

STATE OF WISCONSIN
Senate Journal
Ninety–Seventh Regular Session

WEDNESDAY, March 22, 2006

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

CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated Friday, March 17, 2006.

**State of Wisconsin
Office of the Governor**

March 17, 2006

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 164	Act 138	March 16, 2006

Sincerely,
JIM DOYLE
Governor

The Chief Clerk records:

Senate Bill 183
Senate Bill 352
Senate Bill 492
Senate Bill 501
Senate Bill 515
Senate Bill 527
Senate Bill 539
Senate Bill 540
Senate Bill 547
Senate Bill 549
Senate Bill 591
Senate Bill 592
Senate Bill 652

Report correctly enrolled on March 17, 2006.

The Chief Clerk makes the following entries dated Monday, March 20, 2006.

**State of Wisconsin
Office of the Governor**

March 20, 2006

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 459	Act 141	March 17, 2006

Senate Bill 577 **Act 142** March 17, 2006

Sincerely,
JIM DOYLE
Governor

State of Wisconsin

March 15, 2006

The Honorable, The Senate:

Pursuant to Senate Rule [46\(2\)\(c\)](#), I am writing to direct that **Senate Bill 641** be withdrawn from the committee on **Veterans, Homeland Security, Military Affairs, Small Business, and Government Reform** and rereferred to the committee on **Judiciary**. I have obtained the consent of the appropriate chairperson.

Sincerely,
ALAN LASEE
Senate President

Pursuant to Senate Rule [17 \(5\)](#), Senator Erpenbach added as a coauthor of **Senate Bill 624**.

Pursuant to Senate Rule [17 \(5\)](#), Senator Erpenbach added as a coauthor of **Senate Bill 645**.

Pursuant to Senate Rule [17 \(5\)](#), Senator Carpenter added as a cosponsor of **Assembly Bill 976**.

Pursuant to Senate Rule [17 \(5\)](#), Representative Van Roy added as a cosponsor of **Senate Bill 295**.

Senate Clearinghouse Rule 02–037

Relating to procedures for the administration of chapter 111, Stats., subchapters I (employment peace act); III (public utilities); IV (municipal employment relations act); and V (state employment labor relations act).

Submitted by Employment Relations Commission.

Report received from Agency, March 15, 2006.

Referred to committee on **Labor and Election Process Reform**, March 20, 2006.

The Chief Clerk records:

Senate Bill 487
Senate Bill 488
Senate Bill 489
Senate Bill 490
Senate Bill 491
Senate Bill 493
Senate Bill 494
Senate Bill 512
Senate Bill 555
Senate Bill 556
Senate Bill 557
Senate Bill 560

Senate Bill 562
Senate Bill 597
Senate Bill 601
Senate Bill 642

Report correctly enrolled on March 20, 2006.

The Chief Clerk records:

Senate Bill 183
Senate Bill 221
Senate Bill 283
Senate Bill 359
Senate Bill 362
Senate Bill 363
Senate Bill 364
Senate Bill 365
Senate Bill 474
Senate Bill 487
Senate Bill 488
Senate Bill 489
Senate Bill 490
Senate Bill 491
Senate Bill 492
Senate Bill 493
Senate Bill 494
Senate Bill 512
Senate Bill 555
Senate Bill 556
Senate Bill 557
Senate Bill 560
Senate Bill 562
Senate Bill 623

Presented to the Governor on March 20, 2006.

The Chief Clerk makes the following entries dated Tuesday, March 21, 2006.

Read and referred:

Senate Resolution 17

Relating to: state sovereignty.
 By Senators Leibham and Grothman.
 To committee on **Senate Organization**.

Read first time and referred:

Senate Bill 670

Relating to: inclusion in the curricula for instructional programs in human growth and development informational materials describing the procedures for adoption and listing agencies that provide adoption services.

By Senator Lassa; cosponsored by Representatives Jeskewitz, Wood, Vos and Albers.

To committee on **Health, Children, Families, Aging and Long Term Care**.

Senate Bill 671

Relating to: biennial reports concerning state contractual service procurements.

By Senator Lassa.

To committee on **Veterans, Homeland Security, Military Affairs, Small Business and Government Reform**.

