

STATE OF WISCONSIN
Senate Journal
Ninety–Fifth Regular Session

WEDNESDAY, September 26, 2001

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

INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

Senate Resolution 7

Relating to: recognizing the week beginning the first Monday in October as “Household Hazardous Waste Awareness Week.”

By Senators Hansen, Burke and Roessler.

To committee on **Senate Organization**.

Senate Joint Resolution 41

Relating to: memorializing Congress to study and modify the social security earnings limit.

By Joint Legislative Council.

To committee on **Universities, Housing, and Government Operations**.

Senate Joint Resolution 42

Relating to: the life and public service of Jane Pettit.

By Senators Darling, Rosenzweig, Panzer, Kanavas, Grobschmidt, Burke, Huelsman, Welch, Lazich and Roessler; cosponsored by Representatives Jensen, Jeskewitz, Wasserman, Vrakas, Richards, Gunderson, Rhoades, Lippert, Walker, Plale, Colon, Carpenter, Bock, Urban, Townsend and Ryba.

To committee on **Senate Organization**.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 249

Relating to: special labor–related reports; training, education, and development zone tax credits; training and education programs; providing an exemption from emergency rule procedures; granting rule–making authority; and making appropriations.

By Joint Legislative Council.

To committee on **Labor and Agriculture**.

Senate Bill 250

Relating to: insurance coverage of prescription medications used to treat diabetes.

By Senators Moen, Breske, Moore, Erpenbach, Robson, Burke, Wirch, George, Grobschmidt, Plache, Hansen and Baumgart; cosponsored by Representatives Urban, Krug, Johnsrud, Berceau, Musser, Bock, Gunderson, Boyle, Ryba, Lassa, Pocan, Young, Turner, Gronemus and Wasserman.

To committee on **Health, Utilities, Veterans and Military Affairs**.

Senate Bill 251

Relating to: various changes to the worker’s compensation law.

By Senators Hansen and A. Lasee; cosponsored by Representatives Hundertmark and Turner.

To committee on **Labor and Agriculture**.

Senate Bill 252

Relating to: single factor apportionment of income for corporate income tax and franchise tax purposes.

By Senators Shibilski, Plache, Baumgart, M. Meyer and Breske; cosponsored by Representatives Ziegelbauer and Riley.

To committee on **Universities, Housing, and Government Operations**.

Senate Bill 253

Relating to: payment of judgments in traffic cases and in municipal court and the suspension of operating privileges.

By Senators Moore, Plache and George; cosponsored by Representatives Jeskewitz, La Fave, Bock, Montgomery, Musser, Ryba, Coggs, Turner, Albers, Plale, Young, Ott and Ryba.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

Senate Bill 254

Relating to: counting summer school enrollment for revenue limit purposes.

By Senators Grobschmidt, Plache, Burke and Moen; cosponsored by Representatives J. Lehman, Plale, Turner, Cullen, Miller, Krug, Staskunas, La Fave, Young, Bock, Pocan, Black and Ryba.

To committee on **Education**.

Senate Bill 255

Relating to: modifying the manner in which a pupil enrolled in a 4–year–old kindergarten program is counted for state aid.

By Senators Grobschmidt, Moore, George, Burke, Plache, Shibilski and Moen; cosponsored by Representatives Riley, Richards, Gronemus, Turner, Sinicki, Musser, Cullen, Miller, La Fave, Krug, Black, Pocan and Young.

To committee on **Education**.

Senate Bill 256

Relating to: national guard tuition grants and making an appropriation.

By Senators Moen, Burke, Breske, S. Fitzgerald, Zien, Hansen, Schultz, Wirch, Baumgart, Grobschmidt, Moore, Erpenbach, Roessler, Jauch and Harsdorf; cosponsored by Representatives Musser, Albers, Nass, Rhoades, Gronemus, Schneider, Black, Jensen, Townsend, Boyle, Krug, Ladwig, Berceau, Suder, Ryba, Carpenter, Pettis, Lassa, Hundertmark, Hubler, Miller, Loeffelholz, Jeskewitz, Meyerhofer, Gunderson, Friske, Lippert, J. Fitzgerald, Turner, Hahn, Ott, Walker, Vrakas, Urban, Riley, Sykora and Seratti.

To committee on **Health, Utilities, Veterans and Military Affairs**.

Senate Bill 257

Relating to: payment from a ward's estate of reasonable attorney fees and costs for successful petitioners in incompetence and guardianship proceedings.

By Senators Chvala and Burke; cosponsored by Representatives Huber, La Fave, Turner and Ryba.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

REPORT OF COMMITTEES

The committee on **Environmental Resources** reports and recommends:

POULSON, HOWARD "DAN", of Palmyra, as a member of the Natural Resources Board, to serve for the term ending May 1, 2007.

Confirmation.

Ayes, 3 – Senators Baumgart, Cowles and Schultz.
Noes, 2 – Senators Hansen and Wirch.

