

STATE OF WISCONSIN
Senate Journal
Ninety–Fourth Regular Session

WEDNESDAY, December 8, 1999

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 302

Relating to: withholding of legislator pay and reimbursement of certain expenses.

By Senators Drzewiecki, Darling, Lazich, Rosenzweig, Farrow, Schultz, Huelsman, Roessler, Wirch, A. Lasee and Panzer; cosponsored by Representatives Hahn and F. Lasee.

To committee on **Senate Organization**.

Senate Bill 303

Relating to: establishing a time period for review by the department of natural resources of applications for certain permits, licenses, approvals and determinations and requiring the exercise of rule-making authority.

By Senators Shibilski, Wirch, Schultz, Huelsman, Drzewiecki and Darling; cosponsored by Representatives La Fave, Montgomery, Freese, Albers, Gronemus, Gunderson, Urban, Petrowski and Carpenter.

To committee on **Agriculture, Environmental Resources and Campaign Finance Reform**.

Senate Bill 304

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

By Senators Burke, Clausing, Darling, Erpenbach, Huelsman, Plache, Roessler and Rosenzweig; cosponsored by Representatives Kelso, Berceau, Bock, Huber, Miller, Richards, Staskunas, Suder and Wasserman, by request of Wisconsin Coalition Against Sexual Assault.

To committee on **Judiciary and Consumer Affairs**.

REPORT OF COMMITTEES

The committee on **Economic Development, Housing and Government Operations** reports and recommends:

Assembly Bill 226

Relating to: the disposition of unclaimed funds in a public treasury.

Concurrence.

Ayes, 5 – Senators Wirch, Moore, Grobschmidt, Drzewiecki and Zien.

Noes, 0 – None.

Robert Wirch
Chairperson

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Department of Corrections**

November 22, 1999

The Honorable, The Legislature:

Attached is the first quarter report on Prison Industries for the fiscal year ending June 30, 2000, as required by Section **303.019** of the Wisconsin Statutes. This report includes the year-to-date cash balance of each industry. This report reflects private sector joint venture balances separately from the remainder of Prison Industries.

The Department would be happy to respond to any questions you may have on this matter.

Sincerely,

JON E. LITSCHER

Department of Corrections

GEORGE F. LIGHTBOURN

Department of Administration

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

November 30, 1999

The Honorable, The Legislature:

Pursuant to Wisconsin Statute 234.93(5), please find enclosed a report on the number of guarantees, total dollar amount of guarantees and default rates for each of the programs supported by the Wisconsin Development Reserve fund. The report also includes Wisconsin Development Reserve Fund program activity in fiscal 1999.

Finally, the report provides information relating to jobs created/retained through the Agribusiness and Small Business Guarantee Funds during fiscal 1999, by county.

Please feel free to contact me or Jim Langdon at 266-3529 with any questions.

Sincerely,

FRITZ RUF

Executive Director

**State of Wisconsin
Department of Administration**

November 29, 1999

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 October, 1999.

On October 1, 1999 the **Wisconsin Health Education Loan Repayment Fund** balance was -\$2 thousand. This shortfall increased to -\$3 thousand on October 28, 1999 and continued into the month of November. As of the date of this letter, it is expected to be resolved very soon. This shortfall is due to the timing of revenues.

On October 19, 1999 the **Wisconsin Petroleum Inspection Fund** balance was -\$6.6 million. This shortfall continued until October 20, 1999 when the balance reached \$3.0 million. This shortfall is due to the timing of revenues.

On October 26, 1999 the **Wisconsin Health Insurance Risk Sharing Plan Fund** balance was -\$49 thousand. This shortfall increased to -\$50 thousand on October 29, 1999 and continued into the month of November. As of the date of this letter, it is expected to be resolved very soon. This shortfall is due to the timing of revenues.

The Wisconsin Health Education Loan Repayment Fund, Wisconsin Petroleum Inspection Fund, and Wisconsin Health Insurance Risk Sharing Plan 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
Acting Secretary

Referred to the joint committee on **Finance**.

