

STATE OF WISCONSIN
Senate Journal
Ninety–Seventh Regular Session

WEDNESDAY, August 24, 2005

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

CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated August 19, 2005.

Read and referred:

Senate Joint Resolution 33

Relating to: prohibiting partial vetoes from creating new sentences (first consideration).

By Senators Harsdorf, S. Fitzgerald, Darling, Grothman, Olsen, A. Lasee, Stepp, Schultz, Leibham, Zien, Kedzie and Reynolds; cosponsored by Representatives Friske, Stone, Albers, Pridemore, Kerkman, Gundrum, Lothian, Pettis, Ballweg, Strachota, Krawczyk, Musser, Bies, Ainsworth, J. Fitzgerald, Townsend, Vos, Gunderson, Nerison, Gottlieb, Kestell, Montgomery, Suder, Hahn, Jeskewitz, Moulton, Van Roy, Kleefisch, Mursau, Rhoades, Nischke, F. Lasee, Honadel and Wood.

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

Senate Joint Resolution 34

Relating to: the life of U.S. Army Specialist John Oliver Tollefson.

By Senator Roessler; cosponsored by Representative Townsend.

To committee on **Senate Organization.**

Read first time and referred:

Senate Bill 289

Relating to: penalties for sexual assault offenses involving force or violence, treating first– or second–degree sexual assault as a two–strikes offense, court–ordered treatment for imprisoned sex offenders, and mandatory lifetime supervision for certain sex offenders and providing penalties.

By Senators Roessler, Harsdorf, A. Lasee, Lazich, Darling, Lassa and Cogs; cosponsored by Representatives Gundrum, Kaufert, Bies, Townsend, Owens, Ainsworth, Albers, Gronemus, Kleefisch, LeMahieu, Musser, Petrowski, Sheridan, Staskunas and Wasserman.

To committee on **Judiciary, Corrections and Privacy.**

Senate Bill 290

Relating to: claiming early stage seed and angel investment income and franchise tax credits.

By Senators Kanavas and Olsen; cosponsored by Representatives Nischke, Van Roy, Albers, Hahn, Lothian and McCormick.

To committee on **Job Creation, Economic Development and Consumer Affairs.**

Senate Bill 291

Relating to: the settlement of personal property taxes on improvements to leased land.

By Senators Brown, Zien and Breske; cosponsored by Representatives Moulton, Kreibich, Hahn, Suder, Musser, Hines, Owens, Albers, Gronemus and Wood.

To committee on **Job Creation, Economic Development and Consumer Affairs.**

Senate Bill 292

Relating to: terms and conditions of gift certificates, gift cards, and other gift obligations and providing a penalty.

By Senators Harsdorf, Breske, Brown, Carpenter, Cogs, Darling, Decker, Ellis, Erpenbach, Hansen, Jauch, Kapanke, A. Lasee, Lassa, Olsen, Plale, Risser, Robson, Roessler, Taylor and Wirch; cosponsored by Representatives Krusick, Jeskewitz, Ainsworth, Ballweg, Benedict, Berceau, Bies, Black, Boyle, Fields, Freese, Gielow, Grigsby, Gronemus, Hahn, Hines, Hubler, Kerkman, Kleefisch, Kreibich, Kreuser, F. Lasee, Lehman, Loeffelholz, Lothian, Molepske, Montgomery, Mursau, Nelson, Parisi, Petrowski, Pettis, Pocan, Pope–Roberts, Pridemore, Richards, Schneider, Sheridan, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Stone, Suder, Toles, Townsend, Travis, Turner, Underheim, Van Akkeren, Van Roy, Vos, Vruwink, Wasserman, A. Williams, Wood, Young and Zepnick.

To committee on **Job Creation, Economic Development and Consumer Affairs.**

Senate Bill 293

Relating to: allowing an individual income tax deduction for certain amounts contributed to any section 529 college tuition program.

By Senators S. Fitzgerald, Grothman, Harsdorf, A. Lasee, Lassa, Lazich, Reynolds, Roessler and Stepp; cosponsored by Representatives Jensen, Gunderson, Bies, Ballweg, Albers, Hines, Gundrum, Gronemus, Kreibich, Krawczyk, LeMahieu, Lothian, McCormick, Petrowski, Rhoades, Townsend and Wood.

