



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Seventh Regular Session

10:00 A.M.

TUESDAY, June 7, 2005

The Senate met.

The Senate was called to order by Chief Clerk Marchant pursuant to Senate Rule 5 (4)(b).

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

### CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated Friday, June 3, 2005.

Read first time and referred:

#### Senate Bill 230

Relating to: prepayment penalties on variable rate residential mortgage loans.

By Senators Stepp, Plale, Brown and Harsdorf; cosponsored by Representatives Hundertmark, Montgomery, Lamb, Hahn, Hines, Owens, Petrowski, Kreibich, Vrakas, Pridemore, Van Roy, Ballweg, Lothian and Albers.

To committee on **Housing and Financial Institutions.**

#### Senate Bill 231

Relating to: exempting certain 2nd and 3rd class cities from the requirement to accept official city newspaper bids.

By Senators Harsdorf and Brown; cosponsored by Representatives Rhoades, Loeffelholz, Musser, Ainsworth, Townsend, Albers and Ballweg.

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

Pursuant to Senate Rule 17 (5), Senator Carpenter added as a coauthor of **Senate Bill 142.**

State of Wisconsin  
Office of the Governor

May 27, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ADAMSKI, PAUL, of Stevens Point, as a member of the College Savings Program Board, to serve for the term ending May 1, 2009.

Sincerely,

JIM DOYLE

Governor

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

State of Wisconsin  
Office of the Governor

May 27, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ELMAN, WILLIAM, of Appleton, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2009.

Sincerely,

JIM DOYLE

Governor

Read and referred to committee on **Natural Resources and Transportation.**

### INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Read first time and referred:

#### Senate Bill 232

Relating to: increasing the administrative and civil penalties that an employer that fails to pay the minimum wage may be required to pay and providing a penalty.

By Senators Hansen, Coggs, Wirch, Carpenter, Risser and Erpenbach; cosponsored by Representatives Nelson, Sheridan, Sinicki, Lehman, Zepnick, Berceau, Pocan and Boyle.

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

#### Senate Bill 233

Relating to: exclusion of members of a state or local governmental body from meetings of a subunit of that body.

By Senators Hansen and Risser; cosponsored by Representatives Gard, Lehman, Staskunas and Berceau.

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

### REPORT OF COMMITTEES

The committee on **Natural Resources and Transportation** reports and recommends:

#### Senate Bill 200

Relating to: prohibiting the Department of Natural Resources from promulgating a rule setting forth general policy on conserving and enhancing navigable waters.

No recommendation pursuant to s. 227.19 (6)(b), Wisconsin Statutes.

NEAL KEDZIE  
Chairperson

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

**Assembly Bill 210**

Relating to: the powers and duties of the Department of Veterans Affairs, veterans assistance, educational programs, burials, cemeteries, homes, housing loans, memorials, and museums, the employment rights and benefits available to persons who are in or who return from military service, the Educational Approval Board, granting rule-making authority, requiring the exercise of rule-making authority, making appropriations, and providing penalties.

Concurrence.

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

Noes, 0 – None.

**Assembly Bill 399**

Relating to: the involvement of military base commanders with local zoning entities; creating a council on military and state relations; and requiring a seller of real property to disclose its proximity to the boundaries of a military installation.

Concurrence.

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

Noes, 0 – None.

**Assembly Bill 75**

Relating to: regulating the cremation of human remains, creating a Crematory Authority Council, granting rule-making authority, and providing penalties.

Concurrence.

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

Noes, 0 – None.

RONALD BROWN  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Joint Legislative Council**

June 6, 2005

The Honorable, The Legislature:

I am pleased to transmit to you the following report to the 2005 Legislature on legislation introduced by the Joint Legislative Council:

RL 2005-04      Special Committee on Septage Disposal  
[2005 Assembly Bill 449]

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available at the Legislative Council Staff offices, One East Main, Suite 401, or from our web page at <http://www.legis.state.wi.us/lc/>

Sincerely,

TERRY C. ANDERSON  
Director

**State of Wisconsin  
Legislative Audit Bureau**

June 8, 2005

The Honorable, The Legislature:

As required by s. 66.0317 (2)(e), Wis. Stats., we have reviewed the performance of area cooperation compacts entered into by Wisconsin cities, villages, and towns. Municipalities in designated high-population areas are required to enter into at least two intergovernmental agreements with neighboring municipalities for joint service delivery, shared planning efforts, municipal revenue sharing, boundary agreements, or other types of agreements intended to reduce service delivery costs. Counties may participate in such agreements but are not required to do so. The Department of Revenue surveys municipalities annually on their compliance with these requirements, which began in 2003.

In June 2002, 82.3 percent of the municipalities responding to a survey by the Department, or 368 municipalities, indicated that they planned to enter into compacts by 2003. By June 2004, 72.3 percent of municipalities responding to the Department's survey indicated they had entered into compacts, although inconsistencies in survey responses create some uncertainty about the validity of these results.

