

STATE OF WISCONSIN
Senate Journal
Ninety–Seventh Regular Session

WEDNESDAY, August 31, 2005

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

CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated Friday, August 26, 2005.

Read first time and referred:

Senate Bill 308

Relating to: additional aid to school districts and making an appropriation.

By Senators Breske, Decker and Hansen; cosponsored by Representative Boyle.

To committee on **Education**.

Senate Bill 309

Relating to: an exemption from requirements concerning the slaughter and processing of poultry.

By Senator Leibham; cosponsored by Representatives Kestell, M. Williams, Lothian, Musser, Owens, Gunderson and Hahn.

To committee on **Agriculture and Insurance**.

The committee on **Job Creation, Economic Development and Consumer Affairs** reports and recommends:

Assembly Bill 113

Relating to: licensure and record–keeping requirements for pawnbrokers and secondhand article and jewelry dealers.

Concurrence.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.

Noes, 0 – None.

Assembly Bill 156

Relating to: allowing certain counties to create tax incremental financing districts.

Concurrence.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.

Noes, 0 – None.

Assembly Bill 241

Relating to: transfer of the business employees' skills training grant program to the Technical College System Board, granting rule–making authority, and making an appropriation.

Concurrence.

Ayes, 3 – Senators Kanavas, Zien and Reynolds.

Noes, 2 – Senators Lassa and Decker.

Assembly Bill 414

Relating to: smoking in restaurants and bowling centers and the regulation of smoking by counties, cities, villages, and towns.

Concurrence.

Ayes, 3 – Senators Kanavas, Zien and Decker.

Noes, 2 – Senators Reynolds and Lassa.

Assembly Bill 498

Relating to: an income tax and franchise tax credit for property taxes paid on property owned by Goodwill Industries.

Concurrence.

Ayes, 4 – Senators Kanavas, Zien, Lassa and Decker.

Noes, 1 – Senator Reynolds.

RAGLAND, NANCY, of Madison, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors to serve for the term ending July 1, 2008.

Confirmation.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.

Noes, 0 – None.

VANGOETHEM, RICKY, of Green Bay, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors to serve for the term ending July 1, 2009.

Confirmation.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.

Noes, 0 – None.

Senate Bill 129

Relating to: transfer of the business employees' skills training grant program to the Technical College System Board, granting rule–making authority, and making an appropriation.

Passage.

Ayes, 3 – Senators Kanavas, Zien and Reynolds.

Noes, 2 – Senators Lassa and Decker.

Senate Bill 153

Relating to: allowing certain counties to create tax incremental financing districts.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.

Noes, 0 – None.

Senate Bill 183

Relating to: increasing the maximum amount of grants to certain organizations that provide support to a manufacturing extension center and making an appropriation.

Passage.

Ayes, 3 – Senators Kanavas, Zien and Lassa.
Noes, 2 – Senators Reynolds and Decker.

Senate Bill 218

Relating to: appealing a determination by the board of assessors, claiming angel and early stage investment tax credits, employers who must withhold state income taxes, benefits to persons serving in Operation Iraqi Freedom, eliminating the requirement that the Department of Revenue audit the records of contractors who perform emissions inspections, the liability of married persons filing a joint income tax return, the payment of the alternate fuel tax and the tobacco products tax, estate tax interest, qualified retirement systems, reducing nondelinquent taxes, extending the time for filing a tax reconciliation report, delivering tax-related documents and related payments, appeal of redetermination of earned income tax credits, granting rule-making authority, and providing a penalty.

Adoption of Senate Amendment 1 to Senate Amendment 1.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.
Noes, 0 – None.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.
Noes, 0 – None.

Adoption of Senate Amendment 2.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.
Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.
Noes, 0 – None.

Senate Bill 266

Relating to: the prohibition against underage persons entering or being on any premises operating under an alcohol beverage license.

Passage.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.
Noes, 0 – None.

Senate Bill 290

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

Passage.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.
Noes, 0 – None.

TED KANAVAS
Chairperson

The Chief Clerk makes the following entries dated Tuesday, August 30, 2005.

Read first time and referred:

Senate Bill 310

Relating to: school policies on bullying.

By Senators Kedzie, Coggs, Carpenter, A. Lasee, Wirch, Brown, Zien, Roessler and Lassa; cosponsored by Representatives Jeskewitz, Lothian, Kerkman, Turner, Fields, Davis, Lehman, Ott, Townsend, Owens and Pope–Roberts.

To committee on **Education**.

INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Read first time and referred:

Senate Bill 311

Relating to: restrictions on employment of former commissioners and certain staff of the Public Service Commission and providing a penalty.

By Senators Lassa, Miller, Carpenter, Coggs and Hansen; cosponsored by Representatives Black, Boyle, Zepnick, Berceau, Cullen, Pocan, Sheridan, Lehman and Molepske.

To committee on **Energy, Utilities and Information Technology**.