To joint committee on **Finance.**

Senate Bill 294

Relating to: defining certain uses of gamma–butyrolactone and 1,4–butanediol as controlled substances.

By Senators Kanavas and Roessler; cosponsored by Representatives Lamb, Gard, Gielow, Ott, Albers, Lothian, Townsend, Friske and Sheridan.

To committee on **Judiciary, Corrections and Privacy.**

Senate Bill 295

Relating to: global positioning system tracking for certain sex offenders while on probation, extended supervision, parole, supervised release, or conditional release and providing a penalty.

By Senators Darling, Lassa, A. Lasee, Brown, Olsen and Roessler; cosponsored by Representatives Suder, Kleefisch, Gronemus, Gard, Stone, Gundrum, Davis, Musser, Kestell, Strachota, Krawczyk, Lothian, Owens, Kreibich, Wood, Albers, Vos, Nass, McCormick, F. Lasee, Gunderson, Kaufert, M. Williams, Pettis, Vrakas, Vruwink and Molepske.

To committee on **Judiciary, Corrections and Privacy.**

**State of Wisconsin
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill Number</u>	<u>Act Number</u>	<u>Publication Date</u>
Senate Bill 2	Act 33	August 29, 2005

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

**State of Wisconsin
Office of the Governor**

August 15, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MOORE, MICHELE, of La Crosse, as a member of the Funeral Directors Examining Board, to serve for the term ending July 1, 2009.

Sincerely,
JIM DOYLE
Governor

Read and referred to committee on **Health, Children, Families, Aging and Long Term Care.**

**State of Wisconsin
Office of the Governor**

August 15, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SHEEHY, PATRICK, of Mequon, 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**

August 16, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint FRIEDLAND, DR. DAVID, of Menomonee Falls, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2009.

Sincerely,
JIM DOYLE
Governor

Read and referred to committee on **Health, Children, Families, Aging and Long Term Care.**

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

Senate Clearinghouse Rule 05-048

Relating to certification of first responders.

No action taken.

CAROL ROESSLER
Chairperson

**INTRODUCTION, FIRST READING AND
REFERENCE OF PROPOSALS**

Read first time and referred:

Senate Bill 296

Relating to: electronic voting system standards.

By Senators Plale, Carpenter, Erpenbach, Grothman, Hansen, A. Lasee, Olsen, Reynolds and Risser; cosponsored by Representatives Pocan, Freese, Ainsworth, Berceau, Black, Grigsby, Gunderson, Kessler, Lehman, Lothian, Molepske, Musser, Nelson, Parisi, Pope-Roberts, Richards, Seidel, Sheridan, Sherman, Shilling, Sinicki, Townsend, Travis and Wood.

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

Senate Bill 297

Relating to: the powers of tribal law enforcement officers under state law.

By Joint Legislative Council.

To committee on **Judiciary, Corrections and Privacy.**

Senate Bill 298

Relating to: cooperative county-tribal law enforcement programs.

By Joint Legislative Council.

To committee on **Judiciary, Corrections and Privacy.**

Senate Bill 299

Relating to: conservation wardens employed by the Great Lakes Indian Fish and Wildlife Commission.

By Joint Legislative Council.

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

Senate Bill 300

Relating to: providing benefits to tribal schools and tribal school pupils similar to those provided to private schools and private school pupils and making an appropriation.

By Joint Legislative Council.

To committee on **Education.**

Senate Bill 301

Relating to: providing state aid to tribal schools for certain pupils and making an appropriation.

By Joint Legislative Council.

To committee on **Education.**

Senate Bill 302

Relating to: the creation of the Tribal Charter School Authorizing Board, the establishment of charter schools by the board, and making an appropriation.

By Joint Legislative Council.
To committee on **Education**.

Senate Bill 303

Relating to: an exemption for certain tribal officials under the lobbying law.

By Joint Legislative Council.
To committee on **Campaign Finance Reform and Ethics**.

