



STATE OF WISCONSIN
Senate Journal
Ninety–Seventh Regular Session

10:00 A.M.

THURSDAY, October 27, 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 Wednesday, October 26, 2005.

Read and referred:

Senate Joint Resolution 47

Relating to: the life of Reggie Lisowski.

By Senators Plale and Taylor; cosponsored by Representatives Honadel, Sinicki, Gunderson, Hines, Jensen, Jeskewitz, Lothian, Montgomery, Owens, Petrowski, Pocan, Sheridan, Staskunas, Stone, Turner, Van Akkeren and Zepnick.

To committee on **Senate Organization**.

Read first time and referred:

Senate Bill 405

Relating to: powers of the Pharmacy Examining Board during times of emergency or disaster.

By Senators Olsen, Roessler, Grothman, Cowles and A. Lasee; cosponsored by Representatives Hines, Petrowski, Gielow, Jeskewitz, Hahn, Albers, Nass, Berceau, Lothian, Ott, Sheridan, Krawczyk, Nerison, Musser, Bies, Townsend, Lehman, Owens, Gunderson and Shilling.

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

Senate Bill 406

Relating to: reporting to school districts of attendance in the Youth Challenge program (suggested as remedial language by the Department of Military Affairs).

By Law Revision Committee.

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

Senate Bill 407

Relating to: eliminating an outdated reference regarding the calculation of the school levy property tax credit (suggested as remedial legislation by the Department of Revenue).

By Law Revision Committee.

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

Pursuant to Senate Rule 17 (5), Representative Kreibich added as a coauthor of **Senate Bill 405**.

**State of Wisconsin
Office of the Governor**

October 21, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HANNAH, STUART, of Baraboo, 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**

October 19, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MILLER, MICHAEL, of West Bend, as a member of the Judicial Commission, to serve for the term ending August 1, 2008.

Sincerely,

JIM DOYLE

Governor

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

**State of Wisconsin
Office of the Governor**

October 24, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LANG, ROBERT, of Cable, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2008.

Sincerely,

JIM DOYLE

Governor

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

**State of Wisconsin
Office of the Governor**

October 21, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint PORTER, E. GLEN, of Elm Grove, as a member of the Cemetery Board, to serve for the term ending July 1, 2008.

Sincerely,

JIM DOYLE
Governor

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

Senate Clearinghouse Rule 05-090

Relating to the military funeral honors program.

Submitted by Department of Veterans Affairs.

Report received from Agency, October 25, 2005.

Referred to committee on **Veterans, Homeland Security, Military Affairs, Small Business and Government Reform,** October 26, 2005.

Senate Clearinghouse Rule 05-091

Relating to the veterans retraining grant program.

Submitted by Department of Veterans Affairs.

Report received from Agency, October 25, 2005.

Referred to committee on **Veterans, Homeland Security, Military Affairs, Small Business and Government Reform,** October 26, 2005.

Senate Clearinghouse Rule 05-096

Relating to the veterans tuition reimbursement program.

Submitted by Department of Veterans Affairs.

Report received from Agency, October 25, 2005.

Referred to committee on **Veterans, Homeland Security, Military Affairs, Small Business and Government Reform,** October 26, 2005.

Senate Clearinghouse Rule 05-097

Relating to the assistance to needy veterans program.

Submitted by Department of Veterans Affairs.

Report received from Agency, October 25, 2005.

Referred to committee on **Veterans, Homeland Security, Military Affairs, Small Business and Government Reform,** October 26, 2005.

The committee on **Education** reports and recommends:

Senate Clearinghouse Rule 05-076

Relating to the public school open enrollment program.

No action taken.

LUTHER OLSEN
Chairperson

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has passed and asks concurrence in:

Assembly Bill 217

Assembly Bill 307

Assembly Bill 365

Assembly Bill 389

Assembly Bill 664

Assembly Bill 764

Assembly Bill 765

Assembly Bill 766

Assembly Bill 769

Concurred in:

Senate Bill 4

Senate Joint Resolution 44

Senate Joint Resolution 45

Senate substitute amendment 1 to **Assembly Bill 105**

Assembly Bill 217

Relating to: administering rabies vaccinations.

By Representatives Hines, Ainsworth, Albers, Ballweg, Berceau, Bies, Freese, Gronemus, Gunderson, Hahn, Hundertmark, Kestell, Krawczyk, Lehman, Nass, Ott, Petrowski, Sheridan, Strachota, Turner, Van Roy, Vos, Vrakas and Kreibich; cosponsored by Senators Olsen, Grothman, Kedzie and Risser.

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

Assembly Bill 307

Relating to: municipal ordinances regarding drug paraphernalia.

