



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Sixth Regular Session

1:00 P.M.

TUESDAY, May 18, 2004

The Senate met.

The Senate was called to order by Senator Mary Panzer.

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

The Chief Clerk makes the following entries dated **May 14, 2004** :

### CHIEF CLERK'S ENTRIES

Read and referred:

#### Senate Joint Resolution 75

Relating to: the life and military service of Marine Private First Class Ryan M. Jerabek.

By Senators Cowles and Hansen; cosponsored by Representatives Weber, Van Roy, Montgomery, Krawczyk and Ainsworth.

To committee on **Senate Organization**.

### REPORT OF COMMITTEES

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

#### Senate Joint Resolution 74

Relating to: the life and service of Private First Class Sean Schneider.

Adoption.

Ayes, 5 – Senators Panzer, A. Lasee, Zien, Erpenbach and Hansen.

Noes, 0 – None.

#### Senate Joint Resolution 75

Relating to: the life and military service of Marine Private First Class Ryan M. Jerabek.

Adoption.

Ayes, 5 – Senators Panzer, A. Lasee, Zien, Erpenbach and Hansen.

Noes, 0 – None.

Mary Panzer  
Chairperson

### PETITIONS AND COMMUNICATIONS

State of Wisconsin  
Office of the Governor

May 11, 2004

The Honorable, The Senate:

This letter is to withdraw the nomination of Alan E. Grischke that was made May 12, 2003 for the Natural Resources Board.

Mr. Grischke requests that we withdraw his name from consideration at this time.

Sincerely,

JIM DOYLE  
Governor

State of Wisconsin  
University of Wisconsin System

May 10, 2004

The Honorable, The Legislature:

Section 36.11(22)(2)(b), Wisconsin Statutes, requires the Board of Regents to annually submit a report to the chief clerk of each house of the Legislature on the methods used by each UW System institution to disseminate information to students on sexual assault and sexual harassment.

The law requires UW System institutions to incorporate into their orientation programs for newly entering students oral and written information on sexual assault and sexual harassment, including information on: (1) sexual assault by acquaintances of the victims; (2) the legal definitions and penalties for sexual assault; (3) generally available national, state, and campus statistics on sexual assault; (4) the rights of victims; and (5) protective behaviors including methods of recognizing and avoiding sexual assault and sexual harassment. In addition, each institution must annually supply to all students enrolled in the institution printed material that includes information on all of these topics. This law was enacted in April 1990 and this is the thirteenth report to be compiled for the Legislature since its enactment.

At its meeting April 9, 2004, the Board of Regents accepted the attached report for submission to the chief clerk of each house of the Legislature for distribution to the appropriate standing committees under s. 13.172(3). The attached report fulfills the requirements of this statute.

If you need additional information regarding this report, please contact Janice Sheppard at [jsheppard@uwsa.edu](mailto:jsheppard@uwsa.edu) or 608-262-5563.

Sincerely,

KATHARINE C. LYALL  
President

Referred to committee on **Higher Education and Tourism**.

State of Wisconsin  
Office of State Employment Relations

January 2004

The Honorable, The Legislature:

I am pleased to present to you the FY 2003 annual report from the State Council on Affirmative Action. The report summarizes the Council's activities, and highlights the Third Annual Diversity Award that encourages best practices in affirmative action and diversity initiatives.

The Council's overall purpose is to foster measurable progress towards an equitable and diverse work force in state government and the University of Wisconsin system.

Its efforts will complement the office's mission, which is to attract and retain a diverse and talented workforce to ensure the best service to the public.

I firmly believe the Council will continue its efforts to cultivate the climate of diversity in both Wisconsin State government and the university campuses around the state.

Sincerely,

KAREN E. TIMBERLAKE

Director

**State of Wisconsin  
Legislative Audit Bureau**

May 6, 2004

The Honorable, The Legislature:

At your request, we have completed a limited-scope review of the finances of the Milwaukee Brewers Baseball Club from 1994 through 2003. Our review was initiated following reports that the Brewers intended to reduce player payroll for the 2004 season. Under a January 2004 agreement with the Brewers, we were permitted to independently review financial statements and related documentation. This is the second time we have assessed the Brewers' finances. The first was in 1995, during legislative deliberations on the proposal to use a combination of public and private funding to build the new stadium that opened in 2001 as Miller Park.