Senate Bill 304

Relating to: creating a property tax exemption for real property owned by an American Indian tribe or band and used exclusively for a governmental purpose.

By Joint Legislative Council.
To joint survey committee on **Tax Exemptions**.

Senate Bill 305

Relating to: child safety restraint systems, safety belt use requirements in motor vehicles, and providing a penalty.

By Senators Roessler, Robson, Risser, Brown, A. Lasee, Lassa, Olsen and Wirch; cosponsored by Representatives Petrowski, Suder, Wasserman, Ainsworth, Bies, Jensen, Kreibich, Lehman, McCormick, Molepske, Musser, Nass, Ott, Pope-Roberts, Shilling, Sinicki, Stone and Van Roy.

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

Senate Bill 306

Relating to: designation of state aviation facilities at the Dane County Regional Airport as the Fritz E. Wolf Aviation Center.

By Senators Miller and Erpenbach; cosponsored by Representatives Hebl, Berceau and Davis, by request of the family of Fritz E. Wolf.

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

Senate Bill 307

Relating to: payment of a 1st class city police officer's salary after discharge.

By Senators Coggs, Grothman and Taylor; cosponsored by Representatives Colon, Toles, Richards, A. Williams, Parisi, Grigsby, Fields, Berceau, Townsend, Wood, Jeskewitz and Wasserman.

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

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Legislative Audit Bureau**

August 19, 2005

The Honorable, The Legislature:

We have completed a review of the worker's compensation benefits paid to state employees from fiscal year (FY) 1999-2000 through FY 2003-04. During that five-year period, benefit payments for physical and mental injuries that resulted from accidents or illnesses sustained during the course of employment totaled \$59.2 million. The worker's compensation program is managed by the Department of Administration and funded through premiums that are paid by state agencies, based primarily on their claims experience.

Although the number of paid claims declined by more than 16.0 percent during our review period, benefit payments increased

30.0 percent, from \$10.0 million in FY 1999-2000 to \$13.0 million in FY 2003-04. The average cost per paid claim increased 43.0 percent from its low of \$2,005 in FY 2000-01 to \$2,867 in FY 2003-04. Costs per claim increased primarily because of rising health care costs, which include hospital and physical therapy charges and prescription drugs. Three agencies-the University of Wisconsin System, the Department of Health and Family Services, and the Department of Corrections accounted for 72.4 percent of FY 2003-04 payments.

The types and severity of on-the-job injuries sustained by state employees varied substantially, from twisted ankles caused from falls to life-threatening injuries sustained in automobile accidents. The most costly injury category was lifting, moving, or restraining a load, which led to strained or pulled muscles. Benefit payments related to these injuries increased from \$1.2 million in FY 1999-2000 to \$3.5 million in FY 2003-04.

We appreciate the courtesy and cooperation extended to us by Department of Administration staff in conducting this review.

Sincerely,
JANICE MUELLER
State Auditor

**State of Wisconsin
Ethics Board**

August 23, 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>

Broydrick, William	Hertz Rent-a-Car
Christianson, Peter C	eFunds Corp.
Driessen, Anthony	Dell, Inc.
Fassbender, Robert I	National Paint & Coatings Association
Fonfara, Thomas	Dell, Inc.
Fuglie, Paul	Verizon Communications
Hough, James E	National Paint & Coatings Association
Manley, Scott	Wisconsin Manufacturers & Commerce
Petersen, Eric J	Primerica Financial Services

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
Department of Administration**

August 19, 2005

The Honorable, The Legislature:

I have enclosed the financial reporting package to be used by your agency in preparing information for the General Fund for the 2005 comprehensive Annual Financial Report (CAFR). Please refer to the accompanying list to identify those General Fund items that are included. We will forward to you the other items that pertain to your agency as soon as they are completed, which should be within the next week.

For those of you responsible for individual GAAP funds. I have also enclosed the funds' system-generated GAAP trial balances. The Financial Reporting Section is still in the process of analyzing transactions impacting the balance sheet accounts "Cash and Cash Equivalents", "Due from other funds" and "Fund Equity". Adjustments to these accounts will be reflected on the individual funds' trial balance worksheets, which we will distribute within the next week or two. Agency accountants should exclude these four accounts from any analysis until that time.

