



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Seventh Regular Session

10:00 A.M.

TUESDAY, January 18, 2005

The Senate met.

The Senate was called to order by Senator Ronald Brown.

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 3**

Relating to: the life and military service of Marine Corporal Robert Warns II.

By Senator Kanavas; cosponsored by Representative Nischke.

To committee on **Senate Organization**.

Read first time and referred:

#### **Senate Bill 9**

Relating to: reducing the amount of the estate tax imposed by the state.

By Senators Roessler, Zien, A. Lasee and Stepp; cosponsored by Representatives Jensen, Rhoades, Ainsworth, Owens, Jeskewitz, McCormick, Townsend, Freese, Hahn, Kreibich, F. Lasee, Lothian, Musser, Nischke, Petrowski, Van Roy, Vos, Ziegelbauer and Nass.

To committee on **Veterans, Homeland Security, Military Affairs, Small Business and Government Reform**.

#### **Senate Bill 10**

Relating to: Department of Transportation rules relating to land subdivisions abutting state trunk highways and connecting highways.

By joint committee for review of Administrative Rules, by request of 2003–2004 Rule Objection.

To committee on **Natural Resources and Transportation**.

#### **Senate Bill 11**

Relating to: an overtime pay exemption for providers of companionship services.

By joint committee for review of Administrative Rules, by request of 2003–2004 Rule Objection.

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

#### **Senate Bill 12**

Relating to: the state minimum wage.

By joint committee for review of Administrative Rules, by request of 2003–2004 Rule Objection.

To committee on **Labor and Election Process Reform**.

#### **Senate Bill 13**

Relating to: the protection and management of the public waters of Wisconsin.

By joint committee for review of Administrative Rules, by request of 2003–2004 Rule Objection.

To committee on **Natural Resources and Transportation**.

#### **Senate Bill 14**

Relating to: the placement of riprap, biological shore erosion control structures, seawalls, piers, wharves, boat shelters, boat hoists, boat lifts, and swim rafts in navigable waters and the effective date for the issuance of individual permits for activities in navigable waters.

By joint committee for review of Administrative Rules, by request of 2003–2004 Rule Objection.

To committee on **Natural Resources and Transportation**.

### REPORT OF COMMITTEES

The committee on **Veterans, Homeland Security, Military Affairs, Small Business and Government Reform** reports and recommends:

#### **Senate Bill 2**

Relating to: regional emergency response team requirements.

Passage.

Ayes, 5 – Senators Brown, Zien, Kanavas, Breske and Wirch.

Noes, 0 – None.

#### **Senate Joint Resolution 2**

Relating to: 4–year terms of office for certain county officers (2nd consideration).

Adoption.

Ayes, 5 – Senators Brown, Zien, Kanavas, Breske and Wirch.

Noes, 0 – None.

RONALD BROWN  
Chairperson

### PETITIONS AND COMMUNICATIONS

State of Wisconsin  
Department of Administration

January 28, 2005

The Honorable, The Legislature:

This report is transmitted as required by sec. 20.002(11)(f) of the Wisconsin Statutes, (for distribution to the appropriate standing committees under sec. 13.172(3) Stats.), and confirms that the Department of Administration has found it necessary to exercise the “temporary reallocation of balances” authority

provided by this section in order to meet payment responsibilities and cover resulting negative balances during the month of December 2004.

On December 6, 2004, the **General Fund** cash balance closed at a negative \$247.2 million. The fund's negative cash balance continued until December 20, 2004, when the fund's cash balance closed at a positive \$171.2 million. The **General Fund** cash balance reached its intramonth low of a negative \$351.8 million on December 9, 2004. The negative balance was due to the difference in the timing of revenues and expenditures.

On December 1, 2004, the **Medical Assistance Trust Fund** cash balance closed at its intramonth low of a negative \$187.6 million. The fund's negative cash balance continued through December 31, 2004, when the fund's cash balance closed at a negative \$184.0 million. The deficit is due to federal revenues falling short of estimates included in [2003 Wisconsin Act 33](#).

On December 1, 2004, the **Tuition Trust Fund** cash balance closed at a negative \$14.0 thousand. The fund's negative cash balance continued through December 31, 2004, when the fund's cash balance closed at a negative \$11.0 thousand. The negative balance was due to the difference in the timing of revenues and expenditures.

The General Fund, the Medical Assistance Trust Fund, and the Tuition Trust Fund shortfalls were not in excess of the statutory interfund borrowing limitations and did not exceed the balances of the funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund's share. Therefore, the monthly calculation by the State Controller's Office will automatically reflect the use of these temporary reallocations of balance authority, and as a result, the funds requiring the use of the authority will effectively bear the interest cost.

Sincerely,

MARC J. MAROTTA  
Secretary

Referred to joint committee on **Finance**.

