

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Fifth Regular Session

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WEDNESDAY, August 28, 2002

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

**PETITIONS AND COMMUNICATIONS**

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

**EXECUTIVE ORDER #52**

*Relating to the Dissolution of the Dane County Regional Planning Commission*

**WHEREAS**, Wisconsin identified the need to address land use, water quality, transportation and environmental issues on a regional basis more than 40 years ago by authorizing the creation of regional planning commissions;

**WHEREAS**, all but six of Wisconsin's 72 counties participate in multi-county regional planning commissions, which have proved to be a valuable resource for local and state government in identifying emerging trends that must be addressed through sound planning;

**WHEREAS**, the only counties in Wisconsin that are not included in a multi-county regional planning commission are the five counties that border on Dane County, specifically, Sauk, Dodge, Columbia, Jefferson and Rock counties;

**WHEREAS**, the Dane County Regional Planning Commission is the only regional planning commission in Wisconsin that serves only one county rather than a region;

**WHEREAS**, the Dane County Regional Planning Commission was created by [1970 Executive Order 22](#) by Governor Warren Knowles;

**WHEREAS**, the inclusion of only one county in the Dane County Regional Planning Commission led to concerns being expressed by towns and small communities in Dane County that the Commission was unfairly dominated by the urban areas of the county;

**WHEREAS**, these concerns have grown over time, and resulted in 1998 in adoption of resolutions by 35 communities in Dane County that invoked their right under the statutes to dissolve the Dane County Regional Planning Commission and to withdraw their communities from the jurisdiction of the Dane County Regional Planning Commission;

**WHEREAS**, certified copies of all 35 resolutions were filed with the Office of the Governor in August 1998 and have been found to be in proper form;

**WHEREAS**, efforts were made to avoid the need for dissolution by reconstituting the Dane County Regional Planning Commission through adoption of provisions in [1999 Wisconsin Act 9](#) that changed the membership of the Commission and established a separate Task Force to review the possibility of creating a multi-county regional planning commission;

**WHEREAS**, the chair of the Task Force has now reported to me by letter dated August 8, 2002, indicating that the work of the Task Force is completed, and on the basis of its review, recommending dissolution of the Dane County Regional Planning Commission;

**WHEREAS**, before a multi-county regional planning commission may be created to serve the six counties in South Central Wisconsin, the Dane County Regional planning Commission should be dissolved;

**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 [66.0309 \(15\)](#) of the Wisconsin Statutes, do hereby:

1. Find, pursuant to sec. 66.0309, Wis. Stats., that:
  - A. I have received certified copies of thirty-five (35) resolutions that recommend the dissolution of the Dane County Regional Planning Commission;
  - B. such Resolutions were adopted by the governing bodies of a majority of the local units in the region of the Dane County Regional Planning Commission;
  - C. adequate provisions have been made for the payment of the debts and outstanding expenses of the Dane County Regional Planning Commission.
2. Based on the foregoing findings, I hereby issue the following:

**CERTIFICATE OF DISSOLUTION**

**I SCOTT McCALLUM**, as Governor of the State of Wisconsin, hereby issue this Certificate of Dissolution of the Dane County Regional Planning Commission, and hereby declare, order and determine that the Dane County Regional Planning Commission shall cease to exist; this Certificate shall be effective as of and for October 1, 2002, and I:

1. Direct the Department of Natural Resources and other state agencies, for all purposes, to treat the communities in Dane County as if they are not part of a regional planning commission and further direct the Department of Natural Resources to assume the duties of the Dane County Regional Planning Commission in the implementation of the Federal Clean Water Act;
2. Create the Governor's Special Commission on Regional Planning in South Central Wisconsin (hereinafter the "Special Commission"), consisting of the County Board Chairpersons (or their designees) of the Counties of Sauk, Columbia, Dane, Rock, Jefferson and Dodge, and one representative of municipal government from each of the listed counties;

3. Direct that the Special Commission shall be chaired by Mark Bugher, Director, UW Research Park;
4. Provide that the Special Commission shall have the following mission: To meet regularly in the fall of 2002 and report to me no later than November 1, 2002 with a plan stating the conditions under which a regional planning commission that includes these six counties may be created, said Special Commission to solicit input and views of local units in the six-county region; and
5. Provide that the Special Commission shall dissolve when its final report is accepted by the Governor.

