

STATE OF WISCONSIN
Senate Journal
Ninety–Seventh Regular Session

WEDNESDAY, September 13, 2006

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

CHIEF CLERK’S ENTRIES

The Chief Clerk makes the following entries dated Monday, September 11, 2006.

**State of Wisconsin
Office of the Governor**

September 1, 2006

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JOHNSON, RUTH, of Madison, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2010.

Sincerely,
JIM DOYLE
Governor

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

The committee on **Agriculture and Insurance** reports and recommends:

Senate Clearinghouse Rule 05–075

Relating to animal feeding operations.

Modifications requested, Ayes 5, Noes 2.

Ayes, 5 – Senators Kapanke, Kedzie, Brown, Olsen and Erpenbach.

Noes, 2 – Senators Hansen and Miller.

DAN KAPANKE
Chairperson

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

Senate Clearinghouse Rule 06–051

Relating to nutritional counseling certification.

No action taken.

Senate Clearinghouse Rule 06–054

Relating to required examinations for licensure as a professional counselor.

No action taken.

Senate Clearinghouse Rule 06–055

Relating to psychotherapeutic counseling by professional counselors.

No action taken.

CAROL ROESSLER
Chairperson

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

Senate Clearinghouse Rule 06–033

Relating to definitions, experience, educational courses, continuing education, conduct and renewal for real estate appraisers.

No action taken.

TED KANAVAS
Chairperson

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Groundwater Coordinating Council**

August 2006

The Honorable, The Legislature:

The Groundwater Coordinating Council (GCC) is pleased to release its 2006 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 22 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 06 (July 1, 2005 to June 30, 2006) 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 will be made 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:

- The first year of implementation of the new groundwater legislation **2003 Wisconsin Act 310**. The Groundwater Advisory Committee continued to meet regularly and made significant progress on groundwater management areas and other issues. DNR secured funding, hired staff and took several steps to implement the new law.
- Key groundwater information and education publications were revised including *Groundwater: Wisconsin’s Buried*

Treasure a Natural Resources Magazine insert, and the *Groundwater Study Guide*, a popular DNR publication for teachers. Additionally, agency and UW staff supported teacher workshops, a groundwater festival for students, Farm Technology Days, county groundwater programs and other educational outreach opportunities.

- The UW Water Resources Library put online many UW and DNR monitoring and research final reports. The reports are included in the widely accessible UW Ecology and Natural Resources Digital Collection <http://digital.library.wisc.edu/1711.dl/EcoNatRes.Groundwater>.

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

Sincerely,
TODD AMBS
Chair

University of Wisconsin System

September 1, 2006

The Honorable, The Legislature:

Please find enclosed a corrected copy of the report required under s. 36.55, Wisconsin Statutes, for the period of July 1, 2004 to June 30, 2006, which was forwarded to you yesterday by UW System President Reilly. This corrected copy adds a notation in the first footnote relating to "notices of claim." The data presented in the table is unaffected. We apologize for any inconvenience.

Sincerely,
CHRISTOPHER ASHLEY
Senior System Legal Counsel

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

September 1, 2006

The Honorable, The Senate:

Section 227.485(9) of the Wis. Stats. requires the Department to submit a report concerning decisions and resulting payments of attorney fees and related legal costs. Attorney fees and other legal costs are to be paid whenever the opposing party to an agency's Chapter 227 hearing prevails and it is determined the agency's position was not substantially justified. The attached report reflects payments made during SFY2006.

In addition, under 814.245(10) of the Wis. Stats., the Department is required to report any awards granted to the Department regarding frivolous motions brought against this Department. In SFY 2006, no motions of opposing parties were found to be frivolous. Consequently, the Department has no awards to report.

Sincerely,
HELENE NELSON
Secretary

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

**State of Wisconsin
Public Service Commission**

September 8, 2006

The Honorable, The Senate:

Enclosed is a copy of the annual report the Public Service Commission (Commission) shall submit to the legislature as provided for in Wis. Stat. s. 1.11(2)(j). It reports on the number and type of proposed actions requiring the preparation of an

environmental assessment or an environmental impact statement by the Commission between July 1, 2005 and June 30, 2006.

If you have any questions about this report, please contact our Environmental Analysis and Review Coordinator, Kathleen Zuelsdorff at (608) 266-2730.

Sincerely,
DANIEL R. EBERT
Chairperson

**State of Wisconsin
Ethics Board**

September 12, 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 2005-2006 session of the legislature, visit the Ethics Board's web site at <http://ethics.state.wi.us>

Cohn, Todd National Association of Professional Employer Organizations

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 Natural Resources**

September 13, 2006

The Honorable, The Senate:

As required by s. 292.25, Wis. Stats., the Department of Natural Resources is pleased to submit the attached report regarding the status of the Voluntary party Liability Exemption (VPLE) environmental cleanup process. As required by law, this report is being submitted to the Governor, the Department of Administration, and the Legislature. If you have any questions regarding this report, please contact Darsi Foss from my staff at (608) 267-6713.

