

STATE OF WISCONSIN
Senate Journal
Ninety–Fifth Regular Session

MONDAY, March 11, 2002

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

INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

Senate Resolution 16

Relating to: autism spectrum disorder.

By Senator Grobschmidt.

To committee on **Senate Organization**.

Senate Resolution 17

Relating to: proclaiming Prostate Cancer Awareness Month.

By Senator Grobschmidt.

To committee on **Senate Organization**.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 494

Relating to: domestic abuse arrests and providing a penalty.

By Senators Plache, Huelsman, Burke, Roessler and Darling; cosponsored by Representatives Krug, Kaufert, Berceau, Turner, McCormick, Cogg, Sykora and Huebsch.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

Senate Bill 495

Relating to: environmental compliance audits, environmental management systems, providing incentives for improving environmental performance, providing immunity from civil penalties for certain violations of environmental requirements, access to certain information, granting rule-making authority, and providing a penalty.

By Senators Baumgart and Schultz; cosponsored by Representatives Duff and Ziegelbauer.

To committee on **Environmental Resources**.

REPORT OF COMMITTEES

The committee on **Environmental Resources** reports and recommends:

Assembly Bill 551

Relating to: maximum allowable grants under the private sewage system replacement or rehabilitation grant program.

Concurrence.

Ayes, 5 – Senators Baumgart, Hansen, Wirsch, Cowles and Schultz.

Noes, 0 – None.

Assembly Bill 718

Relating to: regulating fishing tournaments, granting rule-making authority, and providing penalties.

Concurrence.

Ayes, 5 – Senators Baumgart, Hansen, Wirsch, Cowles and Schultz.

Noes, 0 – None.

Assembly Bill 744

Relating to: signature and authorization requirements for orders under the forest croplands program and modifications to certain deadline dates under the managed forest land program.

Concurrence.

Ayes, 5 – Senators Baumgart, Hansen, Wirsch, Cowles and Schultz.

Noes, 0 – None.

Assembly Bill 788

Relating to: creating a council on forestry.

Concurrence.

Ayes, 4 – Senators Baumgart, Hansen, Cowles and Schultz.
Noes, 1 – Senator Wirsch.

EVANS, DR. THOMAS J., of Madison, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirsch, Cowles and Schultz.

Noes, 0 – None.

Jim Baumgart
Chairperson

The committee on **Health, Utilities, Veterans and Military Affairs** reports and recommends:

CHRISTMAN, DR. BLANE, of Ladysmith, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2007.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

RECORE, JANET K., of Wautoma, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2007.

Confirmation.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

Senate Bill 391

Relating to: requiring a hospital to provide to an alleged victim of sexual assault, with consent, information and emergency contraception and providing a penalty.

Passage.

Ayes, 5 – Senators Moen, Robson, Erpenbach, M. Meyer and Rosenzweig.

Noes, 4 – Senators Breske, Cowles, S. Fitzgerald and Lazich.

Senate Joint Resolution 65

Relating to: memorializing Congress to pass House Resolution 1717, to require department of veterans affairs pharmacies to dispense medications to veterans for prescriptions written by private practitioners.

Adoption.

Ayes, 9 – Senators Moen, Breske, Robson, Erpenbach, M. Meyer, Rosenzweig, Cowles, S. Fitzgerald and Lazich.

Noes, 0 – None.

Rodney Moen
Chairperson

The committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform** reports and recommends:

Assembly Bill 171

Relating to: mandatory operating privilege suspension for certain firearms offenses and bomb scares involving school premises.

Concurrence.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Assembly Bill 425

Relating to: substances used to induce false negative drug tests and providing a penalty.

Concurrence.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Assembly Bill 464

Relating to: prohibitions related to certain controlled substances and providing a penalty.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Concurrence as amended.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Assembly Bill 482

Relating to: child sex offenders working or volunteering with children and providing a penalty.

Concurrence.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Assembly Bill 495

Relating to: seizure of computers used in crimes against children.

Concurrence.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Assembly Bill 529

Relating to: retired peace officers carrying a weapon.

Concurrence.

