prohibiting a juvenile who has been adjudicated delinquent from being transferred to an adult prison; permitting a juvenile who has been sentenced as an adult to be transferred to an adult prison on reaching 15 years of age; permitting a juvenile to be placed in a juvenile secured correctional facility only until the juvenile reaches 18 years of age; and requiring the juvenile court, when placing a juvenile who has been adjudged delinquent outside the home or when denying parental visitation with such a juvenile, to warn the parents of any applicable termination of parental rights grounds and of the conditions necessary for the juvenile to be returned to the home or for the parent to be granted visitation.

By Senators Jauch, Burke, Huelsman, Darling and Rosenzweig; cosponsored by Representatives Walker, Musser, Montgomery, Rhoades, Plale, Ryba, Jeskewitz, Cullen, Stone, Olsen, Hahn, Townsend, Hines, Ladwig and Albers.

To committee on **Economic Development and Corrections**.

**Senate Bill 385**

Relating to: filing fees for domestic corporation annual reports.

By Senators Erpenbach, Plache, Wirch, Moen, Burke and Schultz; cosponsored by Representatives Reynolds, Underheim, Leibham, Musser, Lassa and Albers.

To committee on **Universities, Housing, and Government Operations**.

**Senate Bill 386**

Relating to: providing coverage for domestic partners under health care coverage plans and long-term care insurance policies offered by the group insurance board.

By Senators Risser, Burke and George; cosponsored by Representatives Pocan, Boyle, Berceau, Black, Bock, Colon, J. Lehman, Miller, Richards, Sinicki, Travis and Young.

To committee on **Universities, Housing, and Government Operations.**

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Department of Revenue**

January 8, 2002

The Honorable, The Legislature:

I am submitting the quarterly report of the Wisconsin Lottery for the quarter ending December 31, 2001. As required by s. 565.37(3), Wis. Stats., the attached materials contain unaudited Wisconsin Lottery year to date Sales and Expenditure information.

The summary information reported here is not intended to be a complete financial accounting of the Wisconsin Lottery Fund.

If you have any questions or comments regarding this report, please feel free to contact me at (608) 266-6466.

Sincerely,

RICHARD G. CHANDLER  
Secretary

**State of Wisconsin  
Ethics Board**

December 18, 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/>

- Boyce, Catherine      **Cingular Wireless**
- Cherney, Melissa      **Wisconsin Education Association Council**
- Cumberbatch, Franklin      **Milwaukee Metropolitan Sewerage District**
- Leary, Daniel      **VoiceStream Wireless**

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  
Ethics Board**

January 8, 2002

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/>

- Gunderson, Dan      **Wisconsin Hunting & Fishing Alliance**
- MacKinnon, Lisa      **1000 Friends of Wisconsin**
- Merkovich, Wayne      **Local Union Number 317, International Union of Operating Engineers (A.F. of L.-C.I.O.)**
- Pierce, Todd      **Wisconsin Innkeepers Association**
- Prange, Alison      **American Cancer Society**
- Swandby, Janet R      **Wisconsin Innkeepers 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  
Ethics Board**

January 15, 2002

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/>

- Dilweg, Sean      **Wisconsin Liquid Waste Carriers Association**
- Essie, Patrick      **Wisconsin Liquid Waste Carriers Association**
- Goyke, Gary      **Specialized Medical Vehicle Association of Wisconsin**
- Maroney, Lisa      **Wisconsin Council on Children & Families**
- Nelson, Paul M      **Wisconsin Association of Independent Colleges and Universities**

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**

January 10, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint Bahr, June A., of Fond du Lac, as a member of the Board of Nursing, to serve for the term ending July 1, 2006.

Sincerely,  
SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**



**State of Wisconsin  
Office of the Governor**

January 7, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BENNETT, BRUCE M., of Madison, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

January 7, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CARROLL, DAVID T., of Schofield, as a member of the Dentistry Examining Board, to serve for the term ending December 31, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

January 9, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CROUSE, DR. BYRON J., of Fitchburg, as a member of the Rural Health Development Council, to serve for the interim term ending July 1, 2002, and for the full term ending July 1, 2007.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

January 7, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DONOHUE, STEPHEN V., of De Pere, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Environmental Resources.**

**State of Wisconsin  
Office of the Governor**

January 7, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DREVES, NANETTE KOSYDAR, of La Crosse, as a member of the Dentistry Examining Board, to serve for the term ending December 31, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

January 7, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint EVANS, DR. THOMAS J., of Madison, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Environmental Resources.**

**State of Wisconsin  
Office of the Governor**

January 7, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint FARRAR, DR. DENNIS, of Oregon, as a member of the Real Estate Appraisers Board, to serve for the term ending May 1, 2003.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Universities, Housing, and Government Operations.**

**State of Wisconsin  
Office of the Governor**

January 7, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint FARRAR, DR. LYNDA, of Oregon, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Universities, Housing, and Government Operations.**

**State of Wisconsin  
Office of the Governor**

January 10, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint FRANGER, DR. ALFRED L., of Brookfield, as a member of the Medical Examining Board, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

January 7, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint GUMTOW, JON H., of Random Lake, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Environmental Resources.**

**State of Wisconsin  
Office of the Governor**

January 7, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JOHNSON, NORBERT J., of Milton, as a member of the Accounting Examining Board, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Universities, Housing, and Government Operations.**

**State of Wisconsin  
Office of the Governor**

January 10, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JOHNSRUD, JACQUELINE A., of Eastman, as a member of the Board of Nursing, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

January 10, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KOLLMANSBERGER, RICHARD

A., of Oconomowoc, as a member of the Real Estate Board, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Universities, Housing, and Government Operations.**

**State of Wisconsin  
Office of the Governor**

January 10, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KULPA, JUDITH I., of Wauwatosa, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

January 10, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LEE, HAROLD (HAL) N., of Lake Mills, as a member of the Real Estate Board, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Universities, Housing, and Government Operations.**

**State of Wisconsin  
Office of the Governor**

January 10, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MAHR, DR. LARRY D., of Oregon, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Labor and Agriculture.**

**State of Wisconsin  
Office of the Governor**

January 9, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MARG, DAVID J., of Mosinee, as a member of the Snowmobile Recreation Council, to serve for the interim term ending July 1, 2003.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Environmental Resources.**

**State of Wisconsin  
Office of the Governor**

January 7, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint PACZKOWSKI, DALE R., of Fond du Lac, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the interim term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Universities, Housing, and Government Operations.**

**State of Wisconsin  
Office of the Governor**

January 7, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint RUSCH, JAMES E., of New Richmond, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Universities, Housing, and Government Operations.**

**State of Wisconsin  
Office of the Governor**

January 7, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ROZAR, DONNA M., of Marshfield, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Universities, Housing, and Government Operations.**

**State of Wisconsin  
Office of the Governor**

January 10, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SCHALLOCK, JERRY J., of Rhinelander, as a member of the Nursing Home Administrator Examining Board, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

January 10, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SCHULTZ, PATRICIA A., of Elroy, as a member of the Nursing Home Administrator Examining Board, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

January 7, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SOBCZAK, NANCY L., of Racine, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Universities, Housing, and Government Operations.**

**State of Wisconsin  
Office of the Governor**

January 7, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SVETLY, K. DENISE, of Reedsburg, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

January 10, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WEDDLE, MCARTHUR, of Milwaukee, as a member of the Psychology Examining Board, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM

Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

January 7, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WENDT, DR. ROBERT, of Marshall, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the interim term ending July 1, 2004.

Sincerely,

SCOTT MCCALLUM

Governor

Read and referred to committee on **Environmental Resources.**

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 01-133**

Relating to auditing standards, standards for accounting and review services, and standards for attestation engagements.

Submitted by Department of Regulation and Licensing.

Report received from Agency, January 15, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, January 16, 2002.

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The committee on **Privacy, Electronic Commerce and Financial Institutions** reports and recommends:

**Senate Clearinghouse Rule 01-112**

Relating to collection agencies and mergers.

No action taken.

Jon Erpenbach  
Chairperson



STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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FRIDAY, January 18, 2002

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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 387**

Relating to: battery or assault by a prisoner or detainee and providing a penalty.

By Senators George, Erpenbach, Breske, Rosenzweig, Baumgart, Roessler, Wirch and Shibilski; cosponsored by Representatives Underheim, Krawczyk, Hundertmark, Ryba, Petrowski, Vrakas, Hahn, Ladwig, Musser, J. Fitzgerald, Sykora and Urban.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

**Senate Bill 388**

Relating to: the Type 1 motorcycle, moped, and motor bicycle safety program and making an appropriation.

By Senators M. Meyer, Burke, Cowles, S. Fitzgerald, Grobschmidt, Hansen, Moen, Schultz and Wirch; cosponsored by Representatives Friske, Petrowski, Balow, Bies, Gronemus, Grothman, Huber, Jeskewitz, Lassa, J. Lehman, Meyerhofer, Miller, Musser, Plale, Plouff, Reynolds, Schooff, Seratti, Sykora and Vrakas.

To committee on **Insurance, Tourism, and Transportation.**

**Senate Bill 389**

Relating to: changing the definition of “abortion” for informed consent to an abortion and for parental consent to a minor’s abortion.

By Senators Baumgart and Schultz; cosponsored by Representatives Owens, Plale, Gundrum and Gunderson.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

**Senate Bill 390**

Relating to: the evidence that a court must hear at a hearing on a petition for a waiver of the requirement that a minor’s parent consent before the minor may have an abortion.

By Senators Baumgart, Grobschmidt and Schultz; cosponsored by Representatives Nass, Grothman and Owens.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

**Senate Bill 391**

Relating to: requiring a hospital to provide to an alleged victim of sexual assault, with consent, information and emergency contraception and providing a penalty.

By Senators Risser, Moore, Plache and Burke; cosponsored by Representatives Pocan, Krug, La Fave, Boyle, Berceau, Black, Sinicki, Colon, Plouff, Carpenter, J. Lehman, Miller, Shilling, Richards, Young and Wasserman.

To committee on **Health, Utilities, Veterans and Military Affairs.**

**Senate Bill 392**

Relating to: billing statement disclosures under certain consumer credit plans.

By Senators Hansen, Plache, Decker, Burke and Wirch; cosponsored by Representatives Seratti, Musser, Schneider, Ainsworth, Hines, J. Lehman, Pocan, Plouff, Miller, Bock and Albers.

To committee on **Privacy, Electronic Commerce and Financial Institutions.**

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**REPORT OF COMMITTEES**

The committee on **Health, Utilities, Veterans and Military Affairs** reports and recommends:

**Assembly Bill 496**

Relating to: tuition vouchers for students who sound Taps at military honors funerals.

Concurrence.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

**Assembly Bill 584**

Relating to: public utility shared revenue payments and making an appropriation.

Concurrence.

Ayes, 8 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles and S. Fitzgerald.

Noes, 1 – Senator Lazich.

**Assembly Bill 587**

Relating to: creating the Wisconsin naval militia and making an appropriation.

Concurrence.

Ayes, 8 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles and S. Fitzgerald.

Noes, 1 – Senator Lazich.

FEITH, SUSAN, of Wisconsin Rapids, as a member of the Chiropractic Examining Board, to serve for the term ending May 1, 2005.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.  
Noes, 0 – None.

HOEKSEMA, TIMOTHY E., of Chenequa, as a member of the Medical College of Wisconsin Board of Trustees, to serve for the term ending May 1, 2007.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.  
Noes, 0 – None.

LAWRENCE, BETTYE J., of Madison, 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.

MIOTA, DR. DANIEL J., of Wauwatosa, as a member of the Medical Examining Board, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.  
Noes, 0 – None.

SCHMIDT, CRAIG W.C., of Berlin, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.  
Noes, 0 – None.

WEDDLE, MCARTHUR, of Milwaukee, as a member of the Psychology Examining Board, to serve for the interim term ending July 1, 2002.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.  
Noes, 0 – None.

### Senate Bill 364

Relating to: proclaiming Purple Heart Day.

Passage.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.  
Noes, 0 – None.

### Senate Bill 379

Relating to: banning human cloning and the sale or purchase of an ovum, embryo, or fetus for the purpose of cloning a human, prohibiting the use of state funds for cloning, and providing penalties.

Passage.

Ayes, 5 – Senators Moen, Robson, Erpenbach, M. Meyer and Rosenzweig.

Noes, 4 – Senators Breske, Cowles, S. Fitzgerald and Lazich.

Rodney Moen  
Chairperson

The committee on **Labor and Agriculture** reports and recommends:

ANDERSON, BEVERLY J., of Darlington, as a member of the Board of Agriculture, Trade and Consumer Protection, to serve for the term ending May 1, 2005.

Confirmation.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.

Noes, 0 – None.

FALSTAD, DAVID B., of Racine, as a member of the Labor and Industry Review Commission, to serve for the term ending March 1, 2007.

Confirmation.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.

Noes, 0 – None.

HARSDORF, JAMES E., of Beldenville, as Secretary of the Department of Agriculture, Trade and Consumer Protection, to serve for the term ending at the pleasure of the Governor.

Confirmation.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.

Noes, 0 – None.

HEIDPRIEM, REBECCA L., of Milwaukee, as the Chief Information Officer of the Department of Electronic Government, to serve for the term ending at the pleasure of the Governor.

Confirmation.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.

Noes, 0 – None.

HOLTE, JAMES A., of Elk Mound, as a member of the Board of Agriculture, Trade and Consumer Protection, to serve for the term ending May 1, 2005.

Confirmation.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.

Noes, 0 – None.

LUST, RICHARD O., of Verona, as a member of the Auctioneers Examining Board, to serve for the term ending May 1, 2004.

Confirmation.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.

Noes, 0 – None.

MAIN, EDWARD D., of Madison, as a member of the Deferred Compensation Board, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.

Noes, 0 – None.

ROGERS, JEAN, of Madison, as a member of the Deferred Compensation Board, to serve for the term ending July 1, 2003.

Confirmation.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.

Noes, 0 – None.

THEORIN, CARL, of Merrill, as a member of the Auctioneers Examining Board, to serve for the term ending May 1, 2004.

Confirmation.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.

Noes, 0 – None.

### Senate Bill 340

Relating to: veterinary postgraduate training permits.

Passage.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.

Noes, 0 – None.

David Hansen  
Chairperson

The committee on **Senate Organization** reports and recommends:

### Senate Joint Resolution 37

Relating to: Gary Watchke's retirement following an exemplary career as a legislative analyst in the service of the Wisconsin legislature.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

Charles Chvala  
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

BRAS, ARMANDO A., of Richfield, as a member of the Educational Communications Board, to serve for the term ending May 1, 2005.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

KILKENNY, THOMAS J., of Brookfield, as a member of the Accounting Examining Board, to serve for the term ending July 1, 2005.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Mark Meyer  
Chairperson

## PETITIONS AND COMMUNICATIONS

### THE STATE OF WISCONSIN OFFICE OF THE GOVERNOR

#### EXECUTIVE ORDER NO. 37

#### *Relating to the Creation of the Governor's Task Force on Jails and Community Corrections*

WHEREAS, holding probation and parole violators accountable for their disruptive behavior enhances the safety of communities throughout Wisconsin; and

WHEREAS, Wisconsin Sheriffs and the Wisconsin Department of Corrections must work together to maximize the efficiencies of community corrections; and

WHEREAS, through a cooperative effort, Wisconsin Sheriffs, the Department of Corrections and the residents of Wisconsin can realize the benefits of more efficiency in conducting community corrections;

NOW, THEREFORE, I SCOTT McCALLUM, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this State, and specifically by Section 14.019 of the Wisconsin Statutes, do hereby:

1. Create the Governor's Task Force on Jails and Community Corrections (hereinafter "Task Force") and shall consist of twelve (12) members appointed by the Governor to serve at the pleasure of the Governor; and
2. Provide that the Governor shall designate one (1) member of the Task Force as chair to serve in that capacity at the pleasure of the Governor; and
3. Provide that the Task Force shall have the following mission:
  - a. Study the current policies and procedures related to probation and parole holds; and
  - b. Seek means of efficiency in community corrections for Wisconsin Counties and the Wisconsin Department of Corrections; and
  - c. Generate solutions and the necessary means of implementation;
4. Require the Task Force to draft a final report due to the Governor by January 10, 2003; and
5. Direct the Department of Administration to provide the Task Force with such sums of money as are necessary for travel and operating expenses in accordance with Section 20.505(3)(a) of the Wisconsin Statutes; and
6. Provide that the Task Force shall dissolve when its final report is accepted by the Governor;

IN TESTIMONY WHERE OF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this sixteenth day of January in the year two thousand two.

SCOTT McCALLUM  
Governor

BY THE GOVERNOR:

DOUGLAS LA FOLLETTE  
Secretary of State

State of Wisconsin

January 18, 2002

The Honorable, The Senate:

I am currently a cosponsor of **Senate Bill 363**. I respectfully request my name be removed from the bill.

If you have questions related to this request, please do not hesitate to contact me.

Sincerely,

JERRY PETROWSKI  
86th Assembly District

## AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 318** offered by Senator Harsdorf.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

TUESDAY, January 22, 2002

The Senate met.

The Senate was called to order by Senator Fred Risser.

### LEAVES OF ABSENCE

Senator Chvala, with unanimous consent, asked that Senator Schultz be granted a leave of absence for today's session.

The roll was called and the following Senators answered to their names:

Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Shibilski, Welch, Wirsch and Zien – 32.

Absent – None.

Absent with leave – Senators Schultz – 1.

The Senate stood for the prayer which was offered by General Vang Pao, leader of the Hmong friendly forces in Vietnam who fought long side U.S. troops. He is a hero of his people and a leader of the Hmong government in exile.

General Vang Pao has worked tirelessly to promote education, economic development and Spiritual Well Being for his people and is active in promoting race relations between the Hmong/Lao community and mainstream America.

He is accompanied by his son Cha Vang, who will translate.

The Senate remained standing and Senator Plache led the Senate in the pledge of allegiance to the flag of the United States of America.

Senator Risser, with unanimous consent, appointed Senators Shibilski and Darling to act as escorts to his Excellency the Governor.

Senator Chvala, with unanimous consent, asked that the Senate recess for the purpose of convening in a joint convention to receive the Governor's budget message and reconvene at upon the rising of the joint convention.

10:12 A.M.

### RECESS

### IN ASSEMBLY CHAMBER IN JOINT CONVENTION

The President of the Senate in the Chair.

The committee to await upon the Governor appeared with his excellency the Governor, who delivered his budget reform message as follows:

### BUDGET REFORM ADDRESS

Citizens, colleagues and friends. Mr. Speaker, Mr. President and distinguished members of the Legislature, thank you for hosting this joint session.

Before I get to the matter at hand, I want give special thanks to my wife, First Lady Laurie McCallum, for her support and understanding during these demanding times;

To Margaret Farrow, a good friend and a great lieutenant governor;

And to the members of my Cabinet, whose leadership and resolve will be evident to all in the coming weeks as they have been to me over this past year.

I come before you today to talk about our economic future, and to lay the foundation for a bold and unprecedented initiative that reforms and reshapes the roles of state and local government.

Our immediate task is solving a 1.1 billion-dollar shortfall – a shortfall brought on by the national recession and the resulting downturn in the Wisconsin economy.

While it is of little consolation, at least 40 states won't meet their budget estimates this year. Legislatures across the country have been forced to react to recession and domestic security developments.

In August, when I signed the bipartisan budget that now must be adjusted, Wisconsin's economy was showing signs of rebounding, especially the manufacturing sector. But the cowardly acts of terrorists on September 11 forestalled any realistic chance for recovery at the end of the year.

I have been talking and listening with people all across Wisconsin since Sept. 11. People are concerned about their future, and some are more than a little pessimistic about Madison's ability to fix this problem. This should not be the case.

I relate this sentiment because I believe our mission in this special session goes beyond the act of balancing a budget. Our decisions will not be about now – but about shaping a better tomorrow for the hard-working families of this state.

That's why my plan that you will soon have before you is called the "Budget Reform Act of 2002." This debate is not just about a budget... It is about the great people who make up the great state of Wisconsin.



People know government has a role in their lives, but too often they view government as too unmanageable, too ineffective, too costly, and above all, too unaccountable.

My Budget Reform Act is about making government less costly, more manageable, more effective and more accountable.

Seldom have the stakes been higher for Wisconsin. What we say and do in the coming weeks will have a direct impact on the lives of hard-working Wisconsinites... from the teacher in La Crosse to the factory worker in Milwaukee... from the logger in Hayward to the nurse in Racine... the waitress in the Fox Valley, the poultry farmer in Barron... to the auto worker in Janesville.

Our decisions will have a direct impact on the millions of everyday Wisconsinites who have a simple wish of a financially secure future for their children.

No one pretends the road ahead will be smooth. These are hard choices, to be sure. But our path is clear. Just as thousands of Wisconsin families are adjusting their personal budgets, state and local governments must follow suit and begin to live within their means.

It is important that everyone understands how we spend the hard-earned dollars of the hard-working men and women of Wisconsin – the taxpayers.

Wisconsin ranks 6th among states in the amount of aid provided to local government. This accounts for over 60 percent of spending ... AND is a major reason Wisconsin taxes are higher than in other states.

Sixteen percent goes to financial assistance for individuals in programs such as Medical Assistance, Wisconsin Works, and student aid.

The University of Wisconsin System's share is 9 percent, Corrections is 8 percent and the remaining state government operations are 7 percent.

This Budget Reform Act refocuses how we spend the taxpayers' money. My solution reflects the core values of every Wisconsin citizen:

I won't raise taxes. Taxes already are too high.

I will prioritize spending.... My family and your family have to live within a budget... so should government.

I have 3 kids, and I want to ensure that my children get the best education in the country... that's why education is one of our highest priorities....

Growing up in Fond du Lac, my dad was a factory worker and later a letter carrier, and my mom worked as a store clerk and a bank teller. My parents taught me the importance of being compassionate to our neighbors who might not be as fortunate as you and me, and that's why my plan protects the neediest of the needy.

I want to Build Wisconsin and provide citizens with good jobs. I want my children and your children to have a good job, too.

And I want to keep us safe.

These are values that I cherish, and these principles should be our guiding light in the days and weeks ahead.

Let me start by telling every citizen in Wisconsin what is NOT in my Budget Reform Act. There will be no tax increase.

No sales tax increase.

No income tax increase.

No property tax increase.

No corporate tax increase.

No tax increase, period!

I will do everything to protect the taxpayer from the Big Spenders who mistakenly think they can spend .... without limit ... the hard-earned dollars of hard-working Wisconsinites.

Wisconsin's future is bright and full of opportunity and promise. The hopes and dreams of all Wisconsin will not be rained on. Wisconsin will NOT become the Number One tax state in the country.... NOT on my watch.

In this time of economic crisis, we will not increase taxes to feed spending habits. It is time all of government in Wisconsin ... all of government in Wisconsin ... begins to live within its means.

That's exactly what my Budget Reform Act does. I have set priorities. I will call for reform. And I will do this with a balanced plan that I lay before you today. There are substantial cuts to government spending. But there also are a number of essential services that I am declaring off-limits from any spending reduction. My priorities are clear:

I will fully fund elementary and secondary education.

I will fully fund smaller class sizes, school breakfast and special education.

I will fully fund our new senior care program to help seniors with prescription drugs.

I will fully fund medical assistance. BadgerCare. FamilyCare. community aids.. and many other programs that directly serve our neediest citizens.

Wisconsinites understand that their future is in the hearts and minds of our children, and that's why I will maintain full state support for schools. We will continue to fully fund two-thirds of local school instruction.

Wisconsinites are quick to lend a helping hand to the neediest of the needy. That's why I have exempted direct assistance to our most vulnerable citizens. This is exactly the wrong time to reduce funding to programs that provide a safety net for people who can't help themselves.

In response to the tragic events of Sept. 11, I will continue to work aggressively to keep citizens safe. My Budget Reform Act contains a domestic security initiative that will strengthen the state's readiness on many different fronts, including grants to local police and fire departments for equipment and training, and money for the creation of a statewide trauma system that links the front-line personnel with doctors and medical specialists.

September 11th changed our lives in countless ways. among the most important lessons we have learned are how we sometimes take for granted the service of our public safety officials. When we talk about domestic security, these men and women serve on the front line.

One of the keys to building a stronger economy in Wisconsin is to increase the skill level of Wisconsin's work force. My

Budget Reform Act helps displaced workers and protects ongoing economic development. I urge this Legislature to act quickly on an important plan that I outlined earlier this month, an emergency 8-week extension of benefits for unemployed workers.

In these challenging times, government spending must be reduced in the most fair manner possible.

Here's how I will do that.

State government operations will absorb the largest share of the belt-tightening with an 11.5 percent reduction in spending. Incidentally, the Governor's Office budget is reduced 16.5 percent.

The Budget Reform Act reduces the Department of Corrections budget by 6 percent. This was a difficult decision, and the cuts are deep. But I stress that we will continue to keep Wisconsin safe from the criminals who want to ruin our quality of life.

New institutions that were authorized in the budget must be delayed. While elimination of out-of-state contract beds remains a priority, eliminating the budget deficit must come first.

The Budget Reform Act also will reduce the University of Wisconsin and Technical College System budgets by 4.5 percent each. I don't want these reductions passed on to students, so tuition increases above the already-approved 10 percent level must be passed by the Legislature's Joint Finance Committee.

The final component is a 4 percent reduction to local government budgets in calendar year 2002.

These are tough decisions, but they ARE manageable, and more importantly, the right thing to do. When implemented, they will set the stage for an even greater and more vibrant Wisconsin.

My plan does contain a warning, however. Because we are reigning in spending, you are going to hear a new kind of defeatism from the Big Spenders who believe government spending can only go up, never down.

Have you heard the term "Buyer, Beware?" I offer a slightly different twist: "Taxpayer, Beware!" the spenders will make claims of big property tax increases and the elimination of vital services.

But don't be fooled by their rhetoric. Don't let the defeatists defeat you.

When you hear the complaints of Big Spenders, realize that my Budget Reform Act places strict property tax limits on local governments. Spending reductions will not mean property tax increases. Let me repeat, because this is critical: my Budget Reform Act places strict property tax limits on local governments. Spending reductions will not mean property tax increases.

And let me say this to the Big Spenders: If you can't live without a property tax increase, take your case directly to the taxpayers with a referendum. Let the working people decide.

When you hear the complaints of Big Spenders, recognize that I am not asking local government to do anything different than what state government is expected to do – and what families and businesses have been doing for months: Live within their means.

State government operations budgets are being reduced 11.5 percent, and we will continue to deliver essential services. Local government budgets are being reduced only a third of what state government is absorbing... they should not have to stop essential services like fire and police protection and garbage collection. To the contrary. My Budget Reform Act includes language that directs local governments to protect the health and safety of our citizens.

Every taxpayer fully expects local government to handle these reductions responsibly and continue to provide essential services.

The Budget Reform Act balances the budget for this biennium, but I will not stop there. The budget shortfall allows us to look at costly decisions that we can no longer afford. We must learn from this, or we will be right back in a financial predicament next year. So today, I am forwarding to you a bold plan that completely restructures the state and local financial partnership... a plan that forces a major examination of how local governments are funded, organized and provide services.

Here's what I'm talking about.

Within a 10-mile radius of downtown Appleton, there are over 50 units of government – including 3 counties... 4 cities... 5 villages... 8 school districts... 16 towns... and 19 sanitary districts.

Who do you suppose is paying for all this? The hard-working families of Appleton are footing this bill for this overlap.

The Kettl Commission set the stage for changing the state and local government relationship, but many circumstances prevented the Commission report from being adopted. The greatest barrier to the Kettl Commission recommendations was lack of urgency. We just didn't have to do it. We could afford to do everything. We could afford more government. We could afford to be the third-highest tax state. We could afford to have too much government.

Well, fellow Wisconsinites, we can't afford it anymore.

My Budget Reform Act takes Kettl from debate to ACTION by recommending that we:

Ø Phase out the current shared revenue program over the next three years

Ø Borrow \$794 million from tobacco endowment revenues as a bridge only to replace a portion of shared revenue in the transition period

Ø develop A REPAYMENT SCHEDULE FOR THE ENDOWMENT

Ø Establish within my Administration a mandate appeals process for local governments

Ø Create a Blue Ribbon Commission on local government finances to review local government spending, delivery of services, state mandates and local revenue sources.

The goal of the commission is accountability, efficiency and the best return for the taxpayers' dollar.

Proceeds from the sale of tobacco revenue bonds provide a unique opportunity to help in the transition to a new relationship between local government and the citizens they serve.

The spenders will say there is no support for cutting local government. If that is your argument, then I ask: Is there

support for breaking promises to our schools that will result in larger class sizes and reduced services for special education?

Is there support for turning our backs on your most vulnerable neighbors – the elderly, the disabled and the poor who covet dignity and independence?

Is there support in your community for increasing taxes to feed a government that spends too much as it is?

While funds are short, I realize there will not be a shortage of critics of my Budget Reform Act. I welcome the discussion, but I also say this to the Big Spenders who want to spend more money: Tell me specifically where you will get that money. A critic without a solution is of no value in this debate.

My Budget Reform Act is the right thing to do. My Budget Reform Act is fiscally responsible, and more importantly, it is right for Wisconsin.

This is a pivotal time in Wisconsin’s fiscal history, and I urge this Legislature to act quickly and without hesitation for the future of Wisconsin’s families. There is much work to be done.

Join me in being creative, determined and unafraid to face the critics. Join me in answering the critics who say it can’t be done. Join me in protecting the taxpayers, not the Big Spenders.

The people we represent are ready to chart a new course. They want a government that serves them well – not a government that obstructs common-sense solutions.

They want a government that will validate their trust, not engage in petty politics and spread distrust.

I will meet this great challenge.... I will reach beyond the commonplace and not fall short for lack of courage.

Working together, we will reduce government spending at every level and begin living within our means....

We will bring the most sweeping, fundamental reforms in our government structure since Wisconsin became a state....

And we will do this WITHOUT RAISING TAXES!

Thank you.

11:45 A.M.

The Senate reconvened.  
Senator Risser in the chair.

**INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS**

Read and referred:

**Senate Joint Resolution 55**

Relating to: recognizing and congratulating Terry Mulcahy for his long service to the people of the state of Wisconsin and the United States of America.

By Senators Panzer, S. Fitzgerald, Zien, Rosenzweig, Darling, Kanavas, Breske, Ellis, Welch, Grobschmidt, Huelsman, Jauch, Erpenbach, A. Lasee, Risser, Cowles, Harsdorf, Roessler, Lazich and Schultz; cosponsored by Representatives Jensen, Stone, Petrowski, McCormick, Ryba, Kestell, Rhoades, Walker, Gronemus, Gunderson, Lippert, Black, Jeskewitz, Bies, Hahn, Ladwig, Olsen, Pettis, Musser,

Urban, Plouff, Starzyk, Turner, Owens, Plale, Miller, Coggs, J. Lehman, Lassa and Vrakas.

To committee on **Senate Organization**.

**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 393**

Relating to: electric personal assistive mobility devices, granting rule-making authority, and providing penalties.

By Senator Breske; cosponsored by Representative Stone.

To committee on **Insurance, Tourism, and Transportation**.

**Senate Bill 394**

Relating to: withholding from public inspection information about public utility security.

By Senators Cowles, M. Meyer, A. Lasee, Huelsman and Darling; cosponsored by Representatives Huebsch, Duff, Meyerhofer, Hahn, Krawczyk, Olsen, Musser, M. Lehman, Hines, Lassa, Vrakas, Sykora and Ott.

To committee on **Health, Utilities, Veterans and Military Affairs**.

**Senate Bill 395**

Relating to: temporary supplemental unemployment insurance benefits and certain other changes to the unemployment insurance law.

By Senators Hansen, A. Lasee, Jauch, Plache, Baumgart, Robson, Wirch, Erpenbach, Breske, M. Meyer, Burke, Grobschmidt, Moen, Decker, Shibilski, George, Moore, Risser and Chvala; cosponsored by Representatives Hundertmark and Turner.

To committee on **Labor and Agriculture**.

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin Ethics Board**

January 22, 2002

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/>

Forester, John D **Wisconsin Council for Administrators of Special Services**

Forester, John D **Wisconsin Association of School District Administrators**

Forester, John D **Wisconsin Association of School Business Officials**

Forester, John D **Association of Wisconsin School Administrators**

Kammer, Peter **EDS – Electronic Data Systems Corporation**

Mason, Cory **Wisconsin Federation of Teachers**

Toma, Albert **Georgia-Pacific Corporation**

Watson, Joshua **Golden Rule Insurance Company**

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

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Senator Robson, with unanimous consent, asked that the Senate recess until 2:20 P.M..

11:47 A.M.

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**RECESS**

2:20 P.M.

The Senate reconvened.  
Senator Risser in the chair.

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**ADVICE AND CONSENT OF THE SENATE**

BARNETT, JEFFREY, of Whitewater, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2001.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Shibilski, Welch, Wirch and Zien – 32.

Noes – None.

Absent or not voting – Senator Schultz – 1.

Confirmed.

Senator Chvala, with unanimous consent, asked that all the appointments be taken up en masse except for the appointments of Connie L. OConnell and Jennifer Reinert.

BERG, CRYSTAL, of Hartford, as a member of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for the interim term ending May 1, 2004.

Read

CARLIN, MARTE J., of Green Bay, as a member of the Council on Domestic Abuse, to serve for the interim term ending July 1, 2003.

Read

CONNOLLY-KEESLER, EILEEN, of Neenah, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2004.

Read.

ELMAN, WILLIAM R., of Appleton, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2005.

Read.

FRANKLIN, FREDERICK, of Milwaukee, as a member of the Accounting Examining Board, to serve for the term ending July 1, 2004.

Read.

HAERING, ARNO WM., of Wausau, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the interim term ending July 1, 2004.

Read.

HOSKINS, ROBERT G., of Franklin, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2005.

Read.

KAUFERT, REPRESENTATIVE DEAN, of Neenah, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2004.

Read.

KOHLBECK, MARIE, of Whitelaw, as a member of the Board of Nursing, to serve for the term ending July 1, 2005.

Read.

LANGDON, JAMES M., of De Forest, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2004.

Read.

LARSEN, MARK A., of River Falls, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2004.

Read.

MARSCHMAN, KATHLEEN S., of Middleton, as a member of the Board of Veterans Affairs, to serve for the interim term ending May 1, 2005.

Read.

MARSDEN, MICHAEL A., of Grand Chute, as a member of the Waste Facility Siting Board, to serve for the interim term ending May 1, 2003.

Read.

MARTINEZ, LEE, of Milwaukee, as a member of the Barbering and Cosmetology Examining Board, to serve for the interim term ending July 1, 2003.

Read.

OSBORNE, PATRICK J., of Madison, as a member of the Great Lakes Protection Fund, to serve for the term ending October 11, 2003.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Shibilski, Welch, Wirch and Zien – 32.

Noes – None.

Absent or not voting – Senator Schultz – 1.

Confirmed.

CONNELL, CONNIE L., of Sun Prairie, as Commissioner of Insurance, to serve for the term ending at the pleasure of the Governor.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 31; noes, 1; absent or not voting, 1; as follows:



Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Shibilski, Welch and Zien – 31.

Noes – Senator Wirch – 1.

Absent or not voting – Senator Schultz – 1.

Confirmed.

REINERT, JENNIFER, of Madison, as Secretary of the Department of Workforce Development, to serve for the term ending at the pleasure of the Governor.

Read.

Senator Chvala, with unanimous consent, asked that the appointment of REINERT, JENNIFER, be laid on the table.

Senator Erpenbach, with unanimous consent, asked to be added as a coauthor of **Senate Bill 104**.

Senator Plache, with unanimous consent, asked to be added as a coauthor of **Senate Bill 104**.

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## SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

### **Senate Joint Resolution 30**

Relating to: memorializing the U.S. Congress to provide funding for research on recycled lumber by the Forest Products Laboratory of the U.S. Department of Agriculture Forest Service.

Read.

The question was: Adoption of Senate substitute amendment 1 to **Senate Joint Resolution 30**?

Adopted.

The question was: Adoption of **Senate Joint Resolution 30**?

Adopted.

### **Senate Joint Resolution 37**

Relating to: Gary Watchke's retirement following an exemplary career as a legislative analyst in the service of the Wisconsin legislature.

Read.

Adopted.

### **Senate Joint Resolution 52**

Relating to: the life and public service of Judge Stanley A. Miller.

Read.

Adopted.

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 52**.

### **Senate Joint Resolution 53**

Relating to: the life and public service of Frederick F. Kaftan.

Read.

Adopted by unanimous rising vote.

### **Senate Bill 245**

Relating to: contribution rates under the Wisconsin retirement system.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 245**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that **Senate Bill 245** be placed at the foot of the 11th order of business on the calendar of January 22, 2002.

### **Senate Bill 264**

Relating to: prohibiting certain persons from obtaining licenses that authorize hunting with a firearm and providing a penalty.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

### **Senate Bill 264**

Read a third time and passed.

### **Senate Bill 273**

Relating to: creating definitions for common and contract carriers for sales tax and use tax purposes.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 273** be referred to the Joint Committee on **Finance**.

### **Senate Bill 280**

Relating to: increasing a school district's revenue limit by a portion of the school district's handicapped education costs.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 280** be referred to the Joint Committee on **Finance**.

### **Senate Bill 299**

Relating to: increasing the amount appropriated to the state hygiene laboratory.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 299** be referred to the Joint Committee on **Finance**.

### **Senate Bill 302**

Relating to: the name of the division for libraries and community learning in the department of public instruction and the definition of minority group (suggested as remedial legislation by the department of public instruction).

Read a second time.

Senator Shibilski, with unanimous consent, asked to be added as a coauthor of **Senate Bill 280**.

Senator Shibilski, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 46 and Assembly Joint Resolution 72**.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

### **Senate Bill 302**

Read a third time and passed.

### **Senate Bill 310**

Relating to: designating STH 122 as the Walt Bresette Equal Rights Highway.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 310**

Read a third time and passed.

**Senate Bill 332**

Relating to: overpayment of state transit operating aids to the city of Rhinelander.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 332** be referred to the Joint Committee on **Finance**.

Senator Burke, with unanimous consent, asked that the rules be suspended and that **Senate Bill 332** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 332**

Read a third time.

The ayes and noes were required and the vote was: ayes, 25; noes, 7; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Jauch, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Shibilski, Welch, Wirch and Zien – 25.

Noes – Senators Darling, Huelsman, Kanavas, A. Lasee, Lazich, Roessler and Rosenzweig – 7.

Absent or not voting – Senator Schultz – 1.

Passed.

**Senate Bill 379**

Relating to: banning human cloning and the sale or purchase of an ovum, embryo, or fetus for the purpose of cloning a human, prohibiting the use of state funds for cloning, and providing penalties.

Read a second time.

Senate substitute amendment 1 to **Senate Bill 379** offered by Senators Lazich, S. Fitzgerald, Ellis, Roessler and A. Lasee.

**POINT OF ORDER**

Senator M. Meyer raised the point of order that Senate substitute amendment 1 was not germane.

The Chair rules the point of order well taken.

Senator Lazich appealed the ruling of the Chair.

The question was: Shall the Decision of the Chair stand as the judgement of the Senate?

The ayes and noes were required and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Welch and Zien – 14.

Absent or not voting – Senator Schultz – 1.

The Decision of the Chair stands as the judgement of the Senate.

Senate amendment 1 to **Senate Bill 379** offered by Senator Lazich.

**POINT OF ORDER**

Senator Chvala raised the point of order that Senate amendment 1 was not germane.

The Chair rules the point of order well taken.

Senate amendment 2 to **Senate Bill 379** offered by Senator Welch.

**POINT OF ORDER**

Senator Chvala raised the point of order that Senate amendment 2 was not germane.

The Chair rules the point of order well taken.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 379**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes – Senators Burke, Chvala, Darling, Decker, Erpenbach, George, Hansen, Huelsman, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Rosenzweig, Shibilski and Wirch – 18.

Noes – Senators Baumgart, Breske, Cowles, Ellis, S. Fitzgerald, Grobschmidt, Harsdorf, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Welch and Zien – 14.

Absent or not voting – Senator Schultz – 1.

Passed.

**Senate Bill 245**

Relating to: contribution rates under the Wisconsin retirement system.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 245**

Read a third time and passed.

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**SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS**

**Assembly Joint Resolution 42**

Relating to: the life and accomplishments of Edwin Lee Mathews, Sr.

Read.

Concurred in.

**Assembly Joint Resolution 46**

Relating to: urging all Wisconsinites to observe March as “Women’s History Month.”

Read.

Concurred in.

**Assembly Joint Resolution 72**

Relating to: the 1,700th anniversary of Armenian Christianity.

Read.

Concurred in.

**Assembly Joint Resolution 77**

Relating to: the life and public service of Ervin Butch Conradt.

Read.

Concurred in by unanimous rising vote.

**Assembly Bill 147**

Relating to: creating a permit authorizing the operation upon a highway of a specialized hauling rig that exceeds statutory size and weight limits.

Read a second time.

Senator Burke, with unanimous consent, asked that **Assembly Bill 147** be referred to the Joint Committee on **Finance**.

Senator Roessler, with unanimous consent, asked to be withdrawn as a coauthor of **Senate Bill 363**.

Senator Darling, with unanimous consent, asked to be withdrawn as a coauthor of **Senate Bill 363**.

Senator Burke, with unanimous consent, asked that the rules be suspended and that **Assembly Bill 147** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 147**

Read a third time and concurred in.

**Assembly Bill 242**

Relating to: the disclosure of information obtained by the department of transportation from applications for drivers' licenses, permits, or identification cards to the selective service system for the purposes of registration with the selective service system.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 242**

Read a third time and concurred in.

**Assembly Bill 368**

Relating to: the authority of cities, villages, towns, and counties to regulate amateur radio antennas and antenna support structures.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 368**

Read a third time and concurred in.

**Assembly Bill 507**

Relating to: creating an exemption from the regulation of anhydrous ammonia.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 507**

Read a third time and concurred in.

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**MOTIONS MAYBE OFFERED**

Senator Welch, with unanimous consent, asked that the vote by which **Senate Bill 245** was passed be reconsidered.

Senator Chvala, with unanimous consent, asked that the motion for reconsideration of the vote by which **Senate Bill 245** passed be laid on the table.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

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**ANNOUNCEMENTS, ADJOURNMENT HONORS, AND REMARKS UNDER SPECIAL PRIVILEGE**

Senator Baumgart, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Aldo Leopold.

Senator Kanavas, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Waukesha North Band on their participation in the Tournament of Roses parade.

Senator Breske, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Todd Kuepper who was able to receive a life saving liver transplant last week.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her brother Jerry Statkus for his courageous fight against M.S.

Senator Zien, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his grandson Teagan Aryan Zien's birthday yesterday, he is now 5.

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Thursday, January 24 at 10:00 A.M..

Adjourned.

4:13 P.M.



# STATE OF WISCONSIN

# Senate Journal

## January Special Session

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4:14 P.M.

TUESDAY, January 22, 2002

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The Senate met.

SCOTT McCALLUM  
Governor

**THE STATE OF WISCONSIN  
OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER NO. 38**

***Relating to a Special Session of the Legislature***

I, **SCOTT McCALLUM**, Governor of the State of Wisconsin, pursuant to Article IV, Section 11 and Article V, Section 4 of the Wisconsin Constitution, do hereby require the convening of a special session of the Legislature at the Capitol in Madison, beginning at 10:00 a.m. on January 22, 2002, solely to consider and act upon:

Budget Reform Legislation to address the economic downturn resulting in a fiscal imbalance between projected revenues and authorized expenditures in the State.

**IN TESTIMONY WHERE OF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this sixteenth day of January in the year two thousand two.

*BY THE GOVERNOR:*

DOUGLAS LA FOLLETTE  
Secretary of State

The Senate was called to order by Senator Fred Risser.

Senator Chvala, with unanimous consent, asked that the roll, prayer and pledge of the regular session be applied to the special session

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**LEAVES OF ABSENCE**

Senator Chvala, with unanimous consent, asked that Senator Schultz be granted a leave of absence for today's session.

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Thursday, January 24 at 10:00 A.M..

Adjourned.

4:15 P.M.





# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

THURSDAY, January 24, 2002

The Senate met.

The Senate was called to order by Senator Jim Baumgart.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

#### Senate Resolution 12

Relating to: supporting President George W. Bush's Economic Security Plan.

By Senators Welch, Darling, Kanavas, Roessler and Harsdorf.

To committee on **Labor and Agriculture**.

#### Senate Joint Resolution 56

Relating to: the life and public service of Roy Kubista.

By Senators Risser, Erpenbach, Plache, Grobschmidt and Roessler; cosponsored by Representatives Boyle, Sinicki, Miller, Black, Krug, Berceau, Hahn, Musser, Travis, Turner, Owens, Pocan, Plale, J. Lehman, Lassa, Meyerhofer, Sykora and Townsend.

To committee on **Senate Organization**.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 396

Relating to: the scope of the Wisconsin Consumer Act, the Wisconsin Motor Vehicle Consumer Lease Act, and the law with regard to fraudulent representations and deceptive advertising; liability and required disclosures under the Wisconsin Consumer Act; liability under the Wisconsin Motor Vehicle Consumer Lease Act; the authority of licensed lenders; the regulation of certain motor vehicle dealers, salespersons, and sales finance companies; the regulation of consumer leases under the Uniform Commercial Code; arbitration of controversies arising out of consumer credit transactions; establishing a penalty for unauthorized disclosure of personal medical information by an insurer; deceptive preapproval of open-end credit plans; payday loan providers; liability for unauthorized, remote access to certain depository accounts; and providing a penalty.

By Senators Burke, Erpenbach, Hansen, Risser, Rosenzweig and Wirch; cosponsored by Representatives

Richards, Berceau, Huber, J. Lehman, Miller, Musser, Pocan, Ryba, Schneider, Turner and Young.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

#### Senate Bill 397

Relating to: the practice of nurse–midwifery, providing an exemption from emergency rule procedures, and granting rule–making authority.

By Senators Robson, Moen, Moore, Roessler, Rosenzweig, Wirch, Burke, Erpenbach, Breske and Darling; cosponsored by Representatives Underheim, Krawczyk, Lippert, Miller, Olsen, Bies, Skindrud, Townsend, Albers and Gard.

To committee on **Health, Utilities, Veterans and Military Affairs**.

#### Senate Bill 398

Relating to: a community youth grant to the New Concept Self Development Center, Inc.

By Senators George and Moore; cosponsored by Representatives Morris–Tatum, Young, Turner, La Fave, Cogs, Riley and Williams.

To committee on **Labor and Agriculture**.

#### Senate Bill 399

Relating to: cremation of corpses.

By Senators Risser, Darling and Huelsman; cosponsored by Representatives Gronemus, Boyle and Hahn.

To committee on **Health, Utilities, Veterans and Military Affairs**.

#### Senate Bill 400

Relating to: the notice of changed property tax assessments, the monitoring of property tax assessments, the filing deadline for property tax reassessment petitions, the recertification of local assessment personnel, the procedure for challenging tax lien foreclosures on property that is exempt from taxation, the administration of the property tax exemption for computers, and providing a penalty.

By Senators Hansen, Grobschmidt and Roessler; cosponsored by Representatives Townsend, Ryba and Lippert.

To committee on **Universities, Housing, and Government Operations**.

## REPORT OF COMMITTEES

The committee on **Economic Development and Corrections** reports and recommends:

### Assembly Bill 481

Relating to: the interstate compact for adult offender supervision.

Concurrence.

Ayes, 3 – Senators Jauch, M. Meyer and Zien.

Noes, 0 – None.

### Assembly Bill 65

Relating to: parcels of land that may be included in a business improvement district.

Concurrence.

Ayes, 3 – Senators Jauch, M. Meyer and Zien.

Noes, 0 – None.

MORGAN, DEIRDRE A., of Verona, as Chair of the Parole Commission, to serve for the term ending March 1, 2003.

Confirmation.

Ayes, 3 – Senators Jauch, M. Meyer and Zien.

Noes, 0 – None.

Robert Jauch  
Chairperson

The committee on **Environmental Resources** reports and recommends:

### Assembly Bill 269

Relating to: deer hunting back tag number reservation fees.

Concurrence.

Ayes, 4 – Senators Hansen, Wirch, Cowles and Schultz.

Noes, 1 – Senator Baumgart.

### Assembly Bill 300

Relating to: the designation and duties of chief warden, deputy chief warden, internal affairs officer, and complaint officer within the department of natural resources.

Concurrence.

Ayes, 3 – Senators Hansen, Wirch and Schultz.

Noes, 2 – Senators Baumgart and Cowles.

### Assembly Bill 301

Relating to: authorizing conservation wardens to enforce the trespass law and prohibitions on shooting at caged or staked wild animals and to make arrests under warrants issued for felonies or misdemeanors.

Concurrence.

Ayes, 4 – Senators Baumgart, Hansen, Wirch and Cowles.

Noes, 1 – Senator Schultz.

### Assembly Bill 361

Relating to: the requirement that operators of fish farms provide evidence of fish health and granting rule-making authority.

Concurrence.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

### Assembly Bill 588

Relating to: funding for the enforcement of laws regulating snowmobiles and the operation of snowmobiles and making an appropriation.

Concurrence.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

### Senate Bill 156

Relating to: exceptions from the requirement to obtain a license to practice professional geology, professional hydrology, or professional soil science and granting rule-making authority.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Passage as amended.

Ayes, 3 – Senators Hansen, Wirch and Schultz.

Noes, 2 – Senators Baumgart and Cowles.

Jim Baumgart  
Chairperson

The committee on **Finance** reports and recommends:

### Senate Bill 104

Relating to: campaign financing, providing exemptions from emergency rule procedures, granting rule-making authority, making appropriations and providing penalties.

Senate amendment 1 to Senate substitute amendment 1 adoption.

Ayes, 8 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirch, Darling and Rosenzweig.

Noes, 0 – None.

Introduction and adoption of Senate amendment 2 to Senate substitute amendment 1.

Ayes, 8 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirch, Darling and Rosenzweig.

Noes, 0 – None.

Introduction and adoption of Senate amendment 3 to Senate substitute amendment 1.

Ayes, 8 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirch, Darling and Rosenzweig.

Noes, 0 – None.

Senate substitute amendment 1 adoption.

Ayes, 8 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirch, Darling and Rosenzweig.

Noes, 0 – None.

Passage as amended.

Ayes, 6 – Senators Burke, Decker, Moore, Shibilski, Plache and Wirch.

Noes, 2 – Senators Darling and Rosenzweig.

Brian Burke  
Chairperson

The committee on **Human Services and Aging** reports and recommends:

KAMPS, GEORGE J., of Green Bay, as a member of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for the term ending July 1, 2005.

Confirmation.

Ayes, 7 – Senators Robson, Moore, Wirch, Hansen, Roessler, Welch and Kanavas.

Noes, 0 – None.

LEE, SHOUA, of La Crosse, as a member of the Board on Aging and Long-Term Care, to serve for the interim term ending May 1, 2005.

Confirmation.

Ayes, 7 – Senators Robson, Moore, Wirch, Hansen, Roessler, Welch and Kanavas.  
Noes, 0 – None.

TOLLAISEN, MARGARET F., of West Allis, as a member of the Board on Aging and Long-Term Care, to serve for the term ending May 1, 2006.

Confirmation.

Ayes, 7 – Senators Robson, Moore, Wirch, Hansen, Roessler, Welch and Kanavas.  
Noes, 0 – None.

### Senate Bill 231

Relating to: requiring the creation of a task force to develop a plan for the state centers for the developmentally disabled.

Introduction and adoption of Senate amendment 1.

Ayes, 7 – Senators Robson, Moore, Wirch, Hansen, Roessler, Welch and Kanavas.  
Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators Robson, Moore, Wirch, Hansen, Roessler, Welch and Kanavas.  
Noes, 0 – None.

### Senate Bill 329

Relating to: state agency status for physicians and dentists providing specific public health services and removal of a physician from the state immunization program.

Introduction and adoption of Senate amendment 1.

Ayes, 7 – Senators Robson, Moore, Wirch, Hansen, Roessler, Welch and Kanavas.  
Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators Robson, Moore, Wirch, Hansen, Roessler, Welch and Kanavas.  
Noes, 0 – None.

### Senate Bill 356

Relating to: the disclosure of information about licensed nurses to the coordinated licensure information system.

Passage.

Ayes, 7 – Senators Robson, Moore, Wirch, Hansen, Roessler, Welch and Kanavas.  
Noes, 0 – None.

Judith Robson  
Chairperson

The committee on **Labor and Agriculture** reports and recommends:

### Senate Bill 339

Relating to: exclusive contracts for the sale of soft drinks in schools.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.  
Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.  
Noes, 0 – None.

### Senate Bill 395

Relating to: temporary supplemental unemployment insurance benefits and certain other changes to the unemployment insurance law.

Passage.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.  
Noes, 0 – None.

David Hansen  
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

### Assembly Bill 373

Relating to: notice regarding ineligibility to vote.

Concurrence.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.  
Noes, 1 – Senator Moore.

### Senate Bill 288

Relating to: administration of student financial aid programs by the higher educational aids board and granting rule-making authority (suggested as remedial legislation by the higher educational aids board).

Passage.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.  
Noes, 0 – None.

### Senate Bill 347

Relating to: eliminating redundancy in statutes pertaining to license renewal requirements; limiting a credential issued by an examining board; use of the term “credential” in the statutes pertaining to the department of regulation and licensing; changing the definition of “licensing” as it relates to administrative procedure; the award of costs in a contested administrative case; persons exempt from regulation as private detectives or private security personnel; and renumbering and creating statutory titles for provisions pertaining to immunity from liability for testimony to the department of regulation and licensing and attached boards, advisory committees to the department of regulation and licensing and attached boards, and cemetery preneed sellers (suggested as remedial legislation by the department of regulation and licensing).

Passage.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.  
Noes, 0 – None.

### Senate Bill 350

Relating to: authorizing a town board to exercise village powers.

Passage.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.  
Noes, 0 – None.

Mark Meyer  
Chairperson

## PETITIONS AND COMMUNICATIONS

State of Wisconsin  
Legislative Audit Bureau

January 23, 2002

The Honorable, The Legislature:

As requested in 1999 Wisconsin Act 9 and directed by the Joint Legislative Audit Committee, we have completed an evaluation of the activities and expenditures of Wisconsin’s regional hazardous materials (hazmat) response teams. This evaluation was undertaken and largely completed before the terrorist attacks of September 11, 2001. In light of nationwide

concerns about terrorist activity involving weapons of mass destruction, including biological or chemical agents, we have issued a separate letter to the Committee outlining the role of hazmat teams in responding to terrorist threats and the availability of federal funding to enhance state and local preparedness.

Wisconsin has a well-established response network of eight regional hazmat teams that are jointly funded by the State and by local fire departments. These teams are trained and equipped to respond to incidents requiring the highest level of skin and respiratory protection. Wisconsin's statewide response coverage, ongoing training of hazmat personnel, and established response protocols and procedures provide a solid base for current efforts to develop and implement additional plans to respond to potential terrorist threats from chemical or biological agents.

In fiscal year 2000-01, the State, through the Department of Military Affairs, provided \$1.4 million in general purpose revenue to the regional hazmat teams. Wisconsin's hazmat expenditures have been significantly higher than those of other states. The Legislature may wish to review the roles of the hazmat teams and methods of allocating funds among them, as well as the possibility of developing alternative funding sources for their activities.

We appreciate the courtesy and cooperation extended to us by the eight regional response teams and the Department of Military Affairs. The Department's response is Appendix 4.

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin**

January 22, 2002

The Honorable, The Senate:

I respectfully ask to be removed from cosponsorship of **Senate Bill 379**.

Thank you for your attention to this matter.

Sincerely,

TOM SYKORA  
State Representative

**State of Wisconsin**

The Honorable, The Senate:

Recently we agreed to cosponsor LRB 4067/1 (Senate Bill 363), authored by Senator Baumgart and Representative Dean Kaufert.

We are concerned the cosponsorship memo that was distributed does not accurately reflect the intent of the bill. Thus, we respectfully request the removal of our names as coauthors.

If you have any questions related to this request, please do not hesitate to contact us.

Sincerely,

REPRESENTATIVE STEPHEN FREESE  
51st Assembly District  
REPRESENTATIVE EUGENE HAHN  
47th Assembly district  
REPRESENTATIVE J. A. HINES  
42nd Assembly District  
REPRESENTATIVE SUZANNE JESKEWITZ  
24th Assembly District  
REPRESENTATIVE BONNIE LADWIG  
63rd Assembly District  
REPRESENTATIVE MARYANN LIPPERT

70th Assembly District  
REPRESENTATIVE DAN MEYER  
34th Assembly District  
REPRESENTATIVE TERRY MUSSER  
92nd Assembly District  
REPRESENTATIVE LUTHER OLSEN  
41st Assembly District  
REPRESENTATIVE ALVIN OTT  
3rd Assembly District  
REPRESENTATIVE CAROL OWENS  
53rd Assembly District  
REPRESENTATIVE JERRY PETROWSKI  
86th Assembly District  
REPRESENTATIVE DANIEL VRAKA  
33rd Assembly District

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 00-157**

Relating to consultation programs and licensure requirements.

Submitted by Department of Regulation and Licensing.

Report received from Agency, January 23, 2002.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, January 24, 2002.

**Senate Clearinghouse Rule 01-130**

Relating to the commencement of a school term.

Submitted by Department of Public Instruction.

Report received from Agency, January 22, 2002.

Referred to committee on **Education**, January 24, 2002.

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**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 38**

**Assembly Bill 158**

**Assembly Bill 259**

**Assembly Bill 293**

**Assembly Bill 441**

**Assembly Bill 548**

**Assembly Bill 589**

Adopted and asks concurrence in:

**Assembly Joint Resolution 79**

**Assembly Joint Resolution 82**

**Assembly Joint Resolution 83**

**Assembly Joint Resolution 84**

**Assembly Joint Resolution 85**

**Assembly Joint Resolution 86**

Amended and concurred in as amended:

**Senate Bill 110** Assembly amendments 3, 5, 6, 9, 10, 11 and 12 adopted.



**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 38**

Relating to: public inspection of the records of the canvass of elections for the offices of president and vice president.

By Representatives Freese, Gronemus, Ainsworth, Albers, Hoven, Hundertmark, Krawczyk, Ladwig, McCormick, Montgomery, Musser, Owens, Pettis, Townsend, Urban and Williams; cosponsored by Senators Schultz and Farrow.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

**Assembly Bill 158**

Relating to: filing of declarations of candidacy and recording of votes received by write-in candidates in certain elections.

By Representatives Skindrud, Ainsworth, Freese, Gronemus, Gunderson, Hahn, Jeskewitz, Kestell, Krawczyk, Loeffelholz, Musser, Ott, Petrowski, Ryba, Starzyk, Sykora, Townsend and Urban; cosponsored by Senators Darling and Roessler.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

**Assembly Bill 259**

Relating to: identification required in order to vote at a polling place or obtain an absentee ballot and the fee for an identification card issued by the department of transportation.

By Representatives Walker, Ladwig, Gundrum, Huebsch, M. Lehman, Starzyk, Urban, Seratti, Stone, Sykora, Krawczyk, Owens, Gunderson, Vrakas, Jeskewitz, Hundertmark, Leibham and Ott; cosponsored by Senators Schultz, Darling, Huelsman, Farrow and Roessler.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

**Assembly Bill 293**

Relating to: prohibiting pupils from using a calculator while taking the 4th and 8th grade knowledge and concepts examinations.

By Representatives Grothman, La Fave, Nass, Underheim, M. Lehman, Colon, Kedzie, Krawczyk and Musser; cosponsored by Senator Ellis.

Read first time and referred to committee on **Education**.

**Assembly Bill 441**

Relating to: use of moneys from the Wisconsin election campaign fund to make certain false representations.

By Representatives Ward, Suder, Kestell, Hahn, Nass, Ladwig, J. Lehman, Ainsworth, McCormick, Ryba, Skindrud, Lippert, Pettis and Freese; cosponsored by Senators Roessler and Darling.

Read first time and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

**Assembly Bill 548**

Relating to: the date of the presidential preference primary.

By Representatives Walker, Bock, Jeskewitz, Musser, Ladwig, Freese, Kreibich, Bies, Sykora, Ryba, Albers, Gunderson, Owens, F. Lasee, Kreuser, Turner, Boyle,

Meyerhofer and Berceau; cosponsored by Senators Welch, Cowles, Wirch, Rosenzweig, Darling, Burke and Schultz.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

**Assembly Bill 589**

Relating to: registration by certain hospitalized electors.

By Representatives Huber, Ainsworth, Meyerhofer, Kestell, Plale, Ryba, Gronemus, Turner, J. Lehman, Bock, Plouff, Richards, Williams and Berceau; cosponsored by Senators Hansen, Burke, Robson, Plache and Decker.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

**Assembly Joint Resolution 79**

Relating to: the life and public service of Robert O. Uehling.

By Representatives Black, Miller, Berceau, Hahn and Skindrud; cosponsored by Senators Risser, Chvala and Erpenbach.

Read and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 82**

Relating to: celebrating March 1, 2002, as St. David's Day.

By Representatives Owens, Cullen, Freese, Gronemus, Hahn, Hines, Jeskewitz, Krawczyk, Krug, Ladwig, J. Lehman, Montgomery, Petrowski, Plale, Rhoades, Ryba, Starzyk, Townsend, Urban, Vrakas and Walker; cosponsored by Senators Roessler, Grobschmidt, Hansen, Kanavas, Schultz and Wirch.

Read and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 83**

Relating to: the life and public service of Wisconsin Governor and Federal Judge John W. Reynolds, Jr.

By Representatives Plale, Schooff, Jensen, Ryba, Jeskewitz, Black, Olsen, Krug, Stone, Richards, Gunderson, Sinicki, Vrakas, Staskunas, Freese, J. Lehman, McCormick, Wasserman, Hines, Miller, Owens, Riley, Lippert, Coggs, M. Lehman, Plouff, Ladwig, La Fave, Ziegelbauer, Krusick, Schneider, Boyle, Pocan and Walker; cosponsored by Senators Burke, Chvala, Rosenzweig, Grobschmidt, Darling, Plache, Kanavas, Hansen, Welch, Risser, Panzer, Wirch, Moen and Jauch.

Read and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 84**

Relating to: recognizing and congratulating Terry Mulcahy for his long service to the people of the state of Wisconsin and the United States of America.

By Representatives Jensen, Stone, Petrowski, McCormick, Ryba, Kestell, Rhoades, Walker, Gronemus, Gunderson, Lippert, Black, Jeskewitz, Bies, Hahn, Ladwig, Olsen, Pettis, Musser, Urban, Plouff, Starzyk, Turner, Owens, Plale, Miller, Coggs, J. Lehman, Lassa and Vrakas; cosponsored by Senators Panzer, S. Fitzgerald, Zien, Rosenzweig, Darling, Kanavas, Breske, Ellis, Welch, Grobschmidt, Huelsman, Jauch, Erpenbach, A. Lasee, Risser, Cowles, Harsdorf and Roessler.

Read and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 85**

Relating to: congratulating Brenda J. Blanchard for her long-term service to the citizens of Wisconsin and wishing her well in her future endeavors.

By Representatives Jensen, Petrowski, McCormick, Kestell, Rhoades, Walker, Gunderson, Huebsch, Stone, Miller, Balow, Jeskewitz, Lippert, Bies, Hahn, Ladwig, Krawczyk,

Olsen, Pettis, Musser, M. Lehman, Urban, Plouff, Hundertmark, Starzyk, Turner, Owens, Riley, J. Lehman, Plale, Lassa and Vrakas; cosponsored by Senators Panzer, Zien, S. Fitzgerald, Rosenzweig, Darling, Kanavas, Breske, Risser, Welch, Grobschmidt, Huelsman and Roessler.

Read and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 86**

Relating to: the 60th anniversary of the Civil Air Patrol.

By Representative Stone; cosponsored by Senator Moen.

Read and referred to committee on **Senate Organization**.

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Senator Baumgart, with unanimous consent, asked that **Senate Bill 395** be referred to the Joint Committee on **Finance**.

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**ANNOUNCEMENTS, ADJOURNMENT  
HONORS, AND REMARKS UNDER  
SPECIAL PRIVILEGE**

Senator Baumgart, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Aldo Leopold.

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**ADJOURNMENT**

Senator Baumgart, with unanimous consent, asked that the Senate adjourn until Tuesday, January 29 at 10:00 A.M..

Adjourned.

10:01 A.M.



STATE OF WISCONSIN  
**Senate Journal**  
January Special Session

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10:02 A.M.

THURSDAY, January 24, 2002

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The Senate met.

The Senate was called to order by Senator Jim Baumgart.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ANNOUNCEMENTS, ADJOURNMENT  
HONORS, AND REMARKS UNDER  
SPECIAL PRIVILEGE**

Senator Baumgart, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Aldo Leopold.

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**ADJOURNMENT**

Senator Baumgart, with unanimous consent, asked that the Senate adjourn until Tuesday, January 29 at 10:00 A.M..

Adjourned.

10:03 A.M.

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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FRIDAY, January 25, 2002

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The Chief Clerk makes the following entries under the above date.

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**REPORT OF COMMITTEES**

The committee on **Senate Organization** reports and recommends:

**Assembly Joint Resolution 79**

Relating to: the life and public service of Robert O. Uehling.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

**Assembly Joint Resolution 82**

Relating to: celebrating March 1, 2002, as St. David's Day.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

**Assembly Joint Resolution 83**

Relating to: the life and public service of Wisconsin Governor and Federal Judge John W. Reynolds, Jr.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

**Assembly Joint Resolution 86**

Relating to: the 60th anniversary of the Civil Air Patrol.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

**Senate Joint Resolution 54**

Relating to: congratulating Bob Uecker on his induction into the Radio Hall of Fame.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

**Senate Joint Resolution 56**

Relating to: the life and public service of Roy Kubista.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

**Senate Resolution 11**

Relating to: the 27th year of military occupation of Cyprus.  
Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

Charles Chvala  
Chairperson

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

January 24, 2002

The Honorable, The Senate:

Please remove my name as a cosponsor of **Senate Bill 363**. Thank you for your attention to this matter.

Sincerely,

JIM BAUMGART  
State Senator  
9th Senate District

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

The committee on **Privacy, Electronic Commerce and Financial Institutions** reports and recommends:

**Senate Clearinghouse Rule 01–122**

Relating to the uniform commercial code.

No action taken.

Jon Erpenbach  
Chairperson

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**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 13**

**Assembly Bill 149**

**Assembly Bill 542**

**Assembly Bill 581**

**Assembly Bill 585**

**Assembly Bill 682**

**Assembly Bill 726**



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**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 13**

Relating to: compatible offices and positions for city, village, and town elective officeholders.

By Representatives Sherman, Musser, M. Lehman, Hahn, J. Lehman, Hebl, Powers, Plouff and Seratti.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

**Assembly Bill 149**

Relating to: requiring parties to an action affecting the family to attend an educational parenting program.

By Representatives Staskunas, Huebsch, Bock, Musser, Kreuser, Seratti, Gunderson, Plouff, La Fave, Plale and Townsend; cosponsored by Senators Plache and George.

Read first time and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

**Assembly Bill 542**

Relating to: a community youth grant to the Wisconsin chapters of the Boys and Girls Clubs of America and making an appropriation.

By Representatives Krawczyk, Underheim, Suder, Ryba, Schneider, Huber, Pocan, Coggs, La Fave, Kreuser, Jensen, Schooff, Lassa, Musser, Lippert, Plale, Berceau, Steinbrink, Wieckert, Sykora, F. Lasee, Kestell, Riley, Meyerhofer, Albers, Montgomery, Leibham, Shilling and Young; cosponsored by Senators Wirch, Shibilski, Burke, Darling, Grobschmidt, Moen, Baumgart, Hansen, M. Meyer and Roessler.

Read first time and referred to committee on **Human Services and Aging**.

**Assembly Bill 581**

Relating to: designating Fire Protection Week and Wisconsin Firefighters Memorial Day.

By Representatives M. Lehman, Schneider, Lippert, Ainsworth, Albers, Balow, Berceau, Bies, Bock, Boyle, Carpenter, Coggs, J. Fitzgerald, Freese, Gronemus, Grothman, Gunderson, Hahn, Huber, Hundertmark, Jeskewitz, Kedzie, Kestell, Krawczyk, Kreibich, Ladwig, Lassa, F. Lasee, J. Lehman, McCormick, Meyerhofer, Miller, Musser, Nass, Olsen, Petrowski, Plale, Plouff, Pocan, Rhoades, Richards, Riley, Ryba, Schooff, Seratti, Sherman, Starzyk, Stone, Suder, Sykora, Townsend, Turner, Urban, Vrakas, Walker and Skindrud; cosponsored by Senators Panzer, Baumgart, Breske,

Burke, Cowles, Darling, Erpenbach, S. Fitzgerald, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, Lazich, M. Meyer, Moen, Robson, Roessler, Rosenzweig and Wirch.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

**Assembly Bill 585**

Relating to: membership on the state fair park board.

By Representatives Foti, Staskunas, Krawczyk, Ainsworth, Albers, Bock, Jeskewitz, Kaufert, Kestell, Krug, Ladwig, La Fave, J. Lehman, M. Lehman, Miller, Musser, Olsen, Ott, Plale, Rhoades, Ryba, Skindrud, Stone and Turner; cosponsored by Senators Grobschmidt, Rosenzweig, Burke, Roessler, Risser, Welch, George, Darling, Breske and Schultz.

Read first time and referred to committee on **Labor and Agriculture**.

**Assembly Bill 682**

Relating to: official action in return for providing or withholding political contributions, services, or other things of value and providing a penalty.

By Representatives Gundrum, Jensen, Travis, Freese, Lassa, Ladwig, Ziegelbauer, Stone, McCormick, Olsen, Starzyk, Kestell, Skindrud, Nass, Hahn, Albers, Krawczyk, D. Meyer, Kreibich, Duff, Petrowski, Huebsch, Vrakas, Bies and Lippert; cosponsored by Senators Rosenzweig, Huelsman, Roessler and Harsdorf.

Read first time and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

**Assembly Bill 726**

Relating to: limits on certain contributions received by political parties and elimination of legislative campaign committees.

By Representatives Jensen, Foti, Freese, Loeffelholz, Walker, Vrakas, Musser, Ladwig, Ward, Johnsrud, Gundrum, Starzyk, Duff, M. Lehman, Olsen, Rhoades, Hahn, Hundertmark, Urban, Kedzie, Gunderson, Montgomery, Lippert, Stone, Skindrud, Leibham, Krawczyk, Nass, Kestell, McCormick, Jeskewitz, Kaufert, Albers and Bies; cosponsored by Senators Panzer, Harsdorf, Rosenzweig, Kanavas, Welch, Darling, Roessler and Huelsman.

Read first time and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

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**AMENDMENTS OFFERED**

Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 96** offered by Senator George.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

TUESDAY, January 29, 2002

The Senate met.

The Senate was called to order by Senator Fred Risser.

The roll was called and the following Senators answered to their names:

Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for the prayer which was offered by Bhai Mohinder Singh from the Sikh Religious Society in Milwaukee.

The Senate remained standing and Senator Ellis led the Senate in the pledge of allegiance to the flag of the United States of America.

Senator Chvala, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 56**.

Senator Chvala, with unanimous consent, asked that **Senate Bill 378** be withdrawn from the committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform** and referred to the committee on **Environmental Resources**.

Senator Welch, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 79**.

### INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

#### **Senate Joint Resolution 57**

Relating to: urging the Minnesota legislature to continue the income tax reciprocity agreement between Minnesota and Wisconsin.

By Senators Jauch, Harsdorf, M. Meyer, Schultz, A. Lasee, Darling, Plache, Baumgart, Rosenzweig and Burke; cosponsored by Representatives Rhoades, Pettis, Plouff, Huebsch, Boyle, Shilling, Johnsrud, Kreibich, Freese, Jeskewitz, Sykora, Gunderson, Gronemus, Owens, Townsend, Urban, Turner, Hines, Lassa, Vrakas, Miller, Ryba, Cogs and Hubler.

To committee on **Universities, Housing, and Government Operations**.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### **Senate Bill 401**

Relating to: certification of animal chiropractors, providing an exemption from emergency rule procedures, and granting rule-making authority.

By Senators Breske and Burke; cosponsored by Representatives Skindrud, Plouff and Berceau.

To committee on **Labor and Agriculture**.

#### **Senate Bill 402**

Relating to: dog licensing and claims for damage that is caused by dogs in certain populous counties.

By Senators Grobschmidt and Burke; cosponsored by Representatives Plale, Duff, Sinicki, La Fave and Pocan.

To committee on **Universities, Housing, and Government Operations**.

#### **Senate Bill 403**

Relating to: retirement benefits provided to educational support personnel under the Wisconsin retirement system.

By Senators Risser, Burke, Wirch, Baumgart and George; cosponsored by Representatives Bies, Sherman, J. Lehman, Pocan, Musser, Ryba, Plouff, Gronemus, Williams, Black, Lassa, Turner and Lippert.

To joint survey committee on **Retirement Systems**.

#### **Senate Bill 404**

Relating to: intentionally causing the death of an in vitro human embryo, nontherapeutic research involving an in vitro human embryo, the use of cells or tissue derived from an in vitro human embryo, the purchase or sale of in vitro human embryos, requesting the joint legislative council to conduct a study on how to reduce the number of in vitro human embryos created by assisted reproductive services clinics and how to facilitate the adoption of unused in vitro human embryos, and human cloning and providing penalties.

By Senators Lazich, S. Fitzgerald and Roessler; cosponsored by Representatives Freese, Suder, J. Fitzgerald, Grothman, Gunderson, Gundrum, Hines, Kestell, Krawczyk, Kreibich, Leibham, Loeffelholz, McCormick, Nass, Ott, Owens, Pettis and Walker.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

#### **Senate Bill 405**

Relating to: the tax rate of the county sales tax and use tax.

By Senators Jauch and Burke; cosponsored by Representatives Miller, Musser, Turner and Lassa.

To committee on **Universities, Housing, and Government Operations**.

**Senate Bill 406**

Relating to: providers of medical assistance and requiring the exercise of rule-making authority.

By Senators M. Meyer, Wirch, Schultz and Roessler; cosponsored by Representatives Johnsrud, Musser, Huber, J. Lehman, Sykora, Urban, Starzyk, Hines and Albers.

To committee on **Health, Utilities, Veterans and Military Affairs**.

**Senate Bill 407**

Relating to: references to the Internal Revenue Code for income and franchise tax purposes.

By Senators Burke, Baumgart, Erpenbach, Grobschmidt, M. Meyer, Risser and Wirch; cosponsored by Representatives Krawczyk, Lippert, M. Lehman, Gard, Jensen, Grothman, Ott, Seratti, D. Meyer, Owens, J. Fitzgerald, Nass, Rhoades, Musser, Vrakas, Johnsrud, Hundertmark, Loeffelholz, Ward, Montgomery, Bies, Hahn, Ladwig, Wieckert, Leibham, Jeskewitz, Skindrud, Powers, Urban, Starzyk, Kaufert, Hines, Huebsch, Townsend, Pettis, Kestell, Walker, Underheim, Friske and Petrowski.

To joint survey committee on **Tax Exemptions**.

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**REPORT OF COMMITTEES**

The committee on **Environmental Resources** reports and recommends:

**Assembly Bill 251**

Relating to: the period of time during which sturgeon spearing licenses may not be issued.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Concurrence as amended.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

**Senate Bill 317**

Relating to: sturgeon spearing licenses; the sturgeon stock, fishery, and habitat in the Lake Winnebago and upper Fox and Wolf rivers system; and making an appropriation.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

**Senate Bill 361**

Relating to: the size of restored, enhanced, or created wetlands that are parts of wetland mitigation projects.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Jim Baumgart  
Chairperson

The committee on **Privacy, Electronic Commerce and Financial Institutions** reports and recommends:

KUNDERT, JOHN F. "JACK", of Monroe, as Secretary of the Department of Financial Institutions, to serve for the term ending at the pleasure of the Governor.

Confirmation.

Ayes, 5 – Senators Erpenbach, Jauch, Plache, S. Fitzgerald and Kanavas.

Noes, 0 – None.

Jon Erpenbach  
Chairperson

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Office of the Governor**

January 18, 2002

The Honorable, The Senate:

This is to inform you that I am withdrawing the following nominations:

Mary Lou Bohlen for reappointment to the Council on Domestic Abuse effective immediately. Ms. Bohlen has notified my office that she is relocating out of state.

Terry Mulcahy as Secretary of the Department of Transportation effective January 25, 2002. Mr. Mulcahy has notified me of his resignation from the position.

Juliane Saxon for appointment to the Board on Aging and Long Term Care effective immediately. My staff has been informed that federal language precludes Ms. Saxon from serving on the Board due to her place of employment.

Thank you for your attention to this matter.

Sincerely,

SCOTT MCCALLUM  
Governor

**State of Wisconsin  
Joint Legislative Council**

January 25, 2002

The Honorable, The Senate:

I am pleased to transmit to you the following reports to the 2001 Legislature on legislation introduced by the Joint Legislative Council:

RL2001-15      Legislation on Developmental Disabilities (2001 Senate Bill 289 and 2001 Assembly Bill 590)

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](http://www.legis.state.wi.us/lc/reports_by_topic.htm).

Sincerely,

TERRY C. ANDERSON  
Director

**State of Wisconsin**

January 25, 2001

The Honorable, The Senate:

Please remove my name as a co-sponsor of **Senate Bill 363**, authored by Senator Baumgart, relating to terrorism.

Thank you for your assistance in this matter.

Sincerely,

MICHAEL "MICKEY" LEHMAN  
State Representative 58th Assembly District

**State of Wisconsin**

January 25, 2002

The Honorable, The Senate:

I am writing today to request that you remove my name from the list of cosponsors of **Senate Bill 363**, authored by Senator Baumgart and Representative Kaufert.

I agreed to co-sponsor SB 363 (LRB 4067/1), based on a cosponsorship memo. It now appears that the memo that was distributed may not accurately reflect the true scope of the bill. Therefore I am asking that I be withdrawn as a cosponsor.

If you have any questions related to this request, please do not hesitate to contact me.

Sincerely,

JOHN J. RYBA  
Representative  
90th Assembly District

**State of Wisconsin  
Ethics Board**

January 29, 2002

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/>

- |                       |  |
|-----------------------|--|
| Bergersen, Gunnar     | <b>RAVE Sports Inc</b>   |
| Broydrick, William    | <b>Milwaukee Public Schools</b>                                    |
| Cumberbatch, Franklin | <b>Milwaukee Public Schools</b>                                    |
| Dilweg, Sean          | <b>Wisconsin League of Conservation Voters (WLCV)</b>              |
| Essie, Patrick        | <b>Wisconsin League of Conservation Voters (WLCV)</b>              |
| Gerrard, M William    | <b>Allied Health of Wisconsin SC</b>                               |
| Jensen, Eric          | <b>Wisconsin Wholesale Beer Distributors Association Inc</b>       |
| LaSorte, Darren       | <b>National Rifle Association-Institute for Legislative Action</b> |
| McIntosh, Forbes      | <b>Rice Health Care Facilities of Wisconsin Inc</b>                |
| Pirlot, Randall J     | <b>State Medical Society of Wisconsin</b>                          |

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

Senator Robson, with unanimous consent, asked that the Senate recess until 2:45 P.M..

10:30 A.M.

**RECESS**

2:45 P.M.

The Senate reconvened.  
Senator Risser in the chair.

**ADVICE AND CONSENT OF THE SENATE**

Senator Chvala, with unanimous consent, asked that all the appointments except for that of Richard G. Chandler and Rebecca L. Heidepriem be taken up en masse.

CERNY, MIKE J., of Sharon, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2004.

Read.

DAVID, DR. ALAN K., of Cedarburg, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2006.

Read.

DITTMAR, BEVERLY ANN, of Eagle River, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2004.

Read.

FEITH, SUSAN, of Wisconsin Rapids, as a member of the Chiropractic Examining Board, to serve for the term ending May 1, 2005.

Read.

GABERT, DR. THOMAS C., of Minocqua, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2004.

Read.

HEISER, RAYMOND W., of Wausau, as a member of the Optometry Examining Board, to serve for the interim term ending July 1, 2004.

Read.

KAMPS, GEORGE J., of Green Bay, as a member of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for the term ending July 1, 2005.

Read.

LAWRENCE, BETTYE J., of Madison, as a member of the Board of Nursing, to serve for the interim term ending July 1, 2003.

Read.

LUST, RICHARD O., of Verona, as a member of the Auctioneers Examining Board, to serve for the term ending May 1, 2004.

Read.

MORGAN, DEIRDRE A., of Verona, as Chair of the Parole Commission, to serve for the term ending March 1, 2003.

Read.

SCHMIDT, CRAIG W.C., of Berlin, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2006.

Read.

SCHUMANN, WILLIAM E., of Manitowish Waters, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2004.

Read.



WEDDLE, MCARTHUR, of Milwaukee, as a member of the Psychology Examining Board, to serve for the interim term ending July 1, 2002.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

Senator Roessler, with unanimous consent, asked to be added as a coauthor of **Senate Bill 407**.

CHANDLER, RICHARD G., of Madison, as Secretary of the Department of Revenue, to serve for the term ending at the pleasure of the Governor.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

Senator Chvala, with unanimous consent, asked that **Assembly Bill 358** be withdrawn from the committee on **Universities, Housing, and Government Operations** and referred to the committee on **Environmental Resources**.

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 54**.

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 175**.

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 179**.

HEIDPRIEM, REBECCA L., of Milwaukee, as the Chief Information Officer of the Department of Electronic Government, to serve for the term ending at the pleasure of the Governor.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache,

Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

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## REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

### Senate Clearinghouse Rule 01–140

Relating to career executive employment and various technical changes to bring the rules into consistency with the statutes and compensation plan.

Submitted by Department of Employment Relations.

Report received from Agency, January 28, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, January 29, 2002.

### Senate Clearinghouse Rule 01–141

Relating to certification for employment consideration, probationary periods, transfers of career executive employees and various technical changes to bring the rules into consistency with the statutes and compensation plan.

Submitted by Department of Employment Relations.

Report received from Agency, January 28, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, January 29, 2002.

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The committee on **Environmental Resources** reports and recommends:

### Senate Clearinghouse Rule 01–115

Relating to commercial fishing in Lake Superior and Lake Michigan.

Review period waived, Ayes 5, Noes 0.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Jim Baumgart  
Chairperson

The committee on **Insurance, Tourism, and Transportation** reports and recommends:

### Senate Clearinghouse Rule 01–117

Relating to the harbor assistance program.

No action taken.

### Senate Clearinghouse Rule 01–121

Relating to vehicle emission inspections.

No action taken.

Roger Breske  
Chairperson

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## 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 563**

**Assembly Bill 593**

**Assembly Bill 642**

**Assembly Bill 742**

Concurred in:

**Senate Bill 118**

**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 563**

Relating to: abandoned property reporting requirements; reporting and delivery of abandoned stock, intangible business interests, and other intangible property to the state treasurer; the sale of abandoned property; and creating a procedure for claiming certain escheated funds.

By Representative Gundrum; cosponsored by Senator George.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

**Assembly Bill 593**

Relating to: The Type 1 motorcycle, moped, and motor bicycle safety program and making an appropriation.

By Representatives Friske, Petrowski, Stone, Gard, Vrakas, Gronemus, Ward, Kaufert, F. Lasee, Montgomery, Musser, McCormick, Hundertmark, Rhoades, Seratti, J. Fitzgerald, Ott, Starzyk, Krawczyk, Ainsworth, Lippert, Hoven, Sykora, Jeskewitz, Urban, Kreibich, Gunderson, Leibham, Suder, M. Lehman, Reynolds, Black, Plouff, Sherman, Lassa, Meyerhofer, J. Lehman, Berceau, Schooff and Grothman; cosponsored by Senators M. Meyer, Zien, Plache, Panzer, Wirch, Harsdorf, Welch, Shibilski, Hansen, Schultz and Grobschmidt.

Read first time and referred to committee on **Insurance, Tourism, and Transportation**.

**Assembly Bill 642**

Relating to: authorizing the Wisconsin Health and Educational Facilities Authority to issue bonds to finance a project undertaken for a facility used for education by a private, tax-exempt institution.

By Representatives Wieckert, Plale, Underheim, F. Lasee, McCormick, J. Fitzgerald, Starzyk, Vrakas, Kaufert, Ott, Krawczyk, Owens, Nass, Hundertmark, Olsen, Gunderson, Sykora, Jensen, Montgomery, Leibham, Bies, Ryba and Walker; cosponsored by Senators Robson, George, Baumgart, Welch, S. Fitzgerald, Ellis, Roessler, Kanavas, Cowles, Lazich and Rosenzweig.

Read first time and referred to committee on **Health, Utilities, Veterans and Military Affairs**.

**Assembly Bill 742**

Relating to: temporary supplemental unemployment insurance benefits and certain other changes to the unemployment insurance law.

By Representatives Hundertmark and Turner; cosponsored by Senators Hansen and A. Lasee.

Read first time and referred to committee on **Labor and Agriculture**.

**CONSIDERATION OF MOTIONS AND  
RESOLUTIONS**

**Senate Resolution 11**

Relating to: the 27th year of military occupation of Cyprus.

Read.

Adopted.

**SECOND READING AND AMENDMENTS  
OF SENATE JOINT RESOLUTIONS AND  
SENATE BILLS**

**Senate Joint Resolution 54**

Relating to: congratulating Bob Uecker on his induction into the Radio Hall of Fame.

Read.

Adopted.

**Senate Joint Resolution 56**

Relating to: the life and public service of Roy Kubista.

Read.

Adopted.

**Senate Bill 96**

Relating to: regulation of social workers, advanced practice social workers, independent social workers, clinical social workers, marriage and family therapists, professional counselors, and art, music, and dance therapists, insurance coverage for services provided by clinical social workers, marriage and family therapists, professional counselors, granting rule-making authority, and providing a penalty.

Read a second time.

Senator Moen, with unanimous consent, asked that **Senate Bill 179** be taken up at this time.

**Senate Bill 179**

Relating to: requiring crossing gates on school buses, granting rule-making authority, and providing a penalty.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 179**

Read a third time and passed.

Senator Moen, with unanimous consent, asked that **Assembly Bill 206** be withdrawn from the committee on **Human Services and Aging** and taken up.

**Assembly Bill 206**

Relating to: regulation of social workers, advanced practice social workers, independent social workers, clinical social workers, marriage and family therapists, professional counselors, and art, music, and dance therapists, insurance coverage for services provided by clinical social workers, marriage and family therapists, professional counselors, granting rule-making authority, and providing a penalty.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 206**

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 2; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Wirch and Zien – 31.

Noes – Senators Lazich and Welch – 2.

Absent or not voting – None.

Concurred in.

Senator Moen, with unanimous consent, asked that **Senate Bill 96** be laid on the table.

**Senate Bill 104**

Relating to: campaign financing, providing exemptions from emergency rule procedures, granting rule-making authority, making appropriations and providing penalties.

Read a second time.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 104**?

Adopted.

The question was: Adoption of Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 104**?

Adopted.

Senate amendment 1 to Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 104** offered by Senator George.

Senator Chvala moved rejection of Senate amendment 1 to Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 104**.

The question was: Rejection of Senate amendment 1 to Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 104**?

The ayes and noes were demanded and the vote was: ayes, 29; noes, 4; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Ellis, Erpenbach, S. Fitzgerald, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Wirch and Zien – 29.

Noes – Senators Darling, George, Kanavas and Welch – 4.

Absent or not voting – None.

Rejected.

The question was: Adoption of Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 104**?

Adopted.

**IN THE CHAIR**

Senator George in the Chair

3:27 P.M.

Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 104** offered by Senator Risser.

Senator Chvala moved rejection of Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 104**.

The question was: Rejection of Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 104**?

The ayes and noes were demanded and the vote was: ayes, 28; noes, 5; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Panzer, Plache, Robson, Roessler, Rosenzweig, Schultz, Welch, Wirch and Zien – 28.

Noes – Senators Burke, George, Moore, Risser and Shibilski – 5.

Absent or not voting – None.

Rejected.

Senate amendment 5 to Senate substitute amendment 1 to **Senate Bill 104** offered by Senators Plache and Robson.

The question was: Adoption of Senate amendment 5 to Senate substitute amendment 1 to **Senate Bill 104**?

Adopted.

Senate amendment 6 to Senate substitute amendment 1 to **Senate Bill 104** offered by Senators Ellis, Chvala, Schultz, Cowles and Shibilski.

The question was: Adoption of Senate amendment 6 to Senate substitute amendment 1 to **Senate Bill 104**?

Adopted.

Senate amendment 7 to Senate substitute amendment 1 to **Senate Bill 104** offered by Senator Shibilski.

Senator Chvala moved rejection of Senate amendment 7 to Senate substitute amendment 1 to **Senate Bill 104**.

The question was: Rejection of Senate amendment 7 to Senate substitute amendment 1 to **Senate Bill 104**?

Rejected.

Senate amendment 8 to Senate substitute amendment 1 to **Senate Bill 104** offered by Senator Shibilski.

Senator Chvala moved rejection of Senate amendment 8 to Senate substitute amendment 1 to **Senate Bill 104**.

The question was: Rejection of Senate amendment 8 to Senate substitute amendment 1 to **Senate Bill 104**?

The ayes and noes were demanded and the vote was: ayes, 26; noes, 7; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Ellis, Erpenbach, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Robson, Roessler, Rosenzweig, Schultz, Wirch and Zien – 26.

Noes – Senators Decker, S. Fitzgerald, George, Kanavas, Risser, Shibilski and Welch – 7.

Absent or not voting – None.

Rejected.

Senate amendment 9 to Senate substitute amendment 1 to **Senate Bill 104** offered by Senator Shibilski.

Senator Shibilski, with unanimous consent, asked that Senate amendment 9 to Senate substitute amendment 1 to **Senate Bill 104** be withdrawn and returned to author.

Senate amendment 10 to Senate substitute amendment 1 to **Senate Bill 104** offered by Senator Shibilski.

Senator Chvala moved rejection of Senate amendment 10 to Senate substitute amendment 1 to **Senate Bill 104**.

The question was: Rejection of Senate amendment 10 to Senate substitute amendment 1 to **Senate Bill 104**?

The ayes and noes were demanded and the vote was: ayes, 28; noes, 5; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, Grobschmidt, Hansen,

Harsdorf, Huelsman, Jauch, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Wirch and Zien – 28.

Noes – Senators S. Fitzgerald, George, Kanavas, Shibilski and Welch – 5.

Absent or not voting – None.

Rejected.

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## IN THE CHAIR

Senator Risser in the Chair

4:00 P.M.

Senate amendment 11 to Senate substitute amendment 1 to **Senate Bill 104** offered by Senator George.

Senator George, with unanimous consent, asked that Senate amendment 11 to Senate substitute amendment 1 to **Senate Bill 104** be withdrawn and returned to author.

Senate amendment 12 to Senate substitute amendment 1 to **Senate Bill 104** offered by Senators Kanavas, Roessler, Welch, Darling and Panzer.

Senator Chvala moved rejection of Senate amendment 12 to Senate substitute amendment 1 to **Senate Bill 104**.

The question was: Rejection of Senate amendment 12 to Senate substitute amendment 1 to **Senate Bill 104**?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 11; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Ellis, Erpenbach, George, Grobschmidt, Hansen, Harsdorf, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Schultz, Shibilski and Wirch – 22.

Noes – Senators Darling, S. Fitzgerald, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Welch and Zien – 11.

Absent or not voting – None.

Rejected.

Senate amendment 13 to Senate substitute amendment 1 to **Senate Bill 104** offered by Senators Kanavas, Welch, Darling and Panzer.

Senator Chvala moved rejection of Senate amendment 13 to Senate substitute amendment 1 to **Senate Bill 104**.

The question was: Rejection of Senate amendment 13 to Senate substitute amendment 1 to **Senate Bill 104**?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Ellis, Erpenbach, Grobschmidt, Hansen, Harsdorf, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Schultz, Shibilski and Wirch – 21.

Noes – Senators Darling, S. Fitzgerald, George, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Welch and Zien – 12.

Absent or not voting – None.

Rejected.

Senate amendment 14 to Senate substitute amendment 1 to **Senate Bill 104** offered by Senators Kanavas, Roessler, Panzer, Huelsman and Rosenzweig.

The question was: Adoption of Senate amendment 14 to Senate substitute amendment 1 to **Senate Bill 104**?

POINT OF ORDER

Senator Chvala raised the point of order that Senate amendment 14 to Senate substitute amendment 1 was not germane.

The Chair ruled the point of order well taken.

Senate amendment 15 to Senate substitute amendment 1 to **Senate Bill 104** offered by Senators Huelsman, Rosenzweig, Kanavas, Welch, Darling, A. Lasee, Zien, Panzer and Harsdorf.

Senator Chvala moved rejection of Senate amendment 15 to Senate substitute amendment 1 to **Senate Bill 104**.

The question was: Rejection of Senate amendment 15 to Senate substitute amendment 1 to **Senate Bill 104**?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Erpenbach, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Schultz, Shibilski and Wirch – 19.

Noes – Senators Darling, Ellis, S. Fitzgerald, George, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Welch and Zien – 14.

Absent or not voting – None.

Rejected.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 104**?

Adopted.

Ordered to a third reading.

Senator George, with unanimous consent, asked to be added as a coauthor of **Senate Bill 104**.

Senator George, with unanimous consent, asked to be added as a coauthor of **Senate Bill 175**.

Senator Harsdorf, with unanimous consent, asked to be added as a coauthor of **Senate Bill 104**.

Senator Hansen, with unanimous consent, asked to be added as a coauthor of **Senate Bill 104**.

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## IN THE CHAIR

Senator George in the Chair

4:20 P.M.

### **Senate Bill 170**

Relating to: notification of the state regarding a medical malpractice claim.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

### **Senate Bill 170**

Read a third time and passed.

### **Senate Bill 175**

Relating to: appointment of students to the board of regents of the University of Wisconsin System.

Read a second time.

Senate substitute amendment 1 to **Senate Bill 175** offered by Senator Ellis.

Senator Grobschmidt moved that Senate substitute amendment 1 to **Senate Bill 175** be laid on the table.

The question was: Shall Senate substitute amendment 1 to **Senate Bill 175** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer,



Moen, Moore, Plache, Risser, Robson, Schultz, Shibilski and Wirch – 19.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Welch and Zien – 14.

Absent or not voting – None.

Tabled.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 175**

Read a third time and passed.

**Senate Bill 176**

Relating to: the Wisconsin School for the Deaf and creating a deaf and hard-of-hearing education council.

Read a second time.

Senate amendment 1 to **Senate Bill 176** offered by Senator Grobschmidt.

The question was: Adoption of Senate amendment 1 to **Senate Bill 176**?

Adopted.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 176**

Read a third time and passed.

**Senate Bill 227**

Relating to: qualifications for endorsements authorizing the operation of a school bus.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 227** be referred to the Joint Committee on **Finance**.

Senator Burke, with unanimous consent, asked that the rules be suspended and that **Senate Bill 227** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 227**?

Adopted.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 227**

Read a third time and passed.

**Senate Bill 229**

Relating to: qualifications for an endorsement authorizing a person to operate a school bus.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 229**

Read a third time and passed.

**Senate Bill 288**

Relating to: administration of student financial aid programs by the higher educational aids board and granting rule-making authority (suggested as remedial legislation by the higher educational aids board).

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 288**

Read a third time and passed.

**Senate Bill 339**

Relating to: exclusive contracts for the sale of soft drinks in schools.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 339**?

Adopted.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 339**

Read a third time and passed.

**Senate Bill 340**

Relating to: veterinary postgraduate training permits.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 340**

Read a third time and passed.

**Senate Bill 347**

Relating to: eliminating redundancy in statutes pertaining to license renewal requirements; limiting a credential issued by an examining board; use of the term “credential” in the statutes pertaining to the department of regulation and licensing; changing the definition of “licensing” as it relates to administrative procedure; the award of costs in a contested administrative case; persons exempt from regulation as private detectives or private security personnel; and renumbering and creating statutory titles for provisions pertaining to immunity from liability for testimony to the department of regulation and licensing and attached boards, advisory committees to the department of regulation and licensing and attached boards, and cemetery preneed sellers (suggested as remedial legislation by the department of regulation and licensing).

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 347**

Read a third time and passed.

**Senate Bill 356**

Relating to: the disclosure of information about licensed nurses to the coordinated licensure information system.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 356**

Read a third time and passed.

**Senate Bill 364**

Relating to: proclaiming Purple Heart Day.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 364**

Read a third time and passed.

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**SECOND READING AND AMENDMENTS  
OF ASSEMBLY JOINT RESOLUTIONS AND  
ASSEMBLY BILLS**

**Assembly Joint Resolution 79**

Relating to: the life and public service of Robert O. Uehling.

Read.

Concurred in by unanimous rising vote.

**Assembly Joint Resolution 82**

Relating to: celebrating March 1, 2002, as St. David's Day.

Read.

Concurred in.

**Assembly Joint Resolution 83**

Relating to: the life and public service of Wisconsin Governor and Federal Judge John W. Reynolds, Jr.

Read.

Concurred in by unanimous rising vote.

Senator Panzer, with unanimous consent, asked that all members of the Senate be added as cosponsors of **Assembly Joint Resolution 83**.

**Assembly Joint Resolution 86**

Relating to: the 60th anniversary of the Civil Air Patrol.

Read.

Senator Grobschmidt, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 86**.

Concurred in.

**Assembly Bill 31**

Relating to: certain applicants for preference points under the cumulative preference system for issuing Class A bear hunting licenses.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 31**

Read a third time and concurred in.

Senator Moen, with unanimous consent, asked that all action be immediately messaged to the Assembly.

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**IN THE CHAIR**

Senator Risser in the Chair

5:00 P.M.

**MOTIONS MAYBE OFFERED**

Senator Chvala, with unanimous consent, asked that when the Senate adjourns today it do so in honor of Cliff Miller upon his retirement from the press corp.

Senator M. Meyer, with unanimous consent, asked to be added as a coauthor of **Senate Bill 104**.

Senator Wirch, with unanimous consent, asked to be added as a coauthor of **Senate Bill 104**.

Senator Robson, with unanimous consent, asked to be added as a coauthor of **Senate Bill 104**.

Senator Grobschmidt, with unanimous consent, asked to be added as a coauthor of **Senate Bill 104**.

Senator Cowles, with unanimous consent, asked to be added as a coauthor of **Senate Bill 104**.

Senator Schultz, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 79**.

Senator Decker, with unanimous consent, asked to be added as a coauthor of **Senate Bill 104**.

Senator George, with unanimous consent, asked that the Senate return to the second order of business and introduce and take up a Senate Resolution.

Senator Moen objected.

Senator George, moved that the Senate return to the second order of business and introduce and take up a Senate Resolution.