Senate Bill 312

Relating to: expanding relocations from nursing homes under a community integration program to include persons who are diverted from imminent entry into nursing homes.

By Senators Roessler, Darling, Robson, Brown, Decker, Miller, Grothman, Harsdorf, Taylor, Breske, Hansen, Risser, Wirch and Leibham; cosponsored by Representatives Hundertmark, Ainsworth, Benedict, Davis, LeMahieu, Hines, Berceau, Grigsby, McCormick, Musser, Nass, Van Roy, Molepske, Krusick, Lehman, Pope–Roberts, Seidel, Sheridan, Shilling and Staskunas.

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

Senate Bill 313

Relating to: reimbursement for school medical services under the Medical Assistance program.

By Senators Darling, Lazich, A. Lasee, Miller and Risser; cosponsored by Representatives Stone, Musser, Townsend, Petrowski, Black, Lothian, Berceau, Hahn, Van Roy, Vos, Grigsby, Gunderson, Pope–Roberts, Kessler, Towns, Kaufert, Young and Rhoades.

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

Senate Bill 314

Relating to: granting military service credit under the Wisconsin Retirement System for service in the Commissioned Corps of the federal National Oceanic and Atmospheric Administration and the Commissioned Corps of the federal Environmental Science Services Administration.

By Senators Risser and Erpenbach; cosponsored by Representatives Berceau, Turner and Sheridan.

To joint survey committee on **Retirement Systems**.

REPORT OF COMMITTEES

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

Assembly Bill 116

Relating to: changing the definition of industrial development project, and limiting the scope of certain projects, under the Industrial Development Law.

Concurrence.

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

Noes, 0 – None.

Assembly Bill 177

Relating to: requirements for executive budget bill or bills.

Concurrence.

Ayes, 4 – Senators Brown, Zien, Kanavas and Wirch.

Noes, 1 – Senator Breske.

Assembly Bill 378

Relating to: college reenrollment of persons called into active military service.

Concurrence.

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

Noes, 0 – None.

Senate Bill 146

Relating to: authorizing a county to participate in a municipal revenue sharing agreement.

Passage.

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

Noes, 0 – None.

RONALD BROWN
Chairperson

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Legislative Audit Bureau**

August 31, 2005

The Honorable, The Legislature:

We have completed an evaluation of the Hunter Education Program, which is administered by the Department of Natural Resources (DNR). Participation in hunter education is required for anyone who wishes to purchase a hunting license and was born on or after January 1, 1973. In 2004, 3,328 volunteer instructors and 47 wardens, some of whom were paid to teach, provided hunter education to 33,476 students, mostly children.

In fiscal year (FY) 2004–05, DNR spent \$1.2 million to administer the Hunter Education Program. Approximately one-half of these costs were for the salaries and fringe benefits associated with 9.6 full-time equivalent employees who recruit and train volunteer instructors and students and provide administrative program support. The remainder was primarily for course materials and reimbursement of allowable instructor expenses. We identified no serious concern with the instructor reimbursement process.

Although a decline has been perceived in the number of volunteer instructors and students, we found increases in the number of volunteer instructors who taught at least one course, the number of courses held, and the number of students who successfully completed the program from 2000 to 2004. The number of hours DNR staff spent on hunter education also increased substantially in FY 2004–05, but not because additional wardens taught courses on paid time. Instead, more DNR staff time was spent on its public relations efforts and to reimburse volunteer instructors for allowable expenses.

We appreciate the courtesy and cooperation extended to us by DNR and the instructors we contacted during our review.

Sincerely,

JANICE MUELLER
State Auditor

**State of Wisconsin
Department of Administration**

August 31, 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 July 2005.

On July 1, 2005, the **General Fund** cash balance closed at a negative \$262.7 million. The fund’s negative cash balance continued intermittently through July 31, 2005, when the fund’s cash balance closed at a negative \$417.1 million. **The General Fund** cash balance reached its intramonth low of a negative \$522.6 million on July 25, 2005. The negative balance was due to the difference in the timing of revenues and expenditures.

On July 6, 2005, the **Medical Assistance Trust Fund** cash balance closed at a negative \$5.1 million. The fund’s negative cash balance continued through July 31, 2005, when the fund’s cash balance closed at a negative \$2.6 million. **The Medical Assistance Trust Fund** cash balance closed at its intramonth low of a negative \$5.3 million on July 7, 2005. The negative balance was due to the difference in the timing of revenues and expenditures.

On July 27, 2005, the **Wisconsin Health Education Loan Repayment Fund** cash balance closed at its intramonth low of a negative \$3 thousand. This negative balance continued until July 28, 2005, when the fund’s cash balance closed at a positive \$22 thousand. The negative balance was due to the difference in the timing of revenues and expenditures.

The General fund, Medical Assistance Trust Fund, and the Wisconsin Health Education Loan Repayment 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 Natural Resources
Department of Administration**

August 24, 2005

The Honorable, The Legislature:

Attached to this letter is the Environmental Improvement Fund Biennial Finance Plan for the 2005-2007 biennium.