Our review of the Brewers' financial statements and information provided by Major League Baseball indicates that the club has faced significant financial challenges. For example, although the Brewers' operating revenues increased from \$67.7 million in 2000 to \$115.9 million in 2003, or by 71.2 percent, they were lower in these years than operating revenues of many other major league clubs. In 2002 – the latest year for which comparison information is available – the Brewers ranked 20th among 30 clubs in operating revenues. When Miller Park opened in 2001, the Brewers ranked 16th.

The Brewers' operating expenses increased from \$80.0 million in 2000 to \$103.8 million in 2003, or by 29.7 percent. However, a 2.1 percent reduction in spending between 2002 and 2003 raises concerns about the club's ability to compete in the future if additional reductions are made, particularly to major league player compensation. Further, the Brewers have borrowed heavily: the financial statements indicate \$133.2 million in outstanding debt at the end of 2003.

We reviewed concerns expressed by the public and many legislators about the club's ownership group. We found no evidence to indicate that club resources had been used during our review period to purchase ownership shares with the intention of benefiting continuing club owners. In addition, although owner Allan (Bud) Selig, his daughter, and her husband were employed in executive positions with the Brewers for all or part of the past ten years, these three individuals' combined annual compensation was never more than \$735,500. This is less than amounts previously reported by some in the media.

As the Legislature continues to evaluate the effect of the Brewers' financial condition on the public's investment in Miller Park, we suggest close monitoring of the Brewers' ongoing relationship with the Southeast Wisconsin Professional Baseball Park District, including the effect that a proposed sale of the franchise could have on this relationship. The District issued revenue bonds and imposes the 0.1 percent local sales and use tax that was the primary source of funding for stadium construction and continues to fund District

operations. Through March 31, 2004, \$175.9 million in sales and use tax revenue has been collected in Milwaukee, Ozaukee, Racine, Washington, and Waukesha counties. The tax is expected to continue until 2014.

The Brewers indicate that no other professional sports team has granted the level of access to financial records that we were provided during this review. We greatly appreciate the courtesy and cooperation extended to us in conducting our work, as well as the responsiveness of Milwaukee Brewers Baseball Club staff in responding to our questions.

Sincerely,

JANICE MUELLER

State Auditor

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**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

May 10, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MOORE, JAMES E., of Kaukauna, as a member of the Prison Industries Board, to serve for the term ending May 1, 2008.

Sincerely,

JIM DOYLE

Governor

Read and referred to committee on **Judiciary, Corrections and Privacy.**

**State of Wisconsin  
Office of the Governor**

May 11, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint THORN, ELLEN M., of Sparta, as a member of the Public Defender Board, to serve for the term ending May 1, 2007.

Sincerely,

JIM DOYLE

Governor

Read and referred to committee on **Judiciary, Corrections and Privacy.**

**State of Wisconsin  
Office of the Governor**

May 11, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HANEY, JAMES M., of Plover, as a member of the Judicial Commission, to serve for the term ending August 1, 2005.

Sincerely,

JIM DOYLE

Governor

Read and referred to committee on **Judiciary, Corrections and Privacy.**

**State of Wisconsin  
Office of the Governor**

May 11, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BRENNAN, JAMES M., of

Kaukauna, as a member of the Public Defender Board, to serve for the term ending May 1, 2007.

Sincerely,

JIM DOYLE  
Governor

Read and referred to committee on **Judiciary, Corrections and Privacy**.

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

**Senate Clearinghouse Rule 04-009**

Relating to public employee safety and health.

Submitted by Department of Commerce.

Report received from Agency, May 17, 2004.

Referred to committee on **Labor, Small Business Development and Consumer Affairs**, May 18, 2004.

**Senate Clearinghouse Rule 04-029**

Relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by Department of Transportation.

Report received from Agency, May 17, 2004.

Referred to committee on **Transportation and Information Infrastructure**, May 18, 2004.

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The committee on **Agriculture, Financial Institutions and Insurance** reports and recommends:

**Senate Clearinghouse Rule 03-055**

Relating to the small employer uniform employee application.

No action taken, Ayes 5, Noes 0.

Ayes, 5 – Senators Schultz, Brown, Kedzie, Hansen and Lassa.

Noes, 0 – None.

Dale Schultz  
Chairperson

The committee on **Health, Children, Families, Aging and Long Term Care** reports and recommends:

**Senate Clearinghouse Rule 04-021**

Relating to the definitions of client and psychological treatment, degree requirements, interim determination of degree requirements met, continuing education courses, and professional conduct.

No action taken.

Carol Roessler  
Chairperson

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**ADJOURNMENT**

Senator Panzer, with unanimous consent, asked that the Senate adjourn until Wednesday, at 10:30 A.M.

Adjourned.

1:01 P.M.