The question was: Shall the Senate return to the second order of business and introduce and take up a Senate Resolution?

The ayes and noes were demanded and the vote was: ayes, 10; noes, 22; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Cowles, Ellis, Erpenbach, Fitzgerald, George, Harsdorf, A. Lasee, Lazich and Schultz – 10.

Noes – Senators Breske, Burke, Chvala, Darling, Decker, Grobschmidt, Hansen, Huelsman, Jauch, Kanavas, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Welch, Wirch and Zien – 22.

Absent or not voting – Senator Shibilski – 1.

Refused to return to the second order.

Senator Schultz, with unanimous consent, asked that when the Senate adjourns today it do so in honor of Senators Baumgart and Cowles.

Senator Baumgart, with unanimous consent, asked that when the Senate adjourns today it do so in honor of Aldo Leopold.

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Thursday, January 31 at 10:00 A.M..

Adjourned.

5:10 P.M.

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**AMENDMENTS OFFERED**

Senate amendment 1 to **Senate Bill 307** offered by Senator Baumgart.

Senate amendment 1 to **Senate Bill 330** offered by Senator Baumgart.



STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

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5:11 P.M.

TUESDAY, January 29, 2002

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The Senate met.

The Senate was called to order by Senator Fred Risser.

The Senator Chvala, with unanimous consent, asked that the roll, prayer and pledge from the regular session be applied to the special session.

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Thursday, January 31 at 10:00 A.M..

Adjourned.

5:12 P.M.

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, January 30, 2002

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The Chief Clerk makes the following entries under the above date.

**INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS**

Read and referred:

**Senate Resolution 13**

Relating to: the authorization by the committee on senate organization for the payment of legal fees of senators and senate employees related to current investigations.

By Senator George.

To committee on **Senate Organization**.

**Senate Joint Resolution 58**

Relating to: recognizing February 6 as Ronald Reagan Day.

By Senators Panzer, Darling, Rosenzweig, A. Lasee, Huelsman, Schultz, Kanavas, Welch, Lazich, S. Fitzgerald, Roessler and Zien; cosponsored by Representatives Jensen, Gunderson, Vrakas, Sykora, J. Fitzgerald, Owens, Kestell, Kreibich, Turner, Musser, Huebsch, Krawczyk, Leibham, McCormick, Townsend, Ladwig, Hahn, Olsen, Ott, Jeskewitz, Grothman, Pettis, Albers and Miller.

To committee on **Senate Organization**.

**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 408**

Relating to: regulation of and enforcement against large price–regulated telecommunications utilities, termination of certain telecommunications contracts, telecommunications unbundling and interconnection requirements, providing an exemption from emergency rule procedures, granting rule–making authority, and providing penalties.

By Senator Robson; cosponsored by Representative Powers.

To committee on **Health, Utilities, Veterans and Military Affairs**.

**Senate Bill 409**

Relating to: a property tax exemption for restaurant kitchen equipment.

By Senators M. Meyer, Darling, Welch, Lazich and Roessler; cosponsored by Representatives Bies, Plale, Kedzie, Krawczyk, Gard, Pettis, Ladwig, Ziegelbauer, Ainsworth, Musser, Grothman, Seratti, Sykora, Starzyk, Owens, Schooff, McCormick, Leibham, Freese, Petrowski, Gunderson, Vrakas,

Jeskewitz, Stone, Ott, Suder, F. Lasee, Gronemus and Underheim.

To joint survey committee on **Tax Exemptions**.

**REPORT OF COMMITTEES**

The committee on **Economic Development and Corrections** reports and recommends:

**Senate Bill 384**

Relating to: permitting the period for which a serious juvenile offender program participant may be placed in a juvenile secured correctional facility to be extended; prohibiting a juvenile who has been adjudicated delinquent from being transferred to an adult prison; permitting a juvenile who has been sentenced as an adult to be transferred to an adult prison on reaching 15 years of age; permitting a juvenile to be placed in a juvenile secured correctional facility only until the juvenile reaches 18 years of age; and requiring the juvenile court, when placing a juvenile who has been adjudged delinquent outside the home or when denying parental visitation with such a juvenile, to warn the parents of any applicable termination of parental rights grounds and of the conditions necessary for the juvenile to be returned to the home or for the parent to be granted visitation.

Introduction and adoption of Senate amendment 1.

Ayes, 3 – Senators Jauch, M. Meyer and Zien.  
Noes, 0 – None.

Passage as amended.

Ayes, 3 – Senators Jauch, M. Meyer and Zien.  
Noes, 0 – None.

Robert Jauch  
Chairperson

The joint committee on **Finance** reports and recommends:

**Senate Bill 395**

Relating to: temporary supplemental unemployment insurance benefits and certain other changes to the unemployment insurance law.

Passage.

Ayes, 15 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirch, Darling and Rosenzweig. Representatives Gard, Kaufert, Hoven, Duff, Ward, Huebsch and Huber.  
Noes, 0 – None.

Brian Burke  
Senate Chairperson



The committee on **Labor and Agriculture** reports and recommends:

**Assembly Bill 742**

Relating to: temporary supplemental unemployment insurance benefits and certain other changes to the unemployment insurance law.

Concurrence.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.

Noes, 0 – None.

David Hansen  
Chairperson

The committee on **Senate Organization** reports and recommends:

**Senate Joint Resolution 58**

Relating to: recognizing February 6 as Ronald Reagan Day.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

Charles Chvala  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**THE STATE OF WISCONSIN  
OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER #39**

***Relating to the Creation of the Governor’s Task Force on Small Business Regulatory Reform***

**WHEREAS**, small business is Wisconsin’s largest employer and greatest generator of jobs; and

**WHEREAS**, Wisconsin’s 100,000 small businesses are a key sector of Wisconsin’s economy, providing more than 1.2 million jobs and \$21 billion in payroll income; and

**WHEREAS**, 96 percent of Wisconsin businesses employ fewer than 100 employees; and

**WHEREAS**, regulations can be disproportionately burdensome to small businesses which have limited resources to meet the high costs of compliance in comparison to larger businesses;

**NOW, THEREFORE, I SCOTT McCALLUM**, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this State, and specifically by Section 14.019 of the Wisconsin Statutes, do hereby:

1. Create the Governor’s Task Force on Small Business Regulatory Reform (hereinafter “Task Force”) consisting of twelve (12) members appointed by the Governor to serve at the pleasure of the Governor; and
2. Provide that the Governor shall designate two (2) members of the Task Force as Co–chairs to serve at the pleasure of the Governor; and
3. Provide that the Task Force shall have the following mission:
  - a. Examine the existing statutory provisions, administrative rules and other state policies related to the regulatory process and recommend actions or legislative changes needed to ensure efficient and cost effective regulations; and

b. Assure smaller businesses achieve regulatory compliance without unnecessary expense or inconvenience; and

c. Review ways to reduce the negative impact of state rules and regulations on small businesses; and

4. Require state agencies to analyze the impact of their regulatory actions on small entities and determine if a rule will have a significant economic impact on a substantial level of small businesses; and

5. Direct the Department of Commerce to provide staff support to the Task Force; and

6. Direct the Department of Administration to provide the Task Force with such sums of money as are necessary for travel and operating expenses in accordance with Section 20.505(3)(a) of the Wisconsin Statutes; and

7. Provide that the Task Force issue a report to the Governor within one year of the first meeting date; and

8. Provide that the Task Force shall dissolve when its final report is accepted by the Governor.

**IN TESTIMONY WHERE OF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this twenty-second day of January in the year two thousand and two.

SCOTT McCALLUM  
Governor

*BY THE GOVERNOR:*

DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin**

January 22, 2002

The Honorable, The Senate:

I am writing in regards to **Senate Bill 379**.

According to Joint Rules, I am required to contact your office in writing to have my name removed as a co-sponsor of a Senate Bill that still resides within the Senate. I would like to have my name removed as a co-sponsor of **Senate Bill 379**.

Thank you in advance. Should you have any questions, please feel free to contact me at 266-3363.

Sincerely,

REPRESENTATIVE SCOTT GUNDERSON  
83rd District

Wisconsin State Assembly

**State of Wisconsin**

January 29, 2002

The Honorable, The Senate:

Please remove my name as cosponsor of **Senate Bill 389**, relating to changing the definition of abortion for informed consent to an abortion and for parental consent to a minor’s abortion.

Sincerely,

REPRESENTATIVE MARK D. GUNDRUM  
84th Assembly District

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 00–025**

Relating to the runoff management grant program.

Submitted by Department of Natural Resources.

Report received from Agency, January 30, 2002.

Referred to committee on **Environmental Resources**, January 30, 2002.

**Senate Clearinghouse Rule 00-026**

Relating to model ordinances for construction site erosion control and storm water management.

Submitted by Department of Natural Resources.

Report received from Agency, January 30, 2002.

Referred to committee on **Environmental Resources**, January 30, 2002.

**Senate Clearinghouse Rule 00-027**

Relating to runoff management.

Submitted by Department of Natural Resources.

Report received from Agency, January 30, 2002.

Referred to committee on **Environmental Resources**, January 30, 2002.

**Senate Clearinghouse Rule 00-028**

Relating to the priority watershed management program.

Submitted by Department of Natural Resources.

Report received from Agency, January 30, 2002.

Referred to committee on **Environmental Resources**, January 30, 2002.

**Senate Clearinghouse Rule 00-034**

Relating to animal feeding operations.

Submitted by Department of Natural Resources.

Report received from Agency, January 30, 2002.

Referred to committee on **Environmental Resources**, January 30, 2002.

**Senate Clearinghouse Rule 00-035**

Relating to stormwater discharge.

Submitted by Department of Natural Resources.

Report received from Agency, January 30, 2002.

Referred to committee on **Environmental Resources**, January 30, 2002.

**Senate Clearinghouse Rule 00-036**

Relating to best management practices, conditions and technical standards.

Submitted by Department of Natural Resources.

Report received from Agency, January 30, 2002.

Referred to committee on **Environmental Resources**, January 30, 2002.

**Senate Clearinghouse Rule 01-103**

Relating to department standards for erosion control in lakes and impoundments.

Submitted by Department of Natural Resources.

Report received from Agency, January 30, 2002.

Referred to committee on **Environmental Resources**, January 30, 2002.

**Senate Clearinghouse Rule 01-104**

Relating to the control of underground injection wells.

Submitted by Department of Natural Resources.

Report received from Agency, January 30, 2002.

Referred to committee on **Environmental Resources**, January 30, 2002.

**Senate Clearinghouse Rule 02-001**

Relating to registration fees paid by persons who make or solicit consumer credit transactions.

Submitted by Department of Financial Institutions.

Report received from Agency, January 29, 2002.

Referred to committee on **Privacy, Electronic Commerce and Financial Institutions**, January 30, 2002.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

THURSDAY, January 31, 2002

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 410

Relating to: payment of annuities under the Wisconsin retirement system.

By Senators Wirch, Burke and Rosenzweig; cosponsored by Representatives Musser, Pocan, J. Lehman, Hahn, Turner, Ryba, Albers, Berceau and Miller.

To joint survey committee on **Retirement Systems**.

### REPORT OF COMMITTEES

The committee on **Senate Organization** reports and recommends:

In accordance with Senate Rule 21, it is moved that the Senate Committee on Organization create two special committees, one to be named the “**Education Finance Task Force**”, consisting of 15 members of the legislature and the public. The other special committee shall be named the “**Task Force on Telecommunications Issues**”, consisting of 19 members of the legislature and the public. The special committees shall post meeting notices as a standing committee of the Senate, and shall be afforded the support afforded a standing committee of the Senate, granted authorization to contract for professional assistance and shall be eligible for reimbursement of actual and necessary expenses related to attendance at meetings of the special committee. The Education Finance Task Force shall submit a report to the Senate no later than December 31, 2002. The Task Force on Telecommunications Issues shall submit a report to the Senate no later than February 15, 2002.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

Charles Chvala  
Chairperson

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin

#### Department of Health and Family Services

January 25, 2002

The Honorable, The Senate:

Under cover of this letter, I am transmitting a copy of a report to the Legislature. Per Section 980.12(2), Wisconsin Statutes, the Department of Health and Family Services is required to submit this report on Chapter 980 supervised release orders and antiandrogens, prior to February 1, 2002.

Thank you for facilitating the distribution of this report to interested legislators.

Sincerely,

PHYLLIS J. DUBE

Secretary

#### State of Wisconsin

#### Department of Employment Relations

December 2001

The Honorable, The Legislature:

The Summer Affirmative Action Intern Program (SAAIP) Report for 2001 is enclosed. The report includes statistical data, evaluation results, and recommendations for program improvements. These recommendations were based on comments received from student interns and their supervisors, State Agency and University Affirmative Action Officers, SAAIP Coordinators, and Personnel Directors. We have implemented many of the recommendations for the 2002 Summer Affirmative Action Intern Program.

We are pleased to report that 2001 was another successful year for SAAIP. This past summer, 92 students were placed in 18 State agencies and University campuses throughout the State of Wisconsin. We appreciate your commitment and support in providing students exposure to state government. With your participation, the SAAIP will continue to attract Wisconsin talent in the higher education system.

If you have any additional comments or suggestions to improve the program for next year, please contact Claire Dehner, SAAIP Coordinator, at (608) 267-1005 or email [claire.dehner@der.state.wi.us](mailto:claire.dehner@der.state.wi.us).

Sincerely,

PETER D. FOX

Secretary

#### State of Wisconsin

#### Department of Employment Relations

January 2002

The Honorable, The Legislature:

The Written Hiring Reasons Report for Wisconsin State Government is enclosed. the report, covering the period July

1, 2000, through June 30, 2001, is required under ss. 230.25 (1p) and 230.27 (2k), Wis. Stats., created by 1991 Wisconsin Act 101. Act 101 made several changes in Wisconsin civil service law regarding veterans preference and affirmative action. The law requires "written hiring reasons" for certain hiring transactions and requires the Department of Employment Relations to summarize the hiring reasons and prepare the report.

Information for this report came from summary information provided by each agency. Your efforts and cooperation in compiling the summary reports is appreciated. The report includes a summary and information for each state agency and UW System unit.

If you have any questions, please contact Claire Dehner, Division of Affirmative Action, at (608) 267-1005 or email [claire.dehner@der.state.wi.us](mailto:claire.dehner@der.state.wi.us).

Sincerely,

PETER D. FOX  
Secretary

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**State of Wisconsin  
Revisor of Statutes Bureau**

February 1, 2002

To the Honorable, the Senate:

The following rules have been published:

<b>Clearinghouse Rules</b>	<b>Effective Date(s)</b>
99-071	February 1, 2002
99-158	February 1, 2002
00-140	February 1, 2002
00-154	February 1, 2002
00-164	February 1, 2002
01-004	February 1, 2002
01-045	February 1, 2002
01-048	February 1, 2002
01-055	February 1, 2002
01-068	February 1, 2002
01-072	February 1, 2002
01-073	February 1, 2002
01-074	February 1, 2002
01-078	February 1, 2002
01-079	February 1, 2002
01-089	February 1, 2002
01-097	February 1, 2002

Sincerely,  
GARY L. POULSON  
Deputy Revisor

Senator Risser, with unanimous consent, asked that **Assembly Bill 542** be withdrawn from the committee on **Human Services and Aging** and referred to the committee on **Labor and Agriculture**.

**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, February 5 at 10:00 A.M..

Adjourned.

10:01 A.M.

**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**ASSEMBLY AMENDMENTS 3, TO 2001  
ASSEMBLY BILL 726**

Prepared by the Legislative Reference Bureau  
(January 24, 2002)

**2. Page 1, line 5:** delete "except" and substitute "Except".

**3. Page 1, line 7:** delete "except" and substitute "Except".

**4. Page 1, line 9:** delete "except" and substitute "Except".

**MOTIONS UNDER SENATE RULE 98 AND  
JOINT RULE 7**

*for the Month of January 2002*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for Alpha Kappa Alpha Sorority, on the occasion of celebrating 94 years of service to communities around the world, and thank Upsilon Mu Omega Chapter for making their community a better place to live.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Joel Anders, on the occasion of bowling a perfect game of 300 points on December 20, 2001.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Huelsman, for Stefanie Arndt, on the occasion of being chosen by the Delafield Chamber of Commerce as the 2001 Student of the Year.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Dan Bader, on the occasion of earning and attaining the Arrow of Light Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Linda Barrows, on the occasion of being named Wisconsin's 2002 Superintendent of the Year, from the Oregon School District.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for A. G. Barry Associates, on the occasion of being named the 2002 Business of the Year by the Germantown Area Chamber of Commerce.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Joel V. Benway, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grobschmidt, for Karen Carlson, on the occasion of being chosen as the 2001 "Citizen of the Year" by the St. Francis Association of Commerce.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Huelsman, for Gabriel Costa, on the occasion of being chosen by the Delafield Chamber of Commerce as the 2001 Student of the Year.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Dominic Daniel Densow, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Justin Duquaine, on the occasion of earning and attaining the Arrow of Light Award.*



*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Austin James Fausett, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Ferris Travel, on the occasion of celebrating its 40th anniversary in business.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Schultz, for Flambeau Plastics Corporation, on the occasion of receiving the award of 2001 Sauk County Large Business of the Year.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Roessler, for John Forster, on the occasion of his work as President of the Fox and the dedicated work put into the Fox River Heritage Parkway.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Decker, for Jayne Germinaro, owner of Papillon's Pizza in Rothschild, Wisconsin, on the occasion of being chosen as the Wisconsin Restaurant Association's, River Valley Chapter – Outstanding Restaurateur of the Year for 2002.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Phillip Gilbertson, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Schultz, for Grede Foundries, on the occasion of 50 years of outstanding service.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Nathan Greenwood, on the occasion of earning and attaining the Arrow of Light Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Drew Gustin, on the occasion of earning and attaining the Arrow of Light Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Breske, for Lt. Thomas Hageny, on the occasion of his retirement from the Oneida County Sheriff's Department after years of faithful service.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Decker, for Diane Hakala, on the occasion of receiving her Emergency Medical Technicians license.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Mike and Nancy Hallada, owners of Wellington Restaurant in Green Bay, Wisconsin, on the occasion of being named 2002 Wisconsin Restaurant Association Restaurateur of the Year.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Kyle Hamlet, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Jacob Heffernan, on the occasion of earning and attaining the Arrow of Light Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Aaron Herm, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Aaron Herm, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Plache, for the Hispanic Business and Professional Association, on the occasion of their dedication to our community.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Lasee, for Andrew Patrick Hooyman, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Lasee, for Jeremy Ryan Jenkins, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Brad Johnson, on the occasion of earning and attaining the Arrow of Light Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Wirch, for Don Kaelber and Kaelber Company, on the occasion of 100 years of service and continued positive leadership.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Adam Kowal, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Dylan Leonard, on the occasion of earning and attaining the Arrow of Light Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Cowles, for Casey Marquardt, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Anthony Michalski, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Terry D. Mulcahy P. E., on the occasion of his retirement from the Wisconsin Department of Transportation.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Anthony Novello, on the occasion of earning and attaining the Arrow of Light Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for George and Lillie Parker, on the occasion of celebrating their 60th wedding anniversary, shared with family and friends.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Gary Pearson, on the occasion of earning and attaining the Arrow of Light Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Burke, for the Polish-American Priests' Association, on the occasion of coming to Milwaukee, Wisconsin for their 13th annual convention.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Huelsman, for Jon Rzeznik, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Schultz, for Sauk Prairie Harley-Davidson/Buell, on the occasion of receiving the award of 2001 County Small Business of the Year.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Ted Schoenleber, on the occasion of earning and attaining the Arrow of Light Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Edward and Ann Schultz, on the occasion of celebrating their 10th anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Steven Schultz, on the occasion of earning and attaining the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Charlie Shong, on the occasion of receiving the James J. Murphy Person of the Year Award from the Pewaukee Chamber of Commerce.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Adam Carl Springer, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Chvala, for Zachary Strangeway, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Christopher Eric Teschke, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Schultz, for Keith Turner, on the occasion of his dedicated 42 years of service to the Potosi Fire Department.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Ellis, for Audrey Turowski, manager of the American Legion Post 38, on the occasion of being chosen as the Big Four Chapter's Outstanding Restaurateur of the Year for 2002.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Nic Tyson, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Harsdorf, for the Village of Frederic, on the occasion of celebrating its 100th anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Paul Vogel, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for the Waukesha North Band, under the direction of conductor Jim Doepke, on the occasion of their outstanding performance at the Tournament of Roses Parade held in Pasadena, California.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Jane Wilms, on the occasion of being named the 2002 Citizen of the Year by the Germantown Area Chamber of Commerce.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Schultz, for CC Winkler, on the occasion of his devoted 42 years to the Potosi Fire Department.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Panzer, for Albert Wolf, on the occasion of his retirement after 36 years with the Allenton Volunteer Fire Department.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator George, for Shoua N. Xiong, on the occasion of his dedication to changing and improving the lives of all in the South East Asian community.*



STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

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10:02 A.M.

THURSDAY, January 31, 2002

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The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, February 5 at 10:00 A.M..

Adjourned.

10:03 A.M.

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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FRIDAY, February 1, 2002

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The Chief Clerk makes the following entries under the above date.

**REPORT OF COMMITTEES**

The committee on **Environmental Resources** reports and recommends:

**Senate Bill 307**

Relating to: the possession of wild animals and their carcass parts; farm–raised deer; farm–raised game birds; animal health and animal markets, dealers, and truckers; participation in the national poultry improvement plan; taking, removing, selling, and transporting certain wild plants; granting rule–making authority; making appropriations; and providing penalties.

Senate amendment 1 adoption.

Ayes, 3 – Senators Baumgart, Hansen and Wirch.

Noes, 2 – Senators Cowles and Schultz.

Passage as amended.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Jim Baumgart

Chairperson

The committee on **Human Services and Aging** reports and recommends:

**Assembly Bill 488**

Relating to: placement of a child who is a custodial parent or an expectant mother in a safe and structured living arrangement in which the child is provided with training in parenting skills and other skills to promote the child's long–term economic independence and the well–being of the child's child, grants for the provision of such living arrangements and related services, granting rule–making authority, and making an appropriation.

Introduction and adoption of Senate amendment 1.

Ayes, 7 – Senators Robson, Moore, Wirch, Hansen, Roessler, Welch and Kanavas.

Noes, 0 – None.

Concurrence as amended.

Ayes, 7 – Senators Robson, Moore, Wirch, Hansen, Roessler, Welch and Kanavas.

Noes, 0 – None.

BORUP, JENNIFER E., of Huson, as a member of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 7 – Senators Robson, Moore, Wirch, Hansen, Roessler, Welch and Kanavas.

Noes, 0 – None.

VUE, MAI ZONG, of Madison, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 7 – Senators Robson, Moore, Wirch, Hansen, Roessler, Welch and Kanavas.

Noes, 0 – None.

**Senate Bill 360**

Relating to: investigations to determine compliance with certain prohibitions against selling or giving cigarettes and tobacco products to minors and requiring certain information to be included on an application for a license to sell, expose for sale, possess with intent to sell, exchange, barter, dispose of, or give cigarettes or tobacco products to a person.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 7 – Senators Robson, Moore, Wirch, Hansen, Roessler, Welch and Kanavas.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Robson, Moore, Wirch, Hansen and Roessler.

Noes, 2 – Senators Welch and Kanavas.

Judith Robson

Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

January 31, 2002

The Honorable, The Senate:

This letter is to respectfully request that I be added as a cosponsor to the following Senate Bills:

**Senate Bill 394** (Cowles) relating to: withholding from public inspection information about public utility security.

**Senate Joint Resolution 58** (Panzer) relating to: honoring Ronald Reagan and proclaiming February 6th Ronald Reagan Day.

Please advise me as to your action.

thank you.

Sincerely,

JEFF STONE

State Representative

82nd Assembly District



STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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MONDAY, February 4, 2002

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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 411**

Relating to: authorizing the city of Bayfield to become a premier resort area.

By Senator Jauch; cosponsored by Representative Sherman.

To committee on **Insurance, Tourism, and Transportation**.

**Senate Bill 412**

Relating to: revisions and additions to condominium law.

By Joint Legislative Council.

To committee on **Universities, Housing, and Government Operations**.

**Senate Bill 413**

Relating to: the regulation of massage therapists and bodyworkers, creating a massage therapy and bodywork examining board, granting rule–making authority and providing a penalty.

By Senators Robson, Huelsman, Plache, Burke, Ellis, George, Roessler, A. Lasee, Harsdorf, Darling and Wirch; cosponsored by Representatives Kaufert, Krawczyk, Urban, Bies, Nass, Plale, Owens, Ryba, Vrakas, Jeskewitz, Ziegelbauer, J. Lehman, Turner, Ladwig, Wasserman, Ott and Hines.

To committee on **Health, Utilities, Veterans and Military Affairs**.

**Senate Bill 414**

Relating to: the regulation of business opportunity plans, granting rule–making authority, making an appropriation, and providing a penalty.

By Senators Baumgart, Schultz and Wirch; cosponsored by Representatives Gronemus, Pettis, Hahn, Ryba, Miller, Albers, Lassa and Seratti.

To committee on **Economic Development and Corrections**.

**Senate Bill 415**

Relating to: renaming the institute for environmental studies at the University of Wisconsin–Madison.

By Senators Risser, Erpenbach, Moen, Plache, Grobschmidt, Wirch and Burke; cosponsored by Representatives Travis, Plouff, Hubler, Boyle, Ryba,

Schneider, Krug, Miller, Turner, Lassa, J. Lehman, Berceau and Bock.

To committee on **Universities, Housing, and Government Operations**.

**Senate Bill 416**

Relating to: requiring telecommunications providers to make certain notifications to residential customers and providing a penalty.

By Senators Lazich and Roessler; cosponsored by Representatives Gundrum, Hahn, Hines and Owens.

To committee on **Health, Utilities, Veterans and Military Affairs**.

**Senate Bill 417**

Relating to: regulating the negotiation and collection of demand drafts.

By Senators Erpenbach, Robson, Burke, Kanavas, S. Fitzgerald and Plache; cosponsored by Representatives Jeskewitz, La Fave, Kestell, Sinicki, M. Lehman, J. Fitzgerald, Musser, Townsend, Krawczyk, Hahn, J. Lehman, Rhoades, McCormick, Richards, Albers, Plale, Olsen, Shilling, Lassa, Balow and Miller.

To committee on **Privacy, Electronic Commerce and Financial Institutions**.

**Senate Bill 418**

Relating to: an omnibus measure affecting the provision and administration of benefits provided to participants in the Wisconsin retirement system and granting rule–making authority.

By Senator Wirch; cosponsored by Representative Vrakas.

To joint survey committee on **Retirement Systems**.

**Senate Bill 419**

Relating to: bear hunting by certain minors.

By Senators Shibilski, Plache, Wirch and Welch; cosponsored by Representatives Gunderson, Ott, Ryba, Kreuser, Seratti, Sykora, Petrowski, Grothman, Bies, Suder, Hines, Gronemus, Ainsworth, Krawczyk, F. Lasee and Gundrum.

To committee on **Environmental Resources**.

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**REPORT OF COMMITTEES**

The committee on **Environmental Resources** reports and recommends:

**Senate Bill 330**

Relating to: establishing a Wisconsin outdoor wildlife heritage trust fund and making an appropriation.

Senate amendment 1 adoption.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Jim Baumgart  
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Senate Bill 316**

Relating to: the income and franchise tax credit that supplements the federal historic rehabilitation tax credit.

Introduction and adoption of Senate amendment 1.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Senate Joint Resolution 57**

Relating to: urging the Minnesota legislature to continue the income tax reciprocity agreement between Minnesota and Wisconsin.

Adoption.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Mark Meyer  
Chairperson

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**PETITIONS AND COMMUNICATIONS**

State of Wisconsin  
Department of Employment Relations

January 31, 2002

The Honorable, The Senate:

Pursuant to s. 230.04 (9)(e), Wis. Stats., I am pleased to submit the 2001 Annual Report on Affirmative Action for Wisconsin state Government. The report summarizes the progress in diversity for minorities, women and employees with disabilities.

We are please to report that last year Wisconsin State government had the highest percentage (16.4%) of newly hired minorities in the state's history. This percentage is more than twice the representation of minorities in the general Wisconsin labor force (7.5%).

The report is available on the DER web page: <http://der.state.wi.us/static/EEOAareport.htm>. Please advise members of the Wisconsin Senate of the report's availability. You may contact Pepe Indalecio of the Division of Affirmative

Action at 266-6475 if you have any questions or need additional information.

Sincerely,  
PETER D. FOX  
Secretary

State of Wisconsin

February 1, 2002

The Honorable, The Senate:

Please add my name as a co-sponsor of Senate Joint Resolution 57, relating to urging the Minnesota legislature to continue the income tax reciprocity agreement between Minnesota and Wisconsin.

If you have any questions regarding this matter, please don't hesitate to give my office a call at 266-5504. Thank you for your assistance.

Sincerely,  
JIM KREUSER  
State Representative  
64th Assembly District

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 01–016**

Relating to permit fees for the operation of public swimming pools, recreational and educational camps, campgrounds, hotels and motels, tourist rooming houses, restaurants, bed and breakfast establishments and food and beverage vending operations and commissaries.

Submitted by Department of Health and Family Services.

Report received from Agency, February 1, 2002.

Referred to committee on **Human Services and Aging**, February 4, 2002.

**Senate Clearinghouse Rule 01–114**

Relating to pesticide product restrictions.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, January 31, 2002.

Referred to committee on **Labor and Agriculture**, February 4, 2002.

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**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 119**

**Assembly Bill 134**

**Assembly Bill 188**

**Assembly Bill 386**

**Assembly Bill 412**

**Assembly Bill 493**

**Assembly Bill 711**

Adopted and asks concurrence in:

**Assembly Joint Resolution 2**

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**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 119**

Relating to: authorizing a county to make payments in lieu of taxes to local units of government for unimproved lands.

By Representatives Skindrud, Ainsworth, Black, Grothman, F. Lasee, Lippert, Miller, Musser, Owens, Seratti and Townsend; cosponsored by Senator Erpenbach.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

**Assembly Bill 134**

Relating to: the amount of the exemption from income tax withholding requirements for employees of a county fair association.

By Representatives Gunderson, Ladwig, Freese, Nass, Musser, Olsen, Wade, Lassa, Starzyk, Ainsworth, Albers, J. Fitzgerald, Grothman, Hahn, Huber, Kedzie, Krawczyk, J. Lehman, M. Lehman, Vrakas, Townsend, Kestell, Jeskewitz, Lippert, Ott, Owens, Powers, Plouff, Seratti, Stone, Sykora and Williams; cosponsored by Senators M. Meyer, Decker, Farrow, Huelsman, Robson, Breske, Baumgart, Wirsch, Schultz, Plache, Shibilski, Roessler and S. Fitzgerald.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

**Assembly Bill 188**

Relating to: the method of selecting presidential electors.

By Representatives Powers, Olsen, Albers and Freese.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

**Assembly Bill 386**

Relating to: the sale of tangible personal property that is delivered in this state.

By Representatives Ziegelbauer, Gronemus, Kestell, Lassa, Ryba, Seratti and Townsend; cosponsored by Senators Darling, Huelsman and Roessler.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

**Assembly Bill 412**

Relating to: petition requirements for the creation of a town sanitary district.

By Representatives Schneider, Hahn, M. Lehman and Powers, by request of Town of Rome.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

**Assembly Bill 493**

Relating to: review of state agency performance and operations.

By Representatives Underheim, Krawczyk, Jensen, Kestell, Urban, Turner, Olsen, Gunderson, Stone, Musser, Gronemus, Duff, Sykora, Powers, McCormick, Petrowski, Staskunas, Jeskewitz and Vrakas; cosponsored by Senators Welch, Roessler and Kanavas.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

**Assembly Bill 711**

Relating to: congressional redistricting.

By Representatives Ladwig, Huber, Ainsworth, Balow, Berceau, Bies, Boyle, Carpenter, Colon, Duff, J. Fitzgerald, Freese, Friske, Gronemus, Grothman, Gunderson, Gundrum, Hebl, Hines, Hoven, Hubler, Huebsch, Hundertmark, Jensen, Jeskewitz, Johnsrud, Kaufert, Kestell, Krawczyk, Kreibich, F. Lasee, Lassa, M. Lehman, Lippert, Loeffelholz, McCormick, Meyerhofer, Miller, Montgomery, Musser, Olsen, Ott, Petrowski, Pettis, Plale, Plouff, Pocan, Powers, Reynolds, Rhoades, Ryba, Schneider, Schooff, Sherman, Shilling, Sinicki, Starzyk, Steinbrink, Stone, Sykora, Townsend, Travis, Underheim, Urban, Vrakas, Walker, Wieckert and Ziegelbauer; cosponsored by Senators Welch, M. Meyer, Breske, Cowles, Darling, Ellis, Harsdorf, Huelsman, Kanavas, A. Lasee, Panzer, Roessler, Rosenzweig and Zien.

Read first time and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 2**

Relating to: the vote on bills that would increase certain tax rates (first consideration).

By Representatives Suder, Hundertmark, Jensen, Starzyk, Hahn, Loeffelholz, Kestell, Sykora, Rhoades, Kedzie, J. Fitzgerald, Jeskewitz, F. Lasee, Ladwig, Montgomery, Gunderson, Vrakas, Nass, Huebsch, Grothman, Pettis, Leibham, Owens, Kreibich, Albers, Ainsworth and Hoven; cosponsored by Senators Welch, Zien and Darling.

Read and referred to committee on **Universities, Housing, and Government Operations**.

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**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Bill 118**

Report correctly enrolled on February 4, 2002.

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**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**SENATE AMENDMENT 6,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 2001 SENATE BILL 104**

Prepared by the Legislative Reference Bureau  
(January 31, 2002)

In engrossing, the following correction was made:

5. Page 3, line 8: after "(9)" insert "(b)".
6. Page 3, line 10: delete that line.

**CORRECTIONS IN:**

**2001 SENATE BILL 333**

Prepared by the Legislative Reference Bureau  
(January 31, 2002)

1. Page 75, line 14: delete "merger," and substitute "merger".



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

TUESDAY, February 5, 2002

The Senate met.

The Senate was called to order by Senator Fred Risser.

The roll was called and the following Senators answered to their names:

Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for the prayer which was offered by Father Jim Murphy of Saint Augustine University Parish in Platteville.

The Senate remained standing and Senator S. Fitzgerald led the Senate in the pledge of allegiance to the flag of the United States of America.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 420

Relating to: authorizing a retail establishment to adopt a policy permitting exclusion of a customer who is not properly attired.

By Senators Erpenbach, Darling, Moen, Rosenzweig, Huelsman, Cowles, Welch, Breske, Burke, Kanavas, M. Meyer and Roessler; cosponsored by Representatives Olsen, Rhoades, Ziegelbauer, Suder, Bies, Musser, D. Meyer, Hahn, J. Fitzgerald, Staskunas, Ryba, Krawczyk, Huebsch, Vrakas, Lassa, Gunderson, Ward, Loeffelholz, Plale, Walker, Gard, Kaufert, Gronemus, Shilling, Sykora, Townsend, Pettis, Freese, Hines, Lippert, Stone and Albers.

To committee on **Human Services and Aging**.

#### Senate Bill 421

Relating to: creating a biological agent registry, requiring reporting of biological agents, requiring the exercise of rule-making authority, and providing a penalty.

By Senators Cowles, Burke and Darling; cosponsored by Representatives Freese, Krawczyk, Lassa, Hahn, Sykora, Townsend and Ryba.

To committee on **Health, Utilities, Veterans and Military Affairs**.

#### Senate Bill 422

Relating to: energy assessments of proposed agency rule.

By Senators Cowles, Burke and Schultz; cosponsored by Representatives McCormick, Richards, Hahn, Miller and Black.

To committee on **Universities, Housing, and Government Operations**.

#### Senate Bill 423

Relating to: mowing highway rights-of-way and granting rule-making authority.

By Senators Plache and Schultz; cosponsored by Representatives Kreuser and Gunderson, by request of William Neuhaus of Union Grove, Wisconsin.

To committee on **Insurance, Tourism, and Transportation**.

#### Senate Bill 424

Relating to: authorizing the creation of a local park and recreation district, authorizing a local park and recreation district to levy a property tax, authorizing a local park and recreation district to apply for funding from certain programs that receive funding from the stewardship 2000 program, and authorizing a local park and recreation district to impose impact fees and issue debt.

By Senators Erpenbach, Decker, Hansen, Baumgart and Wirch; cosponsored by Representatives Huber, Underheim, Ziegelbauer, Musser, Plouff, Urban, Balow, Krawczyk, J. Lehman, Jeskewitz, Turner, Suder, Miller, Olsen, Lassa, Ott, Berceau, Gunderson, Shilling, Duff, Meyerhofer and Kaufert.

To committee on **Universities, Housing, and Government Operations**.

Pursuant to Senate Rule 36(2)(c) and section 13.52(6), Wisconsin Statutes, the Co-Chairs of the Joint Survey Committee on Tax Exemptions shall prepare and submit a report in writing setting forth an opinion on the desirability of **Senate Bill 424**, relating to authorizing the creation of a local park and recreation district, authorizing a local park and recreation district to levy a property tax, authorizing a local park and recreation district to apply for funding from certain programs that receive funding from the stewardship 2000 program, and authorizing a local park and recreation district to impose impact fees and issue debt, and making appropriations, as a matter of public policy.

#### Senate Bill 425

Relating to: investigations by state traffic patrol officers and inspectors.

By Senators Burke, Baumgart, Darling, Hansen, Harsdorf, Moen, Plache, Robson and Wirch; cosponsored by Representatives Freese, Ainsworth, Bies, Friske, Hahn, Hines, Huber, Jeskewitz, Kaufert, La Fave, Lassa, J. Lehman,



Loeffelholz, McCormick, Miller, Musser, Nass, Olsen, Owens, Petrowski, Ryba, Stone, Sykora, Townsend, Urban and Vrakas.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

**REPORT OF COMMITTEES**

The joint committee on **Finance** reports and recommends:

**Senate Bill 333**

Relating to: merger and conversion of business entities, exemptions from securities registration requirements and licensing requirements for securities broker-dealers and securities agents, registered agents for business entities, filing of documents relating to certain business entities, administrative dissolution of business entities, amended certificates of authority for certain foreign business entities, granting rule-making authority, and making an appropriation.

Introduction and adoption of Senate amendment 1.

Ayes, 15 – Senators Burke, Decker, Shibilski, Plache, Wirch, Baumgart, Darling and Rosenzweig. Representatives Gard, Kaufert, Albers, Duff, Ward, Huebsch and Huber.

Noes, 0 – None.

Passage as amended.

Ayes, 15 – Senators Burke, Decker, Shibilski, Plache, Wirch, Baumgart, Darling and Rosenzweig. Representatives Gard, Kaufert, Albers, Duff, Ward, Huebsch and Huber.

Noes, 0 – None.

Brian Burke  
Senate Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

February 5, 2002

The Honorable, The Senate:

Pursuant to Senate Rule 20(2)(a), I have appointed Senator Jim Baumgart to the Joint committee on Finance, and removed Senator Gwendolynne Moore.

Sincerely,

CHUCK CHVALA  
Chair, Committee on Senate Organization  
**State of Wisconsin  
Ethics Board**

February 5, 2002

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/>

Blatnik, David	<b>Marathon</b>	<b>Oil</b>	<b>Company</b>
<b>(subsidiaries and affiliates)</b>			
Bolz, Ann T	<b>Wisconsin</b>	<b>Health</b>	<b>and Hospital</b>
<b>Association Inc</b>			
Borgerding, Eric	<b>Wisconsin</b>	<b>Health</b>	<b>and Hospital</b>
<b>Association Inc</b>			
Brenton, Steve	<b>Wisconsin</b>	<b>Health</b>	<b>and Hospital</b>
<b>Association Inc</b>			
Hanson, Thomas	<b>American Bail Coalition</b>		
Hoegemeier, James	<b>ARC</b>	<b>– Wisconsin</b>	<b>Disability</b>
<b>Association, The</b>			

Kirby, Michael	<b>Rehabilitation for Wisconsin Inc</b>		
Korst, Christopher	<b>Wisconsin</b>	<b>Rental</b>	<b>Dealers</b>
<b>Association</b>			
Osborne, Patrick	<b>Associated</b>	<b>Builders</b>	<b>and</b>
<b>Contractors of Wisconsin Inc</b>			
Rezin, Kathleen	<b>American Express Company</b>		

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**

January 24, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WEBER, DR. JAMES W., of Rice Lake, as a member of the Chiropractic Examining Board, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

Senator Robson, with unanimous consent, asked that the Senate recess until 11:41 A.M.

10:35 A.M.

**RECESS**

11:41 A.M.

The Senate reconvened.

Senator Risser in the chair.

HARSDORF, JAMES E., of Beldenville, as Secretary of the Department of Agriculture, Trade and Consumer Protection, to serve for the term ending at the pleasure of the Governor.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

**SECOND READING AND AMENDMENTS  
OF SENATE JOINT RESOLUTIONS AND  
SENATE BILLS**

**Senate Joint Resolution 57**

Relating to: urging the Minnesota legislature to continue the income tax reciprocity agreement between Minnesota and Wisconsin.

Read.

Adopted.

Senator Zien, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 57**.

**Senate Joint Resolution 58**

Relating to: recognizing February 6 as Ronald Reagan Day.

Read.

Senate amendment 1 to **Senate Joint Resolution 58** offered by Senator Moore.

The question was: Adoption of Senate amendment 1 to **Senate Joint Resolution 58**?

Adopted.

The question was: Adoption of **Senate Joint Resolution 58**?

Adopted.

**Senate Bill 17**

Relating to: the priority of a wage claim lien.

Read a second time.

Senate amendment 1 to **Senate Bill 17** offered by Senator Chvala.

Senator Chvala, with unanimous consent, asked that **Senate Bill 17** be placed after **Senate Bill 329** on the calendar of February 5, 2002.

**Senate Bill 156**

Relating to: exceptions from the requirement to obtain a license to practice professional geology, professional hydrology, or professional soil science and granting rule-making authority.

Read a second time.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 156** offered by Senator Shibilski.

Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 156** offered by Senator Shibilski.

Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 156** offered by Senator Lazich.

Senator Chvala, with unanimous consent, asked that **Assembly Bill 358** be withdrawn from the committee on **Environmental Resources** and taken up.

**Assembly Bill 358**

Relating to: exceptions from the requirement to obtain a license to practice professional geology, professional hydrology, or professional soil science and granting rule-making authority.

Read a second time.

Senate amendment 1 to **Assembly Bill 358** offered by Senator Shibilski.

Senator Grobschmidt moved rejection of Senate amendment 1 to **Assembly Bill 358**.

The question was: Rejection of Senate amendment 1 to **Assembly Bill 358**?

The ayes and noes were demanded and the vote was: ayes, 9; noes, 24; absent or not voting, 0; as follows:

Ayes – Senators Burke, Chvala, George, Grobschmidt, Hansen, M. Meyer, Plache, Robson and Wirch – 9.

Noes – Senators Baumgart, Breske, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, Moen, Moore, Panzer, Risser, Roessler, Rosenzweig, Schultz, Shibilski, Welch and Zien – 24.

Absent or not voting – None.

Rejection refused.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 358**?

Adopted.

Senate amendment 2 to **Assembly Bill 358** offered by Senator Shibilski.

Senator Grobschmidt moved rejection of Senate amendment 2 to **Assembly Bill 358**.

The question was: Rejection of Senate amendment 2 to **Assembly Bill 358**?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 20; absent or not voting, 0; as follows:

Ayes – Senators Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Huelsman, M. Meyer, Plache, Robson, Rosenzweig and Wirch – 13.

Noes – Senators Baumgart, Breske, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Jauch, Kanavas, A. Lasee, Lazich, Moen, Moore, Panzer, Risser, Roessler, Schultz, Shibilski, Welch and Zien – 20.

Absent or not voting – None.

Rejection refused.

The question was: Adoption of Senate amendment 2 to **Assembly Bill 358**?

Adopted.

Senate amendment 3 to **Assembly Bill 358** offered by Senator Lazich.

Senator Lazich, with unanimous consent, asked that Senate amendment 3 to **Assembly Bill 358** be withdrawn and returned to author.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 358**

Read a third time and concurred in as amended.

Senator Chvala, with unanimous consent, asked that **Senate Bill 156** be laid on the table.

**Senate Bill 317**

Relating to: sturgeon spearing licenses; the sturgeon stock, fishery, and habitat in the Lake Winnebago and upper Fox and Wolf rivers system; and making an appropriation.

Read a second time.

Senator Chvala, with unanimous consent, asked that **Senate Bill 317** be referred to the Joint Committee on **Finance**.

**Senate Bill 329**

Relating to: state agency status for physicians and dentists providing specific public health services and removal of a physician from the state immunization program.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 329**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 329**

Read a third time and passed.

**Senate Bill 17**

Relating to: the priority of a wage claim lien.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 17**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 17**

Senator Lazich moved that **Senate Bill 17** be laid on the table.

The question was: Shall **Senate Bill 17** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 20; absent or not voting, 0; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz and Welch – 13.

Noes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Harsdorf, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski, Wirch and Zien – 20.

Absent or not voting – None.

Tabling refused.

The question was: Shall **Senate Bill 17** be passed?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Ellis, Erpenbach, George, Grobschmidt, Hansen, Harsdorf, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski, Wirch and Zien – 21.

Noes – Senators Cowles, Darling, S. Fitzgerald, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz and Welch – 12.

Absent or not voting – None.

Passed.

**Senate Bill 330**

Relating to: establishing a Wisconsin outdoor wildlife heritage trust fund and making an appropriation.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 330** be referred to the Joint Committee on **Finance**.

Senator Burke, with unanimous consent, asked that the rules be suspended and that **Senate Bill 330** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 330**?

Adopted.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 330**

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Passed.

**Senate Bill 360**

Relating to: investigations to determine compliance with certain prohibitions against selling or giving cigarettes and tobacco products to minors and requiring certain information to be included on an application for a license to sell, expose for sale, possess with intent to sell, exchange, barter, dispose of, or give cigarettes or tobacco products to a person.

Read a second time.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 360** offered by Senator Roessler.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 360**?

Adopted.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 360**?

Adopted.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 360**

Read a third time and passed.

**Senate Bill 361**

Relating to: the size of restored, enhanced, or created wetlands that are parts of wetland mitigation projects.

Read a second time.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 361** offered by Senator Baumgart.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 361**?

Adopted.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 361**?

Adopted.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 361**

Read a third time and passed.

Senator Moen, with unanimous consent, asked that the rules be suspended and **Senate Bill 333** be taken up at this time.

**Senate Bill 333**

Relating to: merger and conversion of business entities, exemptions from securities registration requirements and licensing requirements for securities broker-dealers and securities agents, registered agents for business entities, filing of documents relating to certain business entities, administrative dissolution of business entities, amended certificates of authority for certain foreign business entities, granting rule-making authority, and making an appropriation.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 333**?

Adopted.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 333**

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 1; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, M. Meyer, Moen, Moore, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 31.

Noes – Senator Lazich – 1.

Absent or not voting – Senator Panzer – 1.

Passed.

Senator Chvala, with unanimous consent, asked that the Senate return to the eighth order of business.

**MESSAGES FROM THE ASSEMBLY**

By John A. Scocos, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has adopted and asks concurrence in:

**Assembly Joint Resolution 89**

**Assembly Joint Resolution 93**

**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Joint Resolution 89**

Relating to: declaring February African-American History and Cultural Heritage Month.

By Representatives Morris-Tatum, Young, Coggs, Turner, Williams, Riley, Boyle, Balow, Berceau, Gronemus, Sherman, Miller, Pocan, Bock, Sykora, J. Lehman, Freese, Shilling and Wasserman; cosponsored by Senators George, Moore, Burke, Darling and Plache.

Read and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 93**

Relating to: the life and public service of former Wisconsin Congressman Henry S. Reuss.

By Representatives Krug, Bock, Vrakas, Sinicki, Kestell, Pocan, Lippert, Montgomery, Black, Young, Berceau, Urban,

Carpenter, Richards, J. Lehman, Owens, Gunderson, Miller, Jeskewitz, Stone, Ladwig, Coggs and Wasserman; cosponsored by Senators Burke, Plache, Rosenzweig, Grobschmidt and Risser.

Read and referred to committee on **Senate Organization**.

Senator Chvala, with unanimous consent, asked that **Assembly Joint Resolution 89** be withdrawn from the committee on **Senate Organization** and taken up.

**Assembly Joint Resolution 89**

Relating to: declaring February African-American History and Cultural Heritage Month.

Read.

Concurred in.

Senator Moen, with unanimous consent, asked that **Assembly Joint Resolution 93** be withdrawn from the committee on **Senate Organization** and taken up.

**Assembly Joint Resolution 93**

Relating to: the life and public service of former Wisconsin Congressman Henry S. Reuss.

Read.

Concurred in.

**SECOND READING AND AMENDMENTS  
OF ASSEMBLY JOINT RESOLUTIONS AND  
ASSEMBLY BILLS**

**Assembly Bill 742**

Relating to: temporary supplemental unemployment insurance benefits and certain other changes to the unemployment insurance law.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 742**

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 32.

Noes – None.

Absent or not voting – Senator Panzer – 1.

Concurred in.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

**THIRD READING OF JOINT  
RESOLUTIONS AND BILLS**

**Senate Bill 104**

Relating to: campaign financing, providing exemptions from emergency rule procedures, granting rule-making authority, making appropriations and providing penalties.

Read.

Senator Chvala moved reconsideration of the vote by which **Senate Bill 104** was ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the motion to reconsider the vote by which **Senate Bill 104** was ordered to a third reading be laid on the table.



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### MOTIONS MAY BE OFFERED

Senator George moved that the rules be suspended and that **Senate Resolution 13** be withdrawn from the committee on **Senate Organization** and taken up.

Senator Cowles, with unanimous consent, asked to be added as a coauthor of **Senate Resolution 13**.

The question was; Shall the rules be suspended and **Senate Resolution 13** be with drawn from the committee on **Senate Organization** and taken up?

The ayes and noes were required and the vote was: ayes, 11; noes, 22; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Cowles, Ellis, Erpenbach, S. Fitzgerald, George, Harsdorf, Kanavas, A. Lasee, Lazich and Schultz – 11.

Noes – Senators Breske, Burke, Chvala, Darling, Decker, Grobschmidt, Hansen, Huelsman, Jauch, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Shibilski, Welch, Wirch and Zien – 22.

Absent or not voting – None.

Refused to suspend the rules.

Senator S. Fitzgerald, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 726**.

Senator Moen, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 57**.

Senator Wirch, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 57**.

Senator Panzer, with unanimous consent, asked that the journal show had she been present she would have voted with the majority on final passage of **Senate Bill 333**.

Senator Panzer, with unanimous consent, asked that the journal show had she been present she would have voted with the majority on final concurrence of **Assembly Bill 742**.

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### ANNOUNCEMENTS, ADJOURNMENT HONORS, AND REMARKS UNDER SPECIAL PRIVILEGE

Senator Erpenbach, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Richard Powers, of the Senate Sergeants office, who will celebrate his 70th birthday on Friday.

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Duncan Gillan of Boston and Dr. John Lange from superior, for their efforts to bring attention to the homeless and raising donations of food, clothing and money by sleeping outside in the elements in a cardboard box.

Senator Hansen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his granddaughter Alyssa Bicoy's 11th birthday.

Senator Hansen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Wisconsin Carpenters and Wisconsin Counties Organizations meeting in Madison this week.

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### ADJOURNMENT

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Thursday, February 7 at 10:00 A.M..

Adjourned.

2:23 P.M.



STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

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2:24 P.M.

TUESDAY, February 5, 2002

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The Senate met.

The Senate was called to order by Senator Fred Risser.

The Senator Chvala, with unanimous consent, asked that the roll, prayer and pledge of the regular session be applied to the special.

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Thursday, February 7 at 10:00 A.M..

Adjourned.

2:25 P.M.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

THURSDAY, February 7, 2002

The Senate met.

The Senate was called to order by Senator Jim Baumgart.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 426

Relating to: fees and surcharges related to pesticides, fertilizer, and feed, reimbursement under the agricultural chemical cleanup program, transfers from the agricultural chemical management fund to the environmental fund, and the required balance in the agricultural chemical cleanup fund.

By Senators Hansen and Schultz; cosponsored by Representatives Ott, Olsen, Hines, Petrowski, Vrakas, Sykora, Gunderson and Miller.

To committee on **Labor and Agriculture**.

#### Senate Bill 427

Relating to: professional land surveyors and the practice of professional land surveying and granting rule-making authority.

By Senators Shibilski, Welch, Burke, George and Risser; cosponsored by Representatives Jeskewitz, Ainsworth, Hahn, Lippert, Albers, Vrakas, Miller, Sherman and La Fave.

To committee on **Universities, Housing, and Government Operations**.

#### Senate Bill 428

Relating to: minimum staffing requirements for nursing homes that do not primarily serve the developmentally disabled, requiring audits by the legislative audit bureau, requiring reports, and requiring the exercise of rule-making authority.

By Senators Burke, Erpenbach, Grobschmidt, Plache and Shibilski; cosponsored by Representatives Krusick, Berceau, Black, Bock, Carpenter, Coggs, La Fave, Lassa, J. Lehman, Miller, Morris–Tatum, Pocan, Powers, Richards, Ryba, Schneider, Sherman, Sinicki, Staskunas, Steinbrink, Travis, Turner, Walker, Wasserman and Young, by request of Service Employees International Union – Wisconsin State Council, Coalition of WI Aging Groups, AARP, Board on Aging and Long Term Care, AFSCME Council 11, WI State AFL–CIO, WI Federation of Nurses and Health Professionals, WI Citizen Action and Allied Council of Senior Citizens of WI.

To committee on **Human Services and Aging**.

#### Senate Bill 429

Relating to: expanding eligibility for drug treatment reimbursement grants for persons with HIV infections.

By Senator Robson.

To committee on **Health, Utilities, Veterans and Military Affairs**.

#### Senate Bill 430

Relating to: coverage of certain members of district boards of local professional baseball park districts under the code of ethics for local public officials and filing of statements of economic interests by candidates for joint municipal judgeships (suggested as remedial legislation by the ethics board).

By Law Revision Committee.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

#### Senate Bill 431

Relating to: employment rights of certain employees in the state civil service (suggested as remedial legislation by the department of employment relations).

By Law Revision Committee.

To committee on **Labor and Agriculture**.

#### Senate Bill 432

Relating to: continuing education requirements for optometrists, physicians, and podiatrists; disciplinary action taken and rosters prepared by the examining board of architects, landscape architects, professional engineers, designers, and land surveyors; private detective and private detective agency licenses and private security permits; and eliminating outdated references to transitional appraiser licenses and to certificates of registration to practice audiology and speech–language pathology (suggested as remedial legislation by the department of regulation and licensing).

By Law Revision Committee.

To committee on **Universities, Housing, and Government Operations**.

### REPORT OF COMMITTEES

The committee on **Education** reports and recommends:

#### Assembly Bill 492

Relating to: use of educational telecommunications access program grants.

Introduction and adoption of Senate amendment 1.

Ayes, 9 – Senators Grobschmidt, Jauch, Baumgart, Robson, Erpenbach, Roessler, Darling, Harsdorf and Kanavas.

Noes, 2 – Senators Shibilski and Lazich.

Concurrence as amended.

Ayes, 8 – Senators Grobschmidt, Baumgart, Robson, Roessler, Darling, Lazich, Harsdorf and Kanavas.  
Noes, 3 – Senators Jauch, Shibilski and Erpenbach.

Richard Grobschmidt  
Chairperson

The committee on **Insurance, Tourism, and Transportation** reports and recommends:

**Senate Bill 393**

Relating to: electric personal assistive mobility devices, granting rule-making authority, and providing penalties.

Passage.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.  
Noes, 0 – None.

Roger Breske  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

February 6, 2002

The Honorable, The Senate:

Please accept my resignation from the Joint committee on Finance, effective as of February 6, 2002. It was again a pleasure to be able to serve my constituents by serving on the Finance Committee.

Sincerely,

JIM BAUMGART  
State Senator  
9th Senate District

**State of Wisconsin**

February 6, 2002

The Honorable, The Senate:

Pursuant to Senate Rule 20 (2)(a), I have appointed Senator Gwendolynne Moore to the Joint Committee on Finance.

Sincerely,

CHUCK CHVALA  
chair, Committee on Senate Organization

**Urban Open Space Foundation**

February 4, 2002

The Honorable, The Senate:

As you know, Wisconsin’s annual grant to a nonstock, nonprofit corporation for urban land conservation (Sec. 23.0957) was awarded to Urban Open Space Foundation in 2001, 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 and the president of the Senate.” According to our legislation, you are a key recipient of this report.

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

Referred to committee on **Environmental Resources.**  
**State of Wisconsin**

The Honorable, The Senate:

Please add Representative Tim Carpenter as a cosponsor to **Senate Bill 200**. If you have any questions please call Karin at 266-1707.

Sincerely,

TIMOTHY W. CARPENTER  
State Representative 9th Assembly District

**REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 01–119**

Relating to the children at risk program.

Submitted by Department of Public Instruction.

Report received from Agency, February 6, 2002.

Referred to committee on **Education**, February 7, 2002.

**Senate Clearinghouse Rule 01–131**

Relating to the elimination of obsolete rules.

Submitted by Department of Public Instruction.

Report received from Agency, February 6, 2002.

Referred to committee on **Education**, February 7, 2002.

**Senate Clearinghouse Rule 01–132**

Relating to technical modifications to chapters PI 10, 12, and 37 pursuant to statutory changes made under 1999 Wisconsin Act 9 and 2001 Wisconsin Act 16.

Submitted by Department of Public Instruction.

Report received from Agency, February 6, 2002.

Referred to committee on **Education**, February 7, 2002.

**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 212**

**Assembly Bill 552**

**Assembly Bill 578**

**Assembly Bill 608**

**Assembly Bill 613**

**Assembly Bill 635**

**Assembly Bill 686**

**Assembly Bill 743**

Adopted and asks concurrence in:

**Assembly Joint Resolution 80**



Concurred in:

**Senate Bill 364**

**Senate Joint Resolution 37**

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**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 212**

Relating to: participation in the programming of a youth report center as a condition of a juvenile disposition, sanction, deferred prosecution agreement or consent decree.

By Representatives Miller, Walker, Bock, Ladwig, Ryba, Powers, Ott, Pocan, Staskunas, J. Lehman, Stone, Berceau and Balow; cosponsored by Senators M. Meyer, Burke, Roessler, Hansen, Risser, Huelsman, Harsdorf, Darling and S. Fitzgerald.

Read first time and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

**Assembly Bill 552**

Relating to: regional emergency response team requirements.

By Representatives Gunderson, Olsen, Starzyk, Krawczyk, Lippert, Gronemus, J. Fitzgerald, Huber, Albers, Jeskewitz, McCormick, Miller, Ott, Ryba, Townsend, Seratti, Schneider and Shilling; cosponsored by Senators Burke, Baumgart, Cowles, Roessler, Jauch and Wirch.

Read first time and referred to committee on **Universities, Housing, and Government Operations.**

**Assembly Bill 578**

Relating to: access for sheriffs and jailers to reports regarding the competency of criminal defendants.

By Representatives Leibham, Kestell, Musser, Starzyk, Ladwig, Seratti, Gunderson, Townsend, Hahn, Sykora, Owens, D. Meyer, Lippert, Ott, Petrowski and Krawczyk; cosponsored by Senators Schultz, Roessler, Huelsman, Moen, Darling, Rosenzweig and Baumgart.

Read first time and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

**Assembly Bill 608**

Relating to: providing material support of international terrorism and providing a penalty.

By Representatives Walker, La Fave, Albers, Duff, Gunderson, Hahn, Ladwig, J. Lehman, Loeffelholz, Meyerhofer, Nass, Ott, Owens, Ryba, Starzyk, Suder, Turner, Vrakas and Freese; cosponsored by Senators Darling, Huelsman, Roessler and Rosenzweig.

Read first time and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

**Assembly Bill 613**

Relating to: expanding definition of racketeering activity to include certain violations of prohibition against unauthorized release of animals, and providing a penalty.

By Representatives Kestell, Gronemus, J. Fitzgerald, Suder, Schooff, Lippert, Musser, Owens, Steinbrink, Ott, Hahn, Jeskewitz, Nass, Olsen, Leibham, Urban, Ladwig, Freese, Turner, Ainsworth, Pettis, Ward, Petrowski, Sykora, Vrakas, Loeffelholz, Albers and Stone; cosponsored by Senators Zien, Huelsman, Kanavas, Schultz, Harsdorf, Roessler and Baumgart.

Read first time and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

**Assembly Bill 635**

Relating to: threatening to infect livestock or wild deer with a contagious or infectious disease and providing penalties.

By Representatives Ott, Gronemus, Albers, Freese, Gard, Hahn, Hundertmark, Kedzie, Krawczyk, Ladwig, Lassa, Lippert, Loeffelholz, McCormick, Musser, Olsen, Owens, Petrowski, Plouff, Rhoades, Ryba, Skindrud, Stone, Suder, Sykora, Urban, Vrakas, Walker and Wasserman; cosponsored by Senators Harsdorf, Hansen, Baumgart, S. Fitzgerald, Rosenzweig, Huelsman, A. Lasee, Roessler, Schultz and Welch.

Read first time and referred to committee on **Environmental Resources.**

**Assembly Bill 686**

Relating to: infecting animals with a contagious disease and providing a penalty.

By Representatives Ott, Walker, Albers, Bies, J. Fitzgerald, Freese, Gronemus, Gunderson, Hahn, Hines, Johnsrud, Kestell, Krawczyk, Lassa, M. Lehman, Loeffelholz, McCormick, Miller, Olsen, Owens, Petrowski, Skindrud, Stone, Sykora, Townsend, Turner, Urban, Vrakas and Musser; cosponsored by Senators Baumgart, Harsdorf, Roessler and Schultz.

Read first time and referred to committee on **Environmental Resources.**

**Assembly Bill 743**

Relating to: the statewide trauma system and making appropriations.

By Representatives Johnsrud, Urban, Rhoades, Jeskewitz, Musser, Olsen, Starzyk, Townsend, Hines, Loeffelholz, Bies, J. Lehman, Gunderson, Ott, Vrakas, Shilling, Turner, Pocan, Miller, Wasserman, Freese and Sykora; cosponsored by Senators Robson, Burke, Erpenbach, Schultz, Huelsman, Rosenzweig and Cowles.

Read first time and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**Assembly Joint Resolution 80**

Relating to: congratulating the chancellor, faculty, staff, and students of the University of Wisconsin–Stout on the receipt of the Malcolm Baldrige National Quality Award.

By Representatives Kreibich, Plouff, Sherman, Rhoades, Musser, Gronemus, Balow, D. Meyer, Riley, Pettis, J. Lehman, Lassa, Huber, Krawczyk, Owens, Petrowski, Coggs and Miller; cosponsored by Senators Moen, Harsdorf, Rosenzweig, Grobschmidt, Panzer, Burke, Roessler, Wirch, Kanavas and Schultz.

Read and referred to committee on **Senate Organization.**

**Senate Bill 420** was withdrawn from the committee on **Human Services and Aging** and referred to the committee on **Universities, Housing, and Government Operations** pursuant to Senate Rule 46 (1)(c).

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**ADJOURNMENT**

Senator Baumgart, with unanimous consent, asked that the Senate adjourn pursuant to **Senate Joint Resolution 1.**

Adjourned.

10:01 A.M

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**AMENDMENTS OFFERED**

Senate amendment 1 to **Senate Bill 363** offered by Senator Baumgart.

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**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**ENGROSSED 2001 ASSEMBLY BILL 104**

Prepared by the Legislative Reference Bureau  
(February 5, 2002)

2. Page 19, line 7: delete “)” and substitute “)”.

3. Page 56, line 16: delete “~~or a candidate~~” and substitute “~~or a candidate~~”.

**CORRECTIONS IN:**

**2001 ASSEMBLY BILL 743**

Prepared by the Legislative Reference Bureau  
(February 5, 2002)

- 1 Page 4, line 19: delete “PR” and substitute “PR-S”.



STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

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10:02 A.M.

THURSDAY, February 7, 2002

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The Senate met.

The Senate was called to order by Senator Jim Baumgart.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ANNOUNCEMENTS, ADJOURNMENT  
HONORS, AND REMARKS UNDER  
SPECIAL PRIVILEGE**

Senator Baumgart, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Aldo Leopold.

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**ADJOURNMENT**

Senator Baumgart, with unanimous consent, asked that the Senate adjourn until Tuesday, February 12 at 10:00 A.M.

Adjourned.

10:03 A.M



STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

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10:00 A.M.

TUESDAY, February 12, 2002

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The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Thursday, February 14 at 10:00 A.M.

Adjourned.

10:01 A.M.



STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, February 13, 2002

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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 433**

Relating to: increasing the statewide nursing home bed limit in an instance in which current nursing home licensed beds are transferred.

By Senator Hansen; cosponsored by Representatives Seratti, Ryba, Ainsworth, Boyle and Berceau.

To committee on **Health, Utilities, Veterans and Military Affairs**.

**Senate Bill 434**

Relating to: creating an exception for the county operating levy rate limit.

By Senators Moen and Burke; cosponsored by Representatives Kreibich, Ryba and Turner, by request of Eau Claire County.

To committee on **Universities, Housing, and Government Operations**.

**Senate Bill 435**

Relating to: the sale or distribution of mercury thermometers and providing a penalty.

By Senators Robson, Burke, Cowles, Roessler and Wirch; cosponsored by Representatives Plouff, Urban, Berceau, Bock, Boyle, Gronemus, Huber, F. Lasee, Miller, Musser, Ott, Pocan, Ryba, Shilling and Wasserman.

To committee on **Environmental Resources**.

**Senate Bill 436**

Relating to: various changes regarding the department of financial institutions and persons regulated by the department of financial institutions and granting rule-making authority (suggested as remedial legislation by the department of financial institutions).

By Law Revision Committee.

To committee on **Privacy, Electronic Commerce and Financial Institutions**.

**Senate Bill 437**

Relating to: battery to a health care provider and providing a penalty.

By Senators Wirch, Burke, Darling, Huelsman and Kanavas; cosponsored by Representatives Wasserman, Turner, Sykora, Musser, Underheim and Urban.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

**Senate Bill 438**

Relating to: domestic abuse restraining orders and injunctions.

By Senators Burke, Huelsman, Breske, Cowles, Darling, George, Hansen, Moore, Plache, Risser, Roessler and Harsdorf; cosponsored by Representatives Wieckert, Albers, Boyle, Coggs, Hahn, Kaufert, La Fave, Lassa, J. Lehman, Musser, Olsen, Pocan, Richards, Shilling, Sykora, Turner, Wasserman and Berceau.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

**Senate Bill 439**

Relating to: an evidentiary privilege for communications made to a person employed by or volunteering with an organization providing counseling, assistance, or support services to victims of sexual assault or abusive conduct.

By Senators Burke, Darling, George, Hansen, Huelsman, Moore, Plache, Roessler and Harsdorf; cosponsored by Representatives Lippert, Boyle, Coggs, Cullen, Hahn, Kaufert, Krawczyk, La Fave, Lassa, J. Lehman, Meyerhofer, Miller, Musser, Olsen, Pocan, Richards, Shilling, Stone, Turner, Ward, Wasserman, Wieckert and Berceau.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

**Senate Bill 440**

Relating to: stalking and providing a penalty.

By Senators Burke, Huelsman, Darling, George, Hansen, Moore, Plache, Roessler and Schultz; cosponsored by Representatives Wieckert, Hundertmark, Boyle, Coggs, Hahn, Kaufert, La Fave, Ladwig, Lassa, J. Lehman, McCormick, Meyerhofer, Musser, Pocan, Ryba, Shilling, Sinicki, Stone, Sykora, Turner, Berceau and Freese.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

**Senate Bill 441**

Relating to: defining emergency medical technician for purposes of the volunteer fire fighter and emergency medical technician service award program.

By Senators Robson, Grobschmidt, Hansen and Schultz; cosponsored by Representatives Grothman, Gunderson, Kreuser, Seratti and Turner.

To committee on **Universities, Housing, and Government Operations**.

**Senate Bill 442**

Relating to: access to public records.

By Senator Erpenbach.

To committee on **Privacy, Electronic Commerce and Financial Institutions.**

**Senate Bill 443**

Relating to: the formula used for calculating the estimated motorboat gas tax payment; establishing a wetlands protection grant program, funding for wetlands mitigation activities and positions, for lake management and river protection grants, and for positions to administer lake, river, and dam financial assistance programs; implementation of the conservation reserve enhancement program; implementation of county land and water resource management plans; granting rule-making authority; and making appropriations.

By Senators Cowles and Risser; cosponsored by Representatives Albers, Owens, Black, Krawczyk, J. Lehman and Boyle.

To committee on **Environmental Resources.**

**Senate Bill 444**

Relating to: requiring life cycle cost statements for major highway projects recommended for enumeration.

By Senators Cowles, Hansen and Huelsman; cosponsored by Representatives Olsen, Albers, Black, Ryba, Miller, La Fave and Berceau.

To committee on **Insurance, Tourism, and Transportation.**

**REPORT OF COMMITTEES**

The committee on **Environmental Resources** reports and recommends:

**Senate Bill 336**

Relating to: safety training for all-terrain vehicle and motorboat operation.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Jim Baumgart  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Department of Administration**

January 31, 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 December 2001.

On December 3, 2001 the **General Fund** balance was –\$26.8 million. This shortfall continued until December 14, 2001

when the balance reached a positive \$43.1 million. During this period, the **General Fund** balance reached a low of –\$60.4 million on December 13, 2001. The shortfall was due to the difference in the timing of revenues and expenditures.

On December 10, 2001 the **Agricultural Producer Security Fund** balance was –\$109 thousand. This shortfall continued through December 31, 2001 when the balance reached –\$122 thousand. The shortfall was due to the initial start-up of the fund and a delay in the transfer of revenues into the fund. The negative fund cash balance has been resolved in January 2002.

The General Fund and Agricultural Producer Security 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  
Legislative Audit Bureau**

February 12, 2002

The Honorable, The Legislature:

As requested by the Joint Legislative Audit Committee, we have completed an evaluation of the Forestry Account, which supports forestry and other activities in the Department of Natural Resources (DNR) and eight other state agencies. In fiscal year (FY) 2000-01, revenues deposited to this account totaled \$69.0 million. Over 80 percent of these revenues were generated by a statewide forestry mill tax of \$0.20 per \$1,000 of property value, which is imposed on all owners of taxable property. The forestry mill tax is the only property tax levied by the state.

Revenues from the forestry Account support a variety of activities designed to protect and enhance the 16.0 million acres of private and public forestland in Wisconsin. Most Forestry Account expenditures are for forestry activities such as forest fire protection and control and assisting with management of county forests. However, a substantial amount of Forestry Account expenditures also fund DNR administrative costs. In FY 2000-01, \$18.7 million was spent for administration, representing 27.8 percent of DNR’s Forestry Account expenditures. This total included \$6.5 million in administrative costs for forestry activities, which was charged directly to the Forestry Account and \$12.2 million in department-wide administration and support services costs. DNR expenditures from the forestry Account supported a total of 644.1 full-time equivalent DNR employees, of which 449.7 worked directly in support of forestry activities. We note \$4.5 million in Forestry Account expenditures by DNR and other state agencies supported programs that had no direct relationship to forestry.

The Managed Forest Law program provides property tax relief to owners of forestland in exchange for commitments to implement sound forestry practices on their land. The program has grown rapidly: applications increased from 1,831 in 1997 to 3,251 in 2001, or by 77.6 percent. As a result of Managed Forest Law program growth, DNR staff have not been able to address their ongoing management responsibilities and, as of August 2, 2001, over 12,000 practices related to sound forest management on 187,165 acres had not been completed in the years specified by the forestry management plans. The increasing number of program participants has also increased

DNR's workload. In 2001, the Legislature authorized 23.0 additional full-time equivalent positions to address ongoing workload concerns.

We appreciate the courtesy and cooperation extended to us by the Department of Natural Resources. The Department's response is Appendix 4.

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Wisconsin technical College System Board**

February 12, 2002

The Honorable, The Legislature:

This letter is to certify that all Wisconsin Technical Colleges have provided sexual assault and harassment orientation, materials and information as required under state statute 38.12(11) for the 2001-2002 school year.

Individual college assurances of compliance along with sample information and materials provided to students are on file in our office at this time. If you have any questions or need additional information, please contact Keith Krinke, System Equal Opportunity Officer, of my staff at 266-1844.

Sincerely,

RICHARD CARPENTER  
President/State Director

**State of Wisconsin  
Ethics Board**

February 12, 2002

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/>

- Boxer, Barbara K     **Urban Growth Property Trust**
- Driscoll, Darcy     **Milwaukee Metropolitan Sewerage District**
- Franken, Andrew   **Alliance                    of                    Automobile Manufacturers**
- McIntosh, Forbes   **HCR Manor Care**
- Stinson, Ceasar    **Milwaukee Public Schools**
- Tyre, Scott         **American Express Company**
- Tyre, Scott         **General Motors Corporation**

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

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 01-108**

Relating to protecting public health by regulating the sources and use of ionizing radiation.

Submitted by Department of Health and Family Services.  
Report received from Agency, February 11, 2002.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, February 13, 2002.

**Senate Clearinghouse Rule 01-111**

Relating to elevators and mechanical lifting devices.

Submitted by Department of Commerce.

Report received from Agency, February 8, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, February 13, 2002.

**Senate Clearinghouse Rule 01-135**

Relating to heating, ventilating and air conditioning and to the Wisconsin changes, additions, substitutions or omissions to the International Mechanical Code (IMC).

Submitted by Department of Commerce.

Report received from Agency, February 7, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, February 13, 2002.

**Senate Clearinghouse Rule 01-142**

Relating to brownfields redevelopment grants.

Submitted by Department of Commerce.

Report received from Agency, February 11, 2002.

Referred to committee on **Environmental Resources**, February 13, 2002.

**Senate Clearinghouse Rule 01-147**

Relating to the Wisconsin development zone program.

Submitted by Department of Commerce.

Report received from Agency, February 11, 2002.

Referred to committee on **Economic Development and Corrections**, February 13, 2002.

**Senate Clearinghouse Rule 01-150**

Relating to blasting in communities.

Submitted by Department of Commerce.

Report received from Agency, February 7, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, February 13, 2002.

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**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 217**

**Assembly Bill 224**

**Assembly Bill 357**

**Assembly Bill 600**

**Assembly Bill 695**

**Assembly Bill 725**

**Assembly Bill 769**

Concurred in:

Senate amendments 1 and 2 to **Assembly Bill 358**

**Senate Bill 38**

**Senate Bill 116**

**Senate Bill 333**

**Senate Bill 340**

**Senate Joint Resolution 57**

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## MESSAGES FROM THE ASSEMBLY CONSIDERED

### **Assembly Bill 217**

Relating to: sales and taste samples of fruit-based intoxicating liquor for consumption on or off the premises where manufactured or rectified.

By Representatives Skindrud, Ainsworth, Berceau, Black, Plouff and Plale; cosponsored by Senator Erpenbach.

Read first time and referred to committee on **Insurance, Tourism, and Transportation**.

### **Assembly Bill 224**

Relating to: providing shampooing services in barber or cosmetologist establishments.

By Representatives Ladwig, Loeffelholz, Duff, Gronemus, Owens, Seratti, J. Lehman, Townsend, Jeskewitz, Kreibich, Albers, Pettis, Stone and Sykora; cosponsored by Senator Plache.

Read first time and referred to committee on **Health, Utilities, Veterans and Military Affairs**.

### **Assembly Bill 357**

Relating to: the duration of the effect of emergency rules.

By Representatives Foti, Wood, Gunderson, Seratti, Friske, D. Meyer, Freese, Hundertmark, Jeskewitz, Kedzie, Kestell, Krawczyk, M. Lehman, Musser, Nass, Owens, Powers, Stone, Suder, Sykora, Townsend, Urban, Wade and Ward; cosponsored by Senators Rosenzweig, Darling, Huelsman and Schultz.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

### **Assembly Bill 600**

Relating to: sales of damaged timber by the department of natural resources and from county forest lands.

By Representatives Friske, Ainsworth, Loeffelholz, Sykora, Gronemus, Duff, Albers, Petrowski, Suder, Grothman, Vrakas, D. Meyer, Montgomery, Ladwig, Musser, Owens, J.

Fitzgerald, Olsen, McCormick, Ott, Krawczyk, Gunderson, Pettis, Skindrud and Huber; cosponsored by Senators Baumgart, Erpenbach, Risser, Moen and Schultz.

Read first time and referred to committee on **Environmental Resources**.

### **Assembly Bill 695**

Relating to: educational requirements for foresters employed by the department of natural resources and persons authorized to designate trees for cutting in state forests.

By Representatives Friske, Ainsworth, Loeffelholz, Gard, Seratti, Ott, Montgomery, Vrakas, Gundrum, Gunderson, McCormick, Owens, Powers, Krawczyk and Hines; cosponsored by Senators Breske and Welch.

Read first time and referred to committee on **Environmental Resources**.

### **Assembly Bill 725**

Relating to: the practice of nurse-midwifery, providing an exemption from emergency rule procedures, and granting rule-making authority.

By Representatives Underheim, Krawczyk, Lippert, Miller, Olsen, Bies, Skindrud, Owens, Townsend and Albers; cosponsored by Senators Robson, Moen, Moore, Roessler, Rosenzweig and Wirch.

Read first time and referred to committee on **Health, Utilities, Veterans and Military Affairs**.

### **Assembly Bill 769**

Relating to: sales tax on motor vehicles purchased after a consumer receives a refund under a new motor vehicle warranty.

By Representatives Ladwig, Schneider, Stone, Albers, Bies, Freese, Gronemus, Gunderson, Hundertmark, Johnsrud, Krawczyk, Musser, Nass, Ott, Owens, Petrowski, Pettis, Powers, Skindrud, Sykora and Turner; cosponsored by Senator Plache.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

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## AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 397** offered by Senator Robson.

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## SENATE ENROLLED PROPOSALS

The Chief Clerk records:

**Senate Joint Resolution 37**

**Senate Bill 364**

Report correctly enrolled on February 11, 2001.





STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

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10:00 A.M.

THURSDAY, February 14, 2002

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The Senate met.

The Senate was called to order by Senator Jon Erpenbach.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Erpenbach, with unanimous consent, asked that the Senate adjourn until Tuesday, February 19 at 10:00 A.M.

Adjourned.

10:01 A.M.



STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

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10:00 A.M.

TUESDAY, February 19, 2002

---

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Thursday, February 21 at 10:00 A.M.

Adjourned.

10:01 A.M.

# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

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WEDNESDAY, February 20, 2002

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The Chief Clerk makes the following entries under the above date.

### INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

#### Senate Resolution 14

Relating to: designating April 24 of each year as Wisconsin Day of Remembrance for the Armenian Genocide of 1915 to 1923.

By Senators Plache, Grobschmidt, Wirch, Welch, Burke, Darling, Roessler, Cowles and Lazich.

To committee on **Senate Organization**.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 445

Relating to: regulation of large animal feeding operations, agricultural nutrient management planning, water pollution discharge permits for certain livestock operations, construction and operation of certain animal waste storage facilities, controlling emissions of ammonia and hydrogen sulfide; including agricultural consumer transactions within the general scope of the Wisconsin Consumer Act; documentation of agricultural credit transactions; grants relating to agriculture and rural economic development; marketing agricultural products, rural economic development loans, sustainable agriculture research, dairy profitability, assistance for beginning farmers; a study of the dairy and livestock industries; prohibiting an application fee for applying to the agricultural production loan guarantee program and requiring lenders making loans that are guaranteed by the Wisconsin Housing and Economic Development Authority to employ certain policies before foreclosing on security interests obtained in connection with the loans granting rule–making authority; and making appropriations.

By Senators Burke, Baumgart and Shibilski; cosponsored by Representatives Miller, Hebl and Schneider.

To committee on **Labor and Agriculture**.

#### Senate Bill 446

Relating to: parental liability for acts of their minor child, recovery of damages for certain criminal actions, increasing the jurisdictional amount in small claims court, garnishment, attorney fees, exemption from execution of accounts, civil actions by collection agencies, earnings garnishment, retail

theft, recovery in actions involving worthless checks, and revocation of fish and game approvals for which payment is made by worthless checks.

By Senators Hansen, Huelsman, Plache, Darling, Erpenbach, Cowles, Shibilski, Schultz, Breske and Roessler; cosponsored by Representatives Montgomery, Lassa, Rhoades, Ryba, Olsen, Musser, Ladwig, J. Fitzgerald, Gunderson, F. Lasee, Hahn, Hoven, Urban, Turner, Sykora, Vrakas, M. Lehman, Wieckert, Ainsworth, McCormick, Krawczyk, Petrowski, Owens, Suder, Kestell, Bies, Nass, Stone, Seratti, Ott, Skindrud, Gard, Townsend, Huebsch and Albers, by request of Midwest Equipment Dealers Association, Midwest Hardware Association, National Federation of Independent Business, Tavern League of Wisconsin, Wisconsin Alliance of Hearing Professionals, Wisconsin Association of Convenience Stores, Wisconsin Automobile and Truck Dealers Association, Wisconsin Automotive Parts Association, Wisconsin Automotive After Market Trade Association, Wisconsin Civil Recovery Council, Wisconsin Collectors Association, Wisconsin Grocers Association, Wisconsin Fitness and Health Alliance, Wisconsin Independent Businesses, Inc., Wisconsin Jewelers Association, Wisconsin Merchants Federation, Wisconsin Motorcycle Dealers Association, Wisconsin Restaurant Association, Wisconsin Retail Association.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

#### Senate Bill 447

Relating to: creating an individual income tax checkoff for a breast cancer research program, creating a breast cancer research program, granting rule–making authority, and making appropriations.

By Senators Plache, Burke, Darling, Erpenbach, Hansen and Moore; cosponsored by Representatives Cullen, Berceau, Bock, Boyle, Carpenter, Krawczyk, Ladwig, J. Lehman, McCormick, Morris–Tatum, Musser, Pocan, Richards, Riley, Shilling, Turner, Urban, Wasserman, Young, Ziegelbauer and Albers.

To committee on **Health, Utilities, Veterans and Military Affairs**.

#### Senate Bill 448

Relating to: collective bargaining arbitration procedure for law enforcement officers employed by a county having a population of 500,000 or more.

By Senators Darling, Rosenzweig, Kanavas, Lazich, Grobschmidt, Burke, Breske and Shibilski; cosponsored by Representatives Walker, Krusick, Plale, Staskunas, Owens, Ott, Duff, Stone, McCormick, Bies, Musser, Montgomery and Sinicki.

To committee on **Labor and Agriculture**.

**Senate Bill 449**

Relating to: the regulation of commercial and residential lighting systems and granting rule-making authority.

By Senators Cowles, Baumgart, Burke and Hansen; cosponsored by Representatives Miller and Black.

To committee on **Universities, Housing, and Government Operations**.

**Senate Bill 450**

Relating to: eliminating the Wisconsin credit union savings insurance corporation (suggested as remedial legislation by the department of financial institutions).

By Law Revision Committee.

To committee on **Privacy, Electronic Commerce and Financial Institutions**.

**Senate Bill 451**

Relating to: regulating large price-regulated telecommunications utilities, wholesale telecommunications service, small business telecommunications rates, telecommunications sales practices, and cross subsidization by small telecommunications providers; requiring mandatory credits for certain telecommunications customers; allowing the public service commission to order payments by certain telecommunications providers; requiring the public service commission to report on telecommunications competition; extending the time limit for emergency rule procedures; providing an exemption from emergency rule procedures; providing an exemption from rule-making procedures; granting rule-making authority; and making an appropriation.

By Senator Jauch.

To committee on **Health, Utilities, Veterans and Military Affairs**.

**Senate Bill 452**

Relating to: the groundwater law and regulation of aquifer storage recovery systems.

By Senators Grobschmidt, Cowles and Hansen; cosponsored by Representatives Krawczyk, Plale, Meyerhofer, Montgomery, Powers and Ryba.

To committee on **Environmental Resources**.

**REPORT OF COMMITTEES**

The joint committee for **review of Administrative Rules** reports and recommends:

**Senate Bill 453**

Relating to: requirements for registering deer killed under the authority of a deer hunting license.

Introduction.

Ayes, 10 – Senators Robson, Grobschmidt, Hansen, Cowles and Welch. Representatives Grothman, Seratti, Gunderson, Turner and Hebl.

Noes, 0 – None.

To committee on **Environmental Resources**.

**Senate Bill 454**

Relating to: the beginning date authorized for the hunting of antlerless deer in October.

Introduction.

Ayes, 10 – Senators Robson, Grobschmidt, Hansen, Cowles and Welch. Representatives Grothman, Seratti, Gunderson, Turner and Hebl.

Noes, 0 – None.

To committee on **Environmental Resources**.

Judith Robson  
Senate Chairperson

The committee on **Environmental Resources** reports and recommends:

**Assembly Bill 415**

Relating to: trapping licenses issued to nonresidents.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Concurrence as amended.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Jim Baumgart  
Chairperson

The committee on **Insurance, Tourism, and Transportation** reports and recommends:

**Assembly Bill 166**

Relating to: nonmoving traffic violations involving rented or leased motor vehicles.

Concurrence.

Ayes, 4 – Senators Breske, Grobschmidt, A. Lasee and Schultz.

Noes, 1 – Senator Baumgart.

**Assembly Bill 217**

Relating to: sales and taste samples of fruit-based intoxicating liquor for consumption on or off the premises where manufactured or rectified.

Concurrence.

Ayes, 4 – Senators Breske, Grobschmidt, A. Lasee and Schultz.

Noes, 1 – Senator Baumgart.

**Assembly Bill 593**

Relating to: The Type 1 motorcycle, moped, and motor bicycle safety program and making an appropriation.

Concurrence.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

**Senate Bill 263**

Relating to: special distinguishing registration plates associated with the efforts of the American Red Cross to provide assistance to families affected by the terrorist attacks of September 11, 2001, on New York City and Washington, D.C., and making an appropriation.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.



**Senate Bill 373**

Relating to: the prohibition against underage persons entering or being on any premises operating under an alcohol beverage license.

Passage.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

**Senate Bill 375**

Relating to: miscellaneous changes to the insurance laws related to the confidentiality of personal information obtained in the course of administering a state insurance fund, the statute of limitations for bringing an action against the patients compensation fund, the applicability of a timeliness requirement for the payment of insurance claims for chiropractic services, an exception from a requirement to obtain consent to incorporate certain publications by reference in administrative rules, the type of property for which the loss amount is the insurance limits, the renewal date for viatical settlement brokers' licenses, eliminating the requirement to keep a separate account for surplus lines taxes, issuance of temporary licenses for intermediaries, specifying by rule the amount of stop-loss reinsurance that a town mutual must obtain, standards related to assisting unauthorized insurers, and defining extraordinary dividends for life insurers; and granting rule-making authority.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

Introduction and adoption of Senate amendment 2.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

**Senate Bill 388**

Relating to: the Type 1 motorcycle, moped, and motor bicycle safety program and making an appropriation.

Passage.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

Roger Breske  
Chairperson

The committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform** reports and recommends:

**Assembly Bill 123**

Relating to: who may be appointed personal representative in informal administration.

Concurrence.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Assembly Bill 354**

Relating to: powers, responsibilities, and appointment of court commissioners.

Concurrence.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Assembly Bill 522**

Relating to: failure to pay for gasoline or diesel fuel and suspension of operating privileges after conviction for theft of gasoline or diesel fuel and providing penalties.

Concurrence.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

REINEMANN, ROGER, of Mequon, as a member of the Judicial Commission, to serve for the interim term ending August 1, 2003.

Confirmation.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Senate Bill 253**

Relating to: payment of judgments in traffic cases and in municipal court and the suspension of operating privileges.

Passage.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Senate Bill 278**

Relating to: positions for the office of the state public defender, requiring quarterly reports, and making an appropriation.

Passage.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Senate Bill 92**

Relating to: notice to a victim of the right to make a statement at sentencing or disposition.

Passage.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Gary George  
Chairperson

The committee on **Privacy, Electronic Commerce and Financial Institutions** reports and recommends:

**Senate Bill 365**

Relating to: nondisclosure of certain information on credit and debit card receipts.

Passage.

Ayes, 5 – Senators Erpenbach, Jauch, Plache, S. Fitzgerald and Kanavas.

Noes, 0 – None.

**Senate Bill 372**

Relating to: recording and filing documents with the offices of register of deeds and the department of financial institutions.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Erpenbach, Jauch, Plache, S. Fitzgerald and Kanavas.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Erpenbach, Jauch, Plache, S. Fitzgerald and Kanavas.

Noes, 0 – None.

**Senate Bill 417**

Relating to: regulating the negotiation and collection of demand drafts.

Passage.

Ayes, 5 – Senators Erpenbach, Jauch, Plache, S. Fitzgerald and Kanavas.

Noes, 0 – None.

Jon Erpenbach  
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Assembly Bill 134**

Relating to: the amount of the exemption from income tax withholding requirements for employees of a county fair association.

Concurrence.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Assembly Bill 208**

Relating to: termination of a tenancy if notice given regarding drug or criminal gang activity.

Concurrence.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Assembly Bill 412**

Relating to: petition requirements for the creation of a town sanitary district.

Concurrence.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Assembly Bill 589**

Relating to: registration by certain hospitalized electors.

Concurrence.

Ayes, 6 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis and Zien.

Noes, 1 – Senator Huelsman.

**Assembly Bill 769**

Relating to: sales tax on motor vehicles purchased after a consumer receives a refund under a new motor vehicle warranty.

Concurrence.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

BROSMAN, DEANN L., of Appleton, as a member of the Real Estate Appraisers Board, to serve for the interim term ending May 1, 2003.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

DYSLAND, REBECCA J., of Milwaukee, as a member of the Real Estate Board, to serve for the term ending July 1, 2005.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

JOHNSON, NORBERT J., of Milton, as a member of the Accounting Examining Board, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

KOLLMANSBERGER, RICHARD A., of Oconomowoc, as a member of the Real Estate Board, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Senate Bill 24**

Relating to: prohibiting certain state agencies or any city, village, town, or county from using the word “Squaw” in the name of a public place, highway, or geographic feature.

Passage.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Senate Bill 367**

Relating to: repealing, consolidating, renumbering, amending and revising various provisions of ss. 10.62 to 10.82 of the statutes for the purpose of correcting conflicts between the listings in ss. 10.62 to 10.82 and the substantive statutes to which those sections refer (Revisor’s Correction Bill).

Passage.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Senate Bill 368**

Relating to: numbering unnumbered subchapter titles in the statutes (Revisor’s Revision Bill).

Passage.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Senate Bill 369**

Relating to: amending and revising section 409.109 (1) (intro.) of the statutes for the purpose of reconciling conflicts and repelling unintended repeals (Revisor's Correction Bill).

Passage.

Ayes, 7 – Senators M. Meyer, Moore, Grobbschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Senate Bill 402**

Relating to: dog licensing and claims for damage that is caused by dogs in certain populous counties.

Introduction and adoption of Senate amendment 1.

Ayes, 7 – Senators M. Meyer, Moore, Grobbschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators M. Meyer, Moore, Grobbschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Senate Bill 415**

Relating to: renaming the institute for environmental studies at the University of Wisconsin–Madison.

Passage.

Ayes, 7 – Senators M. Meyer, Moore, Grobbschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Senate Bill 88**

Relating to: receiverships for public nuisance.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 7 – Senators M. Meyer, Moore, Grobbschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators M. Meyer, Moore, Grobbschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Mark Meyer  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

**Department of Health and Family Services**

January 30, 2002

The Honorable, The Senate:

Pursuant to s. 46.76(4), the Department of Health and Family Services is required to develop an annual plan that documents areas of hunger and populations experiencing hunger within this state and to recommend strategies for state and federal policy changes to address hunger in these areas. The statute requires that this plan be submitted annually to the Governor, Superintendent of Public Instruction, and the appropriate standing committees under s. 13.172(3).

The enclosed 2001 Annual Report on Hunger and Food Insecurity in Wisconsin is being submitted to you in accordance with this requirement. Please contact my office if you have any questions.

Sincerely,

PHYLLIS J. DUBE  
Secretary

Referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Investment Board**

February 14, 2002

The Honorable, The Senate:

I have enclosed a copy of the FY 2001 Annual Fiscal Report for the State of Wisconsin Investment Board. The report contains Independent Auditor's Reports, prepared by the Legislative Fiscal Bureau, for the funds that we manage. They include the Fixed Fund and Variable Fund of the Wisconsin Retirement System, the State Investment Fund and the various smaller funds.

Additional copies of the report are available by contacting our office or by going to our website, which is [www.swib.state.wi.us](http://www.swib.state.wi.us). More recent calendar year returns are also available on the website. Thank you.

Sincerely,

PATRICIA LIPTON  
Executive Director

**State of Wisconsin  
Joint Legislative Council**

February 11, 2002

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:

RL2001–14      Legislation Recommended by the  
Special Committee on State-Tribal Relations  
(2001 Assembly Joint Resolutions 90  
amnd 91)  
773)      (2001 Assembly Bills 771, 772 and

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\\_topaic.htm](http://www.legis.state.wi.us/lc/reports_by_topaic.htm).

Sincerely,

TERRY C. ANDERSON  
Director

**State of Wisconsin  
Joint Legislative Council**

February 14, 2002

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:

RL2001–16      Legislation on Developmental  
Disabilities  
(2001 Senate Bill 346)  
(2001 Assembly Bill 671)

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\\_topaic.htm](http://www.legis.state.wi.us/lc/reports_by_topaic.htm).

Sincerely,

TERRY C. ANDERSON  
Director

**State of Wisconsin  
Ethics Board**

February 19, 2002

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/>

Boxer, Barbara K **Commercial Finance Association**

Dilweg, Sean **Minergy**

Essie, Patrick **Minergy**

Fountain, J Marie **Wisconsin Hunting & Fishing Alliance**

Heins, Stephen **Orion Lighting & Energy Services**

Jablonski, Ann **Advantage Control Company LLC  
D/B/A Curves for Women**

Potts, Michael **Orion Lighting & Energy Services**

Tyre, Scott **Aurora Health Care Inc**

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

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**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

February 7, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CHRISTMAN, DR. BLANE, of Ladysmith, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2007.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

February 7, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint RECORE, JANET K., of Wautoma, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2007.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 01-057**

Relating to cheese grading.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, February 15, 2002.

Referred to committee on **Labor and Agriculture**, February 20, 2002.

**Senate Clearinghouse Rule 01-058**

Relating to pathogen tests on ready-to-eat dairy products.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, February 15, 2002.

Referred to committee on **Labor and Agriculture**, February 20, 2002.

**Senate Clearinghouse Rule 01-087**

Relating to flammable and combustible liquids.

Submitted by Department of Commerce.

Report received from Agency, February 18, 2002.

Referred to committee on **Environmental Resources**, February 20, 2002.

**Senate Clearinghouse Rule 01-120**

Relating to standards for vehicle equipment.

Submitted by Department of Transportation.

Report received from Agency, February 14, 2002.

Referred to committee on **Insurance, Tourism, and Transportation**, February 20, 2002.

**Senate Clearinghouse Rule 01-138**

Relating to child support incentive payments.

Submitted by Department of Workforce Development .

Report received from Agency, February 19, 2002.

Referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**, February 20, 2002.

**Senate Clearinghouse Rule 02-006**

Relating to stock in bank-owned banks.

Submitted by Department of Financial Institutions.

Report received from Agency, February 13, 2002.

Referred to committee on **Privacy, Electronic Commerce and Financial Institutions**, February 20, 2002.

**Senate Clearinghouse Rule 02-022**

Relating to stock in bank-owned banks.

Submitted by Department of Financial Institutions.

Report received from Agency, February 13, 2002.

Referred to committee on **Privacy, Electronic Commerce and Financial Institutions**, February 20, 2002.

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**AMENDMENTS OFFERED**

Senate substitute amendment 1 to **Senate Bill 255** offered by Senator Grobschmidt.

Senate substitute amendment 1 to **Senate Bill 258** offered by Senator Lazich.



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**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**2001 ASSEMBLY BILL 613**

Prepared by the Legislative Reference Bureau  
(February 11, 2002)

4. Page 2, line 1: substitute "2001" for "1200".

**CORRECTIONS IN:**

**2001 SENATE BILL 126**

Prepared by the Legislative Reference Bureau  
(February 12, 2002)

5. Page 10, line 10: after "(1m)" insert "(intro.)".
6. Page 10, line 11: after "PLAN." insert "(intro.)".



STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

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10:00 A.M.

THURSDAY, February 21, 2002

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The Senate met.

The Senate was called to order by Senator Scott Fitzgerald.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator S. Fitzgerald, with unanimous consent, asked that the Senate adjourn until Tuesday, February 26 at 10:00 A.M.

Adjourned.

10:01 A.M.

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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FRIDAY, February 22, 2002

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The Chief Clerk makes the following entries under the above date.

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**INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS**

Read first time and referred:

**Senate Joint Resolution 59**

Relating to: reducing, by income tax credits or by payments from state revenues, property taxes upon residential and agricultural real property as defined by law (first consideration).

By Senators Wirch, Decker, Chvala, Plache, Erpenbach, Baumgart, Burke and Risser; cosponsored by Representatives Sherman, Bock, Carpenter and Miller.

To committee on **Universities, Housing, and Government Operations**.

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**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 455**

Relating to: prison impact assessments.

By Senators Risser, Cowles, Decker, George, Moore and Plache; cosponsored by Representatives Pocan, Berceau, Bock, Carpenter, Lassa, Miller, Morris–Tatum, Musser, Plouff, Ryba and Young.

To committee on **Economic Development and Corrections**.

**Senate Bill 456**

Relating to: emissions of air pollutants from certain power plants and granting rule–making authority.

By Senator Risser; cosponsored by Representatives Pocan, Berceau, Black, Bock, Boyle, Cullen, J. Lehman, Miller and Richards.

To committee on **Environmental Resources**.

**Senate Bill 457**

Relating to: allowing 2–vehicle combinations of a certain length to operate on certain highways without a permit.

By Senators Decker and Schultz; cosponsored by Representatives Foti and Petrowski.

To committee on **Insurance, Tourism, and Transportation**.

**Senate Bill 458**

Relating to: immunity from civil liability for those who provide, or administer the provision of, transportation to an

individual who is believed to be under the influence of an intoxicant.

By Senator Risser; cosponsored by Representatives Berceau, Young, J. Lehman, Albers and Stone.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

**Senate Bill 459**

Relating to: extending the date on which the Dane County regional planning commission is to be dissolved.

By Senators Risser and Burke; cosponsored by Representatives Black, Miller, Berceau and Ryba.

