



# 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.