

STATE OF WISCONSIN

Senate Journal

Ninety–Fifth Regular Session

WEDNESDAY, December 19, 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 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>
Senate Bill 303	Wisconsin Act 36	Dec. 17, 2001
Senate Bill 251	Wisconsin Act 37	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

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 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.

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.**

**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.

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

CHIEF CLERK'S REPORT

The Chief Clerk records:

Senate Bill 251

Senate Bill 303

Presented to the Governor on December 12, 2001.