By Representatives Grigsby, Gundrum, Fields, Gard, Albers, Ballweg, Berceau, Colon, Cullen, Hines, Jeskewitz, Kessler, Lothian, Mursau, Petrowski, Richards, Sheridan, Toles, Turner, A. Williams, Young and Zepnick; cosponsored by Senators Darling, Taylor, A. Lasee, Coggs, Erpenbach, Leibham, Olsen and Roessler.

Read first time and referred to committee on **Veterans, Homeland Security, Military Affairs, Small Business and Government Reform.**

Assembly Bill 365

Relating to: traffic control signal emergency preemption devices, and providing a penalty.

By Representatives Van Roy, Gronemus, Bies, Davis, Krawczyk, Ainsworth, Hines, LeMahieu, Owens, Mursau, Ott, Nass, Gunderson, Petrowski, Townsend, Albers, Vrakas and Pridemore; cosponsored by Senators Olsen, Hansen, Roessler and Lassa.

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

Assembly Bill 389

Relating to: requiring the Department of Administration to study the feasibility of developing a Wisconsin brand.

By Representatives Wieckert, Owens, Hines, Pridemore, Petrowski, Ott, Townsend, Albers, Vrakas, Mursau, Stone and Jeskewitz; cosponsored by Senators Roessler and Stepp.

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

Assembly Bill 664

Relating to: authorizing specific information signs on certain portions of USH 12.

By Representatives Towns, Nass and Lothian; cosponsored by Senators Robson and Kedzie.

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

Assembly Bill 764

Relating to: awards to persons suffering damages as the result of medical malpractice and evidence of compensation for those damages.

By Representatives Gielow, Huebsch, Nischke, Gard and Nerison; cosponsored by Senator S. Fitzgerald.

Read first time and referred to committee on **Agriculture and Insurance**.

Assembly Bill 765

Relating to: coverage under the injured patients and families compensation fund of medical school graduates engaged in postgraduate training.

By Representatives Gielow, Huebsch, Nischke and Gard; cosponsored by Senators S. Fitzgerald and Kapanke.

Read first time and referred to committee on **Agriculture and Insurance**.

Assembly Bill 766

Relating to: recovery of noneconomic damages in medical malpractice cases.

By Representatives Gielow, Huebsch, Nischke, Gard, Freese, Gottlieb, Gundrum, Hahn, Honadel, Hundertmark, Jensen, Jeskewitz, Kerkman, Kestell, Kreibich, Lamb, Loeffelholz, McCormick, Moulton, Mursau, Rhoades, Strachota, Van Roy, Vos, M. Williams, Wieckert, Nerison, Underheim, Suder, Friske, Owens and Petrowski; cosponsored by Senators S. Fitzgerald, Kapanke, Brown, Darling, Ellis, Grothman, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien.

Read first time and referred to committee on **Agriculture and Insurance**.

Assembly Bill 769

Relating to: requiring actuarial audits of the injured patients and families compensation fund and authorizing the fund's board of governors to organize an insurance corporation.

By Representative Ziegelbauer.

Read first time and referred to committee on **Agriculture and Insurance**.

REPORT OF COMMITTEES

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

Senate Bill 33

Relating to: entering into the wildlife violator compact.

Rereferred to the joint committee on **Finance** pursuant to Senate Rule 41 (1)(e):

Ayes, 5 – Senators Schultz, Lasee, Kedzie, Robson and Hansen.
Noes, 0 – None.

Senate Bill 72

Relating to: prohibiting an organization or affiliate of an organization that engages in abortion–related activities from receiving certain public funds, prohibiting an organization that receives certain public funds from using other public and private funds for abortion–related activities, specifying restrictions on affiliation between certain organizations, changing the types of information that may be provided by organizations that receive the funds, changing requirements related to the maternal and child health program and family planning services, and requiring audits.

Rereferred to the joint committee on **Finance** pursuant to Senate Rule 41 (1)(e):

Ayes, 5 – Senators Schultz, Lasee, Kedzie, Robson and Hansen.
Noes, 0 – None.

Senate Bill 94

Relating to: the filing fee for a review of property tax assessments by the Department of Revenue.

Rereferred to the joint committee on **Finance** pursuant to Senate Rule 41 (1)(e):

Ayes, 5 – Senators Schultz, Lasee, Kedzie, Robson and Hansen.
Noes, 0 – None.

Senate Bill 97

Relating to: the requirement that an unemancipated minor obtain parental or other consent or a judicial waiver of that consent requirement before she may have an abortion.

Rereferred to the joint committee on **Finance** pursuant to Senate Rule 41 (1)(e):

Ayes, 5 – Senators Schultz, Lasee, Kedzie, Robson and Hansen.
Noes, 0 – None.

Senate Bill 203

Relating to: expanding the sales tax exemption for coin–operated laundry services to include all self–service laundry services.