Ayes, 4 – Senators George, Wirch, Huelsman and S. Fitzgerald.

Noes, 1 – Senator Risser.

Assembly Bill 578

Relating to: access for sheriffs and jailers to reports regarding the competency of criminal defendants.

Concurrence.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Assembly Bill 675

Relating to: licenses to carry a concealed weapon, requiring the exercise of rule-making authority, making appropriations, and providing penalties.

Concurrence.

Ayes, 4 – Senators George, Wirch, Huelsman and S. Fitzgerald.

Noes, 1 – Senator Risser.

Assembly Bill 682

Relating to: official action in return for providing or withholding political contributions, services, or other things of value and providing a penalty.

Concurrence.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Assembly Bill 735

Relating to: battery or assault by a prisoner or detainee and providing a penalty.

Concurrence.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Assembly Bill 737

Relating to: investigations by state traffic patrol officers and inspectors.

Concurrence.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Assembly Bill 809

Relating to: permanency planning for a child placed outside the home, required juvenile court findings when a child is placed outside the home, the expiration date of a juvenile court order placing or continuing the placement of a child outside the home, the requirement that a termination of parental rights petition be filed under certain circumstances, statements by foster parents at juvenile court hearings, and prohibiting a person who has committed an alcohol-related felony within the last 5 years from being licensed to operate a foster home or treatment foster home.

Concurrence.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Assembly Bill 852

Relating to: awards for crime victims and their families, persons witnessing certain crimes, and children witnessing acts of domestic violence.

Concurrence.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Senate Bill 109

Relating to: regulating the investments of personal representatives, trustees, conservators, and guardians of the estate; and providing rules for allocations between principal and income for trusts and estates.

Introduction of Senate substitute amendment 1.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Introduction and adoption of Senate amendment 1 to Senate substitute amendment 1.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Senate substitute amendment 1 adoption.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Senate Bill 143

Relating to: waiving the fee for deposit of a will.

Passage.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Senate Bill 151

Relating to: calculating child support and creating committees to review the method of calculating child support.

Passage.

Ayes, 3 – Senators George, Huelsman and S. Fitzgerald.

Noes, 2 – Senators Risser and Wirch.

Senate Bill 238

Relating to: collection of data concerning motor vehicle contacts, law enforcement training standards, and granting rule-making authority.

Passage.

Ayes, 3 – Senators George, Risser and Wirch.

Noes, 2 – Senators Huelsman and S. Fitzgerald.

Senate Bill 371

Relating to: invasion of privacy and providing a penalty.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Senate Bill 387

Relating to: battery or assault by a prisoner or detainee and providing a penalty.

Passage.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Senate Bill 425

Relating to: investigations by state traffic patrol officers and inspectors.

Passage.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Senate Bill 430

Relating to: coverage of certain members of district boards of local professional baseball park districts under the code of ethics for local public officials and filing of statements of economic interests by candidates for joint municipal judgeships (suggested as remedial legislation by the ethics board).

Passage.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Senate Bill 438

Relating to: domestic abuse restraining orders and injunctions.

Passage.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

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.

Passage.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Senate Bill 440

Relating to: stalking and providing a penalty.

Passage.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Senate Bill 462

Relating to: biological or chemical substance scares, juvenile court dispositions for a juvenile who is found to have made a bomb scare or a biological or chemical substance scare involving a school premises or to have possessed or discharged a firearm in a school zone, and providing a penalty.

Passage.

Ayes, 5 – Senators George, Risser, Wirch, Huelsman and S. Fitzgerald.

Noes, 0 – None.

Gary George
Chairperson

The committee on **Privacy, Electronic Commerce and Financial Institutions** reports and recommends:

Assembly Bill 645

Relating to: publication of the street address of a person who provides day care in the person's home.

Concurrence.

Ayes, 5 – Senators Erpenbach, Jauch, Plache, S. Fitzgerald and Kanavas.

Noes, 0 – None.

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).

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Erpenbach, Jauch, Plache, S. Fitzgerald and Kanavas.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Erpenbach, Jauch, Plache, S. Fitzgerald and Kanavas.

