



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fifth Regular Session

10:00 A.M.

TUESDAY, June 26, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 210

Relating to: the liability of married persons filing a joint income tax return, the payment of the alternate fuel tax and the tobacco products tax, reducing nondelinquent taxes, rounding dollar amounts to whole dollars on all tax returns, allowing a mathematical computation of sales and use taxes, extending the time for filing a tax withholding report, delivering tax–related documents and related payments, granting rule–making authority, making an appropriation, and providing a penalty.

By Senators M. Meyer, Wirch, Zien and Huelsman; cosponsored by Representatives M. Lehman, Sykora, Plale, Huebsch, Musser, Grothman, Plouff, Powers, Gronemus, Wood, Miller, Ainsworth, Vrakas, Hahn, Albers and Stone.

To joint survey committee on **Tax Exemptions**.

### PETITIONS AND COMMUNICATIONS

State of Wisconsin  
Office of the Governor

June 22, 2001

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Senate Bill 9	Wisconsin Act 10	June 22, 2001(In Part)

Sincerely,

SCOTT MCCALLUM  
Governor

State of Wisconsin  
Office of the Governor

June 22, 2001

The Honorable, The Senate:

I have approve **Senate Bill 9** as **2001 Wisconsin Act 10** and have deposited it in the Office of the Secretary of State. I have exercised the partial veto in sections 121m and 122g.

**Senate Bill 9** is Wisconsin’s enactment of the National Conference of Commissioner on Uniform State Laws’ revision of Article 9 in the Uniform Commercial Code. The Uniform Commercial Code generally has standardized key business processes and basic rules for credit transactions throughout the United States. The Wisconsin version of Article 9 is Chapter 409 of the Wisconsin Statutes. **Senate Bill 9** repeals and recreates Chapter 409 to streamline and modernize the statutory framework for establishing, perfecting and prioritizing liens on property.

Section 121m provides for an increase of \$442,600 PR to the fiscal year 2000-01 s.20.144 (1)(g) appropriation of the Department of Financial Institutions. This section also provides 3.0 FTE project positions to the department for fiscal year 2001-02. These resources are needed for the department to successfully implement **Senate Bill 9**. However, successful implementation of **Senate Bill 9** is jeopardized by how the bill provides these resources. There is a mismatch between the year of funding and the year the positions are authorized. Further, the timing of passage and enactment virtually ensures the \$442,600 provided for implementation would lapse within days of enactment. I object to this timing mismatch and I am partially vetoing this section so the \$442,600 can be provided in fiscal year 2001-02, when the work will actually be done.

Section 122g sets a general effective date of July 1, 2001, (or the day after publication, whichever is later) for the bill. I also object to the separate provision in this section for an earlier effective date for the appropriation provision in section 121m. This provision in section 122g would make the appropriation in section 121m effective on the day after publication. I am partially vetoing this section to provide for a uniform effective date for the entire bill.

My partial veto of sections 121m and 122g will move the funding to a year these resources can actually be used, from fiscal year 2000-01 to fiscal year 2001-02. This technical veto will ensure that the department has the appropriated funding in the fiscal year that implementation work will begin and place the 3.0 FTE project positions and the funding to implement **Senate Bill 9** in the same fiscal year.

I support Wisconsin’s continued participation in a uniform commercial code. My action on this bill allows Wisconsin to adopt a significant revision to the code and to implement it successfully.

Sincerely,

SCOTT MCCALLUM  
Governor

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

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>Senate Bill 9</b>	Wisconsin Act 10 (vetoed in part)	June 25, 2001

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Legislative Audit Bureau**

June 21, 2001

The Honorable, The Legislature:

On April 30, 2001, we completed our fiscal year 1999-2000 single audit and issued our report (01-08). During the course of our audit, we identified approximately \$2.1 million in available funds that the Legislature may wish to consider during the current 2001-03 biennial budget deliberations. This amount includes potential revenue of \$1.8 million for the General Fund, \$246,000 for the Conservation Fund, and \$40,000 for the Transportation Fund.

First, if the Legislature directed the Department of Workforce Development to immediately claim all federal funds available to the State through the Temporary Assistance for Needy Families program, an estimated \$800,000 in additional interest earnings would be generated during the 2001-03 biennium. These additional interest earnings could be used for any purpose.