Rereferred to the joint committee on **Finance** pursuant to Senate Rule 41 (1)(e):

Ayes, 5 – Senators Schultz, Lasee, Kedzie, Robson and Hansen.
Noes, 0 – None.

Senate Bill 313

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

Rereferred to the joint committee on **Finance** pursuant to Senate Rule 41 (1)(e):

Ayes, 5 – Senators Schultz, Lasee, Kedzie, Robson and Hansen.
Noes, 0 – None.

Senate Bill 325

Relating to: indoor environmental quality in schools and granting rule–making authority.

Rereferred to the joint committee on **Finance** pursuant to Senate Rule 41 (1)(e):

Ayes, 5 – Senators Schultz, Lasee, Kedzie, Robson and Hansen.
Noes, 0 – None.

Senate Bill 351

Relating to: creating nonrefundable individual income tax credits for amounts contributed to a college savings account or a college tuition and expenses program.

Rereferred to the joint committee on **Finance** pursuant to Senate Rule 41 (1)(e):

Ayes, 5 – Senators Schultz, Lasee, Kedzie, Robson and Hansen.

Noes, 0 – None.

Dale Schultz
Senate Majority Leader

The joint committee on **Finance** reports and recommends:

Senate Bill 1

Relating to: creation of a Government Accountability Board, making appropriations, and providing penalties.

Adoption of Senate amendment 1.

Ayes, 16 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 0 – None.

Introduction and adoption of Senate Amendment 2.

Ayes, 16 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 0 – None.

Introduction and adoption of Senate Amendment 3.

Ayes, 12 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham and Olsen. Representatives Kaufert, Ward, Jensen, Stone, Rhoades and Meyer.

Noes, 4 – Senators Decker and Taylor. Representatives Pocan and Colon.

Passage as amended.

Ayes, 13 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham and Olsen. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan.

Noes, 3 – Senators Decker and Taylor. Representative Colon.

Senate Bill 41

Relating to: the definition of biodiesel fuel and the labeling, advertising, and promoting of biodiesel fuel and biodiesel fuel blends for sale.

Adoption of Senate Amendment 1.

Ayes, 16 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 0 – None.

Passage as amended.

Ayes, 16 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 0 – None.

Senate Bill 221

Relating to: the provision of information regarding shaken baby syndrome and impacted babies to the parents of newborn infants, training regarding shaken baby syndrome and impacted babies for day care providers, and instruction regarding shaken baby syndrome and impacted babies for middle school and high school pupils; and granting rule-making authority.

Introduction and adoption of Senate Amendment 1 to Senate Substitute Amendment 2.

Ayes, 16 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 0 – None.

Adoption of Senate Substitute Amendment 2.

Ayes, 16 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 0 – None.

Passage as amended.

Ayes, 16 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 0 – None.

Senate Bill 222

Relating to: expenditure of \$13,785.25 from moneys appropriated to the Department of Transportation in payment of a claim against the state made by the city of West Allis.

Adoption of Senate Amendment 1.

Ayes, 16 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 0 – None.

Passage as amended.

Ayes, 13 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Jensen, Stone, Rhoades, Meyer and Colon.

Noes, 3 – Representatives Kaufert, Ward and Pocan.

Senate Bill 223

Relating to: expenditure of \$56,300 from moneys appropriated to the Department of Transportation in payment of a claim against the state made by the city of West Allis.

Adoption of Senate Amendment 1.

Ayes, 13 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Jensen, Stone, Rhoades, Meyer and Colon.

Noes, 3 – Representatives Kaufert, Ward and Pocan.

Passage as amended.

Ayes, 13 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Jensen, Stone, Rhoades, Meyer and Colon.

Noes, 3 – Representatives Kaufert, Ward and Pocan.

Senate Bill 268

Relating to: regulation of rental-purchase agreements and granting rule-making authority.

Adoption of Senate Amendment 1.

Ayes, 15 – Senators S. Fitzgerald, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 1 – Senator Lazich.

Introduction and adoption of Senate Amendment 1 to Senate Amendment 2.

Ayes, 16 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 0 – None.

Adoption of Senate Amendment 2.

Ayes, 16 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 0 – None.

Passage as amended.

Ayes, 10 – Senators S. Fitzgerald, Darling, Leibham and Olsen. Representatives Kaufert, Ward, Jensen, Stone, Rhoades and Meyer.

Noes, 6 – Senators Lazich, Cowles, Decker and Taylor. Representatives Pocan and Colon.

Senate Bill 305

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

Adoption of Senate Amendment 1.

Ayes, 16 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 0 – None.

Introduction and adoption of Senate Amendment 2.

Ayes, 14 – Senators S. Fitzgerald, Darling, Cowles, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 2 – Senators Lazich and Leibham.

Introduction and adoption of Senate Amendment 3.

Ayes, 14 – Senators S. Fitzgerald, Darling, Cowles, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 2 – Senators Lazich and Leibham.