State of Wisconsin

December 6, 1999

The Honorable, The Legislature:

The 1999-2001 Biennial Budget contains numerous provisions impacting the operation of the Petroleum Environmental Cleanup Fund (PECFA) program. One significant provision deals with the allocation of responsibility for sites with petroleum contamination. The Budget Bill directs a determination of the risk individual sites pose to people and the environment based upon a statutory definition of what constitutes a "high risk" site. The risk level determination was to be completed by December 1, 1999, with all "low" and "medium risk" sites being transferred to the Department of Commerce by that date. The Department of Natural Resources has been working, since passage of the budget bill, to determine the risk classification for the approximately 4800 sites impacted by petroleum. The Department has met the December 1 deadline and the test of having no more than 35% of the sites classified as "high risk".

In addition to completing the site classification, four separate, joint emergency rules were to be completed within thirty (30) days of the effective date of the Budget Bill. We believe we meet the intent of many of these provisions. One of these requirements, s. 101.143(2e) Risk Based Analysis, was met through the adoption of emergency rules Comm 46 and NR 746 by both agencies. In addition, we are well along in finalizing a streamlined, more cost-effective process for administering the PECFA program, as required by s. 101.143(2)(h). We expect this new process to be finalized shortly with adoption of emergency rules to codify the processes to follow.

With respect to the requirements under s. 101.143(2)(i) and 101.143(2)(j), relating to procedures for evaluating remedial action plans, conditions under which employees must issue approvals, cost reporting, etc., we believe that these directives

are consistent with provisions contained in Comm 46 and Comm 47 and the cost survey which is now being implemented by the Department of Commerce. Over the next few months, the Departments will be working to complete the additional detail and elements required to be included in joint administrative rules covering these topics.

We are committed to complying with the requirements of the budget bill and intend to address them fully. Thank you for your support and understanding as we work through these complicated issues. If you have questions regarding the current status of any of these rules, please contact John Alberts at 266-9403 or Jay Hockmuth at 267-9521.

Sincerely,

BRENDA J. BLANCHARD
Secretary

Department of Commerce

GEORGE E. MEYER
Secretary

Department of Natural Resources

EXECUTIVE COMMUNICATIONS

**State of Wisconsin
Office of the Governor**

November 24, 1999

The Honorable, The Senate:

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

Sincerely,

TOMMY G. THOMPSON
Governor

Read and referred to committee on **Education**.

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

Senate Clearinghouse Rule 99-019

Relating to the provision of universal telecommunications service and administration of the universal service fund.

Submitted by Public Service Commission.

Report received from Agency, December 6, 1999.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, December 8, 1999.

Senate Clearinghouse Rule 99-056

Relating to control of communicable diseases.

Submitted by Department of Health and Family Services.

Report received from Agency, December 3, 1999.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, December 8, 1999.

Senate Clearinghouse Rule 99-106

Relating to providing eligibility under the BadgerCare program to families with incomes up to 185% of the federal poverty level that are not covered by health insurance, do not have access to an employer-subsidized family health care plan which is 80% or more subsidized and are not otherwise eligible for the medical assistance program under AFDC-related or SSI-related criteria.

Submitted by Department of Health and Family Services.

Report received from Agency, December 2, 1999.	98- 90	December 1, 1999
Referred to committee on Health, Utilities, Veterans and Military Affairs , December 8, 1999.	98-119	December 1, 1999
Senate Clearinghouse Rule 99-132	98-181(part)	December 1, 1999
Relating to the minority teacher loan program.	98-197	December 1, 1999
Submitted by Higher Educational Aids Board.	98-205	December 1, 1999
Report received from Agency, December 1, 1999.	99- 7	December 1, 1999
Referred to committee on Education , December 8, 1999.	99- 21	December 1, 1999
State of Wisconsin	99- 39	December 1, 1999
Revisor of Statutes Bureau	99- 46	December 1, 1999
December 1, 1999	99- 69	December 1, 1999
To the Honorable, the Senate:	99- 85	December 1, 1999
The following rules have been published:	99- 92	December 1, 1999
Clearinghouse Rules		
95-179	Effective Date(s)	
98- 34	December 1, 1999	
	December 1, 1999	

Sincerely,
GARY L. POULSON
 Deputy Revisor