Noes, 0 – None.

Senate Bill 450

Relating to: eliminating the Wisconsin credit union savings insurance corporation (suggested as remedial legislation by the department of financial institutions).

Passage.

Ayes, 5 – Senators Erpenbach, Jauch, Plache, S. Fitzgerald and Kanavas.

Noes, 0 – None.

Senate Bill 475

Relating to: creating an exemption from securities broker-dealer and securities agent licensing requirements.

Passage.

Ayes, 5 – Senators Erpenbach, Jauch, Plache, S. Fitzgerald and Kanavas.

Noes, 0 – None.

Jon Erpenbach
Chairperson

The committee on **Senate Organization** reports and recommends:

Assembly Bill 711

Relating to: congressional redistricting.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

Charles Chvala
Chairperson

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

Assembly Bill 826

Relating to: various changes in election administration laws.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Concurrence as amended.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

KLAUSER, JAMES R., of Pewaukee, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2008.

Confirmation.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Senate Bill 304

Relating to: the definition of agricultural land for property tax purposes and the penalty for converting agricultural land.

Senate amendment 1 adoption.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Passage as amended.

Ayes, 4 – Senators M. Meyer, Moore, Grobschmidt and Hansen.

Noes, 3 – Senators Ellis, Huelsman and Zien.

Senate Bill 75

Relating to: fees charged by notary publics.

Introduction and adoption of Senate amendment 1.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.

Noes, 0 – None.

Mark Meyer
Chairperson

PETITIONS AND COMMUNICATIONS

**THE STATE OF WISCONSIN
OFFICE OF THE GOVERNOR**

EXECUTIVE ORDER #40

Relating to the Creation of the Task Force on State and Local Government

WHEREAS, Wisconsin is facing a budget shortfall that may reach beyond \$1.1 billion in the 2001-2003 Biennium; and **WHEREAS**, the Budget Reform Bill of 2002 was introduced to rectify this shortfall; and

WHEREAS, one provision of the Budget Reform Bill of 2002 is to phase out shared revenue with repeal of the program completed by fiscal year 2005; and

WHEREAS, it is important to have a forum for discussing and addressing fundamental change to the state and local governments relationship;

NOW, THEREFORE, I SCOTT McCALLUM, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this State, and specifically by Section 14.019 of the Wisconsin Statutes, do hereby:

1. Create the Task Force on State and Local Government (hereinafter, "Task Force"); and
2. Provide that the Task Force members are appointed by the Governor to serve at the pleasure of the Governor; and
3. Provide that the Governor shall designate one (1) member on the Task Force as its chair to serve in that capacity at the pleasure of the Governor; and

4. Provide that the Task Force shall review and answer questions in the following areas:

- A. To review government organization, including the size and number of governments;**
- B. To review efficiency and consolidation of government services;**
- C. To review land use, boundaries and annexation;**
- D. To review finances and taxations of state and local government;**
- E. To review state mandates that are barriers to consolidation; and**
- F. To identify financial incentives for local governments to consolidate services, where possible; and**

5. Make recommendations to strengthen the partnership between the state and local governments to ensure Wisconsin is fully prepared to meet the challenges of the Twenty-First Century; and

6. Require the Task Force to submit to the Governor a final report on its findings and recommendations by February 2003; and

7. Direct the Secretary of the Department of Administration and all other state agencies to provide the Task Force with administrative and support services and with such sums of money as are necessary for travel and operating expenses in accordance with section 20.505(4)(ba) of the Wisconsin Statutes; and

8. Require the Task Force to disband once the Governor has accepted its final report.

IN TESTIMONY WHERE OF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this fifth day of March in the year two thousand and two.

SCOTT McCALLUM
Governor

BY THE GOVERNOR:

DOUGLAS LA FOLLETTE
Secretary of State

State of Wisconsin

March 7, 2002

The Honorable, The Senate:

I write to you today to request to be made a coauthor of 2001 Assembly Bill 850, relating to the declaration of a state of emergency related to public health.

Thank you for your attention to this matter.