Senate Bill 672

Relating to: preparing the executive budget bill or bills according to generally accepted accounting principles; prohibiting the executive budget bill or bills from increasing the

state's budget deficit; and requiring legislation to reduce the state's budget deficit.

By Senator Lassa; cosponsored by Representatives Ziegelbauer, Strachota and Albers.

To joint committee on **Finance**.

**State of Wisconsin
 Office of the Governor**

March 21, 2006

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 359	Act 145	March 21, 2006
Senate Bill 362	Act 146	March 21, 2006
Senate Bill 363	Act 147	March 21, 2006
Senate Bill 364	Act 148	March 21, 2006
Senate Bill 365	Act 149	March 21, 2006
Senate Bill 487	Act 150	March 21, 2006
Senate Bill 488	Act 151	March 21, 2006
Senate Bill 489	Act 152	March 21, 2006
Senate Bill 490	Act 153	March 21, 2006
Senate Bill 491	Act 154	March 21, 2006
Senate Bill 492	Act 155	March 21, 2006
Senate Bill 493	Act 156	March 21, 2006
Senate Bill 494	Act 157	March 21, 2006
Senate Bill 512	Act 158	March 21, 2006
Senate Bill 555	Act 159	March 21, 2006
Senate Bill 556	Act 160	March 21, 2006
Senate Bill 557	Act 161	March 21, 2006
Senate Bill 560	Act 162	March 21, 2006
Senate Bill 562	Act 163	March 21, 2006
Senate Bill 510	Act 164	March 21, 2006
Senate Bill 221	Act 165	March 21, 2006
Senate Bill 283	Act 171	March 21, 2006
Senate Bill 474	Act 172	March 21, 2006
Senate Bill 623	Act 173	March 21, 2006

Sincerely,
 JIM DOYLE
 Governor

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

To the Honorable, the Senate:

<u>Bill Number</u>	<u>Act Number</u>	<u>Publication Date</u>
Senate Bill 164	Act 138	March 30, 2006

Sincerely,
 DOUGLAS LA FOLLETTE
 Secretary of State

The Chief Clerk records:

Senate Bill 282
Senate Bill 463

Presented to the Governor on March 21, 2006.

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Department of Administration**

February 28, 2006

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 2006.

On January 1, 2005, the **General Fund** cash balance closed at a negative \$118.9 million. This negative balance continued until January 13, 2006, when the fund’s cash balance closed at a positive \$53.3 million. The **General Fund** cash balance reached its intramonth low of 173.7 million on January 11, 2006. The negative balance was due to the difference in the timing of revenues and expenditures.

The General Fund shortfall was not in excess of the statutory interfund borrowing limitations 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, and as a result, the funds requiring the use of the authority will effectively bear the interest cost.

Sincerely,

STEPHEN E. BABLITCH
Secretary

Referred to joint committee on **Finance**.

**State of Wisconsin
Department of Workforce Development**

February 27, 2006

The Honorable, The Senate:

Pursuant to 109.12(2) and (3), Wis. Stats., I hereby submit the Department of Workforce Development’s (DWD) 2005 annual report on the administration and enforcement of 109.07 and 109.075, Wis. Stats. The report contains three sections. The first section lists all employers in 2005 that notified DWD of business closings and mass layoffs planned in Wisconsin. The second section of the report lists employers against whom DWD has received business closing or mass layoff notification complaints and the current status or outcome of those complaints. The third section of the report lists employers against whom DWD has received healthcare cessation notification complaints, DWD’s actions and the current status or outcome of those complaints.

If you have any questions regarding the information contained in this report please contact LeAnna Ware, acting administrator of the Equal Rights Division at (608) 266-1997.

Sincerely,

ROBERTA GASSMAN
Secretary

**State of Wisconsin
Joint Legislative Council**

March 8, 2006

The Honorable, The Senate:

I am pleased to transmit to you the following report to the 2005 Legislature on legislation introduced by the Joint Legislative Council:

RL 2005-15 Special Committee on Election Law Review

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/>

Sincerely,

TERRY C. ANDERSON
Director

**State of Wisconsin
Legislative Audit Bureau**

March 2, 2006

The Honorable, The Legislature:

As required by [2001 Wisconsin Act 57](#), we have completed an evaluation of the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, which is a statewide educational resource for students and their parents and teachers. The program is administered by the Department of Public Instruction (DPI). As part of the program, Act 57 directed DPI to continue operating the residential Wisconsin School for the Deaf in Delavan, to offer youth summer programs, and to provide outreach services to school districts statewide. In fiscal year 2004–05, the program spent \$11.0 million and was authorized 135.6 full-time equivalent positions. Outreach activities accounted for \$1.1 million, or 10.0 percent, of all expenditures in that year.