We include a recommendation for the Department to improve the quality of the data collected from municipalities and thereby enable more comprehensive assessments of the program in the future.

I hope you find this information useful. Please contact me if you have additional questions.

Sincerely,  
JANICE MUELLER  
State Auditor

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

June 3, 2005

The Honorable, The Legislature:

Pursuant to Wis. Stat., s. 50.04(5)(fr), the Department is required to submit an annual report to the Legislature related to Class A violations committed by nursing homes, including facilities serving individuals with developmental disabilities, and forfeitures assessed on nursing homes for those violations. Enclosed is the report.

A Class A violation is a violation of Chapter 50, Wis. Stats., HFS 132, or 134, Wis. Admin. Code, that creates a condition or occurrence relating to the operation and maintenance of a nursing home presenting a substantial probability that death or serious mental or physical harm to a resident will result.

The Department issued 35 Class A violations to nursing homes between January 1, 2004 and December 31, 2004. The attached chart details all of the Class A violations, including the original forfeiture amount assessed and the status of payment.

I am pleased to inform you that the Department has met the goal of assessing forfeitures within 120 days of the survey exit which is an improvement over past years.

Sincerely,  
HELENE NELSON  
Secretary

**State of Wisconsin  
Department of Commerce**

June 3, 2005

The Honorable, The Legislature:

Pursuant to Section 1 (1)(c) of 2003 Wisconsin Act 96, the Department of Commerce hereby submits the attached report

and recommendations to you, for distribution in the manner provided in section 13.172(2) of the statutes.

This report and its included recommendations address disposal of oil filters and other oil-absorbent materials in Wisconsin.

Also pursuant to Section 1 (1)(c) of 2003 Wisconsin Act 96, the Department is concurrently submitting the attached report and recommendations to the Governor.

Sincerely,

MARY P. BURKE  
Secretary

**State of Wisconsin  
Ethics Board**

June 7, 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>

Brooks, Bryan	Georgia-Pacific Corporation
Brooks, Bryan	Wisconsin Beer Distributors Association Inc
Decorah, Sarah	Wisconsin Grocers Association, Inc.
Handrick, Joey	S.C. Johnson & Son Inc
Hubbard, Gregory	Bad River Band of Chippewa Indians
King, Russell	Wisconsin Homecare Organization
Kuehn, Ronald W	Generation International LLC
Lamb, Jordan	Generation International LLC
Langenohl, Tony	Stewart Title Guaranty Co.
McCoshen, William J	Stewart Title Guaranty Co.
Mohrman, Christopher C.	Covenant Healthcare System Inc
Petak, George	Georgia-Pacific Corporation
Petak, George	Wisconsin Beer Distributors Association Inc
Petersen, Eric J	Forest County Potawatomi Community
Petersen, Eric J	Stewart Title Guaranty Co.
Roys, Lisa	State Bar of Wisconsin
Schimming, Brian	S.C. Johnson & Son Inc
Springer, Thomas J	Wisconsin Beer Distributors Association Inc
Stepaniak, Jerry	MAXIMUS Inc
Winstrom, Todd	Wisconsin Coalition for Advocacy

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

**State of Wisconsin  
Office of the Governor**

June 7, 2005

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Senate Bill 124	Act 13	June 6, 2005
Senate Bill 78	Act 14	June 7, 2005

Sincerely,  
JIM DOYLE  
Governor

**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

June 1, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LITTIG, EILEEN, of Green Bay, as a member of the Educational Communications Board, to serve for the term ending at the pleasure of the Governor.

Sincerely,  
JIM DOYLE  
Governor

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

**State of Wisconsin  
Office of the Governor**

June 2, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HAHN, JOHN, of Elm Grove, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2007.

Sincerely,  
JIM DOYLE  
Governor

Read and referred to committee on **Natural Resources and Transportation.**

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

**Senate Clearinghouse Rule 05-017**

Relating to hunting and trapping regulation changes. Submitted by Department of Natural Resources. Report received from Agency, June 7, 2005. Referred to committee on **Natural Resources and Transportation**, June 7, 2005.

**Senate Clearinghouse Rule 05-015**

Relating to fishing on the inland, outlying, and boundary waters of Wisconsin. Submitted by Department of Natural Resources. Report received from Agency, June 7, 2005. Referred to committee on **Natural Resources and Transportation**, June 7, 2005.

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

**Senate Clearinghouse Rule 04–123**

Relating to public assistance overpayment collection and affecting small businesses.

No action taken.

**Senate Clearinghouse Rule 05–011**

Relating to licenses, certifications and registrations and affecting small businesses.

No action taken.

RONALD BROWN  
Chairperson

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**ADJOURNMENT**

The Chair, with unanimous consent, asked that the Senate adjourn until Thursday, June 9, at 10:00 A.M.

Adjourned.

10:01 A.M.

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**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Bill 124**

Presented to the Governor on June 3, 2005.

**Senate Bill 78**

Presented to the Governor on June 6, 2005.