Passage as amended.

Ayes, 14 – Senators S. Fitzgerald, Darling, Cowles, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 2 – Senators Lazich and Leibham.

Senate Bill 315

Relating to: retention and testing of evidence that includes biological material, time limits for prosecuting a crime that is related to a sexual assault, law enforcement procedures for using an eyewitness to identify a person suspected of committing a crime, making audio or audio and visual recordings of custodial interrogations, limitations on admitting unrecorded statements into evidence in juvenile delinquency and criminal proceedings, and creating a grant program for digital recording equipment and training for digital recording of custodial interrogations.

Adoption of Senate Amendment 1.

Ayes, 16 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 0 – None.

Introduction and adoption of Senate Amendment 2.

Ayes, 16 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 0 – None.

Passage as amended.

Ayes, 16 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 0 – None.

Assembly Bill 40

Relating to: forfeiture of money derived from a drug crime.

Concurrence.

Ayes, 12 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham and Olsen. Representatives Kaufert, Ward, Jensen, Stone, Rhoades and Meyer.

Noes, 4 – Senators Decker and Taylor. Representatives Pocan and Colon.

Assembly Bill 156

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

Concurrence.

Ayes, 16 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 0 – None.

Assembly Bill 498

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

Introduction and adoption of Senate Amendment 1.

Ayes, 16 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 0 – None.

Concurrence as amended.

Ayes, 15 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan.

Noes, 1 – Representative Colon.

Assembly Bill 648

Relating to: retention and testing of evidence that includes biological material, time limits for prosecuting a crime that is related to a sexual assault, law enforcement procedures for using an eyewitness to identify a person suspected of committing a crime, making audio or audio and visual recordings of custodial interrogations, limitations on admitting unrecorded statements into evidence in juvenile delinquency and criminal proceedings, and creating a grant program for digital recording equipment and training for digital recording of custodial interrogations.

Concurrence.

Ayes, 16 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.

Noes, 0 – None.

SCOTT FITZGERALD
Senate Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin

October 21, 2005

The Honorable, The Senate:

Pursuant to Senate Rule 46(2)(c), I am writing to direct that **Senate Bill 347** be withdrawn from the committee on **Senate Organization** and rereferred to the joint committee on **Finance**. I have obtained the consent of the appropriate chairperson.

Sincerely,
ALAN LASEE
Senate President

**State of Wisconsin
Legislative Audit Bureau**

October 27, 2005

The Honorable, The Legislature:

As required by s. 13.94(1)(de), Wis. Stats., we have completed a financial audit of the Local Government Property Insurance Fund, which provides property insurance to counties, towns, villages, school districts, and other local units of government. The Property Fund is administered by the Office of the

Commissioner of Insurance (OCI). As of June 30, 2004, it insured \$35.9 billion in property owned by 1,203 local units of government. We have provided an unqualified auditor's report on the Property Fund's financial statements for the fiscal years (FYs) ending June 30, 2004, 2003, 2002, and 2001.

Because of changes in reinsurance coverage and increases in claims, the Property Fund experienced net losses of \$8.1 million for the three-year period ending June 30, 2003. In response, OCI increased policyholder premiums. Following this increase, the Property Fund ended FY 2003-04 with net income of \$9.2 million and a surplus of \$24.5 million. OCI monitors the surplus level and believes it is currently appropriate in light of recent loss experience and recent changes in reinsurance.

In completing our audit, we encountered a serious documentation problem: a subcontractor for the previous fund administrator destroyed nearly all claim files for FYs 2000-01 and 2001-02. In order to provide the necessary documentation and assurances that claim payments were properly made, OCI had the destroyed claim files re-created with the assistance of the current fund administrator and local governments. OCI was able to provide an adequate level of documentation to allow us to provide an unqualified opinion on the financial statements.

We appreciate the courtesy and cooperation extended to us by OCI staff and the private firms responsible for administration of the Property Fund. OCI's response follows our report.

Sincerely,

JANICE MUELLER
State Auditor

MESSAGES FROM THE ASSEMBLY

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has concurred in:

Senate Bill 390

ADJOURNMENT

The Chair, with unanimous consent, asked that the Senate adjourn until Tuesday, November 1, 2005 at 11:00 A.M.

Adjourned.

10:01 A.M.

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 205** offered by Senator Harsdorf.

Senate amendment 2 to **Senate Bill 205** offered by Senator Harsdorf.

Senate amendment 1 to **Senate Bill 338** offered by Senator Kanavas.

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Bill 4
Senate Bill 390
Senate Joint Resolution 44
Senate Joint Resolution 45

Report correctly enrolled on October 27, 2005.

CHIEF CLERK'S REPORT

The Chief Clerk records:

Senate Bill 390

Presented to the Governor on April 27, 2005.