

STATE OF WISCONSIN
Senate Journal
Ninety–Seventh Regular Session

WEDNESDAY, August 2, 2006

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

CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated Friday, July 21, 2006.

**State of Wisconsin
Office of the Governor**

July 17, 2006

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SCHIEBLE, JUDITH, of Sheboygan, as a member of the Wisconsin Aerospace Authority, to serve for the term ending June 30, 2007.

Respectfully submitted,

JIM DOYLE
Governor

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

**State of Wisconsin
Office of the Governor**

July 17, 2006

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WICKHEM, REBECCA, of Milwaukee, as a member of the State Fair Park Board, to serve for the term ending May 1, 2011.

Respectfully submitted,

JIM DOYLE
Governor

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

The Chief Clerk makes the following entries dated Monday, July 24, 2006.

Senate Clearinghouse Rule 06–026

Relating to landfilling of solid waste.
Submitted by Department of Natural Resources.
Report received from Agency, July 21, 2006.

Referred to committee on **Natural Resources and Transportation**, July 24, 2006.

Senate Clearinghouse Rule 06–028

Relating to small business enforcement discretion and technical changes to various rules.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, July 21, 2006.

Referred to committee on **Agriculture and Insurance**, July 24, 2006.

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

Senate Clearinghouse Rule 06–029

Relating to user fees at the Kickapoo Valley Reserve.

Modifications requested, Ayes 4, Noes 0.

Ayes, 4 – Senators Harsdorf, Kapanke, Breske and Leibham.

Noes, 0 – None.

SHEILA HARSDORF
Chairperson

The committee on **Labor and Election Process Reform** reports and recommends:

Senate Clearinghouse Rule 05–114

Relating to separate retirement system investments in the fixed and variable retirement investment trusts.

No action taken.

Senate Clearinghouse Rule 06–014

Relating to educational programs for auctioneers.

No action taken.

THOMAS REYNOLDS
Chairperson

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

Senate Clearinghouse Rule 06–020

Relating to the county transportation services grant program.

No action taken.

Senate Clearinghouse Rule 06–030

Relating to liquor wholesaler warehouse facilities.

No action taken.

RONALD BROWN
Chairperson

The Chief Clerk makes the following entries dated Tuesday, July 25, 2006.

**State of Wisconsin
Ethics Board**

July 25, 2006

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>

Goyke, Gary	Wisconsin Trapshooters Association Inc.
Klaetsch, George	Alliant Energy
Lawton, Elizabeth	Midwest Environmental Advocates, Inc.
McCoshen, William J	Competitive Wisconsin Inc

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

Senate Clearinghouse Rule 06-050

Relating to a foreign graduate internship.

Submitted by Department of Regulation and Licensing.

Report received from Agency, July 24, 2006.

Referred to committee on **Health, Children, Families, Aging and Long Term Care**, July 25, 2006.

Senate Clearinghouse Rule 06-052

Relating to controlled substances theft and loss reporting requirements.

Submitted by Department of Regulation and Licensing.

Report received from Agency, July 24, 2006.

Referred to committee on **Health, Children, Families, Aging and Long Term Care**, July 25, 2006.

The Chief Clerk makes the following entries dated Monday, July 31, 2006.

**State of Wisconsin
Office of the Governor**

July 25, 2006.

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BAGLEY, CYNTHIA, of Clinton, as a member of the Psychology Examining Board, to serve for the term ending July 1, 2010.

Respectfully submitted,

JIM DOYLE

Governor

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

Senate Clearinghouse Rule 06-044

Relating to Wisconsin Works, emergency assistance, and child care, and affecting small businesses.

Submitted by Department of Workforce Development .

Report received from Agency, July 25, 2006.

Referred to committee on **Job Creation, Economic Development and Consumer Affairs**, July 31, 2006.

The committee on **Housing and Financial Institutions** reports and recommends:

Senate Clearinghouse Rule 06-040

Relating to automatic fire suppression systems for student housing facilities serving colleges and universities.

No action taken.

Senate Clearinghouse Rule 06-045

Relating to collection agencies.

