



STATE OF WISCONSIN

Senate Journal

Ninety–Sixth Regular Session

10:00 A.M.

THURSDAY, June 12, 2003

The Senate met.

The Senate was called to order by Senator Robert Cowles.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Read and referred:

Senate Joint Resolution 38

Relating to: declaring June Kids Safety Month.

By Senators Roessler, Darling, Lazich, Erpenbach and Zien; cosponsored by Representatives Underheim, Hines, Wasserman, Jeskewitz, Ladwig, Miller, Olsen, Lothian, Pope–Roberts, Gronemus, M. Lehman, Berceau, Pettis, Hahn, Van Roy, Turner, Krawczyk, J. Lehman, Petrowski, Taylor, Gunderson, Ott and Weber.

To committee on **Senate Organization**.

Senate Bill 196

Relating to: authorizing a hospice nurse to make a pronouncement of death.

By Senators Roessler, A. Lasee, Lassa, Erpenbach, Robson, Wirch and Decker; cosponsored by Representatives Underheim, Gielow, Hundertmark, Ladwig, Albers, Balow, Hahn, Huber, J. Lehman, Owens, Taylor, M. Williams and Wasserman.

To committee on **Health, Children, Families, Aging and Long Term Care**.

Senate Bill 197

Relating to: single sales factor apportionment of income for corporate income tax and franchise tax purposes and granting rule–making authority.

By Senators Stepp, Kanavas, Panzer, Welch, Plale, Roessler, Brown, Kedzie, Leibham, Reynolds, A. Lasee, Zien, Darling, S. Fitzgerald, Lazich, Harsdorf and Wirch; cosponsored by Representatives Gard, Ladwig, Jensen, McCormick, Suder, Gunderson, J. Fitzgerald, Huebsch, Ziegelbauer, Gielow, Grothman, Nischke, Kreibich, Jeskewitz, M. Lehman, LeMahieu, Nass, Musser, Olsen and Albers.

To committee on **Economic Development, Job Creation and Housing**.

REPORT OF COMMITTEES

The committee on **Energy and Utilities** reports and recommends:

Senate Bill 194

Relating to: powers and duties of transmission company with responsibilities for electric transmission in this state.

Passage.

Ayes, 5 – Senators Cowles, Lazich, Leibham, Wirch and M. Meyer.

Noes, 0 – None.

Robert Cowles
Chairperson

The committee on **Judiciary, Corrections and Privacy** reports and recommends:

Assembly Bill 71

Relating to: threats to release or disseminate harmful chemical, biological, or radioactive substances and providing a penalty.

Concurrence.

Ayes, 5 – Senators Zien, S. Fitzgerald, Stepp, George and Carpenter.

Noes, 0 – None.

Senate Bill 104

Relating to: prohibiting the use of fireworks at certain indoor venues and providing a penalty.

Passage.

Ayes, 5 – Senators Zien, S. Fitzgerald, Stepp, George and Carpenter.

Noes, 0 – None.

Senate Bill 128

Relating to: the disclosure of public library records.

Passage.

Ayes, 3 – Senators Zien, S. Fitzgerald and Stepp.

Noes, 2 – Senators George and Carpenter.

Senate Bill 131

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

Passage.

Ayes, 5 – Senators Zien, S. Fitzgerald, Stepp, George and Carpenter.

Noes, 0 – None.

Senate Bill 75

Relating to: creating a civil liability exemption for certain municipalities and their agents that issue fireworks permits.

Passage.

Ayes, 4 – Senators Zien, S. Fitzgerald, Stepp and Carpenter.
Noes, 1 – Senator George.

David Zien
Chairperson

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Department of Health and Family Services**

June 9, 2003

The Honorable, The Senate:

Pursuant to Section 50.04(5)(fr), Wis. Stats., effective June 17, 1998, the Department is required to submit an annual report to the Legislature related to Class A violations committed by nursing homes (including facilities for the developmentally disabled) and forfeitures assessed on nursing homes for those violations.

The Department issued 18 Class A violations to nursing homes between April 22, 2002 and May 19, 2003. The attached chart details these Class A violations, including the original forfeiture amount assessed and the status of payment. A second chart is enclosed showing the violations reported to the Legislature in May, 2002. At the time of the last submission, the majority of forfeitures had not been assessed. The enclosed chart shows the eventual forfeiture and its status.

It is the Department's goal to assess nursing home forfeitures within 120 days of the survey's exit. The Department briefly met that goal in 2000 and sustained it for a period of 60 days. At that time, both enforcement specialist positions became vacant and remained vacant for four months. After two people were hired for the positions, they completed extensive training over a six month period. This caused a large backlog. In addition, shortly after the positions were filled, there were a couple of litigative cases that took an extensive amount of these positions' time so they were not able to assess new forfeitures at that time.

In addition to the two permanent positions, the Department has temporarily reassigned one position and will be hiring a LTE to work on the backlog. Because both of the people chosen for this project are former employees of the Bureau of Quality Assurance, they are familiar with the forfeiture process, philosophy and goals, This should minimize the time needed to train them. The process is continuously reviewed for effectiveness and efficiency. The Department is working diligently to bring current this backlog.

Sincerely,

HELENE NELSON
Secretary

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

Senate Clearinghouse Rule 02-143

Relating to commercial fishing in Lake Michigan.
Submitted by Department of Natural Resources.
Report received from Agency, June 10, 2003.

Referred to committee on **Environment and Natural Resources**, June 12, 2003.

Senate Clearinghouse Rule 02-146

Relating to clarification of compliance language for air management regulations.

Submitted by Department of Natural Resources.
Report received from Agency, June 10, 2003.

Referred to committee on **Environment and Natural Resources**, June 12, 2003.

Senate Clearinghouse Rule 02-147

Relating to safe drinking water requirements for public water systems.

Submitted by Department of Natural Resources.
Report received from Agency, June 10, 2003.

Referred to committee on **Environment and Natural Resources**, June 12, 2003.

Senate Clearinghouse Rule 03-013

Relating to lake management planning grants.
Submitted by Department of Natural Resources.
Report received from Agency, June 10, 2003.

Referred to committee on **Environment and Natural Resources**, June 12, 2003.

Senate Clearinghouse Rule 03-014

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

Submitted by Department of Natural Resources.
Report received from Agency, June 10, 2003.

Referred to committee on **Environment and Natural Resources**, June 12, 2003.

ADJOURNMENT

Senator Cowles, with unanimous consent, asked that the Senate adjourn until Tuesday, June 17 at 10:00 A.M..

Adjourned.

10:01 A.M.

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 132** offered by Senator Hansen.