Please return the completed financial reporting packages by the due-dates listed in the 2005 GAAP Conversion Manual, Section IV-3, Pages 3 through 8.

If you have any questions regarding the GAAP conversion process, please contact me at 266-3052.

Sincerely,

MARILYN KLEMENT
State Controller's Office
Financial Reporting Section

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

EXECUTIVE ORDER #115

Relating to a Proclamation Declaring a State of Emergency

WHEREAS, severe weather including high winds and tornadoes occurred on August 18, 2005, in the State of Wisconsin; and

WHEREAS, high winds and tornado activity caused substantial property damage to residential and commercial properties, agriculture, power distribution systems and other elements of the public service infrastructure, in Dane and Richland Counties; and

WHEREAS, these severe weather conditions have created great hardship for the citizens and local governments of the affected counties; and

WHEREAS, additional personnel and resources are needed to expedite emergency recovery operations in the counties affected;

NOW, THEREFORE, I, JIM DOYLE, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this State, and specifically by Wis. Stat. 21.11 (1) and 166.03 (1)(b)1, do hereby:

1. Proclaim that a State of Emergency exists in Dane and Richland Counties;
2. Direct all agencies of the State of Wisconsin to assist said counties in recovering from this natural disaster; and
3. Call to active duty such elements of the Wisconsin National Guard as the Adjutant General deems necessary to assess the damage, and if necessary, expedite emergency recovery operations; and
4. Authorize the Adjutant General to use personnel called to active duty pursuant to this order in emergency status.

IN TESTIMONY WHEREOF, 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 nineteenth day of August in the year two thousand five.

JIM DOYLE
Governor

BY THE GOVERNOR:
DOUGLAS LA FOLLETTE
Secretary of State

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

EXECUTIVE ORDER #116

Relating to a Proclamation Declaring a State of Emergency in Executive Order #115

WHEREAS, a State of Emergency was declared in Executive Order # 115 in Dane and Richland Counties due to severe weather including high winds and tornadoes that occurred on August 18, 2005;

WHEREAS, high winds and tornado activity also caused substantial property damage to residential and commercial properties, agriculture, power distribution systems and other elements of the public service infrastructure, in Vernon County; and

WHEREAS, these severe weather conditions have created great hardship for the citizens and local governments of the affected counties; and

WHEREAS, additional personnel and resources are needed to expedite emergency recovery operations in the counties affected;

NOW, THEREFORE, I, JIM DOYLE, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this State, and specifically by Wis. Stat. 21.11 (1) and 166.03 (1)(b)1, do hereby:

1. Proclaim that a State of Emergency exists in Vernon County and continues to exist in Dane and Richland Counties; and
2. Direct all agencies of the State of Wisconsin to assist said counties in recovering from this natural disaster; and
3. Call to active duty such elements of the Wisconsin National Guard as the Adjutant General deems necessary to assess the damage, and if necessary, expedite emergency recovery operations; and
4. Authorize the Adjutant General to use personnel called to active duty pursuant to this order in emergency status.

IN TESTIMONY WHEREOF, 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 nineteenth day of August in the year two thousand five.

JIM DOYLE
Governor

BY THE GOVERNOR:

DOUGLAS LA FOLLETTE
Secretary of State

**State of Wisconsin
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill Number</u>	<u>Act Number</u>	<u>Publication Date</u>
Senate Bill 193	Act 37	August 31, 2005
Senate Bill 39	Act 43	August 31, 2005

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

Pursuant to Senate Rule 17 (5), Senator Brown added as a coauthor of **Senate Bill 276** and a cosponsor of **Assembly Bill 378**.

ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin
Office of the Governor**

August 19, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DUNKIN, REGINA, of Beloit, 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.**

AMENDMENTS OFFERED

Senate amendment 1 to Senate amendment 1 to **Senate Bill 218** offered by Senator Kanavas.

Senate substitute amendment 1 to **Senate Bill 259** offered by Senator Brown.