Environmental Improvement fund program legislation (s. [281.59\(3\)](#), Wis. Stats.) requires the Department of Natural Resources and the Department of Administration to submit the

final version of the Biennial Finance Plan to the Legislature and to the State Building Commission following enactment of the biennial budget. The purpose of the plan is to provide information on loan, loan subsidy, and bonding levels for program operations in the 2005-2007 biennium.

If you have any questions regarding the Biennial Finance Plan, please contact Robert Ramharter at 266-3915 or Frank Hoadley at 266-2305.

Sincerely,

MICHELE A. YOUNG
Bureau of Community Financial Assistance
Department of Natural Resources

FRANK R. HOADLEY
Capital Finance Director
Department of Administration

**State of Wisconsin
Department of Public Instruction**

August 29, 2005

The Honorable, The Legislature:

Enclosed is a copy of the "Legislative Report on Video Cameras on School Buses and Training of Bus and Alternative Vehicle Operators" as required by Section 30(4) of [2003 Wisconsin Act 280](#). The report is submitted to you as required by sec. 13.172(2), Wis. Stats.

Sincerely,

ELIZABETH BURMASTER
Department of Public Instruction

**State of Wisconsin
Groundwater Coordinating Council**

August, 2005

The Honorable, The Legislature:

The Groundwater Coordinating Council (GCC) is pleased to release its 2005 Report to the Legislature. The GCC was formed in 1984 to help state agencies coordinate non-regulatory activities and exchange information on groundwater. For the past 20 years, the GCC has served as a model for interagency coordination and cooperation among state agencies, the Governor, local and federal government, and the university. It is one of the few groups in the nation to effectively coordinate groundwater activities in its state from an advisory position.

This report summarizes GCC and agency activities related to groundwater protection and management in FY 05 (July 1, 2004 to June 30, 2005) and provides an overview of the condition of the groundwater resource. See the Executive Summary for highlights and the GCC's recommendations in Future Directions for Groundwater Protection. The full report is available online at:

<http://dnr.wi.gov/org/water/dwg/gcc/rtl/gccreport.htm>.

Highlights of the State's groundwater protection activities this past year include:

- Organizing the first meetings of the Groundwater Advisory Committee and taking other steps to begin implementation of the new groundwater legislation [2003 Wisconsin Act 310](#).
- Completion of source water assessments for all 11,500 public water supply systems in Wisconsin;
- Incorporation of Wisconsin's groundwater monitoring strategy, including both quantity and quality needs, into the state's water monitoring plan;

- Developing a Groundwater Information Network email list to share information with a broad range of agencies and organizations interested or involved in groundwater education.
- Continued efforts through participation in teacher workshops, a groundwater festival for students, Farm Technology Days, county groundwater programs and other opportunities to share with others the importance of protecting groundwater.

We hope you will find this report to be a useful reference in protecting Wisconsin's valuable groundwater resource.

Sincerely,

TODD AMBS
Chair, Groundwater Coordinating Council

Pursuant to Senate Rule [17 \(5\)](#), Senator Risser removed as a coauthor of **Senate Bill 268**.

ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin
Office of the Governor**

August 24, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BROWNE, BRYANT, of Stevens Point, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2009.

Sincerely,

JIM DOYLE
Governor

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

**State of Wisconsin
Office of the Governor**

August 29, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint OKEY, LOUIS, of Cassville, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2010.

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 29, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DECICCO, JULIA, of Milwaukee, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2007.

Sincerely,

JIM DOYLE
Governor

Read and referred to committee on **Job Creation, Economic Development and Consumer Affairs**.

**State of Wisconsin
Office of the Governor**

August 29, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint TAYLOR, DALE, of Eau Claire, as a member of the Board on Aging and Long Term Care, to serve for the term ending May 1, 2010.

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 29, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LOWE, GRETCHEN, of Madison, as a member of the Board of Nursing, 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 29, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint TRACEY, ROBERT, of Holmen, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2010.

Sincerely,

JIM DOYLE
Governor

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

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

Senate Clearinghouse Rule 05-044

Relating to food and dairy license and reinspection fees.
Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, August 29, 2005.

Referred to committee on **Agriculture and Insurance**, August 31, 2005.

Senate Clearinghouse Rule 05-059

Relating to revising requirements for insurers offering defined network plans, preferred provider plans, and limited service health organization plans in order to comply with recent changes in state laws and affecting small businesses.

Submitted by Insurance Commissioner.

Report received from Agency, August 31, 2005.

Referred to committee on **Agriculture and Insurance**, August 31, 2005.

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

Senate Clearinghouse Rule 05-038

Relating to miscellaneous fee schedule changes and affecting small businesses.

No action taken.

RONALD BROWN
Chairperson

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 255** offered by Senator Risser.