**State of Wisconsin  
Department of Revenue**

January 14 ,2005

The Honorable, The Legislature:

I am submitting the quarterly report of the Wisconsin Lottery for the quarter ending December 31, 2004. As required by § [565.37\(3\)](#), Wis. Stats., the attached materials contain unaudited Wisconsin Lottery year to date Revenue and Expenditure information.

Total operating revenues for the quarter ending December 31, 2004 were \$224.3 million, down from \$249.4 million for the same quarter last year. This year has seen a \$24.3 million decline in Powerball sales, which are driven by large jackpots. At this time last year, there had been four jackpots in excess of \$125 million. This year there have been two jackpots in excess of \$125 million.

The information reported here is a summary and is not intended to be a complete financial accounting of Wisconsin Lottery operations.

If you have any questions or comments regarding this report, please feel free to contact me at (608) 266-6466.

Sincerely,

MICHAEL L. MORGAN  
Secretary

**State of Wisconsin  
Ethics Board**

January 18, 2005

The Honorable, The Senate:

The following lobbyists have been authorized to act on behalf of the organizations set opposite their names.

For more detailed information about these lobbyists and organizations and a complete list of organizations and people authorized to lobby the 2005 session of the legislature, visit the Ethics Board's web site at <http://ethics.state.wi.us>

Agara, Julius	Wisconsin Cluster of YMCAs Executive Committee
Anderson, Scott	Wisconsin Council of Churches
Antoniewicz, Gary	Midwest Equipment Dealers Association Inc
Bakken, Peter	Wisconsin Council of Churches
Bauer, Kurt	Wisconsin Bankers Association
Beckert, Barbara	Milwaukee Jewish Council for Community Relations, Inc.
Bentley, Marc S	Schneider National Inc
Blomberg, Ken	Wisconsin Rural Water Association
Boyer, Amy	Wisconsin Association of Convention & Visitors Bureaus
Brewer, F H	S.C. Johnson & Son Inc
Broydrick, William	Aurora Health Care Inc
Broydrick, William	Electronic Data Systems Corporation (EDS)
Broydrick, William	Miller Compressing Company
Broydrick, William	Waste Management Inc
Carey, Ray	America Online Inc
Carey, Ray	American Express Company
Carey, Ray	Aurora Health Care Inc
Carey, Ray	Hoffman York
Carey, Ray	Kwik Trip Inc
Carey, Ray	S.C. Johnson & Son Inc
Carey, Ray	TDS Telecommunications Corporation
Carey, Ray	Wisconsin Cluster of YMCAs Executive Committee
Carey, Ray	Wisconsin Early Autism Project Inc, The
Christianson, Peter C	Wisconsin Cluster of YMCAs Executive Committee
DeBraska, Bradley	Milwaukee Police Association
Dotzour, Althea	Gathering Waters Conservancy, Inc.
Driessen, Anthony	Mercy Health System
Driessen, Anthony	ThedaCare
Elkin, Vicki	Gathering Waters Conservancy, Inc.
Fitzgerald, Moira E	Aurora Health Care Inc
Fitzgerald, Moira E	Waste Management Inc
Fonfara, Thomas	ThedaCare
Franken, Andrew	Wisconsin Association of Convention & Visitors Bureaus
Grace, John	Wisconsin Association of Family & Childrens Agencies
Hall, Linda	Wisconsin Association of Family & Childrens Agencies
Helbach, David	Alliant Energy
Hertel, Julia	Wisconsin Association of Convention & Visitors Bureaus
Hoven, Timothy	Wisconsin Association of Health Plans
Hubbard, Gregory	Robert W Baird and Company Inc
Hubbard, Gregory	Waste Management Inc