No action taken.

CATHY STEPP

Chairperson

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Office of the Governor**

July 31, 2006

Please withdraw Martha Vukelich-Austin whose nomination to the Medical Examining Board is pending in the Senate. She resigned upon her term expiration effective July 1, 2006, therefore Senate confirmation is no longer necessary.

Respectfully submitted,

JIM DOYLE

Governor

**State of Wisconsin
Office of the Governor**

July 31, 2006

Please withdraw Timothy Melchert whose nomination to the Psychology Examining Board is pending in the Senate. He resigned upon his term expiration effective July 1, 2006, therefore Senate confirmation is no longer necessary.

Respectfully submitted,

JIM DOYLE

Governor

**State of Wisconsin
Office of the Governor**

EXECUTIVE ORDER # 162

**Relating to a Proclamation Declaring a State of Emergency
Relating to Drought Conditions**

WHEREAS, areas throughout the State of Wisconsin have experienced extreme drought conditions due to the lack of precipitation during the last several weeks; and

WHEREAS, the drought conditions are causing extreme damage to agricultural crops; and

WHEREAS, continual lack of water for the crops will result in greater damage to the crops; and

WHEREAS, continued and projected crop damage will result in severe economic losses to agriculture; and

WHEREAS, water can generally be diverted from certain streams and lakes in the State of Wisconsin without causing serious environmental damage; and

WHEREAS, Wis. Stat. § 30.18, presently requires that certain lake and stream diversions for agricultural purposes must be accomplished pursuant to a permit issued by the Department of Natural Resources; and

WHEREAS, Wis. Stat. § 30.18, requires notice and hearing provisions that are too lengthy to be responsive to the existing drought conditions; and

WHEREAS, the waiver of the notice and hearing provisions of Wis. Stat. § 30.18, in the manner set forth in this Executive Order, will enable the State of Wisconsin to be more responsive to the current agricultural crisis and still protect the valuable water resources of the State;

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. § 166.03(1)(b)l, do hereby declare the present drought condition to be a natural disaster and proclaim the State of Wisconsin to be in a state of emergency for 30 days, unless extended by joint resolution of the Legislature;

PURSUANT TO said state of emergency, by virtue of the authority vested in me by the Constitution and Laws of Wisconsin, and Wis. Stat. § 166.03(1)(b)l, I hereby order:

1. That the statutory notice and hearing provisions of Wis. Stat. § 30.18, relating to the diversion of water from certain lakes and streams for purposes of crop irrigation be suspended for diversions in the State of Wisconsin; and
2. That water may be diverted from certain lakes and streams for purposes of crop irrigation on a case-by-case basis only where all of the following procedures have been followed:
 - a.) The person proposing to divert water has requested permission from the appropriate Department of Natural Resources service center office; and
 - b.) The proposed site of diversion has been field inspected where determined to be necessary by Department of Natural Resources personnel. The Department is directed to conduct the field inspection within 72 hours of the request for permission to divert; and
 - c.) The on-site inspector will grant immediate written authority if the proposed diversion will not cause unduly adverse environmental effects. The on-site inspector may authorize the proposed diversion subject to whatever conditions he or she deems necessary to ensure that there will not be unduly adverse environmental effects as a result of that diversion and other diversions on the stream. Such conditions may include but are not limited to: exact location of the diversion, rate of diversion, hours of diversion and the frequency of diversion within the specified time period; and
3. That the Department of Natural Resources will maintain active enforcement surveillance on all diversions authorized under the procedures established pursuant to this Order to ensure that only duly authorized stream or lake diversions occur; and
4. That the emergency authorities granted herein shall be applicable only to agricultural irrigation that requires emergency assistance; and
5. That any permits authorized pursuant to this Order shall not be valid for longer than 30 days after the date of this Order, unless the state of emergency is extended by joint resolution of the Legislature; and

6. That this Order is not to be construed in any manner as limiting the statutory enforcement power of the Department of Natural Resources with respect to any violations of existing § 30.18 permits, any permits issued pursuant to this Order, any conditions of any such permits, or any diversions which occur without authorization pursuant to Wis. Stat. § 30.18, or this Order; and

7. That the Department of Natural Resources is authorized to rescind any emergency diversion permits granted herein if it becomes apparent that unduly adverse environmental effects are being caused or aggravated by said permits, any permit rescission shall be in writing to the permittee.