To committee on **Environmental Resources**.

**Senate Bill 460**

Relating to: rules of conduct for a business receiving a grant or loan from the Wisconsin development fund or proceeds from the sale of an industrial development revenue bond and the employment impact estimates required to be submitted by such a business.

By Senators Hansen and M. Meyer; cosponsored by Representatives Johnsrud, Berceau, Black, Ryba, Miller and J. Lehman.

To committee on **Economic Development and Corrections**.

**Senate Bill 461**

Relating to: permanency planning for a child placed outside the home, required juvenile court findings when a child is placed outside the home, the expiration date of a juvenile court order placing or continuing the placement of a child outside the home, the requirement that a termination of parental rights petition be filed under certain circumstances, statements by foster parents at juvenile court hearings, and prohibiting a person who has committed an alcohol–related felony within the last 5 years from being licensed to operate a foster home or treatment foster home.

By Senator Robson; cosponsored by Representative Kestell.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

**Senate Bill 462**

Relating to: biological or chemical substance scares, juvenile court dispositions for a juvenile who is found to have made a bomb scare or a biological or chemical substance scare involving a school premises or to have possessed or discharged a firearm in a school zone, and providing a penalty.

By Senators Baumgart and Cowles; cosponsored by Representatives Albers, Turner and Ryba.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

**REPORT OF COMMITTEES**

The committee on **Environmental Resources** reports and recommends:

DONOHUE, STEPHEN V., of De Pere, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

MARG, DAVID J., of Mosinee, as a member of the Snowmobile Recreation Council, to serve for the interim term ending July 1, 2003.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

**Senate Bill 378**

Relating to: theft of farm-raised fish and providing penalties.

Passage.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Jim Baumgart  
Chairperson

The committee on **Labor and Agriculture** reports and recommends:

JARVIS, CYNTHIA L., of Wautoma, as a member of the Board of Agriculture, Trade and Consumer Protection, to serve for the term ending May 1, 2007.

Confirmation.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.

Noes, 0 – None.

PICKERIGN, JEFF, of Elmwood, as a member of the Board of Agriculture, Trade and Consumer Protection, to serve for the term ending May 1, 2007.

Confirmation.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.

Noes, 0 – None.

**Senate Bill 353**

Relating to: state government holidays.

Passage.

Ayes, 4 – Senators Hansen, Decker, Baumgart and Harsdorf.

Noes, 1 – Senator A. Lasee.

David Hansen  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Legislative Audit Bureau**

February 21, 2002

The Honorable, The Legislature:

We have completed a review of the activities of the Technology for Educational Achievement in Wisconsin (TEACH) Board, as requested by the Joint Legislative Audit Committee. In fiscal year (FY) 2000-01, the TEACH Board spent \$61.3 million, including \$44.4 million in general purpose revenue, on programs to invest in educational technology equipment and to train teachers and others in the use of educational technology.

The TEACH Board is following its statutory mandate to support the development of educational technology in Wisconsin. TEACH Board programs are strongly supported by K-12 school districts and other educational agencies, and the TEACH Board has provided a significant amount of funding since its creation in the 1997-1999 biennial budget. Despite TEACH Board efforts to increase reporting, limited information is available on how funds have been used and on program effectiveness. We have included a number of questions the Legislature may wish to address as it considers reporting requirements for K-12 school districts, the effect of new technology on TEACH Board programs, and the level of support to be provided for the programs in the future.

We appreciate the cooperation and courtesy extended to us by TEACH Board management and staff. The response of the TEACH Board's Executive Director is Appendix 4.

Sincerely,

JANICE MUELLER  
State Auditor

**Medical College of Wisconsin**

February 14, 2002

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, 2001, and contains information in the following areas:

- Minority student recruitment policies and programs
- Number of minority students enrolled
- Number and percentages of Wisconsin residents enrolled
- Average faculty salaries compared to national averages
- Development of cooperative educational programs with other institutions throughout the state
- Placement of graduates of doctor of medicine and residency training programs

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



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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 01-090**

Relating to soil and water resource management.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, February 20, 2002.

Referred to committee on **Environmental Resources**, February 22, 2002.

**Senate Clearinghouse Rule 01-092**

Relating to the number of required semester credits in land surveying for an applicant applying with a bachelor's degree in civil engineering.

Submitted by Department of Regulation and Licensing.

Report received from Agency, February 20, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, February 22, 2002.

**Senate Clearinghouse Rule 02-005**

Relating to the issuance of driver's licenses and identification cards.

Submitted by Department of Transportation.

Report received from Agency, February 20, 2002.

Referred to committee on **Insurance, Tourism, and Transportation**, February 22, 2002.

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The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 01-126**

Relating to mobile home park permit fees.

No action taken.

**Senate Clearinghouse Rule 01-133**

Relating to auditing standards, standards for accounting and review services, and standards for attestation engagements.

No action taken.

Mark Meyer  
Chairperson

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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MONDAY, February 25, 2002

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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 463**

Relating to: legislative redistricting.

By Senators Risser, Chvala, Moen and Moore; cosponsored by Representatives Black, Kreuser, Coggs, Huber, Colon, Turner, Morris–Tatum and Riley.

To committee on **Senate Organization**.

**REPORT OF COMMITTEES**

The committee on **Health, Utilities, Veterans and Military Affairs** reports and recommends:

**Assembly Bill 256**

Relating to: licensing perfusionists, creating a perfusionists examining council, and granting rule–making authority.

Concurrence.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

**Assembly Bill 427**

Relating to: the requirements for examinations for nursing home administrator licenses and for reciprocal nursing home administrator licenses and granting rule–making authority.

Concurrence.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

**Assembly Bill 497**

Relating to: designating and observing POW–MIA Recognition Day.

Concurrence.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

CARROLL, DAVID T., of Schofield, as a member of the Dentistry Examining Board, to serve for the term ending December 31, 2006.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

CLEMENCE, DR. KEITH, of Hales Corners, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2005.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

JAHIMIAK, DR. KAREN M., of Brookfield, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2005.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

WEDDLE, MCARTHUR, of Milwaukee, as a member of the Psychology Examining Board, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

**Senate Bill 397**

Relating to: the practice of nurse–midwifery, providing an exemption from emergency rule procedures, and granting rule–making authority.

Senate amendment 1 adoption.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

Passage as amended.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

Rodney Moen  
Chairperson

The committee on **Senate Organization** reports and recommends:

**Assembly Joint Resolution 80**

Relating to: congratulating the chancellor, faculty, staff, and students of the University of Wisconsin–Stout on the receipt of the Malcolm Baldrige National Quality Award.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

Charles Chvala  
Chairperson

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

The committee on **Health, Utilities, Veterans and Military Affairs** reports and recommends:

**Senate Clearinghouse Rule 00-157**

Relating to consultation programs and licensure requirements.

Report objection recommended, Ayes 9, Noes 0.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

Referred to joint committee for **review of Administrative Rules**, February 25, 2002.

Rodney Moen  
Chairperson

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**Senate Bill 460** was withdrawn from the committee on **Economic Development and Corrections** and referred to the committee on **Labor and Agriculture** pursuant to **Senate Rule 46(2)(c)**.

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**AMENDMENTS OFFERED**

Senate amendment 1 to **Senate Bill 459** offered by Senator Risser.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

TUESDAY, February 26, 2002

The Senate met.

The Senate was called to order by Senator Fred Risser.

The roll was called and the following Senators answered to their names:

Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator Huelsman led the Senate in the pledge of allegiance to the flag of the United States of America.

### INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

#### Senate Joint Resolution 60

Relating to: policy of executive branch consultation with tribal governments.

By Senator George; cosponsored by Representative Musser.

To committee on **Universities, Housing, and Government Operations.**

#### Senate Joint Resolution 61

Relating to: state recognition of the sovereign status of federally recognized American Indian tribes and bands.

By Senator George; cosponsored by Representative Musser.

To committee on **Universities, Housing, and Government Operations.**

#### Senate Joint Resolution 62

Relating to: proclaiming March as Colorectal Cancer Awareness Month.

By Senators Moen, Burke, Schultz, Plache, Kanavas, Hansen, Darling, Wirch, Rosenzweig and Roessler; cosponsored by Representatives Urban, Krug, Pettis, Berceau, Petrowski, Staskunas, Townsend, Wasserman, Olsen, Cogs, Plouff, Hahn, J. Lehman, Turner, Sykora, Bock, Lassa, Ryba, Schneider and Young.

To committee on **Health, Utilities, Veterans and Military Affairs.**

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 464

Relating to: disqualification from commercial motor vehicle operation for railroad crossing violations and providing a penalty.

By Senator Breske; cosponsored by Representative Stone.

To committee on **Insurance, Tourism, and Transportation.**

#### Senate Bill 465

Relating to: the conversion of lands that are entered on the tax roll as forest croplands to lands that are entered on the tax roll as managed forest lands.

By Senator Harsdorf; cosponsored by Representatives Ainsworth, Owens, Musser, Albers, Sykora, Freese, Olsen, Townsend, Pettis, Gunderson and Petrowski.

To committee on **Environmental Resources.**

#### Senate Bill 466

Relating to: creation of the Wisconsin tribal–state council and making an appropriation.

By Senator George; cosponsored by Representative Musser.

To committee on **Universities, Housing, and Government Operations.**

#### Senate Bill 467

Relating to: preparation of tribal impact statements for bills that would have an impact on tribal governments or American Indians.

By Senator George; cosponsored by Representative Musser.

To committee on **Universities, Housing, and Government Operations.**

#### Senate Bill 468

Relating to: the formula used for calculating the estimated motorboat gas tax payment; establishing a wetlands protection grant program, funding for wetlands mitigation activities and positions, for lake management and river protection grants, and for positions to administer lake, river, and dam financial assistance programs; implementation of the conservation reserve enhancement program; implementation of county land and water resource management plans; granting rule–making authority; and making appropriations.

By Senators Cowles and Risser; cosponsored by Representatives Johnsrud, Albers, Owens, Black, Krawczyk, J. Lehman and Boyle.

To committee on **Environmental Resources.**



**Senate Bill 469**

Relating to: the energy efficiency of equipment used in state building projects and certain other projects constructed for the state and granting rule-making authority.

By Senators Cowles, Burke and Hansen; cosponsored by Representatives Powers, Kaufert, Bock, Black, Plouff, Ryba, Owens, Hahn and Meyerhofer.

To committee on **Universities, Housing, and Government Operations.**

**Senate Bill 470**

Relating to: licensing of electricians and electrical contractors, regulation of electrical construction, granting rule-making authority, and providing a penalty.

By Senators Baumgart and M. Meyer; cosponsored by Representatives Meyerhofer, Ott, Plouff, Hines, Gronemus, Pettis, J. Lehman and Jeskewitz.

To committee on **Universities, Housing, and Government Operations.**

**Senate Bill 471**

Relating to: authorizing dairy product wholesalers to furnish freezer cabinets to dairy product retailers.

By Senators Hansen and Moen; cosponsored by Representatives Krawczyk and Ott.

To committee on **Labor and Agriculture.**

**Senate Bill 472**

Relating to: the frequency of local lodge meetings.

By Senator Breske; cosponsored by Representative Montgomery.

To committee on **Insurance, Tourism, and Transportation.**

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**PETITIONS AND COMMUNICATIONS**

State of Wisconsin  
Office of the Secretary of State

To the Honorable, the Senate:

<u>Bill, Joint Resolu- tion or Resolution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
2001 Senate Joint Resolution 37	Enrolled Joint Resolution, 28	N/A

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

Senator Robson, with unanimous consent, asked that the Senate recess until 12:32 P.M.

10:15 A.M

---

**RECESS**

12:32 P.M.

The Senate reconvened.

Senator Risser in the chair.

Senator Chvala, with unanimous consent, asked that the Senate return to the second order of business.

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**INTRODUCTION AND REFERENCE OF  
RESOLUTIONS AND JOINT RESOLUTIONS**

**Senate Joint Resolution 63**

Relating to: creating a committee of conference on 2001 Assembly Bill 843 and 2001 Senate Bill 104, the 2001 Campaign Finance Bills.

Considered as privileged and taken up.

Senator Chvala, with unanimous consent, asked that **Senate Joint Resolution 63** be placed at the foot of the 14th order of business on the calendar of February 26, 2002.

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**ADVICE AND CONSENT OF THE SENATE**

Senator Chvala, with unanimous consent, asked that all the appointments be taken up en masse.

BORUP, JENNIFER E., of Huson, as a member of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for the term ending July 1, 2004.

Read.

BOYKOFF, THOMAS M., of Madison, as a Commissioner of the Tax Appeals Commission, to serve for the term ending March 1, 2007.

Read.

THEORIN, CARL, of Merrill, as a member of the Auctioneers Examining Board, to serve for the term ending May 1, 2004.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 01-110**

Relating to historic buildings.

Submitted by Department of Commerce.

Report received from Agency, February 22, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, February 26, 2002.

**SECOND READING AND AMENDMENTS  
OF SENATE JOINT RESOLUTIONS AND  
SENATE BILLS**

**Senate Bill 24**

Relating to: prohibiting certain state agencies or any city, village, town, or county from using the word “Squaw” in the name of a public place, highway, or geographic feature.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 24**

Read a third time and passed.

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 24**.

**Senate Bill 88**

Relating to: receiverships for public nuisance.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 88**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 88**

Read a third time and passed.

**Senate Bill 211**

Relating to: mandatory overtime hours worked by health care workers employed by health care facilities and providing penalties.

Read a second time.

Senator Cowles moved that **Senate Bill 211** be referred to the joint committee on **Finance**.

The question was: Shall **Senate Bill 211** be referred to the joint committee on **Finance**?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 18; absent or not voting, 0; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 15.

Noes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Absent or not voting – None.

Refused to refer to joint committee on Finance.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 211**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Rosenzweig, Shibilski and Wirch – 19.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Schultz, Welch and Zien – 14.

Absent or not voting – None.

Passed.

**Senate Bill 253**

Relating to: payment of judgments in traffic cases and in municipal court and the suspension of operating privileges.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 253**

Read a third time and passed.

**Senate Bill 278**

Relating to: positions for the office of the state public defender, requiring quarterly reports, and making an appropriation.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 278** be referred to the Joint Committee on **Finance**.

**Senate Bill 316**

Relating to: the income and franchise tax credit that supplements the federal historic rehabilitation tax credit.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 316** be referred to the Joint Committee on **Finance**.

**Senate Bill 336**

Relating to: safety training for all-terrain vehicle and motorboat operation.

Read a second time.

Senator Moen, with unanimous consent, asked that **Senate Bill 336** be placed at the foot of the 12th order of business on the calendar of February 26, 2002.

**Senate Bill 367**

Relating to: repealing, consolidating, renumbering, amending and revising various provisions of ss. 10.62 to 10.82 of the statutes for the purpose of correcting conflicts between the listings in ss. 10.62 to 10.82 and the substantive statutes to which those sections refer (Revisor’s Correction Bill).

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 367**

Read a third time and passed.

**Senate Bill 368**

Relating to: numbering unnumbered subchapter titles in the statutes (Revisor’s Revision Bill).

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 368**

Read a third time and passed.

**Senate Bill 369**

Relating to: amending and revising section 409.109 (1) (intro.) of the statutes for the purpose of reconciling conflicts and repelling unintended repeals (Revisor's Correction Bill).

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 369**

Read a third time and passed.

**Senate Bill 402**

Relating to: dog licensing and claims for damage that is caused by dogs in certain populous counties.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 402**?

Adopted.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 402**

Read a third time and passed.

**Senate Bill 415**

Relating to: renaming the institute for environmental studies at the University of Wisconsin–Madison.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 415**

Read a third time and passed.

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**SECOND READING AND AMENDMENTS  
OF ASSEMBLY JOINT RESOLUTIONS AND  
ASSEMBLY BILLS**

**Assembly Joint Resolution 80**

Relating to: congratulating the chancellor, faculty, staff, and students of the University of Wisconsin–Stout on the receipt of the Malcolm Baldrige National Quality Award.

Read.

Concurred in.

**Assembly Bill 123**

Relating to: who may be appointed personal representative in informal administration.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 123**

Read a third time and concurred in.

**Assembly Bill 249**

Relating to: the effect of annexation or detachment of territory on a municipality's quota of "Class B" intoxicating liquor licenses.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 249**

Read a third time and concurred in.

**Assembly Bill 496**

Relating to: tuition vouchers for students who sound Taps at military honors funerals.

Read a second time.

Senator Burke, with unanimous consent, asked that **Assembly Bill 496** be referred to the Joint Committee on **Finance**.

**Assembly Bill 519**

Relating to: designating the bridge on I 43 across the Fox River in the city of Green Bay as the Leo Frigo Memorial Bridge.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 519**

Read a third time and concurred in.

**Assembly Bill 584**

Relating to: public utility shared revenue payments and making an appropriation.

Read a second time.

Senator Burke, with unanimous consent, asked that **Assembly Bill 584** be referred to the Joint Committee on **Finance**.

Senator Grobschmidt, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 584**.

**Assembly Bill 593**

Relating to: The Type 1 motorcycle, moped, and motor bicycle safety program and making an appropriation.

Read a second time.

Senator Burke, with unanimous consent, asked that **Assembly Bill 593** be referred to the Joint Committee on **Finance**.

Senator Roessler, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 768**.

Senator Wirch, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 584**.

**Assembly Bill 769**

Relating to: sales tax on motor vehicles purchased after a consumer receives a refund under a new motor vehicle warranty.

Read a second time.

Senator Burke, with unanimous consent, asked that **Assembly Bill 769** be referred to the Joint Committee on **Finance**.

Senator Burke, with unanimous consent, asked that the rules be suspended and that **Assembly Bill 769** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 769**

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Concurred in.

**Senate Bill 336**

Relating to: safety training for all-terrain vehicle and motorboat operation.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 336**?

Adopted.

Senate amendment 2 to **Senate Bill 336** offered by Senator Huelsman.

Senator Baumgart moved rejection of Senate amendment 2 to **Senate Bill 336**.

The question was: Rejection of Senate amendment 2 to **Senate Bill 336**?

The ayes and noes weredemanded and the vote was: ayes, 10; noes, 23; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Burke, Chvala, Cowles, Moen, Moore, Plache, Risser, Robson and Schultz – 10.

Noes – Senators Breske, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Panzer, Roessler, Rosenzweig, Shibilski, Welch, Wirch and Zien – 23.

Absent or not voting – None.

Rejection refused.

The question was: Adoption of Senate amendment 2 to **Senate Bill 336**?

Adopted.

Senate amendment 3 to **Senate Bill 336** offered by Senators Huelsman, M. Meyer, Zien and Shibilski.

Senator Huelsman, with unanimous consent, asked that Senate amendment 3 to **Senate Bill 336** be withdrawn and returned to author.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 336**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 25; noes, 8; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Erpenbach, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, Lazich, M. Meyer, Moen, Moore, Plache, Risser, Robson, Rosenzweig, Schultz, Shibilski and Wirch – 25.

Noes – Senators Darling, Ellis, S. Fitzgerald, A. Lasee, Panzer, Roessler, Welch and Zien – 8.

Absent or not voting – None.

Passed.

**MOTIONS MAY BE OFFERED**

Senator Chvala, with unanimous consent, asked that the motion for reconsideration of the vote by which **Senate Bill 104** was ordered to a third reading be taken from the table and taken up.

**Senate Bill 104**

Relating to: campaign financing, providing exemptions from emergency rule procedures, granting rule-making authority, making appropriations and providing penalties.

Read.

Senator Ellis, with unanimous consent, asked that his motion for reconsideration of the vote by which **Senate Bill 104** was ordered to a third reading be withdrawn.

**Senate Bill 104**

Read a third time.

The ayes and noes were required and the vote was: ayes, 25; noes, 8; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Ellis, Erpenbach, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, M. Meyer, Moen, Moore, Plache, Risser, Robson, Rosenzweig, Schultz, Shibilski and Wirch – 25.

Noes – Senators Darling, S. Fitzgerald, Kanavas, Lazich, Panzer, Roessler, Welch and Zien – 8.

Absent or not voting – None.

Passed.

Senator Chvala, with unanimous consent, asked that the vote by which **Senate Bill 104** passed be reconsidered.

Senator Chvala, with unanimous consent, asked that the motion for reconsideration of the vote by which **Senate Bill 104** was passed be laid on the table.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

**Senate Joint Resolution 63**

Relating to: creating a committee of conference on 2001 Assembly Bill 843 and 2001 Senate Bill 104, the 2001 Campaign Finance Bills.

Read.

Senate amendment 1 to **Senate Joint Resolution 63** offered by Senators Ellis and Chvala.

The question was: Adoption of Senate amendment 1 to **Senate Joint Resolution 63**?

The ayes and noes weredemanded and the vote was: ayes, 27; noes, 6; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Rosenzweig, Schultz, Shibilski and Wirch – 27.

Noes – Senators S. Fitzgerald, Kanavas, Lazich, Roessler, Welch and Zien – 6.

Absent or not voting – None.

Adopted.



The question was: Shall **Senate Joint Resolution 63** be adopted?

The ayes and noes were demanded and the vote was: ayes, 27; noes, 6; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Rosenzweig, Schultz, Shibilski and Wirch – 27.

Noes – Senators S. Fitzgerald, Kanavas, Lazich, Roessler, Welch and Zien – 6.

Absent or not voting – None.

Adopted.

Senator Chvala, with unanimous consent, asked that Senators Chvala, Robson and Ellis be appointed as conferees to the committee on conference on **Senate Bill 104**.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

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### **ANNOUNCEMENTS, ADJOURNMENT HONORS, AND REMARKS UNDER SPECIAL PRIVILEGE**

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Superior Days.

Senator Erpenbach, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Casey FitzRandolph who won the gold medal in the 500-meter speed skating event against the defending Olympic champion Hiroyasu Shimizu of Japan and set a new Olympic record of 34.42 in his first heat.

Senator Harsdorf, with unanimous consent, asked that when the Senate adjourn, it do so in honor of U.W. Stout on the receiving of the Malcolm Baldrige National Quality Award.

Senators Darling and Rosenzweig, with unanimous consent, asked that when the Senate adjourn, it do so in honor

of Chris Witte for winning an Olympic Gold Medal for speed skating.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her mother, Helen Statkus' 85th birthday.

Senator Kanavas, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Kip Carpenter of Brookfield, on winning the Bronze medal in the 500-meter speed skating event in the Olympics.

Senator Risser, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the U.S. Olympic Hockey Team and its captain, Chris Chelios, former U.W. Hockey Player who has maintained close ties to the city of Madison and the 26th Senate District.

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### **ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Thursday, February 28 at 10:00 A.M.

Adjourned.

2:55 P.M.

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### **CHIEF CLERK'S REPORT**

The Chief Clerk records:

#### **Senate Joint Resolution 37**

Deposited in the office of the Secretary of State on February 21, 2002.

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### **SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

#### **Senate Bill 38**

#### **Senate Bill 116**

#### **Senate Bill 333**

#### **Senate Bill 340**

Report correctly enrolled on February 20, 2002.



STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

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2:56 P.M.

TUESDAY, February 26, 2002

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The Senate met.

The Senate was called to order by Senator Fred Risser.

The Senator Chvala, with unanimous consent, asked that the roll and the pledge of the regular session be applied to the special session.

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Thursday, February 28 at 10:00 A.M.  
Adjourned.

2:57 P.M.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

THURSDAY, February 28, 2002

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 473

Relating to: regulating rental–purchase companies, providing an exemption from emergency rule procedures, granting rule–making authority, and providing a penalty.

By Senators M. Meyer, Shibilski, Moen, Kanavas, Zien, S. Fitzgerald, Roessler and Huelsman; cosponsored by Representatives Urban, Huebsch, Kreibich, Vrakas, Montgomery, J. Fitzgerald, M. Lehman, Musser, Ott, Stone, Plale, Jeskewitz, Gunderson, Balow, Hahn, Rhoades, Turner, Petrowski, Olsen, Lassa and Starzyk.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

#### Senate Bill 474

Relating to: opinions and reports issued by certified public accountants concerning a client’s financial statements.

By Senators Burke, Baumgart, Cowles, Darling and Hansen; cosponsored by Representatives Musser, Miller, Turner and Wasserman.

To committee on **Universities, Housing, and Government Operations.**

#### Senate Bill 475

Relating to: creating an exemption from securities broker–dealer and securities agent licensing requirements.

By Senators Erpenbach and Huelsman; cosponsored by Representatives Jeskewitz, Plale and Townsend.

To committee on **Privacy, Electronic Commerce and Financial Institutions.**

#### Senate Bill 476

Relating to: the placement in the statutes of certain definitions concerning natural resources and public lands administration (suggested as remedial legislation by the board of commissioners of public lands).

By Law Revision Committee.

To committee on **Environmental Resources.**

#### Senate Bill 477

Relating to: various changes in election administration laws.

By Senator M. Meyer, by request of Wisconsin State Elections Board.

To committee on **Universities, Housing, and Government Operations.**

#### Senate Bill 478

Relating to: the eligibility of employees of cities, villages, towns, and counties to be candidates for elective public office.

By Senator Burke; cosponsored by Representatives Krug, Musser, Turner, Jeskewitz, Miller, Carpenter, J. Lehman and Berceau.

To committee on **Universities, Housing, and Government Operations.**

#### Senate Bill 479

Relating to: payment of a medical assistance supplement to care management organizations that contract with municipal nursing homes for the provision of services to family care recipients.

By Senator M. Meyer; cosponsored by Representative Johnsrud.

To committee on **Health, Utilities, Veterans and Military Affairs.**

#### Senate Bill 480

Relating to: automatic fire sprinkler systems in certain residence halls and other student residential facilities and granting rule–making authority.

By Senator M. Meyer.

To committee on **Universities, Housing, and Government Operations.**

#### Senate Bill 481

Relating to: the creation of a Milwaukee County child welfare district to contract with the department of health and family services to provide child welfare services in Milwaukee County.

By Senator George.

To joint survey committee on **Retirement Systems.**

**REPORT OF COMMITTEES**

The committee on **Environmental Resources** reports and recommends:

**Senate Bill 419**

Relating to: bear hunting by certain minors.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Jim Baumgart  
Chairperson

The committee on **Insurance, Tourism, and Transportation** reports and recommends:

**Senate Bill 411**

Relating to: authorizing the city of Bayfield to become a premier resort area.

Passage.

Ayes, 4 – Senators Breske, Grobschmidt, Baumgart and Schultz.

Noes, 1 – Senator A. Lasee.

**Senate Bill 464**

Relating to: disqualification from commercial motor vehicle operation for railroad crossing violations and providing a penalty.

Passage.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

**Senate Bill 472**

Relating to: the frequency of local lodge meetings.

Passage.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

Roger Breske  
Chairperson

The committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform** reports and recommends:

**Assembly Bill 470**

Relating to: the appointment of municipal temporary reserve judges.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Concurrence as amended.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Assembly Bill 62**

Relating to: local ordinances governing drug paraphernalia.

Concurrence.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Senate Bill 203**

Relating to: adopting revised Article 5 of the Uniform Commercial Code, concerning letters of credit.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Senate Bill 277**

Relating to: abandoned property reporting requirements; reporting and delivery of abandoned stock, intangible business interests, and other intangible property to the state treasurer; the sale of abandoned property; and creating a procedure for claiming certain escheated funds.

Passage.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Senate Joint Resolution 16**

Relating to: 4-year terms of office for clerks of circuit court (first consideration).

Adoption.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Gary George  
Chairperson

The committee on **Privacy, Electronic Commerce and Financial Institutions** reports and recommends:

**Senate Bill 16**

Relating to: the sales tax on sales of lists.

Passage.

Ayes, 3 – Senators Erpenbach, Jauch and Plache.

Noes, 2 – Senators S. Fitzgerald and Kanavas.

**Senate Bill 392**

Relating to: billing statement disclosures under certain consumer credit plans.

Passage.

Ayes, 3 – Senators Erpenbach, Jauch and Plache.

Noes, 2 – Senators S. Fitzgerald and Kanavas.

**Senate Bill 442**

Relating to: access to public records.

Introduction and adoption of Senate amendment 1.

Ayes, 4 – Senators Erpenbach, Jauch, Plache and S. Fitzgerald.

Noes, 1 – Senator Kanavas.

Passage as amended.

Ayes, 4 – Senators Erpenbach, Jauch, Plache and S. Fitzgerald.

Noes, 1 – Senator Kanavas.

Jon Erpenbach  
Chairperson



The committee on **Senate Organization** reports and recommends:

**Senate Resolution 14**

Relating to: designating April 24 of each year as Wisconsin Day of Remembrance for the Armenian Genocide of 1915 to 1923.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

Charles Chvala  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Department of Health and Family Services**

February 25, 2002

The Honorable, The Senate:

In 1997 Act 27, the 97-99 Biennial Budget, the Legislature established requirements in state law intended to strengthen protections for children and vulnerable adults in organized care settings. The provisions require, among other things, that designated caregivers conduct background checks on all new and existing staff and bar them from employing anyone who has committed certain crimes or acts. DHFS and (for certain child care providers) counties and local school boards must perform checks on a provider before issuing a license or other credential. Individuals who have committed prohibited crimes or acts may apply to the Department, counties, or school boards for a waiver of the employment or licensing bans upon evidence of rehabilitation.

Section 48.685(5g) and 50.065(5g) of the Wisconsin Statutes direct the Department to submit an annual report to the legislature that specifies the number of persons who have sought waivers of employment or licensing bans by requesting to demonstrate that they have been rehabilitated. The report must also specify the number of requests that were approved and the reasons for the success or failure of the requests. Attached is the report for 2001.

Questions about this report should be referred to Linda Dawson, Deputy Chief Legal Counsel, at 608-266-0355.

Thank you for distributing this report to members of the Senate.

Sincerely,

PHYLLIS J. DUBE  
Secretary

**State of Wisconsin  
Legislative Audit Bureau**

February 27, 2002

The Honorable, The Senate:

We have audited the financial statements of WHA Radio and WHA Television for the period July 1, 2000 through June 30, 2001 and have issued our reports on these statements, dated February 27, 2002. WHA Radio and WHA Television are public broadcasting stations licensed to the Board of Regents of the University of Wisconsin System and are operated by the University of Wisconsin-Extension.

The audits were requested by the University of Wisconsin-Extension to fulfill audit requirements of the Corporation for Public Broadcasting. The Corporation requires audited financial statements of public broadcasting entities and certifications of these entities' non-federal revenue sources in determining future funding levels.

Copies of the audit reports have been distributed to members of the Joint Legislative Audit Committee and those required by law to receive them. Electronic copies of the reports are available on line at [www.legis.state.wi.us/lab/windex.htm](http://www.legis.state.wi.us/lab/windex.htm). If you are interested in receiving a copy of these reports, please contact our office and request the following report numbers:

02-04 An Audit of WHA Radio

02-05 An Audit of WHA Television

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Ethics Board**

February 26, 2002

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/>

Bochert, Linda **Monsanto Company**

Crass, David **Jennie-O Turkey Store Incorporated**

Crass, David **Monsanto Company**

Esbeck, William **Midwest Area River Coalition 2000**

Franken, Andrew **American Red Cross**

Gleichert, Gregg **Jennie-O Turkey Store Incorporated**

Hansen, Phillip **American Red Cross**

McCoshen, William J **Georgia-Pacific Corporation**

McIntosh, Forbes **Kindred Healthcare**

McNett, Michael **Wisconsin Education Association Council**

Meredith, Bruce **Wisconsin Education Association Council**

Petersen, Eric J **Georgia-Pacific Corporation**

Springer, Thomas J **City of New Lisbon**

Springer, Thomas J **Wisconsin Chapter of the  
American College of Emergency Physicians Inc**

Strohl, Joseph **MBNA America N.A.**

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**

February 18, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ADAMSKI, PAUL C., of Stevens Point, as a member of the Savings Bank Review Board, to serve for the term ending May 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Privacy, Electronic Commerce and Financial Institutions.**

**State of Wisconsin  
Office of the Governor**

February 18, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HILBERT, GREG A., of Appleton, as a member of the Credit Union Review Board, to serve for the term ending May 1, 2007.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Privacy, Electronic Commerce and Financial Institutions.**

**State of Wisconsin  
Office of the Governor**

February 18, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HOLMES, ROBERT W., of Tomah, as a member of the Savings Bank Review Board, to serve for the term ending May 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Privacy, Electronic Commerce and Financial Institutions.**

**State of Wisconsin  
Office of the Governor**

February 18, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HOMSTAD, GILBERT L., of Black River Falls, as a member of the Banking Review Board, to serve for the term ending May 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Privacy, Electronic Commerce and Financial Institutions.**

**State of Wisconsin  
Office of the Governor**

February 18, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LEVY, BRIAN S., of Mequon, as a member of the Savings and Loan Review Board, to serve for the term ending May 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Privacy, Electronic Commerce and Financial Institutions.**

**State of Wisconsin  
Office of the Governor**

February 18, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LOMBARD, DENNIS L., of

Manitowoc, as a member of the Credit Union Review Board, to serve for the term ending May 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Privacy, Electronic Commerce and Financial Institutions.**

**State of Wisconsin  
Office of the Governor**

February 18, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MEEUWSEN, MICHAEL D., of Manitowoc, as a member of the Savings and Loan Review Board, to serve for the term ending May 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Privacy, Electronic Commerce and Financial Institutions.**

**State of Wisconsin  
Office of the Governor**

February 18, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint PELISEK, FRANK "JACK", of Milwaukee, as a member of the University of Wisconsin Hospital and Clinics Authority, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

February 18, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint PELISEK, FRANK "JACK", of Milwaukee, as a member of the University of Wisconsin Hospital and Clinic Board, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

February 18, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint PITTELKOW, CHARLES R., of Brookfield, as a member of the Savings and Loan Review Board, to serve for the term ending May 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Privacy, Electronic Commerce and Financial Institutions.**

**State of Wisconsin  
Office of the Governor**

February 18, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SCHMALZ, LEE, of Kaukauna, as a member of the Savings and Loan Review Board, to serve for the term ending May 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Privacy, Electronic Commerce and Financial Institutions.**

**State of Wisconsin  
Office of the Governor**

February 18, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SCHMALZ, LEE, of Kaukauna, as a member of the Savings Bank Review Board, to serve for the term ending May 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Privacy, Electronic Commerce and Financial Institutions.**

**State of Wisconsin  
Office of the Governor**

February 18, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WILLOUGHBY, E. RAY, of Eau Claire, as a member of the Banking Review Board, to serve for the term ending May 1, 2007.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Privacy, Electronic Commerce and Financial Institutions.**

**State of Wisconsin  
Office of the Governor**

February 18, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint TIMMERMAN, DOUGLAS J., of

Madison, as a member of the Savings Bank Review Board, to serve for the term ending May 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Privacy, Electronic Commerce and Financial Institutions.**

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate 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.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, February 28, 2002.

**State of Wisconsin  
Revisor of Statutes Bureau**

March 1, 2002

To the Honorable, the Senate:

The following rules have been published:

<b>Clearinghouse Rules</b>	<b>Effective Date(s)</b>
00-020	March 1, 2002
00-172	March 1, 2002
01-037	March 1, 2002
01-086	March 1, 2002
01-088	March 1, 2002
01-100	March 1, 2002
01-101	March 1, 2002
01-102	March 1, 2002
01-106	March 1, 2002
01-112	March 1, 2002
01-116	March 1, 2002
01-122	March 1, 2002

Sincerely,  
GARY L. POULSON  
Deputy Revisor

**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 289**
- Assembly Bill 376**
- Assembly Bill 392**
- Assembly Bill 446**
- Assembly Bill 500**
- Assembly Bill 503**
- Assembly Bill 520**
- Assembly Bill 551**
- Assembly Bill 599**

**Assembly Bill 607**  
**Assembly Bill 609**  
**Assembly Bill 645**  
**Assembly Bill 647**  
**Assembly Bill 655**  
**Assembly Bill 659**  
**Assembly Bill 665**  
**Assembly Bill 675**  
**Assembly Bill 689**  
**Assembly Bill 718**  
**Assembly Bill 731**  
**Assembly Bill 733**  
**Assembly Bill 744**  
**Assembly Bill 751**  
**Assembly Bill 758**  
**Assembly Bill 809**  
**Assembly Bill 829**  
**Assembly Bill 843**

Adopted and asks concurrence in:

**Assembly Joint Resolution 87**  
**Assembly Joint Resolution 88**  
**Assembly Joint Resolution 92**  
**Assembly Joint Resolution 94**

Concurred in:

**Senate Bill 176**  
**Senate Bill 247**  
**Senate Bill 302**  
**Senate Bill 330**  
**Senate Bill 360**  
**Senate Joint Resolution 30**  
**Senate Joint Resolution 53**  
**Senate Joint Resolution 54**

Amended and concurred in as amended:

**Senate Bill 336**(Assembly substitute amendment 1)

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## MESSAGES FROM THE ASSEMBLY CONSIDERED

### **Assembly Bill 289**

Relating to: the use of a flashing or rotating amber light on certain motor trucks.

By Representatives Ainsworth, Grothman, Hundertmark, La Fave, Owens, Petrowski, Powers, Ryba, Sykora, Townsend, Wade and Gronemus.

Read first time and referred to committee on **Insurance, Tourism, and Transportation.**

### **Assembly Bill 376**

Relating to: funeral establishment permits.

By Representatives Starzyk, M. Lehman, Hundertmark, Gundrum, J. Lehman, Plale, Lippert, Kedzie, Krawczyk, Suder, Loeffelholz, Townsend, Powers, Riley, Gunderson and

Kreuser; cosponsored by Senators Wirch, Plache, Breske, Schultz, S. Fitzgerald, Darling and Burke.

Read first time and referred to committee on **Universities, Housing, and Government Operations.**

### **Assembly Bill 392**

Relating to: exempting certain police vehicles exceeding the speed limit from the requirement of giving visual and audible signals.

By Representatives Sykora, Gunderson, La Fave, Musser, Plouff, Stone and Townsend; cosponsored by Senators Zien and Schultz.

Read first time and referred to committee on **Insurance, Tourism, and Transportation.**

### **Assembly Bill 446**

Relating to: exempting certain horse boarding and horse training facilities from state building codes.

By Representatives Skindrud, Ainsworth, Grothman, Krawczyk, Ladwig, Lippert, Musser, Ott, Pettis and Suder; cosponsored by Senators Erpenbach, Schultz and Zien.

Read first time and referred to committee on **Universities, Housing, and Government Operations.**

### **Assembly Bill 500**

Relating to: dispositional orders for truancy or habitual truancy and the disclosure of juvenile records by a juvenile court or a municipal court.

By Representatives Ladwig, Starzyk, Huebsch, Duff, Musser, Albers, Owens, Olsen, Urban, Plale, Hahn, Ott, Grothman, Nass, Krawczyk and Stone; cosponsored by Senators Huelsman and Roessler.

Read first time and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

### **Assembly Bill 503**

Relating to: use of do-not-resuscitate necklaces under do-not-resuscitate orders.

By Representatives Hundertmark, Gronemus, Boyle, Olsen, Lippert, Musser, Owens, Townsend, Krawczyk, Jeskewitz, Plouff, Ladwig, Ott, Lassa, Gunderson, Skindrud and Stone; cosponsored by Senators Plache, Huelsman and Roessler.

Read first time and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

### **Assembly Bill 520**

Relating to: effect of nonaction of senate on nominations by governor.

By Representatives Ott, Owens, Ainsworth, Gronemus, Jensen, Jeskewitz, Kestell, Krawczyk, Ladwig, M. Lehman, Lippert, McCormick, Montgomery, Musser, Olsen, Rhoades, Ryba, Stone, Suder, Sykora, Urban and Vrakas; cosponsored by Senators Roessler, Darling, Harsdorf and Huelsman.

Read first time and referred to committee on **Senate Organization.**

### **Assembly Bill 551**

Relating to: maximum allowable grants under the private sewage system replacement or rehabilitation grant program.

By Representatives Gunderson, Starzyk, Kedzie, Olsen, Ladwig, Gronemus, Albers, Hahn, Nass, Miller, Musser, Ott, Lippert, Owens, Seratti and Sykora; cosponsored by Senators Robson and Schultz.

Read first time and referred to committee on **Environmental Resources.**



**Assembly Bill 599**

Relating to: the sale of tax delinquent real property.

By Representatives Gunderson, Ladwig, Starzyk, Olsen, Hundertmark, Grothman, Kedzie, Kestell, Krawczyk, Kreibich, Jeskewitz, M. Lehman, Musser, McCormick, Ott, Owens, Ryba, Skindrud, Sykora and Huber; cosponsored by Senators Darling, Wirth, Huelsman, Roessler, Rosenzweig and Schultz.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

**Assembly Bill 607**

Relating to: open enrollment in public schools and granting rule-making authority.

By Representatives Walker, Ainsworth, Albers, Gunderson, Hahn, Jeskewitz, Krawczyk, Musser, Ott, Staskunas and Stone; cosponsored by Senators Rosenzweig, Roessler, Lazich and Darling.

Read first time and referred to committee on **Education**.

**Assembly Bill 609**

Relating to: the titling of motor vehicles that have been damaged; the sale of a motor vehicle subject to a seizure for a crime related to driving while under the influence of an intoxicant or other drug; displaying the empty weight on the side of certain motor vehicles; vehicle identification numbers for motorcycles; and operating a motor vehicle that is not registered (suggested as remedial legislation by the department of transportation).

By Law Revision Committee.

Read first time and referred to committee on **Insurance, Tourism, and Transportation**.

**Assembly Bill 645**

Relating to: publication of the street address of a person who provides day care in the person's home.

By Representatives Rhoades, Gronemus, Ryba, Ladwig, Balow, Sinicki, Lippert, Owens, Ward, Olsen, Sykora, Albers, Petrowski, Vrakas and Stone; cosponsored by Senators Erpenbach, Harsdorf, Darling, Schultz, Plache and Huelsman.

Read first time and referred to committee on **Privacy, Electronic Commerce and Financial Institutions**.

**Assembly Bill 647**

Relating to: installment payments of tax refunds related to manufacturing property, the interest on refunded and additional taxes on manufacturing property, and making an appropriation.

By Representatives M. Lehman, Sykora, Turner, Jeskewitz, Townsend and Gronemus.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

**Assembly Bill 655**

Relating to: testing of donors of human ova for the presence of human immunodeficiency virus; membership of the council on developmental disabilities; and changing the term used to describe a residential facility operated by a child welfare agency for the care and maintenance of children (suggested as remedial legislation by the department of health and family services).

By Law Revision Committee.

Read first time and referred to committee on **Health, Utilities, Veterans and Military Affairs**.

**Assembly Bill 659**

Relating to: the removal of fishing shanties or similar shelters.

By Representatives Pettis, Gronemus, Musser, Krawczyk, Grothman, Sykora, Friske, Albers, Owens, McCormick, Johnsrud, Stone and Loeffelholz; cosponsored by Senator Darling.

Read first time and referred to committee on **Environmental Resources**.

**Assembly Bill 665**

Relating to: allowing certain school buses to tow trailers.

By Representatives Pettis, Musser, Krawczyk, Bies, Olsen and Townsend; cosponsored by Senator Harsdorf.

Read first time and referred to committee on **Insurance, Tourism, and Transportation**.

**Assembly Bill 675**

Relating to: licenses to carry a concealed weapon, requiring the exercise of rule-making authority, making appropriations, and providing penalties.

By Representatives Gunderson, Pettis, Suder, Nass, Gundrum, Huebsch, Albers, Bies, J. Fitzgerald, Hines, Grothman, Hundertmark, F. Lasee, Lippert, McCormick, Musser, Owens, Petrowski, Reynolds, Schneider, Starzyk, Stone, Sykora and Seratti; cosponsored by Senators Zien, Welch, S. Fitzgerald, A. Lasee and Huelsman.

Read first time and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

**Assembly Bill 689**

Relating to: approval by the joint committee on finance of contracts to sell or exchange state land under the jurisdiction of the department of natural resources.

By Representatives Huber, Duff, Powers, J. Lehman, Miller, Friske, Ward, Lassa, Seratti, Bock, La Fave, Albers, Ryba and Freese; cosponsored by Senators Decker, Roessler, Hansen and Plache.

Read first time and referred to committee on **Environmental Resources**.

**Assembly Bill 718**

Relating to: regulating fishing tournaments, granting rule-making authority, and providing penalties.

By Representatives Johnsrud, Shilling, Ott, Krawczyk, J. Lehman, Hines, Freese, Albers, Hahn and Petrowski; cosponsored by Senator M. Meyer.

Read first time and referred to committee on **Environmental Resources**.

**Assembly Bill 731**

Relating to: displaying, possessing, selling, or offering to sell a stolen registration plate and providing a penalty.

By Representatives Stone, Riley, Albers, Bies, Coggs, Freese, Gunderson, Hahn, Hines, Huebsch, Hundertmark, Jeskewitz, La Fave, Lassa, McCormick, Musser, Olsen, Petrowski, Plale, Ryba, Sykora, Townsend and Vrakas; cosponsored by Senators Burke, Darling, Grobschmidt and Roessler.

Read first time and referred to committee on **Insurance, Tourism, and Transportation**.

**Assembly Bill 733**

Relating to: expanding eligibility for drug treatment reimbursement grants for persons with HIV infections.

By Representative Urban.

Read first time and referred to committee on **Health, Utilities, Veterans and Military Affairs**.

**Assembly Bill 744**

Relating to: signature and authorization requirements for orders under the forest croplands program and modifications to certain deadline dates under the managed forest land program.

By Representative Ainsworth, by request of Department of Natural Resources.

Read first time and referred to committee on **Environmental Resources**.

**Assembly Bill 751**

Relating to: eliminating the petroleum storage environmental cleanup council (suggested as remedial legislation by the department of commerce).

By Law Revision Committee.

Read first time and referred to committee on **Environmental Resources**.

**Assembly Bill 758**

Relating to: bear hunting by certain minors.

By Representatives Gunderson, Bies, Suder, Hines, Gronemus, Ainsworth, Krawczyk, F. Lasee, Gundrum, Seratti, Sykora, Ott, Petrowski, Ryba, Grothman, Kreuser and Pettis; cosponsored by Senators Shibilski, Welch, Plache and Wirch.

Read first time and referred to committee on **Environmental Resources**.

**Assembly Bill 809**

Relating to: permanency planning for a child placed outside the home, required juvenile court findings when a child is placed outside the home, the expiration date of a juvenile court order placing or continuing the placement of a child outside the home, the requirement that a termination of parental rights petition be filed under certain circumstances, statements by foster parents at juvenile court hearings, and prohibiting a person who has committed an alcohol-related felony within the last 5 years from being licensed to operate a foster home or treatment foster home.

By Representative Kestell; cosponsored by Senator Robson.

Read first time and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

**Assembly Bill 829**

Relating to: regulating athlete agents, granting rule-making authority, making an appropriation, and providing penalties.

By Representatives Wieckert, Jeskewitz, Musser, Krawczyk, Olsen, Owens, Hahn, Shilling, Pettis and Albers; cosponsored by Senators Grobschmidt, Huelsman and Risser.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

**Assembly Bill 843**

Relating to: campaign financing, the procedure for enforcement of the election laws, nonrefundable income tax credits for certain donations to the Wisconsin election campaign fund, candidate time on public broadcasting television stations and public access channels, official action in return for providing or withholding political contributions, services, or other things of value, providing exemptions from certain emergency rule procedures, granting rule-making authority, and providing penalties.

By Representatives Duff and Freese; cosponsored by Senator Schultz.

Read first time and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

**Assembly Joint Resolution 87**

Relating to: commemorating the United States Military Academy at West Point on its bicentennial anniversary.

By Representative Musser; cosponsored by Senator Breske.

Read and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 88**

Relating to: proclaiming May 17, 18, and 19, 2002, Syttende Mai Weekend.

By Representatives Johnsrud, Hebl, Rhoades, Plouff, Gronemus, Bock, Jeskewitz, Krug, Urban, Ward, Ryba, Gunderson, Owens, Berceau, Jensen, Pocan, Musser, Olsen, Cogg, Plale, Hahn, Petrowski, Grothman, Krawczyk, Townsend, Ladwig, Vrakas, J. Lehman, Miller, Hines, Kestell, Sykora and Lassa; cosponsored by Senators M. Meyer, Chvala, Rosenzweig, Erpenbach, Burke, Schultz, Moen, Darling, Hansen, Grobschmidt, Huelsman and Lazich.

Read and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 92**

Relating to: honoring the mighty 8th Air Force.

By Representatives Wieckert, Suder, Boyle, Miller, Nass, Ryba, Musser, Krawczyk, Urban, Turner, J. Lehman, McCormick, Freese, Townsend, Owens, Petrowski, Schooff, Lassa, Vrakas, Gunderson, Ott, Cogg and Gundrum; cosponsored by Senators Moen, Moore, Rosenzweig, Burke, Grobschmidt, Darling, Erpenbach, George, Kanavas, Wirch, S. Fitzgerald, Roessler and Lazich.

Read and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 94**

Relating to: recognizing Harley-Davidson, Inc., for being selected by Forbes Magazine as Company of the Year.

By Representatives Walker, Gunderson, Riley, Stone, Jeskewitz, Friske, Vrakas, Freese, Urban, J. Fitzgerald, Kestell, Richards, McCormick, Sinicki, Duff, Rhoades, Starzyk, Sykora, Ladwig, Krug, Ryba, Townsend, Hahn, Owens, Turner, D. Meyer, Plouff, Pettis, Olsen, Krawczyk, Staskunas, Lassa, Miller, Albers, Nass and Grothman; cosponsored by Senators Rosenzweig, Lazich, Darling, George, Breske, S. Fitzgerald, Shibilski, Grobschmidt, Panzer, Erpenbach, Burke, Cowles, Decker, Plache, Roessler, Wirch, Kanavas, Schultz, Huelsman and Harsdorf.

Read and referred to committee on **Senate Organization**.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, March 5 at 10:00 A.M.

Adjourned.

10:01 A.M.

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**AMENDMENTS OFFERED**

Senate amendment 1 to **Senate Bill 304** offered by Senator Decker.

**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**2001 SENATE BILL 443**

Prepared by the Legislative Reference Bureau  
(February 25, 2002)

7. Page 3, line 10: delete “aids –” and substitute “aids —”.

8. Page 4, line 5: delete “2002-2003” and substitute “2002-03”.

**CORRECTIONS IN:**

**2001 ASSEMBLY BILL 843**

Prepared by the Legislative Reference Bureau  
(February 27, 2002)

1. Page 64, line 10: delete “political” and substitute “and political”.

**MOTIONS UNDER SENATE RULE 98 AND  
JOINT RULE 7**

*for the Month of February 2002*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Dave Ament, on the occasion of being selected as the Business Person of the Year.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Megan Murphy Andrews, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Nick Bohlman, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Judge Henry B. Buslee, on the occasion of demonstrating tremendous loyalty and service to the Fond du Lac community.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Harsdorf, for Mr. Jeff Butler, on the occasion of years of dedicated and devoted service to the area youth of the Frederic Community through Pheasants Forever as coordinator of Ringnecks, a national youth membership.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Samantha Catalano, on the occasion of being the recipient of the 7th annual Prudential Spirit of Community Awards.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Paul Cizek, on the occasion of being the recipient of the Prudential Spirit of Community Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Harsdorf, for Mr. Brad Domagala, on the occasion of years of dedicated and devoted service to the area youth of the Frederic Community through Pheasants Forever as coordinator of Ringnecks, a national youth membership.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Kathryn “Kay” Elwers, on the occasion of continual support for women’s health issues.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Roessler, for the City of Fond du Lac, on the occasion of celebrating 150 years.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for the Four Lakes Council of the*

*Boy Scouts of America, on the occasion of celebrating their 90th anniversary.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Chris Giacoletto, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Cory Giacoletto, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Jauch, for Frank and Mary Giesen, on the occasion of receiving the Governor’s Award in support of the Arts from the Wisconsin foundation for the Arts through their untiring commitment to Lucius Woods Performing Arts Center.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Joshua Hanstedt, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Harsdorf, for Mr. Dave Hraychuck, on the occasion of years of dedicated and devoted service to the area youth of the Frederic Community through Pheasants Forever as coordinator of Ringnecks, a national youth membership.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Lindsey Humphrey, on the occasion of earning and attaining the rank of the Girl Scout Gold Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Karen Jasniewski, on the occasion of being honored as Citizen of the Year by the West Allis Chamber of Commerce.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Ellis, for Heidi Jeanquart, on the occasion of being named YMCA of the Fox Cities Coach of the Year.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Plache, for Tom Jensen, owner of the South Hills Country Club, on the occasion of receiving the Southeast Outstanding Restaurateur of the Year Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moen, for Andrew Kline, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Schultz, for Joseph Koelsch, on the occasion of his 33 years of dedicated service on the board of the Brewer Public Library.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Matt Kowalski, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Ted Majdecki owner of Majdecki Sentry Foods, on the occasion of being honored as Business of the Year by the West Allis Chamber of Commerce.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Milton McPike, on the occasion of his retirement as Principal of Madison East High school after 23 years of distinguished and outstanding service to the Madison School district, the school and as well the students of East High School.*



*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Matthew Oelstrom, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Charles "Chico" Pope, owner of Buckhorn Supper Club in Milton, Wisconsin on the occasion of winning the 2002 Outstanding Restaurateur of the Year Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Brian Robert Ramos, on the occasion of his dedication to the Boy Scouts Troop #101.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Decker, for Landon D. Reich, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Kimberly Rounds, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Brian Schneider, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Raymund Frederick Seideman, on the occasion of celebrating his 100th Birthday shared with family and friends.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Greg Siegrist, on the occasion of earning and attaining the Arrow of Light Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Sigma Gamma Rho Sorority, Inc., on the occasion of its Fifth Annual Youth Symposium on Adolescent Issues.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moore, for Sigma Gamma Rho Sorority, Inc., on the occasion of their dedicated encouragement and guiding the youth to have high scholastic attainment, community service and improvement in the quality of life through its chapter.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Matthew Ward Stackpole, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Jonathan Sulman, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Rosenzweig, for the Wauwatosa Historical Society, on the occasion of its 25th anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Jeffery West, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Ryan Michael Whitehead, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Daniel Spencer Wilde, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Matthew David Wisnepske, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Risser, for Douglas Ziegahn, on the occasion of being named 2002 Outstanding Restaurateur of the Year by the Madison Chapter of the Wisconsin Restaurant Association.*





STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

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10:02 A.M.

THURSDAY, February 28, 2002

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The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, March 5 at 10:00 A.M.

Adjourned.

10:03 A.M.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

TUESDAY, March 5, 2002

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

#### Senate Resolution 15

Relating to: urging authorization of funding for modernization of lock and dam infrastructure on the Upper Mississippi and Illinois Rivers' Inland Waterways Transportation System.

By Senators Shibilski and Schultz.

To committee on **Insurance, Tourism, and Transportation.**

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 482

Relating to: requiring pharmacies and pharmacists, as a condition of medical assistance participation, to charge persons for prescription drugs no more than specific amounts; specifying requirements for rebate agreements between the department of health and family services and drug manufacturers or labelers; expanding prior authorization requirements under medical assistance; requiring the exercise of rule-making authority; making appropriations; and providing penalties.

By Senators Plache, Burke, Decker and Hansen; cosponsored by Representatives Coggs, Morris–Tatum, Krusick, Balow, Berceau, Black, Bock, Carpenter, Huber, Kreuser, Lassa, Miller, Plouff, Pocan, Ryba, Shilling, Sinicki, Turner and Young.

To committee on **Health, Utilities, Veterans and Military Affairs.**

#### Senate Bill 483

Relating to: the registration of replica and homemade vehicles.

By Senators Shibilski, Zien and Rosenzweig; cosponsored by Representatives Vrakas, Stone, Albers, Hahn and Suder.

To committee on **Insurance, Tourism, and Transportation.**

#### Senate Bill 484

Relating to: access to certain public records in multiple custodianship.

By Senator Roessler; cosponsored by Representatives Underheim, Seratti, Townsend, Kaufert, Hundertmark, Olsen and Hahn.

To committee on **Privacy, Electronic Commerce and Financial Institutions.**

#### Senate Bill 485

Relating to: state procurement of a toner cartridge whose manufacturer restricts its remanufacture.

By Senators Baumgart and Decker; cosponsored by Representatives Powers, Pocan, Ryba, Black, Miller and Albers.

To committee on **Universities, Housing, and Government Operations.**

#### Senate Bill 486

Relating to: representations made regarding wild rice sold or offered for sale in this state, granting rule-making authority, and providing a penalty.

By Senator George; cosponsored by Representative Musser.

To committee on **Labor and Agriculture.**

### REPORT OF COMMITTEES

The committee on **Economic Development and Corrections** reports and recommends:

#### Assembly Bill 382

Relating to: prisoner reimbursement to a municipality.

Concurrence.

Ayes, 3 – Senators Jauch, M. Meyer and Zien.

Noes, 0 – None.

ALBERT, PHILIP E., 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:

#### Assembly Bill 600

Relating to: sales of damaged timber by the department of natural resources and from county forest lands.

Concurrence.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

**Assembly Bill 635**

Relating to: threatening to infect livestock or wild deer with a contagious or infectious disease and providing penalties.

Concurrence.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

**Assembly Bill 686**

Relating to: infecting animals with a contagious disease and providing a penalty.

Concurrence.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

**Assembly Bill 695**

Relating to: educational requirements for foresters employed by the department of natural resources and persons authorized to designate trees for cutting in state forests.

Concurrence.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Jim Baumgart  
Chairperson

The committee on **Insurance, Tourism, and Transportation** reports and recommends:

**Assembly Bill 609**

Relating to: the titling of motor vehicles that have been damaged; the sale of a motor vehicle subject to a seizure for a crime related to driving while under the influence of an intoxicant or other drug; displaying the empty weight on the side of certain motor vehicles; vehicle identification numbers for motorcycles; and operating a motor vehicle that is not registered (suggested as remedial legislation by the department of transportation).

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

Concurrence as amended.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

Roger Breske  
Chairperson

The committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform** reports and recommends:

**Assembly Bill 157**

Relating to: possession of body armor by persons convicted of or adjudicated delinquent for certain felony offenses and providing a penalty.

Concurrence.

Ayes, 4 – Senators George, Wirch, Huelsman and S. Fitzgerald.

Noes, 1 – Senator Risser.

**Assembly Bill 280**

Relating to: placing bodily substances in edibles and providing a penalty.

Concurrence.

Ayes, 4 – Senators George, Wirch, Huelsman and S. Fitzgerald.

Noes, 1 – Senator Risser.

Gary George  
Chairperson

The committee on **Labor and Agriculture** reports and recommends:

**Assembly Bill 44**

Relating to: authorizing the payment of different prices to producers for milk based on specified criteria.

Concurrence.

Ayes, 4 – Senators Hansen, Baumgart, A. Lasee and Harsdorf.

Noes, 1 – Senator Decker.

David Hansen  
Chairperson

The committee on **Senate Organization** reports and recommends:

**Assembly Joint Resolution 87**

Relating to: commemorating the United States Military Academy at West Point on its bicentennial anniversary.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

**Assembly Joint Resolution 88**

Relating to: proclaiming May 17, 18, and 19, 2002, Syttende Mai Weekend.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

**Assembly Joint Resolution 92**

Relating to: honoring the mighty 8th Air Force.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

Charles Chvala  
Chairperson

The joint survey committee on **Tax Exemptions** reports and recommends:

**Senate Bill 407**

Relating to: references to the Internal Revenue Code for income and franchise tax purposes.

The provisions of the bill relating to tax exemptions are good public policy.

Referred to the committee on **Universities, Housing, and Government Operations**.

**Senate Bill 424**

Relating to: authorizing the creation of a local park and recreation district, authorizing a local park and recreation district to levy a property tax, authorizing a local park and recreation district to apply for funding from certain programs that receive funding from the stewardship 2000 program, and authorizing a local park and recreation district to impose impact fees and issue debt.

The provisions of the bill relating to tax exemptions are good public policy.

Russell Decker  
Senate Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Ethics Board**

March 5, 2002

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/>

- Franken, Andrew      **Municipal Taxpayer Commission**
- Franken, Andrew      **Wausau Benefits Inc**
- Hauser, R F (Dick)    **Wisconsin Cattlemen's Association**
- Kuehn, Ronald W      **Association of Wisconsin School Administrators**
- Meyer, Terry          **Wisconsin Education Association Council**
- Nierzwicki, Christine **Fortis Insurance Company**
- Stenger, Scott        **Municipal Taxpayer Commission**
- Stevens, Janet        **Wisconsin Education Association Council**
- Swiderski, Julie      **Wisconsin Humane Society**

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  
Joint Legislative Council**

February 26, 2002

The Honorable, The Senate:

I am pleased to transmit to you the following reports to the 2001 Legislature on legislation introduced by the Joint Legislative Council:

RL2001-12      Legislation Recommended by the  
Special Committee on Condominium Law Review (2001  
Assembly Bill 781 and 2001 Senate Bill 412)

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\\_topaic.htm](http://www.legis.state.wi.us/lc/reports_by_topaic.htm).

Sincerely,

TERRY C. ANDERSON  
Director

**State of Wisconsin  
Department of Public Instruction**

March 1, 2002

The Honorable, The Senate:

Wisconsin school laws include the following provision in s. 115.45(6)(b) and (c), Wis. Stats.:

- SECTION 115.45 Grants for preschool to grad 5 programs.
- (6) The State Superintendent shall:

(b) By March 1, 1986, and annually thereafter, submit to the joint committee on finance and the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s.13.172(3), a budget report detailing the grants he or she intends to award under this section in the next fiscal year. The report shall provide summary data on the results of the annual testing required under sub. (4)(b) and include a description of the guidelines used to determine the individual schools and private service providers that will receive funds under this section and the types of expenditures eligible for such funds.

(c) Annually submit to the legislature under s. 13.172(2) a report on the academic progress made by pupils enrolled in preschool to grade 5 programs under this section.

All Preschool-to-Grade-5 (P-5) evaluation reports for 2000-01 are contained herein as well as a report on the academic progress for all schools funded by the P-5 program. If you have questions, please contact my office or Sandra Dercole in the DPI Office of Urban Education (414-227-4942).

Sincerely,

ELIZABETH BURMASTER  
State Superintendent

Referred to committee on **Education.**

**State of Wisconsin  
Department of Workforce Development**

February 28, 2002

The Honorable, The Senate:

Pursuant to Section 109.12(2) and (3), Wis. Stats., I hereby submit the Department of Workforce Development's (DWD) 2001 annual report on the administration and enforcement of Sections 109.07 and 109.075, Wis. Stats. The report contains three sections. The first section lists all businesses in 2001 that notified DWD of business closings and mass layoffs planned in Wisconsin. The second section of the report lists businesses against whom DWD has received business closing or mass layoffs complaints, DWD's actions in processing those complaints and the current status or outcome of those complaints. The third section of the report lists businesses against whom DWD has received healthcare cessation complaints, DWD's actions in processing those complaints and the current status or outcome of those complaints.

If you have any questions regarding the information contained in this report, please contact me.

Sincerely,

JENNIFER REINERT  
Secretary

**State of Wisconsin  
Higher Educational Aids Board**

March 1, 2002

The Honorable, The Legislature:

Attached is a report summarizing a proposed program to forgive educational loans for Wisconsin farmers. Submission of this report is in compliance with Section 9124, Nonstatutory Provisions of 2001 Wisconsin Act 16.

If you have any questions about this report, please feel free to contact me by phone at 264-6181 or by e-mail at [jane.hojan-clark@heab.state.wi.us](mailto:jane.hojan-clark@heab.state.wi.us).

Sincerely,

JANE HOJAN-CLARK  
Executive Secretary



**State of Wisconsin  
Department of Health and Family Services**

February 27, 2002

The Honorable, The Senate:

The Bureau of Health Information, Department of Health and Family Services, is pleased to submit to the Governor and Legislature the *Uncompensated Health Care Report, Fiscal Year 2000*. The data for this report were collected under section 153.05, Wisconsin Statutes, and are published as authorized by the requirements of section 120.20, Wisconsin Administrative Code.

This report is based on annual hospital uncompensated health care data reported to the Bureau of Health Information by all operating general medical-surgical and specialty hospitals in Wisconsin. The report sets forth the total charges for charity care, bad debt, and total uncompensated health care for fiscal year 2000. It also shows the projected number of patients and the projected charges for charity care, bad debt, and total uncompensated health care in fiscal year 2001.

Sincerely,

PHYLLIS J. DUBE  
Secretary

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 01–151**

Relating to supervised clinical practice.

Submitted by Department of Regulation and Licensing.

Report received from Agency, February 28, 2002.

Referred to committee on **Human Services and Aging**, March 5, 2002.

**Senate Clearinghouse Rule 01–157**

Relating to health care loan assistance.

Submitted by Department of Commerce.

Report received from Agency, March 1, 2002.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, March 5, 2002.

**Senate Clearinghouse Rule 02–007**

Relating to day care certification.

Submitted by Department of Workforce Development .

Report received from Agency, February 28, 2002.

Referred to committee on **Labor and Agriculture**, March 5, 2002.

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Senator Risser, with unanimous consent, appointed Senators Meyer and Fitzgerald to act as escorts to his Excellency the Governor.

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Senator Risser, with unanimous consent, asked that the Senate recess until 6:50 P.M.

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**RECESS**

6:50 P.M.

The Senate reconvened.

Senator Risser in the chair.

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Senator Chvala, with unanimous consent, asked that the Senate recess for the purpose of convening in a joint convention to receive the Governor’s state of the state address and upon the rising of the joint convention adjourn until Thursday, March 7 at 10:00 A.M.

6:51 P.M.

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**RECESS**

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**IN ASSEMBLY CHAMBER IN JOINT  
CONVENTION**

The President of the Senate in the Chair.

The committee to await upon the Governor appeared with his excellency the Governor, who delivered his state of the state message as follows:

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**STATE OF THE STATE ADDRESS**

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Citizens, colleagues, guests and friends. Mr. Speaker, Mr. President, distinguished members of the Legislature, members of the Supreme Court, constitutional officers, cabinet members, Lieutenant Governor Farrow, First Lady Laurie McCallum, and family.

In keeping with time-honored tradition, I come before you tonight to report on the state of the state. I am pleased to report that the state of our state reflects the will of our people... and like the state of our state.... Our will is strong.

Our fellow citizens are looking to the future with courage, confidence and hope..... And I am optimistic that what we do in the coming year will move Wisconsin toward an even brighter tomorrow.

There is energy and optimism throughout the land, and as elected representatives of the people, we must recognize that our citizens feel the winds of change. The people I have talked to the past year across Wisconsin do not fear change or reform. In fact, they expect it and accept it.

From welfare reform to extended unemployment benefits to SeniorCare, Wisconsin has embraced a tradition of change.

Tonight, I also want to talk with you about what we can do together – not as Republicans and Democrats, or state and locals, or rural and urban-dwellers, but as Wisconsinites – to build a better future for our children and ourselves.

As we gather in this historic chamber, it is time to put differences behind and embrace a new spirit of partnership between state and local government and between local governments.

The past six weeks have been tumultuous. There are not easy answers or quick fixes as we put our fiscal house in order. But I believe now is the time to forge a new relationship between all units of Wisconsin government... a relationship based on mutual respect... on collaboration.... And on the principle that by working toward a common goal, we can renew our state’s spirit and health.

So, tonight I extend my hand in the spirit of friendship and cooperation to begin this important journey. Working together toward a common purpose, we can achieve the oldest hopes of our ancestors — caring and safe communities, loving families and prosperity for all.

I am optimistic about the future because during the past year, I witnessed over and over the true Wisconsin spirit... a spirit driven by goodness and compassion.

Let us now pause to reflect on a moment in time that will remain etched in our collective memories.

On a Tuesday morning last September, we awoke to a beautiful, crisp Wisconsin day. Our thoughts were on the Packers' recent win over Detroit... on the upcoming day.... And we awoke to the sounds of our children scrambling down the stairs, still excited about the start of a new school year.

Our peace and tranquility were shattered when we saw on television the images of horror and anguish. The sounds... the pictures of destruction... the terror and the suffering that were immediately and forever seared into our memory.

Since that day, we have lived in an age tarnished by the evil of a few... and yet invigorated by the goodness of so many.

Within hours of the attack, we saw the true spirit of America and the true Wisconsin spirit.

We saw members of the Wisconsin National Guard, specially trained to respond to any threat, join ranks with state and local law enforcement officers to quickly begin keeping us safe.

We saw firefighters from Wisconsin travel to Ground Zero in New York City to lend a helping hand in the rescue and recovery efforts among the crumpled steel of the twin towers.

We saw people in every walk of life, in every city and every town in Wisconsin, attend prayer services, pitch in with bake sales and roll up their sleeves to donate blood.

We saw local government doing its part in the war against terrorism by taking immediate action as our "first responders." To all who displayed the strong leadership and steady hand to keep Wisconsin safe during that time, I speak on behalf of all Wisconsin in extending to each of you a heart-felt "thank you!"

Tonight, on the 165th anniversary of the Wisconsin National Guard, 833 members of the Wisconsin Army and Air National Guard are on active duty in Wisconsin, in the continental United States and around the world.

They are part of our response to September 11th and the Department of Military Affairs' continuing, long-term involvement across three fronts — protecting Wisconsin's security, homeland defense, and fighting international terrorism.

I would like you to meet some of the fine men and women representing Wisconsin in our war against terrorism. They show the diversity of activities in our common defense. They are mothers and fathers, brothers and sisters. Please hold your applause until after I've introduced them:

Lt. Col. Tim O'Brien is an F-16 pilot and is the fighter squadron commander of the 115th Fighter Wing of Madison.

Tech. Sgt. Tony White is a KC-135 boom operator with the 128th Air Refueling Wing of Milwaukee who has flown missions both overseas and here in the United States since Sept. 11.

Master Sgt. Tina Christenson is a radio communications specialist with the 128th Air Control Squadron from Volk Field who helped protect the skies over Chicago for more than three months.

Sgt. First Class Joseph Chapa has been on duty at Milwaukee's Mitchell International Airport as a member of Task Force Noble Badger. He represents the units assigned to airport security.

And Chief Warrant Officer Dave Molitor is the 829th Engineer Detachment commander. Twelve soldiers from this detachment, located in Richland Center, were ordered to active duty in November and deployed to "an undisclosed location" in central Asia. They are now located in Kandahar.

Ladies and gentlemen, please join me in showing our appreciation for these brave men and women.

All of America and all of Wisconsin have been tested and challenged over the past 13 months in many ways.

Seventeen counties in western Wisconsin were tested by floodwaters of the mighty Mississippi a year ago... and destructive tornadoes tested our resolve in western and northern Wisconsin.

We were tested by terrorism and a faltering national economy that took its toll on Wisconsin and 44 other states, causing budget shortfalls and forcing a serious re-examination of our spending habits at every level of government.

But with each test, and at every turn, we witnessed the Wisconsin character at work. We saw Wisconsinites react to adversity with optimism and determination to overcome every challenge so that Wisconsin can be a better place to live and raise a family.

There are countless examples of where the Wisconsin character prevailed the past year, including many where the stage extended beyond our borders.

Just a few weeks ago, the entire world watched in wonder as our very own homegrown Casey FitzRandolph of Verona and Chris Witty of West Allis competed in the Salt Lake City Olympic games. Of course, we all know that Casey and Chris were golden.

Both Casey and Chris are competing in Europe and can't join us tonight, but that won't stop us from celebrating their success of what it took to win gold.

Jeff and Ruthie FitzRandolph have spent thousands of hours molding their son's character and work ethic. As a parent and coach myself of three very athletic and active children, I know the difficulties of balancing work with the demands of instilling in your child a competitive spirit that they will carry with them in life.

There are many sacrifices that Jeff and Ruthie have made to help Casey along his path to Olympic glory, and tonight we pay homage to their dedication and their commitment. Ladies and gentlemen, it is my distinct pleasure to recognize tonight Jeff and Ruthie FitzRandolph.

There is another individual with us in the chamber who knows a thing or two about adversity. This was supposed to be a "rebuilding" year for Badger basketball — we had a new coach with a new system, a group of young players and one of the toughest schedules in the country.

But with each game, the Wisconsin character emerged. We watched the new coach and the determined players react to adversity with confidence and conviction to overcome every challenge thrown their way.

The result is Wisconsin's first big ten title since 1947! The Badgers also became the first UW team since 1941 to beat every conference team in the same season. The coach, Bo Ryan, is the winningest first-year coach in Wisconsin history with 18 wins and only the seventh coach in Big Ten history to win the conference championship in his first year.

And just today, Bo was named Big Ten coach of the year. Ladies and gentlemen, Bo Ryan. I also want to recognize Marquette basketball coach Tom Crean for the great job he has done this year... coach Crean is in Cincinnati tonight and couldn't join us, but he deserves our thanks for a job well done.

We accomplished much under this dome last year, primarily by putting political differences aside and working together for the common good. Let me take a moment to highlight a few of these accomplishments:

I was pleased to have been able to bring together key legislators, the business community, sportsmen, sportswomen and environmental groups to craft a consensus and pass a law to protect our wetlands and our environment. It is the first of its kind in the nation.

Two individuals who played key roles were Republican Representative Neal Kedzie of Elkhorn and Democrat Senator Jim Baumgart of Sheboygan.

Working in a spirit of bipartisanship with A.A.R.P., the Coalition of Wisconsin Aging Groups and countless Democrats and Republicans, we passed a prescription drug benefit program for nearly 300,000 Wisconsin seniors that will serve as a national model in senior health care.

Last year, I introduced a fiscally sound, balanced and realistic budget for the state, which kept spending increases to the lowest level in more than 30 years, held the line on taxes, and protected our core priorities of education and helping the state's neediest citizens. These principles paved the way for a bipartisan budget agreement in August.

I want to acknowledge Republican Assembly Speaker Scott Jensen of Waukesha and Democrat Majority Leader Chuck Chvala of Madison.

I also want to acknowledge the co-chairs of the Joint Finance Committee – Republican Representative John Gard of Peshtigo and Democrat Senator Brian Burke of Milwaukee – and thank them for getting the budget passed in the shortest time in more than six years.

And earlier this year, Wisconsin became the first state in the country to provide extended benefits to unemployed and displaced workers.

There were other accomplishments, as well.

We have taken huge strides in our relationship with the state's tribal governments. I would like to acknowledge the tribal chairmen with us tonight.

We have continued to move people from welfare to work. Just last week I joined President Bush and Secretary Tommy Thompson in announcing a welfare reform agenda that will help more welfare recipients achieve independence through work, protect children and strengthen families.

We invested in smaller class sizes .... Because smaller class sizes have proven to be an effective learning environment for children. Thanks to the efforts of this Legislature, SAGE will allow more than 500 schools to reduce class sizes in grades K through 3.

We have provided our youngest children with every opportunity to reach their full potential by investing in 4-year-old kindergarten.

We are taking the necessary action to make Milwaukee the jewel of Wisconsin, and are taking steps to make southeast Wisconsin a world-class economic powerhouse.

When we build Milwaukee and southeast Wisconsin, we build all of Wisconsin. That's why we must improve the Menomonee Valley, through the redevelopment of Canal Street.

We will be helping revitalize downtown Milwaukee.

The Marquette Interchange is the heart of Wisconsin's transportation system, and we have finalized plans for the largest capital project in our state's history.

State Fair Park is becoming self-sufficient and a year-round attraction, thanks to the steps I've taken.

UW-Milwaukee is becoming a first-class institution nationally, with the help of our budget.

And the consortium of five universities through the new TechStar program will combine academics and business to create economic growth.

Working together in a bipartisan fashion, legislative members of the Building Commission were influential in getting the first

Biostar project approved, a project that keeps UW-Madison at the forefront of biotechnology. I applaud Senators Risser, Meyer and Roessler, and Representatives Hoven, Vrakas and Plale.

Wisconsin taxpayers saved \$62.9 million through the aggressive use of my veto pen – the highest veto amount ever for a biennial budget signed into law.

I unveiled a comprehensive energy package that serves the economic interests of the state and preserves our resources and environment.

In the aftermath of 9-11, statewide price gouging at gas stations was stopped after I personally directed investigators to identify known offenders immediately.

A few weeks after the cowardly attacks on America, I established an anti-terrorism task force to address current and future terrorism issues in Wisconsin.

And all of us did our part throughout the year to ensure that the Packers returned to the NFL playoffs after a short – but painful – absence. And while they didn't go all the way, it sure was a fun ride.... And the Pack will be back!

That is a list of accomplishments of which we can all be proud .... And the best is yet to come.

In my inaugural address last year I introduced the principles that would guide me as your governor – holding the line on government spending, no tax increases, improving education, building Wisconsin through economic development and job creation, and assisting our seniors and the neediest of the needy.

The executive budget I sent to you last year also reflected these principles, and they are the foundation of my budget reform act, which I unveiled Jan. 22.

I believe so strongly that these principles reflect the core values of all Wisconsinites that I state them again.

One, we must always put the hard-working men and women of Wisconsin – the taxpayers – first.

Two, we have a responsibility to provide the best education for our children. That's why I exempted schools from cuts in my Budget Reform Act. My goal is to make Wisconsin schools the best in the world. We will get there because of the best teachers in the world.

Teachers like Tenia Jenkins, whose dedication and professionalism exemplify our teachers and staff throughout Wisconsin's schools. Tenia has been a teacher for 30 years, the last 20 at the Malcolm Shabazz Alternative High School in Madison.

Tenia embodies the Wisconsin spirit... she is a true pioneer. She taught the first African-American history and women's classes in Madison's traditional high schools and continues to be a well-known advocate for young people and a mentor to parents.

Ladies and gentlemen, Tenia Jenkins.

Three, we will create high-paying jobs that reward high-skilled labor, the kind of labor that has become the hallmark of the Wisconsin work ethic.

And four, we have an absolute responsibility to care for people who can't care for themselves. That's why I protected the SeniorCare prescription drug program and the Medical Assistance programs in the Budget Reform Act.

Tonight, I want to put a face on why I made this decision relating to Medical Assistance. Dr. Kevin Izard is a family practitioner from Milwaukee. He is a Wisconsin Medical Society member from the Capitol Drive Health Care Center, where 90 percent of his practice is with Medicaid patients.



Dr. Izard, you have dedicated your life to serving the urban poor... and for that, Wisconsin thanks you. Ladies and gentlemen, Dr. Kevin Izard.

Today, we are in the midst of a challenging special session. Government must do what all Wisconsin families do when they gather around the kitchen table and look at their budgets – live within its means.

I said it wouldn't be easy, but that it is time to make tough decisions and limit government spending while protecting services for those who need us the most – our children, the elderly and the disabled.

You might recall that, in my budget reform act speech, I predicted this would be a controversial package because it holds the line on taxes and dramatically reins in government spending at every level.

Tonight, I repeat my pledge to the hard-working men and women of this state: I will continue to oppose any budget solution that includes higher taxes.... And I will continue to push for greater efficiency in government.

My plan calls for bold reform of the state and local partnership. Those who argue that the shared revenue program should be preserved in its current form ignore the fact that much has changed in state and local finances in the last 30 years.

From a state budget perspective, there is little doubt the state and local partnership needs to be reformed because the current system is not sustainable. It is time Wisconsin has this much-needed discussion.

In town halls and city councils across the state, and right here in the Capitol, already the debate has changed from how we spend money to how we can save money.

In fact, during the past six weeks I've seen a number of leaders step to the plate and initiate discussions on making government more efficient.

Some leaders have had great success in this area in the past, and their efforts to save money through consolidation and the merger of services with neighboring governments is gaining new momentum.

These architects of change include Ripon Mayor Robert Somers, who says every elected official –regardless of constituency – must listen to taxpayers and continue to cut spending.

And Wausau's Linda Lawrence, who was pushing a merger plan before the Budget Reform Act was unveiled and now wants to accelerate her plan to save Wausau taxpayers money.

And Appleton's Tim Hanna...who continues to push city staff and city leaders to pursue a regional strategy. A strategy based on coordination of services that promote stronger community partnerships and provide greater value for citizens.

Another architect of change who has understood for years the need to consolidate services is Waukesha County Executive Dan Finley. Dan has called for a new countywide department of public safety to manage their dispatching system.

In Madison, Mayor Sue Bauman has proposed budget cuts and is working diligently with Dane County officials to strengthen efforts to consolidate city and county functions.

South Milwaukee's David Kieck is exploring consolidation with Cudahy and St. Francis leaders for police dispatch and emergency crews.

Neenah's Ken Harwood has taken steps toward merging their fire department with that of nearby Menasha.

There have been discussions about saving taxpayers money in Marathon County, too.... Officials there want to consolidate county parks and forestry departments.

Brown, Outagamie and Winnebago counties are talking about consolidating landfill and recycling programs, and Price County officials adopted a hiring freeze and froze spending on capital equipment.

Former Milwaukee County Executive David Schulz said there is a new spirit of public engagement for reforming and ultimately reinventing local government in Milwaukee and Wisconsin.

I quote: "For more than two centuries, our tradition in the United States has been one of constantly reinventing our society and government. If Milwaukee and Wisconsin can do so now, then the future will be bright with promise and opportunity." End quote.

And Racine County Executive Jean Jacobson, a Kettle Commission member who has had success with consolidations and mergers, recently was asked by other municipalities to provide insight on how to get people to cooperate.

Quote: "Put them in a room together, give them a little coffee and something to eat. We have to put our politics at the door. It's just good, plain common sense. After the governor's message, we're all going to be crying together.... We might as well work on solutions together."

Ladies and gentlemen, the debate has changed!

And we must continue to move the focus from protecting government institutions to protecting the working people of Wisconsin.

The debate has changed.

To all local officials, I say this tonight: Let's work together ... because we share a common goal – shaping a better tomorrow for the hard-working families of this state and giving taxpayers the best return on their dollar.

I am committed to working with town boards, county executives, village presidents and mayors across Wisconsin to develop long-term solutions for efficiency, cooperation, consolidation and accountability at every level of government – both state and local.

The budget reform act contains language to create a task force to address this very issue. But because the debate has so clearly moved from spend to save, we must move forward with the task force immediately.

Reform itself must begin now.

I will create, by executive order, the Governor's Task Force on State and Local Government, to be headed by Milwaukee's Tim Sheehy.

The goal of the task force will be to build a better Wisconsin through state and local partnerships.

The task force will consist of those who are willing to roll up their sleeves and work together for the greater good of Wisconsin's taxpayers. My first appointments will be those representing local government.

The first charge of the task force is to conduct a thorough review of state mandates. We must eliminate all mandates that are barriers to consolidation and merging local government functions.

We must make it easier for local governments to consolidate and become more efficient. We must identify financial incentives for local government to consolidate services where possible. We need to reward economic development and growth.

Every study has shown, and few people disagree, that we have too much government in Wisconsin. We now need to approach the problem in a reasonable fashion.

As we ponder important fiscal issues, there are other matters that will command our attention this year.



In the coming months we will accelerate our efforts within Wisconsin on issues concerning terrorism and security. Wisconsin stands to receive as much as \$20 million in federal aid this year for domestic security.

I recently met with Homeland Security Director Tom Ridge. He delivered a clear message: As we move forward to protect our families through new law enforcement measures, our statewide efforts must focus on regional needs within our borders.

Local officials will play a crucial role as “first responders,” and we must recognize that what works in Milwaukee or Port Washington may not work in La Crosse... and vice versa.

Cooperation, regionalization and accountability – these are themes that will dominate the landscape this year.

In the coming months, I will focus on economic development and education, two separate policy areas that are driven at the local level.... And two policy areas that, for the first time ever in Wisconsin, are now linked as one.

For too long, the debate over financing education has pitted educators against the business community. Last year, I moved to bridge that gap by bringing many of the state’s key players from both sides together for discussions.

I knew such a meeting was risky, but I moved forward because I believe that when the children of Wisconsin receive the education they deserve, other goals – a strong economy, lower crime rates, healthier families, and fewer demands on government – are within easy reach.

Today, with educators and business breaking the old “politics as usual” mold, the dynamics have dramatically changed in this state

The partnership of business and education is moving forward with unshakable determination.

I applaud all the individuals involved in this discussion for their willingness and their courage in the face of criticism to work together to bring Wisconsin schools and Main Street closer together.

I remain optimistic that this new dynamic and the fruits of our labor will pay benefits now and for many years to come.

We live in a globally competitive environment; the pace of change is rapidly increasing and the stakes are growing higher. Many of our neighboring states have recognized this and are positioning themselves.

We must move quickly, too.

Later this spring, I will unveil a statewide business plan as part of my Build Wisconsin program. The plan’s foundation will be based on the economic development model of “clusters.”

A cluster is a related technology or industry where the elements necessary for prosperity – the ideas, research, capital, workforce and government support – exist in one place. Instead of focusing on individual companies, clusters focus on regional economies and on related firms and supporting infrastructure.

Some of the clusters Build Wisconsin will pursue include agriculture, biotechnology, finance, insurance, information technology and data processing, manufacturing, papermaking and forest products, medical devices, automotive and tourism.

The good news is that Wisconsin’s per capita income in the 1990’s grew slightly faster than the per capita income of the Midwest and the nation.

And the cost of living is significantly lower in Milwaukee than in our main border-state competitors, Minneapolis and Chicago.

But on the other end of the spectrum, in the year 2000, Illinois and Minnesota workers earned more each year than the

hard-working men and women in Wisconsin. That is unacceptable. We must do better.

We must set our goals high.

My vision for Wisconsin’s future is expansive, but not expensive: we can make government at all levels work better and smarter. We will continue holding the line on spending and taxes so that Wisconsin moves out of the top five highest-tax states by 2003 and out of the top 10 by 2006.

With a statewide business plan as our roadmap, our goal will be to raise Wisconsin’s per capita income above the national average by the end of 2005 and surpass Illinois and Minnesota in wages earned by the end of the decade!

In times of challenge, we must keep sight of our goals. In the coming years, we will build on our past successes to enhance our economic vitality and preserve our quality of life.

As I reflect on our state of the state, I am bolstered by the belief that the goodness and strength of our people will prevail. The future is ours to make. While some states may fret and worry about the future, the Wisconsin spirit will serve as our beacon for a prosperous and healthy Wisconsin.

Recently, I was asked what Wisconsin might look like in 10 years.

I see a future with a vibrant business climate that will continue to create good-paying jobs.

I see a thriving economy with nationally renowned companies opening their doors.... And a highly skilled workforce.

I see schools where children are challenged. Teachers are given the respect they deserve. And accountability is the common denominator for our entire school system.

I see children and families with health care and childcare.

I see top-notch academic programs producing first-rate students and leaders.

I see a national biotechnology center in Wisconsin.

I see basketball championship banners hanging from the rafters of the Kohl Center and the Bradley Center.

I see the Lombardi Trophy back at its rightful home – Lambeau Field... the same year the Badgers win the national championship on the gridiron.

I see families exploring open space, swimming at our pristine beaches, fishing in our lakes and riding on our bike paths.

I see a world-class transportation system that quickly and smoothly moves people and goods around and into Wisconsin.... And moves products out.

I see farmland where young children learn to carry on the historic legacy of the family farm from their parents and grandparents.

I see visitors and residents celebrating Wisconsin’s ethnic and cultural diversity from Superior to Kenosha ... from Marinette to Monroe.

I see great days ahead for men and women of will and vision.

But most of all, I see a Wisconsin in the shining light of a rising sun... fresh from the burning, creative hand of God.

Thank you very much. God bless you, and God bless Wisconsin.

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## ADJOURNMENT

Adjourned.

7:45 P.M.

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**AMENDMENTS OFFERED**

Senate amendment 1 to **Senate Bill 353** offered by Senator Harsdorf.

Senate amendment 1 to **Senate Bill 435** offered by Senator Robson.

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**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Joint Resolution 57**

Deposited in the office of the Secretary of State on March 4, 2002.

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**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Joint Resolution 30**

**Senate Joint Resolution 53**

**Senate Joint Resolution 54**

**Senate Bill 302**

**Senate Bill 330**

**Senate Bill 360**

Report correctly enrolled on March 1, 2002.

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**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**SENATE AMENDMENT 1,  
TO 2001 ASSEMBLY BILL 470**

Prepared by the Legislative Reference Bureau  
(March 1, 2002)

**2.** Page 1, line 1: after "bill," insert "as shown by assembly substitute amendment 1,".

**CORRECTIONS IN:**

**ASSEMBLY AMENDMENT 1,  
TO 2001 ASSEMBLY BILL 843**

Prepared by the Legislative Reference Bureau  
(February 28, 2002)

**1.** Page 4, line 10: before "and (2)" insert "(1m)".

**2.** Page 4, line 10: before "(2), and" insert "(1m)".



STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

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10:02 A.M.

TUESDAY, March 5, 2002

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The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Thursday, March 7 at 10:00 A.M.

Adjourned.

10:03 A.M.

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, March 6, 2002

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The Chief Clerk makes the following entries under the above date.

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**INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS**

Read and referred:

**Senate Joint Resolution 64**

Relating to: honoring the University of Wisconsin–Green Bay Women’s Basketball Team.

By Senators Hansen, Cowles and A. Lasee; cosponsored by Representatives Krawczyk, Ryba, F. Lasee, Montgomery, Gard, Bies, Meyerhofer, Ainsworth and Ott.

To committee on **Senate Organization**.

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**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 487**

Relating to: acquisition of residential or agricultural property by an electric utility.

By Senators Decker and Jauch; cosponsored by Representatives Reynolds and Boyle.

To committee on **Health, Utilities, Veterans and Military Affairs**.

**Senate Bill 488**

Relating to: disposal of oil–absorbant materials.

By Senator Harsdorf; cosponsored by Representative Plouff, by request of the Department of Natural Resources Council on Recycling.

To committee on **Environmental Resources**.

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**REPORT OF COMMITTEES**

The committee on **Health, Utilities, Veterans and Military Affairs** reports and recommends:

**Assembly Bill 655**

Relating to: testing of donors of human ova for the presence of human immunodeficiency virus; membership of the council on developmental disabilities; and changing the term used to describe a residential facility operated by a child welfare agency for the care and maintenance of children (suggested as

remedial legislation by the department of health and family services).

Concurrence.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

**Assembly Bill 733**

Relating to: expanding eligibility for drug treatment reimbursement grants for persons with HIV infections.

Concurrence.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

**Assembly Bill 743**

Relating to: the statewide trauma system and making appropriations.

Concurrence.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

**Senate Bill 305**

Relating to: licensing of physical therapists and physical therapist assistants and granting rule–making authority.

Introduction and adoption of Senate amendment 1.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

Passage as amended.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

**Senate Bill 413**

Relating to: the regulation of massage therapists and bodyworkers, creating a massage therapy and bodywork examining board, granting rule–making authority and providing a penalty.

Introduction of Senate substitute amendment 1.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

Introduction and adoption of Senate amendment 1 to Senate substitute amendment 1.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.



Senate substitute amendment 1 adoption.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.  
Noes, 0 – None.

Passage as amended.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.  
Noes, 0 – None.

**Senate Bill 447**

Relating to: creating an individual income tax checkoff for a breast cancer research program, creating a breast cancer research program, granting rule-making authority, and making appropriations.

Passage.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.  
Noes, 0 – None.

**Senate Bill 479**

Relating to: payment of a medical assistance supplement to care management organizations that contract with municipal nursing homes for the provision of services to family care recipients.

Passage.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.  
Noes, 0 – None.

**Senate Joint Resolution 62**

Relating to: proclaiming March as Colorectal Cancer Awareness Month.

Adoption.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.  
Noes, 0 – None.

Rodney Moen  
Chairperson

The committee on **Labor and Agriculture** reports and recommends:

**Senate Bill 460**

Relating to: rules of conduct for a business receiving a grant or loan from the Wisconsin development fund or proceeds from the sale of an industrial development revenue bond and the employment impact estimates required to be submitted by such a business.

Introduction and adoption of Senate amendment 1.

Ayes, 4 – Senators Hansen, Decker, Baumgart and A. Lasee.  
Noes, 1 – Senator Harsdorf.

Introduction and adoption of Senate amendment 2.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.  
Noes, 0 – None.

Passage as amended.

Ayes, 4 – Senators Hansen, Decker, Baumgart and A. Lasee.  
Noes, 1 – Senator Harsdorf.

**Senate Bill 471**

Relating to: authorizing dairy product wholesalers to furnish freezer cabinets to dairy product retailers.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.  
Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.  
Noes, 0 – None.

David Hansen  
Chairperson

The committee on **Senate Organization** reports and recommends:

**Senate Bill 463**

Relating to: legislative redistricting.

Passage.

Ayes, 3 – Senators Chvala, Risser and Moen.  
Noes, 2 – Senators Panzer and A. Lasee.

Charles Chvala  
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Senate Bill 470**

Relating to: licensing of electricians and electrical contractors, regulation of electrical construction, granting rule-making authority, and providing a penalty.

Passage.

Ayes, 6 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis and Zien.  
Noes, 1 – Senator Huelsman.

**Senate Joint Resolution 59**

Relating to: reducing, by income tax credits or by payments from state revenues, property taxes upon residential and agricultural real property as defined by law (first consideration).

Adoption.

Ayes, 4 – Senators M. Meyer, Moore, Grobschmidt and Hansen.  
Noes, 3 – Senators Ellis, Huelsman and Zien.

Mark Meyer  
Chairperson

**PETITIONS AND COMMUNICATIONS**

State of Wisconsin  
Office of the Secretary of State

To the Honorable, the Senate:

<u>Bill, Joint Resolu- tion or Resolution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
2001 Senate Joint Resolution 57	Enrolled Joint Resolution, 29	N/A

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 01-146**

Relating to forest fire protection grants and sustainable forestry grants for county forests.

Submitted by Department of Natural Resources.

Report received from Agency, March 6, 2002.

Referred to committee on **Environmental Resources**,  
March 6, 2002.

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The committee on **Labor and Agriculture** reports and recommends:

**Senate Clearinghouse Rule 01–114**

Relating to pesticide product restrictions.

No action taken.

David Hansen  
Chairperson

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**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Bill 176**

**Senate Bill 247**

Report correctly enrolled on March 5, 2002.

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**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**2001 ASSEMBLY BILL 510**

Prepared by the Legislative Reference Bureau

(March 5, 2002)

**3.** Page 7, line 23: delete “years.” and substitute “years.”.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

THURSDAY, March 7, 2002

The Senate met.

The Senate was called to order by Senator Fred Risser.

The roll was called and the following Senators answered to their names:

Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator Robson led the Senate in the pledge of allegiance to the flag of the United States of America.

### INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

#### Senate Joint Resolution 65

Relating to: memorializing Congress to pass House Resolution 1717, to require department of veterans affairs pharmacies to dispense medications to veterans for prescriptions written by private practitioners.

By Senators Grobschmidt, Burke, Schultz, Darling and Harsdorf; cosponsored by Representatives Staskunas, Duff, Sinicki, Bock, Pettis, Turner, Albers, Berceau, Musser, McCormick, J. Lehman, Sykora, Ryba, Wasserman, Lassa, Townsend, Miller and Carpenter.

To committee on **Health, Utilities, Veterans and Military Affairs**.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 489

Relating to: violations of sex offender registry reporting requirements and providing penalties.

By Senators Harsdorf, Kanavas and Lazich; cosponsored by Representatives Suder, Jeskewitz, Musser, Krawczyk and Hines.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

#### Senate Bill 490

Relating to: appellate procedure.

By Senator George, by request of the Judicial Council.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

### REPORT OF COMMITTEES

The committee on **Environmental Resources** reports and recommends:

#### Assembly Bill 689

Relating to: approval by the joint committee on finance of contracts to sell or exchange state land under the jurisdiction of the department of natural resources.

Concurrence.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

GUMTOW, JON H., of Random Lake, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

#### Senate Bill 452

Relating to: the groundwater law and regulation of aquifer storage recovery systems.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 4 – Senators Baumgart, Hansen, Wirch and Cowles.

Noes, 1 – Senator Schultz.

Passage as amended.

Ayes, 4 – Senators Baumgart, Hansen, Wirch and Cowles.

Noes, 1 – Senator Schultz.

#### Senate Bill 468

Relating to: the formula used for calculating the estimated motorboat gas tax payment; establishing a wetlands protection grant program, funding for wetlands mitigation activities and positions, for lake management and river protection grants, and for positions to administer lake, river, and dam financial assistance programs; implementation of the conservation reserve enhancement program; implementation of county land and water resource management plans; granting rule-making authority; and making appropriations.

Passage.

Ayes, 4 – Senators Baumgart, Hansen, Wirch and Cowles.

Noes, 1 – Senator Schultz.

Jim Baumgart  
Chairperson

The committee on **Health, Utilities, Veterans and Military Affairs** reports and recommends:

**Senate Bill 394**

Relating to: withholding from public inspection information about public utility security.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

Passage as amended.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

Rodney Moen  
Chairperson

Senator Robson, with unanimous consent, asked that the Senate recess until 1:10 P.M.

10:15 A.M

**RECESS**

1:10 P.M

The Senate reconvened.

Senator Risser in the chair.

Senator Schultz, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 92**.

Senator Schultz, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 497**.

Senator Jauch, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 711**.

Senator Erpenbach, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 711**.

Senator Grobschmidt, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 711**.

Senator Shibilski, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 711**.

Senator Burke, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 711**.

Senator Darling, with unanimous consent, asked to be added as a coauthor of **Senate Bill 489**.

Senator Hansen, with unanimous consent, asked to be added as a coauthor of **Senate Bill 470**.

**ADVICE AND CONSENT OF THE SENATE**

Senator Chvala, with unanimous consent, asked that all the appointments be taken up en masse.

CLEMENCE, DR. KEITH, of Hales Corners, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2005.

Read.

JAHIMIAK, DR. KAREN M., of Brookfield, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2005.

Read.

MARG, DAVID J., of Mosinee, as a member of the Snowmobile Recreation Council, to serve for the interim term ending July 1, 2003.

Read.

REINEMANN, ROGER, of Mequon, as a member of the Judicial Commission, to serve for the interim term ending August 1, 2003.

Read.

STENAVICH, WALTER M., of Racine, as a member of the Board of Veterans Affairs, to serve for the term ending May 1, 2007.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

**REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES**

The committee on **Environmental Resources** reports and recommends:

**Senate Clearinghouse Rule 00–025**

Relating to the runoff management grant program.

Modifications requested.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

**Senate Clearinghouse Rule 00–026**

relating to model ordinances for construction site erosion control and storm water management.

Modifications requested.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

**Senate Clearinghouse Rule 00–027**

relating to runoff management.

Modifications requested.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

**Senate Clearinghouse Rule 00–028**

relating to the priority watershed management program.

Modifications requested.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

**Senate Clearinghouse Rule 00–034**

relating to animal feeding operations.

Modifications requested.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.



**Senate Clearinghouse Rule 00-035**

relating to stormwater discharge.

Modifications requested.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

**Senate Clearinghouse Rule 00-036**

relating to best management practices, conditions and technical standards.