Jones, Robert	Wisconsin Community Action Program Association	Schwartzter, Daniel	Wisconsin Association of Provider Networks
Jordahl, William	Alliant Energy	Semmann, Michael	Wisconsin Bankers Association
Kapocius, Mike	Takeda Pharmaceuticals America	Simon, Paula	Milwaukee Jewish Council for Community Relations, Inc.
Kent, Paul	Municipal Environmental Group – Wastewater Division	Sosnay, Christopher	Wisconsin Bankers Association
Kent, Paul	Riparian Owners and Marine Contractors Association, Inc.	Swandby, Janet R	Outdoor Advertising Association of Wisconsin
Kilgore, Kathleen	Outdoor Advertising Association of Wisconsin	Thimke, Mark	Stora Enso North America
Kindschi, Kim	Wisconsin Bankers Association	Tierney, Jodie	Electronic Data Systems Corporation (EDS)
Knight, John E	Wisconsin Bankers Association	Tierney, Jodie	Miller Compressing Company
Konopacki, Larry	Municipal Environmental Group – Wastewater Division	Tutwiler, Amy	Municipal Environmental Group – Wastewater Division
Konopacki, Larry	Riparian Owners and Marine Contractors Association, Inc.	Valenti, John	Sanofi–Synthelabo
Kordenbrock, William R	Electronic Data Systems Corporation (EDS)	Vaughan, Michael	Northern Natural Gas Company
Kuehn, Ronald W	Center for Policy Reform, The	Vaughan, Michael	Wisconsin Bankers Association
Kuehn, Ronald W	Professional Insurance Agents of Wisconsin	Vogel, Michael	Takeda Pharmaceuticals America
Kuehn, Ronald W	Wisconsin Biotechnology and Medical Device Association	Walby, Kathleen	America Online Inc
Kuehn, Ronald W	Wisconsin Soybean Association	Walby, Kathleen	American Express Company
Kuiper, Laurie	Aurora Health Care Inc	Walby, Kathleen	Aurora Health Care Inc
Laatsch, Timothy	Stora Enso North America	Walby, Kathleen	Hoffman York
Lamb, Jordan	Center for Policy Reform, The	Walby, Kathleen	Kwik Trip Inc
Lamb, Jordan	Professional Insurance Agents of Wisconsin	Walby, Kathleen	S.C. Johnson & Son Inc
Lamb, Jordan	Wisconsin Biotechnology and Medical Device Association	Walby, Kathleen	TDS Telecommunications Corporation
Lamb, Jordan	Wisconsin Soybean Association	Walby, Kathleen	Wisconsin Cluster of YMCAs Executive Committee
Lee, Misha	Sentry Insurance Group	Ward, William	Wisconsin Early Autism Project Inc, The
Leonard, Ramie	Wisconsin County Police Association	Wenzel, Nancy	Milwaukee Police Association
Leonhart, James	Wisconsin Biotechnology and Medical Device Association	Winters, Amy	Wisconsin Association of Health – – – – Plans
Manke, Gary	Midwest Equipment Dealers Association Inc		Gold'n Plump
Matuska, Mary	Pro–Life Wisconsin		
McIntosh, Forbes	Beverly Healthcare		
McIntosh, Forbes	Waste Management Inc		
McIntosh, Forbes	Wisconsin Assisted Living Association		
McIntosh, Forbes	Wisconsin County Police Association		
Merline, Paul	Wisconsin Association of Health Plans		
Mettner, Michelle	Aurora Health Care Inc		
Morgan, Lynn	Waste Management Inc		
O'Meara, Jack	Wisconsin Association of School Nurses		
Peters, Thom	Wisconsin Cluster of YMCAs Executive Committee		
Petersen, Drew S	TDS Telecommunications Corporation		
Pierce, Steven	Wisconsin Community Action Program Association		
Platz, Red	United Auto Workers		
Plautz, Jolene	Kwik Trip Inc		
Sande, Matthew	Pro–Life Wisconsin		
Schlimm, Richard	Wisconsin Community Action Program Association		
Schubert, Louis	American Family Insurance Group		
Schwartzter, Daniel	Wisconsin Association of Health Underwriters		

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by organizations that employ lobbyists.

Sincerely,  
R. ROTH JUDD  
Executive Director

**Gathering Waters Conservancy**

January 13, 2005

The Honorable, The Senate:

It is my pleasure to share with you a report on Gathering Waters Conservancy's activities and accomplishments for Fiscal Year 2004. This report is being submitted in accordance with the statutory requirements of s. 23.0955(2)(b)5. Gathering Waters Conservancy has had an extremely successful year, thanks to the ongoing support of the state legislature and the Department of Natural Resources.

There are now over 55 land trusts in the state. Together these organizations have permanently protected over 135,000 acres in communities across Wisconsin. Land trusts in Wisconsin have a combined membership of close to 50,000 individuals and thousands of local volunteers; they have raised millions of dollars to protect critical lands that benefit the public; and they work with private landowners every day to promote stewardship and protection of our natural resources.

We look forward to continuing to work with the Department and the state legislature to achieve our mutual conservation goals. Please do not hesitate to contact me for additional

information. I have also attached Gathering Waters Conservancy's annual and financial reports for FY 2004 for your review.

Sincerely,  
VICKI ELKIN  
Executive Director

---

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

**Senate Clearinghouse Rule 04-049**

Relating to electronic funds transfer.  
Submitted by Department of Revenue.  
Report received from Agency, January 13, 2005.  
Referred to committee on **Veterans, Homeland Security, Military Affairs, Small Business and Government Reform**, January 18, 2005.

**Senate Clearinghouse Rule 04-115**

Relating to the dairy investment credit.  
Submitted by Department of Revenue.

Report received from Agency, January 13, 2005.  
Referred to committee on **Agriculture and Insurance**, January 18, 2005.

**Senate Clearinghouse Rule 04-116**

Relating to the subtraction from income allowed for military pay received by members of a reserve component of the armed forces.

Submitted by Department of Revenue.  
Report received from Agency, January 13, 2005.  
Referred to committee on **Veterans, Homeland Security, Military Affairs, Small Business and Government Reform**, January 18, 2005.

---

**ADJOURNMENT**

Senator Brown, with unanimous consent, asked that the Senate adjourn until Thursday, at 10:00 A.M..

Adjourned.

10:01 A.M.