Second, the State receives rebates related to use of certain purchasing cards it has authorized state agencies to use to make purchases of less than \$5,000. As of December 31, 2000, the State received \$285,000 in purchasing card rebates, and we estimate that an additional \$400,000 will be received during the 2001-03 biennium. If it desired, the Legislature could direct the Department of Administration to lapse the purchasing card rebates to the funds that were the source of payments for the purchases and, in the future, record the rebates as miscellaneous revenues of the affected funds. If this action were taken, approximately \$620,000 could be deposited in the General Fund, \$40,000 to the Transportation Fund, and \$25,000 to other funds.

Finally, we identified \$392,000 in General Fund encumbrances and \$246,000 in Conservation Fund encumbrances that the Department of Workforce Development is currently in the process of reviewing. We believe the majority of these encumbrances, which have been outstanding since June 30, 1999, will lapse. Therefore, the Legislature may wish to consider the availability of these additional lapses as it continues its budget deliberations.

We hope that you find this information useful. If you have any questions or comments, please contact me.

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
University of Wisconsin – Madison**

June 19, 2001

The Honorable, The Senate:

Pursuant to **1999 Wisconsin Act 9**, s 9111 (4xx), enclosed please find a report on the correlation between prior convictions and the propensity to commit future acts of abuse, neglect or misappropriation. The report, *The Risks of Recidivism: An Employment Perspective*, was prepared by Herbert M. Kritzer, Professor of Political Science and Law at the University of Wisconsin–Madison.

If you have any questions about this report, please do not hesitate to contact me at 263-5510 or [hoslet@bascom.wisc.edu](mailto:hoslet@bascom.wisc.edu).

Sincerely,

CHARLES B. HOSLET  
Senior Special Assistant to the Chancellor  
Director, State Relations

**State of Wisconsin  
Department of Regulation and Licensing**

June 19, 2001

The Honorable, The Senate:

In accordance with WSS 961.36(3), enclosed please find the 2000 Controlled Substances Board Annual Report.

It is hoped that the Senate will find this report useful.

Sincerely,

PATRICK D. BRAATZ  
Administrator  
Division of Health Professionals and Services Licensing

**State of Wisconsin  
Ethics Board**

July 26, 2001

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 2001 session of the legislature, visit the Ethics Board's web site at <http://ethics.state.wi.us/>

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|-----------------------|--|
| Bentley, Marc S       | <b>Murphy Oil USA, Inc.</b>  |
| Broydrick, Cynthia    | <b>Council for Affordable Health Insurance</b>                               |
| Broydrick, William    | <b>Council for Affordable Health Insurance</b>                               |
| Christianson, Peter C | <b>Wal-Mart Stores, Inc.</b>   |
| Driscoll, Darcy       | <b>Mirant Americas Inc (formerly SEI Wisconsin LLC)</b>                      |
| Eisenberg, Alan D     | <b>Share the Earth</b>   |
| Fonfara, Thomas       | <b>Wal-Mart Stores, Inc.</b>   |
| Fountain, J Marie     | <b>El Paso Corporation (formerly ANR Pipeline / The Coastal Corporation)</b> |
| Hanson, Thomas        | <b>Roeschen's Omnicare</b>   |
| Leonhart, James       | <b>Mirant Americas Inc (formerly SEI Wisconsin LLC)</b>                      |
| Longmire, Erin        | <b>Funeral Service Alliance of Wisconsin</b>                                 |
| Moore, Thomas E       | <b>Community Bankers of Wisconsin</b>  |
| Petak, George         | <b>Mirant Americas Inc (formerly SEI Wisconsin LLC)</b>                      |
| Petersen, Eric J      | <b>Council for Affordable Health Insurance</b>                               |
| Peterson, Craig       | <b>Mirant Americas Inc (formerly SEI Wisconsin LLC)</b>                      |

Rice, Joseph      **Mirant Americas Inc (formerly SEI  
Wisconsin LLC**  
Thompson, Kelli   **Milwaukee Metropolitan Sewerage  
District**  
Thompson, Kelli   **Mirant Americas Inc (formerly SEI  
Wisconsin LLC**

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,  
ROTH JUDD  
Director

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

**Senate Clearinghouse Rule 00-179**

Relating to construction and fire prevention for public buildings and places of employment, including commercial buildings and structures and multifamily dwellings.

Submitted by Department of Commerce.

Report received from Agency, June 26, 2001.

Referred to committee on **Universities, Housing, and Government Operations**, June 26, 2001.

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**ADJOURNMENT**

Senator Risser, with unanimous consent, asked that the Senate adjourn until Thursday, June 28 at 10:00 A.M..

Adjourned.

10:01 A.M.