Modifications requested.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Jim Baumgart  
Chairperson

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**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 842**

Adopted and asks concurrence in:

**Assembly Joint Resolution 96**

**Assembly Joint Resolution 97**

**Assembly Joint Resolution 98**

**Assembly Joint Resolution 100**

**Assembly Joint Resolution 101**

Amended and concurred in as amended:

**Senate Bill 179** (Assembly amendment 1)

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**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 842**

Relating to: legislative redistricting.

By Representative Walker; cosponsored by Senator Welch.

Read first time and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 96**

Relating to: the retirement of Cliff Miller.

By Representatives Kaufert, Wieckert, Krug, Ott, Hundertmark, Meyerhofer, Underheim, Olsen, Albers, Bock, Boyle, Carpenter, Freese, Gard, Gronemus, Gunderson, Jeskewitz, Kestell, Krawczyk, J. Lehman, M. Lehman, Miller, Montgomery, Musser, Pettis, Plouff, Pocan, Powers, Ryba, Townsend, Travis, Turner, Vrakas and Ziegelbauer; cosponsored by Senators Ellis, Welch, Roessler, Cowles, A. Lasee, Burke, Chvala, Darling, Erpenbach, Harsdorf, Huelsman, Panzer, Plache, Rosenzweig and Schultz.

Read and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 97**

Relating to: commending the Wisconsin 4-H youth development program.

By Representatives Loeffelholz, Townsend, Albers, Rhoades, Suder, Boyle, Huebsch, Gronemus, M. Lehman, Ladwig, Powers, Ainsworth, Kestell, Starzyk, Musser, Hines, Krawczyk, Ryba, Gard, Hahn, Owens, J. Lehman, Sykora,

Miller, Lassa, Plouff, Olsen, Jeskewitz, Ward, Petrowski, Berceau, Nass, Bies, Freese, Pettis, Gunderson, Johnsrud, Leibham, McCormick, Huber, Ott, D. Meyer, Friske, J. Fitzgerald, Grothman and Vrakas; cosponsored by Senators Roessler, S. Fitzgerald, Moen, Rosenzweig, Plache, Wirch, Huelsman, Hansen, Harsdorf, Welch, Schultz and Kanavas.

Read and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 98**

Relating to: recognizing and thanking all who served as members of the Minnesota-Wisconsin Boundary Area Commission for their hard work and dedication.

By Representatives Johnsrud, Gronemus, Rhoades, Pettis, Albers, Boyle, Ott, Miller, Gunderson, Plouff, Hines, Petrowski, Hahn, Jeskewitz, Townsend, Krawczyk and Urban; cosponsored by Senators M. Meyer, Harsdorf, Moen, Schultz, Burke, Cowles, Plache, Roessler and Darling.

Read and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 100**

Relating to: the Wisconsin School for the Deaf Sesquicentennial.

By Representative Kedzie; cosponsored by Senator Robson.

Read and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 101**

Relating to: commending the Wisconsin Elks Association on its 100th anniversary.

By Representatives Foti, Krawczyk, J. Fitzgerald, Ryba, Albers, Boyle, Grothman, Gundrum, Hahn, Jeskewitz, Kedzie, Kestell, Ladwig, J. Lehman, M. Lehman, D. Meyer, Miller, Montgomery, Musser, Ott, Owens, Petrowski, Schooff, Suder, Sykora, Vrakas and Lassa; cosponsored by Senators Moen, S. Fitzgerald, Welch, Baumgart, Darling, Cowles, Harsdorf, Roessler, Burke, Schultz and Plache.

Read and referred to committee on **Senate Organization**.

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**Senate Bill 336**

Relating to: safety training for all-terrain vehicle and motorboat operation.

Read.

Senator M. Meyer moved nonconcurrence in Assembly substitute amendment 1 to **Senate Bill 336**.

The question was: Shall Assembly substitute amendment 1 to **Senate Bill 336** be nonconcurrent in?

Nonconcurrent in.

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**CONSIDERATION OF MOTIONS AND  
RESOLUTIONS**

**Senate Resolution 14**

Relating to: designating April 24 of each year as Wisconsin Day of Remembrance for the Armenian Genocide of 1915 to 1923.

Read.

Senator Shibilski, with unanimous consent, asked to be added as a coauthor of **Senate Resolution 14**.

Adopted.

**SECOND READING AND AMENDMENTS  
OF SENATE JOINT RESOLUTIONS AND  
SENATE BILLS**

Senator Chvala, with unanimous consent, asked that **Senate Bill 479** be considered for action at this time.

**Senate Bill 479**

Relating to: payment of a medical assistance supplement to care management organizations that contract with municipal nursing homes for the provision of services to family care recipients.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 479**

Read a third time and passed.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

**Senate Joint Resolution 59**

Relating to: reducing, by income tax credits or by payments from state revenues, property taxes upon residential and agricultural real property as defined by law (first consideration).

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the joint resolution be considered for final action at this time.

**Senate Joint Resolution 59**

Read a third time.

The ayes and noes were required and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 15.

Absent or not voting – None.

Adopted.

Senator Chvala, with unanimous consent, asked that **Senate Joint Resolution 62** be placed after **Senate Bill 231** on the calendar of March 7, 2002.

**Senate Bill 231**

Relating to: requiring the creation of a task force to develop a plan for the state centers for the developmentally disabled.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 231**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 231**

Read a third time and passed.

**Senate Joint Resolution 62**

Relating to: proclaiming March as Colorectal Cancer Awareness Month.

Read.

Adopted.

**Senate Bill 274**

Relating to: the licensing of motor vehicle dealers, motor vehicle salespersons, and sales finance companies and providing a penalty.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 274**

Read a third time and passed.

**Senate Bill 307**

Relating to: the possession of wild animals and their carcass parts; farm-raised deer; farm-raised game birds; animal health and animal markets, dealers, and truckers; participation in the national poultry improvement plan; taking, removing, selling, and transporting certain wild plants; granting rule-making authority; making appropriations; and providing penalties.

Read a second time.

Senate amendment 2 to **Senate Bill 307** offered by Senator Shibilski.

Senate amendment 3 to **Senate Bill 307** offered by Senator Shibilski.

Senate amendment 4 to **Senate Bill 307** offered by Senator Shibilski.

Senate amendment 5 to **Senate Bill 307** offered by Senator Shibilski.

Senate amendment 6 to **Senate Bill 307** offered by Senator Shibilski.

Senate amendment 7 to **Senate Bill 307** offered by Senator Shibilski.

Senate amendment 8 to **Senate Bill 307** offered by Senator Shibilski.

Senate amendment 9 to **Senate Bill 307** offered by Senator Shibilski.

Senate amendment 10 to **Senate Bill 307** offered by Senator Welch.

Senate amendment 11 to **Senate Bill 307** offered by Senator Welch.

Senate amendment 12 to **Senate Bill 307** offered by Senator Welch.

Senate amendment 13 to **Senate Bill 307** offered by Senator Welch.

Senate amendment 14 to **Senate Bill 307** offered by Senator Welch.

Senate substitute amendment 1 to **Senate Bill 307** offered by Senators Shibilski, Welch and A. Lasee.

Senator Schultz moved rejection of Senate substitute amendment 1 to **Senate Bill 307**.

The question was: Rejection of Senate substitute amendment 1 to **Senate Bill 307**?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Erpenbach, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Schultz and Wirch – 18.

Noes – Senators Darling, Ellis, S. Fitzgerald, George, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Shibilski, Welch and Zien – 15.

Absent or not voting – None.

Rejected.

Senator Moen moved rejection of Senate amendment 1 to **Senate Bill 307**.

The question was: Rejection of Senate amendment 1 to **Senate Bill 307**?

The ayes and noes were demanded and the vote was: ayes, 29; noes, 4; absent or not voting, 0; as follows:

Ayes – Senators Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, Moen, Moore, Panzer, Plache, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 29.

Noes – Senators Baumgart, M. Meyer, Risser and Robson – 4.

Absent or not voting – None.

Rejected.

Senator Moen moved rejection of Senate amendment 2 to **Senate Bill 307**.

The question was: Rejection of Senate amendment 2 to **Senate Bill 307**?

The ayes and noes were demanded and the vote was: ayes, 23; noes, 10; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Ellis, Erpenbach, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Lazich, M. Meyer, Moen, Moore, Plache, Risser, Robson, Schultz and Wirch – 23.

Noes – Senators Darling, S. Fitzgerald, Kanavas, A. Lasee, Panzer, Roessler, Rosenzweig, Shibilski, Welch and Zien – 10.

Absent or not voting – None.

Rejected.

Senator Darling, with unanimous consent, asked to be withdrawn as a coauthor of **Senate Bill 307**.

Senator Moen moved rejection of Senate amendment 3 to **Senate Bill 307**.

The question was: Rejection of Senate amendment 3 to **Senate Bill 307**?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Erpenbach, George, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Schultz and Wirch – 18.

Noes – Senators Darling, Ellis, S. Fitzgerald, Grobschmidt, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Shibilski, Welch and Zien – 15.

Absent or not voting – None.

Rejected.

Senator Moen moved rejection of Senate amendment 4 to **Senate Bill 307**.

The question was: Rejection of Senate amendment 4 to **Senate Bill 307**?

Rejected.

Senator Moen moved rejection of Senate amendment 5 to **Senate Bill 307**.

The question was: Rejection of Senate amendment 5 to **Senate Bill 307**?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch,

Lazich, M. Meyer, Moen, Moore, Plache, Risser, Robson, Schultz and Wirch – 20.

Noes – Senators Darling, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Panzer, Roessler, Rosenzweig, Shibilski, Welch and Zien – 12.

Absent or not voting – Senator Ellis – 1.

Rejected.

Senator Baumgart moved rejection of Senate amendment 6 to **Senate Bill 307**.

The question was: Rejection of Senate amendment 6 to **Senate Bill 307**?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Schultz and Wirch – 19.

Noes – Senators Darling, Ellis, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Shibilski, Welch and Zien – 14.

Absent or not voting – None.

Rejected.

Senator Moen moved rejection of Senate amendment 7 to **Senate Bill 307**.

The question was: Rejection of Senate amendment 7 to **Senate Bill 307**?

The ayes and noes weredemanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Schultz and Wirch – 19.

Noes – Senators Darling, Ellis, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Shibilski, Welch and Zien – 14.

Absent or not voting – None.

Rejected.

Senator Moen moved rejection of Senate amendment 8 to **Senate Bill 307**.

The question was: Rejection of Senate amendment 8 to **Senate Bill 307**?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 11; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Erpenbach, George, Hansen, Harsdorf, Huelsman, Jauch, Lazich, M. Meyer, Moen, Moore, Plache, Risser, Roessler, Rosenzweig, Schultz and Wirch – 22.

Noes – Senators Darling, Ellis, S. Fitzgerald, Grobschmidt, Kanavas, A. Lasee, Panzer, Robson, Shibilski, Welch and Zien – 11.

Absent or not voting – None.

Rejected.

Senator Baumgart moved rejection of Senate amendment 9 to **Senate Bill 307**.

The question was: Rejection of Senate amendment 9 to **Senate Bill 307**?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 11; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Erpenbach, George, Grobschmidt, Hansen, Huelsman, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Roessler, Rosenzweig, Schultz and Wirch – 21.

Noes – Senators Darling, S. Fitzgerald, Harsdorf, Kanavas, A. Lasee, Lazich, Panzer, Robson, Shibilski, Welch and Zien – 11.

Absent or not voting – Senator Ellis – 1.

Rejected.

Senator Moen moved rejection of Senate amendment 10 to **Senate Bill 307**.

The question was: Rejection of Senate amendment 10 to **Senate Bill 307**?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Schultz and Wirch – 19.

Noes – Senators Darling, Ellis, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Shibilski, Welch and Zien – 14.

Absent or not voting – None.

Rejected.

Senate amendment 1 to Senate amendment 11 to **Senate Bill 307** offered by Senator Welch.

The question was: Adoption of Senate amendment 1 to Senate amendment 11 to **Senate Bill 307**?

Adopted.

Senator Moen moved rejection of Senate amendment 11 to **Senate Bill 307**.

The question was: Rejection of Senate amendment 11 to **Senate Bill 307**?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Schultz and Wirch – 19.

Noes – Senators Darling, Ellis, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Shibilski, Welch and Zien – 14.

Absent or not voting – None.

Rejected.

Senator Baumgart moved rejection of Senate amendment 12 to **Senate Bill 307**.

The question was: Rejection of Senate amendment 12 to **Senate Bill 307**?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Schultz and Wirch – 19.

Noes – Senators Darling, Ellis, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Shibilski, Welch and Zien – 14.

Absent or not voting – None.

Rejected.

Senator Welch, with unanimous consent, asked that Senate amendment 13 to **Senate Bill 307** be withdrawn and returned to author.

Senator Baumgart moved rejection of Senate amendment 14 to **Senate Bill 307**.

The question was: Rejection of Senate amendment 14 to **Senate Bill 307**?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Erpenbach, George, Grobschmidt, Hansen, Huelsman, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Schultz and Wirch – 20.

Noes – Senators Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Shibilski, Welch and Zien – 13.

Absent or not voting – None.

Rejected.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senator Welch objected.

Senator Zein, with unanimous consent, asked that the Senate recess until 4:28 P.M.

4:13 P.M.

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**RECESS**

4:28 P.M.

The Senate reconvened.

Senator Risser in the chair.

Senator Chvala moved that the rules be suspended and the bill be given a the third reading.

The question was: Shall the rules be suspended and the bill be given a the third reading?

The ayes and noes were required and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 15.

Absent or not voting – None.

Refused to suspend rules.

**Senate Bill 353**

Relating to: state government holidays.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 353** be referred to the Joint Committee on **Finance**.

**Senate Bill 372**

Relating to: recording and filing documents with the offices of register of deeds and the department of financial institutions.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 372**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 372**

Read a third time and passed.



**Senate Bill 375**

Relating to: miscellaneous changes to the insurance laws related to the confidentiality of personal information obtained in the course of administering a state insurance fund, the statute of limitations for bringing an action against the patients compensation fund, the applicability of a timeliness requirement for the payment of insurance claims for chiropractic services, an exception from a requirement to obtain consent to incorporate certain publications by reference in administrative rules, the type of property for which the loss amount is the insurance limits, the renewal date for viatical settlement brokers' licenses, eliminating the requirement to keep a separate account for surplus lines taxes, issuance of temporary licenses for intermediaries, specifying by rule the amount of stop-loss reinsurance that a town mutual must obtain, standards related to assisting unauthorized insurers, and defining extraordinary dividends for life insurers; and granting rule-making authority.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 375**?

Adopted.

Senator Chvala, with unanimous consent, asked that Senate amendment 2 to **Senate Bill 375** be laid on the table.

Senate amendment 3 to **Senate Bill 375** offered by Senator Breske.

The question was: Adoption of Senate amendment 3 to **Senate Bill 375**?

Adopted.

Senate amendment 4 to **Senate Bill 375** offered by Senators Breske and Moen.

The question was: Adoption of Senate amendment 4 to **Senate Bill 375**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 375**

Read a third time and passed.

**Senate Bill 378**

Relating to: theft of farm-raised fish and providing penalties.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 378**

Read a third time and passed.

**Senate Bill 393**

Relating to: electric personal assistive mobility devices, granting rule-making authority, and providing penalties.

Read a second time.

Senate amendment 1 to **Senate Bill 393** offered by Senator Breske.

The question was: Adoption of Senate amendment 1 to **Senate Bill 393**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 393**

Read a third time and passed.

**Senate Bill 397**

Relating to: the practice of nurse-midwifery, providing an exemption from emergency rule procedures, and granting rule-making authority.

Read a second time.

Senator Chvala, with unanimous consent, asked that **Assembly Bill 725** be withdrawn from the committee on **Health, Utilities, Veterans and Military Affairs** and taken up.

**Assembly Bill 725**

Relating to: the practice of nurse-midwifery, providing an exemption from emergency rule procedures, and granting rule-making authority.

Read a second time.

Senate amendment 1 to **Assembly Bill 725** offered by Senator Robson.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 725**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 725**

Read a third time and concurred in as amended.

Senator Chvala, with unanimous consent, asked that **Senate Bill 397** be laid on the table.

**Senate Bill 411**

Relating to: authorizing the city of Bayfield to become a premier resort area.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 411** be referred to the Joint Committee on **Finance**.

Senator Burke, with unanimous consent, asked that the rules be suspended and that **Senate Bill 411** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 411**

Read a third time.

The ayes and noes were required and the vote was: ayes, 28; noes, 5; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Wirch and Zien – 28.

Noes – Senators Cowles, Kanavas, A. Lasee, Lazich and Welch – 5.

Absent or not voting – None.

Passed.

**Senate Bill 413**

Relating to: the regulation of massage therapists and bodyworkers, creating a massage therapy and bodywork examining board, granting rule-making authority and providing a penalty.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 413** be referred to the Joint Committee on **Finance**.

Senator Burke, with unanimous consent, asked that the rules be suspended and that **Senate Bill 413** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Read a second time.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 413**?

Adopted.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 413**?

Adopted.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

#### **Senate Bill 413**

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Passed.

#### **Senate Bill 463**

Relating to: legislative redistricting.

Read a second time.

Senate substitute amendment 1 to **Senate Bill 463** offered by Senator George.

Senate substitute amendment 2 to **Senate Bill 463** offered by Senators Risser, Chvala and Moen.

Senator George, with unanimous consent, asked that Senate substitute amendment 1 to **Senate Bill 463** be placed after Senate substitute amendment 2 to **Senate Bill 463**.

The question was: Adoption of Senate substitute amendment 2 to **Senate Bill 463**?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 17.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, George, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 16.

Absent or not voting – None.

Adopted.

Senator Chvala, with unanimous consent, asked that **Senate Bill 463** be placed after **Assembly Bill 412** on the calendar of March 7, 2002.

#### **Senate Bill 470**

Relating to: licensing of electricians and electrical contractors, regulation of electrical construction, granting rule-making authority, and providing a penalty.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 470** be referred to the Joint Committee on **Finance**.

Senator Burke, with unanimous consent, asked that the rules be suspended and that **Senate Bill 470** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

#### **Senate Bill 470**

Read a third time.

The ayes and noes were required and the vote was: ayes, 25; noes, 8; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Ellis, Erpenbach, George, Grobschmidt, Hansen, Harsdorf, Jauch, A. Lasee, M. Meyer, Moen, Moore, Plache, Risser, Robson, Roessler, Rosenzweig, Shibilski, Wirch and Zien – 25.

Noes – Senators Darling, S. Fitzgerald, Huelsman, Kanavas, Lazich, Panzer, Schultz and Welch – 8.

Absent or not voting – None.

Passed.

#### **Senate Bill 471**

Relating to: authorizing dairy product wholesalers to furnish freezer cabinets to dairy product retailers.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 471**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

#### **Senate Bill 471**

Read a third time and passed.

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## **SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS**

#### **Assembly Joint Resolution 92**

Relating to: honoring the mighty 8th Air Force.

Read.

Concurred in.

#### **Assembly Bill 65**

Relating to: parcels of land that may be included in a business improvement district.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

#### **Assembly Bill 65**

Read a third time and concurred in.

#### **Assembly Bill 251**

Relating to: the period of time during which sturgeon spearing licenses may not be issued.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 251**?

Adopted.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 251**

Read a third time and concurred in as amended.

**Assembly Bill 412**

Relating to: petition requirements for the creation of a town sanitary district.

Read a second time.

Senator M. Meyer, with unanimous consent, asked that **Assembly Bill 412** be referred to committee on **Senate Organization**.

**Senate Bill 463**

Relating to: legislative redistricting.

Read a second time.

Senator George, with unanimous consent, asked that **Senate Bill 463** be placed at the foot of the calendar of March 7, 2002.

**Assembly Bill 488**

Relating to: placement of a child who is a custodial parent or an expectant mother in a safe and structured living arrangement in which the child is provided with training in parenting skills and other skills to promote the child's long-term economic independence and the well-being of the child's child, grants for the provision of such living arrangements and related services, granting rule-making authority, and making an appropriation.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 488**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senator Moore, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 488**.

Senator Welch, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 488**.

**Assembly Bill 488**

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Concurred in as amended.

**Assembly Bill 497**

Relating to: designating and observing POW-MIA Recognition Day.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 497**

Read a third time and concurred in.

**Assembly Bill 588**

Relating to: funding for the enforcement of laws regulating snowmobiles and the operation of snowmobiles and making an appropriation.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 588**

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Concurred in.

**Assembly Bill 589**

Relating to: registration by certain hospitalized electors.

Read a second time.

Senator Moore, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 589**.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 589**

Read a third time and concurred in.

**Senate Bill 463**

Relating to: legislative redistricting.

Read a second time.

Senator George, with unanimous consent, asked that Senate substitute amendment 1 to **Senate Bill 463** be laid on the table.

Senate substitute amendment 3 to **Senate Bill 463** offered by Senator George.

Senator Chvala moved that Senate substitute amendment 3 to **Senate Bill 463** be laid on the table.

The question was: Shall Senate substitute amendment 3 to **Senate Bill 463** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 32; noes, 1; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 32.

Noes – Senator George – 1.

Absent or not voting – None.

Tabled.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 463**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 17.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, George, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 16.

Absent or not voting – None.

Passed.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

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**ANNOUNCEMENTS, ADJOURNMENT  
HONORS, AND REMARKS UNDER  
SPECIAL PRIVILEGE**

Senator Meyer, with unanimous consent, asked that when the Senate adjourn, it do so in memory of John Shelton who died of cancer after a serving as a teacher for 33 years and 27 as head coach of the Onalaska Basketball team who won two state championships during his tenure.

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Superior Spartans Hockey team who played hard but were unable to become state champs again.

Senator Schultz, with unanimous consent, asked that when the Senate adjourn, it do so in memory of Berwyn Abelman a former legislative aid and truly a gentle soul who died this past week.

Senator Harsdorf, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Hudson Girls' Hockey team who won the state championship by beating Viroqua 3 to 2 in over time.

Senator Harsdorf, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the River Falls High School Girls' Gymnastics team who won the state title by beating 9 other schools in the state finals.

Senator Baumgart, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his daughter Katherine Baumgart's 10 birthday on March 10.

Senator Chvala, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Madison LaFollete Hockey team on a great season.

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Friday, March 8 at 12:01 A.M.

Adjourned.

7:10 P.M.





STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

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7:11 P.M.

THURSDAY, March 7, 2002

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The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, March 12 at 10:00 A.M.

Adjourned.

7:12 P.M.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

12:01 A.M.

FRIDAY, March 8, 2002

The Senate met.

The Senate was called to order by Senator Fred Risser.

The roll was called and the following Senators answered to their names:

Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Schultz, Shibilski, Welch, Wirch and Zien – 32.

Absent – Senators Rosenzweig – 1.

Absent with leave – None.

### LEAVES OF ABSENCE

Senator Panzer, with unanimous consent, asked that Senator Rosenzweig be granted a leave of absence for today's session.

The Senate stood for the prayer which was offered by a moment of silent meditation.

The Senate remained standing and Senator Jauch led the Senate in the pledge of allegiance to the flag of the United States of America.

### INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

#### Senate Joint Resolution 66

Relating to: declaring May 14 Hmong–Lao Appreciation Day.

By Senators Welch, Zien, George, Decker, Roessler, Grobschmidt, Kanavas, Burke, Harsdorf and Hansen; cosponsored by Representatives Huebsch, Musser, Kreibich, Sykora, Albers, Black, Suder, Ziegelbauer, Huber, Bock, Coggs, Petrowski, Krawczyk, Lippert, Kestell, Hundertmark, Johnsrud, Wasserman, Plouff, Hines, Lassa, J. Lehman, Balow, Jeskewitz, Turner, Bies and Carpenter.

To committee on **Senate Organization**.

#### Senate Joint Resolution 67

Relating to: commending the devoted public service of the members of the Capitol Police Department.

By Senators Kanavas, Grobschmidt, Rosenzweig, S. Fitzgerald, Lazich, Wirch, Moen, Schultz, Huelsman and Burke; cosponsored by Representatives Vrakas, J. Fitzgerald, Loeffelholz, Gronemus, Lippert, Suder, Montgomery, Plouff, Lassa, Miller, Travis, Owens, Jeskewitz, Musser, Bock, Hahn, Berceau, Sherman, Krawczyk, Urban, Gunderson, Ladwig, Albers, Sykora, Turner, Underheim and Pocan.

To committee on **Senate Organization**.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 491

Relating to: authorizing the department of justice to enforce the prevailing wage law.

By Senator Burke; cosponsored by Representative Bock.

To committee on **Labor and Agriculture**.

#### Senate Bill 492

Relating to: the sale and purchase of handguns, handgun purchaser background checks, handgun possession by or handgun transfers involving younger persons, and providing penalties.

By Senators Burke, Erpenbach and Risser; cosponsored by Representative Colon.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

#### Senate Bill 493

Relating to: the designation and marking of certain highways and bridges.

By Senators Zien, Breske, S. Fitzgerald, Schultz, Kanavas, Shibilski, Welch, Panzer, Darling, Ellis, Lazich and Huelsman; cosponsored by Representatives Skindrud, Ryba, Starzyk, Turner, Townsend, Sykora, Pettis, Loeffelholz, Suder, Johnsrud, Lippert, Gunderson, Huebsch, Rhoades, Reynolds, Kreibich, Seratti, Wieckert, Friske, McCormick, Krawczyk and Petrowski.

To committee on **Insurance, Tourism, and Transportation**.

### REPORT OF COMMITTEES

The committee on **Environmental Resources** reports and recommends:

#### Assembly Bill 365

Relating to: the newspaper recycling fee and the recycled content of newsprint used in newspapers.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Concurrence as amended.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

**Senate Bill 435**

Relating to: the sale or distribution of mercury thermometers and providing a penalty.

Senate amendment 1 adoption.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Jim Baumgart  
Chairperson

The committee on **Insurance, Tourism, and Transportation** reports and recommends:

**Senate Bill 258**

Relating to: the specialized transportation assistance program, minimum qualifications for the operator of a human service vehicle, the registration of human service vehicles, granting rule-making authority, and providing a penalty.

Senate substitute amendment 1 adoption.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

Roger Breske  
Chairperson

The committee on **Senate Organization** reports and recommends:

**Senate Joint Resolution 64**

Relating to: honoring the University of Wisconsin–Green Bay Women’s Basketball Team.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

Charles Chvala  
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Assembly Bill 376**

Relating to: funeral establishment permits.

Concurrence.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Assembly Bill 510**

Relating to: making technical and policy changes in the tax incremental financing program based on the recommendations of the governor’s working group on tax incremental finance and modifying the environmental remediation tax incremental financing program.

Introduction and adoption of Senate amendment 1.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Concurrence as amended.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Assembly Bill 548**

Relating to: the date of the presidential preference primary.

Concurrence.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Assembly Bill 599**

Relating to: the sale of tax delinquent real property.

Concurrence.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Assembly Bill 829**

Relating to: regulating athlete agents, granting rule-making authority, making an appropriation, and providing penalties.

Concurrence.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

PACZKOWSKI, DALE R., of Fond du Lac, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the interim term ending July 1, 2005.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

RANDALL, GERARD A., JR., of Milwaukee, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2008.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

RUSCH, JAMES E., of New Richmond, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

SOBCZAK, NANCY L., of Racine, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Senate Bill 171**

Relating to: funeral establishment permits.

Passage.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Senate Bill 344**

Relating to: development of a tribal logo for notification of state grants funded by Indian gaming receipts.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Senate Bill 400**

Relating to: the notice of changed property tax assessments, the monitoring of property tax assessments, the filing deadline for property tax reassessment petitions, the recertification of local assessment personnel, the procedure for challenging tax lien foreclosures on property that is exempt from taxation, the administration of the property tax exemption for computers, and providing a penalty.

Passage.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Senate Bill 469**

Relating to: the energy efficiency of equipment used in state building projects and certain other projects constructed for the state and granting rule-making authority.

Passage.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Senate Bill 477**

Relating to: various changes in election administration laws.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Mark Meyer  
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 223**

**Assembly Bill 348**

**Assembly Bill 477**

**Assembly Bill 479**

**Assembly Bill 480**

**Assembly Bill 614**

**Assembly Bill 615**

**Assembly Bill 620**

**Assembly Bill 627**

**Assembly Bill 673**

**Assembly Bill 713**

**Assembly Bill 735**

**Assembly Bill 737**

**Assembly Bill 745**

**Assembly Bill 759**

**Assembly Bill 760**

**Assembly Bill 773**

**Assembly Bill 777**

**Assembly Bill 780**

**Assembly Bill 782**

**Assembly Bill 784**

**Assembly Bill 788**

**Assembly Bill 794**

**Assembly Bill 807**

**Assembly Bill 825**

**Assembly Bill 826**

**Assembly Bill 828**

**Assembly Bill 830**

**Assembly Bill 845**

**Assembly Bill 848**

**Assembly Bill 850**

**Assembly Bill 852**

**Assembly Bill 865**

**Assembly Bill 867**

**Assembly Bill 869**

**Assembly Bill 871**

**Assembly Bill 872**

**Assembly Bill 876**

Adopted and asks concurrence in:

**Assembly Joint Resolution 102**

**Assembly Joint Resolution 103**

**Assembly Joint Resolution 106**

Concurred in:

**Senate Bill 88**

**Senate Bill 356**

**Senate Bill 367**

**Senate Bill 368**

**Senate Bill 369**

**Senate Bill 375**

**Senate Bill 378**

**Senate Bill 393**

**Senate Bill 415**

**Senate Bill 471**

**Senate Bill 479**

**Senate Joint Resolution 62**

Senate amendment 1 to **Assembly Bill 251**

Senate amendment 1 to **Assembly Bill 488**

Senate amendment 1 to **Assembly Bill 725**



Amended and concurred in as amended:

**Senate Bill 61** (Assembly substitute amendment 2)

**Senate Bill 413** (Assembly amendment 1)

**Senate Joint Resolution 63** (Assembly amendment 1)

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**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 223**

Relating to: tribal administration of rehabilitation reviews for persons who otherwise may not operate, be employed at, contract with, or reside at an entity that provides care for children or adults and granting rule-making authority.

By Joint Legislative Council.

Read first time and referred to committee on **Health, Utilities, Veterans and Military Affairs**.

**Assembly Bill 348**

Relating to: a competitive bidding process for administration of the health insurance risk-sharing plan.

By Representatives Albers, Wade, Loeffelholz, Urban, Grothman, Nass, Huber, Lassa, Lippert and F. Lasee; cosponsored by Senators Darling, Cowles, Schultz, Harsdorf and Lazich.

Read first time and referred to committee on **Health, Utilities, Veterans and Military Affairs**.

**Assembly Bill 477**

Relating to: crimes affecting the U.S. flag and providing a penalty.

By Representatives Pettis, Suder, Musser, Townsend, Ott, Krawczyk, Ladwig, Starzyk, Jeskewitz, Sykora, Hahn, M. Lehman, Urban, Leibham, Owens, Kreibich, Kedzie, Lippert, Freese, Gunderson, Albers, Hoven, Nass, Vrakas, Ainsworth, Hundertmark and Petrowski; cosponsored by Senators Zien, Darling, Huelsman and Roessler.

Read first time and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

**Assembly Bill 479**

Relating to: an environmental improvement program, environmental performance evaluations, environmental management programs, providing immunity from civil penalties for certain violations of environmental requirements, access to certain information, and providing a penalty.

By Representatives Duff, Ziegelbauer, Kedzie, Ott, Huebsch, Albers, Lippert, Ainsworth, Krawczyk, Powers, M. Lehman, Sykora, Townsend, Grothman, Vrakas, Ward, Stone and Musser; cosponsored by Senators Welch, Roessler, Darling and Huelsman.

Read first time and referred to committee on **Environmental Resources**.

**Assembly Bill 480**

Relating to: the names of state buildings, structures, facilities, and properties.

By Representatives Johnsrud, Duff, Ryba, Kedzie, Petrowski, Stone, Lippert, Huebsch, Ladwig, Kestell,

Krawczyk, Owens, Olsen and Suder; cosponsored by Senator Roessler.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

**Assembly Bill 614**

Relating to: the possession of wild animals and their carcass parts; farm-raised deer; farm-raised game birds; animal health and animal markets, dealers, and truckers; participation in the national poultry improvement plan; taking, removing, selling, and transporting certain wild plants; granting rule-making authority; making appropriations; and providing penalties.

By Representatives Johnsrud, Ott, Musser, Gunderson, Miller, Shilling, Albers, J. Lehman, Pettis, Nass, M. Lehman, Townsend, Freese, Hahn, Loeffelholz, Krawczyk, Sykora, D. Meyer and Kedzie; cosponsored by Senators Moen, Schultz, Burke, Darling, Hansen and Wirsch.

Read first time and referred to committee on **Environmental Resources**.

**Assembly Bill 615**

Relating to: licensing of physical therapists and physical therapist assistants and granting rule-making authority.

By Representatives Gard, Ward, Montgomery, Krawczyk, Ainsworth, Berceau, Black, Carpenter, Hahn, Hoven, Huber, Huebsch, Johnsrud, J. Lehman, Musser, Ott, Plale, Riley, Sykora and Townsend; cosponsored by Senators Burke, Darling, Erpenbach, Grobschmidt, Hansen, Huelsman, Risser, Rosenzweig and Welch.

Read first time and referred to committee on **Health, Utilities, Veterans and Military Affairs**.

**Assembly Bill 620**

Relating to: a mandatory minimum sentence for a juvenile who is convicted of throwing a bodily substance at or toward a person while placed in a secured correctional facility, a secure detention facility, a secured child caring institution, or a secured group home and providing a penalty.

By Representatives Musser, Ainsworth, Gundrum, Bies, Ryba, Freese, Ladwig, Albers, Nass, Townsend, Vrakas, Owens, Ott, Krawczyk, Pettis and Stone; cosponsored by Senators Hansen, Darling and Welch.

Read first time and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

**Assembly Bill 627**

Relating to: interference with the custody of a child and providing a penalty.

By Representatives Underheim, McCormick, Pettis, Musser, Krawczyk, Ryba, Gronemus, Owens, Bies, Ainsworth, Ott and Gunderson; cosponsored by Senator Welch.

Read first time and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

**Assembly Bill 673**

Relating to: threats to release or disseminate harmful chemical, biological, or radioactive substances and providing a penalty.

By Representatives Wieckert, Urban, Duff, Suder, Musser, Jeskewitz, Sykora, Ladwig, Skindrud, Lippert, Ott, Albers, Townsend, Krawczyk, Lassa, Leibham, Owens, Freese, Plouff, Loeffelholz, Petrowski, Pettis, Hines, Sinicki, Olsen, Hahn and

Plale; cosponsored by Senators Grobschmidt, Darling, Cowles, Burke, Schultz and Roessler.

Read first time and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

**Assembly Bill 713**

Relating to: time limits for the prosecution of 2nd-degree intentional homicide and 2nd-degree reckless homicide.

By Representatives Kedzie, Schooff, Jeskewitz, Ryba, Olsen, Pettis, Hines, Vrakas and Nass; cosponsored by Senators Robson, Darling, Burke, Roessler and Rosenzweig.

Read first time and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

**Assembly Bill 735**

Relating to: battery or assault by a prisoner or detainee and providing a penalty.

By Representatives Underheim, Krawczyk, Hundertmark, Ryba, Petrowski, Vrakas, Hahn, Ladwig, Musser, J. Fitzgerald, Sykora and Urban; cosponsored by Senators George, Erpenbach, Breske, Rosenzweig, Baumgart, Roessler, Wirch and Shibilski.

Read first time and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

**Assembly Bill 737**

Relating to: investigations by state traffic patrol officers and inspectors.

By Representatives Freese, Ainsworth, Bies, Friske, Hahn, Hines, Huber, Jeskewitz, Kaufert, La Fave, Lassa, J. Lehman, Loeffelholz, McCormick, Miller, Musser, Nass, Olsen, Owens, Petrowski, Ryba, Stone, Sykora, Townsend, Urban and Vrakas; cosponsored by Senators Burke, Baumgart, Darling, Hansen, Harsdorf, Moen, Plache, Robson and Wirch.

Read first time and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

**Assembly Bill 745**

Relating to: liability of a parent or guardian for the cost of an examination ordered to determine the competency to proceed of a juvenile who is alleged to have committed a delinquent act or to determine whether a juvenile is not responsible for a delinquent act by reason of mental disease or defect.

By Representatives Leibham, Kestell, Owens, Pettis, Gronemus, Musser, Duff, Hahn, Starzyk, Gunderson, McCormick, Ladwig, Albers, Urban, Hines, Plale, Seratti, M. Lehman, Vrakas, Ryba, Jeskewitz, J. Fitzgerald, Nass, Ott and Townsend; cosponsored by Senators Roessler, Rosenzweig, Welch and Huelsman.

Read first time and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

**Assembly Bill 759**

Relating to: sturgeon spearing licenses; the sturgeon stock, fishery, and habitat in the Lake Winnebago and upper Fox and Wolf rivers system; and making an appropriation.

By Representative Kaufert; cosponsored by Senator Roessler.

Read first time and referred to committee on **Environmental Resources.**

**Assembly Bill 760**

Relating to: designating and marking STH 122 as the Harriet Tubman Memorial Highway.

By Representatives Bies, Powers, Young, Starzyk, Montgomery, Krawczyk, Kedzie, J. Lehman, Owens, Townsend, Ott, J. Fitzgerald, McCormick, Morris-Tatum, Sykora, Petrowski, Miller, Hines, Olsen and Gunderson; cosponsored by Senator Wirch.

Read first time and referred to committee on **Insurance, Tourism, and Transportation.**

**Assembly Bill 773**

Relating to: representations made regarding wild rice sold or offered for sale in this state, granting rule-making authority, and providing a penalty.

By Joint Legislative Council.

Read first time and referred to committee on **Labor and Agriculture.**

**Assembly Bill 777**

Relating to: prohibiting the issuance of certificates of title transferring motor vehicle ownership in certain cases involving a refusal to take a test to determine an individual's blood alcohol concentration (suggested as remedial legislation by the department of transportation).

By Law Revision Committee.

Read first time and referred to committee on **Insurance, Tourism, and Transportation.**

**Assembly Bill 780**

Relating to: the regulation of certain sources of ionizing radiation (suggested as remedial legislation by the department of health and family services).

By Law Revision Committee.

Read first time and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**Assembly Bill 782**

Relating to: electric personal assistive mobility devices, granting rule-making authority, and providing penalties.

By Representative Stone; cosponsored by Senator Breske.

Read first time and referred to committee on **Insurance, Tourism, and Transportation.**

**Assembly Bill 784**

Relating to: regulating the negotiation and collection of demand drafts.

By Representatives Jeskewitz, La Fave, Kestell, Sinicki, M. Lehman, J. Fitzgerald, Musser, Townsend, Krawczyk, Hahn, J. Lehman, Rhoades, McCormick, Richards, Albers, Plale, Olsen, Shilling, Lassa, Balow and Miller; cosponsored by Senators Erpenbach, Robson, Burke, Kanavas, S. Fitzgerald and Plache.

Read first time and referred to committee on **Privacy, Electronic Commerce and Financial Institutions.**

**Assembly Bill 788**

Relating to: creating a council on forestry.

By Representatives Gard, Ainsworth, Friske, Seratti, Krawczyk, Hines, Kaufert, Musser, McCormick, Ott and Albers; cosponsored by Senators Breske, Welch and Schultz.

Read first time and referred to committee on **Environmental Resources.**

**Assembly Bill 794**

Relating to: authorizing the Wisconsin Health and Educational Facilities Authority to issue bonds to finance projects related to cultural facilities.

By Representatives Wieckert, Suder, Miller, Krawczyk, Ladwig, Urban, Sykora, McCormick, Hines, Plale, Ott and Berceau; cosponsored by Senators Risser, Burke, Darling, Plache, Rosenzweig, Roessler and Grobschmidt.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

**Assembly Bill 807**

Relating to: various changes regarding the department of financial institutions and persons regulated by the department of financial institutions and granting rule-making authority (suggested as remedial legislation by the department of financial institutions).

By Law Revision Committee.

Read first time and referred to committee on **Privacy, Electronic Commerce and Financial Institutions**.

**Assembly Bill 825**

Relating to: defining emergency medical technician for purposes of the volunteer fire fighter and emergency medical technician service award program.

By Representatives Grothman, Seratti, Gunderson, Turner and Hebl; cosponsored by Senators Robson, Grobschmidt, Hansen and Welch.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

**Assembly Bill 826**

Relating to: various changes in election administration laws.

By committee on Campaigns and Elections, by request of State Elections Board.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

**Assembly Bill 828**

Relating to: operating an untitled, unregistered, or improperly registered vehicle and providing a penalty.

By Representatives Stone, Carpenter, Leibham and Townsend; cosponsored by Senators Darling and Rosenzweig.

Read first time and referred to committee on **Insurance, Tourism, and Transportation**.

**Assembly Bill 830**

Relating to: the installation of traffic control signals on highways and granting rule-making authority.

By Representatives Huebsch, Ainsworth, Jeskewitz, Kaufert, Krawczyk, Rhoades, Shilling, Stone, Townsend and Albers; cosponsored by Senators Burke, Darling and Harsdorf.

Read first time and referred to committee on **Insurance, Tourism, and Transportation**.

**Assembly Bill 845**

Relating to: continuing education for veterinarians and veterinary technicians and granting rule-making authority.

By Representatives Hines, Ott, Bies, Jeskewitz, Plouff, Loeffelholz, Wieckert, Ladwig, Johnsrud, J. Lehman, Gronemus, Krawczyk, Vrakas, Kestell, Hundertmark and Ainsworth; cosponsored by Senators Hansen, M. Meyer, A. Lasee, Darling, Harsdorf, Huelsman, Schultz and Risser, by

request of Veterinary Examining Board and Wisconsin Veterinary Medical Association.

Read first time and referred to committee on **Labor and Agriculture**.

**Assembly Bill 848**

Relating to: release of information regarding a veteran and providing a penalty.

By Representatives Musser and Ryba.

Read first time and referred to committee on **Health, Utilities, Veterans and Military Affairs**.

**Assembly Bill 850**

Relating to: authorizing a declaration of and actions under a state of emergency related to public health, requiring the exercise of rule-making authority, making appropriations, and providing a penalty.

By Representatives Urban, Wasserman and Freese; cosponsored by Senator Robson.

Read first time and referred to committee on **Health, Utilities, Veterans and Military Affairs**.

**Assembly Bill 852**

Relating to: awards for crime victims and their families, persons witnessing certain crimes, and children witnessing acts of domestic violence.

By Representative Walker.

Read first time and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

**Assembly Bill 865**

Relating to: the office of county executive in populous counties.

By Representative Walker.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

**Assembly Bill 867**

Relating to: authorizing dairy product wholesalers to furnish freezer cabinets to dairy product retailers.

By Representatives Krawczyk and Ott; cosponsored by Senators Hansen and Moen.

Read first time and referred to committee on **Labor and Agriculture**.

**Assembly Bill 869**

Relating to: the frequency of local lodge meetings.

By Representative Montgomery; cosponsored by Senator Breske.

Read first time and referred to committee on **Insurance, Tourism, and Transportation**.

**Assembly Bill 871**

Relating to: salaries of county board supervisors and the county executive in Milwaukee County.

By Representative Walker.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

**Assembly Bill 872**

Relating to: the size of the county board of supervisors in populous counties.

By Representatives Krug, Jeskewitz, Staskunas, Gundrum, Richards, Walker, La Fave, Duff, J. Lehman, Gunderson, Ziegelbauer and Sinicki; cosponsored by Senators Rosenzweig, Darling and Burke.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

**Assembly Bill 876**

Relating to: a loan from the general fund for the private employer health care coverage program, requiring the group insurance board to offer an additional health insurance plan for state employees, creating a small employer catastrophic reinsurance board, creating a small employer catastrophic care board, creating a small employer catastrophic care program fund, requiring small employer insurers to specify threshold levels of covered benefits and reimbursing small employer insurers that pay benefits in excess of the threshold, imposing an additional premium on small employer insurance to pay reimbursements to small employer insurers, creating a pilot program for reimbursing small employer insurers for claims costs for certain employees of small employers, authorizing assistance in negotiating prescription drug rebates and reducing prescription drug charges, providing notice of the right to independent review, requiring reports, providing exemptions from emergency rule procedures, granting rule-making authority, and making appropriations.

By Representatives Seratti, Underheim, Montgomery, Rhoades, Urban, Ainsworth, Bies, J. Fitzgerald, Friske, Gronemus, Gunderson, Hahn, Hundertmark, Johnsrud, Kestell, Krawczyk, Ladwig, La Fave, J. Lehman, Lippert, McCormick, D. Meyer, Musser, Olsen, Petrowski, Pettis, Starzyk, Sykora, Townsend, Vrakas and Albers; cosponsored by Senators Plache, Darling, Harsdorf and Roessler.

Read first time and referred to committee on **Health, Utilities, Veterans and Military Affairs**.

**Assembly Joint Resolution 102**

Relating to: congratulating and commending the University of Wisconsin Men's Basketball Team on its 2001-2002 Big Ten Conference Championship.

By Representatives Montgomery, Freese, Rhoades, Krusick, Boyle, Vrakas, Ward, Loeffelholz, Kreuser, Turner, Jeskewitz, Owens, Gunderson, Ryba, Gronemus, Urban, Ott, Bock, Black, Staskunas, Huebsch, Berceau, Pocan, Musser, Albers, Lippert, Olsen, Ladwig, D. Meyer, Hahn, Krawczyk and Miller; cosponsored by Senators Chvala, Hansen, Lazich, Kanavas, Grobschmidt, Roessler, S. Fitzgerald, Wirch, Erpenbach, Schultz, Plache, Moen and Burke.

Read and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 103**

Relating to: the retirement of John D. Powell.

By Representative Black; cosponsored by Senator Risser.

Read and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 106**

Relating to: the life and public service of Reino A. Perala.

By Representative Boyle; cosponsored by Senator Jauch.

Read and referred to committee on **Senate Organization**.

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**THIRD READING OF JOINT  
RESOLUTIONS AND BILLS**

**Senate Bill 307**

Relating to: the possession of wild animals and their carcass parts; farm-raised deer; farm-raised game birds; animal health and animal markets, dealers, and truckers; participation in the national poultry improvement plan; taking, removing, selling, and transporting certain wild plants; granting rule-making authority; making appropriations; and providing penalties.

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 24; noes, 8; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Erpenbach, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Lazich, M. Meyer, Moen, Moore, Plache, Risser, Robson, Roessler, Schultz and Wirch – 24.

Noes – Senators Ellis, S. Fitzgerald, Kanavas, A. Lasee, Panzer, Shibilski, Welch and Zien – 8.

Absent or not voting – Senator Rosenzweig – 1.

Passed.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Tuesday, March 8 at 10:00 A.M.

Adjourned.

12:12 A.M.



STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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MONDAY, March 11, 2002

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The Chief Clerk makes the following entries under the above date.

**INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS**

Read and referred:

**Senate Resolution 16**

Relating to: autism spectrum disorder.

By Senator Grobschmidt.

To committee on **Senate Organization**.

**Senate Resolution 17**

Relating to: proclaiming Prostate Cancer Awareness Month.

By Senator Grobschmidt.

To committee on **Senate Organization**.

**INTRODUCTION, FIRST READING AND REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 494**

Relating to: domestic abuse arrests and providing a penalty.

By Senators Plache, Huelsman, Burke, Roessler and Darling; cosponsored by Representatives Krug, Kaufert, Berceau, Turner, McCormick, Cogg, Sykora and Huebsch.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

**Senate Bill 495**

Relating to: environmental compliance audits, environmental management systems, providing incentives for improving environmental performance, providing immunity from civil penalties for certain violations of environmental requirements, access to certain information, granting rule-making authority, and providing a penalty.

By Senators Baumgart and Schultz; cosponsored by Representatives Duff and Ziegelbauer.

To committee on **Environmental Resources**.

**REPORT OF COMMITTEES**

The committee on **Environmental Resources** reports and recommends:

**Assembly Bill 551**

Relating to: maximum allowable grants under the private sewage system replacement or rehabilitation grant program.

Concurrence.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

**Assembly Bill 718**

Relating to: regulating fishing tournaments, granting rule-making authority, and providing penalties.

Concurrence.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

**Assembly Bill 744**

Relating to: signature and authorization requirements for orders under the forest croplands program and modifications to certain deadline dates under the managed forest land program.

Concurrence.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

**Assembly Bill 788**

Relating to: creating a council on forestry.

Concurrence.

Ayes, 4 – Senators Baumgart, Hansen, Cowles and Schultz.  
Noes, 1 – Senator Wirch.

EVANS, DR. THOMAS J., of Madison, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2006.

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:

CHRISTMAN, DR. BLANE, of Ladysmith, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2007.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

RECORE, JANET K., of Wautoma, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2007.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

**Senate Bill 391**

Relating to: requiring a hospital to provide to an alleged victim of sexual assault, with consent, information and emergency contraception and providing a penalty.

Passage.

Ayes, 5 – Senators Moen, Robson, Erpenbach, M. Meyer and Rosenzweig.

Noes, 4 – Senators Breske, Cowles, S. Fitzgerald and Lazich.

**Senate Joint Resolution 65**

Relating to: memorializing Congress to pass House Resolution 1717, to require department of veterans affairs pharmacies to dispense medications to veterans for prescriptions written by private practitioners.

Adoption.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

Rodney Moen  
Chairperson

The committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform** reports and recommends:

**Assembly Bill 171**

Relating to: mandatory operating privilege suspension for certain firearms offenses and bomb scares involving school premises.

Concurrence.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Assembly Bill 425**

Relating to: substances used to induce false negative drug tests and providing a penalty.

Concurrence.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Assembly Bill 464**

Relating to: prohibitions related to certain controlled substances and providing a penalty.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Concurrence as amended.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Assembly Bill 482**

Relating to: child sex offenders working or volunteering with children and providing a penalty.

Concurrence.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Assembly Bill 495**

Relating to: seizure of computers used in crimes against children.

Concurrence.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Assembly Bill 529**

Relating to: retired peace officers carrying a weapon.

Concurrence.

Ayes, 4 – Senators George, Wirch, Huelsman and S. Fitzgerald.

Noes, 1 – Senator Risser.

**Assembly Bill 578**

Relating to: access for sheriffs and jailers to reports regarding the competency of criminal defendants.

Concurrence.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Assembly Bill 675**

Relating to: licenses to carry a concealed weapon, requiring the exercise of rule-making authority, making appropriations, and providing penalties.

Concurrence.

Ayes, 4 – Senators George, Wirch, Huelsman and S. Fitzgerald.

Noes, 1 – Senator Risser.

**Assembly Bill 682**

Relating to: official action in return for providing or withholding political contributions, services, or other things of value and providing a penalty.

Concurrence.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Assembly Bill 735**

Relating to: battery or assault by a prisoner or detainee and providing a penalty.

Concurrence.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Assembly Bill 737**

Relating to: investigations by state traffic patrol officers and inspectors.

Concurrence.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Assembly Bill 809**

Relating to: permanency planning for a child placed outside the home, required juvenile court findings when a child is placed outside the home, the expiration date of a juvenile court order placing or continuing the placement of a child outside the home, the requirement that a termination of parental rights petition be filed under certain circumstances, statements by foster parents at juvenile court hearings, and prohibiting a person who has committed an alcohol-related felony within the last 5 years from being licensed to operate a foster home or treatment foster home.

Concurrence.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Assembly Bill 852**

Relating to: awards for crime victims and their families, persons witnessing certain crimes, and children witnessing acts of domestic violence.

Concurrence.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**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.

Introduction of Senate substitute amendment 1.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Introduction and adoption of Senate amendment 1 to Senate substitute amendment 1.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Senate substitute amendment 1 adoption.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Senate Bill 143**

Relating to: waiving the fee for deposit of a will.

Passage.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Senate Bill 151**

Relating to: calculating child support and creating committees to review the method of calculating child support.

Passage.

Ayes, 3 – Senators George, Huelsman and S. Fitzgerald.

Noes, 2 – Senators Risser and Wirch.

**Senate Bill 238**

Relating to: collection of data concerning motor vehicle contacts, law enforcement training standards, and granting rule-making authority.

Passage.

Ayes, 3 – Senators George, Risser and Wirch.

Noes, 2 – Senators Huelsman and S. Fitzgerald.

**Senate Bill 371**

Relating to: invasion of privacy and providing a penalty.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Senate Bill 387**

Relating to: battery or assault by a prisoner or detainee and providing a penalty.

Passage.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Senate Bill 425**

Relating to: investigations by state traffic patrol officers and inspectors.

Passage.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Senate Bill 430**

Relating to: coverage of certain members of district boards of local professional baseball park districts under the code of ethics for local public officials and filing of statements of economic interests by candidates for joint municipal judgeships (suggested as remedial legislation by the ethics board).

Passage.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Senate Bill 438**

Relating to: domestic abuse restraining orders and injunctions.

Passage.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Senate Bill 439**

Relating to: an evidentiary privilege for communications made to a person employed by or volunteering with an organization providing counseling, assistance, or support services to victims of sexual assault or abusive conduct.

Passage.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Senate Bill 440**

Relating to: stalking and providing a penalty.

Passage.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

**Senate Bill 462**

Relating to: biological or chemical substance scares, juvenile court dispositions for a juvenile who is found to have made a bomb scare or a biological or chemical substance scare involving a school premises or to have possessed or discharged a firearm in a school zone, and providing a penalty.

Passage.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Gary George  
Chairperson

The committee on **Privacy, Electronic Commerce and Financial Institutions** reports and recommends:

**Assembly Bill 645**

Relating to: publication of the street address of a person who provides day care in the person's home.

Concurrence.

Ayes, 5 – Senators Erpenbach, Jauch, Plache, S. Fitzgerald and Kanavas.

Noes, 0 – None.

**Senate Bill 436**

Relating to: various changes regarding the department of financial institutions and persons regulated by the department of financial institutions and granting rule-making authority (suggested as remedial legislation by the department of financial institutions).

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Erpenbach, Jauch, Plache, S. Fitzgerald and Kanavas.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Erpenbach, Jauch, Plache, S. Fitzgerald and Kanavas.

Noes, 0 – None.

**Senate Bill 450**

Relating to: eliminating the Wisconsin credit union savings insurance corporation (suggested as remedial legislation by the department of financial institutions).

Passage.

Ayes, 5 – Senators Erpenbach, Jauch, Plache, S. Fitzgerald and Kanavas.

Noes, 0 – None.

**Senate Bill 475**

Relating to: creating an exemption from securities broker-dealer and securities agent licensing requirements.

Passage.

Ayes, 5 – Senators Erpenbach, Jauch, Plache, S. Fitzgerald and Kanavas.

Noes, 0 – None.

Jon Erpenbach  
Chairperson

The committee on **Senate Organization** reports and recommends:

**Assembly Bill 711**

Relating to: congressional redistricting.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

Charles Chvala  
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Assembly Bill 826**

Relating to: various changes in election administration laws.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Concurrence as amended.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

KLAUSER, JAMES R., of Pewaukee, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2008.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

**Senate Bill 304**

Relating to: the definition of agricultural land for property tax purposes and the penalty for converting agricultural land.

Senate amendment 1 adoption.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Passage as amended.

Ayes, 4 – Senators M. Meyer, Moore, Grobschmidt and Hansen.

Noes, 3 – Senators Ellis, Huelsman and Zien.

**Senate Bill 75**

Relating to: fees charged by notary publics.

Introduction and adoption of Senate amendment 1.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Mark Meyer  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**THE STATE OF WISCONSIN  
OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER #40**

***Relating to the Creation of the Task Force on State and Local Government***

**WHEREAS**, Wisconsin is facing a budget shortfall that may reach beyond \$1.1 billion in the 2001-2003 Biennium; and

**WHEREAS**, the Budget Reform Bill of 2002 was introduced to rectify this shortfall; and

**WHEREAS**, one provision of the Budget Reform Bill of 2002 is to phase out shared revenue with repeal of the program completed by fiscal year 2005; and

**WHEREAS**, it is important to have a forum for discussing and addressing fundamental change to the state and local governments relationship;

**NOW, THEREFORE, I SCOTT McCALLUM**, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this State, and specifically by Section 14.019 of the Wisconsin Statutes, do hereby:

1. Create the Task Force on State and Local Government (hereinafter, "Task Force"); and
2. Provide that the Task Force members are appointed by the Governor to serve at the pleasure of the Governor; and
3. Provide that the Governor shall designate one (1) member on the Task Force as its chair to serve in that capacity at the pleasure of the Governor; and



4. Provide that the Task Force shall review and answer questions in the following areas:

- A. To review government organization, including the size and number of governments;**
- B. To review efficiency and consolidation of government services;**
- C. To review land use, boundaries and annexation;**
- D. To review finances and taxations of state and local government;**
- E. To review state mandates that are barriers to consolidation; and**
- F. To identify financial incentives for local governments to consolidate services, where possible; and**

5. Make recommendations to strengthen the partnership between the state and local governments to ensure Wisconsin is fully prepared to meet the challenges of the Twenty-First Century; and

6. Require the Task Force to submit to the Governor a final report on its findings and recommendations by February 2003; and

7. Direct the Secretary of the Department of Administration and all other state agencies to provide the Task Force with administrative and support services and with such sums of money as are necessary for travel and operating expenses in accordance with section 20.505(4)(ba) of the Wisconsin Statutes; and

8. Require the Task Force to disband once the Governor has accepted its final report.

**IN TESTIMONY WHERE OF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this fifth day of March in the year two thousand and two.

SCOTT McCALLUM  
Governor

*BY THE GOVERNOR:*

DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin**

March 7, 2002

The Honorable, The Senate:

I write to you today to request to be made a coauthor of 2001 Assembly Bill 850, relating to the declaration of a state of emergency related to public health.

Thank you for your attention to this matter.

Sincerely,

PEGGY ROSENZWEIG  
Wisconsin State Senate  
5th Senate District

**State of Wisconsin  
Legislative Audit Bureau**

March 8, 2002

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 of 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.

Sincerely,

JANICE MUELLER  
State Auditor

**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

March 6, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint THOMPSON, KELLI, of Whitefish Bay, as a member of the Personnel Commission, to serve for the interim term ending March 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Labor and Agriculture.**

**State of Wisconsin  
Office of the Governor**

March 6, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SORENSON, STEVEN R., of Ripon, as a member of the Wisconsin Employment Relations Commission, to serve for the interim term ending March 1, 2007.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Labor and Agriculture.**

**State of Wisconsin  
Office of the Governor**

March 6, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint RAEMISCH, RICHARD F., of Waunakee, as a member of the Tax Appeals Commission, to serve for the interim term ending March 1, 2003.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Universities, Housing, and Government Operations.**

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 01-109**

Relating to accessibility requirements for commercial buildings and structures.

Submitted by Department of Commerce.

Report received from Agency, March 8, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, March 11, 2002.

**Senate Clearinghouse Rule 01-139**

Relating to construction of public buildings and places of employment.

Submitted by Department of Commerce.

Report received from Agency, March 7, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, March 11, 2002.

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The committee on **Education** reports and recommends:

**Senate Clearinghouse Rule 01-119**

Relating to the children at risk program.

No action taken.

**Senate Clearinghouse Rule 01-131**

Relating to the elimination of obsolete rules.

No action taken.

**Senate Clearinghouse Rule 01-132**

Relating to technical modifications to chapters PI 10, 12, and 37 pursuant to statutory changes made under 1999 Wisconsin Act 9 and 2001 Wisconsin Act 16.

No action taken.

Richard Grobschmidt  
Chairperson

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**MESSAGES FROM THE ASSEMBLY**

By John A. Scocos, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has amended and concurred in as amended:

**Senate Bill 250** (Assembly amendment 1)

Concurred in:

**Senate Bill 178**

**Senate Bill 307**

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**AMENDMENTS OFFERED**

Senate amendment 3 to **Senate Bill 460** offered by Senator Hansen.

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**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Bill 378**

**Senate Bill 415**

**Senate Bill 479**

Report correctly enrolled on March 11, 2002.



# STATE OF WISCONSIN Senate Journal Ninety–Fifth Regular Session

10:00 A.M.

TUESDAY, March 12, 2002

The Senate met.

The Senate was called to order by Senator Fred Risser.

The roll was called and the following Senators answered to their names:

Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for the prayer which was offered by Pastor Kurt O. Handrich of Calvary Lutheran Church in Beloit.

The Senate remained standing and Senator Kanavas led the Senate in the pledge of allegiance to the flag of the United States of America.

## INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

### Senate Bill 496

Relating to: probation and treatment for persons convicted of possession of certain controlled substances or certain other crimes; treatment for persons on parole who violate conditions of parole relating to possession of certain controlled substances or to drug treatment requirements; treatment for persons on extended supervision who violate conditions of extended supervision relating to possession of certain controlled substances or to drug treatment; granting rule-making authority; and making an appropriation.

By Senators George, Moore and Risser; cosponsored by Representatives Albers, Black, Young, Pocan, Boyle, Miller and Coggs.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

## REPORT OF COMMITTEES

The committee on **Environmental Resources** reports and recommends:

### Senate Bill 495

Relating to: environmental compliance audits, environmental management systems, providing incentives for improving environmental performance, providing immunity from civil penalties for certain violations of environmental

requirements, access to certain information, granting rule-making authority, and providing a penalty.

Passage.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Jim Baumgart  
Chairperson

## PETITIONS AND COMMUNICATIONS

State of Wisconsin  
Ethics Board

March 12, 2002

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/>

Anderson, Nicole	<b>Wisconsin Public Power Inc</b>
Crass, David	<b>Dairy Business Association</b>
Kuehn, Ronald W	<b>Wisconsin Association of School District Administrators</b>
Liebe, Thomas	<b>Childrens Health System Inc</b>
Sink, Daren	<b>Pfizer Inc</b>
Tierney, Jodie	<b>Greater Milwaukee Association of REALTORS</b>

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

Senator Robson, with unanimous consent, asked that the Senate recess until 1:36 P.M.

10:25 A.M.

## RECESS

1:36 P.M.

The Senate reconvened.

Senator Risser in the chair.

Senator Chvala, with unanimous consent, asked that the Senate return to the third order of business.

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**INTRODUCTION, FIRST READING AND  
REFERENCE OF BILLS**

Read first time and referred:

**Senate Bill 497**

Relating to: sale of halal food.

By Senators Kanavas and Grobschmidt; cosponsored by Representative Duff.

To committee on **Labor and Agriculture**.

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**ADVICE AND CONSENT OF THE SENATE**

**Senate Bill 55**

Relating to: state finances and appropriations, constituting the executive budget act of the 2001 legislature.

Read.

The question was: Shall Item D-4, sections 3325q and 9311(7k) of **Senate Bill 55** pass notwithstanding the objections of the governor?

The ayes and noes were required and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 15.

Absent or not voting – None.

Passage refused notwithstanding objections of the governor.

ROSLANSKY, ROGER D., of La Crosse, as a member of the Real Estate Appraisers Board, to serve for the interim term ending May 1, 2004.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 02-011**

Relating to the adjustment of thresholds for application of prevailing wage rates and payment and performance assurance requirements.

Submitted by Department of Workforce Development .

Report received from Agency, March 11, 2002.

Referred to committee on **Labor and Agriculture**, March 12, 2002.

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**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Senate Joint Resolution 63**

Relating to: creating a committee of conference on 2001 Assembly Bill 843 and 2001 Senate Bill 104, the 2001 Campaign Finance Bills.

Read.

Senator Chvala moved nonconcurrency in Assembly amendment 1 to **Senate Joint Resolution 63**.

The question was: Shall Assembly amendment 1 to **Senate Joint Resolution 63** be nonconcurrent in?

Nonconcurrent in.

**Senate Bill 61**

Relating to: granting high school diplomas posthumously to veterans.

Read.

The question was: Shall Assembly substitute amendment 2 to **Senate Bill 61** be concurred in?

Concurred in.

**Senate Bill 179**

Relating to: requiring crossing gates on school buses, granting rule-making authority, and providing a penalty.

Read.

The question was: Shall Assembly amendment 1 to **Senate Bill 179** be concurred in?

Concurred in.

**Senate Bill 250**

Relating to: insurance coverage of prescription medications used to treat diabetes.

Read.

The question was: Shall Assembly amendment 1 to **Senate Bill 250** be concurred in?

Concurred in.

**Senate Bill 413**

Relating to: the regulation of massage therapists and bodyworkers, creating a massage therapy and bodywork examining board, granting rule-making authority and providing a penalty.

Read.

The question was: Shall Assembly amendment 1 to **Senate Bill 413** be concurred in?

Concurred in.

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**SECOND READING AND AMENDMENTS  
OF SENATE JOINT RESOLUTIONS AND  
SENATE BILLS**

**Senate Joint Resolution 64**

Relating to: honoring the University of Wisconsin-Green Bay Women's Basketball Team.

Read.

Adopted.

**Senate Bill 75**

Relating to: fees charged by notary publics.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 75**?

Adopted.

Ordered to a third reading.



Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 75**

Read a third time and passed.

Senator Chvala, with unanimous consent, asked that **Senate Resolution 16** be withdrawn from the committee on **Senate Organization** and taken up at this time.

**Senate Resolution 16**

Relating to: autism spectrum disorder.

Read.

Adopted.

Senator Chvala, with unanimous consent, asked that **Senate Resolution 17** be withdrawn from the committee on **Senate Organization** and taken up at this time.

**Senate Resolution 17**

Relating to: proclaiming Prostate Cancer Awareness Month.

Read.

Senator A. Lasee, with unanimous consent, asked to be added as a coauthor of **Senate Resolution 17**.

Adopted.

Senator Chvala, with unanimous consent, asked that **Assembly Joint Resolution 100** be withdrawn from the committee on **Senate Organization** and taken up at this time.

**Assembly Joint Resolution 100**

Relating to: the Wisconsin School for the Deaf Sesquicentennial.

Read.

Concurred in.

**Senate Bill 305**

Relating to: licensing of physical therapists and physical therapist assistants and granting rule-making authority.

Read a second time.

Senator Burke, with unanimous consent, asked that **Assembly Bill 615** be withdrawn from the committee on **Health, Utilities, Veterans and Military Affairs** and taken up at this time.

**Assembly Bill 615**

Relating to: licensing of physical therapists and physical therapist assistants and granting rule-making authority.

Read a second time.

Senator Burke, with unanimous consent, asked that **Assembly Bill 615** be referred to the Joint Committee on **Finance**.

Senator Burke, with unanimous consent, asked that the rules be suspended and that **Assembly Bill 615** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 615**

Read a third time.

The ayes and noes were required and the vote was: ayes, 28; noes, 5; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M.

Meyer, Moen, Moore, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Wirch and Zien – 28.

Noes – Senators Decker, Harsdorf, Panzer, Shibilski and Welch – 5.

Absent or not voting – None.

Concurred in.

Senator Chvala, with unanimous consent, asked that **Senate Bill 305** be laid on the table.

**Senate Bill 344**

Relating to: development of a tribal logo for notification of state grants funded by Indian gaming receipts.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 344**?

Adopted.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 344**

Read a third time and passed.

**Senate Bill 373**

Relating to: the prohibition against underage persons entering or being on any premises operating under an alcohol beverage license.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 373**

Read a third time and passed.

**Senate Bill 391**

Relating to: requiring a hospital to provide to an alleged victim of sexual assault, with consent, information and emergency contraception and providing a penalty.

Read a second time.

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**IN THE CHAIR**

Senator Burke in the chair.

2:00 P.M.

Senate amendment 1 to **Senate Bill 391** offered by Senator Baumgart.

Senator Risser moved rejection of Senate amendment 1 to **Senate Bill 391**.

The question was: Rejection of Senate amendment 1 to **Senate Bill 391**?

Rejected.

Senate amendment 2 to **Senate Bill 391** offered by Senator Huelsman.

Senator Risser moved rejection of Senate amendment 2 to **Senate Bill 391**.

The question was: Rejection of Senate amendment 2 to **Senate Bill 391**?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 15.

Absent or not voting – None.

Rejected.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 391**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Burke, Chvala, Darling, Decker, Erpenbach, George, Hansen, Huelsman, Jauch, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Rosenzweig, Shibilski and Wirch – 20.

Noes – Senators Breske, Cowles, Ellis, S. Fitzgerald, Grobschmidt, Harsdorf, Kanavas, A. Lasee, Lazich, Roessler, Schultz, Welch and Zien – 13.

Absent or not voting – None.

Passed.

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**IN THE CHAIR**

Senator Risser in the chair.

2:27 P.M.

Senator Chvala, with unanimous consent, asked that **Senate Joint Resolution 66** be withdrawn from the committee on **Senate Organization** and taken up at this time.

**Senate Joint Resolution 66**

Relating to: declaring May 14 Hmong–Lao Appreciation Day.

Read.

Adopted.

**Senate Bill 394**

Relating to: withholding from public inspection information about public utility security.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 394**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 394**

Read a third time and passed.

**Senate Bill 425**

Relating to: investigations by state traffic patrol officers and inspectors.

Read a second time.

Senator Chvala, with unanimous consent, asked that **Assembly Bill 737** be withdrawn and taken up at this time.

**Assembly Bill 737**

Relating to: investigations by state traffic patrol officers and inspectors.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 737**

Read a third time and concurred in.

Senator Chvala, with unanimous consent, asked that **Senate Bill 425** be laid on the table.

**Senate Bill 430**

Relating to: coverage of certain members of district boards of local professional baseball park districts under the code of ethics for local public officials and filing of statements of economic interests by candidates for joint municipal judgeships (suggested as remedial legislation by the ethics board).

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 430**

Read a third time and passed.

**Senate Bill 435**

Relating to: the sale or distribution of mercury thermometers and providing a penalty.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 435**?

Adopted.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 435**

Read a third time and passed.

**Senate Bill 436**

Relating to: various changes regarding the department of financial institutions and persons regulated by the department of financial institutions and granting rule-making authority (suggested as remedial legislation by the department of financial institutions).

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 436**?

Adopted.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 436**

Read a third time and passed.

**Senate Bill 438**

Relating to: domestic abuse restraining orders and injunctions.

Read a second time.

Senator Rosenzweig, with unanimous consent, asked to be added as a coauthor of **Senate Bill 438**.

Senator Rosenzweig, with unanimous consent, asked to be added as a coauthor of **Senate Bill 439**.

Senator Rosenzweig, with unanimous consent, asked to be added as a coauthor of **Senate Bill 440**.

Senator Rosenzweig, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 733**.

Senator Wirch, with unanimous consent, asked to be added as a coauthor of **Senate Bill 438**.

Senator Wirch, with unanimous consent, asked to be added as a coauthor of **Senate Bill 439**.

Senator Grobschmidt, with unanimous consent, would have the journal show that he would withdraw his name as cosponsor of **Assembly Bill 893**.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 438**

Read a third time and passed.

**Senate Bill 439**

Relating to: an evidentiary privilege for communications made to a person employed by or volunteering with an organization providing counseling, assistance, or support services to victims of sexual assault or abusive conduct.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 439**

Read a third time and passed.

**Senate Bill 440**

Relating to: stalking and providing a penalty.

Read a second time.

Ordered to a third reading.

Senator Burke, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 440**

Read a third time and passed.

**Senate Bill 450**

Relating to: eliminating the Wisconsin credit union savings insurance corporation (suggested as remedial legislation by the department of financial institutions).

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 450**

Read a third time and passed.

**Senate Bill 452**

Relating to: the groundwater law and regulation of aquifer storage recovery systems.

Read a second time.

Senator Grobschmidt, with unanimous consent, asked that Senate substitute amendment 1 to **Senate Bill 452** be laid on the table.

Senate substitute amendment 2 to **Senate Bill 452** offered by Senators Grobschmidt, Cowles and Hansen.

Senate amendment 1 to Senate substitute amendment 2 to **Senate Bill 452** offered by Senators Grobschmidt, Cowles and Hansen.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 2 to **Senate Bill 452**?

Adopted.

The question was: Adoption of Senate substitute amendment 2 to **Senate Bill 452**?

Adopted.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 452**

Read a third time and passed.

**Senate Bill 460**

Relating to: rules of conduct for a business receiving a grant or loan from the Wisconsin development fund or proceeds from the sale of an industrial development revenue bond and the employment impact estimates required to be submitted by such a business.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 460**?

Adopted.

The question was: Adoption of Senate amendment 2 to **Senate Bill 460**?

Adopted.

The question was: Adoption of Senate amendment 3 to **Senate Bill 460**?

Adopted.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 460**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 15.

Absent or not voting – None.

Passed.

**Senate Bill 462**

Relating to: biological or chemical substance scares, juvenile court dispositions for a juvenile who is found to have made a bomb scare or a biological or chemical substance scare involving a school premises or to have possessed or discharged a firearm in a school zone, and providing a penalty.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 462**

Read a third time and passed.

**Senate Bill 464**

Relating to: disqualification from commercial motor vehicle operation for railroad crossing violations and providing a penalty.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 464**

Read a third time and passed.

**Senate Bill 469**

Relating to: the energy efficiency of equipment used in state building projects and certain other projects constructed for the state and granting rule-making authority.

Read a second time.

Senate amendment 1 to **Senate Bill 469** offered by Senator Cowles.

The question was: Adoption of Senate amendment 1 to **Senate Bill 469**?

Adopted.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 469**

Read a third time and passed.

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**SECOND READING AND AMENDMENTS  
OF ASSEMBLY JOINT RESOLUTIONS AND  
ASSEMBLY BILLS**

**Assembly Joint Resolution 35**

Relating to: supporting a women's health platform that recognizes serious inequities in the health prevention and treatment of women and calls for the elimination of these inequities to improve the health status of women in this state.

Read.

Senator Lazich, with unanimous consent, asked to be withdrawn as a cosponsor of **Assembly Joint Resolution 35**.

The question was: Adoption of Senate amendment 1 to **Assembly Joint Resolution 35**?

Adopted.

Concurred in as amended.

**Assembly Joint Resolution 87**

Relating to: commemorating the United States Military Academy at West Point on its bicentennial anniversary.

Read.

Concurred in.

**Assembly Joint Resolution 88**

Relating to: proclaiming May 17, 18, and 19, 2002, Syttende Mai Weekend.

Read.

Concurred in.

Senator Moen, with unanimous consent, asked that all action be immediately messaged to the Assembly.

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**Assembly Bill 157**

Relating to: possession of body armor by persons convicted of or adjudicated delinquent for certain felony offenses and providing a penalty.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 157**

Read a third time and concurred in.

**Assembly Bill 256**

Relating to: licensing perfusionists, creating a perfusionists examining council, and granting rule-making authority.

Read a second time.

Senator Burke, with unanimous consent, asked that **Assembly Bill 256** be referred to the Joint Committee on **Finance**.

Senator Burke, with unanimous consent, asked that the rules be suspended and that **Assembly Bill 256** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 256**

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 1; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Wirch and Zien – 32.

Noes – Senator Welch – 1.

Absent or not voting – None.

Concurred in.

**Assembly Bill 327**

Relating to: expenditure of \$9,296 from moneys appropriated to the department of transportation in payment of a claim against the state made by Robert and Dorothy Messner.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 327**

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 2; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Jauch, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 31.

Noes – Senators Huelsman and Kanavas – 2.

Absent or not voting – None.

Concurred in.

**Assembly Bill 354**

Relating to: powers, responsibilities, and appointment of court commissioners.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 354**

Read a third time and concurred in.

**Assembly Bill 412**

Relating to: petition requirements for the creation of a town sanitary district.

Read a second time.

Ordered to a third reading.



Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 412**

Read a third time and concurred in.

**Assembly Bill 481**

Relating to: the interstate compact for adult offender supervision.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 481**

Read a third time and concurred in.

**Assembly Bill 482**

Relating to: child sex offenders working or volunteering with children and providing a penalty.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 482**

Read a third time and concurred in.

**Assembly Bill 548**

Relating to: the date of the presidential preference primary.

Read a second time.

Senate amendment 1 to **Assembly Bill 548** offered by Senators Decker, Baumgart, A. Lasee, Schultz, Breske, M. Meyer and Hansen.

Senator Rosenzweig, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 481**.

Senator Chvala moved rejection of Senate amendment 1 to **Assembly Bill 548**.

The question was: Rejection of Senate amendment 1 to **Assembly Bill 548**?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes – Senators Burke, Chvala, Darling, S. Fitzgerald, Grobschmidt, Harsdorf, Huelsman, Kanavas, Lazich, Panzer, Plache, Roessler, Rosenzweig, Shibilski, Welch, Wirch and Zien – 17.

Noes – Senators Baumgart, Breske, Cowles, Decker, Ellis, Erpenbach, George, Hansen, Jauch, A. Lasee, M. Meyer, Moen, Moore, Risser, Robson and Schultz – 16.

Absent or not voting – None.

Rejected.

Senator Decker moved that **Assembly Bill 548** be referred to joint committee on **Finance**.

The question was: Shall **Assembly Bill 548** be referred to joint committee on **Finance**?

Refused to refer to joint committee on Finance.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 548**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 14; noes, 19; absent or not voting, 0; as follows:

Ayes – Senators Burke, Chvala, Darling, Ellis, Grobschmidt, Huelsman, Kanavas, Lazich, Moore, Panzer, Shibilski, Welch, Wirch and Zien – 14.

Noes – Senators Baumgart, Breske, Cowles, Decker, Erpenbach, S. Fitzgerald, George, Hansen, Harsdorf, Jauch, A. Lasee, M. Meyer, Moen, Plache, Risser, Robson, Roessler, Rosenzweig and Schultz – 19.

Absent or not voting – None.

Refused concurrence.

**Assembly Bill 609**

Relating to: the titling of motor vehicles that have been damaged; the sale of a motor vehicle subject to a seizure for a crime related to driving while under the influence of an intoxicant or other drug; displaying the empty weight on the side of certain motor vehicles; vehicle identification numbers for motorcycles; and operating a motor vehicle that is not registered (suggested as remedial legislation by the department of transportation).

Read a second time.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 609**?

Adopted.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 609**

Read a third time and concurred in as amended.

**Assembly Bill 655**

Relating to: testing of donors of human ova for the presence of human immunodeficiency virus; membership of the council on developmental disabilities; and changing the term used to describe a residential facility operated by a child welfare agency for the care and maintenance of children (suggested as remedial legislation by the department of health and family services).

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 655**

Read a third time and concurred in.

Senator Rosenzweig moved reconsideration of the vote by which concurrence was refused on **Assembly Bill 548**.

The question was: Shall the vote by which concurrence was refused on **Assembly Bill 548** be reconsidered?

Reconsidered.

Senator Chvala, with unanimous consent asked that the vote by which Senate amendment 1 was rejected be reconsidered.

Reconsidered.

Senator Chvala, with unanimous consent, withdrew his rejection motion.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 548**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 548**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Concurred in as amended.

**Assembly Bill 711**

Relating to: congressional redistricting.

Read a second time.

Senate substitute amendment 1 to **Assembly Bill 711** offered by Senator Jauch.

Senator Chvala, with unanimous consent, asked that **Assembly Bill 711** be placed at the foot of the 12th order of business on the calendar of March 12, 2002.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

**Assembly Bill 733**

Relating to: expanding eligibility for drug treatment reimbursement grants for persons with HIV infections.

Read a second time.

Senator Burke, with unanimous consent, asked that **Assembly Bill 733** be referred to the Joint Committee on **Finance**.

Senator Burke, with unanimous consent, asked that the rules be suspended and that **Assembly Bill 733** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 733**

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Concurred in.

**Assembly Bill 743**

Relating to: the statewide trauma system and making appropriations.

Read a second time.

Senator Burke, with unanimous consent, asked that **Assembly Bill 743** be referred to the Joint Committee on **Finance**.

**Assembly Bill 809**

Relating to: permanency planning for a child placed outside the home, required juvenile court findings when a child is placed outside the home, the expiration date of a juvenile court order placing or continuing the placement of a child outside the

home, the requirement that a termination of parental rights petition be filed under certain circumstances, statements by foster parents at juvenile court hearings, and prohibiting a person who has committed an alcohol-related felony within the last 5 years from being licensed to operate a foster home or treatment foster home.

Read a second time.

Senate amendment 1 to **Assembly Bill 809** offered by Senators Moore, Robson, Plache and Welch.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 809**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 809**

Read a third time and concurred in as amended.

Senator Chvala, with unanimous consent, asked that **Senate Joint Resolution 67** be withdrawn from the committee on **Senate Organization** and taken up at this time.

**Senate Joint Resolution 67**

Relating to: commending the devoted public service of the members of the Capitol Police Department.

Read.

Adopted.

**Assembly Bill 826**

Relating to: various changes in election administration laws.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Assembly Bill 826**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 826**

Read a third time and concurred in as amended.

**Assembly Bill 711**

Relating to: congressional redistricting.

Read a second time.

Senator Chvala, with unanimous consent, asked that the Senate stand informal.

4:02 P.M.

**STANDING INFORMAL**

4:37 P.M.

The Senate reconvened.

Senator Risser in the chair.

Senate amendment 1 to Senate substitute amendment 1 to **Assembly Bill 711** offered by Senator Grobschmidt.

Senator Jauch moved rejection of Senate amendment 1 to Senate substitute amendment 1 to **Assembly Bill 711**.

The question was: Rejection of Senate amendment 1 to Senate substitute amendment 1 to **Assembly Bill 711**?

The ayes and noes were demanded and the vote was: ayes, 30; noes, 3; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen,

Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 30.

Noes – Senators Burke, George and Grobschmidt – 3.

Absent or not voting – None.

Rejected.

Senator Welch moved that Senate substitute amendment 1 to **Assembly Bill 711** be laid on the table.

The question was: Shall Senate substitute amendment 1 to **Assembly Bill 711** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Grobschmidt, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Moore, Panzer, Plache, Robson, Roessler, Rosenzweig, Schultz, Welch, Wirch and Zien – 20.

Noes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Hansen, Jauch, M. Meyer, Moen, Risser and Shibilski – 13.

Absent or not voting – None.

Tabled.

Senate substitute amendment 2 to **Assembly Bill 711** offered by Senator George.

Senator Jauch moved rejection of Senate substitute amendment 2 to **Assembly Bill 711**.

The question was: Rejection of Senate substitute amendment 2 to **Assembly Bill 711**?

The ayes and noes were demanded and the vote was: ayes, 31; noes, 2; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 31.

Noes – Senators George and Moore – 2.

Absent or not voting – None.

Rejected.

Senator Chvala, with unanimous consent, asked that the Senate stand informal.

5:28 P.M.

**STANDING INFORMAL**

5:42 P.M.

The Senate reconvened.

Senator Risser in the chair.

Senator Chvala moved that Senate substitute amendment 1 to **Assembly Bill 711** be taken from the table and taken up.

The question was: Shall Senate substitute amendment 1 to **Assembly Bill 711** be taken from the table and taken up?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 18; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, Hansen, Jauch, M. Meyer, Moen, Plache, Risser, Robson, Shibilski and Wirch – 15.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, George, Grobschmidt, Harsdorf, Huelsman, Kanavas, A.

Lasee, Lazich, Moore, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 18.

Absent or not voting – None.

Refused to take up.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 711**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 26; noes, 7; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, Moen, Panzer, Risser, Roessler, Rosenzweig, Schultz, Shibilski, Welch and Zien – 26.

Noes – Senators Chvala, George, M. Meyer, Moore, Plache, Robson and Wirch – 7.

Absent or not voting – None.

Concurred in.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

**MOTIONS MAYBE OFFERED**

Senator Zien moved that **Assembly Bill 675** be withdrawn from the committee **Senate Organization**.

**POINT OF ORDER**

Senator Chvala raised the point of order that in accordance with Senate Rule 41 the motion to withdraw from the committee on Senate Organization is not proper at this time.

The Chair took the point of order under advisement.

Senator Welch moved that the rules be suspended.

**POINT OF ORDER**

Senator Chvala raised the point of order that the motion is not proper at this time.

The Chair took the point of order under advisement.

**ANNOUNCEMENTS, ADJOURNMENT HONORS, AND REMARKS UNDER SPECIAL PRIVILEGE**

Senator Moore, with unanimous consent, would have the journal show that she would like to have been listed as a coauthor of **Senate Joint Resolution 64**, **Senate Bill 344** and **Senate Bill 435**.

Senator Moore, with unanimous consent, would have the journal show that she would like to have been listed as a cosponsor of **Assembly Joint Resolution 87** and **Assembly Bill 733**.

Senator Chvala, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the LaFollette High School's boys basketball team on their advancement to the WIAA Basketball Tournament.

**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn pursuant to **Senate Joint Resolution 1**.

Adjourned.

7:15 P.M.



# STATE OF WISCONSIN

# Senate Journal

## January 2002 Special Session

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7:30 P.M.

TUESDAY, March 12, 2002

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The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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### **ANNOUNCEMENTS, ADJOURNMENT HONORS, AND REMARKS UNDER SPECIAL PRIVILEGE**

Senator Lazich, with unanimous consent, asked that when the Senate adjourn, it do so in memory of Elmer Blundell and Rose Davis who passed away after separate automobile accidents.

Senator Huelsman, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Waukesha West High School academic decathlon team for their first place finish at the Wisconsin Academic Decathlon competition in Madison.

Senator Hansen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his daughter Christine

Hansen's 23 birthday and her graduation from the U.W. Eau Claire in May as an elementary and special education teacher.

Senator Baumgart, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Elkhart Lake-Glenbeulah High School Resorters girls basketball team on winning the Division 4 WIAA Girls Basketball Championship. Team members being honored are Meggan Hau, Heather Groh, Emily Schulz, Kayla Groh, Stacy Kraemer, Kristin Jung, Amanda Thielmann, Julia Ausloos, Callie Hellestad, Samantha Prah, Amanda Voigtlander and Josie Hau the head coach Don Kulow and assistant coaches Eugene Hau, Keith Knepfel and Steve Sutcliffe.

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### **ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Thursday, March 14 at 10:00 A.M.

Adjourned.

7:31 P.M.



STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

---

WEDNESDAY, March 13, 2002

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The Chief Clerk makes the following entries under the above date.

**PETITIONS AND COMMUNICATIONS**

State of Wisconsin  
Department of Commerce

March 11, 2002

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 to 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 costs in the PECFA program and are available to provide any additional information that you might wish regarding current operations and future evaluation reports relating to usual and customary costs.

Sincerely,

PHILIP EDW. ALBERT

Secretary

Referred to committee on **Universities, Housing and Government Operations**.

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 01–054**

Relating to the regulation of swim rafts and the definition of “impoundment” and “similar conveyance.”

Submitted by Department of Natural Resources.

Report received from Agency, March 6, 2002.

Referred to committee on **Insurance, Tourism, and Transportation**, March 13, 2002.

**Senate Clearinghouse Rule 01–128**

Relating to permitting the use of natural bodies of water as fish farms.

Submitted by Department of Natural Resources.

Report received from Agency, March 12, 2002.

Referred to committee on **Environmental Resources**, March 13, 2002.

The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 01–140**

Relating to career executive employment and various technical changes to bring the rules into consistency with the statutes and compensation plan.

No action taken.

**Senate Clearinghouse Rule 01–141**

Relating to certification for employment consideration, probationary periods, transfers of career executive employees and various technical changes to bring the rules into consistency with the statutes and compensation plan.

No action taken.

Mark Meyer

Chairperson

**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Bill 88**

**Senate Bill 356**

**Senate Bill 367**

Report correctly enrolled on March 13, 2002.



STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

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10:00 A.M.

THURSDAY, March 14, 2002

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The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, March 19 at 10:00 A.M.

Adjourned.

10:01 A.M.



# STATE OF WISCONSIN

# Senate Journal

## January 2002 Special Session

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10:00 A.M.

TUESDAY, March 19, 2002

---

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin Ethics Board

March 19, 2002

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/>

McIntosh, Forbes     **FiveStar Quality Care Inc**

Strohl, Joseph        **WorldCom Inc**

Wornson, Bryon      **Eli Lilly and Company**

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

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### 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 1

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### MESSAGES FROM THE ASSEMBLY CONSIDERED

#### Assembly Bill 1

Relating to: state finances and appropriations, constituting the governor's recommendations for correcting the imbalance between projected revenues and authorized expenditures.

By committee on Assembly Organization, by request of Governor Scott McCallum.

Read first time and referred to committee on **Senate Organization**.

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### GUESTS OF THE SENATE

The Chair, with unanimous consent, asked that Director General of Taiwan, Antonio C. S. Chen; Division Director of Cultural Division, Shane Wu; and Senior Assistant Director to the Director General Mr. Dean Tan, be listed as the guests of Senator Risser and Schultz and Representative Freeze for today's session.

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### ADJOURNMENT

Senator Risser, with unanimous consent, asked that the Senate adjourn until Thursday, March 21 at 10:00 A.M.

Adjourned.

10:01 A.M.

# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

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WEDNESDAY, March 20, 2002

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The Chief Clerk makes the following entries under the above date.

### REPORT OF COMMITTEES

The committee on **Insurance, Tourism, and Transportation** reports and recommends:

KUSSART, GENE, of Verona, as Secretary of the Department of Transportation, to serve for the term ending at the pleasure of the Governor.

Confirmation.

Ayes, 5 – Senators Breske, Grobschmidt, Baumgart, A. Lasee and Schultz.

Noes, 0 – None.

Roger Breske  
Chairperson

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin Joint Legislative Council

March 14, 2002

The Honorable, The Senate:

Enclosed is a copy of the *2001 Annual Report on the Legislative Council Rules Clearinghouse*, submitted to the Legislature pursuant to s. 227.15 (5), Stats.

The report covers the 22nd full calendar year of operation of the Rules Clearinghouse. I trust that it will be found to be informative.

Sincerely,

TERRY C. ANDERSON  
Director

#### State of Wisconsin Department of Transportation

March 11, 2002

The Honorable, The Senate:

I am please to submit the final Report of “Evaluation of Alternative Registration Revenue Methodologies.” I think this report will provide a solid overview of alternative vehicle registration methods.

The Department of Transportation was required in the 1997-99 Biennial Budget (1997 Act 27), per Section 9149 (3gh) to ... “conduct a study of the feasibility and desirability of establishing vehicle registration fees to be based on the value of the vehicle or the horsepower motor of the vehicle in lieu of the current vehicle registration fees...” The Department was direct to “...submit a report containing its findings, conclusions and recommendations, including any recommended statutory changes to the appropriate standing committees of the

Legislature in the manner provided under section 13.172 of the statutes.”

If you have questions or need further clarification, please feel free t contact me at (608) 267-9618.

Sincerely,

ALICE M. MOREHOUSE, Director  
Office of Policy and Budget

Referred to the committee on **Insurance, Tourism, and Transportation**.

#### State of Wisconsin Department of Administration

March 15, 2002

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 2002.

On February 25, 2002, the **Wisconsin Health Education Loan Repayment Fund** balance was minus \$1,000. This shortfall continued until February 26, 2002, when the balance reached a positive \$11,000. The Wisconsin Health Education Loan Repayment Fund shortfall was 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**.

The following Senate Bills failed to pass pursuant to **Senate Joint Resolution 1**.

**Senate Bills** 4, 8, 11, 12, 13, 14, 15, 16, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 34, 36, 39, 40, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 54, 57, 59, 60, 62, 64, 65, 66, 67, 68, 72, 73, 74, 76, 77, 78, 79, 80, 82, 83, 84, 85, 86, 87, 89, 90, 91, 92, 93, 94, 95, 96, 98, 99, 100, 101, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 114, 115, 117, 119, 120, 121, 122, 123, 124, 125, 126, 127, 129, 130, 131, 132, 133, 134, 136, 137, 139, 140, 141, 142, 143, 145, 146, 147, 148, 149, 150, 151, 152, 153,



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The following Senate Joint Resolutions failed adoption pursuant to **Senate Joint Resolution 1**.

**Senate Joint Resolutions** 3, 5, 6, 15, 16, 17, 19, 25, 29, 32, 35, 40, 41, 43, 44, 47, 55, 60, 61, 65

The following Senate Resolutions failed adoption pursuant to **Senate Joint Resolution 1**.

**Senate Resolutions** 4, 8, 10, 12, 13, 15

The following Assembly Bills failed concurrence pursuant to **Senate Joint Resolution 1**.

**Assembly Bills** 1, 2, 3, 4, 5, 6, 13, 20, 30, 35, 38, 39, 41, 42, 44, 45, 47, 49, 50, 58, 59, 62, 63, 96, 100, 104, 109, 114, 116, 119, 134, 136, 149, 151, 152, 154, 158, 163, 166, 167, 171, 176, 184, 188, 192, 196, 199, 208, 212, 215, 217, 220, 222, 223, 224, 225, 239, 241, 244, 245, 259, 263, 267, 269, 280, 281, 286, 289, 291, 293, 298, 299, 300, 301, 320, 326, 336, 341, 343, 345, 348, 355, 357, 359, 361, 365, 373, 374, 376, 380, 382, 386, 392, 415, 425, 427, 436, 439, 441, 446, 453, 464, 470, 477, 479, 480, 484, 487, 492, 493, 495, 496, 500, 503, 505, 506, 510, 520, 521, 522, 529, 539, 540, 542, 551, 552, 554, 555, 556, 557, 563, 576, 578, 579, 580, 581, 584, 585, 587, 593, 599, 600, 607, 608, 613, 614, 620, 627, 635, 642, 645, 647, 659, 665, 673, 675, 682, 686, 689, 695, 713, 718, 726, 731, 735, 743, 744, 745, 751, 758, 759, 760, 773, 777, 780, 782, 784, 788, 794, 807, 825, 828, 829, 830, 842, 843, 845, 848, 850, 852, 865, 867, 869, 871, 872, 876

The following Assembly Joint Resolutions failed concurrence pursuant to **Senate Joint Resolution 1**.

**Assembly Joint Resolutions** 1, 2, 12, 13, 16, 17, 19, 38, 48, 49, 54, 57, 58, 61, 65, 76, 84, 85, 94, 96, 97, 98, 101, 102, 103, 106

**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

March 11, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint THOUSAND, FRANCIS R., of Madison, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the interim term July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Universities, Housing, and Government Operations.**

**State of Wisconsin  
Office of the Governor**

March 11, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DELAP, RUSSELL D., of Brookfield, as a member of the Athletic Trainers Affiliated Credentialing Board, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

March 11, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SYBELDON, JOHN M., of Wausau, as a member of the Athletic Trainers Affiliated Credentialing Board, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

March 11, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint PARROTT, HARRY A., of Dousman, as a member of the Examining Board of Geologists, Hydrologists and Soil Scientists, to serve for the interim term ending July 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Environmental Resources.**

**State of Wisconsin  
Office of the Governor**

March 11, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LECLEIR, CLIFFORD F., of La Crosse, as a member of the Judicial Commission, to serve for the term ending August 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

**State of Wisconsin  
Office of the Governor**

March 11, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KEEVER, MICHAEL A., of Appleton, as a member of the Judicial Commission, to serve for the term ending August 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**

March 11, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HEISER, TEE, of Woodville, as a member of the Judicial Commission, to serve for the term ending August 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

**State of Wisconsin  
Office of the Governor**

March 11, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint TRUCKEY, DEBRA S., of Racine, as a member of the Podiatrists Affiliated Credentialing Board, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

March 11, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SVEUM, PETER A., of Stoughton, as a member of the Real Estate Board, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Universities, Housing, and Government Operations.**

**State of Wisconsin  
Office of the Governor**

March 11, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KLEMAN, JOANN, of Mosinee, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Labor and Agriculture.**

**State of Wisconsin  
Office of the Governor**

March 11, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint GODFREY, WILLIAM N., of Elm Grove, as a member of the Wisconsin Housing and Economic Development Authority, to serve for the interim term ending January 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Universities, Housing, and Government Operations.**

**State of Wisconsin  
Office of the Governor**

March 15, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SOEHNER, MICHAEL R., of Stoughton, as Administrator of the Division of Merit Recruitment and Selection, to serve for the interim term ending March 26, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Labor and Agriculture.**

**State of Wisconsin  
Office of the Governor**

March 14, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KAUFMANN, TODD A., of Oshkosh, as a member of the Fox River Navigational System Authority, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Environmental Resources**.

**State of Wisconsin  
Office of the Governor**

March 14, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LISLE, THOMAS A., of De Pere, as a member of the Fox River Navigational System Authority, to serve for the term ending July 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Environmental Resources**.

**State of Wisconsin  
Office of the Governor**

March 14, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint NELSON, ELWYN (JACK), of Oshkosh, as a member of the Fox River Navigational System Authority, to serve for the term ending July 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Environmental Resources**.

**State of Wisconsin  
Office of the Governor**

March 14, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint VAN DE HEY, RON, of Kaukauna, as a member of the Fox River Navigational System Authority, to serve for the term ending July 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Environmental Resources**.

**State of Wisconsin  
Office of the Governor**

March 14, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WILLIS, BILLY R., of Green Bay, as a member of the Fox River Navigational System Authority, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Environmental Resources**.

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 02-003**

Relating to motor carrier safety regulations.

Submitted by Department of Transportation.

Report received from Agency, March 14, 2002.

Referred to committee on **Insurance, Tourism, and Transportation**, March 20, 2002.

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The committee on **Economic Development and Corrections** reports and recommends:

**Senate Clearinghouse Rule 01-147**

Relating to the Wisconsin development zone program.

No action taken.

Robert Jauch  
Chairperson

The committee on **Health, Utilities, Veterans and Military Affairs** reports and recommends:

**Senate Clearinghouse Rule 00-187**

Relating to practice and procedure before the commission.

No action taken.

**Senate Clearinghouse Rule 01-108**

Relating to protecting public health by regulating the sources and use of ionizing radiation.

No action taken.

Rodney Moen  
Chairperson

The committee on **Human Services and Aging** reports and recommends:

**Senate Clearinghouse Rule 01-016**

Relating to permit fees for the operation of public swimming pools, recreational and educational camps, campgrounds, hotels and motels, tourist rooming houses, restaurants, bed and breakfast establishments and food and beverage vending operations and commissaries.

No action taken.

**Senate Clearinghouse Rule 01-062**

Relating to public employee safety and health.

No action taken.

Judith Robson  
Chairperson

The committee on **Labor and Agriculture** reports and recommends:

**Senate Clearinghouse Rule 01-057**

Relating to cheese grading.

No action taken.

**Senate Clearinghouse Rule 01–058**

Relating to pathogen tests on ready-to-eat dairy products.

No action taken.

David Hansen  
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 01–111**

Relating to elevators and mechanical lifting devices.

No action taken.

**Senate Clearinghouse Rule 01–135**

Relating to heating, ventilating and air conditioning and to the Wisconsin changes, additions, substitutions or omissions to the International Mechanical Code (IMC).

No action taken.

**Senate Clearinghouse Rule 01–150**

Relating to blasting in communities.

No action taken.