**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 twenty-second day of August in the year two thousand and two.

SCOTT McCALLUM  
Governor

*BY THE GOVERNOR:*

DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Department of Administration**

August 21, 2002

The Honorable, The Legislature:

Included with this correspondence, I am submitting the report of the Department of Administration, Division of Gaming (Gaming), for the fourth quarter of fiscal year 2002 (April 1, 2002 through June 30, 2002). 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 and Indian Gaming. Bingo revenues are now captured in a new appropriation (836) and therefore are shown on a separate chart from the rest of Charitable Gaming.

Please note that the final day of racing at St. Croix Meadows was August 9, 2001. The track is now closed. If you have any questions or comments regarding this report, please do not hesitate to contact Richard Pedersen at (608) 270-2546.

Sincerely,

F. SCOTT SCEPANIAC  
Administrator

**State of Wisconsin  
Legislative Audit Bureau**

August 21, 2002

The Honorable, The Legislature:

As requested by the Public Service Commission (PSC), we have completed a financial audit of the Universal Service Fund, which was established to ensure that all state residents receive essential telecommunications services and have access to advanced telecommunications capabilities. Our audit report contains our unqualified opinion on the Fund's financial statements and related notes for the fiscal year ending June 30, 2001 and 2000.

The Universal Service Fund is funded through assessments of telecommunications providers, which totaled \$19.6 million in fiscal year (FY) 2000-01. The largest program supported by the fund is the Educational Telecommunications Access Program, which is administered by the Technology for Educational Achievement (TEACH) Board. During FY 2000-01, \$10.5 million, or 59.4 percent of total fund expenditures, was spent on

subsidies and grants for data lines and video links for schools, libraries, and others under this program.

Other programs supported by the Fund are operated by the PSC. Historically, expenditures for these programs have been significantly less than annual program budgets. For example, in FY 1999-2000, the budget for PSC-operated programs was \$8.0 million, but expenditures totaled only \$2.7 million. Although expenditures increased 69.3 percent during FY 2000-01 as the result of the implementation of new programs, modification of existing programs, and increased outreach efforts, PSC expenditures and outstanding encumbrances totaling \$5.8 million were less than the budget of \$6.9 million during FY 2000-01. As the result of recent legislation, the PSC may not assess nor than \$5.0 million in FY 2003-04, and \$6.0 million in FY 2004-05 and each year thereafter for PSC-operated programs.

We appreciate the courtesy and cooperation extended to us by the staff at the PSC, TEACH, and the Fund's administrator, Williams Young, LLC, during the audit.

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Wisconsin Employment Relations Commission**

The Honorable, The Legislature:

The following is the Biennial Report of the Wisconsin Employment Relations Commission for the 1999-2001 biennium. The report represents a compilation of the statistical and subjective record of the agency over this period. The agency continues to maintain its statewide and national recognition for competence, fairness and integrity as the administrative agency for the Wisconsin Labor Relations Statutes.

As a Commission, we look forward to maintaining that hard working reputation through the continued exercise of diligence and professionalism in the performance of our duties.

Sincerely,

STEVEN R. SORENSON  
Chairperson

**State of Wisconsin  
Department of Public Instruction**

August 23, 2002

The Honorable, The Senate:

Pursuant to s. 15.377(8), Wis. Stats., enclosed please find a list of nominees to the Professional Standards Council for Teachers. These individuals were selected based upon organizational recommendations as prescribed in statute. Your confirmation of the appointees is requested.

Sincerely,

ELIZABETH BURMASTER  
State Superintendent

XIONG, KOU Y., of Menomonie, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2004.

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

SMITH-GROSS, MURIEL, of Milwaukee, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2003.

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

LEWNO, PAT, of Racine, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2005.

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

COBALLES-VEGA, CARMEN, of Oshkosh, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2005.