Sincerely,

PEGGY ROSENZWEIG
Wisconsin State Senate
5th Senate District

**State of Wisconsin
Legislative Audit Bureau**

March 8, 2002

The Honorable, The Legislature:

As requested by the Joint Legislative Audit Committee, we have completed an evaluation of the State's vehicle emissions testing program in southeastern Wisconsin. The Department of Natural Resources (DNR) determines the parameters of the program in accordance with federal Clean Air Act requirements, while the Department of Transportation (DOT) is responsible for administering the State's contract with a private firm that operates the testing stations. In calendar year 2001, approximately 784,000 vehicle emissions tests were

performed at a total cost of \$11.2 million. Motorists pay no fee for testing, which is supported by federal funds, the State's Transportation Fund, and general purpose revenue.

Wisconsin implemented its vehicle emissions testing program to comply with the federal Clean Air Act and to reduce ozone levels. Currently, the program requires most vehicles registered in Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, and Waukesha counties to be tested every two years. Although testing is a federal mandate, states have some discretion in designing their programs. Overall, Wisconsin's program is more stringent than the applicable federal model. As a result, DNR officials believe federal air quality standards will be attained in 2002, five years earlier than the federal deadline. The Legislature could consider changing the current program as long as the changes would have no significant effect of emissions levels. We have suggested several options for the Legislature to consider.

We found several areas in which DOT's management of the contract with the private testing firm was inadequate. For example, DOT has not attempted to renegotiate contract payments despite testing volumes 14.7 to 18.2 percent below those anticipated when the contract began in 1995. In addition, the contractor has failed to meet waiting time standards at a number of testing stations over the course of the contract, but DOT has not pursued liquidated damages for these violations.

We appreciate the courtesy and cooperation extended to us by DNR and DOT. The agencies' responses are appendices 5 and 6.

Sincerely,

JANICE MUELLER
State Auditor

ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin
Office of the Governor**

March 6, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint THOMPSON, KELLI, of Whitefish Bay, as a member of the Personnel Commission, to serve for the interim term ending March 1, 2004.

Sincerely,

SCOTT MCCALLUM
Governor

Read and referred to committee on **Labor and Agriculture.**

**State of Wisconsin
Office of the Governor**

March 6, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SORENSON, STEVEN R., of Ripon, as a member of the Wisconsin Employment Relations Commission, to serve for the interim term ending March 1, 2007.

Sincerely,

SCOTT MCCALLUM
Governor

Read and referred to committee on **Labor and Agriculture.**

**State of Wisconsin
Office of the Governor**

March 6, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint RAEMISCH, RICHARD F., of Waunakee, as a member of the Tax Appeals Commission, to serve for the interim term ending March 1, 2003.

Sincerely,

SCOTT MCCALLUM
Governor

Read and referred to committee on **Universities, Housing, and Government Operations.**

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

Senate Clearinghouse Rule 01-109

Relating to accessibility requirements for commercial buildings and structures.

Submitted by Department of Commerce.

Report received from Agency, March 8, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, March 11, 2002.

Senate Clearinghouse Rule 01-139

Relating to construction of public buildings and places of employment.

Submitted by Department of Commerce.

Report received from Agency, March 7, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, March 11, 2002.

The committee on **Education** reports and recommends:

Senate Clearinghouse Rule 01-119

Relating to the children at risk program.

No action taken.

Senate Clearinghouse Rule 01-131

Relating to the elimination of obsolete rules.

No action taken.

Senate Clearinghouse Rule 01-132

Relating to technical modifications to chapters PI 10, 12, and 37 pursuant to statutory changes made under **1999 Wisconsin Act 9** and **2001 Wisconsin Act 16**.

No action taken.

Richard Grobschmidt
Chairperson

MESSAGES FROM THE ASSEMBLY

By John A. Scocos, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has amended and concurred in as amended:

Senate Bill 250 (Assembly amendment 1)

Concurred in:

Senate Bill 178

Senate Bill 307

AMENDMENTS OFFERED

Senate amendment 3 to **Senate Bill 460** offered by Senator Hansen.

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Bill 378

Senate Bill 415

Senate Bill 479

Report correctly enrolled on March 11, 2002.