Mark Meyer  
Chairperson

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**CHIEF CLERK’S REPORT**

The Chief Clerk records:

**Senate Joint Resolution 53**

**Senate Joint Resolution 54**

Deposited in the office of the Secretary of State on March 15, 2002.

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**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Bill 307**

**Senate Bill 369**

Report correctly enrolled on March 15, 2002.

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**CHIEF CLERK’S REPORT**

The Chief Clerk records:

**Senate Bill 333**

Presented to the Governor on March 18, 2002.

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**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Joint Resolution 62**

**Senate Bill 61**

**Senate Bill 178**

**Senate Bill 179**

Report correctly enrolled on March 19, 2002.

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**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**2001 SENATE RESOLUTION 16**

Prepared by the Legislative Reference Bureau  
(March 18, 2002)

**4.** Page 1, line 8: delete “suggest” and substitute “suggests”.

**CORRECTIONS IN:**

**2001 ASSEMBLY BILL 850**

Prepared by the Legislative Reference Bureau  
(March 13, 2002)

**1.** Page 21, line 16: on lines 16 and 20, delete “fifth” and substitute “5th”.

**CORRECTIONS IN:**

**ASSEMBLY AMENDMENT 1,  
TO 2001 ASSEMBLY BILL 850**

Prepared by the Legislative Reference Bureau  
(March 8, 2002)

In engrossing, the following correction was made:

**1.** Page 2, line 12: delete “the”.





STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

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10:00 A.M.

THURSDAY, March 21, 2002

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The Senate met.

Adjourned.

The Senate was called to order by Senator Roger Breske.

10:01 A.M.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Breske, with unanimous consent, asked that the Senate adjourn until Tuesday, March 26 at 10:00 A.M.

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**AMENDMENTS OFFERED**

Senate substitute amendment 1 to **Assembly Bill 1** by the committee on **Senate Organization**.



STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

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10:00 A.M.

TUESDAY, March 26, 2002

---

The Senate met.

The Senate was called to order by Senator Russell Decker.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Decker, with unanimous consent, asked that the Senate adjourn until Thursday, March 28 at 10:00 A.M.

Adjourned.

10:01 A.M.

# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

WEDNESDAY, March 27, 2002

The Chief Clerk makes the following entries under the above date.

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin Office of the Governor

March 20, 2002

The Honorable, The Senate:

This is to inform you that I am withdrawing the following nominations:

John Petersen, III for reappointment to the Wisconsin Housing and Economic Development Authority. Mr. Petersen resigned from this position effective February 9, 2002.

John Turcott for appointment to the Private Employer Health Care Coverage Board. Mr. Turcott resigned from this position effective December 10, 2001.

Brian S. Levy for appointment to the Savings and Loan Review Board.

Thank you for your attention to this matter.

Sincerely,

SCOTT MCCALLUM  
Governor

#### State of Wisconsin Office of the Governor

March 20, 2002

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Senate Bill 333	Wisconsin Act 44	March 20, 2002

Sincerely,

SCOTT MCCALLUM  
Governor

#### State of Wisconsin Office of the Secretary of State

To the Honorable, the Senate:

<u>Bill, Joint Resolu- tion or Resolution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
Senate Bill 333	Wisconsin Act 44	April 3, 2002

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

#### State of Wisconsin Office of the Secretary of State

To the Honorable, the Senate:

<u>Bill, Joint Resolu- tion or Resolution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
2001 Senate Joint Resolution 53	Enrolled Joint Resolution, 30	N/A
2001 Senate Joint Resolution 54	Enrolled Joint Resolution, 31	N/A

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

#### State of Wisconsin Department of Corrections

March 18, 2002

The Honorable, The Legislature:

As required under Section 301.03(6r) of the Wisconsin State Statutes, I am submitting information relative to the number of prisoners that the Department of Corrections considers violent and the total number of prisoners.

On December 31, 2001 the Department had 21,521 adult inmates assigned to prisons instate and in contract facilities out of state. Out of the 21,521 inmates, 13,647 or 63.4 percent had assaultive offenses.

Sincerely,

JON E. LITSCHER  
Secretary

#### State of Wisconsin Department of Corrections

March 20, 2002

The Honorable, The Senate:

The Department of Corrections is pleased to provide you with its recently completed "Report to the Legislature" about the department's Pharmacological Treatment Program for Serious Child Sex Offenders. The report contains significant information about the history, development and implementation of the program.

As the report explains, the Department of Corrections encountered a number of unanticipated and complex challenges in designing and implementing this important program. Despite these significant challenges, the department has succeeded in its efforts, and the impact of the program thus far has been positive. As you will note, funding and legislative support of

this and other community protection initiatives undertaken by the Department of Corrections can contribute greatly to the safety and high quality of life enjoyed by Wisconsin's citizens. We look forward to continued success in this and other innovative correctional programs.

Sincerely,  
JON E. LITSCHER  
Secretary

**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

March 20, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint RASMUSSEN, KATHLEEN M., of Cable, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2005.

Sincerely,  
SCOTT MCCALLUM  
Governor

Read and referred to committee on **Environmental Resources.**

**State of Wisconsin  
Office of the Governor**

March 20, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BENA, CHARLES E., of Greenwood, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2005.

Sincerely,  
SCOTT MCCALLUM  
Governor

Read and referred to committee on **Environmental Resources.**

**State of Wisconsin  
Office of the Governor**

March 20, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint RIKKERS, FREDERICK T., of Madison, as a member of the Savings and Loan Review Board, to serve for the term ending May 1, 2005.

Sincerely,  
SCOTT MCCALLUM  
Governor

Read and referred to committee on **Privacy, Electronic Commerce and Financial Institutions.**

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 01-149**

Relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by Department of Transportation.  
Withdrawn by Agency, March 22, 2002.

**Senate Clearinghouse Rule 01-093**

Relating to multiple trip permits for mobile homes and modular building sections.

Submitted by Department of Transportation.  
Report received from Agency, March 26, 2002.

Referred to committee on **Insurance, Tourism, and Transportation**, March 27, 2002.

**Senate Clearinghouse Rule 01-123**

Relating to a length of service award program for volunteer firefighters and emergency medical technicians.

Submitted by Department of Administration.  
Report received from Agency, March 20, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, March 27, 2002.

The joint committee for **review of Administrative Rules** reports and recommends:

**Senate Clearinghouse Rule 00-157**

Relating to consultation programs and licensure requirements.

No action taken.

Judith Robson  
Senate Chairperson

The committee on **Insurance, Tourism, and Transportation** reports and recommends:

**Senate Clearinghouse Rule 01-120**

Relating to standards for vehicle equipment.

No action taken.

**Senate Clearinghouse Rule 02-005**

Relating to the issuance of driver's licenses and identification cards.

No action taken.

Roger Breske  
Chairperson

**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

- Senate Bill 368**
- Senate Bill 375**
- Senate Bill 393**
- Senate Bill 413**
- Senate Bill 471**

Report correctly enrolled on March 20, 2002.

**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

- Senate Bill 250**

Report correctly enrolled on March 22, 2002.

**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**2001 SENATE BILL 121**

Prepared by the Legislative Reference Bureau  
(March 26, 2002)



2. Page 14, line 18: delete that line.
3. Page 19, line 20: delete "(a)" and substitute "(1)".
4. Page 19, line 22: delete "1." and substitute "(a)".
5. Page 19, line 24: delete "2." and substitute "(b)".
6. Page 20, line 1: delete "3." and substitute "(c)".
7. Page 20, line 3: delete "(b)" and substitute "(2)".
8. Page 20, line 3: delete "par. (a)" and substitute "sub. (1)".

## MOTIONS UNDER SENATE RULE 98 AND JOINT RULE 7

### *for the Month of March 2002*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Pamela Anhalt, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Breske, for David Arendt, on the occasion of his retirement after years of faithful service as a Conservation Warden with the Department of Natural Resources.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Virginia Baeten, on the occasion of her retirement as Executive Director of the Brown County Association for Retarded Citizens.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Chief Robert L. Behrens, on the occasion of his retirement from the Waubeka Fire Department after years of dedicated service.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Justin Blumenthal, on the occasion of winning the 2002 Division 1 Championship in the 135 pound category.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Risser, for Nick Bohlman, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for the students of Brookfield East High School, on the occasion of their development of a youth program to advocate on behalf of the March of Dimes.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Kip Carpenter, on the occasion of winning his Bronze medal at the 2002 Winter Olympics in the men's 500-meter speedskating competition.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moen, for John A. Clark, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Roessler, for Reverend Richard Clayton, on the occasion of his 25 years of ministry at the Wyldewood Baptist Church.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Graham Connors, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Risser, for Zach Cuellar, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Kimberly Cummins, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for the Daily Cardinal, on the occasion of its 100th anniversary.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for the DeForest Area Public Library, on the occasion of its new facility.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Michael Dunlop, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Risser, for the Edgewood High School Boys Basketball Team, on the occasion of winning the WIAA Division 2 Championship.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Casey FitzRandolph, on the occasion of winning the Gold Medal at the 2002 Olympics in the 500-meter speedskating event.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Cowles, for David Forehand, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Ashley Goldowski, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Frances Gorman, on the occasion of celebrating her 100th Birthday.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Allen M. Gould, on the occasion of celebrating his 90th Birthday shared with family and friends.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Jessica Anne Hart, on the occasion of earning and attaining the rank of the Girl Scout Gold Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Roessler, for Reverend Alan Ives, on the occasion of his 25 years of ministry at the Wyldewood Baptist Church.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Harsdorf, for Gary and Juli Kannenberg owners of the Sporting Cafe and Pub, in Siren, Wisconsin, on the occasion of receiving recognition as Wisconsin Restaurant Association Vacationland Chapter's Outstanding Restaurateurs of the Year.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Roessler, for Reverend Randall G. King, on the occasion of his 25 years of ministry at the Wyldewood Baptist Church.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Risser, for Matt Kowalski, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Decker, for Thomas Krummel, on the occasion of his retirement after 34 years with the State of Wisconsin.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for the Madison LaFollette High School Boys Basketball Team, on the occasion of winning the WIAA Division 1 State Boys Basketball Championship.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for the Madison LaFollette High School Varsity Hockey Team, on the occasion of its fantastic 2001-2002 season finishing with a 18-5 record.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Grobschmidt, for the members of the Latin Kings Task Force, on the occasion of their professionalism and persistence in the pursuit of justice.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Bradley J. Leonhard, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Chvala, for Dr. Gerda Lerner, on the occasion of being recognized as a 2002 Honoree of the National Women's History Project as Woman of Sustaining the American Spirit.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Kelby Mack, on the occasion of winning the 2002 Division 2 Championship in the 189 pound category.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for the Marshall High School Boys Basketball Team, on the occasion of winning the WIAA Division 3 State Boys Basketball Championship.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Pastor Sherman S. Martell, on the occasion of being the receipt of the Lamb Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Nicole Martin, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Chvala, for Milton McPike, on the occasion of his retirement after 28 years of dedicated service to the school children of Madison.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Rachel Merkel, on the occasion of her completion of an employment plan through the Wisconsin Division of Vocational Rehabilitation.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Greg Miller, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for the Milton High School Wrestling Team, on the occasion of winning the WIAA Division 1 State Team Wrestling Championship.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Andrew Moker, on the occasion of his completion of an employment plan through the Wisconsin Division of Vocational Rehabilitation.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Steven Mustari, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Wirch, for O. Fred Nelson, on the occasion of his 42 years of dedicated service and leadership to the Kenosha Water Utility.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Risser, for Ryan Niess, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Roessler, for Reverend Edward Patrick, on the occasion of being a faithful and dedicated servant at Wyldeewood Baptist Church.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Catherine Raney, on the occasion of her outstanding 13th place finish in the women's 3,000 meter speedskating event at the 2002 Winter Olympic Games.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Harsdorf, for the River Falls Ambulance Service, on the occasion of being the recipients of the 2002 Wisconsin Volunteer Ambulance Service of the Year Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Decker, for Derrick Romig, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Michael Anthony Schmitz, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Paula Schultz, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Jill Showers, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Desiree Simon, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Steven William Smits, on the occasion of earning and attaining the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Anna Sorenson, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moen, for the Sparta Free Library, on the occasion of celebrating 100 years of operation in its current building with a total of 141 years of service to the citizens of Sparta.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Risser, for Jonathan Sulman, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for the UW-Green Bay Women's Basketball Team, on the occasion of being recognized as the 2000-01 WBCA Academic National Champions for the NCAA Division 1 level.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Kimberly Van Ryzin, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for John Michael Venturino, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Genevieve Vinopal, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Cowles, for Anthony Waelchli, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Decker, for the Wausau Newman High School Girls Basketball Team, on the occasion of winning the Division 3 WIAA Girls Basketball Championship.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Austin J. Williams, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for George Walter Williams III, on the occasion of his distinguished career with the Wisconsin Education Council.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Burke, for George Williams, on the occasion of his retirement after years of dedication to the Education system.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Chris Witty, on the occasion of her gold medal win for the 1,000 – meter speedskating event at the 2002 Winter Olympic Games.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Daniel Woodshank, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Benjamin Zimmerman, on the occasion of earning and attaining the rank of the Eagle Scout Award.*



STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

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10:00 A.M.

THURSDAY, March 28, 2002

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The Senate met.

The Senate was called to order by Senator Roger Breske.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Breske, with unanimous consent, asked that the Senate adjourn until Tuesday, April 2 at 10:00 A.M..

Adjourned.

10:01 A.M.



STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

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FRIDAY, March 29, 2002

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The Chief Clerk makes the following entries under the above

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

March 29, 2002

The Honorable, The Senate:

The Actuarial Report requested by the Senate Committee on Organization on the provisions of Senate Amendment 1 to Senate Substitute Amendment 1 to January 2002 Special Session Assembly Bill 1, has been received. I am directing that in accordance with ss 13.50(6)(am) the report be printed as an appendix to the bill.

Sincerely,

FRED A. RISSER  
President of the Senate

**State of Wisconsin**

March 29, 2002

TO: Senator Robert Wirch, Co-Chair:  
Representative Daniel P. Vrakas, Co-Chair:  
Joint Survey Committee on Retirement Systems  
SUBJECT: Report on Senate amendment 1 to Senate substitute amendment 1 January 2002 Special Session Assembly Bill 1.

As President of the Senate, I am directing that the Joint Survey Committee on Retirement Systems submit a report, in accordance with ss 13.50(6)(a), on Senate Amendment 1 to Senate Substitute Amendment 1 to January 2002 Special Session Assembly Bill 1, no later than 5:00 p.m., Wednesday, April 3, 2002.

An actuarial report has been received on the proposal and in accordance with ss 13.50 (6)(am) is being printed as an appendix to the bill. A copy of the report is attached for your information.

It is imperative that the Joint Survey Committee on Retirement Systems proceed immediately to prepare the report to allow for consideration by the Wisconsin State Senate as soon as possible. 13.50(6)(a) requires the committee to report on the probable costs involved, the actuarial soundness of the retirement system and the desirability of such proposal as a matter of public policy.

Sincerely,

FRED A. RISSER  
President of the Senate

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**AMENDMENTS OFFERED**

Senate amendment 1 to Senate substitute amendment 1 to **Assembly Bill 1** offered by Senators M. Meyer and Wirch.



STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

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10:00 A.M.

TUESDAY, April 2, 2002

---

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Thursday, April 4 at 10:00 A.M..

Adjourned.

10:01 A.M.

# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

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WEDNESDAY, April 3, 2002

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The Chief Clerk makes the following entries under the above date.

The roll was called and the following Senators answered to their names:

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin Office of the Governor

April 2, 2002

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
<b>Senate Bill 38</b>	<b>Wisconsin Act 47</b>	April 2, 2002
<b>Senate Bill 302</b>	<b>Wisconsin Act 48</b>	April 2, 2002

Sincerely,

SCOTT MCCALLUM  
Governor

#### State of Wisconsin Department of Transportation

March 26, 2002

The Honorable, The Senate:

I am pleased to be able to present to you, for distribution to the Wisconsin Senate, the annual evaluation report on the Pretrial Intoxicated Driver Intervention Grant Program. The program, created by section 85.53 Wis. Stats., was established by the legislature in 1997 with the requirement that the Department study its impact and report on its findings every even-numbered year.

The Pretrial Intoxicated Driver Intervention Grant Program is intended for offenders who are arrested for their second or subsequent OWI (Operating While Intoxicated) offense. Their participation may be voluntary or court ordered, the program may support 2nd or 3rd or greater offenders, it may have exclusions for felons or may not. It is an intervention model designed to get the offender into counseling, treatment and monitoring as soon as possible after the arrest. The program is individual to each community.

As you will see in the full report, no county that has begun a program has dropped the program. Offenders who successfully completed the program were less likely than non-participants to be re-arrested for subsequent operating while intoxicated violations. Those who were re-arrested went significantly longer between arrests than non-participants. Currently there are three counties and a multi-county effort on a waiting list for funding to begin programs.

I commend those people who have dedicated themselves to making this innovative program a success. There are no “silver bullets” in eradicating intoxicated driving, but I feel this effort is a vital piece in the total transportation safety effort.

Sincerely,

GENE E. KUSSART  
Secretary

#### State of Wisconsin Ethics Board

March 21, 2002

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/>

Engelson, Robin J **General Electric Company**

Falb, John **General Electric Company**

Knapp, Randall R **Wisconsin Propane Gas Association Inc**

Leitch, Laura J **Wisconsin Health and Hospital Association Inc**

Lukovich, Deborah **NARAL Wisconsin**

Rezin, Kathleen **Community Corrections Corporation**

Shafer, Kevin **Milwaukee Metropolitan Sewerage District**

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

March 27, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LUNDBERG, WILLIAM S., of Wisconsin Rapids, as a member of the Lower Wisconsin Riverway Board, to serve for the term ending May 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Environmental Resources**.

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 01-127**

Relating to revisions of falconry rules.  
Submitted by Department of Natural Resources.  
Report received from Agency, April 2, 2002.

Referred to committee on **Environmental Resources**,  
April 3, 2002.

**Senate Clearinghouse Rule 01-137**

Relating to tuition and fee refunds, and grants to students.  
Submitted by Technical College System Board.  
Report received from Agency, March 29, 2002.  
Referred to committee on **Education**, April 3, 2002.

**Senate Clearinghouse Rule 02-031**

Relating to the repayment of cost of legal representation.  
Submitted by State Public Defender.  
Report received from Agency, April 2, 2002.

Referred to committee on **Judiciary, Consumer Affairs,  
and Campaign Finance Reform**, April 3, 2002.

The committee on **Education** reports and recommends:

**Senate Clearinghouse Rule 01-119**

Relating to the children at risk program.  
No action taken.

**Senate Clearinghouse Rule 01-130**

Relating to the commencement of a school term.  
No action taken.

Richard Grobschmidt  
Chairperson

The committee on **Universities, Housing, and  
Government Operations** reports and recommends:

**Senate Clearinghouse Rule 01-092**

Relating to the number of required semester credits in land  
surveying for an applicant applying with a bachelor's degree in  
civil engineering.  
No action taken.

**Senate Clearinghouse Rule 01-110**

Relating to historic buildings.

No action taken.

Mark Meyer  
Chairperson

**State of Wisconsin  
Revisor of Statutes Bureau**

April 1, 2002  
To the Honorable, the Senate:

The following rules have been published:

<b>Clearinghouse Rules</b>	<b>Effective Date(s)</b>
<b>00-112 (part)</b>	April 1, 2002
<b>00-175</b>	April 1, 2002
<b>00-184</b>	April 1, 2002
<b>01-042</b>	April 1, 2002
<b>01-059</b>	April 1, 2002
<b>01-067</b>	April 1, 2002
<b>01-095</b>	April 1, 2002
<b>01-099</b>	April 1, 2002
<b>01-105</b>	April 1, 2002
<b>01-113</b>	April 1, 2002
<b>01-117</b>	April 1, 2002
<b>01-121</b>	April 1, 2002
<b>01-126</b>	April 1, 2002

Sincerely,  
GARY L. POULSON  
Deputy Revisor

**CHIEF CLERK'S REPORT**

The Chief Clerk records:

- Senate Bill 38**
- Senate Bill 118**
- Senate Bill 302**
- Senate Bill 307**

Presented to the Governor on March 29, 2002.





STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

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10:00 A.M.

THURSDAY, April 4, 2002

---

The Senate met.

The Senate was called to order by Senator Roger Breske.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Breske, with unanimous consent, asked that the Senate adjourn until Friday, April 5 at 10:00 A.M..

Adjourned.

10:01 A.M.



# STATE OF WISCONSIN

# Senate Journal

## January 2002 Special Session

10:00 A.M.

FRIDAY, April 5, 2002

The Senate met.

The Senate was called to order by Senator Fred Risser.

The roll was called and the following Senators answered to their names:

Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator A. Lasee led the Senate in the pledge of allegiance to the flag of the United States of America.

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## SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS

### Assembly Bill 1

Relating to: state finances and appropriations, constituting the governor's recommendations for correcting the imbalance between projected revenues and authorized expenditures.

Read a second time.

Senator Chvala, with unanimous consent, asked that Senate amendment 1 to Senate substitute amendment 1 to **Assembly Bill 1** be laid on the table.

Senate amendment 2 to Senate substitute amendment 1 to **Assembly Bill 1** offered by Senators Chvala, Risser, Moen and Burke.

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Senator Panzer, with unanimous consent, asked that the Senate stand informal until 1:11 P.M..

1:10 P.M.

---

## STOOD INFORMAL

1:11 P.M.

The Senate reconvened.

Senator Risser in the chair.

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Senate amendment 3 to Senate substitute amendment 1 to **Assembly Bill 1** offered by Senator Moen.

Senate amendment 4 to Senate substitute amendment 1 to **Assembly Bill 1** offered by Senators George, Welch and Darling.

Senator Chvala, with unanimous consent, asked that Senate amendment 2 to Senate substitute amendment 1 to **Assembly Bill 1** be placed after Senate amendment 4 to Senate substitute amendment 1 to **Assembly Bill 1**.

Senate amendment 1 to Senate amendment 3 to Senate substitute amendment 1 to **Assembly Bill 1** offered by Senator Moen.

Senator Baumgart moved rejection of Senate amendment 1 to Senate amendment 3 to Senate substitute amendment 1 to **Assembly Bill 1**.

The question was: Rejection of Senate amendment 1 to Senate amendment 3 to Senate substitute amendment 1 to **Assembly Bill 1**?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Burke, Cowles, Darling, Ellis, Erpenbach, S. Fitzgerald, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Panzer, Risser, Robson, Roessler and Rosenzweig – 18.

Noes – Senators Breske, Chvala, Decker, George, Grobschmidt, Hansen, Harsdorf, Moen, Moore, Plache, Schultz, Shibilski, Welch, Wirch and Zien – 15.

Absent or not voting – None.

Rejected.

Senator Baumgart moved rejection of Senate amendment 3 to Senate substitute amendment 1 to **Assembly Bill 1**.

The question was: Rejection of Senate amendment 3 to Senate substitute amendment 1 to **Assembly Bill 1**?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Burke, Cowles, Darling, Ellis, Erpenbach, S. Fitzgerald, George, Huelsman, A. Lasee, Lazich, M. Meyer, Panzer, Plache, Risser, Robson, Roessler and Rosenzweig – 18.

Noes – Senators Breske, Chvala, Decker, Grobschmidt, Hansen, Harsdorf, Jauch, Kanavas, Moen, Moore, Schultz, Shibilski, Welch, Wirch and Zien – 15.

Absent or not voting – None.

Rejected.

Senator Chvala moved that Senate amendment 4 to Senate substitute amendment 1 to **Assembly Bill 1** be laid on the table.

The question was: Shall Senate amendment 4 to Senate substitute amendment 1 to **Assembly Bill 1** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Ellis, Erpenbach, Grobschmidt, Hansen, Jauch, A. Lasee, M.

Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler and Wirch – 20.

Noes – Senators Cowles, Darling, S. Fitzgerald, George, Harsdorf, Huelsman, Kanavas, Lazich, Rosenzweig, Schultz, Shibilski, Welch and Zien – 13.

Absent or not voting – None.

Tabled.

Senate amendment 1 to Senate amendment 2 to Senate substitute amendment 1 to **Assembly Bill 1** offered by Senator Zien.

Senator Chvala moved that Senate amendment 1 to Senate amendment 2 to Senate substitute amendment 1 to **Assembly Bill 1** be laid on the table.

The question was: Shall Senate amendment 1 to Senate amendment 2 to Senate substitute amendment 1 to **Assembly Bill 1** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Erpenbach, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Noes – Senators Darling, Ellis, S. Fitzgerald, George, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 15.

Absent or not voting – None.

Tabled.

Senator Chvala, with unanimous consent, asked that the Senate stand informal until 2:04 P.M.

2:03 P.M.

**STOOD INFORMAL**

2:04 P.M.

The Senate reconvened.

Senator Risser in the chair.

Senate amendment 5 to Senate substitute amendment 1 to **Assembly Bill 1** offered by Senators Welch and George.

Senate amendment 6 to Senate substitute amendment 1 to **Assembly Bill 1** offered by Senator Welch.

Senator Chvala, with unanimous consent, asked that Senate amendment 2 to Senate substitute amendment 1 to **Assembly Bill 1** be placed after Senate amendment 6 to Senate substitute amendment 1 to **Assembly Bill 1**.

Senator Welch, with unanimous consent, asked that Senate amendment 5 to Senate substitute amendment 1 to **Assembly Bill 1** be laid on the table.

Senator Welch, with unanimous consent, asked that Senate amendment 6 to Senate substitute amendment 1 to **Assembly Bill 1** be laid on the table.

Senator Chvala, with unanimous consent, asked that the Senate stand informal until 2:14 P.M.

2:06 P.M.

**STOOD INFORMAL**

2:14 P.M.

The Senate reconvened.

Senator Risser in the chair.

Senator Chvala, with unanimous consent, asked that the Senate recess until 2:40 P.M.

2:15 P.M.

**RECESS**

2:40 P.M.

The Senate reconvened.

Senator Risser in the chair.

Senator Lasee moved that the vote by which Senate amendment 3 to Senate substitute amendment 1 was rejected be reconsidered.

The question was: Rejection of Senate amendment 3 to Senate substitute amendment 1 to **Assembly Bill 1**?

Rejection refused.

The question was: Adoption of Senate amendment 3 to Senate substitute amendment 1 to **Assembly Bill 1**?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 11; absent or not voting, 0; as follows:

Ayes – Senators Breske, Darling, Decker, Ellis, S. Fitzgerald, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, Moen, Panzer, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 22.

Noes – Senators Baumgart, Burke, Chvala, Cowles, Erpenbach, George, M. Meyer, Moore, Plache, Risser and Robson – 11.

Absent or not voting – None.

Adopted.

Senator George moved that Senate amendment 4 to Senate substitute amendment 1 to **Assembly Bill 1** be taken from the table and taken up at this time.

The question was: Shall Senate amendment 4 to Senate substitute amendment 1 to **Assembly Bill 1** be taken from the table and taken up at this time?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, George, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Shibilski, Welch and Zien – 17.

Noes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson and Wirch – 16.

Absent or not voting – None.

Taken up.

Senator Chvala, with unanimous consent, asked that the Senate stand informal until 2:55 P.M.

2:54 P.M.

**STOOD INFORMAL**

2:55 P.M.

The Senate reconvened.

Senator Risser in the chair.

Senator Chvala moved that Senate amendment 4 to Senate substitute amendment 1 to **Assembly Bill 1** be laid on the table.

The question was: Shall Senate amendment 4 to Senate substitute amendment 1 to **Assembly Bill 1** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 17.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, George, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 16.

Absent or not voting – None.

Tabled.

Senator George, with unanimous consent, asked that Senate amendment 5 to Senate substitute amendment 1 to **Assembly Bill 1** be taken from the table and taken up.

Senator Chvala objected.

Senator George moved that Senate amendment 5 to Senate substitute amendment 1 to **Assembly Bill 1** be taken from the table and taken up.

The question was: Shall Senate amendment 5 to Senate substitute amendment 1 to **Assembly Bill 1** be taken from the table and taken up?

The ayes and noes were demanded and the vote was: ayes, 12; noes, 21; absent or not voting, 0; as follows:

Ayes – Senators Ellis, S. Fitzgerald, George, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Welch and Zien – 12.

Noes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Erpenbach, Grobschmidt, Hansen, Harsdorf, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Schultz, Shibilski and Wirch – 21.

Absent or not voting – None.

Refused to take up.

Senator George moved that Senate amendment 2 to Senate substitute amendment 1 to **Assembly Bill 1** be laid on the table.

The question was: Shall Senate amendment 2 to Senate substitute amendment 1 to **Assembly Bill 1** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 16; noes, 17; absent or not voting, 0; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, George, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 16.

Noes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 17.

Absent or not voting – None.

Tabling refused.

Senator George moved to suspend the rules to take Senate amendment 6 to Senate substitute amendment 1 to **Assembly Bill 1** from the table and take up.

The question was: Shall the rules be suspended to take Senate amendment 6 to Senate substitute amendment 1 to **Assembly Bill 1** from the table and take up.

The ayes and noes were required and the vote was: ayes, 16; noes, 17; absent or not voting, 0; as follows:

Ayes – Senators Darling, Ellis, S. Fitzgerald, George, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Shibilski, Welch and Zien – 16.

Noes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Decker, Erpenbach, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson and Wirch – 17.

Absent or not voting – None.

Refused to suspend the rules.

Senate amendment 2 to Senate amendment 2 to Senate substitute amendment 1 to **Assembly Bill 1** offered by Senator Chvala.

Senator Welch moved rejection of Senate amendment 2 to Senate amendment 2 to Senate substitute amendment 1 to **Assembly Bill 1**.

The question was: Rejection of Senate amendment 2 to Senate amendment 2 to Senate substitute amendment 1 to **Assembly Bill 1**?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 18; absent or not voting, 0; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 15.

Noes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Absent or not voting – None.

Rejection refused.

The question was: Adoption of Senate amendment 2 to Senate amendment 2 to Senate substitute amendment 1 to **Assembly Bill 1**?

Adopted.

Senate amendment 3 to Senate amendment 2 to Senate substitute amendment 1 to **Assembly Bill 1** offered by Senator Roessler.

Senator Chvala moved that Senate amendment 3 to Senate amendment 2 to Senate substitute amendment 1 to **Assembly Bill 1** be laid on the table.

The question was: Shall Senate amendment 3 to Senate amendment 2 to Senate substitute amendment 1 to **Assembly Bill 1** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 17.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, George, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 16.

Absent or not voting – None.

Tabled.

The question was: Adoption of Senate amendment 2 to Senate substitute amendment 1 to **Assembly Bill 1**?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 17.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, George, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 16.

Absent or not voting – None.

Adopted.

The question was: Adoption of Senate substitute amendment 1 to **Assembly Bill 1**?

Adopted.

Ordered to a third reading.



Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 1**

Read a third time.

The ayes and noes were required and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 17.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, George, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 16.

Absent or not voting – None.

Concurred in as amended.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

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**ANNOUNCEMENTS, ADJOURNMENT  
HONORS, AND REMARKS UNDER  
SPECIAL PRIVILEGE**

Senators Chvala and Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the La Follette and Fond du Lac boys basketball teams.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the City of Fond du Lac on its celebration of 150 years.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Devin Rivera and his father Bob for Devin's participation in the State Spelling Bee this weekend.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Hmong and Laotian delegation for their courageous defense of their homeland and people from communism and their sacrifice on behalf of the U.S.

Senator Fitzgerald, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Steve Fitzgerald for being sworn in as the new U.S. Marshall for the 34th district.

Senator Zien, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his wife Suzanne's birthday today.

Senator Zien, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his daughter Lori's birthday on March 12.

Senator Baumgart, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Aldo Leopold.

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate stand adjourn.

Adjourned.

5:27 P.M.



STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

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10:00 A.M.

TUESDAY, April 9, 2002

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The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Thursday, April 11.

Adjourned.

10:01 A.M

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, April 10, 2002

---

The Chief Clerk makes the following entries under the above date.

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Office of the Governor**

April 3, 2002

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
<b>Senate Bill 118</b>	<b>Wisconsin Act 54</b>	April 3, 2002
<b>Senate Bill 307</b>	<b>Wisconsin Act 56</b>	April 3, 2002

Sincerely,

SCOTT MCCALLUM  
Governor

**State of Wisconsin  
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>Senate Bill 38</b>	Wisconsin Act 47	April 16, 2002
<b>Senate Bill 302</b>	Wisconsin Act 48	April 16, 2002

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>Senate Bill 118</b>	Wisconsin Act 54	April 17, 2002
<b>Senate Bill 307</b>	Wisconsin Act 56	April 17, 2002

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Ethics Board**

April 9, 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/>

Petersen, Eric J	<b>Eli Lilly and Company</b>
Rossmiller, Daniel	<b>State Bar of Wisconsin</b>

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**

April 1, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HELM, ARLYN J., of Springbrook, as a member of the Waste Facility Siting Board, to serve for the interim term ending May 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Environmental Resources**.

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 01–153**

Relating to pre–certification supervised practice.

Submitted by Department of Regulation and Licensing.

Report received from Agency, April 9, 2002.

Referred to committee on **Human Services and Aging**, April 10, 2002.

**Senate Clearinghouse Rule 02–010**

Relating to grants supporting community child care initiatives.

Submitted by Department of Workforce Development .

Report received from Agency, April 10, 2002.

Referred to committee on **Human Services and Aging**, April 10, 2002.

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The committee on **Environmental Resources** reports and recommends:

**Senate Clearinghouse Rule 01–142**

Relating to brownfields redevelopment grants.

No action taken.

**Senate Clearinghouse Rule 01–146**

Relating to forest fire protection grants and sustainable forestry grants for county forests.

No action taken.

Jim Baumgart  
Chairperson

The committee on **Labor and Agriculture** reports and recommends:

**Senate Clearinghouse Rule 02–007**

Relating to day care certification.

No action taken.

David Hansen  
Chairperson

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**CHIEF CLERK’S REPORT**

The Chief Clerk records:

**Senate Bill 176**

**Senate Bill 179**

**Senate Bill 367**

**Senate Bill 368**

**Senate Bill 369**

**Senate Bill 375**

Presented to the Governor on April 8, 2002.





STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

---

10:20 A.M.

THURSDAY, April 11, 2002

---

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

---

**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, April 16.

Adjourned.

10:21 A.M.



STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

---

9:25 A.M.

TUESDAY, April 16, 2002

---

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

---

**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Thursday, April 18.

Adjourned.

9:26 A.M.

# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

---

WEDNESDAY, April 17, 2002

---

The Chief Clerk makes the following entries under the above date.

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin Office of the Governor

April 10, 1996

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
<b>Senate Bill 176</b>	<b>Wisconsin Act 57</b>	April 9, 2002
<b>Senate Bill 179</b>	<b>Wisconsin Act 58</b>	April 9, 2002

Sincerely,

SCOTT MCCALLUM  
Governor

#### State of Wisconsin Office of the Governor

April 11, 1996

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
<b>Senate Bill 367</b>	<b>Wisconsin Act 62</b>	April 10, 2002
<b>Senate Bill 368</b>	<b>Wisconsin Act 63</b>	April 10, 2002
<b>Senate Bill 369</b>	<b>Wisconsin Act 64</b>	April 10, 2002
<b>Senate Bill 375</b>	<b>Wisconsin Act 65</b>	April 10, 2002

Sincerely,

SCOTT MCCALLUM  
Governor

#### State of Wisconsin Office of the Governor

April 11, 1996

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
<b>Senate Bill 356</b>	<b>Wisconsin Act 66</b>	April 11, 2002
<b>Senate Bill 479</b>	<b>Wisconsin Act 67</b>	April 11, 2002
<b>Senate Bill 471</b>	<b>Wisconsin Act 72</b>	April 11, 2002

Sincerely,

SCOTT MCCALLUM  
Governor

#### State of Wisconsin Department of Revenue

April 12, 2002

The Honorable, The Legislature:

I am submitting the quarterly report of the Wisconsin Lottery for the quarter ending March 31, 2002. As required by s. 565.37(3), Wis. Stats., the attached materials contain unaudited Wisconsin Lottery year to date Sales and Expenditure information.

The summary information reported here is not intended to be a complete financial accounting of the Wisconsin Lottery Fund.

If you have any questions or comments regarding this report, please feel free to contact me at (608)266–6466.

Sincerely,

RICHARD G. CHANDLER  
Secretary of Revenue

#### State of Wisconsin Ethics Board

April 16, 2002

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/>

Christianson, Peter C      **Connections Academy Inc**

Driessen, Anthony      **Connections Academy Inc**

Fonfara, Thomas      **Connections Academy Inc**

Mulroy, Molly      **Wisconsin Energy Corporation**

Tries, John      **St Joseph's Community Hospital of West Bend Inc**

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

---

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 00–180**

Relating to fuel cost adjustments for electric public utilities.

Submitted by Public Service Commission.

Report received from Agency, April 11, 2002.

Referred to committee on **Health, Utilities, Veterans and  
Military Affairs**, April 17, 2002.

**Senate Clearinghouse Rule 01–154**

Relating to requirements for the dispensing of prescription  
orders for schedule II controlled substances.

Submitted by Department of Regulation and Licensing.

Report received from Agency, April 10, 2002.

Referred to committee on **Health, Utilities, Veterans and  
Military Affairs**, April 17, 2002.

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**CHIEF CLERK’S REPORT**

The Chief Clerk records:

**Senate Bill 356**

**Senate Bill 471**

**Senate Bill 479**

Presented to the Governor on April 10, 2002.

---

**CHIEF CLERK’S REPORT**

The Chief Clerk records:

**Senate Bill 340**

**Senate Bill 360**

**Senate Bill 413**

Presented to the Governor on April 12, 2002.





STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

---

9:50 A.M.

THURSDAY, April 18, 2002

---

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, April 23.

Adjourned.

9:51 A.M.



STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

---

10:24 A.M.

TUESDAY, April 23, 2002

---

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

---

**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Thursday, April 25.

Adjourned.

10:25 A.M.

# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

WEDNESDAY, April 24, 2002

The Chief Clerk makes the following entries under the above date.

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin Office of the Governor

April 16, 2002

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
<b>Senate Bill 413</b>	<b>Wisconsin Act 74</b>	April 15, 2002
<b>Senate Bill 360</b>	<b>Wisconsin Act 75</b>	April 15, 2002
<b>Senate Bill 340</b>	<b>Wisconsin Act 76</b>	April 15, 2002

Sincerely,

SCOTT MCCALLUM  
Governor

#### State of Wisconsin Office of the Governor

April 17, 2002

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
<b>Senate Bill 247</b>	<b>Wisconsin Act 79</b>	April 17, 2002
<b>Senate Bill 250</b>	<b>Wisconsin Act 82</b>	April 17, 2002

Sincerely,

SCOTT MCCALLUM  
Governor

#### State of Wisconsin Office of the Governor

April 19, 2002

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
<b>Senate Bill 178</b>	<b>Wisconsin Act 83</b>	April 18, 2002
<b>Senate Bill 415</b>	<b>Wisconsin Act 84</b>	April 18, 2002
<b>Senate Bill 88</b>	<b>Wisconsin Act 86</b>	April 18, 2002
<b>Senate Bill 116</b>	<b>Wisconsin Act 87</b>	April 18, 2002

<b>Senate Bill 393</b>	<b>Wisconsin Act 90</b>	April 18, 2002
<b>Senate Bill 378</b>	<b>Wisconsin Act 91</b>	April 18, 2002
<b>Senate Bill 330</b>	<b>Wisconsin Act 92</b>	April 18, 2002

Sincerely,

SCOTT MCCALLUM  
Governor

#### State of Wisconsin Office of the Secretary of State

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>Senate Bill 176</b>	Wisconsin Act 57	April 23, 2002
<b>Senate Bill 179</b>	Wisconsin Act 58	April 23, 2002
<b>Senate Bill 367</b>	Wisconsin Act 62	April 23, 2002
<b>Senate Bill 368</b>	Wisconsin Act 63	April 23, 2002
<b>Senate Bill 369</b>	Wisconsin Act 64	April 23, 2002
<b>Senate Bill 375</b>	Wisconsin Act 65	April 23, 2002

Sincerely,

DOUGLAS LA FOLLETTE  
Secretary of State

#### State of Wisconsin Office of the Secretary of State

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>Senate Bill 356</b>	Wisconsin Act 66	April 25, 2002
<b>Senate Bill 479</b>	Wisconsin Act 67	April 25, 2002
<b>Senate Bill 471</b>	Wisconsin Act 72	April 25, 2002

Sincerely,

DOUGLAS LA FOLLETTE  
Secretary of State

#### State of Wisconsin Office of the Secretary of State

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>Senate Bill 413</b>	Wisconsin Act 74	April 29, 2002
<b>Senate Bill 360</b>	Wisconsin Act 75	April 29, 2002
<b>Senate Bill 340</b>	Wisconsin Act 76	April 29, 2002

Sincerely,

DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>Senate Bill 247</b>	Wisconsin Act 79	May 1, 2002
<b>Senate Bill 250</b>	Wisconsin Act 82	May 1, 2002

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>Senate Bill 178</b>	Wisconsin Act 83	May 2, 2002
<b>Senate Bill 415</b>	Wisconsin Act 84	May 2, 2002
<b>Senate Bill 88</b>	Wisconsin Act 86	May 2, 2002
<b>Senate Bill 116</b>	Wisconsin Act 87	May 2, 2002
<b>Senate Bill 393</b>	Wisconsin Act 90	May 2, 2002
<b>Senate Bill 378</b>	Wisconsin Act 91	May 2, 2002
<b>Senate Bill 330</b>	Wisconsin Act 92	May 2, 2002

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Office of the Governor**

April 10, 2002

The Honorable, The Senate:

This is to inform you that I am withdrawing the nomination of John L. Malchine as a member of the Board of Agriculture, Trade and Consumer Protection.

Mr. Malchine resigned from this position effective March 25, 2002.

Thank you for your attention to this matter.

Sincerely,

SCOTT MCCALLUM  
Governor

**State of Wisconsin  
Department of Administration**

April 5, 2002

The Honorable, The Legislature:

I am pleased to submit the annual Minority Business report for fiscal year 2001 especially since this year's report shows many areas of positive improvements in the State of Wisconsin minority business programs.

Sincerely,

GEORGE LIGHTBOURN  
Secretary

**State of Wisconsin  
Legislative Audit Bureau**

April 5, 2002

The Honorable, The Senate:

We have completed a financial and compliance audit of the State of Wisconsin, as requested by state agencies to meet the audit requirements of the federal Single audit Act of 1984, as amended, and the provisions of federal Office of Management

and Budget Circular A-133. In addition, the audit assists us in meeting state audit requirements under s. 13.94, Wis. Stats. The audit covers the period from July 1, 2000 through June 30, 2001.

Federal funds administered by the State have been steadily increasing over the past five years. During fiscal year (FY) 2000-01, state agencies, including the University of Wisconsin (UW) System, administered \$7.2 billion in cash and non-cash federal assistance. This is \$1.9 billion, or 35.8 percent, more than the \$5.3 billion in federal assistance state agencies administered in FY 1996-97. Five large agencies – the Department of Health and Family Services (DHFS), the Department of Workforce Development (DWD), UW System, the Department of Transportation, and the Department of Public Instruction – administered 88.1 percent of the federal financial assistance and 22 of the State's 29 major federal grant programs.

Most state agencies have complied with federal grant requirements and have taken steps to address concerns raised in prior years. We question a total of \$124,829 in costs that were inappropriately charged to federal grants and in interest earnings lost to the federal government because of delays in returning unspent federal funds. These questioned costs represent a very small portion of total federal financial assistance and are significantly less than the \$1,027,571 we questioned in our FY 1999-2000 audit.

DHFS administers some of the largest and most complex programs funded with federal funds. One such program, foster Care, is typically operated by counties. However, DHFS both administers and operated the program in Milwaukee County. Milwaukee County performed foster care provider licensing services under a contract with DHFS during our audit period.

Our review identified serious internal control concerns with Milwaukee County provider licensing, payment documentation and eligibility, and other matters. For example, 3 of 11 licensing files we reviewed contained no evidence that required criminal record checks had been performed, and 7 files had missing, incomplete, or otherwise deficient materials related to licensing. We also found exceptions in 19 of the 49 Milwaukee County case files that we reviewed for documentation of payments to providers. In total, we questioned \$33,0075 in foster care payments. DHFS has already repaid the federal government for these exceptions. However, it is likely that a large portion of the approximately 6,700 other Milwaukee County case files also contain undocumented payments and other deficiencies. Because some of our findings represent a continuation of previously noted problems, and because of both an increased rate of exceptions and the potential for material questioned costs had all of the cases been tested we consider these issues to be the most serious internal control weaknesses identified during our audit.

DHFS recognizes the importance of these issues and is taking steps to resolve them. It has already contracted with a new licensing agency and has reassigned responsibility for managing foster care cases at two case-management sites.

In our FY 1999-2000 single audit report, we noted serious concerns with DWD's administration of the Vocational Rehabilitation program, including issues with third-party contracts and direct payments to clients. DWD is making progress in addressing these deficiencies. For example, it has ceased its questionable practice of requiring certain third-party contractors to bill for costs before they are incurred. In addition, DWD has developed reasonable policies to restrict direct payments to clients and is establishing a central unit to process these payments. For the current audit period, we question just \$786 in direct payments that did not meet documentation requirements.



We also questioned \$10,000 in interest the State earned at the expense of the federal government because DWD delayed returning unspent Vocational Rehabilitation program funds, and \$45,741 the State received because of errors DWD made in calculating transfers from the Temporary Assistance for Needy Families grant to the Social Services Block Grant. Other questioned costs include \$5,412 in charges and lost interest related to the student financial aid programs at UW System, and \$29,815 in excess reimbursements to school districts under the School Breakfast Program, which is administered by the Department of Public Instruction.

Our single audit report is lengthy and detailed. Therefore, we are limiting our initial distribution to those required by law to receive copies, the audited state agencies, and the federal agencies to which our findings relate. If you are interested in receiving a copy of the single audit report, please contact our office and request report 02-7. The report is also available on the Internet at [www.legis.state.wi.us/lab/windex.htm](http://www.legis.state.wi.us/lab/windex.htm).

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Ethics Board**

April 23, 2002

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/>

Cottingham, Jean **Pharmaceutical Research and  
Manufacturers of America**

Dilweg, Sean **Alexander Company**

Elliott, Brian **Baxter Healthcare Corporation**

Essie, Patrick **Alexander Company**

Gagne, Bob **Orphan Medical**

Hottenroth, Theresa M **Baxter Healthcare Corporation**

Knuth, Steve **Pharmaceutical Research and  
Manufacturers of America**

McCoshen, William J **MedCath Inc**

Springer, Thomas J **Baxter Healthcare Corporation**

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

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 01-134**

Relating to a pharmacy internship program.

Submitted by Department of Regulation and Licensing.

Report received from Agency, April 19, 2002.

Referred to committee on **Health, Utilities, Veterans and  
Military Affairs**, April 24, 2002.

**Senate Clearinghouse Rule 01-143**

Relating to returns of persons other than corporations that relate to income, and sales and use tax returns.

Submitted by Department of Revenue.

Report received from Agency, April 22, 2002.

Referred to committee on **Universities, Housing, and  
Government Operations**, April 24, 2002.

**Senate Clearinghouse Rule 02-021**

Relating to the scheduling of examinations.

Submitted by Department of Regulation and Licensing.

Report received from Agency, April 17, 2002.

Referred to committee on **Health, Utilities, Veterans and  
Military Affairs**, April 24, 2002.

**Senate Clearinghouse Rule 02-029**

Relating to vehicle odometer disclosure requirements.

Submitted by Department of Transportation.

Report received from Agency, April 18, 2002.

Referred to committee on **Insurance, Tourism, and  
Transportation**, April 24, 2002.

**Senate Clearinghouse Rule 02-034**

Relating to member business loans.

Submitted by Department of Financial Institutions.

Report received from Agency, April 17, 2002.

Referred to committee on **Privacy, Electronic Commerce  
and Financial Institutions**, April 24, 2002.

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The committee on **Environmental Resources** reports and recommends:

**Senate Clearinghouse Rule 01-103**

Relating to department standards for erosion control in lakes and impoundments.

No action taken.

Jim Baumgart  
Chairperson

The committee on **Labor and Agriculture** reports and recommends:

**Senate Clearinghouse Rule 02-011**

Relating to the adjustment of thresholds for application of prevailing wage rates and payment and performance assurance requirements.

No action taken.

David Hansen  
Chairperson

The committee on **Privacy, Electronic Commerce and  
Financial Institutions** reports and recommends:

**Senate Clearinghouse Rule 02-001**

Relating to registration fees paid by persons who make or solicit consumer credit transactions.

No action taken.

**Senate Clearinghouse Rule 02-006**

Relating to stock in bank-owned banks.

No action taken.

**Senate Clearinghouse Rule 02–022**

Relating to stock in bank–owned banks.

No action taken.

Jon Erpenbach  
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 01–109**

Relating to accessibility requirements for commercial buildings and structures.

No action taken.

Mark Meyer  
Chairperson

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**CHIEF CLERK’S REPORT**

The Chief Clerk records:

**Senate Bill 88**

**Senate Bill 116**

**Senate Bill 178**

**Senate Bill 247**

**Senate Bill 250**

**Senate Bill 330**

**Senate Bill 378**

**Senate Bill 393**

**Senate Bill 415**

Presented to the Governor on April 16, 2002.

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**CHIEF CLERK’S REPORT**

The Chief Clerk records:

**Senate Bill 61**

**Senate Bill 364**

Presented to the Governor on April 17, 2002.



STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

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10:06 A.M.

THURSDAY, April 25, 2002

---

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

---

**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, April 30.

Adjourned.

10:07 A.M.



STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

---

10:00 A.M.

TUESDAY, April 30, 2002

---

The Senate met.

The Senate was called to order by Senator Russell Decker.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Department of Administration**

April 24, 2002

The Honorable, The Legislature:

Included with this correspondence, I am submitting the report of the Department of Administration, Division of Gaming (Gaming), for the second quarter of fiscal year 2002 (October 1, 2001 through December 31, 2001). as required by s.562.02(1)(g), Wis. Stats., the attached materials contain pari-mutuel wagering and racing statistical information, as well as the revenues for the program areas of Racing, Charitable

Gaming and Indian Gaming. Bingo revenues are now captured in a new appropriation (836) and therefore are shown on separate chart from the rest of Charitable Gaming.

Please note that the final day of racing at St. Croix Meadows was August 9, 2001. The track is now closed. If you have any questions or comments regarding this report, please do not hesitate to contact Richard Pedersen at (608) 270-2546.

Sincerely,

F. SCOTT SCEPANIAK  
Administrator

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**ADJOURNMENT**

Senator Decker, with unanimous consent, asked that the Senate adjourn until Wednesday, May 1 at 2:00 P.M..

Adjourned.

10:01 A.M.





STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

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10:02 A.M.

TUESDAY, April 30, 2002

---

The Senate met.

The Senate was called to order by Senator Russell Decker.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Decker, with unanimous consent, asked that the Senate adjourn until Wednesday, May 1 at 2:00 P.M..

Adjourned.

10:03 A.M.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

2:00 P.M.

WEDNESDAY, May 1, 2002

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the roll call be dispensed with.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator Panzer led the Senate in the pledge of allegiance to the flag of the United States of America.

### PETITIONS AND COMMUNICATIONS

State of Wisconsin  
Office of the Governor

April 24, 2002

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Senate Bill 61	Wisconsin Act 98	April 24, 2002
Senate Bill 364	Wisconsin Act 99	April 24, 2002

Sincerely,

SCOTT MCCALLUM

Governor

State of Wisconsin  
Office of the Secretary of State

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
Senate Bill 61	Wisconsin Act 98	May 8, 2002
Senate Bill 364	Wisconsin Act 99	May 8, 2002

Sincerely,

DOUGLAS LA FOLLETTE  
Secretary of State

### ADVICE AND CONSENT OF THE SENATE

State of Wisconsin  
Office of the Governor

April 18, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HEIDEL, SANDRA K., of Onalaska, as a member of the Kickapoo Reserve Management Board, to serve for the term ending May 1, 2005.

Sincerely,

SCOTT MCCALLUM

Governor

Read and referred to committee on **Environmental Resources.**

State of Wisconsin  
Office of the Governor

April 18, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint TAAKE, DR. ELMER R., of Appleton, as a member of the Private Employer Health Care Coverage Board, to serve for the interim term ending May 1, 2002, and for the full term ending May 1, 2005.

Sincerely,

SCOTT MCCALLUM

Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

### REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

State of Wisconsin  
Revisor of Statutes Bureau

May 1, 2002

To the Honorable, the Senate:

The following rules have been published:

<u>Clearinghouse Rules</u>	<u>Effective Date(s)</u>
00–110	May 1, 2002
01–011	May 1, 2002
01–130	May 1, 2002
01–140	May 1, 2002
01–141	May 1, 2002
02–001	May 1, 2002

Sincerely,

GARY L. POULSON  
Deputy Revisor

### Senate Clearinghouse Rule 01–129

Relating to the use of deed restrictions and deed notices for the closure of environmental remediation cases, and the implementation of a geographic information system registry of closed remediation sites for properties with residual soil contamination that exceeds, at the time of case closure, generic or site-specific residual contaminant levels as determined under ch. NR 720.

Submitted by Department of Natural Resources.

Report received from Agency, April 26, 2002.

Referred to committee on **Environmental Resources**, May 1, 2002.

**Senate Clearinghouse Rule 01–145**

Relating to commercial fishing in Lake Michigan.

Submitted by Department of Natural Resources.

Report received from Agency, April 26, 2002.

Referred to committee on **Environmental Resources**, May 1, 2002.

**Senate Clearinghouse Rule 02–028**

Relating to motor vehicle trade practices.

Submitted by Department of Transportation.

Report received from Agency, April 25, 2002.

Referred to committee on **Insurance, Tourism, and Transportation**, May 1, 2002.

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The committee on **Environmental Resources** reports and recommends:

**Senate Clearinghouse Rule 01–128**

Relating to permitting the use of natural bodies of water as fish farms.

No action taken.

Jim Baumgart  
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 01–123**

Relating to a length of service award program for volunteer firefighters and emergency medical technicians.

No action taken.

**Senate Clearinghouse Rule 01–139**

Relating to construction of public buildings and places of employment.

No action taken.

Mark Meyer  
Chairperson

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**MESSAGES FROM THE ASSEMBLY**

By Patrick E. Fuller, assistant chief clerk.

Mr. President:

I am directed to inform you that the Assembly has passed and asks concurrence in:

**Assembly Bill 933**

**Assembly Bill 934**

**Assembly Bill 935**

**Assembly Bill 936**

**Assembly Bill 937**

**Assembly Bill 938**

**Assembly Bill 939**

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**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 933**

Relating to: repealing, consolidating, renumbering, amending, and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting

and clarifying references, and eliminating defects, anachronisms, conflicts, ambiguities, and obsolete provisions (Revisor's Revision Bill).

By Law Revision Committee.

Read first time and referred to committee on **Senate Organization**.

**Assembly Bill 934**

Relating to: repealing, consolidating, renumbering, amending, and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, and eliminating defects, anachronisms, conflicts, ambiguities, and obsolete provisions (Revisor's Revision Bill).

By Law Revision Committee.

Read first time and referred to committee on **Senate Organization**.

**Assembly Bill 935**

Relating to: repealing, consolidating, renumbering, amending, and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities and obsolete provisions, reconciling conflicts, and repelling unintended repeals (Revisor's Correction Bill).

By Law Revision Committee.

Read first time and referred to committee on **Senate Organization**.

**Assembly Bill 936**

Relating to: repealing, consolidating, renumbering, amending, and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities, and obsolete provisions, reconciling conflicts, and repelling unintended repeals (Revisor's Correction Bill).

By Law Revision Committee.

Read first time and referred to committee on **Senate Organization**.

**Assembly Bill 937**

Relating to: repealing, consolidating, renumbering, amending, and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities, and obsolete provisions, reconciling conflicts, and repelling unintended repeals (Revisor's Correction Bill).

By Law Revision Committee.

Read first time and referred to committee on **Senate Organization**.

**Assembly Bill 938**

Relating to: repealing, consolidating, renumbering, amending and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting, and clarifying references, and eliminating defects, anachronisms, conflicts, ambiguities, and obsolete provisions (Revisor's Revision Bill).

By Law Revision Committee.

Read first time and referred to committee on **Senate Organization**.

**Assembly Bill 939**

Relating to: fees for recording and filing documents with the office of register of deeds.

By committee on Assembly Organization.

Read first time and referred to committee on **Senate Organization**.

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**SECOND READING AND AMENDMENTS  
OF ASSEMBLY JOINT RESOLUTIONS AND  
ASSEMBLY BILLS**

Senator Chvala, with unanimous consent, asked that **Assembly Bill 933** be withdrawn from the committee on **Senate Organization** and taken up at this time.

**Assembly Bill 933**

Relating to: repealing, consolidating, renumbering, amending, and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, and eliminating defects, anachronisms, conflicts, ambiguities, and obsolete provisions (Revisor's Revision Bill).

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 933**

Read a third time and concurred in.

Senator Chvala, with unanimous consent, asked that **Assembly Bill 934** be withdrawn from the committee on **Senate Organization** and taken up.

**Assembly Bill 934**

Relating to: repealing, consolidating, renumbering, amending, and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, and eliminating defects, anachronisms, conflicts, ambiguities, and obsolete provisions (Revisor's Revision Bill).

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 934**

Read a third time and concurred in.

Senator Chvala, with unanimous consent, asked that **Assembly Bill 935** be withdrawn from the committee on **Senate Organization** and taken up.

**Assembly Bill 935**

Relating to: repealing, consolidating, renumbering, amending, and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities and obsolete provisions, reconciling conflicts, and repelling unintended repeals (Revisor's Correction Bill).

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 935**

Read a third time and concurred in.

Senator Chvala, with unanimous consent, asked that **Assembly Bill 936** be withdrawn from the committee on **Senate Organization** and taken up.

**Assembly Bill 936**

Relating to: repealing, consolidating, renumbering, amending, and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities, and obsolete provisions, reconciling conflicts, and repelling unintended repeals (Revisor's Correction Bill).

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 936**

Read a third time and concurred in.

Senator Chvala, with unanimous consent, asked that **Assembly Bill 937** be withdrawn from the committee on **Senate Organization** and taken up.

**Assembly Bill 937**

Relating to: repealing, consolidating, renumbering, amending, and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities, and obsolete provisions, reconciling conflicts, and repelling unintended repeals (Revisor's Correction Bill).

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 937**

Read a third time and concurred in.

Senator Chvala, with unanimous consent, asked that **Assembly Bill 938** be withdrawn from the committee on **Senate Organization** and taken up.

**Assembly Bill 938**

Relating to: repealing, consolidating, renumbering, amending and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting, and clarifying references, and eliminating defects, anachronisms, conflicts, ambiguities, and obsolete provisions (Revisor's Revision Bill).

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 938**

Read a third time and concurred in.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

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**ANNOUNCEMENTS, ADJOURNMENT  
HONORS, AND REMARKS UNDER  
SPECIAL PRIVILEGE**

Senator Grobschmidt, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his brother-in-law, Ron Troyer for receiving a silver medal in bowling at the Special Olympics in Oshkosh on April 13, 2002.



Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Hans Peter Kohlhoff, a Fond du Lac High School teacher, for his initiative and direction in creating learning opportunities for students by forming partisan political clubs and giving students a real look at the partisan political arena.

Senator Baumgart, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his wife Carol Baumgart Opgenorin on her first day of retirement after over 24 years as secretary at St. Paul's Lutheran Church in sheboygan. Her goal is to enjoy her retirement, work in the flower garden and be more active as "Mrs. Senator".

Senator Schultz, with unanimous consent, asked that when the Senate adjourn, it do so in honor of George Vogt on his retirement as the head of the State Historical Society.

Senator Huelsman, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Waukesha West High School on winning the National High School Academic Decathlon competition.

Senator Kanavas, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Representative Scott Walker for winning the election and becoming the Milwaukee County Executive elect.

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### ADJOURNMENT

Senator Chvala, with unanimous consent, asked that the Senate adjourn pursuant to **Senate Joint Resolution 1**.

Adjourned.

2:20 P.M.



STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

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2:21 P.M.

WEDNESDAY, May 1, 2002

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The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the roll be dispensed with and that the silent meditation and pledge from the regular session be applied to the special.

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**MESSAGES FROM THE ASSEMBLY**

By Patrick E. Fuller, assistant chief clerk.

Mr. President:

I am directed to inform you that the Assembly has adopted and asks concurrence in:

**Assembly Joint Resolution 1**

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**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Joint Resolution 1**

Relating to: creating a committee of conference on January 2002 Special Session Assembly Bill 1, constituting the governor's recommendations for correcting the imbalance between projected revenues and authorized expenditures.

By committee on Assembly Organization.

Read

Considered as privileged and taken up.

Concurred in.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Thursday, May 2.

Adjourned.

2:22 P.M.



STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

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11:19 A.M.

THURSDAY, May 2, 2002

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The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

May 1, 2002

The Honorable, The Senate:

Pursuant to January 2002 Special Session Assembly Joint Resolution 1 and Senate Rule 20m, I have appointed Senators

Chvala, Jauch, Decker and Panzer to the Committee of Conference on Special Session Assembly Bill 1.

Sincerely,

CHUCK CHVALA, Chair  
Committee on Senate Organization

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, May 7.

Adjourned.

11:22 A.M.



STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

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10:19 A.M.

TUESDAY, May 7, 2002

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The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Thursday, May 9.

Adjourned.

10:20 A.M.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

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WEDNESDAY, May 8, 2002

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The Chief Clerk makes the following entries under the above date.

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin Department of Administration

April 29, 2002

The Honorable, The Legislature:

As required by s. 16.045(5) Wis. Stats., I am submitting the eleventh *Wisconsin Gasohol and Alternative Fuel Use Report* for distribution to the appropriate standing committees.

Should you or Legislative members have questions, please contact John Marx, Administrator, Division of Energy, at 608/266-7257.

Sincerely,

GEORGE LIGHTBOURN  
Secretary

Referred to committee on **Environmental Resources**.

#### State of Wisconsin Department of Administration

April 30, 2002

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 March 2002.

On March 25, 2002 the **General Fund** balance was –\$80.6 million. This shortfall continued through March 31, 2002 when the balance reached –\$231.2 million. The shortfall was due to the difference in the timing of revenues and expenditures, in combination with the overall budget shortfall.

On March 26, 2002 the **Wisconsin Health Education Loan Repayment Fund** balance was –\$2 thousand. This shortfall continued through March 31, 2002 when the balance reached –\$3 thousand. The shortfall was due to the difference in the timing of revenues and expenditures.

The General Fund and the Wisconsin Health Education Loan Repayment 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 Department of Administration

May 1, 2002

The Honorable, The Legislature:

Included with this correspondence, I am submitting the report of the Department of Administration, Division of Gaming (Gaming), for the third quarter of fiscal year 2002 (January 1, 2002 through March 31, 2002). As required by s.562.02(1)(g), Wis. Stats., the attached materials contain pari-mutuel wagering and racing statistical information, as well as the revenues for the program areas of Racing, Charitable Gaming and Indian Gaming. Bingo revenues are now captured in a new appropriation (836) and therefore are shown on a separate chart from the rest of Charitable Gaming.

Please note that the final day of racing at St. Croix Meadows was August 9, 2001. The track is now closed. If you have any questions or comments regarding this report, please do not hesitate to contact Richard Pedersen at (608) 270-2546.

Sincerely,

F. SCOTT SCEPANIAC  
Administrator

#### State of Wisconsin Ethics Board

May 7, 2002

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/>

Goyke, Gary **WI Rental Housing Legislative Council**

Kuiper, Laurie G **Ministry Health Care**

McCoshen, William J **K12 Inc**

McNally, Maureen **Froedtert and Community Health (Formerly Froedtert Memorial Lutheran Hospital)**

Petersen, Eric J **K12 Inc**

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

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## ADVICE AND CONSENT OF THE SENATE

State of Wisconsin  
Office of the Governor

April 17, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MATUSIAK, DR. ITZHAK, of Glendale, as a member of the Psychology Examining Board, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

State of Wisconsin  
Office of the Governor

April 17, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SWEENEY, GARY "JOE", of Milwaukee, as a member of the Bradley Center Sports and Entertainment Corporation, to serve for the term ending July 1, 2009.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Economic Development and Corrections.**

State of Wisconsin  
Office of the Governor

April 17, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint PAYNE, ULICE, of Greenfield, as a member of the Bradley Center Sports and Entertainment Corporation, to serve for the term ending July 1, 2009.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Economic Development and Corrections.**

State of Wisconsin  
Office of the Governor

April 17, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SKIDMORE, PAUL, of Madison, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the interim term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Universities, Housing, and Government Operations.**

State of Wisconsin  
Office of the Governor

April 17, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CLARKE, JAY N., of Ripon, as a member of the Auctioneer Board, to serve for the term ending May 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Labor and Agriculture.**

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## REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

The committee on **Education** reports and recommends:  
**Senate Clearinghouse Rule 01-137**  
Relating to tuition and fee refunds, and grants to students.

No action taken.

Richard Grobschmidt  
Chairperson

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## MOTIONS UNDER SENATE RULE 98 AND JOINT RULE 7

*for the Month of April 2002*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Nathan Addison, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Chvala, for the Arthritis Foundation, on the occasion of recognizing May as National Arthritis Awareness Month.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Cowles, for Ryan Alexander, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Alfred and Isabel Bader, on the occasion of their many years of service to the Milwaukee – Area Jewish Community.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Decker, for Michael Bates, on the occasion of his retirement after 24 years of dedicated service as the Rusk County Deputy Sheriff.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Donna J. Birschbach, on the occasion of her 13 years of excellence in service to the Waupun Correctional Institution.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Schultz, for Dylan Gregory Black, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Decker, for Benjamin Louis Bliss, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Decker, for David John Bliss, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Tori Bohannon, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Decker, for Beau Bostwick, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Boy Scout Troop 731, on the occasion of celebrating its 50th anniversary.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Kanavas, for the Brookfield Central Boys Basketball Team and coach Mark Adams, on the occasion of advancing to the Division 1 semifinals in the state basketball tournament and their successful basketball season.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Justin Brueser, on the occasion of his successful completion of the Youth Apprenticeship Program.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Dave Buchanan, on the occasion of being named 2001–2002 CNI All–Suburban Boys Basketball Coach of the Year.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Elizabeth Buenger, on the occasion of her successful completion of the Youth Apprenticeship Program.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Scott Buetow, on the occasion of his successful completion of the Youth Apprenticeship Program.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Ryan Butler, on the occasion of his successful completion of the Youth Apprenticeship Program.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Kyle Butcher, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Glenn Callies, on the occasion of his 26 years of excellence in service to the Dodge Correctional Institution.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Charles Causier, on the occasion of being named Wauwatosa's 2001 Distinguished Citizen of the Year.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Jennifer Cheek, on the*

*occasion of her successful completion of the Youth Apprenticeship Program.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Amanda Cihla, on the occasion of being a member of the Rhinelander High School Mock Trial Team and on winning the 2002 Mock Trial Competition.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Thomas T. C. Clauder, on the occasion of his retirement from the City of Fitchburg after years of dedicated service.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Shibilski, for Ruth Chickering Clusen, on the occasion of being inducted into the Wisconsin Conservation Hall of Fame.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Matt Craft, on the occasion of his honored submission for the Wisconsin State Commemorative Quarter.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Zach Cuellar, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Plache, for Marcel Dandeneau, on the occasion of his exceptional work throughout his political career.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Bishop Sedgwick Daniels, on the occasion of distinguished and faithful service to Holy Redeemer Institutional Church of God in Christ.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Schultz, for the Darlington Kiwanis Club, on the occasion of celebrating its 75th anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Schultz, for Garrett Deckert, on the occasion of his 35 years of teaching and dedication to the students and education.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Matthew Dickmann, on the occasion of his successful completion of the Youth Apprenticeship Program.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Schultz, for the Dodgeville Kiwanis Club, on the occasion of celebrating its 75th anniversary.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Risser, for Ruthann Dorn, on the occasion of her retirement from the Wisconsin Legislature after years of devoted public service.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Private First Class Richard Dorr, on the occasion of his selfless act of bravery and devotion to serving and defending and protecting this great nation.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Danielle Drexler, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Paul Durkee, on the occasion of dedication in founding the Mothrea Project.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Jauch, for Arnold Ellison, on the occasion of his departure as the Chair of the Barron County Board of Supervisors after 26 of dedicated service.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Heather Erickson, on the occasion of her successful completion of the Youth Apprenticeship Program.*



*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Cowles, for John Exner, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Chvala, for the Fibromyalgia Syndrome, on the occasion of recognizing May 12, 2002 as Fibromyalgia Awareness Day.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Stephanie Fochs, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Adam Joseph Forbes, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for James Frank, on the occasion of his 29 years of excellence in service to the Dodge Correctional Institution.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Ryan Frank, on the occasion of his dutiful service to the men and women of this country.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Kathleen Galaska, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Stephen E. Gauger, on the occasion of his retirement from the Wisconsin Board of Commissioners of Public Lands.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Schultz, for James P. Gerlach, on the occasion of being honored by the Rotary Club of Reedsburg–Western Sauk County as its 2002 Person of the Year.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Chris Giacoletto, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Cory Giacoletto, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for James R. Gill, on the occasion of his 9 years of excellence in service to the Waupun Correctional Institution.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Jason Goetsch, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Judy Goldsmith, on the occasion of her exemplified visionary leadership during her 9 years of service as Campus Dean for the University of Wisconsin–Fond du Lac.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Frances Gorman, on the occasion of celebrating her 100th Birthday shared with family and friends.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Jim Gormley, on the occasion of his 15 years of dedicated service to the village of Whitefish Bay.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Moore, for Bessie Gray, on the occasion*

*of the Bessie Gray Scholarship Fund for providing quality child care services.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Chief Mate Robert Gregersen, on the occasion of being a great role model for the students of Evans School.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Brandon Gregozeski, on the occasion of his successful completion of the Youth Apprenticeship Program.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Decker, for Michael Grossklauss, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grobschmidt, for John Gurda, on the occasion of being honored with the 2002 Polish Heritage Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Erik Hansen, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Ryan Harrigan, on the occasion of his successful completion of the Youth Apprenticeship Program.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Paul Heideman, on the occasion of being a member of the Rhinelander High School Mock Trial Team and on winning the 2002 Mock Trial Competition.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Shibilski, for Joseph J. Hickey, on the occasion of being inducted into the Wisconsin Conservation Hall of Fame.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Craig Hockers, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Scott Horowitz, on the occasion of earning and attaining the rank of Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator George, for the Hmong, on the occasion of their bravery, service and sacrifice.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Kathryn Honzelka, on the occasion of her successful completion of the Youth Apprenticeship Program.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Jonathan Kenneth Horne, on the occasion of his preeminent authority on early English Pottery and Works of Art, and welcome him to the state of Wisconsin to share his knowledge of his craft.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Tylor David Huismann, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Jeff Jacobi, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Rohan Jain, on the occasion of being a member of the Rhinelander High School Mock Trial Team and on winning the 2002 Mock Trial Competition.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grobschmidt, for Casimir H.*



*Janiszewski, on the occasion of being honored as the recipient of the Paul Joey Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Nick July, on the occasion of earning and attaining the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Nicholas Kasprzak, on the occasion of his successful completion of the Youth Apprenticeship Program.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Andrew Kempen, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Nancy Kestin, on the occasion of her 24 years of excellence in service to the Dodge Correctional Institution.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Benjamin Kinney, on the occasion of being a member of the Rhinelander High School Mock Trial Team and on winning the 2002 Mock Trial Competition.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Dan Kinney, on the occasion of being team captain of the Rhinelander High School Mock Trial Team and on winning the 2002 Mock Trial Competition.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Plache, for Sandra Kontra, on the occasion of receiving the Sertoma Club of Racine, Inc.'s Service to Mankind Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Bill Knutson, on the occasion of his retirement from the Post-Crescent and extend our sincere appreciation for his years of service to the people of the Fox Valley area.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Terrence Krall, on the occasion of his 25 years of dedicated service to the Slinger High School.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Cecelie Krier, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Eldwin Krueger, on the occasion of his 30 years of excellence in service to the Dodge Correctional Institution.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator George, for the Lao Veterans of America, on the occasion of their tremendous effort and dedication to improving the lives of all members in South Asian communities throughout the world.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Jackie Lawrence, on the occasion of her retirement as Executive Director of the Wisconsin Community Action Program Association after 28 years of dedicated service.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Captain Warren Leback, on the occasion of being a great role model for the students of Evans School.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Noah Ledger, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Patricia Leeson, on the*

*occasion of her years of dedicated service to the Slinger High School and the community.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Brian Liermann, on the occasion of his successful completion of the Youth Apprenticeship Program.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Nathan Litt, on the occasion of his successful completion of the Youth Apprenticeship Program.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Decker, for Benjamin Louis Lodahl, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Greg Long, on the occasion of his successful completion of the Youth Apprenticeship Program.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Breske, for Tony Lorbetzke, on the occasion of his retirement after years of faithful service to the town of Sugar Camp.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Steven M. Marek, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Noel and Rebecca Martin, on the occasion of celebrating their 70th wedding anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Huelsman, for Edmond J. McAleer, on the occasion of his retirement after 16 years of dedicated service to the City of Milwaukee.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Megan McCauley, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for MATC North Campus in Mequon, Wisconsin, on the occasion of 25th anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Roessler, for Rick Mills, on the occasion of his 21 years of excellence in service to the Dodge Correctional Institution.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grobschmidt, for the Milwaukee Area Technical College South Campus, on the occasion of its 25th anniversary.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Schultz, for the Mineral Point Kiwanis Club, on the occasion of celebrating its 75th anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Dr. Sheppard Mollick, on the occasion of his retirement from serving the Nicolet School District after 8 years.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for A. J. Morgan, on the occasion of his WIAA state tournament in the 160 category and being named the Milwaukee Journal-Sentinel Area Wrestler of the Year.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Dan Morris, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Schultz, for Margaret and Neelian O. Nelson, Sr., on the occasion of celebrating their 60th anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Jacob Netz, on the occasion of his successful completion of the Youth Apprenticeship Program.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Risser, for Ryan Niess, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Jack Novak, on the occasion of being awarded the 2002 Kewaunee Rotary Club "Person of the Year".*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Aren Nugent, on the occasion of his successful completion of the Youth Apprenticeship Program.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Kathleen O'Connor, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Jauch, for David A. Olson, on the occasion of his dedicated 22 years of service to the people of Douglas County.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Bernard Oosterwyk, on the occasion of his 27 years of excellence in service to the Dodge Correctional Institution.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Jacqueline Palank, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Maija Penikis, on the occasion of her retirement from the Post-Crescent and extend our sincere appreciation for her years of service to the people of the Fox Valley area.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Kenneth W. Perre, on the occasion of his 27 years of excellence in service to the Waupun Correctional Institution.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for John Powell, on the occasion of his retirement as a Capitol reporter for 25 years with the Wisconsin Public Radio.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Baumgart, for Rebuilding Together – Manitowoc County, Inc., on the occasion of their service to their community.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Baumgart, for Rebuilding Together – Sheboygan County, Inc., on the occasion of their service to their community.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for the Retired Senior Volunteer Program of Brown County, on the occasion of celebrating its 25th anniversary.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for the Rhinelander High School Mock Trial Team: Daniel Kinney, Jill Vocke, Megan Thompson, Rohan Jain, Amanda Cihla, Anthony Skriba, Benjamin Kinney, Paul Heideman, Jean Westerhaus and Coach Kathy Vick-Martini, on the occasion of winning the 2002 Mock Trial competition.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Fred Rice, on the occasion of being inducted into the Wisconsin Football Coaches Association Hall of Fame.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Captain James J. Robinson, on the occasion of being a great role model for the students of Evans School.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Captain Ted Rodes, on the occasion of being a great role model for the students of Evans School.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Decker, for Michael Rosenthal, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Rosenzweig, for Gordon Rozmus, on the occasion of his retirement after 32 years of service as the Wauwatosa's Community Development Director.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Captain Robert Sargeant, on the occasion of being a great role model for the students of Evans School.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Hansen, for Steven Michael Schmidtke, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Paul Schoessow, on the occasion of his successful completion of the Youth Apprenticeship Program.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Sarah Schommer, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Kanavas, for Adam Schuerman, on the occasion of being named to the All-America High School Boys Soccer Team.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Breske, for Jeffrey Schuh, on the occasion of his retirement from the Tigerton School Board after years of dedicated service.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Sarah Schulteis, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Cathy Selerski, on the occasion of being named the 2002 Sussex Firefighter of the Year.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Tierra Shirley, on the occasion of her exceptional performance as a student athlete at New Berlin West High School.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Captain Mike Shoemaker, on the occasion of being a great role model for the students of Evans School.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Brandon Sivert, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Anthony Skriba, on the occasion of being a member of the Rhinelander High School Mock Trial Team and on winning the 2002 Mock Trial Competition.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Andrew C. Smith, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Niki Snyder, on the occasion of her successful completion of the Youth Apprenticeship Program.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Decker, for Paul Splinter, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Baumgart, for St. John's United Church of Christ, on the occasion of celebrating its 100th anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Christopher Stangel, on the occasion of his successful completion of the Youth Apprenticeship Program.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Christine Strack, on the occasion of her completion of the Youth Apprenticeship Program.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for David Strauss, on the occasion of his successful completion of the Youth Apprenticeship Program.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for David Stockwell, on the occasion of his 23 years of excellence in service to the Dodge Correctional Institution.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Welch, for Merle Strelow, on the occasion of his 24 years of excellence in service to the Dodge Correctional Institution.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Jordon Brent Strong, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Thomas Tetzlaff, on the occasion of his 22 years of excellence in service to the Dodge Correctional Institution.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Chief Howard Thiede, on the occasion of his 43 years of dedicated service to the Grafton Police Department.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Megan Thompson, on the occasion of being a member of the Rhinelander High School Mock Trial Team, and on winning the 2002 Mock Trial Competition.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Welch, for John E. Tschanz, on the occasion of his 28 years of excellence in service to the Dodge Correctional Institution.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for the University of Wisconsin Center for Tobacco Research and Intervention (CTRI), on the occasion of celebrating its 10th anniversary.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Jill Vocke, on the occasion of being team captain of the Rhinelander High School Mock Trial Team and on winning the 2002 Mock Trial Competition.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for William Waller, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for the City of Wauwatosa, on the occasion of its twentieth Tree City USA Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Dustin Webb, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Paul (Gus) Wiening, on the occasion of his successful completion of the Youth Apprenticeship Program.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Erin Vander Wyst, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Shibilski, for George Wehrwein, on the occasion of being inducted into the Wisconsin Conservation Hall of Fame.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Walter Westover, on the occasion of his 22 years of excellence in service to the Dodge Correctional Institution.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling for James B. Wigdale, on the occasion of his receiving the 2001 Wisconsin Business Leader of the Year Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Rachel Winter, on the occasion of her successful completion of the Youth Apprenticeship Program.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for the Wisconsin American Legion Auxiliary, on the occasion of the participation of the Badger Girls State.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grobschmidt, for the Wisconsin Council for the Blind, on the occasion of celebrating its 50th anniversary.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Schultz, for the World Health Assembly, on the occasion of granting observing status to the Province of Taiwan, Republic of China, for the international common goal of human health and strengthening health services.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Hansen, for Workers Memorial Day, on the occasion of recognizing workers killed, injured and disabled on the job.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Matt Zarling, on the occasion of his successful completion of the Youth Apprenticeship Program.*





STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

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10:20 A.M.

THURSDAY, May 9, 2002

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The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, May 14.

Adjourned.

10:21 A.M.





# STATE OF WISCONSIN

# Senate Journal

## May Special Session

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10:00 A.M.

MONDAY, May 13, 2002

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The Senate met.

**THE STATE OF WISCONSIN  
OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER NO. 42**

***Relating to a Special Session of the Legislature***

I, **SCOTT McCALLUM**, Governor of the State of Wisconsin, pursuant to Article IV, Section 11 and Article V, Section 4 of the Wisconsin Constitution, do hereby require the convening of a special session of the Legislature at the Capitol in Madison, beginning at 10:00 a.m. on Monday, May 13, 2002, solely to consider and act upon legislation relating to:

Chronic Wasting Disease in Wisconsin.

**IN TESTIMONY WHERE OF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of

Madison this 10th day of May in the year two thousand two.

**SCOTT McCALLUM**  
Governor

*BY THE GOVERNOR:*

**DOUGLAS LA FOLLETTE**  
Secretary of State

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, May 14 at 10:00 A.M.

Adjourned.

10:01 A.M.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

TUESDAY, May 14, 2002

The Senate met.

The Senate was called to order by Senator Russell Decker.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin

May 10, 2002

The Honorable, The Senate:

Pursuant to Senate Rule 20(1)(a) and s. 15.107(11)(b)5., I have appointed Senator Judy Robson to a term on the Wisconsin Women's Council expiring June 30, 2003. Senator Robson replaces Senator Kim Plache, whose term on the Council has expired.

Sincerely,

CHUCK CHVALA, Chair  
Committee on Senate Organization

#### State of Wisconsin Ethics Board

May 14, 2002

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/>

Carey, Ray **Wisconsin Council of Regional Planning Organizations**

Matthews, John **Wisconsin Council of Regional Planning Organizations**

Rezin, Kathleen **Wisconsin Council of Regional Planning Organizations**

Tyre, Scott **Wisconsin Council of Regional Planning Organizations**

Tyre, Scott **Community Corrections Corporation**

Tyre, Scott **Nicolet Minerals Company**

Tyre, Scott **Wisconsin Cluster of YMCAs Executive Committee**

Tyre, Scott **Superior Services Inc**

Tyre, Scott **Kwik Trip Inc**

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

### REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

#### Senate Clearinghouse Rule 01–133

Relating to auditing standards, standards for accounting and review services, and standards for attestation engagements.

Submitted by Department of Regulation and Licensing.

Report received from Agency, May 10, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, May 14, 2002.

The committee on **Environmental Resources** reports and recommends:

#### Senate Clearinghouse Rule 01–087

Relating to flammable and combustible liquids.

No action taken.

Jim Baumgart  
Chairperson

### ADJOURNMENT

Senator Decker, with unanimous consent, asked that the Senate adjourn until Wednesday, May 15 at 10:00 A.M.

Adjourned.

10:01 A.M.



STATE OF WISCONSIN  
**Senate Journal**  
January 2002 Special Session

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10:02 A.M.

TUESDAY, May 14, 2002

---

The Senate met.

The Senate was called to order by Senator Russell Decker.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Decker, with unanimous consent, asked that the Senate adjourn until Thursday, May 16.

Adjourned.

10:03



# STATE OF WISCONSIN

# Senate Journal

## May Special Session

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10:04 A.M.

TUESDAY, May 14, 2002

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The Senate met.

The Senate was called to order by Senator Russell Decker.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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### REPORT OF COMMITTEES

The committee on **Senate Organization** reports and recommends:

#### Senate Bill 1

Relating to: chronic wasting disease, hunting animals from aircraft, feeding of wild animals for purposes other than hunting, shooting a firearm or arrow from or across a highway, requiring a lapse to the general fund, authorizing the extension

of emergency rules, requiring the exercise of rule-making authority, and making appropriations.

Introduction.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

To committee on **Environmental Resources**.

Charles Chvala  
Chairperson

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### ADJOURNMENT

Senator Decker, with unanimous consent, asked that the Senate adjourn until Wednesday, May 15 at 10:00 A.M.

Adjourned.

10:05 A.M.





STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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10:00 A.M.

WEDNESDAY, May 15, 2002

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The Senate met.

12:35 A.M.

The Senate was called to order by Senator Charles Chvala.

The Senate reconvened.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

Senator Risser in the chair.

\_\_\_\_\_  
Senator Chvala, with unanimous consent, asked that the Senate recess until 12:35 A.M.

10:01 A.M

\_\_\_\_\_  
**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn pursuant to **Senate Joint Resolution 1**.

Adjourned.

\_\_\_\_\_  
**RECESS**

12:36 A.M.



# STATE OF WISCONSIN Senate Journal May Special Session

10:02 A.M.

WEDNESDAY, May 15, 2002

The Senate met.

**THE STATE OF WISCONSIN  
OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER NO. 44**

***Relating to a Special Session of the Legislature***

I, **SCOTT McCALLUM**, Governor of the State of Wisconsin, pursuant to Article IV, Section 11 and Article V, Section 4 of the Constitution of Wisconsin, do hereby amend Executive Order 42 and require the Legislature to consider and act upon:

chronic wasting disease, hunting animals, feeding of wild animals for purposes other than hunting, shooting a firearm or arrow from or across a highway, and requiring a lapse to the general fund.

**IN TESTIMONY WHERE OF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this fourteenth day of May in the year two thousand two.

**SCOTT McCALLUM**  
Governor

**BY THE GOVERNOR:**

**DOUGLAS LA FOLLETTE**  
Secretary of State

The Senate was called to order by Senator Charles Chvala.

**REPORT OF COMMITTEES**

The committee on **Environmental Resources** reports and recommends:

**Senate Bill 1**

Relating to: chronic wasting disease, hunting animals from aircraft, feeding of wild animals for purposes other than hunting, shooting a firearm or arrow from or across a highway, requiring a lapse to the general fund, authorizing the extension of emergency rules, requiring the exercise of rule-making authority, and making appropriations.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Jim Baumgart  
Chairperson

Senator Chvala, with unanimous consent, asked that the Senate recess until 3:00 P.M.

10:03 A.M.

**RECESS**

3:00 P.M.

The Senate reconvened.

Senator Risser in the chair.

The Senate was called to order by Senator Fred Risser.

The roll was called and the following Senators answered to their names:

Senators Baumgart, Breske, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 32.

Absent – Senators Burke – 1.

Absent with leave – None.

The Senate stood for the prayer which was offered by Reverend Jim Preisig of Monroe United Methodist Church.

Loving and Gracious God, on this gorgeous day we praise you for the wondrous blessings that you pour into our hearts and lives; for truly Lord, you are the author of life and love and all that we cherish.

We are mindful, Lord, that those whom you richly bless, you have great expectations of; and Lord you have richly blessed us. In this great state of Wisconsin we enjoy an abundance of resources. We pray this day for divine wisdom that we might be good stewards of this sacred trust.

From the rich diversity of this body create a unity of spirit and a singleness of purpose that will break down the barriers that would divide us, uniting us to the common and shared goal of serving well the citizens of this great state.

We pray this in Christ's name,

Amen.

The Senate remained standing and Senator Lazich led the Senate in the pledge of allegiance to the flag of the United States of America.

**LEAVES OF ABSENCE**

Senator Chvala, with unanimous consent, asked that Senator Burke be granted a leave of absence for today's session.

**SPECIAL ORDERS**

**Senate Bill 1**

Relating to: chronic wasting disease, hunting animals from aircraft, feeding of wild animals for purposes other than hunting, shooting a firearm or arrow from or across a highway, requiring a lapse to the general fund, authorizing the extension of emergency rules, requiring the exercise of rule-making authority, and making appropriations.

Read a second time.

Senator Decker, with unanimous consent, asked that **Senate Bill 1** be referred to the Joint Committee on **Finance**.

Senator Decker, with unanimous consent, asked that the rules be suspended and that **Senate Bill 1** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Read a second time.

Senator Robson, with unanimous consent, asked that the Senate recess until 5:29 P.M.

3:10 P.M.

**RECESS**

5:29 P.M.

The Senate reconvened.

Senator Risser in the chair.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 1** offered by Senator Moen.

Senate amendment 1 to Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 1** offered by Senator Shibilski.

Senator Shibilski, with unanimous consent, asked that Senate amendment 1 to Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 1** be withdrawn and returned to author.

Senator Baumgart moved that Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 1** be laid on the table.

The question was: Shall Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 1** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 9; noes, 23; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Chvala, Cowles, Decker, Erpenbach, Jauch, M. Meyer, Schultz and Wirch – 9.

Noes – Senators Breske, Darling, Ellis, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Shibilski, Welch and Zien – 23.

Absent or not voting – Senator Burke – 1.

Tabling refused.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 1**?

Adopted.

Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 1** offered by Senator Shibilski.

Senator Baumgart moved that Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 1** be laid on the table.

The question was: Shall Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 1** be laid on the table?

Tabled.

Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 1** offered by Senators Harsdorf and A. Lasee.

Senator Baumgart moved that Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 1** be laid on the table.

The question was: Shall Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 1** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 17; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Chvala, Cowles, Decker, Erpenbach, Grobschmidt, Hansen, Jauch, M. Meyer, Moore, Plache, Risser, Robson, Schultz and Wirch – 15.

Noes – Senators Breske, Darling, Ellis, S. Fitzgerald, George, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Moen, Panzer, Roessler, Rosenzweig, Shibilski, Welch and Zien – 17.

Absent or not voting – Senator Burke – 1.

Tabling refused.

The question was: Adoption of Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 1**?

Senator Baumgart moved rejection of Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 1**.

The question was: Rejection of Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 1**?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Chvala, Cowles, Decker, Ellis, Erpenbach, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Schultz and Wirch – 17.

Noes – Senators Breske, Darling, S. Fitzgerald, George, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Shibilski, Welch and Zien – 15.

Absent or not voting – Senator Burke – 1.

Rejected.

Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 1** offered by Senator Shibilski.

Senator Shibilski, with unanimous consent, asked that Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 1** be withdrawn and returned to author.

Senate amendment 5 to Senate substitute amendment 1 to **Senate Bill 1** offered by Senators Zien and A. Lasee.

Senator Baumgart moved that Senate amendment 5 to Senate substitute amendment 1 to **Senate Bill 1** be laid on the table.

The question was: Shall Senate amendment 5 to Senate substitute amendment 1 to **Senate Bill 1** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Breske, Chvala, Cowles, Decker, Erpenbach, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Schultz and Wirch – 17.

Noes – Senators Darling, Ellis, S. Fitzgerald, George, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Shibilski, Welch and Zien – 15.

Absent or not voting – Senator Burke – 1.

Tabled.

Senate amendment 6 to Senate substitute amendment 1 to **Senate Bill 1** offered by Senator Breske.

Senate amendment 1 to Senate amendment 6 to Senate substitute amendment 1 to **Senate Bill 1** offered by Senator Breske.

The question was: Adoption of Senate amendment 1 to Senate amendment 6 to Senate substitute amendment 1 to **Senate Bill 1**?

Adopted.

Senator Baumgart moved that Senate amendment 6 to Senate substitute amendment 1 to **Senate Bill 1** be laid on the table.

The question was: Shall Senate amendment 6 to Senate substitute amendment 1 to **Senate Bill 1** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 10; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Chvala, Cowles, Decker, Erpenbach, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, A. Lasee, M. Meyer, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz and Wirch – 22.

Noes – Senators Breske, Darling, Ellis, S. Fitzgerald, Kanavas, Lazich, Moen, Shibilski, Welch and Zien – 10.

Absent or not voting – Senator Burke – 1.

Tabled.

Senate amendment 7 to Senate substitute amendment 1 to **Senate Bill 1** offered by Senator Shibilski.

The question was: Adoption of Senate amendment 7 to Senate substitute amendment 1 to **Senate Bill 1**?

Adopted.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 1**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 1**

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes – Senators Baumgart, Breske, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 32.

Noes – None.

Absent or not voting – Senator Burke – 1.

Passed.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

Senator Chvala, with unanimous consent, asked that the Senate recess until 12:30 A.M.

7:33 P.M.

**RECESS**

12:30 A.M.

The Senate reconvened.

Senator Risser in the chair.

**MESSAGES FROM THE ASSEMBLY**

By Patrick E. Fuller, assistant chief clerk.

Mr. President:

I am directed to inform you that the Assembly has adopted and asks concurrence in:

**Assembly Bill 1**

Amended and concurred in as amended:

**Senate Bill 1** (Assembly amendment 1)

**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 1**

Relating to: chronic wasting disease, hunting animals from aircraft, feeding of wild animals for purposes other than hunting, shooting a firearm or arrow from or across a highway, requiring a lapse to the general fund, authorizing the extension of emergency rules, requiring the exercise of rule-making authority, and making appropriations.

By committee on Assembly Organization, by request of Governor Scott McCallum.

Read first time and referred to committee on **Senate Organization**.

Senator Chvala, with unanimous consent, asked that **Senate Bill 1** be withdrawn and taken up at this time.

**Senate Bill 1**

Relating to: chronic wasting disease, hunting animals from aircraft, feeding of wild animals for purposes other than hunting, shooting a firearm or arrow from or across a highway, requiring a lapse to the general fund, authorizing the extension of emergency rules, requiring the exercise of rule-making authority, and making appropriations.

Read.

The question was: Shall Assembly amendment 1 to **Senate Bill 1** be concurred in?

Concurred in.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

**ANNOUNCEMENTS, ADJOURNMENT  
HONORS, AND REMARKS UNDER  
SPECIAL PRIVILEGE**

Senator Grobschmidt, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his daughter Tammara Grobschmidt and John German, son of Harold and Janet German, married on April 12, 2002.

Senator Schultz, with unanimous consent, asked that when the Senate adjourn, it do so in honor of 27 outstanding individuals who are students in Mr. Rick Davidson's Class at the Sauk Prairie Middle School in Sauk Prairie Wisconsin.

**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn pursuant to **Senate Joint Resolution 1**.

Adjourned.

12:34 A.M.





STATE OF WISCONSIN  
**Senate Journal**  
January Special Session

---

10:00 A.M.

THURSDAY, May 16, 2002

---

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, May 21.

Adjourned.

10:01 A.M.



STATE OF WISCONSIN  
**Senate Journal**  
January Special Session

---

10:00 A.M.

TUESDAY, May 21, 2002

---

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Thursday, May 23.

Adjourned.

10:01 A.M.

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

---

WEDNESDAY, May 22, 2002

---

The Chief Clerk makes the following entires under the above date.

**REPORT OF COMMITTEES**

The committee on **Health, Utilities, Veterans and Military Affairs** reports and recommends:

BAHR, JUNE A., of Fond du Lac, as a member of the Board of Nursing, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

BENNETT, BRUCE M., of Madison, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

DELAP, RUSSELL D., of Brookfield, as a member of the Athletic Trainers Affiliated Credentialing Board, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

DREVES, NANETTE KOSYDAR, of La Crosse, as a member of the Dentistry Examining Board, to serve for the term ending December 31, 2006.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

JOHNSRUD, JACQUELINE A., of Eastman, as a member of the Board of Nursing, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

SVETLY, K. DENISE, of Reedsburg, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

SYBELDON, JOHN M., of Wausau, as a member of the Athletic Trainers Affiliated Credentialing Board, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

TRUCKEY, DEBRA S., of Racine, as a member of the Podiatrists Affiliated Credentialing Board, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

WEBER, DR. JAMES W., of Rice Lake, as a member of the Chiropractic Examining Board, to serve for the term ending July 1, 2005.

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**

**THE STATE OF WISCONSIN  
OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER #46**

***Relating to the Creation of the Governor’s Task Force on Ethics Reform in Government***

**WHEREAS**, the State of Wisconsin has historically been known as a progressive State practicing ethics in government that are beyond reproach; and

**WHEREAS**, Wisconsin’s Code of Ethics for Public Officials declares that high moral and ethical standards are essential to the conduct of free government; and

**WHEREAS**, Wisconsin’s Code of Ethics, campaign finance and elections laws further Wisconsin’s tradition of clean and open government by setting standards of conduct for State public officials; and

**WHEREAS**, Wisconsin residents demand that public officials operate their offices and conduct their campaigns with integrity and honesty;

**NOW, THEREFORE, I, SCOTT McCALLUM**, Governor of the State of Wisconsin by the authority vested in me by the Constitution and laws of this state, and specifically by Section 14.019 of the Wisconsin Statutes, do hereby:

4. Create the Governor’s Task Force on Ethics Reform in Government (hereinafter “Task Force”) consisting of six

- (6) members appointed by the Governor to serve at the pleasure of the Governor; and
5. Provide that the Governor shall designate two members to be the co-chairs to serve at the pleasure of the Governor; and
6. Provide that the Task Force shall have the following mission:
  - (a) Examine the existing statutory provisions, administrative rules and other State policies related to Wisconsin's Code of Ethics, campaign finance and election laws; and
  - (b) Examine the Federal Hatch Act as it may apply to State senior appointed officials and top legislative aides; and
  - (c) Recommend changes that will strengthen Wisconsin's Code of Ethics, campaign finance and election laws, and enhance Wisconsin's reputation for integrity in Government; and
  - (d) Recommend changes that will improve the clarity, enforceability and fairness of Wisconsin's Code of Ethics, campaign finance and election laws; and
7. Direct the Department of Administration to provide the Task Force with such sums of money as are necessary for travel and operating expenses in accordance with Section 20.505(4)(ba) of the Wisconsin Statutes; and
8. Provide that the Task Force issue a report to the Governor, which includes suggested legislation for a possible Special Session, within three months of the first meeting date; and
9. Provide that the Task Force shall dissolve when its final report is accepted by the Governor.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this fifteenth day of May in the year two thousand and two.

SCOTT McCALLUM  
Governor

BY THE GOVERNOR:

DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Investment Board**

May 9, 2002

The Honorable, The Legislature:

Pursuant to ss. 25.17(14r), Stats., I have attached copies of SWIB's recently revised Investment Guidelines and a summary of the changes.

Some of the revisions this time incorporate actions taken by the Board to implement recommendations made by outside consultants. The recommendations included restructuring the alternative investments' and private placements' portfolios, clarifying further the role of Trustees as governing fiduciaries and staff as managing fiduciaries, and creating additional internal portfolios to manage the retirement funds. Some of the revisions address concerns that the Legislative Audit Bureau raised when it conducted the biennial 1999-2000 performance audit.

Finally, we have added a new guideline that will allow SWIB to index of the smaller funds that we manage - the Patients Compensation Fund, the State Life Insurance Fund, the Local Government Property Insurance Fund and the Historical Society Fund. SWIB has the authority under the statutes and

rules of the Commissioner of Insurance to invest these funds through externally managed index funds.

We have marked substantive changes or new provisions to the document. In addition, I have attached a brief summary of the changes.

If you have any questions or comments, please contact me.

Sincerely,

PATRICIA LIPTON  
Executive Director

**State of Wisconsin  
Legislative Audit Bureau**

May 22, 2002

The Honorable, The Legislature:

We have been monitoring the construction costs of Miller Park, the stadium for the Milwaukee Brewers Baseball Club, at the request of the Joint Legislative Audit Committee. The Southeast Wisconsin Professional Baseball Park District has been responsible for overseeing the design and construction of the stadium and is currently overseeing operations. Construction was originally anticipated to be completed by March 1, 2000, but a crane accident in July 1999 that killed three workers and caused extensive damage resulted in a one-year delay in the stadium's opening.