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

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

**State of Wisconsin  
Revisor of Statutes Bureau**

September 1, 2002

To the Honorable, the Senate:

The following rules have been published:

<b>Clearinghouse Rules</b>	<b>Effective Date(s)</b>
<b>00-180</b>	September 1, 2002
<b>01-054</b>	September 1, 2002
<b>01-058</b>	September 1, 2002
<b>02-021</b>	September 1, 2002
<b>02-023</b>	September 1, 2002
<b>02-034</b>	September 1, 2002
<b>02-039</b>	September 1, 2002
<b>02-040</b>	September 1, 2002
<b>02-041</b>	September 1, 2002

Sincerely,  
GARY L. POULSON  
Deputy Revisor

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**Senate Clearinghouse Rule 02-065**

Relating to time limits for applications for waterway and wetland permits.

Submitted by Department of Natural Resources.

Withdrawn by Agency, August 28, 2002.

**Senate Clearinghouse Rule 00-161**

Relating to lead and copper monitoring and treatment requirements for public water systems.

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 01-144**

Relating to wetland conservation activities.

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 02-013**

Relating to the development of an aquifer storage recovery well or the operation of an ASR system by a municipal water utility.

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 02-015**

Relating to permit and water quality certification time limits, exempt activities in nonfederal wetlands and the identification and delineation of nonfederal wetlands.

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 02-044**

Relating to snowmobile rail crossings.

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 02-045**

Relating to the regulation of fishing rafts on the Wolf river and its tributaries.

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 02-046**

Relating to department procedures for administrative hearings.

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 02-051**

Relating to transitional treatment.

Submitted by Office of the Commissioner of Insurance.

Report received from Agency, August 26, 2002.

Referred to committee on **Insurance, Tourism, and Transportation**, August 28, 2002.

**Senate Clearinghouse Rule 02-060**

Relating to recycling efficiency incentive grants.

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 02-062**

Relating to a pilot program for alternative method of compliance with solid waste recycling requirements.

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 02-063**

Relating to the administration of the brownfield green space and public facilities grant program.

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 02-073**

Relating to fishing on the inland and outlying waters of Wisconsin.

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 02–074**

Relating to the administration of the Wisconsin forest landowner grant program.

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 02–075**

Relating to to the 2002 migratory game bird season.

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 02–076**

Relating to emissions averaging provisions and categorical emission limits while controlling nitrogen oxides (NOx).

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 02–085**

Relating to disabled parking placards.

Submitted by Department of Transportation.

Report received from Agency, August 22, 2002.

Referred to committee on **Insurance, Tourism, and Transportation**, August 28, 2002.

**Senate Clearinghouse Rule 02–087**

Relating to the apprenticeship probationary period.

Submitted by Department of Workforce Development .

Report received from Agency, August 23, 2002.

Referred to committee on **Labor and Agriculture**, August 28, 2002.

**Senate Clearinghouse Rule 02–089**

Relating to small game and expanded spring turkey hunting in state parks.

Submitted by Department of Natural Resources.

Report received from Agency, August 28, 2002.

Referred to committee on **Environmental Resources**, August 28, 2002.

**Senate Clearinghouse Rule 02–091**

Relating to grants to counties that are not served by transportation services provided by the Wisconsin department of disabled american veterans for the purpose of developing, maintaining, and expanding transportation services.

Submitted by Department of Veterans Affairs.

Report received from Agency, August 26, 2002.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, August 28, 2002.

**Senate Clearinghouse Rule 02–094**

Relating to workers compensation procedures on claim, payment after an order, reports by expert witnesses, and statement of employee.

Submitted by Department of Workforce Development .

Report received from Agency, August 23, 2002.

Referred to committee on **Labor and Agriculture**, August 28, 2002.

**Senate Clearinghouse Rule 02–102**

Relating to securities broker–dealer, agent, investment adviser and investment adviser representative license–filing procedures, license period provisions, and securities registration disclosure requirements.

Submitted by Department of Financial Institutions.

Report received from Agency, August 21, 2002.

Referred to committee on **Privacy, Electronic Commerce and Financial Institutions**, August 28, 2002.

**Senate Clearinghouse Rule 02–109**

Relating to financial eligibility of prospective clients.

Submitted by Public Defender Board.

Report received from Agency, August 27, 2002.

Referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**, August 28, 2002.

**Senate Clearinghouse Rule 02–110**

Relating to provisional appointment of private attorneys seeking certification for appellate appointments.

Submitted by Public Defender Board.

Report received from Agency, August 27, 2002.

Referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**, August 28, 2002.