Enrollment in the residential school decreased from 165 students in the 2000–01 school year to 142 students in the 2004–05 school year. If enrollment continues to decline, staffing changes may need to be considered. We include a recommendation for DPI to report to the Joint Legislative Audit Committee on its efforts to monitor classroom staffing ratios.

Outreach services have grown significantly, corresponding with additional statutory authority. Outreach staff now provide consultation services for local school districts. In addition, training sessions have increased, and distance learning courses in American Sign Language are provided. We include a recommendation for DPI to update the Joint Legislative Audit Committee on the results of its efforts to increase the technological resources needed to provide additional distance learning courses statewide.

We appreciate the courtesy and cooperation extended to us by DPI. Its response follows the report.

Sincerely,

JANICE MUELLER
State Auditor

**State of Wisconsin
Legislative Audit Bureau**

February 23, 2006

The Honorable, The Legislature:

We have completed a review of the Environmental Cooperation Pilot Program (ECPP). The program is administered by the Department of Natural Resources (DNR) and was established by [1997 Wisconsin Act 27](#) to test innovative environmental regulatory methods. Statutes require the Legislative Audit Bureau to monitor ECPP and report annually to the Legislature on our findings.

DNR manages seven agreements with six companies. We have reviewed the terms of the agreements and DNR's administration of them and make several recommendations to ensure adequate public involvement in ECPP and comprehensive performance measures for quantifying its economic and environmental effects.

Addressing the need for effective performance measures is important given that the initial five-year ECPP agreements will expire in 2006 and 2007. DNR anticipates renewing all seven agreements for a second five-year period, and performance information will help DNR ensure the agreements are structured to promote program success.

We appreciate the courtesy and cooperation extended to us by DNR and the ECPP companies we contacted during our review.

Sincerely,

JANICE MUELLER
State Auditor

State of Wisconsin

February 28, 2006

The Honorable, The Senate:

I am writing regarding Assembly Bill 69 (AB 69), relating to the authority of the Justice Department.

As those who are familiar with this bill, I have steadfastly maintained my opposition to this legislation. However, my vote on final passage Feb. 23 was somehow recorded as supporting AB 69. As this is in error, I would like to be recorded as voting no on this bill.

Please take whatever steps necessary so that the record reflects my true position on AB 69 in the appropriate publications.

Sincerely,

SPENCER COGGS
State Senator

**State of Wisconsin
Legislative Audit Bureau**

February 28, 2006

The Honorable, The Legislature:

At your request, we have completed a review of the number of University of Wisconsin (UW) System employees convicted of felonies, as part of a comprehensive evaluation of UW System personnel policies and practices approved by the Joint Legislative Audit Committee. That evaluation will be completed later this year.

Using Department of Corrections' felony data and UW System's payroll data, we identified 40 felons employed by UW System in September 2005 and under state supervision in November 2005. UW-Madison employed 27 of the 40 felons we identified, including 4 who are incarcerated.

Section 111.321, Wis. Stats., generally prohibits employment discrimination on the basis of arrest or conviction record, but under s. 111.335(1)(c), Wis. Stats., employment can be terminated when a conviction is substantially related to the circumstances of an individual's job. The decision to terminate is typically determined by an internal investigation. Because UW institutions were unaware of most of the 40 felons and could not provide complete information on how many internal investigations had been conducted, we have recommended that internal investigations be conducted to determine whether the convictions of any of the felons we identified are substantially job-related and any action is appropriate.

Terminating employment is often a lengthy process. In February 2006, the Board of Regents approved changes to expedite the termination of faculty who are convicted of serious criminal misconduct. We have recommended that it also clarify

its termination process for academic staff and discuss the process for classified staff.

Finally, we found great variation in how UW institutions conduct background checks of candidates for employment. We have recommended that the Board of Regents promulgate uniform policies to identify the types of jobs for which background checks should be conducted.

We appreciate the courtesy and cooperation extended to us by UW System during the course of our review.