Through December 2001, the District spent \$413.9 million on project construction, or \$13.4 million more than budgeted. In addition, the District spent \$14.2 million in 2001 for post-construction operations and maintenance, and it budgeted \$11.1 million for these costs in 2002.

A 30-year lease agreement between the District and the Brewers provides for the creation of a fund to pay for repairs and improvements to the stadium. The lease also requires the District to contribute \$3.85 million annually to support stadium maintenance. However, we note that public funds paid to help the Brewers support stadium maintenance costs will instead be paid to the team's lenders. We suggest the District work with the Brewers to ensure that needed repairs and maintenance projects are completed and that the public's investment in the project - for which we now estimate costs will total \$1.0 billion through 2030 - is adequately protected.

the District met the majority of its statutory goals for the participation of minorities and women in the stadium construction work. However, we identified several management issues regarding the District's operations, including the use of a private skybox in the stadium, its contract with a private consulting firm that does not tie payments for stadium management services to the amount of work actually completed, and the adequacy of documentation for some expenditures. We suggest improvements be made in all of these areas.

I stand behind the accuracy of the information included in this report and the professionalism of my staff in completing this review. The District's response is Appendix 2.

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Ethics Board**

May 21, 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/>



Disch, Kent **Madison Area Builders Association**  
 Schillinger, Patrick **Wisconsin Paper Council**  
 Tyre, Scott **TDS Telecom Inc**

23. Jerry V. Smith Administration \$131.87  
 24. Joseph Steier, Jr. & Margaret Lindstrom Natural Resources \$1,027.85  
 25. T & N Transfer, Inc. Transportation \$846.00

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  
 Claims Board**

May 15, 2002

The Honorable, The Senate:

Enclosed is the report of the State Claims Board covering the claims heard on April 25, 2002.

The amounts recommended for payment under \$5,000 on claims included in this report have, under the provisions of s. 16.007, Stats., been paid directly by the Board.

The Board is preparing the bill(s) on the recommended award(s) over \$5,000, if any, and will submit such to the Joint Finance Committee for legislative introduction.

This report is for the information of the Legislature. The Board would appreciate your acceptance and spreading of it upon the Journal to inform the members of the Legislature.

Sincerely,  
 JOHN E. ROTHSCHILD  
 Secretary

**STATE OF WISCONSIN CLAIMS BOARD**

**The State Claims Board conducted hearings in the State Capitol, Grand Army of the Republic Memorial Hall, Madison, Wisconsin, on April 25, 2002, upon the following claims:**

<u>Claimant</u>	<u>Agency</u>	<u>Amount</u>
1. Jennifer McFarland	Administration	\$270.00
2. John L. Stebbins	University of Wisconsin	\$12,536.80
3. Al Glish	Corrections	\$2,955.46
4. James D. Minniecheske	Corrections	\$1,543.61
5. Michael & Helen Grimmenga	Revenue	\$14,387.23
6. Carl Renikow	Revenue	\$6,295.00
7. Waukesha School District	Revenue and Public Instruction	\$803,149.00

**In addition, the following claims were considered and decided without hearings:**

<u>Claimant</u>	<u>Agency</u>	<u>Amount</u>
8. Queen Wigham	Transportation	\$2,068.00
9. Andry Rasmussen & Sons, Inc	Commerce	\$4,703.00
10. Karyn Behrens	Revenue	\$4,532.00
11. Brenda Brown	Revenue	\$3,738.26
12. Donald J. Titoni	Revenue	\$236.30
13. Jin-Yi Cai	University of Wisconsin	\$600.00
14. Gregory G. Dieckman	Military Affairs	\$500.00
15. Amy J. Georgeson	Military Affairs	\$500.00
16. Daniel Gonnering	Military Affairs	\$500.00
17. James Sampson	Military Affairs	\$100.00
18. James Sampson	Military Affairs	\$100.00
19. Mary Snider	Military Affairs	\$50.00
20. Patrick Walsh	Military Affairs	\$100.00
21. Luis A. Nieves	Corrections	\$855.46
22. Patricia Richards	Corrections	\$200.45

**The Board Finds:**

**1. Jennifer McFarland** of Verona, Wisconsin claims \$270.00 for reimbursement of her insurance deductible and other expenses related to damage to her car. The claimant parked her vehicle on N. Carroll Street on July 31, 2001. When she returned to her car, she found that a tree branch had fallen on the vehicle, crushing the roof and part of the bike rack, and shattering the windshield and front passenger side window. According to Capitol Square Tree Condition Report, the tree was marked to be "watched" by an arborist eighteen months prior to this incident. The claimant states that it took three and a half weeks to repair the vehicle, during which time, she had a co-worker drive her to work. She requests reimbursement of her \$250 insurance deductible plus the \$20 that she paid to the co-worker for gas money.

DOA recommends denial of this claim. DOA does not believe that there was any negligence on the part of the state. The tree in this incident was being watched, but had not been targeted for removal by an arborist. The tree was scheduled to be pruned this spring and that pruning has been completed. DOA states that there was no stormy or windy weather on the day of the accident. DOA also points to the fact that the claimant would have had incurred gas expenses to get to work in her own vehicle even if her car had not been damaged, therefore, there is no reason she should be reimbursed for the gas money she gave her co-worker.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. (*Member Rothschild not participating.*)

**2. John (Jack) L. Stebbins** of Milwaukee, Wisconsin claims \$12,536.80 plus interest for wages and benefits allegedly lost because of an employment grievance filed by the claimant. Claimant states that he has been an LTE (40%) with the UW Computer Services Division since 1979. He states that in January 1996 he filed a grievance against his immediate supervisor and requested that he be reassigned to another supervisor. Claimant alleges that he was assigned to a new office with a new title but that there was not enough work for him to do in this new position. He claims that he requested additional work from July through December 1996 and was repeatedly told to be patient. Claimant states that in December 1996 he complained to Assistant Vice Chancellor Erika Sander and Provost/Vice Chancellor Ken Watters. He alleges that he was told to be patient until a new bureau director took office in July 1997. He states that he was restored to his former position in July 1997 and alleges that he was promised by Ms. Sander that he would receive compensation for his lost back pay in the form of a higher future salary. He claims that from 1998 through 2001 he was assured that the back pay issue was being worked on and would eventually be resolved. In July 2001 he met with the new Provost, John Wanat, who referred him to the bureau director, Joe Douglas. Claimant states that Mr. Douglas showed him a 1997 memo received by Douglas in 1997, which indicated that the claimant had been told by Watters and Sander that he would not receive back pay. The claimant denies ever being told this by Ms. Sander and Mr. Watters but alleges that he was continually led to believe that the back pay issue would be resolved in his favor. Claimant states that, at the UW's suggestion, he did try to find additional part-time work in 1996 but that he was unsuccessful in obtaining hours equivalent to

the work he allegedly lost. The claimant believes that he was effectively “fired” because of the grievance he filed against his supervisor.

The UW recommends denial of this claim. The UW states that the claimant requested the transfer and agreed to the change in his duties as part of his grievance settlement. The UW alleges that during a 1997 meeting with Ms. Sander and Mr. Waters, the claimant was clearly told that back pay was not possible because of his employment status as an LTE. The UW states that the claimant is working under a fundamentally flawed assumption that he has some entitlement to a certain level of employment for a specified period of time. The UW states that the claimant, as an LTE, has no fixed employment contract and no right to receive any specific number of hours of employment in any given time period. The UW denies that there was every any commitment by the UW to grant back pay to the claimant. The UW states that Ms. Sander did feel some sympathy for the claimant but that Mr. Watters made it clear that the claimant would not receive back pay.

The Board concludes the claim should be paid in the reduced amount of \$4,200.00 based on equitable principles. The Board further concludes, under authority of s. 16.007 (6m), Stats., payment should be made from the University of Wisconsin appropriation s. 20.285 (1)(a), Stats.

**3. Al Glish** of Crivitz, Wisconsin claims \$2,955.46 for unpaid restitution owed to him by a probationer, Heather Luedke, at the time of her discharge from probation. In September 1992, Ms. Luedke and others engaged in a variety of criminal activities, including stealing a van from the claimant’s auto sales business. Ms. Luedke was convicted of Criminal Trespass to Dwelling and Criminal Damage to Property and ordered to pay restitution to the claimant and others. The claimant alleges that the Probation and Parole Agent in charge of Ms. Luedke later discharged her from supervision without ensuring that a civil judgment was put in place for the unpaid restitution. The claimant states that he has exhausted all other known sources of remedy but that he has been unable to collect restitution. The claimant states that he has collected only \$12.87 in restitution from Ms. Luedke.

DOC recommends denial of this claim. DOC states that in July 1997 Ms. Luedke’s Probation and Parole Agent requested that the court enter a judgment for restitution in the form of a memorandum to the court requesting that Ms. Luedke be removed from probation and that the court enter a civil judgment for restitution. DOC states that the court completed and signed the petition but that the court failed to mark any boxes indicating the court’s findings and order. DOC states that they did not submit an amended order, as requested by the court, because at that time Ms. Luedke had already been released from probation for 18 months and DOC was no longer in the position of requiring her to make payments.

The Board concludes the claim should be paid in the reduced amount of \$2,500.00 based on equitable principles. The Board further concludes, under authority of s. 16.007 (6m), Stats., payment should be made from the Department of Corrections appropriation s. 20.410 (1)(a), Stats.

**4. James D. Minniecheske** of Tigerton Dells, Wisconsin claims \$1,543.61 plus interest for return of restitution money taken by DOC. The claimant was ordered to pay restitution after being convicted of a crime. He challenged the restitution order and the Circuit Court amended the judgment of conviction to remove the restitution order but did not order reimbursement of the money that had been collected from the claimant during and after his incarceration. The Circuit Court decision was upheld by the Court of Appeals and Wisconsin Supreme Court. The claimant notes that the Appeals Court stated, “we agree with Minniecheske that there must be a remedy that can enable him to successfully recover

the money the State improperly seized...he could file a claim with the state claims board, which is specifically authorized to remedy claims such as those Minniecheske asserts.” The claimant states that the delay in bring this claim before the Claims Board was caused only by the claimant waiting until all appeals had been exhausted in court. The claimant states that he filed the claim several months after learning of the Supreme Court’s action. He does not believe that two months is an unreasonable delay in bringing a claim. The claimant requests return of the \$1,543.61 in restitution that was improperly taken from him and also requests payment of 12% interest dating from July 1, 1996.

DOC recommends denial of this claim. DOC points to the fact that the Appeals Court did not order the State or Claims Board to pay the claimant, but only suggested the Claims Board as a potential avenue for recovery. DOC believes that there has been an unreasonable delay in bringing this claim before the board, as the Court of Appeals issued its decision over three years ago. DOC states that the Supreme Court denied review of the case in 1999, not several months ago, as alleged by the claimant. DOC also believes that granting this claim would constitute unjust enrichment because the money collected from the claimant was paid to the Fred Cox, the party to whom the claimant was ordered to pay the restitution. DOC simply acted as a conduit for the restitution between the claimant and the victim of his crime; the money was not paid to DOC. DOC states that the claimant paid only \$2,312.21 of the \$27,719 that he was ordered to pay Mr. Cox. DOC believes that since the money was never had by the state, DOC is not a debtor in this situation, and the state therefore does not consent to suit pursuant to s. 775.01, Stats. DOC believes that the doctrine of Sovereign Immunity bars payment of this claim. DOC also states that, in addition to the outstanding restitution still owed to Mr. Cox, the claimant also owes approximately \$1,900 in restitution to the Village of Tigerton and that any payment made by the board should be applied to the claimant’s outstanding restitution balances. Finally, DOC states that the claimant has provided no support for his request for payment of 12% interest.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**5. Michael and Helen Grimmenga** of Watertown, Wisconsin claim \$14,387.23 for return of monies garnished from their wages to satisfy a delinquent tax assessment. The claimants state that Helen Grimmenga’s employer, Community Action Coalition, incorrectly overstated her earnings for the 1991 tax year. The claimants further state that Helen, who handled the taxes, struggled with illness for several years and eventually became completely disabled in 2000. They claim that their original tax records were damaged by flooding in their basement, so they needed to re-do all of their taxes and request additional copies of their W-2 forms, which took a considerable amount of time. They allege that they have attempted to settle the dispute with DOR but that DOR lost their returns and information several times. They request return of the money overpaid and barred from refund by the two-year statute of limitations.

DOR recommends denial of this claim. DOR states that this claim involves not only an audit of the claimants’ 1991 return, based on the above-mentioned employer error, but also questions regarding Schedule C expenses for 1992 returns, and failure to file 1993 and 1994 returns. DOR states that the claimants did not reply either to the letters sent in June 1995 and October 1995, or to the estimated assessment sent in February 1996. DOR records indicate that certification of the claimants’

wages began in April 1997, after the claimants failed to respond or to appear at an informal hearing. DOR states that the claimants filed for amnesty in August 1998 and at that time filed their 1993 and 1994 tax returns and cleared up the 1991 error. DOR states that the 1992 portion of the assessment remained outstanding and that certification therefore was continued until October 1998, when the delinquent account was adjusted. DOR states that after adjustment of the account the claimants received refunds of \$1,779.63 (Michael) and \$1,269.06 (Helen) and that they also received a refund of \$1,018.77 under the 1998 amnesty program (representing the money collected during the amnesty application period). DOR states that the total amount collected from both claimants and closed to refund is \$14,387.23. Finally, DOR points to the fact that the claimants agreed to relinquish any right to further petition for review of the liability when they applied for amnesty in 1998. DOR states that the limitations under the amnesty program supercede the two-year statute of limitations.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. (*Member Albers dissenting.*)

**6. Carl Renikow** of Wausaukee, Wisconsin claims \$6,295.00 for refund of overpayment of taxes. The claimant admits that he did not file his 1996 taxes on time. He states that his son was born 6 weeks early, spent one month in ICU, and that that the resulting medical care left the claimant with large medical bills not covered by his insurance. He alleges that he thought it would not be a problem filing the returns late, since he knew that he would not owe any taxes, but instead would be getting a tax refund. He is not requesting payment of any refunds, only of the amount overpaid through garnishment of his wages. He states that he never realized that he would have to fight to get the overpayment back and believes that he should be reimbursed for the overpayment, since he never owed any taxes for 1996.

DOR recommends denial of this claim. DOR issued an estimated assessment for the claimant's 1996 taxes in December 1998. DOR records indicate that the claimant filed the return in January 2001. DOR records also show that between February 1999 and the time the return was filed, the department had numerous contacts with the claimant, levied his bank account, intercepted refunds and certified his wages and that all of DOR's notices were sent to the claimant's correct address. DOR states that the two-year statutory deadline for requesting a refund was December 7, 2000, and that the claimant did not file the returns until January 25, 2001. DOR states that s. 71.75(5), Stats., prohibits them from refunding the amount collected on the original assessment, since no refund was claimed within the two-year period prescribed by the statute.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**7. Waukesha School District** of Waukesha, Wisconsin claims \$803,149.00 for adjustment in school aid for the years 1995 through 1998. In November 2000, Ameritech prevailed in a claim against the City of Pewaukee for the return of taxes paid in 1995-1998. The claimant's portion of that liability was \$1,050,605. The claimant had to pay back this amount to the City of Pewaukee and, to cover the expense, had to levy an additional tax against the district's taxpayers. The claimant has determined that its equalized valuation would have been changed for the years affected by this litigation. The claimant points to the fact that there is a statutory procedure for

retrieving lost school aids, however, the statute applies only to manufacturing property. The claimant believes that the language of the statute is too limiting and that, in fairness, the claimant's should be afforded the same remedy. The claimant's calculations show that it would have been eligible for an additional \$803,149 in state aid from the DOR and requests reimbursement in that amount.

DPI recommends payment of this claim. DPI believes that the district is without blame in this situation and should be held harmless and reimbursed by the state. DPI's calculations differ slightly from those of the claimant and show that the claimant would have received \$803,105.00. However, DPI requests that any payment not be made from the school aid fund, because such payment would reduce the aid available to other school districts.

DOR recommends denial of this claim. DOR states that it has no statutory authority to pay the requested school aid adjustment. DOR also states that DPI does not have the statutory authority to make an adjustment in the district's school aid in this situation without statutory changes by the legislature. DOR states that it is common practice that property should be construed as taxable under the statutes, therefore, the DOR assessor was following proper guidelines when assessing Ameritech's property, despite the fact that the assessor's determination was later overturned by the court. DOR believes that it has performed its duties under the statute and that, because of the statutory impediments, this claim should be denied.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. (*Members Albers, Rothschild, Taylor, and Lee dissenting.*)

**8. Queen Wigham** of Milwaukee, Wisconsin claims \$2,068.00 for medical bills related to an accident allegedly caused by conditions at a road construction project in the City of Milwaukee. The claimant alleges that a road construction project in her neighborhood was poorly managed, placed residents at the neighborhood at risk and caused them great stress and mental anguish. She alleges that because of the project, sidewalks and driveways were removed, leaving the claimant and her son trapped in their home. She alleges that residents on the street were placed in danger because emergency vehicles would not have been able to come down the street because the road was torn up on both sides. She states that on October 11, 2000, she slipped and fell because of the muddy conditions and lack of sidewalks. The claimant believes that this project was shoddily handled because of the neighborhood and does not believe that road projects in other neighborhoods would have been conducted in this fashion. She requests reimbursement for the medical bills she incurred because of her fall.

DOT recommends that this claim be denied. DOT states that this was a federally funded, City of Milwaukee project and that the role of the state was to ensure that the correct federal/state process was followed. DOT states that the City of Milwaukee designed the construction specifications and oversaw the work of their contractor and that the state was not involved until after the construction was complete. DOT states that the city sent out proper notices to the residents of the street, held appropriate public hearings, and addressed safety issues. Records indicate that the city responded to safety concerns by including special provisions related to removal of sidewalks and driveways in the project contract. DOT records indicate that in December 2000 the claimant wrote to the DOT District 2 Highway office demanding \$250,000 for the pain and suffering of herself, her son and her neighbors. At the same



time, she was participating in a suit against the City of Milwaukee in the amount of \$125,000 (that claim was denied by the City). Subsequently, the claimant pursued a claim against the project contractor, Milwaukee General. Milwaukee General settled that claim and paid \$2,000 to the claimant for her medical bills from October 2000 through January 2001. DOT points to the fact that the bills the claimant has submitted appear to be the same bills for which she has already been compensated by Milwaukee General. DOT does not believe there is any negligence on the part of the state and, since the claimant has already been reimbursed for her medical bills, no equitable reason to pay this claim.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**9. Andry Rasmussen & Sons, Inc.**, of Drummond, Wisconsin claims \$4,703.00 for grant funds awarded for replacement of a septic system under s. 145.245, Stats. The claimant is a plumbing and heating business located in Cable, WI. The claimant states that in June 1996, Gary Marousek (dba Gary's Fireside) applied for grant funds for replacement of his septic system. The claimant states that it installed the new system for Mr. Marousek in July 1996 at a cost of \$15,521.30. The claimant alleges that Mr. Marousek received a grant check from the state in September 1997, in the amount of \$4,703.00 but that Mr. Marousek never paid this amount, or any other amount due for the system, to the claimant. The claimant states that the Department of Commerce collected the grant award from Mr. Marousek by way of a small claims judgment against him because he failed to use the funds for the purpose for which they were provided. However, the claimant states that rather than using the reclaimed grant money to reimburse the claimant for a portion of its costs installing Mr. Marousek's system, the state retained the funds. The claimant believes that it is wrong for the Department to reclaim those funds for the state rather than using the funds for partial payment of the claimant's costs incurred in installing the new septic system.

Commerce has no objection to the payment of this claim. The Department understands the equitable arguments made by the claimant and the claimant's belief in the general purpose of the grant funds. However, Commerce believes that it is prohibited from making payments to persons not specifically identified as eligible for payment of funds under s. 145.245, Stats. This statute appears to apply to "owners" of property and does not appear to apply to service providers, such as the claimant.

The Board concludes the claim should be paid in the amount of \$4,703.00 based on equitable principles. The Board further concludes, under authority of s. 16.007 (6m), Stats., payment should be made from the Department of Commerce appropriation s. 20.143 (3)(de), Stats.

**10. Karyn Behrens** of Presque Isle, Wisconsin claims \$4,532.00 for Homestead Tax Credits for the years 1996 through 1998. The claimant states that she filed her taxes late for those years because she was suffering from severe depression and post-traumatic stress disorder related to recovered memories of child abuse. The claimant alleges that she was barely able to deal with day to day tasks such as laundry, dishes, and household paperwork, much less handle her taxes, because of debilitating mental health issues. When the claimant did file her taxes, she received a letter from DOR denying the Homestead Tax Credits unless she submitted additional information. The claimant admits that she missed the deadlines set by DOR for getting the information to them both because of her severe illness and also because her former

landlord had moved and it took her some time to track him down again. Because she missed the deadlines, DOR denied her Homestead Credits. The claimant states that she later spoke with an accountant, who recommended re-filing the taxes. He stated that the three-year statute of limitations had not expired for those tax years and thought that she might be able to then get her Homestead Credits back. The claimant states that she re-filed the 1996-1998 taxes but that DOR then requested the same information that they she had previously submitted for her Homestead claims. The claimant alleges that she sent the information to DOR three times (once by Certified Mail with confirmation of receipt) and that they still denied receiving the information and denied her Homestead Credits. The claimant believes that there are extenuating circumstances because of her severe mental illness, difficulty in finding her landlord, and DOR's errors. She requests payment of her Homestead Credits for 1996-1998, plus interest.

DOR recommends denial of this claim. The claimant did file a written appeal to DOR's July 2001 notice denying her 1996 Homestead Credit pending submission of additional information. However, DOR states that the claimant did not submit the additional information prior to the deadline. DOR records indicated that they denied her 1996 credit in November 2001. DOR states that the denial notice notified the claimant that she had 60 days to file an appeal, but that she did not do so. DOR records also indicated that the claimant did not appeal either the initial denial notice or the final denial notice for her 1997 and 1998 Homestead Credits. DOR points to the fact that s. 71.88 (1)(a) and (b), Stats., provides avenues for taxpayer appeals and states that denials that are not appealed by the taxpayer become "final and conclusive." Regarding the claimant's request for interest, DOR points to s. 71.55 (4), Stats., which states that no interest is allowed on any Homestead Credit payment.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. (*Member Albers dissenting.*)

**11. Brenda Brown** of Milwaukee, Wisconsin claims \$3,738.26 for return of Homestead tax credits intercepted by DOR to satisfy a delinquent tax assessment. The claimant states that she did not work in 1992 and therefore was not required to file an income tax return for that year and did not owe any taxes. She alleges that she never received the letter that DOR claims to have sent in October 1993. Finally, the claimant states that she suffers from mental illness and has very poor eyesight. She requests return of the money taken by DOR.

DOR recommends denial of this claim. DOR records indicate that the agency received an incomplete 1992 income tax return from the claimant on October 20, 1993. DOR claims that it sent the income tax form back to the claimant, along with a letter requesting additional information. DOR states that the form sent back to the claimant contained a 10/20/93 DOR date stamp. In addition, DOR states that between October 1993 and April 2001, there was much activity regarding the claimant's account and that all notices and correspondence were sent to the claimant's current address. DOR records indicate that various bankruptcy proceedings involving the claimant halted DOR's collection efforts periodically, but that DOR did intercept the claimant's 1997 through 2000 Homestead Tax Credits and applied them towards her delinquent account. DOR points to the fact that when the claimant finally submitted her completed 1992 return in April 2001, she did so using an exact copy of the original form returned to her in 1993, showing the DOR date stamp. DOR believes this confirms that, contrary to the



claimant's assertions, she did indeed receive the October 1993 letter.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**12. Donald J. Titoni** of Lake Geneva, Wisconsin claims \$236.30 for return of tax refunds withheld to satisfy an outstanding assessment. The claimant alleges that he made no earnings in 1994 and 1995 and therefore was not required to pay taxes. He states that DOR later came after him for not filing taxes for those years and intercepted his 2000 federal and state tax refunds. He requests return of those refunds.

DOR recommends denial of this claim. DOR states that it issued an estimate assessment in September 1997 based upon the claimant's failure to file 1994 and 1995 tax returns. DOR records indicate that the estimated assessment was sent to the claimant's current address and was not returned as undeliverable. DOR alleges that the claimant did not respond either to the assessment notice or to the subsequent hearing notice sent in June 1998. DOR states that the hearing notice was returned by the post office as undeliverable and that DOR was unable to locate another address for the claimant. DOR turned the account over to OSI Collections services in February 2000. OSI records indicate that the claimant contacted them in April 2000 but did not resolve the account. DOR claims that the claimant contacted them in May 2000 and was told what he needed to do to resolve his account. DOR states that the missing returns had not yet been filed by February 2001, so DOR applied the claimant's 2000 state refund to the delinquent account. In March 2001, the DOR notified the claimant that they would also be seizing his 2000 federal refund. DOR records indicate that the claimant contacted DOR on March 13, 2000 and was again told that he needed to file 1994 and 1995 returns. DOR states that it did not hear from the claimant again until January 2002, when he contacted them to discuss his account again. DOR records indicate that the claimant finally provided the information needed to resolve his account at this time. DOR states that the claimant did not appeal the assessment within 60 days, as required by section 71.88, Stats., and that he did not file a claim for refund of any overpayments within 2 years of the assessment, as required by section 71.75(5), Stats.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**13. Jin-Yi Cai** of Madison, Wisconsin claims \$600.00 for replacement of a wooden desk allegedly damaged by movers. The claimant is employed by the University of Wisconsin. He claims that when university hired movers moved his office to another floor, the broke his 72" wooden desk beyond repair. The desk belonged to the claimant personally and he states that it was in excellent condition prior to the move. He was present at the incident and believes that the movers pulled too hard on the legs and did not empty all of the contents, which caused the desk to collapse. He requests \$600 for the cost of replacing his broken desk with one of similar size and style.

The UW recommends payment of this claim in the reduced amount of \$100, based on equitable principles. The UW states that the desk was being moved in connection with the relocation of the claimant's office and that the desk was the personal property of the claimant. The UW states that the UW instructed staff to empty all desks, cabinets and other furniture items prior to the move and that the claimant apparently failed

to do so. The UW states that the movers have indicated that the desk was in poor condition before they tried to move it. The UW believes that, based on the condition of the desk and its depreciated value, payment of no more than \$100 should be made to the claimant for the damage sustained.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**14. Gregory G. Dieckman** of Sparta, Wisconsin claims \$500.00 for vehicle damage caused by a hailstorm. Claimant is employed at Camp Douglas. His car was parked on the base during work hours when a hailstorm struck the area, which included golf ball sized hail that damaged his vehicle. Claimant requests reimbursement for his insurance deductible in the amount of \$500.

DMA recommends denial of this claim. DMA feels that there is no state responsibility for damage caused by an act of nature over which it has no control. DMA is concerned about the precedent that would be set by payment of claims for damages caused by acts of nature. DMA also states that they have no available state funds with which to pay the claims related to this storm, neither can it use any federal funds to cover the damages. DMA realizes that it is the usual policy of the Claims Board to charge the agency for payment of claims and states that it is in no position to absorb any non-budgeted expenses at this time.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**15. Amy J. Georgeson** of Camp Douglas, Wisconsin claims \$500.00 for vehicle damage caused by a hailstorm. Claimant is employed at Camp Douglas. Her car was parked on the base during work hours when a hailstorm struck the area, which included golf ball sized hail that damaged her vehicle. Claimant requests reimbursement for her insurance deductible in the amount of \$500.

DMA recommends denial of this claim. DMA feels that there is no state responsibility for damage caused by an act of nature over which it has no control. DMA is concerned about the precedent that would be set by payment of claims for damages caused by acts of nature. DMA also states that they have no available state funds with which to pay the claims related to this storm, neither can it use any federal funds to cover the damages. DMA realizes that it is the usual policy of the Claims Board to charge the agency for payment of claims and states that it is in no position to absorb any non-budgeted expenses at this time.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**16. Daniel Gonnering** of New Lisbon, Wisconsin claims \$500.00 for vehicle damaged caused by a hailstorm. Claimant is employed at Camp Douglas. His car was parked on the base during work hours when a hailstorm struck the area, which included golf ball sized hail that damaged his vehicle. Claimant requests reimbursement for his insurance deductible in the amount of \$500.

DMA recommends denial of this claim. DMA feels that there is no state responsibility for damage caused by an act of nature over which it has no control. DMA is concerned about the precedent that would be set by payment of claims for damages caused by acts of nature. DMA also states that they

have no available state funds with which to pay the claims related to this storm, neither can it use any federal funds to cover the damages. DMA realizes that it is the usual policy of the Claims Board to charge the agency for payment of claims and states that it is in no position to absorb any non-budgeted expenses at this time.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**17-18. James Sampson** of Camp Douglas, Wisconsin claims \$100.00 each for two vehicles damaged by a hailstorm. Claimant is employed at Camp Douglas. Both his and his wife's cars were parked on the base during work hours when a hailstorm struck the area, which included golf ball sized hail that damaged his vehicles. Claimant requests reimbursement for his insurance deductibles in the amount of \$100 per vehicle.

DMA recommends denial of this claim. DMA feels that there is no state responsibility for damage caused by an act of nature over which it has no control. DMA is concerned about the precedent that would be set by payment of claims for damages caused by acts of nature. DMA also states that they have no available state funds with which to pay the claims related to this storm, neither can it use any federal funds to cover the damages. DMA realizes that it is the usual policy of the Claims Board to charge the agency for payment of claims and states that it is in no position to absorb any non-budgeted expenses at this time.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**19. Mary Snider** of Tomah, Wisconsin claims \$50.00 for vehicle damage caused by a hailstorm. Claimant is employed at Camp Douglas. Her car was parked on the base during work hours when a hailstorm struck the area, which included golf ball sized hail that damaged her vehicle. Claimant requests reimbursement for her insurance deductible in the amount of \$50.

DMA recommends denial of this claim. DMA feels that there is no state responsibility for damage caused by an act of nature over which it has no control. DMA is concerned about the precedent that would be set by payment of claims for damages caused by acts of nature. DMA also states that they have no available state funds with which to pay the claims related to this storm, neither can it use any federal funds to cover the damages. DMA realizes that it is the usual policy of the Claims Board to charge the agency for payment of claims and states that it is in no position to absorb any non-budgeted expenses at this time.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**20. Patrick Walsh** of Elroy, Wisconsin claims \$100.00 for vehicle damage caused by a hailstorm. Claimant is employed at Camp Douglas. His car was parked on the base during work hours when a hailstorm struck the area, which included golf ball sized hail that damaged his vehicle. Claimant requests reimbursement for his insurance deductible in the amount of \$100.

DMA recommends denial of this claim. DMA feels that there is no state responsibility for damage caused by an act of nature over which it has no control. DMA is concerned about

the precedent that would be set by payment of claims for damages caused by acts of nature. DMA also states that they have no available state funds with which to pay the claims related to this storm, neither can it use any federal funds to cover the damages. DMA realizes that it is the usual policy of the Claims Board to charge the agency for payment of claims and states that it is in no position to absorb any non-budgeted expenses at this time.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**21. Luis A. Nieves** of Winnebago, Wisconsin claims \$855.46 for return of money taken for restitution by DOC. The claimant was an inmate at Supermax Correctional Institution in August 2001 when he fashioned a weapon out of the stem of his eyeglasses and injured himself with that weapon. The claimant alleges that he was mentally unstable at the time and that DOC did not provide him with adequate mental health services. The claimant was charged restitution by DOC for the cost of transporting him to UW hospital and his treatment there. The claimant states that this restitution is contrary to Wisconsin Administrative Code 316 (sic). He claims that only a judge can order this type of restitution. He further claims that his injuries could have been treated at the institution and did not warrant transport to UW hospital. He also alleges that no specially trained personnel were used during his transport. The claimant requests return of the \$855.46 that was taken from his account.

DOC recommends denial of this claim. The claimant's injuries were self-inflicted and his own actions caused DOC to incur additional expenses. DOC states that health services personnel at the prison assessed the claimant's injury and determined that he should be transported to the UW Hospital. DOC states that, because of the claimant's previous conduct, he had to be transported wearing an electronic monitoring device that required accompaniment by specially trained staff. DOC claims that it also incurred damages for the cost of the claimant's emergency room care and replacement of his glasses. DOC states that restitution was ordered pursuant to DOC 303.84(1)(k), Wis. Adm. Code because of the claimant's violation of the rules set forth in DOC 303.35, .45 and .58., Wis. Adm. Code. Finally, DOC points to the fact that these expenses were caused by the claimant's own actions and recommends denial of this claim.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**22. Patricia Richards** of Racine, Wisconsin claims \$200.45 for damages to an automobile parked at Kenosha Correctional Center. The claimant states that the rear windshield of her father's vehicle was smashed by a resident of the neighborhood. She states that she borrowed the car to get to work and that on January 24, 2002, when she returned to the vehicle, she discovered that someone had thrown a large piece of concrete through the rear window. She states that surveillance video of the parking lot shows a young man walking into the area, throwing the rock through the window and then running off. The claimant states that the day prior to this incident, several windows at the center were broken by a vandal. She states that she has paid for repairs to her father's vehicle and has no insurance coverage for this damage. She requests reimbursement of the cost of the repairs.

DOC recommends denial of this claim. DOC believes that the damage to the vehicle was a result of random vandalism. DOC states that the vehicle was not in DOC's care,

custody or control and that the claimant does not allege negligence by any DOC agent, officer or employee. Finally, DOC does not believe that there are any equitable grounds to pay this claim. Vandalism is an unfortunate occurrence, which, due to its commonality, requires that individuals protect themselves by obtaining insurance. DOC recommends that the claimant pursue this claim with her insurer.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**23. Jerry V. Smith** of Madison, Wisconsin claims \$131.87 for damage to his vehicle allegedly incurred in the DOR parking lot. The claimant, a DOR employee, states that there was an unmarked and uncapped rebar sticking up from the grass directly behind a parking stall in the DOR lot. Claimant claims that the rebar scratched his vehicle when he backed into the parking space. Claimant states that he applied for a parking permit over a year before the DOR building was completed and that he never received a copy of an application. He states that he was never informed that he should not back into parking stalls and that there are no signs in the parking lot stating the “no backing” policy. Claimant believes that the lack of signs violates Adm 1.04, Wis. Adm. Code, which requires DOA to post signs regulating parking at state office buildings. Claimant states that since this incident, all the rebar in the parking lot has been capped with a rubber orange cover. He further alleges that DOA was negligent in using rebar to mark for snowplows, when most companies use a rubber-coated antennae which would not damage vehicles. Claimant does not have insurance coverage for his damages and requests reimbursement of the cost to repair his vehicle.

DOA, which regulates the parking lot at the DOR building, recommends denial of this claim. DOA alleges that users of state building parking lots are encouraged not to back into stalls. DOA further claims that this information is stated on the back of the Parking Permit Application. DOA states that O’Brien Trucking, Inc., put the rebar alongside the curbs of the stalls in order to assist them when snowplowing.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. (*Member Rothschild not participating.*)

**24. Joseph Steier, Jr. and Margaret Lindstrom** of Oconto, Wisconsin claims \$1,027.85 for damage to truck and batteries allegedly caused by DNR employees. The claimants land was being used by the DNR to store rocks for a project at a nearby stream. The claimants state that on August 8, 2001, claimant Lindstrom witnessed DNR personnel damage their truck by hitting the vehicle with a large boulder. Claimant Lindstrom states that she went out to inspect the damage and found that three batteries stored near the truck had also been run over and damaged. The claimants state that they were told that day by DNR personnel that DNR would cover the damages and that someone would contact them within several weeks. Claimants allege that no DNR employee ever contacted them and that they began calling and leaving messages at the DNR station in Oconto Falls. Claimants state that it took over three months before they finally got a response from DNR. Claimants state that State Risk Management denied payment of their claim in January 2002. They request \$800 for repair of their truck and \$227.85 for replacement of the damaged batteries.

DNR recommends partial payment of this claim. DNR acknowledges that while loading a boulder, a DNR

employee dropped it onto the ground, where it hit the claimants’ truck. However, DNR does not support reimbursement for the damaged batteries. DNR claims that claimant Lindstrom gave a statement to a DNR employee, which indicated that the batteries had been run over by Jim Francis, a private contractor working on the project. DNR states that damage to the batteries was unrelated to the dropped boulder and not the fault of any DNR employees. DNR recommends payment of \$768.78, the low bid for the truck repairs. Finally, DNR points to the fact that they could have recommended subtracting the cost of painting the vehicle’s right front quarter panel, since it was unpainted at the time of the incident. However, DNR will not do so in recognition of the claimants’ cooperation in allowing the state to use their land for this project. DNR recommends that payment of \$768.78 be made from s. 20.370(4)(ma), Stats.

The Board concludes the claim should be paid in the amount of \$1,027.85 based on equitable principles. The Board further concludes, under authority of s. 16.007 (6m), Stats., payment should be made from the Department of Natural Resources appropriation s. 20.370 (4)(ma), Stats.

**25. T & N Transfer, Inc.,** of Cobb, Wisconsin claims \$846.00 for damages allegedly incurred because of an error by DOT personnel. The claimant’s employee, a semi driver, was stopped for a routine inspection in Iowa. The Iowa police officer checked the driver’s license and was informed by the Wisconsin DOT that it was suspended. Based on this information, the officer took the driver “out of service.” The claimant states that it had to incur additional expenses to send two drivers to Iowa, one to finish the delivery and one to bring the out of service driver back to Wisconsin. Because of the delay to finish the job, the claimant also lost another delivery job in the amount of \$450. Shortly after the incident, the claimant received a fax from DOT admitting that the driver’s operating privileges had been suspended in error and apologizing for any inconvenience. The claimant requests reimbursement of the costs incurred because of the DOT error.

DOT recommends payment of this claim in the reduced amount of \$726.00. DOT has found negligence on the part of a DOT employee for failing to reinstate the driver’s operating privileges in 1997. DOT states that it has verified with the claimant that they did not pay the \$120 in lost wages to the suspended driver and therefore recommends that the claim be reduced to \$726.00.

The Board concludes the claim should be paid in the amount of \$846.00 based on equitable principles. The Board further concludes, under authority of s. 16.007 (6m), Stats., payment should be made from the Department of Transportation appropriation s. 20.395 (5)(cq), Stats.

**The Board concludes:**

**1. The claims of the following claimants should be denied:**

- Jennifer McFarland
- James Minniecheske
- Michael and Helen Grimmenga
- Carl Renikow
- Waukesha School District
- Queen Wigham
- Karyn Behrens
- Brenda Brown
- Donald J. Titoni
- Jin-Yi Cai
- Gregory Dieckman
- Amy J. Georgeson
- Daniel Gonnering
- James Sampson (2 claims)
- Mary Snider



Patrick Walsh  
 Luis A. Nieves  
 Patricia Richards  
 Jerry V. Smith

**6. Payment of the following amounts to the following claimants from the following appropriations is justified under s. 16.007, Stats:**

John L. Stebbins	\$4,200.00	20.285(1)(a)
Al Glish	\$2,500.00	20.410 (1)(a)
Andry Rasmussen & Sons, Inc.	\$4,703.00	20.143 (3)(de)
Joseph Steier Jr. & Margaret Lindstrom	\$1,027.85	20.370 (4)(ma)
T & N Transfer, Inc.	\$846.00	20.395 (5)(cq)

**Dated at Madison, Wisconsin this 15 day of May 2002.**

Alan Lee, Chair  
 Representative of the Attorney General  
 John E. Rothschild, Secretary  
 Representative of the Secretary of Administration  
 Chad Taylor  
 Representative of the Governor  
 Kevin Shibilski  
 Senate Finance Committee  
 Sheryl Albers  
 Assembly Finance Committee

\_\_\_\_\_

The following Assembly Bill failed concurrence pursuant to **Senate Joint Resolution 1**.  
**Assembly Bill 939**

**REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES**

The committee on **Environmental Resources** reports and recommends:

**Senate Clearinghouse Rule 01-127**

Relating to revisions of falconry rules.

No action taken.

Jim Baumgart  
 Chairperson

The committee on **Health, Utilities, Veterans and Military Affairs** reports and recommends:

**Senate Clearinghouse Rule 00-180**

Relating to fuel cost adjustments for electric public utilities.

No action taken.

**Senate 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.

No action taken.

**Senate Clearinghouse Rule 01-154**

Relating to requirements for the dispensing of prescription orders for schedule II controlled substances.

No action taken.

**Senate Clearinghouse Rule 01-157**

Relating to health care loan assistance.

No action taken.

Rodney Moen  
 Chairperson



# STATE OF WISCONSIN

# Senate Journal

## May Special Session

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WEDNESDAY, May 22, 2002

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The Chief Clerk makes the following entries under the above date.

### PETITIONS AND COMMUNICATIONS

State of Wisconsin  
Office of the Governor

May 20, 2002

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
<b>Senate Bill 1</b>	<b>Wisconsin Act 108</b>	May 18, 2002

May 2002 Special  
Session

Sincerely,  
SCOTT MCCALLUM  
Governor

State of Wisconsin  
Office of the Secretary of State

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>Senate Bill 1 May 2002 Spe- cial Session</b>	Wisconsin Act 108	May 20, 2002

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

The following Assembly Bill failed concurrence pursuant to **Senate Joint Resolution 1**.

**Assembly Bill 1**, May 2002 Special Session

### SENATE ENROLLED PROPOSALS

The Chief Clerk records:

**Senate Bill 1, May 2002 Special Session**

Report correctly enrolled on May 16, 2002.

### CHIEF CLERK'S REPORT

The Chief Clerk records:

**Senate Bill 1, May 2002 Special Session**

Presented to the Governor on May 16, 2002.



STATE OF WISCONSIN  
**Senate Journal**  
January Special Session

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10:00 A.M.

THURSDAY, May 23, 2002

---

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

---

**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, May 28.

Adjourned.

10:01 A.M.



STATE OF WISCONSIN  
**Senate Journal**  
January Special Session

---

10:00 A.M.

TUESDAY, May 28, 2002

---

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

---

**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Thursday, May 30.

Adjourned.

10:01 A.M.

# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

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WEDNESDAY, May 29, 2002

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The Chief Clerk makes the following entries under the above May 17, 2002.

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin Legislative Audit Bureau

May 22, 2002

The Honorable, The Legislature:

As you know, information contained within our recently released review of the Milwaukee Brewers Stadium Costs has been challenged by the Stadium District Board's chairperson and other board members. Enclosed is a brief summary of the District's allegations, and our response. I hope this information proves useful as you review the content of our report.

Sincerely,

JANICE MUELLER  
State Auditor

#### State of Wisconsin Department of Administration

May 15, 2002

The Honorable, The Legislature:

Chapter 34, Laws of 1979, requires that when the Department of Administration maintains an office in Washington, DC, for the purpose of promoting federal/state cooperation, it should submit a report detailing the activities of the office and reporting the status of federal legislation of concern to the Legislature and other state agencies (Wis. Stats. 16.548(2)).

The report for the period January, 2002, through March, 2002, is attached.

Sincerely,

GEORGE LIGHTBOURN  
Secretary

### ADVICE AND CONSENT OF THE SENATE

#### State of Wisconsin Office of the Governor

May 20, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ABRAHAMSON, BERNIE A., of River Falls, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM

Governor

Read and referred to committee on **Universities, Housing, and Government Operations.**

#### State of Wisconsin Office of the Governor

May 17, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BORON, ROSE E., of Mosinee, as a member of the Board of Nursing, to serve for the interim term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

#### State of Wisconsin Office of the Governor

May 17, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint COLON, HECTOR, of Milwaukee, as a member of the Occupational Therapists Affiliated Credentialing Board, to serve for the interim term ending July 1, 2002, and for the full term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Human Services and Aging.**

#### State of Wisconsin Office of the Governor

May 20, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CRESS, WILLIAM, of Madison, as a member of the Funeral Directors Examining Board, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**



**State of Wisconsin  
Office of the Governor**

May 20, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CROSS, DR. JOANN NOE, of Oshkosh, as a member of the Accounting Examining Board, to serve for the interim term ending May 20, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Universities, Housing, and Government Operations.**

**State of Wisconsin  
Office of the Governor**

May 17, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint FENHAUS, EDWARD F., of Wausau, as a member of the Waste Facility Siting Board, to serve for the term ending May 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Environmental Resources.**

**State of Wisconsin  
Office of the Governor**

May 20, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint FINLEY, LARRY T., of Ixonia, as a member of the Auctioneer Board, to serve for the term ending May 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Labor and Agriculture.**

**State of Wisconsin  
Office of the Governor**

May 17, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint GRABER, RICHARD E., of Shorewood, as a member of the Board of Trustees of the Medical College of Wisconsin, Inc., to serve for the term ending May 1, 2008.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

May 20, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HUEBSCH, DAVID R., of Onalaska, as a member of the Auctioneer Board, to serve for the interim 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 17, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KAUFMANN, MARILYN A., of Manitowoc, as a member of the Board of Nursing, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

May 20, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KLITZKIE, DOUGLAS L., of Madison, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

May 17, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LUETZOW, DR. THOMAS J., of Watertown, as a member of the Medical Examining Board, to serve for the interim term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

May 17, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint NOREIKA, JOHN, of Verona, as a member of the Wisconsin Health and Educational Facilities Authority, to serve for the term ending June 30, 2009.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

May 17, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint PAYNE, ULICE, of Milwaukee, as a member of the Board of Trustees of the Medical College of Wisconsin, Inc., to serve for the term ending May 1, 2008.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

May 20, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SKINNER, ROBERT, of Cumberland, as a member of the Funeral Directors Examining Board, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

May 20, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint THARANIYIL, MATHEW P., of New Berlin, as a member of the Accounting Examining Board, to serve for the interim term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Universities, Housing, and Government Operations.**

**State of Wisconsin  
Office of the Governor**

May 17, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ZORE, EDWARD, of River Hills, as a member of the Board of Trustees of the Medical College of Wisconsin, Inc., to serve for the term ending May 1, 2008.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

May 17, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ZWASKA, MARK A., of Oconomowoc, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**State of Wisconsin  
Revisor of Statutes Bureau**

June 1, 2002

To the Honorable, the Senate:

The following rules have been published:

<b>Clearinghouse Rules</b>	<b>Effective Date(s)</b>
00-157	June 1, 2002
01-016	June 1, 2002
01-119	June 1, 2002
01-120	June 1, 2002
01-123	June 1, 2002
01-131	June 1, 2002
01-132	June 1, 2002
01-138	June 1, 2002
01-146	June 1, 2002
01-147	June 1, 2002
01-148	June 1, 2002
01-150	June 1, 2002
02-005	June 1, 2002
02-007	June 1, 2002

Sincerely,  
GARY L. POULSON  
Deputy Revisor

**Senate Clearinghouse Rule 98-163**

Relating to regulation of water ski platforms and water ski jumps.

Submitted by Department of Natural Resources.

Withdrawn by Agency, May 29, 2002.

**Senate Clearinghouse Rule 00-162**

Relating to public notification requirements for public water systems.

Submitted by Department of Natural Resources.

Report received from Agency, May 29, 2002.

Referred to committee on **Environmental Resources**, May 29, 2002.

**Senate Clearinghouse Rule 01-076**

Relating to plant inspection and pest control.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, May 24, 2002.

Referred to committee on **Labor and Agriculture**, May 29, 2002.

**Senate Clearinghouse Rule 02-014**

Relating to fishing on the inland and outlying waters of Wisconsin.

Submitted by Department of Natural Resources.

Report received from Agency, May 29, 2002.

Referred to committee on **Environmental Resources**, May 29, 2002.

**Senate Clearinghouse Rule 02-016**

Relating to trout fishing on the inland waters of Wisconsin.

Submitted by Department of Natural Resources.

Report received from Agency, May 29, 2002.

Referred to committee on **Environmental Resources**, May 29, 2002.

**Senate Clearinghouse Rule 02-017**

Relating to hunting.

Submitted by Department of Natural Resources.

Report received from Agency, May 29, 2002.

Referred to committee on **Environmental Resources**, May 29, 2002.

**Senate Clearinghouse Rule 02-018**

Relating to hunting, trapping and captive wildlife.

Submitted by Department of Natural Resources.

Report received from Agency, May 29, 2002.

Referred to committee on **Environmental Resources**, May 29, 2002.

**Senate Clearinghouse Rule 02-023**

Relating to the Milwaukee parental choice program.

Submitted by Department of Public Instruction.

Report received from Agency, May 29, 2002.

Referred to committee on **Education**, May 29, 2002.

**Senate Clearinghouse Rule 02-039**

Relating to child support cooperation for Wisconsin works.

Submitted by Department of Workforce Development .

Report received from Agency, May 22, 2002.

Referred to committee on **Human Services and Aging**, May 29, 2002.

**Senate Clearinghouse Rule 02-040**

Relating to child support cooperation for food stamps.

Submitted by Department of Workforce Development .

Report received from Agency, May 22, 2002.

Referred to committee on **Human Services and Aging**, May 29, 2002.

**Senate Clearinghouse Rule 02-041**

Relating to bank sales of certificates of deposit of third-party banks.

Submitted by Department of Financial Institutions.

Report received from Agency, May 22, 2002.

Referred to committee on **Privacy, Electronic Commerce and Financial Institutions**, May 29, 2002.

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The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 01-143**

Relating to returns of persons other than corporations that relate to income, and sales and use tax returns.

No action taken.

Mark Meyer  
Chairperson



# STATE OF WISCONSIN

# Senate Journal

## January Special Session

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3:00 P.M.

THURSDAY, May 30, 2002

---

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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### **ANNOUNCEMENTS, ADJOURNMENT HONORS, AND REMARKS UNDER SPECIAL PRIVILEGE**

Senator Risser, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the attendants from Keizai Doyukai Mission on U.S. Policymaking Process; Yuzaburo Mogi, Vice Chairman, Keizai Doyukai President and CEO, Kikkoman Corporation; Isao Yagi, Senior executive Vice President, All Nippon Airways Co., Ltd.; Tosiya Hamaguchi, Senior Executive Vice president, Higeta Shyoyu Co., Ltd.; Staff Members Satoshi Ichihara, General Manager,

Corporate Planning Department, Mitsui Sumitomo Insurance Co., Ltd.; Yoshiaki Kakesu, Executive Office General Manager, Shiseido Co., Ltd.; Masao Shibuya, Legal and Regulatory Affairs, All Nippon Airways Co., Ltd.; Futoshi Nakahara, Manager Industrial Policy Corporate Planning Office, Japan Airlines Co., Ltd.; Sadahiko Okano, General Manager for Planning and Co-ordination, Keizai Doyukai; Nobuaki Negishi, Manager for National and Global Governance Research, Keizai Doyukai; Milton Neshek, Kikkoman, USA; Bill Wythe, Kikkoman, USA; Interpreters Terumi Gale, Simul International, Inc.; Junko Kono, Simul International, Inc.;

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### **ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, June 4.

Adjourned.

3:01 P.M.





STATE OF WISCONSIN  
**Senate Journal**  
January Special Session

---

10:05 A.M.

TUESDAY, June 4, 2002

---

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Thursday, June 6.

Adjourned.

10:06 A.M.

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, June 5, 2002

---

The Chief Clerk makes the following entries under the above date.

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Ethics Board**

June 4, 2002

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/>

Fisk, Susan	<b>Out of State Landowners Association</b>
Petersen, Eric J	<b>Covenant Healthcare System Inc</b>
Potts, Michael	<b>Wisconsin Initiative Seeking Energy Reform LLC</b>
Swiderski, Julie	<b>Covenant Healthcare System Inc</b>

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  
Legislative Audit Bureau**

May 31, 2002

The Honorable, The Legislature:

As required by s. 13.94(1)(em), Wis. Stats., we have completed our annual financial audit and biennial program evaluation 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) 1999-2000 and FY 2000-01 financial statements.

We also reviewed an incentive-based compensation program for retailers that the Wisconsin Lottery modeled after other states and implemented in January 2000. In addition to the basic commission rates, the Retailer Performance program provides up to an additional 1.0 percent of total sales as compensation to eligible retailers. The program, which provided \$3.9 million in retailer compensation in FY 2000-01, has three components: a sales incentive, winning ticket incentive, and short-term incentives for particular games or sets of games.

There is little evidence that the Retailer Performance program is effective in increasing either lottery sales or the number of

retailers selling lottery tickets. Based on other states' experience, the program was projected to increase lottery sales by \$24.9 million in the 1999-2001 biennium; instead, sales decreased by \$27.2 million. The number of retailers selling Wisconsin Lottery tickets has not increased since the program's implementation. However, because several factors influence ticket sales, it is difficult to determine whether the program mitigated larger declines in sales that would have otherwise occurred.

The Retailer Performance program has increased retailer compensation costs. Before the program was implemented, retailers earned approximately 5.9 percent of Wisconsin Lottery sales. In FY 2000-01, retailers earned 7.1 percent of sales, the highest rate among seven midwestern states. As costs for retailer compensation increase, the amount of lottery proceeds available for property tax relief decreases.

The Wisconsin Lottery plans to modify the Retailer Performance program in 2003 and will likely focus more on short-term incentives, which lottery staff believe have the greatest potential to affect sales. To increase the program's effectiveness and reduce its costs, we provide recommendations such as eliminating or reducing incentive payments when retailers' overall lottery sales decline.

We appreciate the courtesy and cooperation extended to us by the Department of Revenue. The Department's response is the appendix.

Sincerely,

JANICE MUELLER  
State Auditor

**Milwaukee Public Schools**

May 29, 2002

The Honorable, The Senate:

According to Wisconsin School Law 121.87 in accordance with 13.172, the Board is required by law to submit the enclosed reports. School Law 121.87 states "... annually by May 1 the board of school directors of the school district operating under ch. 119 shall submit a report to the legislature under s. 13.172(2) that specifies the number, percentage, race, sex, grade and attendance area of pupils transferred outside their attendance area without written consent under s. 121.85(6)(am)."

Enclosed you will find four (4) reports that meet the requirements stated above. The total number of intradistrict students bused under the Chapter 220 designation for the school year 2001-02 equals 18,460, of that number, 3,237 or 16.2% either did not return a consent form (3,072) or checked box indicating no consent (165).

The four reports contain the following information:

**Report 1** – Lists ethnic code breakdown by Grade Level for the 3,237 students. Code 1 = American Indian, Code 2 = African American, Code 3 = Asian, Code 4 = Hispanic, Code 5 = White, Code 6 = Other.

Report 2 – Lists the ethnic code breakdown by School Attendance Area. (Attached is a copy of our school site numbers and the elementary school they represent.)

Report 3 – Lists a male or female breakdown by Grade Level.

Report 4 – Lists a male or female breakdown by Attendance Area.

Sincerely,

MICHAEL TURZA, Director  
Department of Business Services

**State of Wisconsin  
University of Wisconsin System**

May 28, 2002

The Honorable, The Legislature:

At its meeting April 5, 2002 the Board of regents accepted the attached report for submission to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172(3).

Section 36.11(22)(b), Wis. Stats., requires the Board of Regents to submit a report to the chief clerk of each house of the Legislature annually on the methods each UW System institution used to disseminate information to students on sexual assault and sexual harassment.

The law requires UW System institutions to incorporate into their orientation programs for newly entering students oral and written information on sexual assault and sexual harassment, including information on: (1) sexual assault by acquaintances of the victims; (2) the legal definitions and penalties for sexual assault; (3) generally available national, state, and campus statistics on sexual assault; (4) the rights of victims; and (5) protective behaviors including methods of recognizing and avoiding sexual assault and sexual harassment. In addition, each institution must annually supply to all students enrolled in the institution printed material that includes information on all of these topics.

This law was enacted in April 1990 and this is the twelfth report to be compiled for the legislature since its enactment.

If you need additional information regarding this report, please contact Louise Root-Robbins at 608-262-6831.

Sincerely,

KATHARINE C. LYALL  
President

Referred to committee on **Universities, Housing and Government Operations.**

**State of Wisconsin  
Department of Administration**

May 20, 2002

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 2002.

On April 1, 2002 the **General Fund** balance was –\$231.1 million. This shortfall continued until April 19, 2002 when the balance reached a positive \$78.0 million. During this period, the **General Fund** balance reached a low of –\$359.8 million on April 10, 2002. The shortfall was due to the difference in the timing of revenues and expenditures, in combination with the overall budget shortfall.

On April 1, 2002 the **Wisconsin Health Education Loan Repayment Fund** balance was –\$3 thousand. This shortfall continued until April 12, 2002 when the balance reached a positive \$5 thousand. The shortfall was due to the difference in the timing of revenues and expenditures.

The General Fund and the Wisconsin Health Education Loan Repayment 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.**

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

The committee on **Environmental Resources** reports and recommends:

**Senate Clearinghouse Rule 01–129**

Relating to the use of deed restrictions and deed notices for the closure of environmental remediation cases, and the implementation of a geographic information system registry of closed remediation sites for properties with residual soil contamination that exceeds, at the time of case closure, generic or site-specific residual contaminant levels as determined under ch.NR 720.

No action taken.

**Senate Clearinghouse Rule 01–145**

Relating to commercial fishing in Lake Michigan.

No action taken.

Jim Baumgart  
Chairperson

The committee on **Human Services and Aging** reports and recommends:

**Senate Clearinghouse Rule 01–151**

Relating to supervised clinical practice.

No action taken.

**Senate Clearinghouse Rule 01–153**

Relating to pre-certification supervised practice.

No action taken.

**Senate Clearinghouse Rule 02–010**

Relating to grants supporting community child care initiatives.

No action taken.

Judith Robson  
Chairperson

The committee on **Insurance, Tourism, and Transportation** reports and recommends:

**Senate Clearinghouse Rule 01–054**

Relating to the regulation of swim rafts and the definition of “impoundment” and “similar conveyance.”

No action taken.

**Senate Clearinghouse Rule 01–093**

Relating to multiple trip permits for mobile homes and modular building sections.

No action taken.

**Senate Clearinghouse Rule 02–003**

Relating to motor carrier safety regulations.

No action taken.

**Senate Clearinghouse Rule 02–028**

Relating to motor vehicle trade practices.

No action taken.

**Senate Clearinghouse Rule 02–029**

Relating to vehicle odometer disclosure requirements.

No action taken.

Roger Breske  
Chairperson

**MOTIONS UNDER SENATE RULE 98 AND  
JOINT RULE 7**

*for the Month of May 2002*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Decker, for Barkley Anderson, on the occasion of his retirement after 15 years of dedicated service as the Edgar School District Administrator and a total of 35 years in education.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Dr. Richard Anderson, on the occasion of his commitment to the Waukesha County Technical College.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Dr. Richard Anderson, on the occasion of his retirement after faithfully serving the people of Waukesha County and the State of Wisconsin through his long career with WCTC.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grobschmidt, for Donald A. Ashbaugh, on the occasion of being chosen the "Citizen of the Year" by the 440th Airlift Wing Air Force Reserve.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Helen and Ned Bechthold, on the occasion of being chosen as the Boys and Girls Club 2002 recipient of the Most Valuable Persons Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Christopher M. Bertz, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for William Bodner, on the occasion of being awarded the New Leadership award by the State of Israel Bonds.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for Bruce B. Braun, on the occasion of his retirement after dedicating 36 years of service to the State of Wisconsin.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Wirch, for John Burke, on the occasion of marking 25 years as manager of the Hunting Club in Pleasant Prairie..*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Peter Campbell, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Harsdorf, for The Chestnut Street Birthday Club, on the occasion of celebrating their 50th anniversary.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Harsdorf, for The Chestnut Street*

*Birthday Club founders Doris Larson and Bernice Christenson, on the occasion of the founders and members celebrating their 50th anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Decker, for Robert Christianson, on the occasion of his retirement after 18 years of dedicated service as Principal of Edgar Elementary/Middle School and a total of 34 years in education.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Joseph Chudnow, on the occasion of being awarded the esteemed Builders of Israel Award by the State of Israel Bonds.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Risser, for Susan Corrado, on the occasion of being recognized as a 2002 Wisconsin Outstanding Nurse of the Year by the Wisconsin League for Nursing and Blue Cross and Blue Shield United of Wisconsin.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Jerry Ding, on the occasion of his qualification as a National Merit Scholarship Finalist.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Decker, for Ryan W. Drengler, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Harsdorf, for Mr. James Dubrow, on the occasion of devoting 30 years as a psychologist is now retiring after 28 years with the Hudson School District.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Patrick John Egan, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Audrey Ellison, on the occasion of being named volunteer of the year by the Greenfield Chamber of Commerce.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Schultz, for Rita Elver, on the occasion of years of dedicated service as the Executive Director of the the Platteville Area Industrial Development Corporation that has benefited the community of Platteville over the years.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lasee, for George and Mary Englebert, on the occasion of celebrating their 65th anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for John T. Etter VI, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moen, for Wanda Evans, on the occasion of being recognized as a 2002 Wisconsin Outstanding Nurse of the Year by the Wisconsin League of Nursing and Blue Cross & Blue Shield United of Wisconsin.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Bryan Faust, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Bonnie Fera, on the occasion of her completion of employment with the Wisconsin Division of Vocational Rehabilitation.*



*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Stephen G. Fitzgerald, on the occasion of being appointed by the President of the United States to the position of United States Marshal for the Western District of Wisconsin.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Charles Fletcher, on the occasion of being named the Public Employee of the Year by the Greenfield Chamber of Commerce.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Decker, for Enid Fuchs, on the occasion of her retirement after an outstanding 32 years of service in public education.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Carl Fuldner, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for James Funk, on the occasion of his 29 years of excellence in service to the Dodge County Correctional Institution.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Future Milwaukee, on the occasion of celebrating its 25 years of educating the next generation of leaders.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Decker, for Tom Gebert, on the occasion of his retirement after 141/2 years of service to the Medford Area School District.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Michael J. Gebhardt, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Ellis, for Christopher Gibson, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grobschmidt, for Mark Gilligan, on the occasion of being chosen as the 2002 Wisconsin Outstanding Nurse of the Year by the Wisconsin League for Nursing and Blue Cross & Blue Shield United of Wisconsin.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grobschmidt, for Franklyn M. Gimbel, on the occasion of being the recipient of the 2002 Community Service Human Relations Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Wirch, for Constance Gosse, on the occasion of being recognized as a 2002 Wisconsin Outstanding Nurse of the Year by the Wisconsin League of Nursing and Blue Cross & Blue Shield United of Wisconsin.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Decker, for Marion Griesbach, on the occasion of her retirement after an outstanding 29 years of service in public education.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Nicholas Grunenwald, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Billy Halverson, on the occasion of being named student of the year by the Greenfield Chamber of Commerce.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Decker, for June Hamm, on the*

*occasion of her retirement after an outstanding 34 years of service in public education.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Ralph Harkness, on the occasion of his Prevent Blindness Wisconsin Founder Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Reid Harvey, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Ann Heil, on the occasion of has been chosen as the Boys and Girls Club 2002 recipient of the Annabell Cook Whitcomb Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Harsdorf, for Mr. Keith Heinzen, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for John Horstmeyer, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Mike Hyland, owner and manager of Outback Steakhouse, on the occasion of the Outback Steakhouse being named Business of the Year.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Harsdorf, for Ms. Carol Kellogg, on the occasion of her retirement as a dedicated fifth grade teacher at E. P. Rock Elementary School in Hudson, Wisconsin.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Decker, for Frank Kleczewski, on the occasion of her retirement after an outstanding 36 years of service in public education.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Robert Koehler, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Alexander Kostner, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Joseph Francis Krekeler, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for the 26 residents of the Landmark of West Allis, on the occasion of their service to our country and are veterans of World War II and the Korean War.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Kelly Lam, on the occasion of being named Greater Metro 2002 All-Conference Girls Basketball player of the Year.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Seth Lazear, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Harsdorf, for Mr. Jacob Robert Lee, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Jeffery Levenhagen, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for John Linder, on the occasion of his qualification as a National Merit Scholarship Finalist.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Alice and Lester Lindsay, on the occasion of celebrating their 50th anniversary shared with family and friends.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Nick Madson, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Harsdorf, for Mr. Noah Marach, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Decker, for Ardis Meier, on the occasion of her retirement after an outstanding 38 1/2 years of service in public education.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for John and Linda Mellowes, on the occasion of receiving the honor of Parents of the Year by the Children's Outing Association.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Schultz, for Memorial Hospital of Lafayette County, on the occasion of celebrating their 50th anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Matt Meyer, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Mrs. Janice Michlig, on the occasion of her retirement with 42 years of dedicated service in the education field as a teacher and then finishing as principal at St. Mary's School.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Jauch, for Robert Parsonage, on the occasion of being selected the 2002 Ashland Area Chamber of Commerce Person of the Year.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Dr. Rodney Pasch, on the occasion of his 25 years of exemplified leadership and service to the Human Resources, Information Technology and Facilities at Moraine Park Technical College.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Moore, for Kimberly Paukner, on the occasion of earning and attaining the rank of the Girl Scout Gold Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for James Peterson, on the occasion of earning his third place finish in the Knights of Columbus State Math Contest.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Wirch, for the Rambler Automobile, on the occasion of its 100th Anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for William Rehnquist, on the occasion of receiving the Shorewood High Schools Tradition of Excellence Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Kevin Reitman, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Wirch, for Nick Rezny, on the occasion*

*of becoming President of the Distributive Education Clubs of America.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Harsdorf, for The River Falls Wildcats Girls Gymnastics Team, on the occasion of winning the 2002 Wisconsin State Division II Gymnastics Tournament.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Paul Roller, on the occasion of his retirement after 19 years of dedication as the Chairman of Miller Brands.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Schultz, for Melvin Rose, on the occasion of his 28 years of service to the Sauk County Board.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Harry and Rose Samson, on the occasion of receiving the honor of Parents of the Year by the Children's Outing Association.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Shibilski, for Schalow's Nursery, on the occasion of being selected as the Marshfield Area Chamber of Commerce and Industry's 2002 Small Business of the Year.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Gail Schmidt, on the occasion of being named a Kohl Fellowship Scholar.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Ellis, for Thomas H. Schmidt, on the occasion of his retirement from the Wisconsin Paper Council and Wisconsin's paper industry after 26 years of dedicated leadership and service.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Decker, for Pat Schoenberger, on the occasion of her retirement after 14 years of service to the Medford Area School District and a total of 16 years of service in education.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Decker, for Paul Schoenberger, on the occasion of his retirement after 14 years of service as Medford Area District Administrator, with a total of 36 years of service to public education.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Christopher Schroeder, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Tyler M. Schultz, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Patricia Schuyler, on the occasion of being the recipient 2002 President's Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Jacob Shovers, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Trent James Simon, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Erpenbach, for Dr. Beverly S. Simone, on the occasion of being chosen for the 2002 Carolyn Desjardins President of the Year Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Phil Sobocinski, on the occasion of being inducted into the Wisconsin Football Coaches Association Hall of Fame.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Janice Sodos, on the occasion of her retirement after 11 years of dedicated service to the Fox Point–Bayside School District.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Harsdorf, for Mr. James Allen Sowatzke, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Harsdorf, for Mr. Richard Stebbins, on the occasion of his retirement after years of dedicated service as a principal and teacher, ending his career as principal of 9 years at E. P. Rock Elementary School.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Schultz, for Jerry Stich, on the occasion of his retirement after 32 years of dedication as Music Professor at UW Baraboo/Sauk County.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Richard J. Theado, on the occasion of his retirement with a exceptional career of service to the Milwaukee community.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Schultz, for Aural Umhoefer, on the occasion of her retirement from the UW Center System after over 30 years of dedicated service as Campus Executive Officer, as well as the Dean.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Kanavas, for Frank Urban, on the occasion of his 12 years of honorably serving as State Representative in the Wisconsin State Assembly.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Kelly Vrchota, on the occasion of being named Teacher of the Year by the Greenfield Chamber of Commerce.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Decker, for Clemens S. Wadzinski, on the occasion of receiving his diploma from the Marathon High School.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Jacob Wales, on the occasion of his first place finish in the essay portion of the Forest Appreciation Week writing contest.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Jauch, for Don Welch and WHSM Radio, on the occasion of their commitment to Fishing Has No Boundaries.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Rosenzweig, for City of West Allis, on the occasion of celebrating their 100th Anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Michael Wicinski, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Jill Wiedmann, on the occasion of her retirement after 27 dedicated years of service to the Fox Point–Bayside School District.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Plache, for the Wisconsin Professional Police Association, on the occasion of holding the 70th Annual convention in Racine, Wisconsin.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Decker, for Neil Witte, on the occasion of his retirement after 14 years with the Stetsonville Elementary School with a total of 35 years in public education.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Joey Yerkman, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for John Zieja, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Cathy Zimmerman, on the occasion of her 23 years of extraordinary service to the Fox Valley Technical College.*



STATE OF WISCONSIN  
**Senate Journal**  
January Special Session

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11:35 A.M.

THURSDAY, June 6, 2002

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The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, June 11.

Adjourned.

11:36 A.M.





STATE OF WISCONSIN  
**Senate Journal**  
January Special Session

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10:22 A.M.

TUESDAY, June 11, 2002

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The Senate met.

The Senate was called to order by Senator Roger Breske.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Breske, with unanimous consent, asked that the Senate adjourn until Thursday, June 13.

Adjourned.

10:23 A.M.

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, June 12, 2002

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The Chief Clerk makes the following entries under the above date.

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

June 6, 2002

The Honorable, The Senate:

I will be unable to attend the Joint Finance meeting on Tuesday, June 11, 2002 at 10:00 a.m. Therefore, I am submitting my resignation from the Committee.

I will be available to resume my position immediately for the next committee meeting. If you have any questions, please feel free to contact me.

Sincerely,

ALBERTA DARLING  
State Senator

**State of Wisconsin**

June 11, 2002

The Honorable, The Senate:

Pursuant to Senate Rule 20 (2)(a) and (b), I have appointed Senator Sheila Harsdorf to the Joint Committee on Finance, and removed Senator Darling.

With regard to members of the minority party, appointments are made based on nominations made by that caucus.

Sincerely,

CHUCK CHVALA  
Chair, Committee on Senate Organization

**State of Wisconsin**

June 11, 2002

The Honorable, The Senate:

Pursuant to Senate Rule 20 (2)(a) and (b), I have appointed Senator Alberta Darling to the Joint Committee on Finance, and removed Senator Harsdorf.

With regard to members of the minority party, appointments are made based on nominations made by that caucus.

Sincerely,

CHUCK CHVALA  
Chair, Committee on Senate Organization

**State of Wisconsin  
Department of Electronic Government**

May 24, 2002

The Honorable, The Senate:

Enclosed is the annual report on the Department of Electronic Government's efforts to improve and increase the efficiency of integrated justice systems as required under s. 13.172(2) Wis. Stats. Electronic copies have also been sent. If additional

copies are needed, please contact Bonnie Locke at 261-6603 or [Bonnie.Locke@deg.state.wi.us](mailto:Bonnie.Locke@deg.state.wi.us).

Sincerely,

ALISON POE, Director  
Bureau of Enterprise Strategies

**State of Wisconsin  
Department of Health and Family Services**

May 31, 2002

The Honorable, The Senate:

Pursuant to Section 50.04(5)(fr), Wis. Stats., effective June 17, 1998, the Department is required to submit an annual report to the Legislature related to Class A violations committed by nursing homes (including facilities for the developmentally disabled) and forfeitures assessed on nursing homes for those violations.

The Department issued 9 Class A violations to nursing homes between May 22, 2001 and May 21, 2002. The attached chart details these Class A violations, including the original forfeiture amount assessed and the status of payment. Class A violations from January 1, 2001 through May 5, 2001 are also included since forfeitures had not been issued at the time of the last report.

There are several violations that have not yet been assessed forfeitures. The department is working diligently to bring current this backlog.

Sincerely,

PHYLLIS J. DUBE  
Secretary

**State of Wisconsin  
Department of Natural Resources**

June 3, 2002

The Honorable, The Legislature:

As required by s. 29.889(11) Wis. Stats., I am submitting the report to the Legislature regarding the Wildlife Damage Abatement and Claims Program for the 2001 program year, for distribution to the appropriate standing committees.

Should you or Legislative members have questions, please contact Steve Miller, Administrator, DNR Land Division, at: (608) 266-5782.

Sincerely,

DARRELL BAZZELL  
Secretary

Referred to committee on **Environmental Resources**.

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 01–152**

Relating to a rules committee.

Submitted by Department of Regulation and Licensing.

Report received from Agency, June 11, 2002.

Referred to committee on **Human Services and Aging**,  
June 12, 2002.

**Senate Clearinghouse Rule 02–025**

Relating to classifying dichloralphenazone as a schedule IV

controlled substance under federal law.

Submitted by Department of Regulation and Licensing.

Report received from Agency, June 11, 2002.

Referred to committee on **Health, Utilities, Veterans and  
Military Affairs**, June 12, 2002.

**Senate Clearinghouse Rule 02–030**

Relating to education requirements prior to first renewal,  
courses and examinations, approval of educational programs,  
courses and instructors.

Submitted by Department of Regulation and Licensing.

Report received from Agency, June 11, 2002.

Referred to committee on **Labor and Agriculture**, June 12,  
2002.



STATE OF WISCONSIN  
**Senate Journal**  
January Special Session

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2:05 P.M.

THURSDAY, June 13, 2002

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The Senate met.

The Senate was called to order by Senator Charles Chvala.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Monday, June 17 at 10:00 A.M..

Adjourned.

2:06





STATE OF WISCONSIN  
**Senate Journal**  
January Special Session

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11:54 A.M.

MONDAY, June 17, 2002

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The Senate met.

The Senate was called to order by Senator Charles Chvala.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Tuesday, June 18.

Adjourned.

11:55 A.M



STATE OF WISCONSIN  
**Senate Journal**  
January Special Session

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10:02 A.M.

TUESDAY, June 18, 2002

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The Senate met.

The Senate was called to order by Senator Roger Breske.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Thursday, June 20.

Adjourned.

10:03 A.M.

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, June 19, 2002

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The Chief Clerk makes the following entries under the above date.

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

June 18, 2002

The Honorable, The Senate:

Pursuant to Senate Rule 20 (1)(a) and s. 15.107(11)(b)5., Wisconsin Statutes, I have reappointed Senator Gwendolynne Moore to a 2-year term on the Wisconsin Women's Council. Her new term will begin July 1, 2002.

Sincerely,

CHUCK CHVALA  
Senate Majority Leader

**State of Wisconsin  
Ethics Board**

June 18, 2002

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/>

Essie, Patrick      **Wisconsin Airport Management 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

**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

June 6, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MADDEN, LEE, of Middleton, as a

member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Universities, Housing, and Government Operations**.

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 02–035**

relating to annual patients compensation fund and mediation fund fees for the fiscal year beginning July 1, 2002 and relating to the Wisconsin health care insurance plan's primary limits.

Submitted by Office of the Commissioner of Insurance.

Report received from Agency, June 12, 2002.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, June 19, 2002.

**Senate Clearinghouse Rule 02–068**

relating to fees regarding partnerships, corporations, limited liability companies and cooperatives.

Submitted by Department of Financial Institutions.

Report received from Agency, June 13, 2002.

Referred to committee on **Privacy, Electronic Commerce and Financial Institutions**, June 19, 2002.

The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 01–133**

relating to auditing standards, standards for accounting and review services, and standards for attestation engagements.

No action taken.

Mark Meyer  
Chairperson



STATE OF WISCONSIN  
**Senate Journal**  
January Special Session

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10:26 A.M.

THURSDAY, June 20, 2002

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The Senate met.

The Senate was called to order by Senator Roger Breske.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Breske, with unanimous consent, asked that the Senate adjourn until Friday, June 21.

Adjourned.

10:28 A.M.





STATE OF WISCONSIN  
**Senate Journal**  
January Special Session

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9:57 A.M.

FRIDAY, June 21, 2002

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The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Monday, June 24.

Adjourned.

9:59 A.M.



STATE OF WISCONSIN  
**Senate Journal**  
January Special Session

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10:00 A.M.

MONDAY, June 24, 2002

---

The Senate met.

The Senate was called to order by Senator Jon Erpenbach.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Erpenbach, with unanimous consent, asked that the Senate adjourn until Tuesday, June 25.

Adjourned.

10:01 A.M.



STATE OF WISCONSIN  
**Senate Journal**  
January Special Session

---

11:13 A.M.

TUESDAY, June 25, 2002

---

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Wednesday, June 26.

Adjourned.

11:14 A.M.

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, June 26, 2002

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The Chief Clerk makes the following entries under the above date.

**PETITIONS AND COMMUNICATIONS**

**THE STATE OF WISCONSIN  
OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER NO. 48**

***Relating to the Creation of the Wisconsin Encourage  
Healthy Lifestyles (WEHL) Council***

**WHEREAS**, health care costs for all employers in Wisconsin, including state government, have increased dramatically; and

**WHEREAS**, a minimum of twenty percent of health care premium cost is attributed to inactivity and overeating; and

**WHEREAS**, Wisconsin state employees are an invaluable resource; and

**WHEREAS**, Improving the health of state employees by increasing their physical activity level and optimizing their eating habits will not only reduce state taxpayer funded health insurance costs but also improve the quality of life for state employees; and

**WHEREAS**, *Healthiest Wisconsin 2010: A Partnership Plan to Improve the Health of the Public*, identifies the core principles that should guide efforts to improve our citizens health;

**NOW, THEREFORE, I, SCOTT McCALLUM**, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and laws of this state, and specifically by Section 14.019 of the Wisconsin Statutes, do hereby:

7. Create the Wisconsin Encourages Healthy Lifestyles Council ("Council"); and
8. Provide that the Council shall consist of not more than twenty-one (21) members appointed by the Governor to serve at the pleasure of the Governor; and
9. The Governor shall designate one (1) member of the council to serve as Chair and one (1) member to serve as Vice-Chair.
10. Provide that the Council shall advise the Governor on methods to promote healthier lifestyles for all state employees by:
  - a. Relying on the core principles identified in *Healthiest Wisconsin 2010: A Partnership Plan to Improve the Health of the Public*; and
  - b. Designing a plan to promote the overall health and well being of state employees; and
  - c. Studying successful private and public employer wellness and health promotion programs; and

- d. Encouraging all state agencies to establish a WEHL Council; and
- e. Identifying incentives to promote participation by state employees in WEHL activities; and
- f. Encouraging healthy eating habits that include fewer calories and less fat; and
- g. Encouraging all state employees to participate in physical activity 30 minutes per day; and

11. Direct the Department of Health and Family Services and the Office of the Commissioner of Insurance to provide the Council with administrative and support services.

**IN TESTIMONY WHERE OF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this twenty-fourth day of June in the year two thousand two.

SCOTT McCALLUM  
Governor

*BY THE GOVERNOR:*

DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Office of the Governor**

June 19, 2002

The Honorable, The Senate:

This is to inform you that I am withdrawing the following nominations:

Paul Skidmore for appointment to the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors effective May 31, 2002.

Judith I. Kulpa for reappointment to the Hearing and Speech Examining Board, Ms. Kulpa passed away May 4, 2002.

Dr. Itzhak Matusiak for appointment to the Psychology Examining Board effective June 12, 2002.

Raymond Allen for reappointment as a member of the Technology for the Educational Achievement in Wisconsin Board. Mr. Allen resigned from this position effective June 3, 2002 due to his appointment as the Executive Director of the Board.

Thank you for your attention to these matters.

Sincerely,  
SCOTT McCALLUM  
Governor



**State of Wisconsin**

June 25, 2002

The Honorable, The Senate:

I am requesting that my name be removed from Senate Bills 131, 146, 175, 218 and 434. I appreciate your assistance in this matter.

If you have any questions for me, please do not hesitate to call. Again, thank you for your consideration of this matter.

Sincerely,

ROB KREIBICH  
State Representative  
93rd Assembly District

**State of Wisconsin  
Ethics Board**

June 25, 2002

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/>

- Boyce, Catherine     **Independent Care Inc**
- Brown, Margaret    **United Council of UW Students Inc**
- Broydrick, William **Independent Care Inc**
- McIntosh, Forbes   **Independent Care Inc**
- Pertl, Jeffrey       **United Council of UW Students Inc**

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

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 02-009**

Relating to the college savings program.

Submitted by State Treasurer.

Report received from Agency, June 19, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, June 26, 2002.

**Senate Clearinghouse Rule 02-049**

Relating to the annuity dividend effective date and the proration of annuity dividends.

Submitted by Department of Employee Trust Funds.

Report received from Agency, June 21, 2002.

Referred to committee on **Labor and Agriculture**, June 26, 2002.

**Senate Clearinghouse Rule 02-056**

Relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by Department of Transportation.

Report received from Agency, June 14, 2002.

Referred to committee on **Insurance, Tourism, and Transportation**, June 26, 2002.

**Senate Clearinghouse Rule 02-071**

Relating to the procedure for challenging the ballot of an elector at a polling place.

Submitted by Elections Board.

Report received from Agency, June 24, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, June 26, 2002.

The committee on **Privacy, Electronic Commerce and Financial Institutions** reports and recommends:

**Senate Clearinghouse Rule 02-034**

Relating to member business loans.

No action taken.

Jon Erpenbach  
Chairperson



STATE OF WISCONSIN  
**Senate Journal**  
January Special Session

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11:04 A.M.

WEDNESDAY, June 26, 2002

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The Senate met.

The Senate was called to order by Senator Roger Breske.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Breske, with unanimous consent, asked that the Senate adjourn until Thursday, June 27.

Adjourned.

11:05 A.M.



STATE OF WISCONSIN  
**Senate Journal**  
January Special Session

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10:00 A.M.

THURSDAY, June 27, 2002

---

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Friday, June 28.

Adjourned.

10:01 A.M.



STATE OF WISCONSIN  
**Senate Journal**  
January Special Session

---

10:00 A.M.

FRIDAY, June 28, 2002

---

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Saturday, June 29.

Adjourned.

10:01 A.M.





STATE OF WISCONSIN  
**Senate Journal**  
January Special Session

---

11:30 A.M.

SATURDAY, June 29, 2002

---

The Senate met.

The Senate was called to order by Senator Chuck Chvala.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Sunday, June 30.

Adjourned.

11:31 A.M.



STATE OF WISCONSIN  
**Senate Journal**  
January Special Session

---

10:00 A.M.

SUNDAY, June 30, 2002

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July 1, 2002, 10:55 A.M.

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Monday, July 1.

Adjourned.

10:56 A.M.



STATE OF WISCONSIN  
**Senate Journal**  
January Special Session

---

11:00 A.M.

MONDAY, July 1, 2002

---

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, July 2.

Adjourned.

11:01 A.M.



STATE OF WISCONSIN  
**Senate Journal**  
January Special Session

---

10:20 A.M.

TUESDAY, July 2, 2002

---

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Wednesday, July 3.

Adjourned.

10:21 A.M.



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

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WEDNESDAY, July 3, 2002

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The Chief Clerk makes the following entries under the above date

### REPORT OF COMMITTEES

The committee on **Environmental Resources** reports and recommends:

LISLE, THOMAS A., of De Pere, as a member of the Fox River Navigational System Authority, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

NELSON, ELWYN (JACK), of Oshkosh, as a member of the Fox River Navigational System Authority, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

VAN DE HEY, RON, of Kaukauna, as a member of the Fox River Navigational System Authority, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

WILLIS, BILLY R., of Green Bay, as a member of the Fox River Navigational System Authority, to serve for the term ending July 1, 2005.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Jim Baumgart  
Chairperson

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin Department of Administration

June 19, 2002

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 May 2002.

On May 8, 2002 the **General Fund** balance was –\$4.7 million. This shortfall continues until May 9, 2002 when the balance reached a positive \$66.5 million. The shortfall was due to the timing of revenues and expenditures, in combination with the overall budget shortfall.

On May 23, 2002 the **Wisconsin Health Education Loan Repayment Fund** balance was –\$1 thousand. This shortfall continued through May 31, 2002. The shortfall was due to the difference in the timing of revenues and expenditures.

The General Fund and the Wisconsin Health Education Loan Repayment 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  
Office of the Governor**

June 26, 2002

The Honorable, The Senate:

This is to inform you that I am withdrawing the nomination of Todd Kaufmann for appointment to the Fox River Navigational System Authority.

Thank you for your attention to this matter.

Sincerely,

SCOTT MCCALLUM  
Governor

**State of Wisconsin  
Legislative Audit Bureau**

June 27, 2002

The Honorable, The Legislature:

As required by s. 13.94(1)(dm), Wis. Stats., we have completed our first annual financial audit of the State Fair Park, which is administered by a 13-member board and is attached to the Department of Tourism for administrative purposes. We have issued an unqualified opinion on State Fair Park’s fiscal year (FY) 2000-01 financial statements. We found that State Fair Park’s total revenues increased 21.9 percent, from \$13.1 million in FY 1995-96 to \$15.9 million in FY 2000-01. However, total expenditures increased at a greater rate and

exceeded revenues in three of the last six fiscal years. The Pettit National Ice Center's failure to make \$371,785 in rent payments contributed to a FY 2000-01 deficit, but even if all rent payments had been made, the increase in State Fair Park's expenditures still would have outpaced the increase in its revenues.

Expenditures increased largely because construction of new facilities and improvements to existing facilities increased debt service costs. From FY 1995-96 through FY 2000-01, State Fair Park incurred \$12.7 million in construction costs that will be repaid with program revenue, and its annual debt service costs increased 72.1 percent, from nearly \$1.2 million to \$2.0 million. State general purpose revenue (GPR) funded an additional \$17.1 million in construction costs, and GPR debt service payments will be approximately \$1.0 million annually through FY 2016-17. State Fair Park is assuming additional debt by undertaking an aggressive building program to renovate and replace other aging facilities. It will include a new exposition center, which is being built and will be managed by a not-for-profit corporation created by the State Fair Park Board; a renovated Milwaukee Mile grandstand; a new building known as the Wisconsin Heritage Hall, which will serve as a showcase for Wisconsin products; and the Agriculture Village, which will include new or remodeled livestock facilities.

Successful changes to fairgrounds operations and major facilities improvements may allow State Fair Park to become fore financially secure in the future. However, even though all of the new building projects except the Agriculture Village are expected to be self-supporting, debt associated with the building program may represent additional financial risk for both State Fair Park and the State. Efforts to privatize operations, such as the creation of the exposition center's not-for-profit corporation, are increasing State Fair Park's independence at the same time the State is assuming additional financial risk. Consequently, the Legislature may wish to ensure it retains adequate oversight of the State's investment in State Fair Park.

We appreciate the courtesy and cooperation extended to us by State Fair Park staff. A response from State Fair Park is Appendix 4.

Sincerely,

JANICE MUELLER  
State Auditor

**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

June 26, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BRADEN, MARK T., of Lake Geneva, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

June 27, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BROWN, RITCHIE J., of Black River Falls, as a member of the Lower Wisconsin State Riverway Board, to serve for the interim term ending May 1, 2003.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Environmental Resources.**

**State of Wisconsin  
Office of the Governor**

June 26, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CISKE, THOM A., of Hortonville, as a member of the Fox River Navigational System Authority, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Environmental Resources.**

**State of Wisconsin  
Office of the Governor**

June 27, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DIERCKS, ANDREW S., of Coloma, as a member of the Board on Agriculture, Trade and Consumer Protection, to serve for the interim 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**

June 26, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DORN, JAMES W., of Appleton, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Universities, Housing, and Government Operations.**

**State of Wisconsin  
Office of the Governor**

**02-003** July 1, 2002  
**02-006** July 1, 2002  
**02-011** July 1, 2002  
**02-022** July 1, 2002

June 27, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint NETTUM, GEORGE E., of Viroqua, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Environmental Resources.**

**State of Wisconsin  
Office of the Governor**

June 27, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint NOWACKI, RICHARD, of Pewaukee, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Environmental Resources.**

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**State of Wisconsin  
Revisor of Statutes Bureau**

July 1, 2002

To the Honorable, the Senate:

The following rules have been published:

<b>Clearinghouse Rules</b>	<b>Effective Date(s)</b>
<b>00-187</b>	July 1, 2002
<b>01-057</b>	July 1, 2002
<b>01-062 (part)</b>	July 1, 2002
<b>01-062 (part)</b>	January 1, 2003
<b>01-092</b>	July 1, 2003
<b>01-093</b>	July 1, 2002
<b>01-103</b>	July 1, 2002
<b>01-109</b>	July 1, 2002
<b>01-110</b>	July 1, 2002
<b>01-111</b>	July 1, 2002
<b>01-114</b>	July 1, 2002
<b>01-128</b>	July 1, 2002
<b>01-135</b>	July 1, 2002
<b>01-139</b>	July 1, 2002
<b>01-142</b>	July 1, 2002
<b>01-157</b>	July 1, 2002

Sincerely,  
GARY L. POULSON  
Deputy Revisor

**Senate Clearinghouse Rule 02-026**

Relating to the licensure and regulation of occupational therapists.

Submitted by Department of Regulation and Licensing.

Report received from Agency, June 27, 2002.

Referred to committee on **Human Services and Aging**, July 3, 2002.

**Senate Clearinghouse Rule 02-042**

Relating to mine safety fees.

Submitted by Department of Commerce.

Report received from Agency, June 26, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, July 3, 2002.

The committee on **Environmental Resources** reports and recommends:

**Senate Clearinghouse Rule 00-025**

Relating to the runoff management grant program.

No action taken, Ayes 5, Noes 0.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

**Senate Clearinghouse Rule 00-026**

relating to model ordinances for construction site erosion control and storm water management.

No action taken, Ayes 5, Noes 0.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

**Senate Clearinghouse Rule 00-027**

relating to runoff management.

No action taken, Ayes 5, Noes 0.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

**Senate Clearinghouse Rule 00-028**

relating to the priority watershed management program.

No action taken, Ayes 5, Noes 0.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

**Senate Clearinghouse Rule 00-034**

relating to animal feeding operations.

No action taken, Ayes 5, Noes 0.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

**Senate Clearinghouse Rule 00-035**

relating to stormwater discharge.

No action taken, Ayes 5, Noes 0.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

**Senate Clearinghouse Rule 00-036**

relating to best management practices, conditions and technical standards.

No action taken, Ayes 5, Noes 0.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

**Senate Clearinghouse Rule 01-090**

relating to soil and water resource management.

No action taken, Ayes 5, Noes 0.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Jim Baumgart  
Chairperson

The committee on **Labor and Agriculture** reports and recommends:

**Senate Clearinghouse Rule 01-076**

Relating to plant inspection and pest control.

No action taken.

David Hansen  
Chairperson

**MOTIONS UNDER SENATE RULE 98 AND  
JOINT RULE 7**

*for the Month of June 2002*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Kanavas, for Milton and Joanne Benes, on the occasion of celebrating their 50th anniversary.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Bret Nalani Bicoy, on the occasion of years of dedicated service to the Green Bay community.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Robert W. (Bob) Braeger, on the occasion of receiving his Distinguished Flying Cross Medal.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for John Burr, on the occasion of being named 2002 Prosecutor of the Year at the annual State Prosecutor's Conference.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Jeff Dudarenke, on the occasion of his courage under extreme duress and for his dedication to the welfare of those in need.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Baumgart for Anne Eskeitz, on the occasion of her retirement after 23 years of service to the Wisconsin State Legislature and the people of Wisconsin.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Cowles, for the Town of Freedom, on the occasion of celebrating their 150th Sesquicentennial.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Grobschmidt, for John Grahovac, on the occasion of his selection as 2002 Oak Creek Citizen of the Year.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Mike Griffiths, on the occasion of his courage under extreme duress and for his dedication to the welfare of those in need.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Nicholas Grodevant, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Michael Gutowski, on the occasion of his completion of employment plan with the Wisconsin Division of Vocational Rehabilitation.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Benjamin Michael Hable, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Elizabeth Ruth Hansen, on the occasion of celebrating her 90th Birthday shared with family and friends.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Dr. Dewitt Jones, on the occasion of his service to the Fond du Lac School district and the community.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lazich, for Magdalen Kaufman Hardimon, on the occasion of celebrating her 100th Birthday.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Ryan Ellsworth Kidman, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Decker, for Officer Ed Klein, on the occasion of his heroic efforts in saving the life of Daniel Knispel.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Terry J. Kleven, on the occasion of his service to the State of Wisconsin.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Kanavas, for Janee Knapp, on the occasion of her 13 years of perfect attendance.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Christopher Krohn, on the occasion of his graduation from the Fort McCoy Challenge Academy.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for Richard L. "Dick" Lower, on the occasion of his retirement from the University of Wisconsin Department of Horticulture.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Erpenbach, for Thomas K. Marquardt, on the occasion of his retirement and thank him for his dedicated service to the citizens of the United States of America.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Michael S. Mixtacki, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Michael J. Murray, on the occasion of earning and attaining the rank of the Eagle Scout Award.*



*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Reverend Gerald F. Nerenhausen, on the occasion of his 40 years of ministry at Zion Lutheran Church.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Huelsman, for Nick Niedermann, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for T. Allan Pearson, on the occasion of his retirement and his years of service to his community of West Bend.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for the Pulaski High School Red Raider Marching Band & Color Guard, on the occasion of being selected to represent the State of Wisconsin in the 2002 National Independence Day Parade in Washington, D. C.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Harsdorf, for The River Falls Wildcats Boys Golf Team and coach Paul Meyer, on the occasion of winning the 2002 Wisconsin State Division 1 Golf Tournament.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Carol Schneider, on the occasion of her retirement and being named Professional of the Year.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Dan Sitzberger, on the occasion of his courage under extreme duress and for his dedication to the welfare of those in need.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Rose Dobkoski Smits, on the occasion of her 10 years of service as Executive Director of Encompass Child Care, Inc..*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for John Rork Statz, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Tommy Strominski, on the occasion of his graduation from the Fort McCoy Challenge Academy.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Moen, for Ruth Ann Strozinsky, on the occasion of her retirement from the Wisconsin State Board of Aging and Long Term Care.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for the Village of Sussex and Bielinski Custom Homes, on the occasion of the opening of the Sussex Senior Community Center.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Carter J. Theis, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Moore, for Deborah A. Thompson, on the occasion of her retirement after 27 years with the Milwaukee Public Schools.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Huelsman, for John Triscari, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Girl Scout Troop 1032 and leaders Paulette Czerwinski and Linda Kaczmarek, on the occasion of their determination as a troop to achieve their goals.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for the Verona High School Softball Team, on the occasion of their outstanding season.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for the Wauwatosa Rotary Club, on the occasion of celebrating its 50th Anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Travis Wichlacz, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Moore, for the Department of Health and Family Services and the Minority Health Program, on the occasion of observing the Wisconsin Minority Health Week June 23–29, 2002.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Schultz, for the Wisconsin Polled Hereford Association, on the occasion of celebrating its 50th anniversary.*



# STATE OF WISCONSIN Senate Journal January Special Session

10:00 A.M.

WEDNESDAY, July 3, 2002

The Senate met.

The Senate was called to order by Senator Fred Risser.

The roll was called and the following Senators answered to their names:

Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator Shibilski led the Senate in the pledge of allegiance to the flag of the United States of America.

Senator Chvala, with unanimous consent, asked that the Senate recess until 3:08 P.M..

10:22 A.M.

## RECESS

3:08 P.M.

The Senate reconvened.

Senator Risser in the chair.

## REPORT OF COMMITTEES

The committee on **Senate Organization** reports and recommends:

### Senate Joint Resolution 1

Relating to: commending and congratulating Philip J. Scherer for his service and thanking him for his contribution to the Transportation Development Association of Wisconsin, Inc., and the people of Wisconsin.

Introduction.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

Charles Chvala  
Chairperson

To committee on **Senate Organization**.

The committee on **Senate Organization** reports and recommends:

### Senate Joint Resolution 1

Relating to: commending and congratulating Philip J. Scherer for his service and thanking him for his contribution to

the Transportation Development Association of Wisconsin, Inc., and the people of Wisconsin.

Adoption.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

Charles Chvala  
Chairperson

## MESSAGES FROM THE ASSEMBLY

By Patrick Fuller, assistant chief clerk.

Mr. President:

I am directed to inform you that the Assembly has:

### Assembly Bill 1 January 2002 Special Session

Returned to the Senate pursuant to January 2002 Special Session **Assembly Joint Resolution 1** and **Joint Rule 3**.

## AMENDMENTS OFFERED

Committee of Conference amendment 1 to Assembly substitute amendment 1 to **January 2002 Special Session Assembly Bill 1**.

Committee of Conference amendment 2 to Assembly substitute amendment 1 to **January 2002 Special Session Assembly Bill 1**.

Committee of Conference amendment 1 to Committee of Conference amendment 1 to Assembly substitute amendment 1 to **January 2002 Special Session Assembly Bill 1**.

Senator Moen, with unanimous consent, asked that the Senate recess until 6:47 P.M..

4:11 P.M.

## RECESS

6:47 P.M.

The Senate reconvened.

Senator Risser in the chair.

Senator Chvala, with unanimous consent, asked that the Senate return to the fourth order of business.

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**REPORT OF COMMITTEES**

**REPORT OF COMMITTEE OF CONFERENCE ON  
2002 JANUARY SPECIAL SESSION  
ASSEMBLY BILL 1**

**Assembly Bill 1**

Relating to: state finances and appropriations, constituting the governor's recommendations for correcting the imbalance between projected revenues and authorized expenditures.

The members of the Committee of Conference on January 2002 Special Session Assembly Bill 1, convened under January 2002 Special Session Assembly Joint Resolution 1, report and recommend That, by the adoption of this report:

12. **Prior senate action.** The senate recesses from its position.
13. **Prior assembly action.** The assembly recesses from its position.
14. **Action on conference report.** The senate and assembly adopt and concur in Assembly substitute amendment 1 to January 2002 Special Session Assembly Bill 1 as affected by Conference Amendment 1 (LRBb3115/1), as affected by Conference Amendment 1 (LRBb3119/1) thereto, and Conference Amendment 2 (LRBb3118/2) to that substitute amendment, which are attached to and made a part of this report.

Senator Chuck Chvala            Representative John Gard  
Senator Robert Jauch           Representative Steven M. Foti  
Senator Russell S. Decker      Representative Stephen J. Freese

Motion to refer report to the Committee of Conference offered Senator Shibilski.

Chair ruled the motion not in order.

**POINT OF ORDER**

Senator Shibilski raised the point of order that the motion to refer the report to the Committee of Conference is in order.

Chair ruled the point of order not well taken.

Senator Shibilski appealed the ruling of the Chair.

The question was: Shall the Decision of the chair stand as the judgement of the Senate?

The ayes and noes were required and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, Grobschmidt, Hansen, Huelsman, Jauch, Kanavas, M. Meyer, Moen, Moore, Plache, Risser, Robson and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, George, Harsdorf, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Shibilski, Welch and Zien – 15.

Absent or not voting – None.

The Decision of the Chair stands as the judgement of the Senate.

Senator George moved that the report be layed on the table.

The question was: Shall the Committee of Conference report be layed on the table?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 20; absent or not voting, 0; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, George, Harsdorf, A. Lasee, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 13.