Sincerely,
SCOTT HASSETT
Secretary

**State of Wisconsin
Legislative Audit Bureau**

September 13, 2006

The Honorable, The Legislature:

We have completed financial audits of Mendota and Winnebago Mental Health Institutes for the period July 1, 2004, through June 30, 2005. The audits were requested by the Department of Health and Family Services to comply with requirements of the Joint Commission on Accreditation of Healthcare Organizations. We were able to express an unqualified opinion on each Institute's financial statements.

Mendota and Winnebago Mental Health Institutes are licensed and accredited hospitals that provide specialized diagnostic, evaluation, and treatment services for mentally ill children and adults. The Institutes also provide services to forensic patients referred to them through the criminal justice system. The Institutes are funded through a mix of general purpose revenue and program revenue.

Each Institute reported a net loss for fiscal year 2004–05. Mendota reported a loss of \$2.6 million, and Winnebago reported a loss of \$1.7 million. In each case, operating revenues did not increase enough to offset increases in operating expenses, such as salary and fringe benefit costs. The Department increased daily patient rates effective October 1, 2005, and it anticipates another rate increase effective October 1, 2006.

As part of our audit, we reviewed the administration of approximately \$405,000 in client funds by the Program of Assertive Community Treatment, an outpatient unit of Mendota. To assist clients in managing their own money, staff receive and disburse funds on their behalf. In accepting client funds, the State is responsible for ensuring proper controls are in place to reduce the risks of error or misappropriation. We identified internal control concerns related to client funds administered by the Program of Assertive Community Treatment, including a lack of separation of duties and inadequate documentation.

We appreciate the courtesy and cooperation extended to us by Department of Health and Family Services staff during our audit. A response from the Department follows our report.

Sincerely,
 JANICE MUELLER
 State Auditor

**Motions Under Senate Rule 98 and Joint Rule 7
 for the Month of August 2006**

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Fitzgerald, for Troy and Penny Ashburn, on the occasion of being the 2006 Gemuetlichkeit King and Queen.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Elna Baehr, on the occasion of celebrating her 102nd Birthday shared with family and friends.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Matthew Bollom, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Quinn Bongers, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Harsdorf, for Erik Bowitz, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Erpenbach, for the City of Brodhead, on the occasion of celebrating their Sesquicentennial anniversary.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Jaymes Burns, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for James Campbell, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for John Caskey, on the occasion of being presented with the National Weather Service 2006 John Campanius Holm Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Matthew Craig, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Decker, for Irene E. Fallon, on the occasion of her many years of service as the Executive Director of Stepping Stone Inc., and thank her for her years of dedication.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Andrew John Genz, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Nils Alan Hansen, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for Shari Hervig, on the occasion of her retirement after 21 years of service to the State of Wisconsin Department of Public Instruction.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for Steve Hirsch, on the occasion of his retirement after 33 years of dedicated service with the State Department of Administration.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Jacob Huffman, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Harsdorf, for Danny Hustad, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Matthew Joseph Jeske, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Fitzgerald, for Jim's Cheese Pantry, Inc., on the occasion of its 50th anniversary.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Michael Andrew Krueger, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Charles Longwitz, on the occasion of being presented with the National Weather Service 2006 Thomas Jefferson Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Erpenbach, for Leo and Dorothy Miller, on the occasion of celebrating their 50th anniversary.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Jonathon Minneci, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Schultz, for Denny "Murph" Murphy, owner of Murph's Paint & Decorating Center, on the occasion of his many contributions to Darlington as a business owner and in service to the community.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Darling, for Stephen I. Paly, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Darling, for Trevor D. Paull, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Matthew Pirkey, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Schultz, for the Richland County Bank and staff, on the occasion of 125 years of outstanding service to the families and communities it serves.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for the Rockwell Lime Company of Manitowoc, on the occasion of achieving 100 years of service to the people of Wisconsin and beyond.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Jauch, for Carolyn Sneed, on the occasion of her retirement as executive director for Big Top Chautauqua.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Gavin Stormont, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Keith Richard Strasser, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Kevin Ronald Strasser, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Reynolds, for Scott Van Asbach, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for V. F. W. Post 6179 of Kellnersville, on the occasion of celebrating their 60th Anniversary.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for David Vande Walle, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Joseph Walton, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Darling, for Craig Williams, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Hansen, for the family, friends and colleagues of Lt. Arnie W. Wolff, on the occasion of celebrating his remarkable life and extend our deepest sympathies.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Women's Equality Day, on the occasion of honoring the hard work and perseverance of those who have helped secure women's suffrage.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Ralph Zagrzebski, on the occasion of his retirement after years of dedicated service to Wisconsin Public Service.