IN TESTIMONY WHERE OF, 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 July in the year two thousand six.

JIM DOYLE
Governor

BY THE GOVERNOR:

DOUGLAS LA FOLLETTE
Secretary of State

**State of Wisconsin
Office of State Employment Relations**

July, 2006

The Honorable, The Legislature:

It is with great pleasure that I present the 27th Affirmative Action Report for Wisconsin state government. Its purpose is to provide an overview of the state's workforce, reflect the progress made in the past year, and identify priority issues for the future.

Fiscal year 2005 saw reductions in the state's workforce. The overall impact of these reductions on the number and percentage of racial/ethnic minorities, women, and persons with disabilities in the permanent classified work force was minimal. The state Division of Affirmative Action undertook many initiatives which ensured the continued representation of targeted group members in the state workforce.

The Office of State Employment Relations will continue to play a key role in meeting the challenges ahead and assisting state agencies and universities in the development of programs to accomplish their AA/EEO goals.

Sincerely,

KAREN E. TIMBERLAKE
Director

**State of Wisconsin
Department of Transportation**

July 26, 2006

The Honorable, The Senate:

Enclosed is the report required under 343.237(9), regarding the release of photos from the Department driver record files to Wisconsin Law Enforcement, Federal Government Law Enforcement and all other eligible State Law Enforcement.

This report is provided annually and contains the agencies and the purpose for which copies of the photographs were provided. Please forward this report, as you feel appropriate to any interested parties.

If you have any questions regarding the release of photographs please contact Debbie Kraemer, Supervisor in the Records and Licensing Information Section, Bureau of Driver Services, by phone at (608) 264-7060.

Sincerely,

FRANK J. BUSALACCHI
Secretary

**State of Wisconsin
Department of Administration**

July 28, 2006

The Honorable, The Legislature:

This report is transmitted as required by s. 20.002(11)(f), Wisconsin Statutes, (for distribution to the appropriate standing committees under s. 13.172(3), Wisconsin Statutes) 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 cash balances during the month of June 2006.

On June 1, 2006, the **Medical Assistance Trust Fund** cash balance closed at a negative \$201.0 million. This negative balance continued through June 30, 2006, when the fund’s cash balance closed at a positive \$3.0 million. The **Medical Assistance Trust Fund** cash balance reached its intramonth low of a negative \$247.1 million on June 14, 2006. The negative balance was due to the difference in the timing of revenues and expenditures.

On June 1, 2006, the **Recycling Fund** cash balance closed at a negative \$4.5 million. This negative balance continued through June 30, 2006, when the fund’s cash balance closed at of a negative \$292 thousand. **The Recycling Fund** cash balance reached its intramonth low of a negative \$6.4 million on June 22, 2006. The negative balance was due to the difference in the timing of revenues and expenditures.

The Medical Assistance Trust Fund and the Recycling 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,
STEPHEN E. BABLITCH
Secretary

Referred to the joint committee on **Finance**.

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

Senate Clearinghouse Rule 05–105

Relating to the designation of waters as outstanding or exceptional resource waters.

Submitted by Department of Natural Resources.

Report received from Agency, July 27, 2006.

Referred to committee on **Natural Resources and Transportation**, August 2, 2006.

**State of Wisconsin
Revisor of Statutes Bureau**

August 2, 2006

To the Honorable, the Senate:

The following rules have been published:

<u>Clearinghouse Rules</u>	<u>Effective Date(s)</u>
05–032	8–1–2006
05–049	8–1–2006
05–089	8–1–2006
05–092	8–1–2006
05–101	8–1–2006
05–115	8–1–2006
06–010	8–1–2006
06–015	8–1–2006
06–018	8–1–2006
06–020	8–1–2006

Sincerely,
GARY L. POULSON
Deputy Revisor