Noes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, Grobschmidt, Hansen, Huelsman, Jauch, Kanavas, Lazich, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 20.

Absent or not voting – None.

Refused to lay on the table.

The question was: Shall the Committee of Conference report be adopted?

The ayes and noes were required and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 17.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, George, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 16.

Absent or not voting – None.

Committee of Conference report adopted.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

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**SECOND READING AND AMENDMENTS  
OF SENATE JOINT RESOLUTIONS AND  
SENATE BILLS**

**Senate Joint Resolution 1**

Relating to: commending and congratulating Philip J. Scherer for his service and thanking him for his contribution to the Transportation Development Association of Wisconsin, Inc., and the people of Wisconsin.

Read.

Adopted.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

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**ANNOUNCEMENTS, ADJOURNMENT  
HONORS, AND REMARKS UNDER  
SPECIAL PRIVILEGE**

Senator Chvala, with unanimous consent, asked that when the Senate adjourns, it do so in honor of Maribeth Witzel-Behl, husband Michael and their new daughter Isabel Elizabeth, born June 15, 2002.

Senator Panzer, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Senator Lasee and his wife on their 42nd wedding anniversary.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Central High School Baseball Falcons, Central Champs in the Lakeshore conference with a 10 and 2 record and an overall record of 21 and 6. They were coached to the State Championship by Randy Krehbiel and the Athletic Director Kris Allison.

Senator Kanavas, with unanimous consent, asked that when the Senate adjourn, it do so in honor and memory of his father Nick G. Kanavas, who has been his hero and a prominent community leader, who passed away June 24, 2002.

Senator Lazich, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Senaotr Huelsman who will retire from the legislature after 20 years of dedicated service.

Senator Rosenzweig, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her grandson Max's barmitzvah

Senator Baumgart, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Representatives Johnsrud and Gunderson for their work on a number of important conservation measures and in honor of keeping the stewardship fund whole.

Senator Baumgart, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Aldo Leopold.

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn pursuant to Senate Joint Resolution 1.

Adjourned.

7:13 P.M.





STATE OF WISCONSIN  
**Senate Journal**  
January Special Session

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3:00 P.M.

MONDAY, July 8, 2002

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The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

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**MESSAGES FROM THE ASSEMBLY**

By Patrick E. Fuller, assistant chief clerk.

Mr. President:

I am directed to inform you that the Assembly has concurred in:

**Senate Joint Resolution 1**

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn pursuant **Senate Joint Resolution 1**.

Adjourned.

3:01 P.M.

# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

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WEDNESDAY, July 10, 2002

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The Chief Clerk makes the following entries under the above date.

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin Department of Health and Family Services

June 26, 2002

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. The state statutes require the Department of Health and Family Services to submit an annual report for the Community Options Program (COP) and the 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 2000.

The Community Options Program provides services to all target group populations, and 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 J. DUBE  
Secretary

#### State of Wisconsin Ethics Board

July 9, 2002

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/>

Kuehn, Ronald W      **Wisconsin      Muck      Farmers**  
**Association**

Vandlik, Renee      **National Multiple Sclerosis Society,**  
**Wisconsin Chapter**

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

### REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

#### Senate Clearinghouse Rule 02–012

Relating to the establishment and operation of a voluntary multi-pollutant emission reduction registry.

Submitted by Department of Natural Resources.

Report received from Agency, July 9, 2002.

Referred to committee on **Environmental Resources**, July 10, 2002.

#### Senate Clearinghouse Rule 02–047

Relating to the administration of the forest crop law and the managed forest law.

Submitted by Department of Natural Resources.

Report received from Agency, July 9, 2002.

Referred to committee on **Environmental Resources**, July 10, 2002.

#### Senate Clearinghouse Rule 02–066

Relating to the 2003 edition of the Uniform Standards of Professional Appraisal Practice (USPAP).

Submitted by Department of Regulation and Licensing.

Report received from Agency, July 5, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, July 10, 2002.

STATE OF WISCONSIN  
**Senate Journal**  
January Special Session

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WEDNESDAY, July 10, 2002

---

The Chief Clerk makes the following entries under the above date.

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**MESSAGES FROM THE ASSEMBLY**

By Patrick E. Fuller, assistant chief clerk.

Mr. President:

I am directed to inform you that the Assembly has concurred in:

Committee of Conference report on **Assembly Bill 1**, January 2002 Special Session.

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

---

WEDNESDAY, July 17, 2002

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The Chief Clerk makes the following entries under the above date.

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**  
**Department of Health and Family Services**

July 10, 2002

The Honorable, The Senate:

Section 46.972(4), Wis. Stats., requires the Department of Health and Family Services to submit to the chief clerk of each house of the Legislature a report on June 30 annually on the allocation and expenditure of funds for services for homeless individuals. Attached is the Department's annual report.

Sincerely,

PHYLLIS J. DUBE  
Secretary

**State of Wisconsin**  
**Department of Health and Family Services**

July 1, 2002

The Honorable, The Senate:

As required by s. 242.04(11), Wis. Stats., enclosed is the Annual Statewide Immunization Program Report. Please distribute this report to the appropriate standing committees.

Sincerely,

PHYLLIS J. DUBE  
Secretary

Referred to committee on **Health, Utilities, Veterans and Military Affairs**.

**State of Wisconsin**  
**Ethics Board**

July 16, 2002

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/>

Feldt, Scott **Forward Janesville Inc**  
Larson, David **Lutheran Social Services of Wisconsin & Upper Michigan**  
Millen, Audra **City of Milwaukee**

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

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 02–019**

Relating to regulating mercury in wastewater discharge permits.

Submitted by Department of Natural Resources.

Report received from Agency, July 9, 2002.

Referred to committee on **Environmental Resources**, July 17, 2002.

**Senate Clearinghouse Rule 02–033**

Relating to corporation returns, claims for refund and other amended returns and petitions for redetermination.

Submitted by Department of Revenue.

Report received from Agency, July 10, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, July 17, 2002.

**Senate Clearinghouse Rule 02–079**

Relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by Department of Transportation.

Report received from Agency, July 16, 2002.

Referred to committee on **Insurance, Tourism, and Transportation**, July 17, 2002.

The committee on **Education** reports and recommends:

**Senate Clearinghouse Rule 02–023**

Relating to the Milwaukee parental choice program.

No action taken.

Richard Grobschmidt  
Chairperson

The committee on **Human Services and Aging** reports and recommends:

**Senate Clearinghouse Rule 01–152**

Relating to a rules committee.

No action taken.

**Senate Clearinghouse Rule 02–039**

Relating to child support cooperation for Wisconsin works.

No action taken.



**Senate Clearinghouse Rule 02-040**

Relating to child support cooperation for food stamps.

No action taken.

Judith Robson  
Chairperson

The committee on **Labor and Agriculture** reports and recommends:

**Senate Clearinghouse Rule 02-030**

Relating to education requirements prior to first renewal, courses and examinations, approval of educational programs, courses and instructors.

No action taken.

David Hansen  
Chairperson

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, July 24, 2002

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The Chief Clerk makes the following entries under the above date.

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Legislative Audit Bureau**

July 18, 2002

The Honorable, The Senate:

We have completed a financial audit of the Division of gaming within the Department of Administration and have issued an unqualified opinion on its budgetary-based financial statements for fiscal years (FYs) 2000-01 and 1999-2000. The Division regulates the State's racing, Indian gaming, and charitable gaming activities. Later this year, we will issue an evaluation of the Division's oversight and regulatory authority.

We note the Division's financial activity has changed significantly from prior years as a result of two events. First, the gaming compacts between the State and the 11 Native American tribes within Wisconsin were recently renegotiated. As a result, while the division received a total of \$350,000 annually in tribal regulation revenue prior to FY 1999-2000, the tribes agreed to pay an additional \$21.7 million in FY 1999-2000 and \$24.0 million in FY 2000-01. Second, a 1999 constitutional amendment requires the Division to transfer unencumbered appropriation balances related to racing and bingo operations to the Lottery Fund at year-end. In FYs 2000-01 and 1999-2000, the Division transferred a total of approximately \$6.5 million to the Lottery fund.

Copies of the audit report have been distributed to members of the Joint Legislative Audit Committee and those required by law to receive them. Electronic copies of the report are available on line at [www.legis.state.wi.us/lab/windex.htm](http://www.legis.state.wi.us/lab/windex.htm). If you are interested in receiving a printed copy of the report, please contact our office and request report 02-11.

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Ethics Board**

July 23, 2002

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/>

Archia, Stephanie **City of Milwaukee**  
Gutman, Gretchen **Mirant Americas Inc (formerly SEI Wisconsin LLC)**

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

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 02–008**

Relating to defining failing to cooperate in a timely manner in an investigation as unprofessional conduct.

Submitted by Department of Regulation and Licensing.

Report received from Agency, July 17, 2002.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, July 24, 2002.

**Senate Clearinghouse Rule 02–043**

Relating to publication of health insurance rates for small employer health insurance.

Submitted by Office of the Commissioner of Insurance.

Report received from Agency, July 19, 2002.

Referred to committee on **Insurance, Tourism, and Transportation**, July 24, 2002.

**Senate Clearinghouse Rule 02–055**

Relating to defining sexual contact with a patient as unprofessional conduct.

Submitted by Department of Regulation and Licensing.

Report received from Agency, July 19, 2002.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, July 24, 2002.

The committee on **Privacy, Electronic Commerce and Financial Institutions** reports and recommends:

**Senate Clearinghouse Rule 02–041**

Relating to bank sales of certificates of deposit of third-party banks.

No action taken.

Jon Erpenbach  
Chairperson

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, July 31, 2002

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The Chief Clerk makes the following entries under the above date.

**PETITIONS AND COMMUNICATIONS**

**THE STATE OF WISCONSIN  
OFFICE OF THE GOVERNOR  
EXECUTIVE ORDER NO. 50**

*An Amendment Relating to the Governor's Pardon  
Advisory Board (Executive Order No. 24)*

**WHEREAS**, Article V, Section 6 of the Wisconsin Constitution vests in the Governor the exclusive and discretionary power to grant pardons, commutations and reprieves; and

**WHEREAS**, it is advantageous to the clemency applicants, the public and the Governor to have an informed review of each application for clemency; and

**WHEREAS**, such an informed review may ably be performed by a board of advisors; and

**WHEREAS**, all concerned will benefit from a uniform application process;

**NOW, THEREFORE, I, SCOTT McCALLUM**, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and laws of this state, and specifically by Section 14.019 of the Wisconsin Statutes, do hereby:

15. Amend Executive Order No. 24 to provide that the Governor's Pardon Advisory Board shall consist of no more than seven members who serve a term of one year at the pleasure of the Governor and one permanent reserve member.

**IN TESTIMONY WHERE OF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this eighteenth day of July in the year two thousand two.

SCOTT McCALLUM  
Governor

*BY THE GOVERNOR:*

DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Office of the Governor**

July 18, 2002

The Honorable, The Senate:

This is to inform you that I am withdrawing the nomination of George Franco from the Wisconsin Technical College System Board.

Thank you for your attention to this matter.

Sincerely,

SCOTT McCALLUM  
Governor

**State of Wisconsin  
Office of the Governor**

July 18, 2002

The Honorable, The Senate:

This is to inform you that I am withdrawing the nomination of Frank J. "Jack" Pelisek for appointment to the University of Wisconsin Hospital and Clinics Authority and Board.

Thank you for your attention to this matter.

Sincerely,

SCOTT McCALLUM  
Governor

**State of Wisconsin  
Office of the Governor**

July 26, 2002

The Honorable, The Senate:

This is to inform you that I am withdrawing the nomination of Brenda Brimage from the State Fair Park Board.

Thank you for your attention to this matter.

Sincerely,

SCOTT McCALLUM  
Governor

**State of Wisconsin  
Department of Commerce**

July 12, 2002

The Honorable, The Senate:

The enclosed report has been sent to you pursuant to s. 1.11(2)(j), Stats. This section requires agencies to submit a report to the chief clerk of each house of the legislature, including the number of proposed actions for which the agency conducted an assessment of whether an impact statement was required and the number of impact statements prepared.

This report encompasses the activities of the Wisconsin Department of Commerce for the period from July 1, 2001 to July 1, 2002.

Any questions concerning this report may be directed to Dennis W. Kozich, General Counsel, at 608—266-3203.

Sincerely,

PHILIP EDW. ALBERT  
Secretary

**State of Wisconsin  
Department of Health and Family Services**

July 22, 2002

The Honorable, The Senate:

On behalf of the governor's Birth to 3 Program Interagency Coordinating Council, I am pleased to submit the Birth to 3 Annual Report for 2001. Descriptions of results related to key early intervention outcomes and highlights of the activities of the Department of Health and Family Services Birth to 3 Program in Wisconsin are included in the Annual Report. Also described are the activities of the Birth to 3 Interagency Coordinating Council. Activities of the Department include comprehensive program reviews to assure quality early intervention services and special projects to identify children who will benefit from early intervention as soon as possible.

The Birth to 3 Program Annual Report fulfills the mandate under s. 51.44(5)(c) to annually submit to the Legislature a report on the department's progress toward full implementation of the program, including the progress of counties in implementing goals for participation in 5th year requirements under 20 USC 1476.

The Birth to 3 Program is a truly collaborative effort between counties, parents, local providers, the Interagency Coordinating Council and state agencies. Working together, we are assuring that Wisconsin infants and toddlers who have disabilities and their families have the best possible start.

Sincerely,

PHYLLIS J. DUBE  
Secretary

**State of Wisconsin  
Department of Transportation**

July 26, 2002

The Honorable, The Senate:

Enclosed is the report required under Wisconsin Act 119, regarding the release of photos from the Department of Transportation driver record files to Wisconsin and adjacent state law enforcement agencies.

This report is provided annually and contains the agencies and the purpose for which copies of the photographs were provided.

If you have questions regarding the release of photographs please contact Debbie Kraemer, supervisor in the records and Licensing Information Section, Bureau of driver Services,

Division of Motor Vehicles by phone at (608) 264-7060, or e-mail at debbie.kraemer@dot.state.wi.us.

Sincerely,

THOMAS E. CARLSON  
Secretary

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 02-024**

Relating to the procedure and practice of conducting administrative hearings before the division.

Submitted by Division of Hearings and Appeals.

Report received from Agency, July 24, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, July 31, 2002.

**Senate Clearinghouse Rule 02-027**

Relating to customer satisfaction surveys for municipal utilities and technical corrections.

Submitted by Public Service Commission.

Report received from Agency, July 26, 2002.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, July 31, 2002.

**Senate Clearinghouse Rule 02-036**

Relating to telephone solicitations and a no-call list.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, July 24, 2002.

Referred to committee on **Privacy, Electronic Commerce and Financial Institutions**, July 31, 2002.

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The committee on **Labor and Agriculture** reports and recommends:

**Senate Clearinghouse Rule 02-049**

Relating to the annuity dividend effective date and the proration of annuity dividends.

No action taken.

David Hansen  
Chairperson

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STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, August 7, 2002

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The Chief Clerk makes the following entries under the above date.

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Department of Administration**

July 31, 2002

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 June 2002.

On June 17, 2002, the **General Fund** balance was –\$727.4 million. This shortfall continued through June 30, 2002, when the cash balance closed at –\$421.9 million. The shortfall was due to the difference in the timing of revenues and expenditures, in combination with the overall budget shortfall.

On June 1, 2002, the **Wisconsin Health Education Loan Repayment Fund** balance was –\$1,000. This shortfall continued until June 24, 2002, when the balance reached a positive \$6,000. During this period, the **Wisconsin Health Education Loan Repayment Fund** balance reached a low of –\$2,000 on June 3, 2002. The shortfall was due to the difference in the timing of revenues and expenditures.

The General Fund and the Wisconsin Health Education Loan Repayment 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  
Legislative Audit Bureau**

July 30, 2002

The Honorable, The Legislature:

At the request of the joint Legislative Audit Committee, we have completed an evaluation of the Milwaukee Metropolitan

Sewerage District. The District is a special-purpose municipal corporation that provides sewer services to the City of Milwaukee and most of Milwaukee County, as well as to all or parts of a number of municipalities in surrounding counties.

The District’s \$2.3 billion sewer improvement program, including the 19.4 mile Deep Tunnel and related improvements, has significantly reduced both the number and the volume of sewer overflows, and the District has not violated the combined sewer overflow provisions of its wastewater discharge permit since 1994. However, the program has not achieved the results anticipated when it was designed. Sanitary sewer overflows continue, and more than twice the predicted number of combined sewer overflows has occurred since the Deep Tunnel began operation. Since 1994, a total of 13.2 billion gallons of untreated wastewater has been discharged into Milwaukee-area waterways because of a combination of large storms, stormwater infiltration into sewers, capacity issues in the Deep Tunnel and the District’s sewers and treatment facilities, and operational policies that have exacerbated overflows. For example, a total of 107 million gallons of untreated wastewater was discharged since June 1999 during six overflows that occurred because the District’s contractor had temporarily turned off Deep Tunnel pumps while switching to a lower-cost source of electricity.

The District is in the process of implementing a \$786.4 million building program that is intended to reduce sewer overflows by constructing additional wastewater capacity, increasing treatment plant capacity, and improving the performance of the sewer system. It also plans to spend \$410.0 million on watercourse improvement projects. To date, completed projects have had significantly higher costs than the District anticipated.

We found that the District’s sewer system and the Deep Tunnel have reduced the amount of pollutants entering waterways, and water quality has improved within the combined sewer area. However, water quality outside the combined sewer area has not improved since 1994 because of sewer overflows and nonpoint and other pollution sources. Neither Lake Michigan nor Milwaukee-area rivers currently meet designated water quality standards specified in federal and state law.

We appreciate the courtesy and cooperation extended to us by the District’s staff during the course of our audit. The District’s response in Appendix 5.

Sincerely,

JANICE MUELLER  
State Auditor

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**State of Wisconsin  
Revisor of Statutes Bureau**

August 1, 2002

To the Honorable, the Senate:

The following rules have been published:

<b>Clearinghouse Rules</b>	<b>Effective Date(s)</b>
<b>00-154 (part)</b>	August 1, 2002
<b>01-087</b>	August 1, 2002
<b>01-108 (part)</b>	August 1, 2002
<b>01-127</b>	August 1, 2002
<b>01-129</b>	August 1, 2002
<b>01-134</b>	August 1, 2002
<b>01-137</b>	August 1, 2002
<b>01-143</b>	August 1, 2002
<b>01-145</b>	August 1, 2002
<b>01-151</b>	August 1, 2002
<b>01-153</b>	August 1, 2002
<b>01-154</b>	August 1, 2002
<b>02-010</b>	August 1, 2002
<b>02-028</b>	August 1, 2002
<b>02-029</b>	August 1, 2002
<b>02-031</b>	August 1, 2002

Sincerely,  
GARY L. POULSON  
Deputy Revisor

**Senate Clearinghouse Rule 01-124**

Relating to dairy plants.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, August 2, 2002.

Referred to committee on **Labor and Agriculture**, August 7, 2002.

**Senate Clearinghouse Rule 01-125**

Relating to dairy farms.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, August 2, 2002.

Referred to committee on **Labor and Agriculture**, August 7, 2002.

**Senate Clearinghouse Rule 02-038**

Relating to complaint procedures.

Submitted by Department of Corrections.

Report received from Agency, August 6, 2002.

Referred to committee on **Economic Development and Corrections**, August 7, 2002.

**Senate Clearinghouse Rule 02-052**

Relating to the definition of "ownership" for the purpose of determining eligibility of firms for a license as a certified public accounting firm.

Submitted by Department of Regulation and Licensing.

Report received from Agency, August 2, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, August 7, 2002.

**Senate Clearinghouse Rule 02-083**

Relating to operation of the health insurance risk-sharing plan (HIRSP).

Submitted by Department of Health and Family Services.

Report received from Agency, August 1, 2002.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, August 7, 2002.

**Senate Clearinghouse Rule 02-088**

Relating to the extension of the time period allowed for filing an initial claim for unemployment insurance benefits.

Submitted by Department of Workforce Development .

Report received from Agency, August 1, 2002.

Referred to committee on **Labor and Agriculture**, August 7, 2002.

The committee on **Environmental Resources** reports and recommends:

**Senate Clearinghouse Rule 00-162**

Relating to public notification requirements for public water systems.

No action taken.

**Senate Clearinghouse Rule 02-014**

Relating to fishing on the inland and outlying waters of Wisconsin.

No action taken.

**Senate Clearinghouse Rule 02-016**

Relating to trout fishing on the inland waters of Wisconsin.

No action taken.

**Senate Clearinghouse Rule 02-017**

Relating to hunting.

No action taken.

**Senate Clearinghouse Rule 02-018**

Relating to hunting, trapping and captive wildlife.

No action taken.

Jim Baumgart  
Chairperson

The committee on **Privacy, Electronic Commerce and Financial Institutions** reports and recommends:

**Senate Clearinghouse Rule 02-068**

Relating to fees regarding partnerships, corporations, limited liability companies and cooperatives.

No action taken.

Jon Erpenbach  
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 02-009**

Relating to the college savings program.

No action taken.

**Senate Clearinghouse Rule 02-071**

Relating to the procedure for challenging the ballot of an elector at a polling place.

No action taken.

Mark Meyer  
Chairperson

**Motions Under Senate Rule 98 and Joint Rule 7  
for the Month of July 2002**

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Christina Diaz-Arntzen, on the occasion of her 29 years of dedication to teaching and working with the Hispanic community.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for John Hadidian-Baughner, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Miguel Benson, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Fire Chief Jeff Berry, on the occasion of being chosen as the Fire Chief of the Year by the Wisconsin Fire Inspectors Association.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Michael S. Brandt, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for The Brookfield Players, on the occasion of their years of elevating performing arts in the community.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Christopher Michael Colney, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Tristan Cook, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for the Cottrell-Kimbrough Family, on the occasion of their 20th annual family reunion.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Moore, for the Cream City Medical Society, on the occasion of celebrating its 75th anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Denny Dutton, on the occasion of his retirement from the Elm Grove Police Department after 28 years of dedicated service.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Stephen Ferguson, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Justin Gassner, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Greg Ginz, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for John and Marjorie Gusman, on the occasion of celebrating their 65th anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Robert Harrits, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Breske, for The Hodag Country Festival and the Eckert Family, on the occasion of celebrating its 25th anniversary since Bernie and Diane Eckert began the country festival in 1978.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Eric Hoest, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Andrew J. Holperin, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Jim Johnson, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Nedra Johnson, on the occasion of her kindness and CPR skills that help save the life of Mrs. Lois Waech.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Derek Kinowski, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Decker, for Kraft Foods, on the occasion of celebrating its 75th anniversary of business in Wausau, Wisconsin.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Marshall Legenza, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Local 139 of the International Union of Operating Engineers, on the occasion of celebrating their 100th anniversary.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Colin McCambridge, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Patrick McConnell, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Jauch, for James "Monk" Monroe, on the occasion of his commitment to his community of Ashland.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moore, for the National Black Chamber of Commerce, Inc., on the occasion of convenes their 10th Annual Business Conference.*



*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moore, for the National Association of Black Journalists (NABJ), on the occasion of celebrating their 27th Annual Convention.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Nicholas Neumann, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for the Peck family, on the occasion of celebrating four significant life events in their family.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moen, for Robert W. Radcliffe, on the occasion of his retirement after years of distinguished service to his community of Jackson County, state and country.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Jesse James Robinson, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Decker, for Samoset Council Troop 462, on the occasion of celebrating 50 years of dedication to scouting.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Breske, for Philip J. Scherer, on the occasion of 20 years of dedicated service to the Transportation Development Association.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Eric J. Schoenherr, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Dan Silver, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Ronnie Skow, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Michael Smith, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Kory Southworth, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for the Stadium Board, on the occasion of their dedication and unending efforts towards Miller Park.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Zachary Tratar, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Clem and Dorothy Trimborn, on the occasion of celebrating their 65th anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Cowles, for Past Chief Commander Arthur H. Farr, senior navigator and the members of the United States Power Squadrons, on the occasion of their efforts to increase boating safety and awareness through education and community service.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Rosenzweig, for Natalie Verrette, on the occasion of her accomplishments at Fordham University.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Andrew West, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Wisconsin Coalition Against Domestic Violence, on the occasion of recognizing October 1, 2002 as "Work To End Domestic Violence Day".*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Wisconsin Coalition Against Domestic Violence, on the occasion of recognizing October 10, 2002 as "Health Cares About Domestic Violence Day".*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Wisconsin Coalition Against Domestic Violence, on the occasion of recognizing October 1, 2002 as "Day of Unity".*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Wisconsin Coalition Against Domestic Violence, on the occasion of recognizing October 2002 as Domestic Violence Awareness Month.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for the Wisconsin Exposition Center, on the occasion of the grand opening at the State Fair grounds.*



STATE OF WISCONSIN  
**Senate Journal**  
January Special Session

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WEDNESDAY, August 7, 2002

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The Chief Clerk makes the following entries under the above date.

**PETITONS AND COMMUNICATIONS**

State of Wisconsin  
Office of the Secretary of State

To the Honorable, the Senate:

<u>Bill, Joint Resolu- tion or Resolution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
2002 Senate Joint Resolution 1	Enrolled Joint Resolution, 44	N/A

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Joint Resolution 1, January 2002 Special Session**

Report correctly enrolled on July 16, 2002.

**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Joint Resolution 1, January 2002 Special Session**

Deposited in the office of the Secretary of State on August 1, 2002.

# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

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WEDNESDAY, August 14, 2002

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The Chief Clerk makes the following entries under the above date.

### **PETITIONS AND COMMUNICATIONS**

#### **State of Wisconsin Department of Administration**

August 5, 2002

The Honorable, The Legislature:

Chapter 34. Laws of 1979, requires that when the Department of Administration maintains an office in Washington, DC, for the purpose of promoting federal/state cooperation, it should submit a report detailing the activities of the office and reporting the status of federal legislation of concern to the Legislature and other state agencies (Wis. Stats. 16.548(2)).

The report for the period April, 2002, through June, 2002, is attached.

Sincerely,

GEORGE LIGHTBOURN  
Secretary

#### **State of Wisconsin Department of Health and Family Services**

August 6, 2002

The Honorable, The Senate:

As required in Section 227.485 (9) of the Wis. Stats., I am submitting the report concerning decisions and resulting payments of attorney fees and related legal costs. Attorney fees and other legal costs are to be paid whenever the opposing party to an agency's Chapter 227 hearing prevails and it is determined the agency's position was not substantially justified. Payments for SFY 2002 are shown on the attached schedule.

In addition, under 814.245(10) of the Wis. Stats., the Department is required to report any awards granted to the Department regarding frivolous motions brought against this Department. In SFY 2002, no motions of opposing parties were found to be frivolous. Consequently, the Department has no awards to report.

Sincerely,

PHYLLIS J. DUBE  
Secretary

#### **State of Wisconsin Legislative Audit Bureau**

August 13, 2002

The Honorable, The Legislature:

As required by s. 13.94(1)(dg), Wis. Stats., we have completed a limited-scope fiscal and compliance review of the dental clinics grant provided by the Department of Health and Family Services to the Marquette University School of Dentistry for fiscal year (FYs) 1999-2000 and 2000-01. Under this grant,

Marquette University received general purpose revenue funding of \$2.8 million in each year to provide dental services to low-income individuals at clinics in various locations throughout Wisconsin.

Overall, we found Marquette University has developed and implemented adequate procedures to help ensure compliance with statutory and grant requirements. In addition, we found state funds were expended for services normally considered a part of comprehensive general dental treatments.

However, we note that because the Marquette Dental School clinics have expanded their services, and because of a change in the way that Marquette University allocates costs, dental clinic expenditures exceeded revenues by \$3.1 million in FY 1999-2000 and nearly \$4.3 million in FY 2000-01. Marquette University absorbs the deficit each year with revenue generated from other sources, such as tuition. Nevertheless, because the State provides support to Marquette University through various means, including tuition aid payments, we believe it is important that these annual deficits be monitored.

The clinics' future financial condition may be affected by three factors: the construction of a new Marquette Dental School facility the continued expansion of services, and increasing patient fees. Marquette University began construction on a new \$30 million facility in March 2001. When construction is complete, the dental clinics' operating costs will likely increase as new dental equipment is purchased and additional faculty members are hired. Within the last two years, Marquette Dental School also began providing community-based outreach services on the Oneida Indian Reservation in Green Bay and within the Elder Care Program of Dane County. Although these services and other outreach programs planned for the future allow Marquette Dental School to fulfill its community service mission and treat more patients, they do not generate revenue and, therefore, contribute to the overall clinic deficit. Marquette University staff have indicated they plan to increase clinic fees in FY 2002-03 to help offset their operating costs, but at this time, they are uncertain how much the fees will increase.

We appreciate the courtesy and cooperation extended to us by the Marquette University staff during our review.

Sincerely,

JANICE MUELLER  
State Auditor

#### **State of Wisconsin Legislative Audit Bureau**

August 13, 2002

The Honorable, The Legislature:

As required by s. 39.15(2), Wis. Stats., we have completed our review of the Medical College of Wisconsin, Inc., for fiscal years (FYs) 1999-2000 and 2000-01. During this biennium, state general purpose revenue funds paid to the Medical College for tuition aid totaled approximately \$8.0 million, and the Medical College received an additional \$6.7 million in general

purpose revenue for the development and operation of its family practice residency program.

Overall, we found that the Medical College was in compliance with statutory requirements related to tuition aid. Students for whom the Medical College claimed tuition aid were certified by the Higher Educational Aids board as Wisconsin residents and were eligible to receive this state aid. We also found that the Medical College gave preference in admissions to Wisconsin residents, and promoted minority student access.

However, when reviewing expenditures related to the family practice residency program, we identified \$13,420 in costs that could be considered excessive or inappropriate entertainment expenditures. Because the Medical College was not specifically prohibited from using state funds for these types of expenditures, we do not believe the Medical College can be required to repay the State for them. However, we encourage the Medical College to ensure that in the future, state-funded expenditures are reasonable, directly benefit the family practice residency program, and are consistent with general purchasing guidelines for state agencies. To ensure the reasonableness of costs, the Legislature may also wish to further define the program's objectives and allowable costs in state statutes.

We appreciate the courtesy and cooperation extended to us by staff within the Medical College of Wisconsin and the Higher Educational Aids Board during our review.

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Legislative Audit Bureau**

August 13, 2002

The Honorable, The Legislature:

We have completed a limited-scope review of the dental education contract between the State of Wisconsin and the Marquette university School of Dentistry for fiscal years (FYs) 1999-2000 and 2000-01. In each of these two years, the State provided \$1,167,000 in tuition aid to Marquette University for 100 Wisconsin residents enrolled in the undergraduate dental education program. Under 2001 Wisconsin Act 16, the per capita aid payments remain at \$11,670, but total program funding increased to \$1,342,100 in FY 2001-02 and \$1,517,100 in FY 2002-03 to enable more dental students to receive tuition aid.

Overall, we found that Marquette University was in compliance with its contract with the State and with requirements set forth in s. 39.46, Wis. Stats. During our review, we found the students for whom Marquette University claimed tuition aid were certified by the Higher Educational Aids Board as Wisconsin residents and were eligible to receive this state aid. In addition, we found that Marquette University expended state funds only for the undergraduate dental school program, gave preference in admissions to Wisconsin residents, and promoted minority enrollment.

We appreciate the courtesy and cooperation extended to us by staff within Marquette University and the Higher Educational Aids Board during our review.

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Legislative Audit Bureau**

August 8, 2002

The Honorable, The Legislature:

As required by s. 229.8273(6), Wis. Stats., we have completed our first review of the Green Bay/Brown County Professional Football Stadium District's efforts to meet contracting and hiring goals for minorities and women in the Lambeau field reconstruction project. Statutes require the District to establish goals for contracts awarded to minority-owned and women-owned businesses. In addition, statutes require the contractors hired for the project to establish goals for the employment of minorities and women. To meet these objectives and facilitate the involvement of targeted businesses and individuals in the reconstruction project, the District required the creation of the Targeted Business Participation and Workforce Diversity Program. The Legislative audit Bureau is required to review these efforts on an annual basis.

Based upon our initial review, we believe that to date, the District has made a good-faith effort to meet its statutory goals. Through December 2001, measurable progress had been made toward:

- awarding 15 percent of the value of contracts that are financed by bond proceeds to minority-owned businesses, and 5 percent to women-owned businesses; and
- working to hire minorities and women related to the construction project so that 15 percent of the new employees hired specifically for the project are minority group members and 5 percent are women.

Through December 2001, a total of \$9.1 million in professional and construction contract dollars has been paid to targeted businesses. Of this amount, 13.4 percent was paid to minority-owned businesses and 3.4 percent was paid to women-owned businesses. These percentages are somewhat lower than the statutorily established goals of 15.0 percent and 5.0 percent, respectively. Of the 610 new hires working on the project 114 (18.7 percent) were minority group members, and 29 (4.8 percent) were women. This currently exceeds the statutory hiring goal for minorities and is slightly lower than the hiring goal for women.

We appreciate the courtesy and cooperation extended to us by the District and the project's contractors in conducting our review.

Sincerely,

JANICE MUELLER  
State Auditor

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 02-070**

Relating to reimbursement for treatment of chronic renal disease; to reimbursement for blood products and supplies used in the home care of hemophilia; and to reimbursement for treatment of persons with cystic fibrosis.

Submitted by Department of Health and Family Services.

Report received from Agency, August 12, 2002.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, August 14, 2002.

**Senate Clearinghouse Rule 02-082**

Relating to filing campaign finance reports in electronic format.

Submitted by Elections Board.

Report received from Agency, August 13, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, August 14, 2002.

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The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 02-042**

Relating to mine safety fees.

No action taken.

Mark Meyer  
Chairperson



STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, August 21, 2002

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The Chief Clerk makes the following entries under the above date.

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Legislative Audit Bureau**

August 20, 2002

The Honorable, The Legislature:

We have completed a financial audit of the Mendota and Winnebago Mental Health Institutes for fiscal year 2000-01, at the request of the Department of Health and Family Services. We are able to provide unqualified opinions on the Institutes' financial statements. The financial statements show that, on an accrual basis, Mendota Mental Health Institute had a net loss of \$360,835 and Winnebago Mental Health Institute had a net loss of \$502,963.

We also reviewed the Department's progress in implementing its billing and accounting system for the Institutes and improving its process for estimating revenue and receivable balances. During prior years, we reported that technical problems associated with the system resulted in significant billing and collection delays and accounting problems. The Department is taking reasonable steps to address these technical issues. However, additional direction from management may be needed to improve the timeliness and effectiveness of the Department's collection efforts. As the result of continuing concerns with the Department's process for estimating patient revenues and receivables, one-time adjustments totaling \$14.6 million were required to correct reporting errors in both Institutes' patient receivable balances.

Copies of the audit have been distributed to members of the Joint Legislative Audit Committee and those required by law to receive them. If you are interested in receiving a copy of this report, please contact our office and request report number 02-13. The report is also available on line at [www.legis.state.wi.us/lab/windex.htm](http://www.legis.state.wi.us/lab/windex.htm).

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Ethics Board**

August 20, 2002

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/>

Esbeck, William    **Wisconsin State Telecommunications Association**

Goyke, Gary        **Aquatic Alliance**

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

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 01–047**

Relating to experience in public practice.

Submitted by Department of Regulation and Licensing.

Report received from Agency, August 19, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, August 21, 2002.

**Senate Clearinghouse Rule 01–069**

Relating to testing of pupils with limited–English proficiencies and disabilities.

Submitted by Department of Public Instruction.

Report received from Agency, August 16, 2002.

Referred to committee on **Education**, August 21, 2002.

**Senate Clearinghouse Rule 02–053**

Relating to property tax exemption for waste treatment facilities.

Submitted by Department of Revenue.

Report received from Agency, August 16, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, August 21, 2002.

**Senate Clearinghouse Rule 02–086**

Relating to calculation of fees for special events, security, traffic enforcement and escort services.

Submitted by Department of Transportation.

Report received from Agency, August 16, 2002.

Referred to committee on **Insurance, Tourism, and Transportation**, August 21, 2002.

**Senate Clearinghouse Rule 02-090**

Relating to land surveyor temporary permits.

Submitted by Department of Regulation and Licensing.

Report received from Agency, August 19, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, August 21, 2002.

**Senate Clearinghouse Rule 02-105**

Relating to changes made as a result of 2001 Wisconsin Act 80 involving practitioners of psychotherapy.

Submitted by Department of Regulation and Licensing.

Report received from Agency, August 16, 2002.

Referred to committee on **Human Services and Aging**, August 21, 2002.

**Senate Clearinghouse Rule 02-107**

Relating to the children at risk program.

Submitted by Department of Public Instruction.

Report received from Agency, August 16, 2002.

Referred to committee on **Education**, August 21, 2002.

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The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 02-033**

Relating to corporation returns, claims for refund and other amended returns and petitions for redetermination.

No action taken.

**Senate Clearinghouse Rule 02-066**

Relating to the 2003 edition of the Uniform Standards of Professional Appraisal Practice (USPAP).

No action taken.

Mark Meyer  
Chairperson

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, August 28, 2002

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The Chief Clerk makes the following entries under the above date.

**PETITIONS AND COMMUNICATIONS**

**THE STATE OF WISCONSIN  
OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER #52**

*Relating to the Dissolution of the Dane County Regional Planning Commission*

**WHEREAS**, Wisconsin identified the need to address land use, water quality, transportation and environmental issues on a regional basis more than 40 years ago by authorizing the creation of regional planning commissions;

**WHEREAS**, all but six of Wisconsin's 72 counties participate in multi-county regional planning commissions, which have proved to be a valuable resource for local and state government in identifying emerging trends that must be addressed through sound planning;

**WHEREAS**, the only counties in Wisconsin that are not included in a multi-county regional planning commission are the five counties that border on Dane County, specifically, Sauk, Dodge, Columbia, Jefferson and Rock counties;

**WHEREAS**, the Dane County Regional Planning Commission is the only regional planning commission in Wisconsin that serves only one county rather than a region;

**WHEREAS**, the Dane County Regional Planning Commission was created by 1970 Executive Order 22 by Governor Warren Knowles;

**WHEREAS**, the inclusion of only one county in the Dane County Regional Planning Commission led to concerns being expressed by towns and small communities in Dane County that the Commission was unfairly dominated by the urban areas of the county;

**WHEREAS**, these concerns have grown over time, and resulted in 1998 in adoption of resolutions by 35 communities in Dane County that invoked their right under the statutes to dissolve the Dane County Regional Planning Commission and to withdraw their communities from the jurisdiction of the Dane County Regional Planning Commission;

**WHEREAS**, certified copies of all 35 resolutions were filed with the Office of the Governor in August 1998 and have been found to be in proper form;

**WHEREAS**, efforts were made to avoid the need for dissolution by reconstituting the Dane County Regional Planning Commission through adoption of provisions in 1999 Wisconsin Act 9 that changed the membership of the Commission and established a separate Task Force to review the possibility of creating a multi-county regional planning commission;

**WHEREAS**, the chair of the Task Force has now reported to me by letter dated August 8, 2002, indicating that the work of the Task Force is completed, and on the basis of its review, recommending dissolution of the Dane County Regional Planning Commission;

**WHEREAS**, before a multi-county regional planning commission may be created to serve the six counties in South Central Wisconsin, the Dane County Regional planning Commission should be dissolved;

**NOW, THEREFORE, I SCOTT McCALLUM**, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this State, and specifically by Section 66.0309 (15) of the Wisconsin Statutes, do hereby:

1. Find, pursuant to sec. 66.0309, Wis. Stats., that:
  - A. I have received certified copies of thirty-five (35) resolutions that recommend the dissolution of the Dane County Regional Planning Commission;
  - B. such Resolutions were adopted by the governing bodies of a majority of the local units in the region of the Dane County Regional Planning Commission;
  - C. adequate provisions have been made for the payment of the debts and outstanding expenses of the Dane County Regional Planning Commission.
2. Based on the foregoing findings, I hereby issue the following:

**CERTIFICATE OF DISSOLUTION**

**I SCOTT McCALLUM**, as Governor of the State of Wisconsin, hereby issue this Certificate of Dissolution of the Dane County Regional Planning Commission, and hereby declare, order and determine that the Dane County Regional Planning Commission shall cease to exist; this Certificate shall be effective as of and for October 1, 2002, and I:

1. Direct the Department of Natural Resources and other state agencies, for all purposes, to treat the communities in Dane County as if they are not part of a regional planning commission and further direct the Department of Natural Resources to assume the duties of the Dane County Regional Planning Commission in the implementation of the Federal Clean Water Act;
2. Create the Governor's Special Commission on Regional Planning in South Central Wisconsin (hereinafter the "Special Commission"), consisting of the County Board Chairpersons (or their designees) of the Counties of Sauk, Columbia, Dane, Rock, Jefferson and Dodge, and one representative of municipal government from each of the listed counties;

3. Direct that the Special Commission shall be chaired by Mark Bugher, Director, UW Research Park;
4. Provide that the Special Commission shall have the following mission: To meet regularly in the fall of 2002 and report to me no later than November 1, 2002 with a plan stating the conditions under which a regional planning commission that includes these six counties may be created, said Special Commission to solicit input and views of local units in the six-county region; and
5. Provide that the Special Commission shall dissolve when its final report is accepted by the Governor.

**IN TESTIMONY WHERE OF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this twenty-second day of August in the year two thousand and two.

SCOTT McCALLUM  
Governor

*BY THE GOVERNOR:*

DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Department of Administration**

August 21, 2002

The Honorable, The Legislature:

Included with this correspondence, I am submitting the report of the Department of Administration, Division of Gaming (Gaming), for the fourth quarter of fiscal year 2002 (April 1, 2002 through June 30, 2002). As required by s. 562.02(1)(g), Wis. Stats., the attached materials contain pari-mutuel wagering and racing statistical information, as well as the revenues for the program areas of Racing, Charitable Gaming and Indian Gaming. Bingo revenues are now captured in a new appropriation (836) and therefore are shown on a separate chart from the rest of Charitable Gaming.

Please note that the final day of racing at St. Croix Meadows was August 9, 2001. The track is now closed. If you have any questions or comments regarding this report, please do not hesitate to contact Richard Pedersen at (608) 270-2546.

Sincerely,

F. SCOTT SCEPANIAC  
Administrator

**State of Wisconsin  
Legislative Audit Bureau**

August 21, 2002

The Honorable, The Legislature:

As requested by the Public Service Commission (PSC), we have completed a financial audit of the Universal Service Fund, which was established to ensure that all state residents receive essential telecommunications services and have access to advanced telecommunications capabilities. Our audit report contains our unqualified opinion on the Fund's financial statements and related notes for the fiscal year ending June 30, 2001 and 2000.

The Universal Service Fund is funded through assessments of telecommunications providers, which totaled \$19.6 million in fiscal year (FY) 2000-01. The largest program supported by the fund is the Educational Telecommunications Access Program, which is administered by the Technology for Educational Achievement (TEACH) Board. During FY 2000-01, \$10.5 million, or 59.4 percent of total fund expenditures, was spent on

subsidies and grants for data lines and video links for schools, libraries, and others under this program.

Other programs supported by the Fund are operated by the PSC. Historically, expenditures for these programs have been significantly less than annual program budgets. For example, in FY 1999-2000, the budget for PSC-operated programs was \$8.0 million, but expenditures totaled only \$2.7 million. Although expenditures increased 69.3 percent during FY 2000-01 as the result of the implementation of new programs, modification of existing programs, and increased outreach efforts, PSC expenditures and outstanding encumbrances totaling \$5.8 million were less than the budget of \$6.9 million during FY 2000-01. As the result of recent legislation, the PSC may not assess nor than \$5.0 million in FY 2003-04, and \$6.0 million in FY 2004-05 and each year thereafter for PSC-operated programs.

We appreciate the courtesy and cooperation extended to us by the staff at the PSC, TEACH, and the Fund's administrator, Williams Young, LLC, during the audit.

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Wisconsin Employment Relations Commission**

The Honorable, The Legislature:

The following is the Biennial Report of the Wisconsin Employment Relations Commission for the 1999-2001 biennium. The report represents a compilation of the statistical and subjective record of the agency over this period. The agency continues to maintain its statewide and national recognition for competence, fairness and integrity as the administrative agency for the Wisconsin Labor Relations Statutes.

As a Commission, we look forward to maintaining that hard working reputation through the continued exercise of diligence and professionalism in the performance of our duties.

Sincerely,

STEVEN R. SORENSON  
Chairperson

**State of Wisconsin  
Department of Public Instruction**

August 23, 2002

The Honorable, The Senate:

Pursuant to s. 15.377(8), Wis. Stats., enclosed please find a list of nominees to the Professional Standards Council for Teachers. These individuals were selected based upon organizational recommendations as prescribed in statute. Your confirmation of the appointees is requested.

Sincerely,

ELIZABETH BURMASTER  
State Superintendent

XIONG, KOU Y., of Menomonie, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2004.

Read and referred to committee on **Education**.

SMITH-GROSS, MURIEL, of Milwaukee, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2003.

Read and referred to committee on **Education**.

LEWNO, PAT, of Racine, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2005.



Read and referred to committee on **Education**.

COBALLES-VEGA, CARMEN, of Oshkosh, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2005.

Read and referred to committee on **Education**.

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**State of Wisconsin  
Revisor of Statutes Bureau**

September 1, 2002  
To the Honorable, the Senate:

The following rules have been published:

<b>Clearinghouse Rules</b>	<b>Effective Date(s)</b>
<b>00-180</b>	September 1, 2002
<b>01-054</b>	September 1, 2002
<b>01-058</b>	September 1, 2002
<b>02-021</b>	September 1, 2002
<b>02-023</b>	September 1, 2002
<b>02-034</b>	September 1, 2002
<b>02-039</b>	September 1, 2002
<b>02-040</b>	September 1, 2002
<b>02-041</b>	September 1, 2002

Sincerely,  
GARY L. POULSON  
Deputy Revisor

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**Senate Clearinghouse Rule 02-065**

Relating to time limits for applications for waterway and wetland permits.

Submitted by Department of Natural Resources.

Withdrawn by Agency, August 28, 2002.

**Senate Clearinghouse Rule 00-161**

Relating to lead and copper monitoring and treatment requirements for public water systems.

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 01-144**

Relating to wetland conservation activities.

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 02-013**

Relating to the development of an aquifer storage recovery well or the operation of an ASR system by a municipal water utility.

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 02-015**

Relating to permit and water quality certification time limits, exempt activities in nonfederal wetlands and the identification and delineation of nonfederal wetlands.

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 02-044**

Relating to snowmobile rail crossings.

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 02-045**

Relating to the regulation of fishing rafts on the Wolf river and its tributaries.

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 02-046**

Relating to department procedures for administrative hearings.

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 02-051**

Relating to transitional treatment.

Submitted by Office of the Commissioner of Insurance.

Report received from Agency, August 26, 2002.

Referred to committee on **Insurance, Tourism, and Transportation**, August 28, 2002.

**Senate Clearinghouse Rule 02-060**

Relating to recycling efficiency incentive grants.

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 02-062**

Relating to a pilot program for alternative method of compliance with solid waste recycling requirements.

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 02-063**

Relating to the administration of the brownfield green space and public facilities grant program.

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 02-073**

Relating to fishing on the inland and outlying waters of Wisconsin.

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 02–074**

Relating to the administration of the Wisconsin forest landowner grant program.

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 02–075**

Relating to to the 2002 migratory game bird season.

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 02–076**

Relating to emissions averaging provisions and categorical emission limits while controlling nitrogen oxides (NO<sub>x</sub>).

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 02–085**

Relating to disabled parking placards.

Submitted by Department of Transportation.

Report received from Agency, August 22, 2002.

Referred to committee on **Insurance, Tourism, and Transportation**, August 28, 2002.

**Senate Clearinghouse Rule 02–087**

Relating to the apprenticeship probationary period.

Submitted by Department of Workforce Development .

Report received from Agency, August 23, 2002.

Referred to committee on **Labor and Agriculture**, August 28, 2002.

**Senate Clearinghouse Rule 02–089**

Relating to small game and expanded spring turkey hunting in state parks.

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 02–091**

Relating to grants to counties that are not served by transportation services provided by the Wisconsin department of disabled american veterans for the purpose of developing, maintaining, and expanding transportation services.

Submitted by Department of Veterans Affairs.

Report received from Agency, August 26, 2002.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, August 28, 2002.

**Senate Clearinghouse Rule 02–094**

Relating to workers compensation procedures on claim, payment after an order, reports by expert witnesses, and statement of employee.

Submitted by Department of Workforce Development .

Report received from Agency, August 23, 2002.

Referred to committee on **Labor and Agriculture**, August 28, 2002.

**Senate Clearinghouse Rule 02–102**

Relating to securities broker–dealer, agent, investment adviser and investment adviser representative license–filing procedures, license period provisions, and securities registration disclosure requirements.

Submitted by Department of Financial Institutions.

Report received from Agency, August 21, 2002.

Referred to committee on **Privacy, Electronic Commerce and Financial Institutions**, August 28, 2002.

**Senate Clearinghouse Rule 02–109**

Relating to financial eligibility of prospective clients.

Submitted by Public Defender Board.

Report received from Agency, August 27, 2002.

Referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**, August 28, 2002.

**Senate Clearinghouse Rule 02–110**

Relating to provisional appointment of private attorneys seeking certification for appellate appointments.

Submitted by Public Defender Board.

Report received from Agency, August 27, 2002.

Referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**, August 28, 2002.

# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

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WEDNESDAY, September 4, 2002

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The Chief Clerk makes the following entries under the above date.

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin

#### Department of Health and Family Services

August 26, 2002

The Honorable, The Senate:

In accordance with sec. 1.11(2)(j), Wis. stats., the Department of Health and Family Services reports that it has not conducted any Environmental Assessments or Environmental Impact Statements during the reporting period of July 1, 2001, through June 30, 2002.

Sincerely,

PHYLLIS J. DUBE  
Secretary

#### State of Wisconsin Legislative Audit Bureau

August 29, 2002

The Honorable, The Senate:

We have completed an evaluation of the full-time open enrollment program, as directed by s. 13.94(11), Wis. Stats. Under the program, students may apply to attend school in any K-12 public school district in the state, regardless of whether they live in that district. Families of students who transfer from their local district do not pay tuition. However, a local district loses state aid for each student who transfers to another district and gains state aid for each student who transfers from another district.

In the 2001-02 school year 9,457 students, or 1.1 percent of all public school students, participated in the program. Although participation increased significantly during the first four years of the program, it is still too early to determine whether public schools have improved as a result of district competition to retain and attract students. Few districts report developing new or innovative programs in response to the program, perhaps because most school districts gained or lost 20 students or less. Similarly, fiscal effects of the program have been limited to those districts that experienced significant participation. In 2001-02, 308 of 426 school districts in Wisconsin had net gains or losses of less than \$75,000.

Although parental satisfaction with the program appears to be high, several issues related to open enrollment pose challenges for the program's future. First, the Legislature may wish to carefully consider the costs associated with funding the education of home-schooled students under proposals for on-line virtual schools that accept students from across the state. In addition, school district staff are concerned about the increasing administrative burden of processing open

enrollment transfer applications, and program rules related to special education are under federal review.

We appreciate the cooperation and courtesy extended to us by the department of Public Instruction management and staff. The response from the Superintendent of Public Instruction is Appendix 4.

Sincerely,

JANICE MUELLER  
State Auditor

#### State of Wisconsin Ethics Board

September 3, 2002

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/>

Archiquette, Tana **Oneida Tribe of Indians of Wisconsin**

Dilweg, Sean **Correctional Services Corporation**

Essie, Patrick **Correctional Services Corporation**

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

### REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

#### Senate Clearinghouse Rule 99–009

Relating to criteria and procedures for reimbursement of interpreting services for persons who are deaf or hard of hearing.

Submitted by Department of Health and Family Services.

Report received from Agency, August 29, 2002.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, September 4, 2002.

#### Senate Clearinghouse Rule 99–101

Relating to communication services.

Submitted by Department of Revenue.

Report received from Agency, August 29, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, September 4, 2002.

**Senate Clearinghouse Rule 02–032**

Relating to providing access to the 4th, 8th, and 10th grade knowledge and concepts examinations and the high school graduation test.

Submitted by Department of Public Instruction.  
Report received from Agency, August 30, 2002.  
Referred to committee on **Education**, September 4, 2002.

**Senate Clearinghouse Rule 02–050**

Relating to Wisconsin works.  
Submitted by Department of Workforce Development .  
Report received from Agency, August 29, 2002.

Referred to committee on **Labor and Agriculture**, September 4, 2002.

**Senate Clearinghouse Rule 02–057**

Relating to employer medical certification requirements under the long–term disability insurance (LTDI) program.  
Submitted by Department of Employee Trust Funds.  
Report received from Agency, August 30, 2002.  
Referred to committee on **Labor and Agriculture**, September 4, 2002.

**Senate Clearinghouse Rule 02–067**

Relating to applications, examinations, experience, education, renewal requirements and unprofessional conduct with regard to real estate appraisers.  
Submitted by Department of Regulation and Licensing.  
Report received from Agency, August 29, 2002.  
Referred to committee on **Universities, Housing, and Government Operations**, September 4, 2002.

**Senate Clearinghouse Rule 02–069**

Relating to revising requirements for defined network plans, preferred provider plans and limited service health organization plans to comply with recent changes in state laws.  
Submitted by Office of Commissioner of Insurance.  
Report received from Agency, August 30, 2002.  
Referred to committee on **Insurance, Tourism, and Transportation**, September 4, 2002.

**Senate Clearinghouse Rule 02–081**

Relating to construction site erosion control and storm water management procedures for department actions.  
Submitted by Department of Transportation.  
Report received from Agency, August 29, 2002.  
Referred to committee on **Insurance, Tourism, and Transportation**, September 4, 2002.

**Senate Clearinghouse Rule 02–093**

Relating to adult field supervision.  
Submitted by Department of Corrections.  
Report received from Agency, August 29, 2002.  
Referred to committee on **Economic Development and Corrections**, September 4, 2002.

**Senate Clearinghouse Rule 02–100**

Relating to grants for information technology development projects and for energy development and demonstration projects.  
Submitted by Department of Administration.  
Report received from Agency, August 28, 2002.  
Referred to committee on **Universities, Housing, and Government Operations**, September 4, 2002.

**Senate Clearinghouse Rule 02–101**

Relating to adoption assistance and the use of the state adoption information exchange to find adoptive families for children.  
Submitted by Department of Health and Family Services.  
Report received from Agency, August 29, 2002.  
Referred to committee on **Human Services and Aging**, September 4, 2002.

**Senate Clearinghouse Rule 02–104**

Relating to the administration of child care funds.  
Submitted by Department of Workforce Development .  
Report received from Agency, August 28, 2002.  
Referred to committee on **Human Services and Aging**, September 4, 2002.

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The committee on **Insurance, Tourism, and Transportation** reports and recommends:

**Senate Clearinghouse Rule 02–043**

Relating to publication of health insurance rates for small employer health insurance.  
No action taken.

**Senate Clearinghouse Rule 02–056**

Relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.  
No action taken.

**Senate Clearinghouse Rule 02–079**

Relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.  
No action taken.

Roger Breske  
Chairperson

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**MOTIONS UNDER SENATE RULE 98 AND  
JOINT RULE 7  
for the Month of August 2002**

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Jauch, for Ashland Industries, Inc., on the occasion of being recognized as the Ashland Area 2002 Business of the Year.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Hansen, for Robert Charles Augustian, on the occasion of his years of service to the greater Green Bay community.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Decker for the town of Bern, on the occasion of celebrating its 100th anniversary.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Moen, for Major General James G. Blaney, on the occasion of his retirement after many years of outstanding service to the Wisconsin National Guard and the citizens of Wisconsin.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Timothy Boston, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Justin Brandt, on the occasion of earning and attaining the rank of the Eagle Scout Award.*



*A certificate in condolences by the Wisconsin Senate on the motion of Senator Decker, for the family and friends of Bennie Colrud, on the occasion of his years of dedication to the village of Rosholt.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Stuart H. Covi, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Meyer, for Julie Daggett, on the occasion of celebrating her 40th Birthday.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Adam DeNoble, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grobschmidt, for Dominic Frinzi, on the occasion of being the recipient of the 2002 Vision for Milwaukee Award from the Milwaukee Ethnic Council.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Catherine Gugala, on the occasion of being crowned as Ms. Wheelchair of America.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for John and Marjorie Gusman, on the occasion of celebrating their 65th wedding anniversary shared with family and friends.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Harsdorf, for Mr. Cody Haugen, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Jon H. Hochkammer, on the occasion of his departure and on his accomplishments and outstanding service the past 9 years with the Wisconsin State Senate.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Kanavas, for Christopher Ray Johnson, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Baumgart, for Roger Jones, on the occasion of his retirement after 27 years with the Wisconsin State Patrol.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Tom Kissane, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Harsdorf, for Mr. Paul Lanners, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moore, for the League of United Latin American Citizens (LULAC), on the occasion of convening in Milwaukee, Wisconsin August 23 – 25, 2002 during Mexican Fiesta 2002.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Brian Liermann, on the occasion of his successful completion of the Youth Apprenticeship Program.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Decker, for William Logan Marnholtz, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for George E. Meyer, on the occasion of his retirement after 29 years of service to the Wisconsin Department of Natural Resources.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Panzer, for Nic Noster, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Benjamin Olsen, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Harsdorf, for Mr. Leroy Olson, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Roessler, for RB Royal Industries, Inc., on the occasion of its 60 years of operation and for their many contributions to the community of Fond du Lac.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for the Retired and Senior Volunteer Program (RSVP), on the occasion of celebrating their 25th anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Evan D. Schwarz, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Panzer, for Nathan Short, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Decker, for Michael E. Spahn, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Risser, for Ryan Taugher, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Cowles, for the town of Vandebroek, on the occasion of their 100 year Centennial Celebration.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Troy Vosseller, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Kanavas, for Christopher Reed–Waddell, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Huelsman, for Eric Weier, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate in condolences by the Wisconsin Senate on the motion of Senator Decker, for the family and friends of Mr. Stanley Zabrowski, on the occasion of his years of dedication to the village of Rosholt.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Stephen Zielke, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, September 11, 2002

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The Chief Clerk makes the following entries under the above date.

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Department of Health and Family Services**

February 6, 2002

The Honorable, The Senate:

The Department of health and Family Services is pleased to submit to the Governor and the Legislature the *Guide to Wisconsin Hospitals, Fiscal year 2000*. The data for this report were collected under section 153.05, Wisconsin Statutes, and are published as authorized by the requirements of section 120.21, Wisconsin Administrative Code.

The report provides summary and detailed information about fiscal, utilization, and staffing data at Wisconsin hospitals, and sets forth comparisons among hospitals of increases or decreases in gross revenues, net revenues, and expenditures.

Sincerely,

PHYLLIS J. DUBE  
Secretary

**State of Wisconsin  
Ethics Board**

September 10, 2002

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/>

Pittenger, Jeremy      **Wisconsin Primary Health Care 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

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

The committee on **Economic Development and Corrections** reports and recommends:

**Senate Clearinghouse Rule 02–038**

Relating to complaint procedures.

No action taken.

Robert Jauch  
Chairperson

The committee on **Labor and Agriculture** reports and recommends:

**Senate Clearinghouse Rule 01–124**

Relating to dairy plants.

No action taken.

**Senate Clearinghouse Rule 01–125**

Relating to dairy farms.

No action taken.

**Senate Clearinghouse Rule 02–088**

Relating to the extension of the time period allowed for filing an initial claim for unemployment insurance benefits.

No action taken.

David Hansen  
Chairperson

The committee on **Privacy, Electronic Commerce and Financial Institutions** reports and recommends:

**Senate Clearinghouse Rule 02–036**

Relating to telephone solicitations and a no–call list.

No action taken.

Jon Erpenbach  
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 02–024**

Relating to the procedure and practice of conducting administrative hearings before the division.

No action taken.

**Senate Clearinghouse Rule 02–052**

Relating to the definition of “ownership” for the purpose of determining eligibility of firms for a license as a certified public accounting firm.

No action taken.

Mark Meyer  
Chairperson

# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

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WEDNESDAY, September 18, 2002

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The Chief Clerk makes the following entries under the above date.

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin

September 12, 2002

The Honorable, The Senate:

Pursuant to Senate Rule 20 (2)(a) and (b), I have appointed Senator Joanne Huelsman and Senator Scott Fitzgerald to the Joint Committee on Finance, and removed Senator Rosenzweig and Senator Darling.

I have appointed Senator Judy Robson and Senator Dave Hansen to the Joint Committee on Finance, and removed Senator Moore and Senator Plache.

With regard to members of the minority party, appointments are made based on nominations made by that caucus.

Sincerely,

CHUCK CHVALA

Chair, Committee on Senate Organization

#### State of Wisconsin

September 13, 2002

The Honorable, The Senate:

Pursuant to Senate Rule 20 (2)(a) and (b), I have appointed Senator Rosenzweig and Senator Darling to the Joint Committee on finance, and removed Senator Huelsman and Senator Fitzgerald.

I have appointed Senator Moore and Senator Plache to the Joint Committee on Finance, and removed Senator Robson and Senator Hansen.

With regard to members of the minority party, appointments are made based on nominations made by that caucus.

Sincerely,

CHUCK CHVALA

Chair, Committee on Senate Organization

#### State of Wisconsin Public Service Commission

September 11, 2002

The Honorable, The Legislature:

Enclosed is a copy of the annual report the Public Service Commission (Commission) submits to the legislature as required by Wis. Stats. s. 1.11(2)(j). It reports on the number and type of proposed actions requiring the preparation of an environmental assessment or an environmental impact statement by the Commission between July 1, 2001 and June 30, 2002.

If you have any questions on this report, please contact our Environmental Review Coordinator, Kathleen Zuelsdorff, at (608) 266-2730.

Sincerely,

AVE M. BIE

Chairperson

#### State of Wisconsin

#### University of Wisconsin System

September 12, 2002

The Honorable, The Legislature:

The University of Wisconsin System is pleased to provide you with a copy of our annual Wisconsin Environmental Policy Act (WEPA) report. In fulfillment of Section 1.11 (2)(j) Wisconsin Statutes, this document provides information on the numbers of Environmental Impact Assessments (EIA's) and Environmental Impact Statements (EIS's) completed in the past fiscal year.

This report addresses the activities of the university of Wisconsin System for the period from July 1, 2001 through June 30, 2002.

Questions regarding this report should be directed to Terri Reda, UW System Environmental Affairs Officer. Terri may be reached at 263-4410.

Sincerely,

KATHARINE C. LYALL

President

#### Gathering Waters Conservancy

September 12, 2002

The Honorable, The Senate:

It is my pleasure to share with you a report on Gathering Waters Conservancy's activities and accomplishments for Fiscal year 2002. This report is being submitted in accordance with the statutory requirements of s. 23.0955(2)(b)5. Gathering Waters Conservancy has had an extremely successful year, thanks to the on going support of the state legislature and the Department of Natural Resources.

In 2000, Gathering Waters Conservancy adopted an ambitious strategic plan (see attached) to guide our efforts through the end of 2002. We are proud to report that we accomplished and exceeded the goals set out in that plan. Our major accomplishments for FY 2002 are described in the attached report.

Thank you again for your ongoing support and commitment to building the strength of Wisconsin's land trust community. Our efforts are paying off. There are now 45 land trusts in the state. Together these organization have permanently protected over 100,000 acres in communities across Wisconsin. Land trusts in Wisconsin have a combined membership in the tens of thousands and hundreds of local volunteers; they have raised millions of dollars to protect critical lands that benefit the public; and they work with private landowners every day to promote stewardship and protection of our natural resources.

We look forward to continuing to work with the Department and the state legislature to achieve our mutual conservation goals. Please do not hesitate to contact me for additional information. I have also attached Gathering Waters Conservancy's annual and financial reports for FY 2002 for your review.

Sincerely,  
VICKI ELKIN  
Executive Director

**State of Wisconsin  
Investment Board**

September 13, 2002

The Honorable, The Senate:

Pursuant to s. 1.11(2)(j) of the Statutes, the State of Wisconsin Investment Board is pleased to report that during fiscal year 2002, it did not consider any proposals for major action in Wisconsin that could significantly affect the quality of the human environment. Accordingly, the agency was not required to prepare any environmental assessments or impact statements under s. 1.11.

Please contact Sandy Drew at 261-0182 if you have any questions concerning this report.

Sincerely,  
PATRICIA LIPTON  
Executive Director

**State of Wisconsin  
Ethics Board**

September 17, 2002

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/>

Bauknecht, John	<b>United</b>	<b>Migrant</b>	<b>Opportunity</b>
<b>Services/UMOS Inc</b>			
Martinez, Lupe	<b>United</b>	<b>Migrant</b>	<b>Opportunity</b>
<b>Services/UMOS Inc</b>			

McIntosh, Forbes **School District of Waukesha**

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

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

The committee on **Environmental Resources** reports and recommends:

**Senate Clearinghouse Rule 02-012**

Relating to the establishment and operation of a voluntary multi-pollutant emission reduction registry.

No action taken.

**Senate Clearinghouse Rule 02-019**

Relating to regulating mercury in wastewater discharge permits.

No action taken.

**Senate Clearinghouse Rule 02-047**

Relating to the administration of the forest crop law and the managed forest law.

No action taken.

Jim Baumgart  
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 02-082**

Relating to filing campaign finance reports in electronic format.

No action taken.

Mark Meyer  
Chairperson



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

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WEDNESDAY, September 25, 2002

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The Chief Clerk makes the following entries under the above date.

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin

September 17, 2002

The Honorable, The Senate:

Pursuant to s. 15.215(1), and Senate Rule 20 (a) and (b), I have appointed Senator Ted Kanavas to the Information Technology Management Board.

With regard to members of the minority party, this appointment reflects the nomination of that caucus.

Sincerely,

CHUCK CHVALA, Chair  
Committee on Senate Organization

#### State of Wisconsin Department of Administration

August 29, 2002

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 July 2002.

On July 1, 2002, the **General Fund** cash balance closed at negative \$381.8 million. This negative balance continued through July 31, 2002, when the balance closed at negative \$616.7 million. The **General Fund** cash balance reached a low of negative \$835.8 million on July 25, 2002. The negative balance was due to the overall budget shortfall, in combination with the difference in the timing of revenues and expenditures.

On July 22, 2002, the **Common School Income Fund** cash balance closed at negative \$0.4 million. This negative balance continued until July 31, 2002, when the balance reached a positive \$0.2 million. The negative balance was due to the difference in the timing of revenues and expenditures.

The General Fund and the Common School Income Fund negative cash balances 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 Legislative Audit Bureau

September 19, 2002

The Honorable, The Legislature:

At the request of the Joint Legislative Audit Committee, we have completed a review of Milwaukee County government. Milwaukee County includes 19 cities and villages and is Wisconsin’s largest county, with a population of 940,164. In 2002, it budgeted for 7,082.7 full-time equivalent positions to provide government services through 26 departments. Expenditures for 2002 are estimated to be \$1.1 billion.

Changes to retirement benefits for county employees that were enacted in November 2000 have raised questions about the adequacy of oversight for the Milwaukee County Employees’ Retirement System. Enhanced retirement benefits are currently estimated to increase retirement benefit cost by \$53.5 million for the four-year period covered by the current wage and benefit package. We analyzed several options for improving control and accountability over decisions pertaining to pension benefits, including participation in the Wisconsin Retirement System, other restructuring options, increased state control, improvements to county activities such as the preparation of fiscal notes, and separating pension changes from other wage and benefit negotiations.

We also identified areas for improvement and efficiencies in county board procedures, the county’s budgeting and hiring process, and information technology. For example, Milwaukee County does not budget for its employees’ accumulated sick leave payments, and from January 1 through August 9, 2002, it spent \$5.6 million for these payments because of a large number of retirements. We have included a recommendation for Milwaukee County to more accurately budget for the cost of accumulated employee sick leave at the time of retirement.

Finally, we have identified areas for potential consolidation of services within the Department of Parks, and we have suggested that the Sheriff’s Department recover more of its costs for providing security and traffic control services at special events and that the county seek additional private support for the zoo and its arts and cultural facilities.

We appreciate the courtesy and cooperation extended to us by Milwaukee County staff and the assistance provided by the Milwaukee County Department of Audit. The response of the Milwaukee County Executive is in the appendix.

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Department of Administration**

September 13, 2002

The Honorable, The Senate:

The Wisconsin Land Council (WLC) and the Wisconsin Land Information Board (WLIB) are submitting the attached *Report to the Governor and Legislature* in compliance with the provisions of s. 16.023 (2), Wis. Stats., and 1997 Act 27, Section 9101 (11m).

This Report details WLIB and WLC statutory charges and accomplishments, documents benefits, recommends future directions and functions to continue progress on the statutory charges, and, notes areas of common interests between the WLIB and WLC. It also details impacts of the WLIB sunset and WLC sunset, provides alternatives to the sunsets and concludes with the WLC and WLIB recommendations for continuing the functions past the September 1, 2003, sunset. A brief Summary is included at the beginning of the Report.

From their examinations, the WLIB and WLC determined that important work remains to be done and agreed that their functions need to continue beyond the September 1, 2003, sunset. The WLIB and WLC strongly support maintaining the current distribution of funding for operations and local aids.

The WLC and the WLIB studied and vigorously discussed the feasibility of combining their functions but did not reach consensus on a recommendation. The WLIB vote to combine their functions failed on a 6-6 vote. The WLIB subsequently voted 7-5 to recommend lifting the sunsets of the WLIB and WLC and preserve the continuity of both bodies. The Wisconsin Land Council voted 15-1 to sunset the WLIB and WLC and combine current WLIB and WLC statutory responsibilities and functions under one new entity with three statutorily defined working groups.

The WLC and WLIB would like to express their appreciation for the opportunity to examine their charges and accomplishments, reevaluate activities and future directions, and, provide the Legislature and the Governor with their recommendations. We are pleased to forward this Report for your consideration.

Sincerely,

MAYOR TIMOTHY M. HANNA, Chair  
Wisconsin Land Council

TED W. KOCH, Chair  
Wisconsin Land Information Board

**State of Wisconsin  
Department of Health and Family Services**

September 20, 2002

The Honorable, The Senate:

Pursuant to Section 46.014(4) of the Wis. Stats., the Department of Health and Family Services is required to submit an annual report to the Legislature concerning the activities of the community action agencies under s. 46.30, and their effectiveness in promoting social and economic opportunities for low-income persons.

The attached report describes the use of the Community Services Block Grant funding, and the services and activities of the community action agencies and limited purpose agencies carried out to reduce poverty, revitalize low-income communities, and empower low-income individuals and families to become self-sufficient.

If you have any questions or need additional information, please contact Connie Klick, Manager, Community Services Section, at (608) 266-1489 or [klickcl@dhfs.state.wi.us](mailto:klickcl@dhfs.state.wi.us).

Sincerely,  
PHYLLIS J. DUBE  
Secretary

**State of Wisconsin  
Department of Public Instruction**

September 18, 2002

The Honorable, The Senate:

Pursuant to s. 15.377(8), Wis. Stats., enclosed please find a list of nominees to the Professional Standards Council for Teachers. These individuals were selected based upon organizational recommendations as prescribed in statute. Your confirmation of the appointees is requested.

Sincerely,

ELIZABETH BURMASTER  
State Superintendent

HERMENING, KEVIN, of Mosinee, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2003.

Read and referred to committee on **Education**.

**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

September 20, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint RAATHS, WILLIAM A., of Menasha, as a member of the Fox River Navigational System Authority, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Environmental Resources**.

**State of Wisconsin  
Office of the Governor**

September 12, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WALSH, MARY JO, of Shorewood, as a member of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for the interim term ending July 1, 2003.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Human Services and Aging**.

**State of Wisconsin  
Office of the Governor**

September 12, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint TROTTER, DANNY, of Edgerton, as

a member of the Pharmacy Examining Board, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

September 12, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SARAZEN, DR. JEFF M., of Wausau, as a member of the Optometry Examining Board, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

September 12, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint GRIFFIN, DR. LEON D., of Madison, as a member of the Optometry Examining Board, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

September 12, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint GRIEBENOW, DR. KERRY L., of New London, as a member of the Optometry Examining Board, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

September 12, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ROOS-STUTZ, LINDA, of North Fond du Lac, as a member of the Occupational Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Human Services and Aging.**

**State of Wisconsin  
Office of the Governor**

September 12, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CZAPLEWSKI, KAY M., of South 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**

September 12, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint D'AMICO-DOVE, JAN, of Oconomowoc, as a member of the Nursing Home Administrator Examining Board, to serve for the interim term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

September 12, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint PETERS, ALMA D., of Mequon, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

September 12, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JOHNSON, RUTH G., of Madison, as a member of the Examining Board of Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM

Governor

Read and referred to committee on **Environmental Resources.**

**State of Wisconsin  
Office of the Governor**

September 12, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint NENAYDYKH, YAKOV N., of New Berlin, as a member of the Examining Board of Geologists, Hydrologists and Soil Scientists, to serve for the interim term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Environmental Resources.**

**State of Wisconsin  
Office of the Governor**

September 12, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BUCHER, PAUL E., of Hartland, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Human Services and Aging.**

**State of Wisconsin  
Office of the Governor**

September 12, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ZABEL, DALE C., of Watertown, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the interm term ending July 1, 2003.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Universities, Housing, and Government Operations.**

**State of Wisconsin  
Office of the Governor**

September 12, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HAMBERGER, DR. L. KEVIN, of Franklin, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Human Services and Aging.**

**State of Wisconsin  
Office of the Governor**

September 12, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WILKIE, GERALD L., of Eau Claire, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Human Services and Aging.**

**State of Wisconsin  
Office of the Governor**

September 12, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MALONE, RONALD K., of Oak Creek, as a member of the Funeral Directors Examining Board, to serve for the interim term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

September 12, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint STEWART-BOETTCHER, LISA, of Columbus, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2004.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Human Services and Aging.**



STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, October 2, 2002

---

The Chief Clerk makes the following entries under the above date.

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Department of Employment Relations**

September 26, 2002

The Honorable, The Senate:

I am pleased to submit the Fiscal Year 2002 report on employment of customers of the Wisconsin Works (W-2) program. This report includes: (1) a description of each agency's efforts to employ W-2 job seekers; and (2) the number of W-2 job seekers employed by each agency and the classification title of each position filled from July 1, 2001, through June 30, 2002.

Enclosed is a copy of the W-2 hiring Report. Please contact Kathryn A. Moore at 266-9472 or e-mail at [kathryn.moore@der.state.wi.us](mailto:kathryn.moore@der.state.wi.us) if you have questions or need additional information regarding this report.

Sincerely,

PETER D. FOX  
Secretary

**State of Wisconsin  
Director of State Courts**

October 1, 2002

The Honorable, The Legislature:

Pursuant to s. 758.19(5)(i), Wis. Stats., the information reported to the Director of State Courts under ss. 758.19(5)(e) and 758.19(6)(d), Wis. Stats., by Wisconsin's counties has been compiled and is herein submitted. Under ss. 758.19(5)(e) and 758.19(6)(d), Wis. Stats., each county is required to submit an annual report to the Director of State Courts which provides information on the actual amount expended in the previous calendar year for court costs relating to the circuit court support and the guardian ad litem payment programs.

Sincerely,

PATRICK BRUMMOND  
Deputy Director of State Courts

**State of Wisconsin  
TEACH Wisconsin**

September 24, 2002

The Honorable, The Legislature:

I am writing to report to you the activities of the TEACH Wisconsin Board as required by Wis. Stats. s. 44.71(2)(f).

TEACH is achieving, and in some cases, surpassing its original goals for building a statewide educational technology infrastructure. We have replaced outdated wiring, spurred

ubiquitous access to the Internet, and made personal computing tools commonplace, and trained teachers and library staff. Attached is a summary that describes each of the TEACH programs that have made these advances possible as well as auxiliary TEACH activities that promote curriculum integration of technology, an essential factor in student achievement and job readiness.

The Wisconsin Education Network Collaboration Committee, under the leadership of TEACH, has just completed a comprehensive analysis of PK-20 educational technology needs and will issue its findings and recommendations for a technology migration plan shortly.

With your continued support, the TEACH Wisconsin Board looks forward to meeting the 21st century educational technology needs of Wisconsin citizens.

Sincerely,

RAY ALLEN  
Executive Director

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**State of Wisconsin  
Revisor of Statutes Bureau**

October 1, 2002

To the Honorable, the Senate:

The following rules have been published:

<b>Clearinghouse Rules</b>	<b>Effective Date(s)</b>
00-025	October 1, 2002
00-026	October 1, 2002
00-027	October 1, 2002
00-028	October 1, 2002
00-034	October 1, 2002
00-035	October 1, 2002
00-036	October 1, 2002
00-091 (part)	October 1, 2002
01-090	October 1, 2002
02-014 (part)	October 1, 2002
02-014 (part)	March 1, 2003
02-014 (part)	April 1, 2003
02-017 (part)	October 1, 2002
02-017 (part)	January 5, 2003
02-018	October 1, 2002
02-030	October 1, 2002
02-035	October 1, 2002
02-049	October 1, 2002

02-056 October 1, 2002  
 02-071 October 1, 2002

Sincerely,  
 GARY L. POULSON  
 Deputy Revisor

The committee on **Insurance, Tourism, and Transportation** reports and recommends:

**Senate Clearinghouse Rule 02-051**  
 Relating to transitional treatment.

No action taken.

**Senate Clearinghouse Rule 02-085**  
 Relating to disabled parking placards.

No action taken.

**Senate Clearinghouse Rule 02-086**  
 Relating to calculation of fees for special events, security, traffic enforcement and escort services.

No action taken.

Roger Breske  
 Chairperson

The committee on **Labor and Agriculture** reports and recommends:

**Senate Clearinghouse Rule 02-087**  
 Relating to the apprenticeship probationary period.

No action taken.

**Senate Clearinghouse Rule 02-094**  
 Relating to workers compensation procedures on claim, payment after an order, reports by expert witnesses, and statement of employee.

No action taken.

David Hansen  
 Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 01-047**  
 Relating to experience in public practice.

No action taken.

**Senate Clearinghouse Rule 02-053**  
 Relating to property tax exemption for waste treatment facilities.

No action taken.

**Senate Clearinghouse Rule 02-090**  
 Relating to land surveyor temporary permits.

No action taken.

Mark Meyer  
 Chairperson

**Motions Under Senate Rule 98 and Joint Rule 7  
 for the Month of September 2002**

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Ruby Bernstein, on the occasion of celebrating her 80th Birthday shared with family and friends.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moen, for Charles Betthausser, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Wirch, for Trisha Bowker, on the occasion of being selected as Queen of the Midwest Shrine Game.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moen, for Peter Bratz, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Herbert J. and Ruth E. Breske, on the occasion of celebrating their 50th wedding anniversary shared with family and friends.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for The Madison Civics Club, on the occasion of celebrating its 90th season in 2002-2003.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grobschmidt, for the Cudahy Fire Department, on the occasion of celebrating its 100th anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Michael D. Domres, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Andrew Goodreau, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Jason Grams, on the occasion of his courage under extreme duress in the aid of recovery of a drowning victim.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Harsdorf, for Mr. Robert Haney, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Daniel P. Herbers, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Panzer, for Joanne Huelsman, on the occasion of her retirement from the State Legislature with over 37 years of dedicated service to her community and fellow citizens.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Huelsman, for Brandon J. Jacobson, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Shibilski, for the life and service of Army Lieutenant Colonel Dennis M. Johnson, on the occasion of his valor, his devotion to the United States Military, for his ultimate sacrifice to preserve the American way of life that took place on September 11, 2001 at the Pentagon.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Reverend Lawrence L. Kirby, on the occasion of being consecrated as Bishop of St. Paul Baptist Church, the church he has serviced for over 21 years.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Dani Kofford, on the occasion of her courage under extreme duress when maintaining consciousness for her severely injured friend.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Kyle Krauss, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moen, for Alec M. Leavitt, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Curtis Lewis, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Decker, for The Neighbors Place, on the occasion of remembering the lives lost on September 11, 2001.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Richard and Dolly Peeples, on the occasion of celebrating their 45th anniversary.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for the Pine Lake Fire Department, on the occasion of celebrating its 25th anniversary.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Schultz, for the Platteville Kiwanis Club, on the occasion of their involvement and service to the community and celebrating their 80th anniversary.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Mr. Karl Rajani, on the occasion of being honored with the Man of the Year 2002 award by Career Youth Development.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Ms. Jeannetta Robinson, on the occasion of the 32nd annual Career Youth Development Image Awards.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grobschmidt, for Greg Schlecht and Greg's True Value, on the occasion of being the recipient of the St. Francis Commerce and Industry Award for 2002.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Paula Schulz, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moore, for Rev. Gabriel Lee and Mary H. Shaw, on the occasion of the celebration of their Birthdays shared with family and friends.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Ms. Claretta Simpson, on the occasion of her distinguished career and outstanding service to the community.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Ms. Cynthia Murphy Smith, on the occasion of being honored with the Woman of the Year 2002.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Mr. Paul Spraggins, on the occasion of his retirement in the field of education after years of dedicated and distinguished service to the State of Wisconsin.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for St. Marys Adult Day Health Center, on the occasion of celebrating their 20th anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Chvala, for the Sun Prairie Cardinal Youth Tackle Football program, on the occasion of celebrating a fantastic season.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Father Joe Tzougros, on the occasion of his 25 years of service to the Assumption Greek Orthodox Church.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Irma Willingham, on the occasion of celebrating her 100th Birthday shared with family and friends.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Pete Wirtala, on the occasion of his great achievement on attaining a perfect score on his ACT test.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Moore, for Frank P. Zeidler, on the occasion of his 90th Birthday and his legacy of citizenship to the people of the state of Wisconsin.*

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, October 9, 2002

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The Chief Clerk makes the following entries under the above date.

**PETITIONS AND COMMUNICATIONS**

**THE STATE OF WISCONSIN  
OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER 57**

*Relating to an amendment of Executive Order No. 52*

**WHEREAS**, Wisconsin identified the need to address land use, water quality, transportation and environmental issues on a regional basis more than 40 years ago by authorizing the creation of regional planning commissions; and

**WHEREAS**, all but six of Wisconsin's 72 counties participate in multi-county regional planning commissions, which have proven to be a valuable resource for local and state government in identifying emerging trends that must be addressed through sound planning; and

**WHEREAS**, the only counties in Wisconsin that are not included in a multi-county regional planning commission are the five counties that border Dane County, specifically, Sauk, Dodge, Columbia, Jefferson and Rock counties; and

**WHEREAS**, the Dane County Regional Planning Commission is the only regional planning commission in Wisconsin that serves only one county rather than a region; and

**WHEREAS**, the Dane County Regional Planning Commission was created by 1970 Executive Order 22 by Governor Warren Knowles; and

**WHEREAS**, the inclusion of only one county in the Dane County Regional Planning Commission led to concerns being expressed by towns and small communities in Dane County that the Commission was unfairly dominated by the urban areas of the county; and

**WHEREAS**, these concerns have grown over time, and resulted in the 1998 adoption of resolutions by 35 communities in Dane County that invoked their right under the statutes to dissolve the Dane County Regional Planning Commission and to withdraw their communities from the jurisdiction of the Dane County Regional Planning Commission; and

**WHEREAS**, certified copies of all 35 resolutions were filed with the Office of the Governor in August 1998 and have been found to be in proper form; and

**WHEREAS**, upon receipt of the petitions from a majority of the municipalities in the region and on the finding that adequate provisions have been made for the payment of the debts and outstanding expenses for the regional planning commission the Governor is mandated to dissolve the commission; and

**WHEREAS**, in 1999 Wisconsin Act 9, section 9158(8w)(e) the Legislature directed that the Dane Count

Regional Planning Commission would be dissolved at the latest on October 1, 2002; and

**WHEREAS**, the Legislature in 1999 Wisconsin Act 9, section 9121(1w) directed the Governor to appoint a task force to study and make recommendations regarding the creation of a multi-county regional planning commission to replace the Dane County Regional Planning Commission after its dissolution; and

**WHEREAS**, the chair of the Task Force has now reported to me by letter dated August 8, 2002, indicating that the work of the Task Force is completed, and on the basis of its review, recommended dissolution of the Dane County Regional Planning Commission; and

**WHEREAS**, I found that adequate provisions have been made for the payment of the debts and outstanding expenses of the Dane County Regional Planning Commission and that these provisions were not clearly understood by some individuals; and

**NOW, THEREFORE, I SCOTT McCALLUM**, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this State, do hereby:

Reiterate that adequate provisions have been made for the payment of the debts and outstanding expenses of the Dane County Regional Planning Commission and list those provisions below.

1. In 1999 Wisconsin Act 9 the Legislature made provisions for the dissolution of the Dane County Regional Planning Commission.

2. Those provisions were, "All unexpended funds of the commission on that date [date of dissolution] shall be applied to any outstanding indebtedness of the commission. If any outstanding indebtedness of the commission remains after the application of the unexpended funds to such debts, the remaining indebtedness shall be assessed to Dane County. If the commission has no outstanding indebtedness and has unexpended funds, such funds shall be returned to the cities, villages, towns or county that supplied them."

3. I found the plan, which was accepted by the Legislature, to be an adequate plan for any debts or funds of the Commission.

**IN TESTIMONY WHERE OF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this 27th day of September in the year two thousand and two.

SCOTT McCALLUM  
Governor

*BY THE GOVERNOR:*

DOUGLAS LA FOLLETTE  
Secretary of State



**State of Wisconsin  
University of Wisconsin Hospital and Clinics**

October 1, 2002

The Honorable, The Senate:

On behalf of the University of Wisconsin Hospital and Clinics Authority, I am pleased to submit the enclosed report as required under section 233.04(1) *Wisconsin Statutes*. The University of Wisconsin Hospital and Clinics 2001-2002 annual Report outlines our Strategic Plan – related 2001-2002 accomplishments and 2002-2003 goals. Although we continue to face challenges related to staffing, cost containment and access, UWHC is meeting its mission of patient care, education, research and community service in a manner consistent with expectations for an academic medical center associated with a great research university.

Through a host of *bests* as ranked by national data, we retain our leadership position among the best hospitals in the nation, emphasizing patient safety, clinical excellence and technical innovation. In addition, UWHC has made significant progress toward becoming the health care employer of choice in the Dane County area.

If you have any questions or need further information, please don't hesitate to contact me at 608-263-5800. Printed copies of this report, along with a new brochure about UWHC people and services, will be distributed to general audiences within the next six weeks.

Sincerely,

LINDA G. BREI  
Vice President, Marketing and Public Affairs

**State of Wisconsin  
Department of Administration  
Department of Natural Resources**

October 1, 2002

The Honorable, The Senate:

Attached to this letter is the Environmental Improvement Fund Biennial Finance Plan for the 2003-2005 biennium.

Environmental Improvement Fund program legislation (s.281.59(3), Wis. Stats.) requires the Department of Natural Resources and the Department of Administration to submit the first version of the Biennial Finance Plan to the Legislature and to the State Building Commission. The purpose of the plan is to provide information on loan, loan subsidy, and bonding levels for program operations in the 2003-2005 biennium.

If you have any questions regarding the Biennial Finance Plan or the Biennial Report, please contact Kathryn A. Curtner at 266-0860 or Frank R. Hoadley at 266-2305.

Sincerely,

KATHRYN A. CURTNER, Director  
Bureau of Community Financial Assistance  
Department of Natural Resources

FRANK R. HOADLEY  
Capital Finance Director  
Department of Administration

**State of Wisconsin  
Ethics Board**

October 8, 2002

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/>

- |                    |  |
|--------------------|--|
| Broydrick, William | <b>School District of Waukesha</b>                 |
| Holschbach, Todd   | <b>Nature Conservancy – Wisconsin Chapter, The</b> |
| Lester, Joelle     | <b>Wisconsin Association of School Boards Inc</b>  |
| McIntosh, Forbes   | <b>School District of Waukesha</b>                 |
| Murphy, Michael R  | <b>Humana Inc</b>                                  |
| Prentiss, Michael  | <b>Elevator Industry Work Preservation Fund</b>    |

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

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

The joint committee for **review of Administrative Rules** reports and recommends:

- Senate Clearinghouse Rule 00–164**  
relating to wetland compensatory mitigation.  
Report concurrence in objection, Ayes 7, Noes 3.  
Ayes, 7 – Senators Robson, Grobschmidt, Hansen and Cowles. Representatives Seratti, Turner and Hebl.  
Noes, 3 – Senator Welch. Representatives Grothman and Gunderson.

Judith Robson  
Senate Chairperson

The committee on **Education** reports and recommends:

- Senate Clearinghouse Rule 01–069**  
Relating to testing of pupils with limited–English proficiencies and disabilities.  
No action taken.

- Senate Clearinghouse Rule 02–107**  
Relating to the children at risk program.  
No action taken.

Richard Grobschmidt  
Chairperson

The committee on **Health, Utilities, Veterans and Military Affairs** reports and recommends:

- Senate Clearinghouse Rule 01–134**  
Relating to a pharmacy internship program.  
No action taken.

- Senate Clearinghouse Rule 02–008**  
Relating to defining failing to cooperate in a timely manner in an investigation as unprofessional conduct.  
No action taken.

- Senate Clearinghouse Rule 02–021**  
Relating to the scheduling of examinations.  
No action taken.

- Senate Clearinghouse Rule 02–025**  
Relating to classifying dichloralphenazone as a schedule IV controlled substance under federal law.  
No action taken.

**Senate Clearinghouse Rule 02-027**

Relating to customer satisfaction surveys for municipal utilities and technical corrections.

No action taken.

**Senate Clearinghouse Rule 02-035**

Relating to annual patients compensation fund and mediation fund fees for the fiscal year beginning July 1, 2002 and relating to the Wisconsin health care insurance plan's primary limits.

No action taken.

**Senate Clearinghouse Rule 02-055**

Relating to defining sexual contact with a patient as unprofessional conduct.

No action taken.

**Senate Clearinghouse Rule 02-070**

Relating to reimbursement for treatment of chronic renal disease; to reimbursement for blood products and supplies used in the home care of hemophilia; and to reimbursement for treatment of persons with cystic fibrosis.

No action taken.

**Senate Clearinghouse Rule 02-083**

Relating to operation of the health insurance risk-sharing plan (HIRSP).

No action taken.

**Senate Clearinghouse Rule 02-091**

Relating to grants to counties that are not served by transportation services provided by the Wisconsin department

of disabled american veterans for the purpose of developing, maintaining, and expanding transportation services.

No action taken.

**Senate Clearinghouse Rule 99-009**

Relating to criteria and procedures for reimbursement of interpreting services for persons who are deaf or hard of hearing.

No action taken.

Rodney Moen  
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 02-067**

Relating to applications, examinations, experience, education, renewal requirements and unprofessional conduct with regard to real estate appraisers.

No action taken.

**Senate Clearinghouse Rule 02-100**

Relating to grants for information technology development projects and for energy development and demonstration projects.

No action taken.

**Senate Clearinghouse Rule 99-101**

Relating to communication services.

No action taken.

Mark Meyer  
Chairperson

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, October 16, 2002

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The Chief Clerk makes the following entries under the above date.

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Department of Revenue**

October 4, 2002

The Honorable, The Legislature:

I am submitting the quarterly report of the Wisconsin Lottery for the quarter ending June 30, 2002. As required by s. 565.37(3), Wis. Stats., the attached materials contain unaudited Wisconsin Lottery year to date Sales and Expenditure information.

The summary information reported here is not intended to be a complete financial accounting of the Wisconsin Lottery Fund.

If you have any questions or comments regarding this report, please feel free to contact me at (608) 266-6466.

Sincerely,

RICHARD G. CHANDLER  
Secretary of Revenue

**State of Wisconsin  
Department of Revenue**

October 4, 2002

The Honorable, The Legislature:

I am submitting the quarterly report of the Wisconsin Lottery for the quarter ending September 30, 2002. As required by s. 565.37(3), Wis. Stats., the attached materials contain unaudited Wisconsin Lottery year to date Sales and Expenditure information.

The summary information reported here is not intended to be a complete financial accounting of the Wisconsin Lottery Fund.

If you have any questions or comments regarding this report, please feel free to contact me at (608) 266-6466.

Sincerely,

RICHARD G. CHANDLER  
Secretary of Revenue

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

The committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform** reports and recommends:

**Senate Clearinghouse Rule 01–138**

Relating to child support incentive payments.

No action taken.

**Senate Clearinghouse Rule 02–031**

Relating to the repayment of cost of legal representation.

No action taken.

**Senate Clearinghouse Rule 02–109**

Relating to financial eligibility of prospective clients.

No action taken.

**Senate Clearinghouse Rule 02–110**

Relating to provisional appointment of private attorneys seeking certification for appellate appointments.

No action taken.

Gary George  
Chairperson

# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

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WEDNESDAY, October 23, 2002

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The Chief Clerk makes the following entries under the above date.

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin

October 22, 2002

The Honorable, The Senate:

The members of the Senate Democratic Caucus have taken action to remove Senator Chuck Chvala as leader of the caucus and elected Senator Russ Decker and Senator Fred Risser to serve as Co-Leaders of the Majority Caucus of the Senate.

Sincerely,

ROBERT W. WIRCH

Chair

Senate Democratic Caucus

#### State of Wisconsin Department of Administration

October 9, 2002

The Honorable, The Senate:

Pursuant to 13.172(2) of the Wisconsin Statutes, the Department of Administration submits to the Wisconsin Legislature the annual report of the Wisconsin public benefits programs.

This report was required by the Wisconsin Legislature as part of 1999 Wisconsin Act 9 (the 1999-2001 Biennial Budget Act).

If you have any questions, please contact John Marx, Administrator, of the Division of Energy. Mr. Marx can be reached at (608) 266-2035.

Sincerely,

GEORGE LIGHTBOURN

Secretary

#### State of Wisconsin Department of Administration

October 15, 2002

The Honorable, The Legislature:

This report presents statements of fund condition and operations (budgetary basis) of the State of Wisconsin for the fiscal year ended June 30, 2002. This satisfies the requirements of sec. 16.40(3), Wisconsin Statutes. Displayed are major sources of revenues and major categories of expenditures for the General Fund and other funds compared to the prior year.

The General Fund has an undesignated balance of \$53.8 million as of the end of the fiscal year. This is \$181.3 million lower than the \$235.1 million estimate that was projected in the final Chapter 20 fund condition statement. The lower balance was the result of lower than expected tax revenues.

General-purpose revenue taxes were \$10.020 billion compared to \$10.063 billion in the prior year, a decrease of \$43 million or

0.4 percent. This decrease is the result of reductions in income tax rates and other changes to state tax laws made in 1999 Wisconsin Act 9 combined with a general slowdown in the economy. General-purpose revenue expenditures, excluding fund transfers, were \$11.259 billion compared to \$11.078 billion in the prior year, an increase of \$181.0 million or 1.6 percent.

General-purpose revenue spending increases in fiscal year 2002 were largely driven by increases in three areas: School Aids increased by \$139.6 million (3.2 percent), Medical Assistance increased by \$77.3 million (7.8 percent), and Corrections increased by \$14.9 million (1.9 percent) overall.

In fiscal year 2002, the State of Wisconsin continued to devote the major share of state tax collections to assistance to local school districts, municipalities and counties. Local assistance accounted for 60.3 percent of total general purpose revenue spending. Aid payments to individuals and organizations represented 16.8 percent of total general purpose revenue expenditures. The University of Wisconsin accounted for 8.6 percent of total general purpose revenue spending and state operations spending for all other state agencies accounted for 14.3 percent of the total.

The State of Wisconsin expects to publish its comprehensive annual financial report in December of 2002. The report will be prepared under generally accepted accounting principles.

Respectfully submitted,

GEORGE LIGHTBOURN

Secretary

WILLIAM J. RAFTERY, CPA

State Controller

#### State of Wisconsin Ethics Board

October 22, 2002

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/>

Heifetz, Michael     **Dean Health System Inc**

Joyce, Mark         **WorldCom Inc**

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

# Senate Journal

## Ninety–Fifth Regular Session

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WEDNESDAY, October 30, 2002

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The The Chief Clerk makes the following entries under the above date

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin Department of Administration

September 30, 2002

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 August 2002.

On August 1, 2002, the **General Fund** cash balance closed at a monthly low balance of negative \$682.2 million. The negative balance continued through August 31, 2002, when the balance closed at a negative \$151.6 million. The negative balance was due to the overall budget shortfall, in combination with the difference in the timing of revenues and expenditures.

On August 1, 2002, the **Common School Income Fund** cash balance closed at a monthly low balance of negative \$0.2 million. This negative balance continued until August 5, 2002, when the balance reached a positive \$1.2 million. The negative balance was due to the difference in the timing of revenues and expenditures.

On August 15, 2002, the **Wisconsin Health Education Loan Repayment Fund** cash balance closed at a monthly low balance of negative \$4 thousand. This negative balance continued until August 27, 2002, when the balance reached a positive \$11 thousand. The negative balance was due to the difference in the timing of revenues and expenditures.

The General Fund, the Common School Income Fund, and the Wisconsin Health Education Loan Repayment Fund negative cash balances 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

October 29, 2002

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/>

Heifetz, Michael   **SSM Health Care of Wisconsin Inc (St. Mary’s Hosp,**

Merline, Paul       **Wisconsin Restaurant Association**

Plautz, Jolene      **Wisconsin Curves 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

### ADVICE AND CONSENT OF THE SENATE

#### State of Wisconsin Office of the Governor

October 23, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ERICKSON, LARRY, of Hurley, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Environmental Resources**.

### REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

The committee on **Environmental Resources** reports and recommends:

#### Senate Clearinghouse Rule 00–161

Relating to lead and copper monitoring and treatment requirements for public water systems.

No action taken.

**Senate Clearinghouse Rule 01–144**

Relating to wetland conservation activities.

No action taken.

**Senate Clearinghouse Rule 02–013**

Relating to the development of an aquifer storage recovery well or the operation of an ASR system by a municipal water utility.

No action taken.

**Senate Clearinghouse Rule 02–015**

Relating to permit and water quality certification time limits, exempt activities in nonfederal wetlands and the identification and delineation of nonfederal wetlands.

No action taken.

**Senate Clearinghouse Rule 02–044**

Relating to snowmobile rail crossings.

No action taken.

**Senate Clearinghouse Rule 02–045**

Relating to the regulation of fishing rafts on the Wolf river and its tributaries.

No action taken.

**Senate Clearinghouse Rule 02–046**

Relating to department procedures for administrative hearings.

No action taken.

**Senate Clearinghouse Rule 02–060**

Relating to recycling efficiency incentive grants.

No action taken.

**Senate Clearinghouse Rule 02–062**

Relating to a pilot program for alternative method of compliance with solid waste recycling requirements.

