

STATE OF WISCONSIN
Senate Journal
Ninety–Fifth Regular Session

WEDNESDAY, February 13, 2002

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

**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.

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

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**.

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 397** offered by Senator Robson.

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Joint Resolution 37

Senate Bill 364

Report correctly enrolled on February 11, 2001.