Sincerely,

JANICE MUELLER
State Auditor

**State of Wisconsin
Ethics Board**

March 17, 2006

The Honorable, The Senate:

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

- | | |
|-----------------------|--|
| Christianson, Peter C | Wisconsin Alumni Research Foundation |
| Hubbard, Gregory | American Resort Development Association (ARDA) |
| Jentz, Robert | Wisconsin Dells Visitors and Convention Bureau |
| King, Nathaniel | Oneida Tribe of Indians of Wisconsin |
| Petersen, Eric J | American Resort Development Association (ARDA) |
| Stenger, Scott | Wilderness Hotel & Golf Resort |
| Strohl, Joseph | Coalition Against Bigger Trucks |

For more detailed information about these lobbyists and organizations and a complete list of organizations and people authorized to lobby the 2005 session of the legislature, visit the Ethics Board's web site at <http://ethics.state.wi.us>

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,

R. ROTH JUDD
Executive Director

**State of Wisconsin
Ethics Board**

March 7, 2006

The Honorable, The Senate:

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

- | | |
|--------------------------|--|
| Blumenfeld, Michael | Wisconsin Association of Family & Childrens Agencies |
| Broehm, John | Milwaukee Metropolitan Sewerage District |
| Kammer, Peter | Epilepsy Foundation |
| Neumann-Ortiz, Christine | Voces de la Frontera |
| Plautz, Jolene | Insurance Auto Auctions |
| Ronnie, Kevin | Hunger Task Force |
| Schimming, Brian | National Association of Professional Employer |
| Speerschneider, Timm | Arjo Wiggins Appleton Limited |
| Strohl, Joseph | Bank of America Corporation/Bank of America, N.A. |
| Tyre, Scott | American Petroleum Institute |
| Vickerman, Michael | RENEW Wisconsin |

For more detailed information about these lobbyists and organizations and a complete list of organizations and people authorized to lobby the 2005 session of the legislature, visit the Ethics Board's web site at <http://ethics.state.wi.us>

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,

R. ROTH JUDD
Executive Director

**State of Wisconsin
Department of Administration**

March 14, 2006

The Honorable, The Legislature:

Included with this correspondence, I am submitting the reports from the Department of Administration, Division of Gaming (Gaming), for the first quarter of fiscal year 2006 (July 1, 2005 through September 30, 2005) and the second quarter of fiscal year 2006 (October 1, 2005 through December 31, 2005). 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,

ROBERT W. SLOEY
Administrator

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

March 17, 2006

The Honorable, The Legislature:

The 1983–85 budget act, [1983 Wisconsin Act 27](#), created the Community Integration Program (CIP) for Residents of State Centers under s. [46.275](#). 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 also 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.

The 2003–05 biennial budget provided for the phasedown of long term care services at Northern Wisconsin Center and the placement of residents in community settings. Southern and Central Wisconsin Centers continued to relocate individuals under the CIP program as well during CY05. For the period of January 1, 2005 to December 31, 2005, 68 center residents were placed into the community. In this same period, calendar year 2005, 51 employees were redeployed to vacant positions and 133 employees were laid off.

Sincerely,

HELENE NELSON
Secretary

**State of Wisconsin
Department of Regulation and Licensing**

February 17, 2006

The Honorable, The Legislature:

It is with great pleasure that I submit the 2003-2005 Biennial Report for the Department of Regulation and Licensing (DRL). The Department's achievements and successes of the past two years reflect the dedicated effort of a conscientious workforce, committed to providing an efficient and effective regulatory program that provides safety and protection for the public and quality service for the professionals we regulate. In the 2005-2007 biennium, the Department will strive to generate even greater efficiencies and further improve the way we do business.

The over 300,000 professionals regulated by this agency contribute \$9.8 billion annually to the Wisconsin economy. We acknowledge our considerable responsibilities, and on behalf of Wisconsin's citizens, we are committed to serving them and continuing to support the state's economic growth.

I will be happy to respond to any questions or comments about the department and its functions.

Sincerely,

CELIA M. JACKSON
Secretary

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Bill 268
Senate Bill 579
Senate Bill 637

Report correctly enrolled on March 22, 2006.

CHIEF CLERK'S REPORT

The Chief Clerk records:

Senate Bill 244
Senate Bill 549

Presented to the Governor on March 22, 2006.