No action taken.

**Senate Clearinghouse Rule 02–063**

Relating to the administration of the brownfield green space and public facilities grant program.

No action taken.

**Senate Clearinghouse Rule 02–073**

Relating to fishing on the inland and outlying waters of Wisconsin.

No action taken.

**Senate Clearinghouse Rule 02–074**

Relating to the administration of the Wisconsin forest landowner grant program.

No action taken.

**Senate Clearinghouse Rule 02–075**

Relating to the 2002 migratory game bird season.

No action taken.

**Senate Clearinghouse Rule 02–076**

Relating to emissions averaging provisions and categorical emission limits while controlling nitrogen oxides (NOx).

No action taken.

**Senate Clearinghouse Rule 02–089**

Relating to small game and expanded spring turkey hunting in state parks.

Modifications requested, Ayes 5, Noes 0.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Jim Baumgart  
Chairperson

The committee on **Human Services and Aging** reports and recommends:

**Senate Clearinghouse Rule 02–104**

Relating to the administration of child care funds.

Modifications requested, Ayes 5, Noes 2.

Ayes, 5 – Senators Robson, Moore, Wirch, Hansen and Roessler.

Noes, 2 – Senators Welch and Kanavas.

Judith Robson  
Chairperson

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, November 6, 2002

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The Chief Clerk makes the following entries under the above date.

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Department of Administration**

October 9, 2002

The Honorable, The Legislature:

Pursuant to 13.172(2) of the Wisconsin Statutes, the Department of Administration submits to the Wisconsin Legislature the annual report of the Wisconsin public benefits program.

This report was required by the Wisconsin Legislature as part of 1999 Wisconsin Act 9 (the 1999-2001 Biennial Budget Act).

If you have any questions, please contact John Marx, Administrator, of the Division of energy. Mr. Marx can be reached at (608) 266-2035.

Sincerely,

GEORGE LIGHTBOURN  
Secretary

**State of Wisconsin  
Department of Administration**

October 30, 2002

The Honorable, The Legislature:

Included with this correspondence, I am submitting the report of the Department of Administration, Division of Gaming (Gaming), for the first quarter of fiscal year 2003 (July 1, 2002 through September 30, 2002). As required by s. 562.02(1)(g), Wis. Stats., the attached materials contain pari-mutuel wagering and racing statistical information, as well as the revenues for the program areas of Racing, Charitable Gaming, Bingo and Indian Gaming.

If you have any questions or comments regarding this report, please do not hesitate to contact Rachel Meek at (608) 270-2535.

Sincerely,

F. SCOTT SCEPANIAC  
Administrator

**State of Wisconsin  
Department of Revenue**

October 29, 2002

The Honorable, The Senate:

In accordance with section 71.55(10)(e), Wis. Stats. (1999-00), I am enclosing copies of the Department of Revenue reports on distribution of enrollment cards for the Wisconsin State Medical Society "Partnercare" program.

Sincerely,

RICHARD G. CHANDLER  
Secretary

**State of Wisconsin  
Claims Board**

October 29, 2002

The Honorable, The Senate:

Enclosed is the report of the State Claims Board covering the claims heard on October 3, 2002.

The amounts recommended for payment under \$5,000 on claims included in this report have, under the provisions of s. 16.007, Stats., been paid directly by the Board.

The Board is preparing the bill(s) on the recommended award(s) over \$5,000, if any, and will submit such to the Joint Finance Committee for legislative introduction.

This report is for the information of the Legislature. The Board would appreciate your acceptance and spreading of it upon the Journal to inform the members of the Legislature.

Sincerely,

JOHN E. ROTHSCHILD  
Secretary

**STATE OF WISCONSIN CLAIMS BOARD**

**The State Claims Board conducted hearings in the State Capitol, Grand Army of the Republic Memorial Hall, Madison, Wisconsin, on October 3, 2002, upon the following claims:**

<u>Claimant</u>	<u>Agency</u>	<u>Amount</u>
1. Donald W. Smith	Employee Trust Funds/Justice	\$31,214.08
2. John Komassa	Natural Resources	\$5,368.73
3. Lynn Kirschbaum	Natural Resources	\$14,370.00
4. Meer Electric, Inc.	Administration	\$8,713.95

**In addition, the following claims were considered and decided without hearings:**

<u>Claimant</u>	<u>Agency</u>	<u>Amount</u>
5. Michael Barnhardt	Revenue	\$3,590.21
6. Cabinet Country, Ltd.	Revenue	\$31.00
7. Don Charles Dietz	Revenue	\$398.36
8. HGM Architecture, Inc.	Revenue	\$3,608.58
9. Mary E. Redlinger	Revenue	\$584.01
10. Carolyn Carty	Corrections	\$5,122.99
11. Jason F. Marshall	Corrections	\$5,000.00
12. Alphoncy Dangerfield	Corrections	\$1,126.44
13. Myron Edwards	Corrections	\$853.20
14. Berrell Freeman	Corrections	\$45.80
15. Dennis Gonzalez	Corrections	\$15.75
16. Dennis Gonzalez	Corrections	\$19.69

17. Dennis Gonzalez	Corrections	\$78.22
18. Dennis Gonzalez	Corrections	\$214.00
19. Dennis Gonzalez	Corrections	\$224.00
20. Mt. Sterling Cheese Coop.	Agriculture, Trade & Consumer Protection	\$6,590.48
21. Eugene L. Schupbach	Military Affairs	\$79.13
22. Donald Wollheim	University of Wisconsin	\$157,947.30
23. Lyndon Weberg	Employee Trust Funds	\$548.75
24. Terri L. Nielson	Administration	\$10,842.00

**The Board Finds:**

**1. Donald W. Smith** of Madison, Wisconsin claims \$31,214.08 for the value of sick leave credits for which he was not eligible due to his retirement date. The claimant served as an assistant attorney general for 26 years. He retired in August 1996 because of health problems. He states that he tried to put off his retirement as long as possible because he knew that the legislature was considering an increase in the amount of sick leave credits that could be converted to pay health insurance premiums after retirement. However, negotiations for the new contract, which would include the increased sick leave credit provision, went far beyond the contract expiration date of June 1995. The claimant states that he was an active member of the Wisconsin State Attorneys Association (WSAA) when the contract expired. In light of his many years of service to the state, the claimant asks that he be awarded the value of the extra sick leave credits.

DETF does not believe it is appropriate to advise the Claims Board on the payment of this claim, since the board does not have the authority to make any payment from DETF funds. This claim relates to the sick leave accrual provisions in the 1997–1999 contract with the WSAA. The contract took effect on December 29, 1997, but provided for retroactive application to July 6, 1997. The claimant, however, retired eleven months prior to the retroactive date. DETF states that the claimant has no legal grounds for relief but appears to be basing his request on his years of service to the state.

DOJ states that, although it sympathizes with the claimant’s health concerns and appreciates his many years of service, it cannot recommend payment of this claim. Based on the provisions of the contract, which only provided retroactive benefits to July 1997, DOJ correctly calculated the claimant’s accrued sick leave at the time of his retirement.

At the request of DETF, DER concurs with DETF’s analysis of the claimant’s ineligibility for increased sick leave earnings. DER believes that the negotiated contract with WSAA did not permit retroactive benefits to the claimant and that the claim does not have merit based on the claimant’s retirement date.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. (*Member Shibilski dissenting. Member Lee not participating.*)

**2. John Komassa** of Mt. Horeb, Wisconsin claims \$5,368.73 for attorney fees related to his employment at the Nevin State Fish Hatchery. The claimant states that his duties at the hatchery include keeping the premises free from all animals because they can spread disease to the hatchery’s fish or fish eggs. On November 19, 2001, the claimant noticed a stray cat in the fish hatchery building. The claimant states that the cat was unkempt, did not have tags and appeared to be feral. The claimant states that he was bitten in his initial attempt to catch the cat. The bite punctured the skin on the claimant’s hand, despite the fact that he had put on heavy work gloves. The claimant states that he realized that he would be at risk for rabies

and that the cat would have to be caught and killed in order for it to be tested. Unable to capture the animal alive, the claimant struck the cat with a metal object, which resulted in its death. The Dane County District Attorney subsequently charged him with mistreatment of an animal. The claimant contacted the DNR to obtain legal representation but was informed that, because he was charged with a crime, the state could not provide representation. The claimant obtained his own attorney at a cost of \$5,338.39 to defend himself against the charges, which were eventually dismissed. The claimant believes that he was performing his duties and that his actions were appropriate to the situation and requests reimbursement for his attorney’s fees.

DNR recommends payment of this claim. The claimant had been instructed by his supervisor to take whatever measures necessary to keep the hatchery disease-free and to keep all animals out of the premises. At other hatcheries, disease outbreaks have required destruction of fish causing monetary losses of tens of thousands of dollars. The claimant contacted the Fitchburg Police Department for assistance in getting the animal tested for rabies. The Fitchburg Police referred the claimant to the Dane County Humane Society. It was the Humane Society that pressed the Dane County Sheriff’s Department and the District Attorney to file against the claimant. DNR was not able to provide the claimant with representation because he was charged with a crime and the claimant had to borrow money to pay for an attorney. The DA’s office dismissed the charges against the claimant without comment on March 22, 2002. DNR points to the fact that until this time the claimant was the subject of a mean spirited hate-mail campaign and that his case was the subject of much media attention, including newspaper articles and radio talk shows. Throughout this incident, DNR believes that the claimant behaved professionally and, to his credit, declined to take part in the heated public debate surrounding his case. DNR feels that the claimant did not deserve to be prosecuted for simply trying to do his job and that he should not have to bear the cost of defending himself for an act that was not criminal and which was in the best interest of the state.

The Board concludes that a reasonable attorney’s fee is \$200 per hour and therefore the claim should be paid in the reduced amount of \$4530.00 based on equitable principles. The Board further concludes, under authority of s. 16.007 (6m), Stats., payment should be made from the Department of Natural Resources appropriation s. 20.370 (4)(mu), Stats.

**3. Lynn Kirschbaum** of Glen Haven, Wisconsin claims \$14,370.00 for crop damage caused by deer. The claimant states that his property adjoins property where the landowners do not allow sufficient hunting to adequately control the deer population. The claimant alleges that deer from these neighboring properties have been causing significant damage to his corn crop for many years. The claimant states that from 1995 through 2000, he did participate in the Wildlife Damage Abatement and Claim Program (WDACP). He alleges that the program only paid for a portion of his damages and that it took too long to get the money. He also states that he had problems with the hunters that he was forced to allow onto his land under the program and that the hunters would only shoot bucks, not does, which did not sufficiently impact the deer population. Because of his dissatisfaction with the WDACP, he decided not to participate in the program in 2001. He alleges that he made numerous requests to DNR for assistance but that they were unwilling to cooperate because he had not signed up for the WDACP.

DNR recommends denial of this claim. DNR does not dispute that deer have caused damage to the claimant’s crops. However, DNR states that it is not responsible for the individual acts of wild animals and points to the fact that there is no right



under common law to compensation for deer damage. DNR points to the fact that there was previous statutory authority for payment for certain damages done by deer, however, that statutory program was repealed in 1980. DNR states that this statutory authority was replaced by the WDACP, which is a voluntary program administered by the counties. The DNR points to the fact that the claimant has participated in this program in the past and has received substantial payments for his damages under the program. DNR states that the claimant has also been issued permits to shoot deer causing damage to his property. DNR states that the claimant decided not to participate in the WDACP in 2001; he apparently decided to deal with the problem by leasing hunting rights on his property. DNR believes that the claimant was apparently not satisfied with the results of this attempt and is now trying to collect payment, despite the fact that he has not filed the statutorily required notice under the WDACP. DNR also suggests to the board that there would be large numbers of potential claimants in similar situations as Mr. Kirschbaum. Finally, DNR points to the fact that the Claims Board has denied numerous similar claims in the past. DNR does not believe that this claim is different from those that were previously denied and believes that there is no equitable reason to pay his claim.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**4. Meer Electric, Inc.,** of Richfield, Wisconsin claims \$8,713.95 for damages allegedly relating to a contract for classroom renovations at UW–Milwaukee. The claimants did not include the cost of concrete cutting and patching in their bid for this project. The claimants allege that they told Mitch Hyra from the Division of Facilities Development (DFD) that their bid price did not include the cutting and patching costs. The claimants state that when they received the contract for signature, there was no indication in the contract that the cost of concrete cutting and patching was not included. The claimants state that, on the advice of their attorney, they typed additional language on the contract indicating that this work was not included. The claimants allege that when they returned the amended contract to DFD, the state signed the contract without comment. The claimants believe that this indicates that the state accepted the additional language. The claimants state that, after the project was started, the state told them that they had to perform the concrete cutting and patching work or lose the contract. The claimants hired the general contractor to perform the work. The claimants have tried to receive additional payment for this work from DFD but their requests have been denied.

DOA recommends denial of this claim. DFD points to the fact that the claimants admit that they omitted the concrete cutting and patching work in their bid. DFD alleges that the claimants added unsolicited language to the contract, which altered the provisions of the contract, without calling the change to the state's attention. DFD states that the alteration was not apparent and was not discovered until after the state had signed the contract. DFD states that, when it discovered the modification in the contract, it immediately contacted the claimants. DFD claims that it informed the claimants that the state could treat the situation as a bid error or the claimants would need to perform the work without alteration to the original bid price. The contractor chose to do the work at the bid price but would now like to be reimbursed. DFD believes that it cannot condone the claimants' behavior and therefore requests that the Claims Board support DFD's previous denials of this claim.

The Board concludes the claim should be paid in the reduced amount of \$5,000.00 based on equitable principles. The Board further concludes, under authority of s. 16.007 (6m), Stats., payment should be made under the Department of Administration appropriation s. 20.866 (2)(z), Stats. (*Member Rothschild not participating.*)

**5. Michael Barnhardt** of Waukesha, Wisconsin claims \$3,590.21 for return of money garnished from his wages to satisfy estimated income tax assessments for the years 1983–1986 and 1988–1989. The claimant states that he owed no taxes for those years and would have received refunds in the amount of \$415 if he had filed his tax returns. He realizes that he should have filed and is not requesting payment of the refunds but feels that the \$3,590.21 garnished from his wages is an excessive penalty to pay, especially considering the fact that the state was offering an amnesty program at the time it was garnishing his wages. The claimant states that he never intended to defraud the state. He further claims that it was very difficult for him to resolve this dispute with DOR because he was traveling out of state on business and DOR has no 1–800 telephone number. The claimant believes that the amount garnished by DOR was excessive considering the fact that he owed no taxes for the years in question and he requests return of that money.

DOR recommends denial of this claim. DOR records indicate that department sent the claimant a request to file the income tax returns in July 1991 but that no response was received. DOR therefore issued estimated assessments in October 1991. DOR states that the claimant called the department in May of 1994 and that he was told at that time that he needed to file the returns. DOR states that it received no returns and therefore began certification of the claimant's wages in February 1997. DOR records indicate that the claimant again contacted the department in March and April of 1998 and that he was again informed of the need to file the returns to resolve the issue. DOR states that on April 30, 1998, the claimant alleged that he had filed the returns but that DOR informed him that no returns had been received. DOR records indicate that the returns were received on September 23, 1998. DOR requested additional information for two of the returns in September and October 1998 and certification of the claimant's wages ended in November 1998.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**6. Cabinet Country, Ltd.,** of Janesville, Wisconsin claims \$31.00 for bank fees related to an electronic withdrawal from its bank account made by DOR. A taxpayer attempting to make a payment to DOR by electronic transfer submitted their Federal Employer Identification Number to DOR, however, they transposed several numbers, resulting in the electronic transfer being taken from the claimant's bank account in error. The claimant believes that DOR should have corroborated the information prior to making the transfer. Although DOR refunded the money taken from the claimant's account, they were unable to reimburse the claimant for the \$31 in overdraft fees charged by the claimant's bank. The claimant requests reimbursement for these fees.

DOR recommends payment of this claim. As soon as DOR determined that an error had occurred, they reimbursed the funds taken from the claimant's account. However, DOR does not have the statutory ability to reimburse the claimant for the fees and recommends that the Claims Board does so.

The Board concludes the claim should be paid in the amount of \$31.00 based on equitable principles. The Board further

concludes, under authority of s. 16.007 (6m), Stats., payment should be made from the Department of Revenue appropriation s. 20.566 (1)(a), Stats.

**7. Don Charles Dietz** of Lakeview, Arkansas claims \$398.36 plus interest for money levied from his account to satisfy an assessment based on a DOR adjustment to his 1986 income tax return. The claimant states that he paid \$5,000 for equipment to the Maid Rite Corp., but that the equipment was never delivered. The claimant alleges that Maid Rite sent him a \$5,000 refund check, which bounced. He states that he deducted the \$5,000 bad check on his 1986 federal and state tax returns. He states that the deduction was allowed by the IRS but not allowed by DOR. The claimant alleges that he sent a copy of the bad check to DOR in 1987. He also alleges that DOR agents have repeatedly told him, both in writing and during phone conversations that the deduction was allowable but that they were going after him anyway because he “could afford to pay.” He believes that DOR agents have a personal vendetta against him and states that no one from DOR has ever explained to him why the \$5,000 deduction was not allowed. He also believes that DOR personnel improperly disclosed his personal financial information to a third party. He requests return of the \$398.86 taken from his account, plus 12% interest from 1986.

DOR believes that this claim should be denied. DOR states that it made adjustments to the claimant’s 1986 taxes, adding back \$392 in additional income and disallowing the \$5,000 bad debt deduction. DOR states that, under Wisconsin law, a debt is not considered a deductible “bad debt” until it is proven to be uncollectible. DOR states that the claimant provided no proof that he had made appropriate attempts to collect the \$5,000 from Maid Rite and that those attempts had been unsuccessful. Based on the adjustments, DOR issued an assessment for \$398.86 in May 1989. The assessment was due July 31, 1989, and DOR records indicate that no timely appeal was filed by the claimant. (An assessment for \$227.47 relating to the claimant’s 1985 taxes was also made at the same time, disallowing a duplicate \$2,000 IRA deduction, which the claimant claimed on both his federal and state taxes. The claimant does not dispute the 1985 adjustment.) DOR states that it has communicated with the claimant for over 13 years, responding to more than 25 letters and numerous e-mails from him. DOR further alleges that in his correspondence, the claimant made it clear that he had no intention of ever paying the assessments. DOR states that after many unsuccessful collection attempts (including the use of an out of state collection agency) the department was finally able to levy an account of the claimant’s in 2001. DOR took \$1,384.57 to satisfy the 1986 assessment (and \$790.17 for the 1985 assessment). DOR records indicate that it extended the due date for the levy in order to give the claimant time to file a petition for compromise but that he repeatedly submitted incomplete forms and never demonstrated in his petition any inability to pay the assessments. DOR eventually levied the account in December 2001. DOR did reduce the interest charged on the assessments from 18% to 12% and refunded \$464.61 to the claimant. DOR states that the adjustments made to the claimant’s 1986 return were correct under Wisconsin law and believes that there is no basis for payment of this claim.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. (*Members Albers, Lee, Rothschild and Shibilski dissenting.*)

**8. HGM Architecture, Inc.**, of Oshkosh, Wisconsin claims \$3,608.58 for elimination of interest and penalties assessed on its late filed withholding tax. The claimant states that from September 1996 through December 1999, its employee,

Kathryn Eisenreich, embezzled funds from the claimant. The claimant states that Ms. Eisenreich used the state tax withholding funds to cover up her theft and that she also hid mail from DOR and paid the penalties interest incurred on late filings. The embezzlement was discovered and Ms. Eisenreich was convicted. She requested a court hearing to attempt to get her restitution amount lowered. The court set a preliminary restitution amount but provided that the amount would be reduced should the state decide to reduce the interest and penalties charged to the claimant. The court instructed the claimant to come before the Claims Board and request such a reduction. The claimant requests elimination of the penalties and interest assessed by DOR.

DOR does not object to partial payment of this claim. DOR states that the claimant is no longer able to recover money from DOR relating to this incident because of the two-year statute of limitations under s. 71.75(5), Stats. DOR further states that, if the claimant had filed a claim for refund within the two-year time limit, DOR would have reduced the interest and refunded the penalties charged against the claimant. Because of the circumstances, DOR does not object to a refund of the penalties and a reduction of the interest from 18% to 12%. DOR calculations show that this would result in a \$1,560.09 refund to the claimant. DOR is unable to refund this money because of the statute of limitations but would not object to payment of this amount by the Claims Board.

The Board concludes the claim should be paid in the reduced amount of \$1,560.09 based on equitable principles. The Board further concludes, under authority of s. 16.007 (6m), Stats., payment should be made from the Department of Revenue appropriation s. 20.566 (1)(a), Stats.

**9. Mary E. Redlinger** of Glendale, Wisconsin claims \$584.01 for return of overpayment for a 1997 tax liability. The claimant states that she filed an amended 1997 tax return in September 2001, which reduced the amount of tax that she owed for her 1997 taxes. The claimant alleges that she has had financial difficulty because the state has been late or inconsistent in sending her alimony payments, which are garnished from her ex-husband’s paychecks. The claimant states that DOR garnished her paychecks for the 1997 liability but that her amended return resulted in an overpayment of \$584.01. The claimant asserts that, contrary to DOR’s assertions, section 71.75(5), Stats., does not apply to her overpayment. The claimant believes that s. 71.75 applies only to the return of tax refunds, not to the return of money overpaid on a tax liability. The claimant states that she was never due a tax refund on her 1997 taxes; her amended return only reduced the amount of tax that she owed, but she still owed taxes. Since she is not requesting return of any tax refund, she does not believe that the two-year limit in s. 71.75 applies to her claim.

DOR recommends denial of this claim. DOR records indicate that on April 8, 1998, the claimant filed her 1997 tax returns, showing a tax due of \$2,911.00, but that no payment was submitted with the return. DOR sent a bill to the claimant several weeks later but no payment was received. DOR sent the claim to collections on June 5, 1998. In August 1998 the claimant entered into an installment agreement but failed to make any payments. The claimant later filed bankruptcy but the tax debt was not dischargeable under the bankruptcy filing. After dismissal of the bankruptcy, DOR again attempted to collect the debt by certifying the claimant’s wages. The claimant asked for and was again granted an installment agreement, but she again failed to ever make any payments on the debt. DOR again began certification of her wages on September 14, 2000. On September 19, 2001, the claimant filed an amended 1997 return. The amended return changed the claimant’s tax liability from \$2,911 to \$1,586, a reduction of \$1,325. All monies overpaid by the claimant were refunded to



her, with the exception of \$585.01, which was not refundable under s. 71.75(5), Stats. DOR states that this statute does apply to the claimant's situation because it prohibits DOR from returning any money that was collected on the original assessment no refund was claimed within the prescribed two-year period.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**10. Carolyn Carty** of Spokane, Washington claims \$5,122.99 for damages allegedly incurred due to negligence by the Department of Corrections. The claimant, a former Madison resident, alleges that DOC failed to adequately notify the Madison public that Jeffrey Jackson, a paroled sex-offender, had absconded from his halfway house. The claimant alleges that Mr. Jackson was at large for four days before the public was warned that he was in the area. The claimant states that she met Mr. Jackson at a Labor Ready job center and that, unaware of his status as an escapee, she invited him to stay in her home. The claimant states that she felt sorry for Mr. Jackson because he claimed to be homeless and out of work. The claimant states that she is particularly vulnerable to victimization by individuals such as Mr. Jackson because of prior sexual assaults that left her both mentally and physically disabled. The claimant states that, because of DOC's alleged failure to warn the Madison public, she was unaware that Mr. Jackson was an armed and dangerous individual. The day after Mr. Jackson stayed with the claimant and her son, her son saw a news report about Mr. Jackson's status as an escaped parolee. The claimant alleges that this caused her great personal trauma to the extent that she no longer felt safe in Madison and was compelled to move back to her home state of Washington. She believes that DOC failed to adequately notify the public and requests reimbursement for her costs to move to Washington.

DOC believes that this claim should be denied. DOC points to the fact that the claimant willingly invited a complete stranger into her home and is therefore solely responsible for any alleged trauma she suffered from being exposed to Mr. Jackson. DOC states that the claimant has provided no evidence that DOC in any way failed in its duties to provide notice of Mr. Jackson's escape. Mr. Jackson absconded from his halfway house at 11:46 AM on April 6, 2001. DOC records indicate that by 12:12 PM on April 6, it had issued an apprehension order for Mr. Jackson and had notified the Madison Police Department by 12:39 PM. DOC also issued a second apprehension order on April 9. Mr. Jackson was apprehended on the morning of April 10. The claimant alleges that this incident forced her to move, however, statements made by Mr. Jackson after his arrest indicate that the claimant had told him she was planning on renting her apartment because she needed money to "get out of town." DOC points to the fact that the claimant admits that Mr. Jackson never threatened or injured her and that at no point while he was in her home did she ever feel endangered. DOC believes that it is clear that the claimant has suffered no actual harm from her encounter with Mr. Jackson. The claimant chose to invite a stranger into her home, a choice she later regretted. DOC does not believe that it should be held responsible for the claimant's own error in judgment.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**11. Jason Marshall** of Spokane, Washington claims \$5,000.00 for damages allegedly incurred due to negligence by the Department of Corrections. The claimant is the fiancé of

Carolyn Carty, who has also filed a claim relating to this incident. The claimant, a former Madison resident, alleges that DOC failed to adequately notify the Madison public that Jeffrey Jackson, a paroled sex-offender, had absconded from his halfway house. The claimant alleges that Mr. Jackson was at large for four days before the public was warned that he was in the area. The claimant states that Ms. Carty met Mr. Jackson at a Labor Ready job center and that, unaware of his status as an escapee, she invited him to stay in her home. The claimant states that, because of DOC's alleged failure to warn the Madison public, Ms. Carty was unaware that Mr. Jackson was an armed and dangerous individual. The claimant alleges that Ms. Carty's encounter with Mr. Jackson caused her great personal trauma to the extent that she no longer felt safe in Madison and was compelled to move back to her home state of Washington. The claimant accompanied Ms. Carty back to Washington. He believes that DOC failed to adequately notify the public and requests reimbursement for his costs to move to Washington.

DOC believes that this claim should be denied. DOC points to the fact that Ms. Carty willingly invited a complete stranger into her home and is therefore solely responsible for any alleged trauma caused by her contact with Mr. Jackson. DOC also believes it is noteworthy that none of the police reports, probation and parole records, or news accounts relating to this event ever mentioned the claimant's name. Based on his own statements, the claimant never even met Mr. Jackson. DOC believes that it is clear that the claimant has suffered no harm from the incident involving Ms. Carty and Mr. Jackson. DOC states that the claimant has provided no evidence that DOC in any way failed in its duty to provide notice of Mr. Jackson's escape. Mr. Jackson absconded from his halfway house at 11:46 AM on April 6, 2001. DOC records indicate that by 12:12 PM on April 6, it had issued an apprehension order for Mr. Jackson and had notified the Madison Police Department by 12:39 PM. DOC also issued a second apprehension order on April 9. Mr. Jackson was apprehended on the morning of April 10. DOC believes that none of its actions affected the claimant personally and that the claimant has provided no evidence of negligence by DOC. If the claimant believes he should be reimbursed for his moving expenses, he should be asking Ms. Carty to reimburse him, not the State of Wisconsin.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**12. Alphoncy Dangerfield** of Boscobel, Wisconsin claims \$1,126.44 for property allegedly improperly destroyed by DOC. The claimant was transferred from Oshkosh Correction Institution (OCI) to Columbia Correctional Institution (CCI). During the move, some of his personal property was designated as contraband and confiscated. The claimant states that he was told that his property would be sent to him at CCI within a month after the move. The claimant filed an Inmate Complaint when he did not receive his property. He states that the Complaint Examiner found that his property had been incorrectly designated as contraband and should be returned to him, however, the property had been destroyed and was therefore not returned. The claimant does not believe that his court dismissals have any bearing on his claim because they were based on filing technicalities and, therefore, the case was not judged on its merits. The claimant alleges that his missing property included books, shoes, a calendar, photos, magazines, and an 800-page transcript that would cost him \$1,000 to replace.

DOC recommends denial of this claim. DOC records indicate that the claimant was told to pack his personal

belongings prior to being transferred to CCI but that he refused to do so. DOC states that the claimant was informed that if he failed to pack his property, it would be confiscated and treated as contraband. The claimant continued to refuse to pack his property, therefore, OCI staff packed his property and confiscated it. The property was ultimately destroyed. DOC states that the claimant has already pursued the appropriate avenues for recourse. The claimant filed an Inmate Complaint and the Complaint Examiner did find that, although the claimant acted inappropriately in refusing to pack his belongings, the property should not have been designated as contraband. The claimant has filed several small claims actions in Winnebago County, which were dismissed because the claimant failed to file properly. The claimant later filed a motion for a trial de novo, which was granted. The Court granted DOC's motion to dismiss for lack of jurisdiction in May 2000. The claimant filed an appeal, which was dismissed because he failed to pay filing fees. DOC believes that the claimant has exhausted his administrative remedies and attempted to bring his case to court. DOC believes that the Claims Board should not overlook the claimant's failure to properly bring his case in court. Finally, DOC points to the fact that in April 2000, it provided the claimant with a copy of the missing court transcript, a fact which the claimant neglects to mention when he requests payment of \$1,000 for the cost of replacing the same transcript. DOC believes that the claimant's failure to be forthright and his failures in court warrant denial of his claim.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**13. Myron Edwards** of Boscobel, Wisconsin claims \$853.20 for the cost of a transcript allegedly lost by DOC. The claimant, an inmate at Green Bay Correctional Institution (GBCI), was transferred to Supermax Correctional Institution (SMCI) in early 2002. He alleges that when his property arrived at SMCI in March, the copy of his trial transcripts, which had been sent to him by the Public Defender's Office, was missing, along with some other items. He states that shortly thereafter, the Public Defender's Office asked him to provide the transcript, which they needed in connection with his appeal. The claimant filed a complaint with the Inmate Complaint System, which was eventually dismissed in June 2002. The claimant states that he cannot afford to pay for another copy of the transcript, which would cost \$0.40 per page. The claimant refutes the DOC's statement that he might have gotten rid of his transcript either by giving it to another inmate or mailing it out. The claimant states that the transcript would be of no use to anyone else and that if he had mailed it out, it would have required special postage, which would be documented in DOC's mail records. The claimant states that he needs a copy of the transcript in order to effectively pursue his appeals and request payment of \$853.20, the cost of obtaining another copy.

DOC recommends denial of this claim. DOC records indicate that in August 2001 the claimant was transferred from Columbia Correctional Institution (CCI) to GBCI. At that time, the claimant's property inventory showed that he had legal materials in his property but did not specify any transcripts. At the time of his transfer to GBCI the claimant acknowledged receipt of all of his property. In January 2002, the claimant was transferred from GBCI to CCI and then to SMCI two days later. DOC records indicate that when the claimant's property was inventoried at GBCI prior to the transfers, there were no legal materials in the claimant's property. The claimant's Inmate Complaint was dismissed in June 2002. The Corrections Complaint Examiner determined that there was no evidence

that DOC ever had possession of the allegedly missing transcript. (Other property reported as missing was found and returned to the claimant.) DOC records indicated that at one time prior to the transfer the claimant had some unspecified legal materials in his possession but that at the time of the transfer, no legal materials were found in the claimant's cell. DOC states that an inmate is responsible for his own property. At any time the claimant might have mailed out the transcript, thrown it out, given it to another inmate, or otherwise disposed of it, or it could have been stolen. DOC believes that there is no evidence that it has possession of the trial transcripts or was negligent in handling the claimant's property in the transfer to SMCI.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**14. Berrell Freeman** claims \$45.80 for for cost of photos allegedly lost or stolen by DOC personnel. The claimant is an inmate at Supermax Correctional Institution. He alleges that, on December 20, 2001, a Corrections Officer confiscated 45 photographs from his cell and told the claimant that they would be placed in his property box. He claims that on December 26, 2001, when he was going through his property box, he discovered that someone else's photographs were in his box and that his 45 photos were missing. The claimant states that he purchased the photos in October and submits copies of two disbursement requests as proof that he purchased the pictures. The claimant also submits as evidence a statement from a fellow inmate, Ronald C. Jackson, indicating that Mr. Jackson's photos had been found in the claimant's property box. The claimant states that the property box was at all times in the possession of DOC. The claimant states that DOC 306.15 and 306.16 require that DOC reimburse him for any property that they damage during a search of his cell. He requests reimbursement for the missing photographs and the cost to mail this claim.

DOC recommends denial of this claim. The Inmate Complaint Review System investigated the claimant's allegations and denied his claim. The ICRS investigation found that there are numerous photos in the claimant's property box that match the description of the allegedly missing photos. DOC states that the claimant has never submitted any evidence proving that any specific photos are missing. The claimant has submitted copies of two October disbursement requests indicating the purchase of photos, however, DOC states that these receipts could be for any of the photos in the claimant's property box and in no way prove the existence of the allegedly missing property. DOC also states that the written statement provided by inmate Jackson does not prove the existence of any missing photographs. DOC does not believe that the claimant has supplied any proof of his loss and therefore recommends denial of the claim.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**15. Dennis Gonzalez** of Boscobel, Wisconsin claims \$15.75 for cost of replacing property allegedly stolen from his cell by a DOC employee. The claimant, an inmate at Supermax Correctional Institution, states that he had a copy of the DOC Administrative Code in his cell. He claims that he last used the document at the end of October and that he noticed it was missing on November 15. The claimant alleges that no one other than DOC staff has access to his cell and that DOC staff conducted a search of his cell on November 4. The claimant



further alleges that one of the officers who conducted the November 4 search has either lost or stolen the claimant's property on previous occasions. He claims that the code was taken on that date and believes that it was done to harass him and to sabotage his legal appeals.

DOC recommends denial of this claim. The claimant filed an Inmate Complaint alleging that a DOC officer intentionally removed pages from his copy of the DOC Administrative Code. The complaint was reviewed and appealed. Both the Institution Complaint Examiner and the Reviewing Authority found no merit to the claim and noted that the claimant provided no documented evidence that the pages alleged to be taken were taken while the code was under DOC control. This decision was upheld by the DOC Secretary's Office. DOC believes that the claimant has submitted no new factual information relative to the claim that would justify the Claims Board coming to a decision contrary to the findings of DOC's Inmate Complaint Review System.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**16. Dennis Gonzalez** of Boscobel, Wisconsin claims \$19.69 for cost of replacing items allegedly destroyed improperly by DOC. The claimant, an inmate at Supermax Correctional Institution, states that he was mailed documents to be used in his court case. The documents, 1 copy of a newspaper article and 8 pages of a photocopied publication, were denied as contraband mail by the institution mailroom and were not delivered to the claimant. The claimant alleges that he submitted a memo to the institution mailroom requesting that the documents be sent to a specific individual. The claimant states that he was told the documents were mailed out but then was later told that the documents had been destroyed. The claimant does not have a receipt for the items because they were copied and sent by someone else. However, he submits a price guide from Kinko's as proof of the value of the items. The claimant filed an Inmate Complaint about the issue, but DOC rejected the complaint.

DOC recommends denial of this claim. The claimant filed an Inmate Complaint relating to a number of non-delivery notices he received for contraband mail. Pursuant to DOC regulations, the complaint was rejected because it dealt with multiple issues and instances. The claimant later reduced his complaint to the specific non-deliverable mail items related to this claim and the Corrections Complaint Examiner (CCE) conducted a review of the complaint on the merits. The CCE's investigation found that, although there were requests from the claimant that other items of non-deliverable mail be mailed out of the institution there was no request relating to the non-deliverable mail specifically referred to in the claimant's Inmate Complaint (and this claim). DOC states that there were multiple non-delivery notices dated 12/5/01, some of which related to other mail items that are not the subject of this claim. Along with his Inmate Complaint, the claimant submitted a copy of a memo dated 12/6/02 to the institution mailroom. However, this memo requested the mailing out of documents consisting of one photocopied newspaper article and two photocopied publication pages, not one newspaper article and eight photocopied publication pages as claimed in his inmate complaint. DOC believes that this memo refers to another notice of non-deliverable mail. DOC's 12/5/01 notice of non-deliverable mail relating to this claim also contains the note that this was the second time the sender had mailed contraband to the claimant, so, DOC points out, there had obviously been a previous non-delivery notice sent to the claimant relating to items from this sender. DOC states that it

did receive requests to mail out non-deliverable mail on 12/6/01 and 12/9/01, both of which related to other non-delivery notices, each for 8 pages of documents. DOC states that those requests were responded to appropriately and the documents were mailed out per the claimant's instructions. DOC states that the claimant is attempting to use requests and responses relating to non-delivery notices and non-deliverable mail that are not the subject of this claim in an attempt to deceive the Claims Board. The CCE found no evidence that they ever received a mail-out request from the claimant for the documents specifically mentioned in this claim. Because no request was received within the required time limit, the non-deliverable documents were destroyed.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**17. Dennis Gonzalez** of Boscobel, Wisconsin claims \$78.22 for magazines and catalogs allegedly lost by DOC. The claimant is an inmate at Supermax Correctional Institution. He alleges that, over the course of several months, he had a number of magazines and catalogs put in his property box, which was solely under the control of DOC personnel. He claims that these publications were unread and in mint condition. He states that he later realized that some of the publications were missing and filed a complaint with the Inmate Complaint Review System. The claimant believes he should be fully reimbursed for all of his missing property.

DOC recommends denial of this claim. The Inmate Complaint Examiner's investigation found that several of the allegedly missing publications were still in the property box, several had been sent out of the institution on a visit, and several were items for which the claimant had no proof of ownership. The ICE did find that some publications were missing and the claimant was reimbursed for those items as follows: April, June and September Maxim at \$1.50 per issue = \$4.50; December and January FHM at \$1.25 per issue = \$2.50; and Three issues of Sporting News at \$1.19 per issue = \$3.57; for a total reimbursement of \$10.57. It is DOC's position that the claimant has pursued the appropriate administrative review and has received the entire amount to which he is justified. DOC believes that he has provided no new evidence or legal authority that would support a determination by the Claims Board contradictory to the findings of DOC's Inmate Complaint Review System.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**18. Dennis Gonzalez** of Boscobel, Wisconsin claims \$214.00 for value of photos allegedly taken or lost by DOC personnel. Claimant is an inmate at Supermax Correctional Institution. He claims that during a cell search on 10/2/01, photos were taken from his cell because he was over the limit for such items. He states that the photos should have been put in his property box but that he later discovered that the photos were not in his property box. He states that the photos were in the sole care of DOC and that DOC is therefore responsible for their loss. He states that the missing photos comprised 20 celebrity photos, which will cost \$114 to replace, and 10 personal photos of friends and family, for which the claimant requests \$100 compensation.

DOC recommends denial of this claim. The Inmate Complaint Examiner (ICE) initially found that all of the photos had been returned to the claimant, but the Corrections Complaint Examiner (CCE) determined that some of the

photos were indeed misplaced. The CCE recommended that the complaint be returned to the ICE for further investigation and an amended response. The ICE determined that DOC personnel had lost 16 celebrity photos. The claimant was reimbursed \$92 for those photos. The CCE notified the claimant that if he was not satisfied with the ICE's new decision on his complaint, he could file an appeal. The claimant failed to file any appeal within the 10-day time limit. DOC therefore believes that the claimant failed to exhaust his administrative remedies. DOC further states that the claimant has already received all reimbursement to which he is entitled in this matter. DOC does not believe that the claimant has presented any new evidence or legal argument to justify awarding him any additional money.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**19. Dennis Gonzalez** of Boscobel, Wisconsin claims \$224.00 for replacement of glasses allegedly broken by DOC personnel. The claimant, an inmate at Supermax Correctional Institution, alleges that he was attacked, without provocation, by institution guards. The claimant states that while he was being removed from his cell, the guards repeatedly slammed his head into the wall, injuring him and breaking his glasses beyond repair. The claimant denies that he was resisting the guards. He claims that they did not give him any orders but attacked him for no reason. He requests the cost of replacing his glasses and sunglass clip-ons.

DOC recommends denial of this claim. DOC points to the fact that in his "statement of circumstances" the claimant never even mentions his broken glasses, but instead, complains of alleged injuries for which he is not requesting reimbursement. DOC states that the claimant, in fact, refused medical attention at the time of the incident. DOC also states that the claimant neglects to mention his own disruptive behavior during the incident. DOC states that during the incident the claimant repeatedly ignored the officers' orders to cease shouting at another inmate and to face forward. The officers' statements indicate that when the claimant refused to follow orders, they placed him in a compliance hold. Both officers stated that the claimant resisted the compliance hold and, in response, they pressed him to the wall at which time his glasses were broken. DOC believes that it was the claimant's own behavior that provoked the incident, which resulted in the broken glasses. DOC states that had the claimant simply obeyed orders and not resisted, no damage would have occurred.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**20. Mt. Sterling Cheese Coop.,** of Mt. Sterling, Wisconsin claims \$6,590.48 for value of milk lost because of an incorrect test used by DATCP inspector. The claimant states that during the March 2002 quarterly antibiotic residue testing of the claimant's goat's milk, the DATCP inspector used a test not appropriate for testing goat's milk. The results of the test came back positive for antibiotic residue and the claimant was instructed by DATCP to dump 21,939 pounds of milk. The claimant later learned that the state had used the wrong test. The claimant's milk has successfully passed subsequent testing for antibiotic residue. He requests reimbursement for the value of the milk wrongly dumped because of DATCP's error.

DATCP does not object to payment of this claim. The DATCP inspector used the Charm II Competitive test to test the claimant's goat's milk for antibiotic residue. DATCP states that a miscommunication between the FDA and DATCP resulted in

DATCP confusion regarding the approval status of the Charm II test for goat's milk. (The test was approved for testing cow's milk, but not goat's milk.) DATCP acknowledges the error and admits that it should not have used the Charm II test for testing goat's milk.

The Board concludes the claim should be paid in the reduced amount of \$5,000.00 based on equitable principles. The Board further concludes, under authority of s. 16.007 (6m), Stats., payment of \$2,500 should be made from the Department of Agriculture, Trade & Consumer Protection appropriation s. 20.115 (1)(a) Stats., and \$2,500 should be made from the Department of Agriculture, Trade & Consumer Protection appropriation s. 20.115 (8)(km), Stats.

**21. Eugene L. Schupbach** of Mauston, Wisconsin claims \$79.13 for damaged tire. The claimant is employed at Volk Field. For security reasons, DMA had placed orange traffic-control posts at the entrance to Volk Field after September 11, 2001. On January 9, 2002, as the claimant was entering the main gate, his right rear tire caught a flange on the removable orange post, which damaged the tire beyond repair. The claimant believes that the post was placed too close to the guard house and posed a safety hazard. The claimant does not have insurance coverage for the damage.

DMA recommends payment of this claim. After the terrorist attacks on September 11, barriers were placed at the front gate of Volk Field. These barriers were intentionally positioned to slow approaching vehicles to a crawl as they approached the gate. The barriers are made from steel pipes, which slip into other steel pipes buried in the pavement. The upper steel pipe has a flange on it that sticks out to keep it in proper position. This system allows for the barriers to be easy removed and reinstalled. On the day of the claimant's incident, the barriers were in place. DMA has confirmed that the claimant's tire was damaged beyond repair. DMA believes that since the barrier pole, an obstacle installed by DMA, is the cause of the damage, the claimant should be reimbursed for his damages.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**22. Donald Wollheim** of Watertown, Wisconsin claims \$157,947.30 for damages related to a contract for employment at the UW Medical School (UWMS). The claimant states that he was offered a contract for a full-time position from 11/1/00 through 6/30/03 by UWMS and the UW Medical Foundation (UWMF). After accepting the offer, the claimant moved his family to Wisconsin and purchased a home here. The claimant states that in 2/01 he was orally informed that his contract would be terminated on 4/30/01 but that there was no reason given for the termination. He states that on 3/12/01, he received a letter regarding the termination of his contract, which named the Academic Staff Policies and Procedures (ASPP), as the authority for termination of the contract. The claimant alleges that the ASPP was never made a term of either the offer of employment or the contract. The claimant's 10/12/00, appointment letter refers to the Academic Staff Rules, however, no such named document exists. The claimant also states that he was also never provided with the ASPP, either at the time of the offer or any other time during his employment. The claimant also points to language in the ASPP, which provides that, if a probationary period applies to the position, it "shall be stated in the appointment letter." The claimant states that there was no language regarding a probationary period in either the appointment letter or in his contract. The 3/12 letter also referred to problems with the claimant's application for hospital privileges. During the week of 3/5/01, the Columbus



Community Hospital's (CCH) Board of Directors took action to delay the claimant's application for hospital privileges. The claimant states that he did apply for privileges in a timely fashion, as the contract required, but that he has no control over the actions of the board. In fact, the claimant believes that UWMS and UWMF staff, who serve the board, delayed his application in an attempt to provide justification for termination of his contract. The claimant believes that the UW had an obligation to inform him of the probationary period, as provided in sections 2.02 and 2.04 of the ASPP but failed to do so. The claimant requests reimbursement for his lost income and benefits relating to the alleged breach of contract.

The UW recommends denial of this claim. The UW states that the 10/12/00 appointment letter set forth additional terms of the contract, stating in part, "Enclosure A describes the privileges and benefits of this appointment...Please read this information carefully as it sets forth obligations and conditions to which you are agreeing in accepting this appointment." Enclosure A stated, "You will be a member of the Academic Staff and entitled to privileges and benefits as outlined in the Academic Staff Rules..." The UW states that the Academic Staff Rules are contained in the ASPP, which states in section 2.04, "Initial fixed term appointments...shall include a period of evaluation of at least six months...during which appointee may be dismissed at the discretion of the individual making the appointment and without right of appeal. The duration of the period shall be specified in the appointment letter. If the appointment letter does not specify the period of evaluation, the evaluation shall be for a period of six months." The UW alleges that the claimant's supervisors became concerned about his performance during the first six months of his employment. They further learned that CCH would not be extending the claimant's temporary hospital privileges and that the claimant had not obtained permanent hospital privileges as required by his contract. The UW believes that the offer and appointment letters provided the claimant with proper notice of the probationary period. The UW believes that it was incumbent upon the claimant to carefully read all documents relating to the conditions of his employment contract and that he failed to do so. The UW therefore believes that there has been no breach of contract as the claimant alleges.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**23. Lyndon Weberg** of Tuscon, Arizona claims \$548.75 for attorney's fees allegedly incurred because of incorrect information given to him by DETF. The claimant states that some time prior to October 2001, he called DETF's toll free hotline to find out how to get his ex-wife removed as a beneficiary on his disability annuity. The claimant alleges that DETF told him that he needed to obtain an attorney and get a Qualified Domestic Relations Order (QDRO). He also alleges that DETF told him his monthly annuity amount would increase as a result of the removal of his ex-wife, but that he would not be able to name a new beneficiary. The claimant states that he retained an attorney and sought a QDRO based on DETF's statements. The claimant alleges that a number of months then passed, during which DETF told him they were recalculating his monthly annuity. DETF allegedly then told the claimant that everything he had been told earlier was incorrect—his monthly annuity would not increase and he would be able to name a new beneficiary. The claimant alleges that he hired the attorney solely because of what DETF told him, which later turned out to be incorrect. The claimant also points to the fact that he has since been given the same incorrect information by staff at the DETF hotline.

DETF does not feel it is appropriate to specifically advise the Claims Board regarding payment of this claim, since the board does not have the authority to pay the claim from DETF funds and any payment would therefore have to be made from Claims Board funds. DETF points to the fact that the claimant is apparently unclear as to precisely when he made the phone call regarding the QDRO. DETF phone logs show four calls prior to October 2001. A June call and an August 2<sup>nd</sup> call were from the claimant and a July call was from the claimant's current employer, all three calls relating to other issues. On August 13 the claimant's attorney called and asked to discuss the claimant's account. He was told that DETF could not discuss the claimant's records without the appropriate release but the attorney and DETF staff did discuss, in general terms, how the filing of a QDRO could affect an annuity. DETF phone logs show a call from the claimant on October 30, 2001, relating to the filing of a QDRO. DETF admits that during this call the hotline staff gave the claimant incorrect information regarding how the QDRO would affect his annuity. However, DETF believes that, based on the phone logs and other documents, it appears that the claimant hired his attorney prior to the conversation in which he received incorrect information, which occurred on October 30. The QDRO was signed on October 23 and the claimant's attorney had called on the same subject in August. Although the phone logs could be incorrect, DETF has found no evidence of an earlier call discussing the QDRO, as the claimant alleges. Furthermore, DETF points to the fact that the billing submitted by the claimant from his attorney indicates past due balances going back over a number of months, which seems to indicate that the majority of the work performed by the claimant during May and June (\$356.25), and July (\$135.00). Although a DETF employee did discuss QDROs in general terms with the claimant's attorney in August 2001, DETF believes that it is unfortunate that the claimant's attorney did not obtain the appropriate release. If he had done so, he would have been able to discuss the specifics of the claimant's annuity prior to obtaining the QDRO.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**24. Terri L. Nielson/Tech Trak Consulting** of Reedsburg, Wisconsin claims \$10,842.00 for reconsideration of her claim, which was previously denied by the board on December 7, 2001. There was a mistake made in processing the claim and the claimant was not afforded an opportunity to respond one of the memos from DOA. Because of this error, the claimant requested that the board reconsider the claim based on the additional information submitted in response to the DOA memo. DOA declines to issue any additional response and stands by its original submissions.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. (*Members Rothschild and Albers not participating.*)

**The Board concludes:**

**1. The claims of the following claimants should be denied:**

- |                   |                            |
|-------------------|----------------------------|
| Donald Smith      | Myron Edwards              |
| Lynn Kirschbaum   | Berrell Freeman            |
| Michael Barnhardt | Dennis Gonzalez (5 claims) |
| Don Charles Dietz | Eugene L. Schupbach        |
| Mary Redlinger    | Donald Wollheim            |
| Carolyn Carty     | Lyndon Weberg              |

Jason F. Marshall  
 Terri L. Nielson/Tech Trak Consulting  
 Alphoncy Dangerfield

**7. Payment of the following amounts to the following claimants from the following appropriations is justified under s. 16.007, Stats:**

John Komassa	\$4,530.00	s. 20.370 (4)(mu)
Meer Electric, Inc.	\$5,000.00	s. 20.866 (2)(z)
Cabinet Country, Inc.	\$31.00	s. 20.566 (1)(a)
HGM Architecture, Inc.	\$1,560.09	s. 20.566 (1)(a)
Mt. Sterling Cheese Coop.	\$5,000.00	s. 20.115 (8)(km) and (1)(a)

**Dated at Madison, Wisconsin this 29 day of October 2002.**

Alan Lee, Chair  
 Representative of the Attorney General  
 John E. Rothschild, Secretary  
 Representative of the Secretary of Administration  
 Amanda Schaumburg  
 Representative of the Governor  
 Kevin Shibilski  
 Senate Finance Committee  
 Sheryl Albers  
 Assembly Finance Committee

**State of Wisconsin  
 Ethics Board**

November 5, 2002

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/>

Kraemer, Kenneth G. **Wisconsin Pipe Trades 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

**ADVICE AND CONSENT OF THE SENATE  
 State of Wisconsin  
 Office of the Governor**

October 28, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CONWAY, DR. STEVEN R., of Athens, as a member of the Chiropractic Examining Board, to serve for the interim term ending July 1, 2005.

Sincerely,  
 SCOTT MCCALLUM  
 Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**REFERRALS AND RECEIPT OF  
 COMMITTEE REPORTS CONCERNING  
 PROPOSED ADMINISTRATIVE RULES**

**State of Wisconsin  
 Revisor of Statutes Bureau**

November 1, 2002

To the Honorable, the Senate:

The following rules have been published:

<b>Clearinghouse Rules</b>	<b>Effective Date(s)</b>
<b>01-076</b>	November 1, 2002
<b>01-133</b>	November 1, 2002
<b>02-012</b>	November 1, 2002
<b>02-019</b>	November 1, 2002
<b>02-025</b>	November 1, 2002
<b>02-033</b>	November 1, 2002
<b>02-042</b>	November 1, 2002
<b>02-043</b>	November 1, 2002
<b>02-047</b>	November 1, 2002
<b>02-068</b>	November 1, 2002
<b>02-070</b>	November 1, 2002
<b>02-079</b>	November 1, 2002
<b>02-105</b>	November 1, 2002

Sincerely,  
 GARY L. POULSON  
 Deputy Revisor

The committee on **Labor and Agriculture** reports and recommends:

**Senate Clearinghouse Rule 02-050**  
 Relating to Wisconsin works.

No action taken.

**Senate Clearinghouse Rule 02-057**

Relating to employer medical certification requirements under the long-term disability insurance (LTDI) program.

No action taken.

David Hansen  
 Chairperson

**MOTIONS UNDER SENATE RULE 98 AND  
 JOINT RULE 7**

*for the Month of October 2002*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Brendon Blank, on the occasion of achieving 4-H's highest award, The 4-H Key Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moen, for Robert Bosold, on the occasion of receiving the CALS Honorary Recognition Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Decker, for the D. C. Everest School District, on the occasion of all the administration, staff, students and community, on the induction of the new D. C. Everest Middle School.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Erik S. Deutsch, on the occasion of earning and attaining the rank of the Eagle Scout Award.*



*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Kyle De Villers, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for William J. Duren, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Joyce (Gust) Endres, on the occasion of her years of dedicated service to the State of Wisconsin.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Harsdorf, for J. Andrew Finster, on the occasion of his Eagle Scout Initiation.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Matthew Friedemann, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Jennifer Grebel, on the occasion of achieving 4-H's highest award, The 4-H Key Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Kurt Healy, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Geoffrey J. Karnish, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Sarah Kuphall, on the occasion of achieving 4-H's highest award, The 4-H Key Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Pete Lemery, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Floyd and Beatrice Matteson, on the occasion of celebrating their 60th anniversary shared with family and friends.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Emily Minning, on the occasion of achieving 4-H's highest award, The 4-H Key Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Fitzgerald, for First Sergeant Michael J. Noll, on the occasion of his retirement and honoring his 20 years of service in the United States Army.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Harsdorf, for Mr. Paul Olson, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grobschmidt, for Albert G. Ostrenga, on the occasion of being chosen as the 2002 "Man of the Year" honoree by the South Side Business Club.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Greg Parkinson, on the occasion of his dedicated 30 years with Circus World Museum in Baraboo, Wisconsin.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Decker, for Jeremy Pesko, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Irv Peeters, on the occasion of his 50 years of leadership in the Rockland 4-H Club.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for John Pieper, on the occasion of being selected as a finalist in Disney's American Teacher Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Decker, for Kyle Pipkorn, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Christopher Rath, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Kevin C. Sandell, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Aaron Sannes, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Leslie Schmidt, on the occasion of achieving 4-H's highest award, The 4-H Key Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Frank Scotello, on the occasion of his selfless act of bravery and devotion to serving, defending and protecting this great nation.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grobschmidt, for Chief Judge Michael Skwierawski, on the occasion of being chosen the "2002 Outstanding American of Polish Descent".*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Tim Sterr, on the occasion of achieving 4-H's highest award, The 4-H Key Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Michael Stickley, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Christopher D. Theisen, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Andrew John Van Den Elzen, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Baumgart, for Jerry H. Voechting, on the occasion of his retirement after years of dedicated service to the Sheet Metal workers.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Brian Wetzel, on the occasion of achieving 4-H's highest award, The 4-H Key Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Andy Williams, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Dale Williams, on the occasion of his dedicated 30 years with Circus World Museum in Baraboo, Wisconsin.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Ms. Mattiebelle Woods, on the occasion of celebrating her 100th Birthday shared with family, friends, colleagues and community representatives.*

# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

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WEDNESDAY, November 13, 2002

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The Chief Clerk makes the following entries under the above date.

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin Committee on Senate Organization

November 11, 2002

The Honorable, The Senate:

Pursuant to Senate Rule 20(2)(a) and (b), we have appointed Senator Fred Risser to the Joint Committee on Finance and removed Senator Plache.

With regards to members of the minority party, appointments are made based on nominations made by that caucus.

Sincerely,

FRED A. RISSER  
Co–Chair

RUSSELL DECKER  
Co–Chair

#### State of Wisconsin Department of Natural Resources

October 31, 2002

The Honorable, The Senate:

In fulfillment of the requirements under s. 299.80(16), Wisconsin State Statutes, I am submitting to you a copy of the Environmental Cooperation Pilot Program 2002 Progress Report. Please distribute as appropriate. I am also providing a copy of the Report to the Governor and to the Honorable Chief Clerk of the Assembly

For more information on the Environmental Cooperation Pilot Program or additional copies of this report, please contact Mark McDermid at (608) 267-3125, or visit our web site at <http://www.dnr.state.wi.us/org/caer/cea/>.

Sincerely,

DARRELL BAZZELL  
Secretary

#### State of Wisconsin Legislative Audit Bureau

November 8, 2002

The Honorable, The Legislature:

At the request of the Department of Health and Family Services, we have completed a financial audit of the Health Insurance Risk-Sharing Plan (HIRSP) for fiscal year (FY) 2000-01. HIRSP provides medical insurance for approximately 15,300 policyholders who are unable to obtain coverage in the private market. We have provided an unqualified opinion on HIRSP's financial statements and have followed up on issues raised in prior audits.

One of these issues relates to HIRSP's financial stability. Recent actions taken to implement an accrual-based funding approach in response to our prior audit recommendations will help to address an accounting deficit of \$8.2 million. However, increasing enrollment and claims costs will present continuing challenges to the future management and funding of HIRSP. Enrollment increased 27.1 percent and claims costs increased 24.2 percent during FY 2001–02.

Second, in earlier audits we reported on the overpayment of prescription drug claims for prescriptions dispensed from July 1998 through January 2001. The Department has taken several steps to prevent additional overpayments and to improve its pharmacy claims process, including implementing an on-line processing system and separating drug coinsurance provisions. The Department also took steps to recover the \$5.2 million of overpayments we identified. However, as part of the 2001-03 Budget Reform Act, the Legislature directed the Department to discontinue its recovery efforts. As a result, the overpayments remain a cost that is shared by policyholders, insurers, and other health care providers.

Concerns identified during the current audit suggest that the Department needs to remain diligent in improving its financial management. Inadequate procedures and communication regarding claims data and the actuarial process led to an estimate of actuarial loss liabilities that was materially in error in HIRSP's financial statements. Further, ongoing billing problems suggest that the Department needs to increase its monitoring of administrative billings by the plan administrator, EDS.

We appreciate the courtesy and cooperation extended to us by the Department and the plan administrator for HIRSP. A response from the Department is Appendix 2.

Sincerely,

JANICE MUELLER  
State Auditor

#### State of Wisconsin Department of Administration

October 25, 2002

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 September 2002.

On September 1, 2002, the **General Fund** cash balance was negative \$151.6 million. The negative balance continued until September 13, 2002, when the balance closed at a positive \$74.5 million. On September 16, 2002, the **General Fund** cash balance again fell negative, and closed at a monthly low balance

of negative \$292.6 million. The negative balance continued until September 20, 2002, when the balance closed at a positive \$24.4 million. The negative balance was due to the difference in the timing of revenues and expenditures.

The General Fund's negative cash balances 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  
Committee on Senate Organization**

November 12, 2002

The Honorable, The Senate:

Pursuant to Senate Rule 20(2)(a) and (b), we have appointed Senator Kimberly Plache to the Joint Committee on Finance and removed Senator Fred Risser.

With regards to members of the minority party, appointments are made based on nominations made by that caucus.

Sincerely,

FRED A. RISSER  
Co-Chair

RUSSELL DECKER  
Co-Chair

Failed to pass pending partial vetoes notwithstanding the objections of the Governor pursuant to Joint Rule 82.

**Senate Bill 9  
Senate Bill 55**

**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

November 1, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint OSBORNE, KATHRYN M., of Madison, as a member of the Board of Nursing, 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**

November 1, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint GLADNEY, NICHOLE M., of Milwaukee, as a member of the Judicial Commission, to serve for the term ending August 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform.**

**State of Wisconsin  
Office of the Governor**

November 1, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ZWADZICH, JOHN J., of Fitchburg, as a member of the Deferred Compensation Board, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Labor and Agriculture.**

**State of Wisconsin  
Office of the Governor**

November 1, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MCCABE, JOHN, of Hayward, as a member of the Snowmobile Recreation Council, to serve for the term ending July 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Environmental Resources.**

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

The committee on **Economic Development and Corrections** reports and recommends:

**Senate Clearinghouse Rule 02-093**

Relating to adult field supervision.

No action taken.

Robert Jauch  
Chairperson



STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, November 20, 2002

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The Chief Clerk makes the following entries under the above date.

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Joint Legislative Council**

November 14, 2002

The Honorable, The Senate:

Enclosed is a copy of the General Report of the Joint Legislative Council to the 2001-02 Legislature, prepared and submitted pursuant to s. 13.81 (3), Stats.

I would appreciate your noting in the Senate Journal, pursuant to s. 13.172, Stats, that this report has been delivered to your office.

Sincerely,

TERRY C. ANDERSON  
Director

**State of Wisconsin  
Legislative Audit Bureau**

November 14, 2002

The Honorable, The Senate:

We have completed a financial audit of the State Life Insurance Fund, which provides low-cost individual life insurance to Wisconsin residents and is administered by the Office of the Commissioner of Insurance. The Fund is subject to the same regulatory requirements as any life insurance company licensed to operate in Wisconsin, as well as to other specific statutory restrictions, such as a prohibition on advertising and maximum coverage of \$10,000.

Our financial audit, which covered calendar years 2001, 2000, and 1999, included tests to ensure that the State Life Insurance Fund's financial statements are fairly presented and to assess the Fund's control policies and procedures and its compliance with statutory requirements. In the report, we provide an unqualified, or "clean," opinion on the Fund's financial statements.

Copies of the audit report have been distributed to members of the Joint Legislative Audit Committee and those required by law to receive them. If you are interested in receiving a copy of this report, please contact our office and request report number 02-18. The report is also available on line at [www.legis.state.wi.us/lab/windex.htm](http://www.legis.state.wi.us/lab/windex.htm).

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Department of Health and Family Services**

November 12, 2002

The Honorable, The Legislature:

Enclosed is the 2002 annual report for the Wisconsin Council on Physical Disabilities. Preparation and distribution of the report is required by section 46.29(1)(f) of the state statutes.

If you have questions about the report, please contact Dan Johnson at 608/267-9582. Mr. Johnson is Director of the state Office for Persons with Physical Disabilities, the unit to which the Council is administratively attached.

Sincerely,

PHYLLIS J. DUBE  
Secretary

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

The committee on **Education** reports and recommends:

**Senate Clearinghouse Rule 02–032**

Relating to providing access to the 4th, 8th, and 10th grade knowledge and concepts examinations and the high school graduation test.

No action taken.

Richard Grobschmidt  
Chairperson

The committee on **Privacy, Electronic Commerce and Financial Institutions** reports and recommends:

**Senate Clearinghouse Rule 02–102**

Relating to securities broker–dealer, agent, investment adviser and investment adviser representative license–filing procedures, license period provisions, and securities registration disclosure requirements.

No action taken.

Jon Erpenbach  
Chairperson

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, November 27, 2002

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The Chief Clerk makes the following entries under the above date.

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Department of Public Instruction**

November 20, 2002

The Honorable, The Legislature:

In accordance with Section 115.38(3), Wisconsin Statutes, the state superintendent is required to publish and distribute to the legislature under s.13.172(2) a summary of the reports under sub. (2).

As a partial fulfillment of the above statutory requirements, please find enclosed a CD of the 2001-2002 Wisconsin Knowledge and Concepts Examinations Bound Report for Grades 4, 8, and 10 which include the performance of pupils, by subject area, on the statewide assessment examinations administered under s. 118.30, Wis. Stats.

Sincerely,

NANCY W. BURKE

Assistant Director

Office of Educational Accountability

**State of Wisconsin  
Legislative Audit Bureau**

November 21, 2002

The Honorable, The Senate:

We have completed a financial audit of the Petroleum Inspection Fee Revenue Obligations Program for the fiscal year ending June 30, 2002 and 2001. The program provides financing for payment of claims under the Wisconsin Petroleum Environmental Cleanup Fund Award (PECFA) program. This financial audit was performed at the request of the Department of Commerce, which audits and pays PECFA claims, and the Department of Administration, which issues the program's revenue bonds and commercial paper.

As necessary parts of the financial audit, we reviewed the Revenue Obligations Program's control procedures, assessed the fair presentation of the Statement of Changes in Program Assets, and reviewed compliance with applicable laws and regulations. We were able to provide an unqualified auditor's report on the program's financial statement and notes, and we

found no reportable instances of weaknesses in the internal control structure or instances of noncompliance.

Between January 2000, when the program was created, and June 30, 2002, the State issued \$280.25 million of revenue obligations under the program. This debt has allowed the State to reduce a backlog of approved but unpaid PECFA claims. However, the Department of Commerce continues to receive claims and, as of June 30, 2002, had a backlog of over \$30 million in approved claims awaiting payment. In addition, nearly \$50 million in claims had been received but not yet reviewed and approved.

Copies of the report have been distributed to members of the Joint Legislative Audit Committee and those required by law to receive them. If you are interested in receiving a copy of this report, please contact our office and request report number 02-19. The report is also available on line at [www.legis.state.wi.us/lab/windex.htm](http://www.legis.state.wi.us/lab/windex.htm).

Sincerely,

JANICE MUELLER

State Auditor

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

The committee on **Human Services and Aging** reports and recommends:

**Senate Clearinghouse Rule 02–026**

Relating to the licensure and regulation of occupational therapists.

No action taken.

Judith Robson  
Chairperson

The committee on **Insurance, Tourism, and Transportation** reports and recommends:

**Senate Clearinghouse Rule 02–081**

Relating to construction site erosion control and storm water management procedures for department actions.

No action taken.

Roger Breske  
Chairperson

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, December 4, 2002

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The Chief Clerk makes the following entries under the above date.

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

State of Wisconsin  
Revisor of Statutes Bureau

December 1, 2002  
To the Honorable, the Senate:

The following rules have been published:

<b>Clearinghouse Rules</b>	<b>Effective Date(s)</b>
99–009	December 1, 2002
99–101	December 1, 2002
00–161	December 1, 2002
00–162	December 1, 2002
01–069	December 1, 2002
02–008	December 1, 2002
02–013	December 1, 2002
02–036	December 1, 2002
02–038	December 1, 2002
02–044	December 1, 2002
02–053	December 1, 2002
02–055	December 1, 2002
02–057	December 1, 2002
02–063	December 1, 2002
02–066	January 1, 2003
02–067	December 1, 2002
02–074	December 1, 2002
02–076	December 1, 2002
02–082	December 1, 2002
00–083	December 1, 2002
02–085	December 1, 2002
02–086	December 1, 2002
02–087	December 1, 2002
02–088	December 1, 2002
02–091	December 1, 2002
02–093	December 1, 2002
02–094	December 1, 2002
02–101	December 1, 2002
02–107	December 1, 2002

Sincerely,  
GARY L. POULSON  
Deputy Revisor

The committee on **Human Services and Aging** reports and recommends:

**Senate Clearinghouse Rule 02–101**

Relating to adoption assistance and the use of the state adoption information exchange to find adoptive families for children.

No action taken.

**Senate Clearinghouse Rule 02–105**

Relating to changes made as a result of 2001 Wisconsin Act 80 involving practitioners of psychotherapy.

No action taken.

Judith Robson  
Chairperson

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**MOTIONS UNDER SENATE RULE 98 AND  
JOINT RULE 7**

*for the Month of November 2002*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Hansen, for Alzheimer's Disease, on the occasion of Alzheimer's Disease Awareness Month.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Cowles, for Gary Awe, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Don and Shirley Burhop, on the occasion of being recognized as Grafton's Outstanding Citizens of the Year 2002.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Andrew Dixon, on the occasion of his distinguished and faithful service to the New Covenant Missionary Baptist Church and community.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for the Fond du Lac Eagles Club, on the occasion of its 100th year of devotion and commitment to the Fond du Lac community.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Schultz, for Dave Fordham, on the occasion of his 31 years with the Badger Army Ammunition Plant, including 26 years as the Commander's Representative.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Harsdorf, for First Sergeant Barry Foy, on the occasion of his retirement and his years of dedicated service to his country and community.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Craig Herdeman, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Andrew Ince, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Jeffery J. Jelen Jr., on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator George, for Dr. Renee Sartin Kirby and the women of the St. Paul Missionary Baptist Church, on the occasion of their distinguished career and faithful service.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator George, for Dr. Renee Sartin Kirby, on the occasion of her distinguished career and faithful service.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Jim Kurtz, on the occasion of celebrating 34 years of dedicated service with the Department of Natural Resources.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for the LaFollette Track and Field Boys Team, on the occasion of a wonderfully triumphant 2002 season.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Sergeant Thom McGovern, on the occasion of his tremendous dedication to the Wisconsin Correctional Liberty Dog Program.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Bill Meinholz, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Jauch, for Vernelle Mercer, on the*

*occasion of organizing the Chequamegon Area Choir and sharing with the community their vision and dedication to performing arts.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for General Vang Pao, on the occasion of his selfless courage, daring leadership and dedication to the protection of the Hmong people and honor him on his Birthday.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Burke, for the Pius XI High School Girls Volleyball Team, on the occasion of their 2002 Wisconsin Interscholastic Athletics.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Larry Schoenberger, on the occasion of his achievements to the education of numerous students at Waukesha County Technical College.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Ms. Claretta Simpson, on the occasion of celebrating her 101st Birthday.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Jauch, for Carolyn Sneed, on the occasion of organizing the Chequamegon Area Choir and sharing with the community their vision and dedication to performing arts.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator George, for Reverend Russell Bennett Williamson, on the occasion of celebrating his 25th anniversary of distinguished and faithful service.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Timothy Wymore, on the occasion of earning and attaining the rank of the Eagle Scout Award.*



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

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WEDNESDAY, December 11, 2002

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The Chief Clerk makes the following entries under the above date.

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin

December 6, 2002

The Honorable, The Senate:

As President of the state Senate, and pursuant to s. 15.07(11)(b)3 of the Wisconsin Statutes, please be advised that I am making two appointments to the Wisconsin Women's Council.

I am appointing Gina Bosben of Madison. Ms. Bosben is an attorney with experience as a volunteer in numerous areas affecting women and families. She is noted as having received the United Way of Dane County Award in recognition of outstanding service to the community for volunteer work at the Domestic Abuse Intervention Services Center.

I am also appointing Kathy Koltin Blumenfeld of Madison. Ms. Blumenfeld is an accountant and a community activist who has been involved in many issues having a profound impact on families. She has received recognition for her involvement and is the recipient of numerous awards for her service to the community, including the Miriam Singer Sulman Young Leadership Award and the Ben Minkoff Volunteer Service Award.

These women will be strong assets to the Council, and I am deeply pleased with their willingness to serve.

Sincerely,

SENATOR FRED RISSER

President, Wisconsin State Senate

#### Ice Age Park and Trail Foundation

December 5, 2002

The Honorable, The Senate:

In 1999 the State Legislature included a \$75,000 annual grant in the state budget to be matched with \$25,000 of private funds for the purpose of establishing, maintaining and promoting the Ice Age National and State Scenic Trail. The Ice Age Park and Trail Foundation (IAPTF) was delighted to be the recipient of that grant in 2000, 2001 and 2002. It is with a great deal of pride that I submit our final report for the year 2002, as required by statute s. 23.295.

The protection, development and management of the Ice Age Trail is dependent on partnerships. The Trail's primary partners, including the National Park Service, Wisconsin Department of Natural Resources, and IAPTF, work closely with county governments and other municipalities, and with local volunteers from around the state. In 2002 alone, over 5,000 volunteers provided an "in kind" match of over 73,000 hours spent in support of the trail. When translated into dollars

their contribution equals more than \$1,000,000 annually – really quite extraordinary.

The grant from the DNR has allowed the IAPTF to:

- Support the work of volunteers who develop, maintain and promote the Ice Age Trail.
- Build partnerships for the Ice Age trail area with local governmental units and nonprofit organization.
- Promote the protection of a corridor for the Ice Age Trail by providing information about acquiring land, or an interest in land in the corridor.
- Strengthen community support for the Ice Age Trail area by recruiting and training volunteers and by coordinating the activities of interest groups.
- Promote tourism in the Ice Age Trail area.

We genuinely appreciate your continuing support and your true partnership. Please call me at 608-663-1240 with any questions you may have.

Sincerely,

CHRISTINE THISTED

Executive Director

#### State of Wisconsin

#### Wisconsin Technical College System Board

December 3, 2002

The Honorable, The Legislature:

This letter certifies that all sixteen Wisconsin Technical Colleges have provided sexual assault and harassment orientation, materials and information as required under state statute 38.12 (11) for the 2002-2003 school year.

Individual college letters assuring compliance are on file in our office at this time. Samples of materials provided are on file in the equal opportunity offices at each college. If you have any questions or need additional information, please contact Keith Krinke, System Equal Opportunity Officer, of my staff at 266-1844.

Sincerely,

RICHARD CARPENTER

President

**State of Wisconsin  
Department of Public Instruction**

December 3, 2002

The Honorable, The Legislature:

Per Wisconsin Stat. 115.28(39), the Department of Public Instruction is required biennially to evaluate the effectiveness of the programs under ss. 115.36 (assistance for alcohol and other drug abuse programs) and 115.361 (alcohol and other drug abuse prevention and intervention programs) and submit a report to the legislature under s. 13.172(2).

To satisfy this reporting requirement, attached are two reports entitled "Alcohol and Other Drug Abuse Grant Distribution, Training and Education Programs in Wisconsin School Districts 2000-2002" and "Youth to Youth: An Evaluation of State AODA Funded Peer Programs in Wisconsin 2001-02."

If you have any questions regarding either of these reports, please contact Doug White, Assistant Director, Student Services/Prevention and Wellness Team, at 608-266-5198 or [douglas.white@dpi.state.wi.us](mailto:douglas.white@dpi.state.wi.us).

Sincerely,

CAROLYN STANFORD TAYLOR  
Assistant State Superintendent  
Division for Learning Support: Equity and Advocacy

**State of Wisconsin  
Legislative Audit Bureau**

December 4, 2002

The Honorable, The Legislature:

We have completed a biennial performance evaluation of the Department of Administration's Division of Gaming, as required by s. 13.94(1)(eg), Wis. Stats. The Division regulates the State's Indian gaming, pari-mutuel racing, and charitable gaming activities. In FY 2001-02, its expenditures totaled \$3.8 million in program revenue.

Indian gaming represents the most significant gaming activity in Wisconsin and is the state's largest source of gaming revenue. In 2001, tribal gaming revenue totaled \$970.9 million, and tribal gaming profits totaled \$428.3 million. Under the terms of renegotiated compacts that took effect from 1998 through 2000, tribal revenue from gaming has increased, and the tribes have provided more revenue to the state: in addition to annual payments of \$350,000 to help fund oversight and regulatory activities, they have agreed to pay \$24.0 million in FY 2000-01 and again in FY 2001-02. These payments are to be used for purposes that include economic development initiatives to benefit Native Americans in Wisconsin and tourism marketing.

The Division conducts three types of reviews – compliance audits, financial audits, and inventory reviews – to monitor gaming activities at tribal casinos. However, it has not conducted each type of review for all casinos. For example, the Division has conducted financial audits but not compliance audits at three casinos that account for 27.1 percent of the 14,354 electronic gaming devices operating in Wisconsin in August 2002. Compliance audits determine conformity with compact provisions. We have included recommendations to improve the Division's oversight of Indian gaming and have provided options the Legislature and the Governor may wish to consider for strengthening the Division's regulatory authority.

Declining attendance at Wisconsin's two remaining racetracks has contributed to a decline in racing revenue for the state. Revenue from bingo and crane games has also declined in recent years.

We appreciate the courtesy and cooperation extended to us by the department of Administration's Division of Gaming. The Division's response is Appendix 4.

Sincerely,  
JANICE MUELLER  
State Auditor

**State of Wisconsin  
Legislative Audit Bureau**

December 10, 2002

The Honorable, The Legislature:

We have completed follow-up to our audit of the Wisconsin Works (W-2) program (report 01-7), as first requested by Senator Moore. Specifically, we reviewed the processes used by the Department of Workforce Development and W-2 agencies to sanction W-2 program participants.

We reviewed statewide data on sanctions issued by W-2 agencies and found that the overall rate at which participants are sanctioned has declined from 31.4 percent of the statewide caseload in October 1999 to 20.0 percent in October 2002. However, Milwaukee County W-2 agencies continue to sanction at rates higher than other agencies.

The Department has taken reasonable and appropriate steps to remedy problems associated with the inappropriate sanctioning of W-2 participants. However, a significant number of errors persist. For example, although W-2 agencies identified 614 inappropriately sanctioned cases from September 1997 through March 2001 that resulted in underpayments of \$115,792, we estimate that W-2 agencies made errors in assessing the appropriateness of sanctions imposed for an additional 127 cases, which also resulted in underpayments. Furthermore, we estimate that sanction policy was applied incorrectly without resulting in underpayments for an additional 320 cases. The timeliness of W-2 agency reviews of inappropriate sanctions is also a concern. We found that W-2 agencies had not yet reviewed 168 of the 263 potentially inappropriate sanctions issued since April 2001; half of these were issued before November 2001.

We have included a series of recommendations to address the ongoing problems we identified, including a recommendation for the Department to report to the Joint Legislative Audit Committee by May 1, 2003, on its progress in addressing these concerns.

We appreciate the courtesy and cooperation extended to us by the Department of Workforce Development and W-2 agencies in conducting our review.

Sincerely,  
JANICE MUELLER  
State Auditor

**State of Wisconsin  
State Treasurer**

December 9, 2002

The Honorable, The Senate:

Attached to this letter is the EDVEST College Savings Program Annual Report for the 2001-2002 Fiscal Year. Legislation for the EDVEST program requires the Office of the State Treasurer to annually report to the Governor and the Legislature on the program. This fifth annual report includes summaries of the required actuarial valuation, prepared by Milliman USA, and a program audit prepared by PriceWaterhouseCoopers, LLP as well as discussion of the key development in the program over the past fiscal year.

The most significant event of the year for the program involved the full implementation of state legislation designed specifically to give EDVEST new authority to take advantage of benefits and flexibility currently allowed under federal law.

The legislation provided broader eligibility and coverage for the program, created a new state tax deduction for parents, expanded the number of investment options, eliminated the residency requirement and established protection of eligibility for state financial aid. At the conclusion of a national search, the program contracted with Strong Capital Management of Menomonee Falls, Wisconsin to provide broad administrative services as the EDVEST program manager. A second partnership was developed with American Express, which offers a slightly reconfigured "tomorrow's scholar" version of the program through its financial advisors nationwide.

These program improvements were an immediate success with the public, and as of June 30, we were meeting the college savings needs of nearly 100,000 families nationwide with over \$450 million in assets under management. I'm proud to relate that our success enabled the program to repay its entire start-up loan to the state. All early operating subsidies were also repaid and the program is now entirely self-supporting.

The College Savings Program Board, EDVEST staff and I look forward to continued growth with quality service to participants in this exciting program. If you have any questions regarding the EDVEST Annual Report, please contact Marty Olle at 264-7886.

Sincerely,  
JACK C. VOIGHT  
State Treasurer

**State of Wisconsin  
Department of Health and Family Services**

December 2, 2002

The Honorable, The Senate:

Attached is the state plan for Emergency Medical Services (EMS) in Wisconsin for the years 2002-2003. This report meets the statutory requirement s. 146.53(2) that the Department shall keep the state plan current and reorder priorities based on recommendations of the EMS Board. The EMS Board agreed early in 2002 that the plan should not be finalized until they had reviewed the EMS Section priorities and reprioritized their own objectives at their annual June planning session. The report summarizes EMS activity on what has been done in the past two years, what is currently in process, and what is planned or being considered for the near future.

The statute also requires a public hearing on a draft of the plan prior to final adoption and submission to the legislature under s. 13.172(2). The public hearing was held October 9, 2002.

Thank you for your attention to this report.

Sincerely,  
PHYLLIS J. DUBE  
Secretary

**State of Wisconsin  
Department of Health and Family Services**

December 2, 2002

The Honorable, The Senate:

Enclosed is a copy of the Child Abuse and Neglect Report, 2000 & 2001 Data, pursuant to s. 48.981. The report includes a statistical analysis of suspected child abuse and neglect reports received and investigated by county child protective services (CPS) agencies and the state Bureau of Milwaukee Child Welfare in calendar year 2000 and 2001. The report also contains information on child fatalities due to child abuse or neglect.

Sincerely,  
PHYLLIS J. DUBE  
Secretary

**State of Wisconsin  
Ethics Board**

December 10, 2002

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/>

- Clermont, Danielle **Milwaukee Public Schools**
- Kilgore, Kathleen **Wisconsin Retail Lumber Association Inc**
- Kilgore, Kathleen **Outdoor Advertising Association of Wisconsin**
- Kilgore, Kathleen **Wisconsin Free Community Papers**
- Thiel, Christopher **Milwaukee Public Schools**

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

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**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

November 29, 2002

The Honorable, The Senate:

This is to inform you that I am withdrawing the following nominations:

Gene Kussart for appointment as Secretary of the department of Transportation. I nominated Tom Carlsen for this position effective November 21, 2002.

Catherine L. Stepp for appointment to the Natural Resources Board. Senator-elect Stepp resigned from the Board effective November 27, 2002.

Thank you for your attention to these matters.

Sincerely,  
SCOTT MCCALLUM  
Governor

**State of Wisconsin  
Office of the Governor**

November 21, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CARLSEN, TOM, of Madison, as Secretary of the Department of Transportation, to serve for the term ending at the pleasure of the Governor.

Sincerely,  
SCOTT MCCALLUM  
Governor

Read and referred to committee on **Insurance, Tourism, and Transportation.**

**State of Wisconsin  
Office of the Governor**

December 2, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LADD, DAVID A., of Dodgeville, as

a member of the Natural Resources Board, to serve for the interim term ending May 1, 2005.

Sincerely,

SCOTT MCCALLUM  
Governor

Read and referred to committee on **Environmental Resources.**



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

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WEDNESDAY, December 18, 2002

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The Chief Clerk makes the following entries under the above date.

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin

December 12, 2002

The Honorable, The Senate:

The members of the Senate Democratic Caucus have elected Senator Jon Erpenbach to serve as Senate Minority Leader and have also elected Senator Dave Hansen to serve as Assistant Minority Leader.

Sincerely,

ROBERT W. WIRCH

Chair, Senate Democratic Caucus

#### State of Wisconsin Legislative Audit Bureau

December 12, 2002

The Honorable, The Legislature:

In its authorization of the Family Care pilot program in 1999 Wisconsin Act 9, the Legislature also directed the Legislative Audit Bureau to contract with an organization other than an agency of the State to evaluate the pilot program. Under the terms of a contract with the Audit Bureau, the Lewin Group, Inc., has completed its third report on implementation of the Family Care pilot program. The first two implementation reports were released in November 2000 and November 2001. In early 2003, The Lewin Group will also provide a report on the program's outcomes and cost-effectiveness. A final implementation report is expected in June 2003.

Family Care is operating a pilot program, under the terms of federal waivers, in nine counties. Jackson, Kenosha, Marathon, and Trempealeau counties operate Resource Centers, which provide information and assistance concerning services and program operations to both consumers and providers of long-term care services. Fond du Lac, La Crosse, Milwaukee, Portage, and Richland counties operate both Resource Centers and Care Management Organizations (CMOs), which coordinate care and manage capitated payments for those determined eligible for the Family Care benefit. Eligibility is limited to the elderly and adults with physical and developmental disabilities whose financial and functional status meet established criteria.

This third implementation report notes the progress made in implementing the Family Care model in the pilot counties, as well as issues the State and the counties will need to address as program expansion is considered. For example, to ensure unbiased information is available to consumers making decisions about long-term care services and to comply with federal requirements, a Family Care enrollment consultation function was established in 2002 in each of the five counties

operating CMOs. The number of inquiries to Resource Centers continues to exceed goals established by contract, and CMOs have worked to expand the availability of service providers to better meet their members' needs. Finally, waiting lists for home and community-based waiver services have been eliminated in each of the five counties operating CMOs. Total program enrollment has increased from 5,485 in March 2002 to 6,302 by July 2002, with over 97 percent of these enrollees eligible for Medical Assistance.

We appreciate the cooperation and courtesy of the department of Health and Family Services and the many county staff, citizen members of local long-term care councils, and provider representatives who have worked with The Lewin Group throughout the evaluation process. This third implementation report is available on our Web state at [www.legis.state.wi.us/lab](http://www.legis.state.wi.us/lab), or it can be obtained by contacting our office at (608) 266-2818.

Sincerely,

JANICE MUELLER

State Auditor

#### State of Wisconsin Legislative Audit Bureau

December 13, 2002

The Honorable, The Legislature:

We have completed an evaluation of the Department of Health and Family Services' regulation of nursing homes and assisted living facilities, as requested by the Joint Legislative Audit Committee. As of June 30, 2001, there were 462 nursing homes and 2,114 assisted living facilities in Wisconsin; approximately \$1.0 billion in federal and state Medical Assistance (Medicaid) funds helped to support the cost of care provided to residents in these long-term care facilities. In fiscal year (FY) 2000-01, 80.2 percent of the Department's 215.7 full-time equivalent staff with regulatory responsibility for long-term care were regional regulatory staff. Expenditures for regional regulatory staff totaled \$12.5 million.

Although both nursing homes and assisted living facilities are inspected by state staff, there are significant differences in the oversight provided. Nursing homes are inspected under a well-established process that is dictated by federal regulations designed to ensure quality, occurs frequently, and employs teams of inspectors that include registered nurses who evaluate resident care. In contrast, the regulatory system for assisted living facilities, which is controlled entirely by the state, is less-established, and each inspection typically involves a single inspector who is not required to have medical credentials. Furthermore, as of June 30, 2001, 47.1 percent of assisted living facilities had not been visited by inspectors for any reason for at least a year. During our review period, there was an increase in the number of citations the Department issued to assisted living facilities, in part because of the implementation of new state regulations, and complaints about assisted living facilities

increased 82.1 percent. In contrast, nursing home complaints decreased 3.0 percent. We provide options for the Legislature to consider if it is not satisfied with the current regulatory process for assisted living facilities.

We also reviewed the enforcement process for both nursing homes and assisted living facilities, which can include financial penalties, restrictions on new admissions, and other sanctions. Although prompt imposition of penalties is considered an effective method of compelling compliance, 64.6 percent of FY 2000-01 nursing home citations for which forfeitures could be assessed were awaiting review by the Department. Other

available enforcement options have rarely been used. We include several recommendations to improve the current enforcement process.

We appreciate the courtesy and cooperation extended to us by the Department of Health and Family Services and the Department of Justice. A response from the Department of Health and Family Services is Appendix 7.

Sincerely,

JANICE MUELLER  
State Auditor

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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THURSDAY, December 26, 2002

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The Chief Clerk makes the following entries under the above date.

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Department of Regulation and Licensing**

December 20, 2002

The Honorable, The Senate:

In accordance with WSS 961.36(3), enclosed please find the 2002 Controlled Substances Board Annual Report.

It is hoped that the Senate will find this report useful.

Sincerely,

DEANNA ZYCHOWSKI  
Director, Bureau of Health Professions

**State of Wisconsin  
Legislative Audit Bureau**

December 20, 2002

The Honorable, The Senate:

We have completed a financial audit of the Unemployment Reserve Fund for fiscal years 2001-02 and 2000-01. This audit was performed at the request of the Department of Workforce Development, which administers the Fund.

As necessary parts of the financial audit, we reviewed the Fund's control procedures, assessed the fair presentation of its financial statements, and reviewed compliance with applicable laws and regulations. We were able to provide an unqualified auditor's report on the Fund's financial statements, and we found no instances of material weaknesses in the internal control structure or material instances of noncompliance.

The Unemployment Reserve Fund's cash balance related to taxable employers declined \$236 million from \$1.71 billion as of June 30, 2001 to \$1.47 billion as of June 30, 2002. This cash balance is used to determine the tax rate schedule to apply to taxable employers. Since the cash reserves continue to exceed the amount that allows employers to be taxed under the lowest rate schedule, the Fund continues to charge employers the lowest authorized tax rates.

Copies of the report have been distributed to members of the Joint Legislative Audit Committee and those required by law to receive them. If you are interested in receiving a copy of this report, please contact our office and request report number 02-22. The report is also available on line at [www.legis.state.wi.us/lab/windex.htm](http://www.legis.state.wi.us/lab/windex.htm).

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Legislative Audit Bureau**

December 20, 2002

The Honorable, The Senate:

We have audited the financial statements of the Radio and Television Networks operated by the Wisconsin Educational Communications Board (ECB) for the period July 1, 2001 through June 30, 2002 and have issued our reports on these statements, dated December 12, 2002.

The audits were requested by ECB to fulfill audit requirements of the Corporation for Public Broadcasting. The Corporation requires audited financial statements of public broadcasting entities and certifications of these entities' non-federal revenue sources in determining future funding levels.

Copies of the audit reports have been distributed to members of the Joint Legislative Audit Committee and those required by law to receive them. The reports are available on line at [www.legis.state.wi.us/lab/windex.htm](http://www.legis.state.wi.us/lab/windex.htm). If you are interested in receiving a copy of these reports, please contact our office and request the following report numbers:

02-23 An Audit of Educational Communications Board Radio Network

02-24 An Audit of Educational Communications Board Television Network

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Department of Health and Family Services**

December 16, 2002

The Honorable, The Senate:

Section 46.03(26) of the statutes requires the Department of Health and Family Services to report annually on information systems projects under development. The attached report is a summary of the departmental systems currently under development.

Sincerely,

PHYLLIS J. DUBE  
Secretary

**State of Wisconsin  
Department of Health and Family Services**

December 9, 2002

The Honorable, The Senate:

On behalf of the Board of Governors of the Health Insurance Risk Sharing Plan (HIRSP), I am pleased to submit the calendar year 2001 annual report. This submission is in accordance with the statutory requirements set forth at s. 149.15, Wisconsin Statutes.

The report includes:

- A summary of how HIRSP is funded, who is eligible, what services are covered and policyholder premium, deductible and coinsurance obligations.
- A historical overview and a summary of HIRSP-related legislative changes since 1997.
- Demographic information about HIRSP policyholders.
- An explanation of HIRSP's funding and financial information.
- Utilization and cost data, including summaries of HIRSP payments by diagnosis category and by therapeutic classes of prescription drugs.

The Department of Health and Family Services and the HIRSP Board appreciate the continuing support of the Legislature. Please contact me if I may provide additional information.

Sincerely,  
PHYLLIS J. DUBE  
Secretary

**State of Wisconsin  
Department of Health and Family Services**

December 16, 2002

The Honorable, The Senate:

The Bureau of Health Information, Department of Health and Family Services, is please to submit to the Governor and the Legislature the *Guide to Wisconsin Hospitals, Fiscal Year 2001*. The data for this report were collected under section 153.05, Wisconsin Statutes, and are published as authorized by the requirements of section 120.21, Wisconsin Administrative Code.

The report provides summary and detailed information about fiscal, utilization, and staffing data at Wisconsin hospitals, and

sets forth comparisons among hospitals of increases or decreases in gross revenues, net revenues, and expenditures.

Sincerely,  
PHYLLIS J. DUBE  
Secretary

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 02-069**

Relating to revising requirements for defined network plans, preferred provider plans and limited service health organization plans to comply with recent changes in state laws.

Submitted by Office of Commissioner of Insurance.

Withdrawn by Agency, December 19, 2002.

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The committee on **Environmental Resources** reports and recommends:

**Senate Clearinghouse Rule 00-154**

Relating to deer hunting and the wildlife damage abatement and claims program.

No action taken.

**Senate Clearinghouse Rule 01-104**

Relating to the control of underground injection wells.

Modifications requested, Ayes 5, Noes 0.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

**Senate Clearinghouse Rule 02-089**

relating to small game and expanded spring turkey hunting in state parks.

No action taken.

Jim Baumgart  
Chairperson



STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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FRIDAY, January 3, 2003

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The Chief Clerk makes the following entries under the above date.

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Office of the Governor**

January 3, 2003

The Honorable, The Senate:

As required by Article V, Section 6 of the Wisconsin Constitution, I am submitting the annual Executive Clemency report to the Legislature, covering those clemency cases upon which final dispositions were rendered for applicants during the calendar year 2002. The following applicants received full pardons in 2002:

**Earl Ellis**, Convicted of violating Section 944.10(2) of the Wisconsin Statutes and sentenced on August 10, 1965 to 3 years probation, recommended by the Governor's Pardon Advisory Board by a vote of 2-2 to grant a pardon, was granted a pardon on January 14, 2002, because he is a productive member of society and otherwise deserving of extraordinary relief.

**Tonya Gordon**, convicted of Failure to Report Receipt of Income and Food Stamp Fraud and sentenced on May 6, 1988 and July 1, 1988 to 5 years probation, restitution, recommended by the Governor's Pardon Advisory Board by a vote of 6-0 to grant a pardon, was granted a pardon on March 4, 2002, because she is a productive member of society and otherwise deserving of extraordinary relief.

**Carl Helling**, convicted of Breaking and Entering and sentenced on January 3, 1962 to 2 years probation, the first 90 days in jail, recommended by the Governor's Pardon Advisory Board by a vote of 4-1 to grant a pardon, was granted a pardon on January 14, 2002, because he is a productive member of society and otherwise deserving of extraordinary relief.

**Richard Holt**, convicted of Burglary and sentenced on December 15, 1964 to 2 years probation, recommended by the Governor's Pardon Advisory Board by a vote of 4-2 to grant a pardon, was granted a pardon on March 4, 2002, because he is a productive member of society and otherwise deserving of extraordinary relief.

**Brian Ruffalo**, convicted of Delivery of a Controlled Substance and sentenced on February 26, 1988 to 45 days jail, 3 years probation, recommended by the Governor's Pardon Advisory Board by a vote of 3-2 to grant a pardon, was granted a pardon on January 14, 2002, because he is a productive member of society and otherwise deserving of extraordinary relief.

Sincerely,

SCOTT MCCALLUM  
Governor

**State of Wisconsin  
Investment Board**

December 23, 2002

The Honorable, The Legislature:

Annually under s. 25.17(14g), Stats., the Investment Board submits a report to the Legislature on investment goals and long-term strategies. As we have done the past three years, I am writing to advise you that we submit the report in February. Although this will be after the December 31 due date, it will enable us to provide a more complete and informative report to you.

The Board of Trustees will consider recommendations on investment strategies and asset allocations made by staff and outside experts at their January meeting. We believe it is helpful to reflect the outcome of those discussions in our report to you. In addition, we plan to include in the report the effect that the severe market downturns have had on the trust funds and steps we have taken to operate in these volatile markets.

The report we submit in February will also include the performance assessment required under s. 25.17(14m). As in past years, we plan to combine the two reports to make it easier to understand the relationship between our strategies and our investment results.

Please feel free to contact me if you have any questions or concerns.

Sincerely,

PATRICIA LIPTON  
Executive Director

**State of Wisconsin  
Department of Health and Family Services**

December 18, 2002

The Honorable, The Senate:

The Bureau of Health Information, Department of Health and Family Services, is pleased to submit to the Governor and Legislature the Uncompensated Health Care Report, Wisconsin Hospitals, Fiscal Year 2001. The data for this report were collected under section 153.05, Wisconsin Statutes, and are published as authorized by the requirements of section 120.20, Wisconsin Administrative Code.

This report is based on annual hospital uncompensated health care data reported to the Bureau of Health Information by all operating general medical–surgical and specialty hospitals in Wisconsin. The report sets forth the total charges for charity care, bad debt, and total uncompensated health care for fiscal year 2001. It also shows the projected number of patients and the projected charges for charity care, bad debt, and total uncompensated health care in fiscal year 2002.

Sincerely,

PHYLLIS J. DUBE  
Secretary

**State of Wisconsin  
Department of Health and Family Services**

December 31, 2002

The Honorable, The Legislature:

The Department of Health and Family Services is pleased to submit to the Governor and the Legislature the Vital Records Online Study Committee Report of Findings. Preparation of this report was required under section 9123 (8kk) of 2001 Wisconsin Act 16.

This report was prepared by a committee that included the State Registrar, Local Registrars, and other vital records business partners and stakeholders. It recommends guidelines for the development, maintenance and funding of an electronic online vital records systems for Wisconsin. The committee's recommendations were reached after it studied Wisconsin's vital records business needs at the local and state level, and surveyed other states for best practices, system costs, and measures to prevent identity theft in electronic vital records systems.

As required under Act 16, the report also recommends the vital records fee changes needed to fund the development, implementation and maintenance of the system, and how the fees should be allocated. It also notes the revisions to Wisconsin Statue that would be required to implement the recommended fee changes.

Sincerely,

PHYLLIS J. DUBE  
Secretary

**MOTIONS UNDER SENATE RULE 98 AND  
JOINT RULE 7**

*for the Month of December 2002*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Burke, for Representative Peter Bock, on the occasion of his distinguished career in the State Assembly and congratulate him on his upcoming wedding.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Burke, for Sister Agnes Cull, on the occasion of celebrating her 100th Birthday shared with family and friends.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Engineered Construction, Inc., on the occasion of being a 2002 ABC of Wisconsin Projects of Distinction Award recipient.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Erik D. Everson, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of condolence by the Wisconsin Senate on the motion of Senator Darling, for the family and friends of Duncan Lowery Galloway, on the occasion of extending sympathies to his family and friends.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Matthew Heidt, on the*

*occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Schultz, for Peter Lampman, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Huelsman, for David E. Larsen, on the occasion of his retirement as Administrator of the Division of Administration Department of Veterans Affairs.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Burke, for Bess Levinson, on the occasion of celebrating her 70th Birthday.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Patrick Marschie, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Shane Marvin, on the occasion of his graduation from the Fort McCoy Challenge Academy.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for the McFarland High School Boys 2002 Cross Country Team, on the occasion of winning the 2002 Cross Country State Division 2 Title.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for McGann Construction, on the occasion of being a 2002 ABC of Wisconsin Projects of Distinction Award recipient.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Newcomb Construction Company, Inc., on the occasion of being a 2002 ABC of Wisconsin Projects of Distinction Award recipient.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for North American Mechanical, Inc., on the occasion of being a 2002 ABC of Wisconsin Projects of Distinction Award recipient.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for the Oconto High School football team, on the occasion of advancing to the WIAA Division 4 State Semifinal game for the first time in school history, ending a fantastic season.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Coach Pat Rice and the 2002 Waunakee Boys Varsity Football Team, "The Warriors", on the occasion of winning the WIAA Division 3 Championship.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for David A. Waupoose, Jr., on the occasion of his graduation from the Fort McCoy Challenge Academy.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moen, for Edwin Wessel, on the occasion of earning and attaining the rank of the Eagle Scout Award.*