Jim Baumgart
Chairperson

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

BEIL, MARTIN, of Mazomanie, as a member of the Deferred Compensation Board, to serve for the term ending July 1, 2005.

Confirmation.

Ayes, 4 – Senators Hansen, Decker, A. Lasee and Harsdorf
Noes, 1 – Senator Baumgart.

REINERT, JENNIFER, of Madison, as Secretary of the Department of Workforce Development, to serve for the term ending at the pleasure of the Governor.

Confirmation.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.
Noes, 0 – None.

David Hansen
Chairperson

The committee on **Privacy, Electronic Commerce and Financial Institutions** reports and recommends:

Senate Bill 212

Relating to: restrictions on the transmission of unsolicited electronic mail.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Erpenbach, Jauch, Plache, S. Fitzgerald and Kanavas.
Noes, 0 – None.

Passage as amended.

Ayes, 3 – Senators Erpenbach, Jauch and Plache.
Noes, 2 – Senators S. Fitzgerald and Kanavas.

Senate Bill 237

Relating to: requiring pharmacies to keep patient health care records confidential.

Passage.

Ayes, 3 – Senators Erpenbach, Jauch and Plache.
Noes, 2 – Senators S. Fitzgerald and Kanavas.

Jon Erpenbach
Chairperson

PETITIONS AND COMMUNICATIONS

Senate Petition 3

A petition by approximately 1600 residents of the State of Wisconsin in support of Senate Bill 157, relating to health insurance coverage of nervous and mental disorders, alcoholism, and other drug abuse problems.

By Senator Moen.

To committee on **Health, Utilities, Veterans and Military Affairs**.

State of Wisconsin

September 20, 2001

The Honorable, The Senate:

Pursuant to Senate Rule 20 (2)(a), I have appointed Senator Kevin Shibilski to the Joint Committee on Finance, and removed Senator Robson.

Sincerely,

CHUCK CHVALA
Chair, Committee on Senate Organization

State of Wisconsin

September 20, 2001

The Honorable, The Senate:

I would like my name removed from a co-sponsor of **Senate Bill 155**. Thank you.

Sincerely,

ROB KREIBICH
State Representative
93rd Assembly District

**State of Wisconsin
Department of Administration
Department of Natural Resources**

September 21, 2001

The Honorable, The Senate:

Attached to this letter is the Environmental Improvement Fund Biennial Finance Plan for the 2001-2003 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 2001-2003 biennium.

Also attached is the Environmental Improvement Fund Biennial Report for the 1999-2001 biennium. The report provides information on the activities and operations of the program during the previous biennium. This report is submitted in accordance with s. 281.59(3), Wis. Stats.

If you have any questions regarding the Biennial Finance Plan or the Biennial Report, please contact Kathryn A. Curtner at 266-0860 or Frank R. Hoadley at 266-2305.

Sincerely,

KATHRYN A. CURTNER, Director
Bureau of Community Financial Assistance
Department of Natural Resources

Frank R. Hoadley
Capital Finance Director
Department of Administration

**State of Wisconsin
Investment Board**

September 13, 2001

The Honorable, The Senate:

Pursuant to s. 1.11(2)(j), Stats., the State of Wisconsin Investment Board is pleased to report, that during fiscal year 2001, it did not consider any proposals for major actions in Wisconsin that could significantly affect the quality of the human environment. Accordingly, the agency was not required to prepare any environmental assessments or impact statements under s. 1.11, Stats.

Please contact Ken Johnson at 267-0221 or Sandy Drew at 261-0182 if you have any questions concerning this report.

Sincerely,

PATRICIA LIPTON
Executive Director

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

September 17, 2001

The Honorable, The Senate:

Pursuant to Section 46.014(4) of the Wis. Stats., the Department of Health and Family Services is required to submit an annual report to the Legislature concerning the activities of the community action agencies under s. 46.30, and their effectiveness in promoting social and economic opportunities for low-income persons.

The attached report describes the use of the Community Services Block Grant funding, and the services and activities of the community action agencies and limited purpose agencies carried out to reduce poverty, revitalize low-income communities, and empower low-income individuals and families to become fully self-sufficient.

If you have any questions or need additional information, please contact Moira Lafayette, CSBG Coordinator at 267-5149.

Sincerely,

PHYLLIS J. DUBE
Secretary

**State of Wisconsin
University of Wisconsin System**

September 21, 2001

The Honorable, The Legislature:

The University of Wisconsin System is please to provide you with a copy of our annual Wisconsin Environmental Policy Act (WEPA) report. In fulfillment of Section 1.11(2)(j), Wisconsin Statutes, this document provides information on the numbers of Environmental Assessments (EA's) and Environmental Impact Statements (EIS's) completed in the past fiscal year.

This report addresses the activities of the University of Wisconsin System for the period from July 1, 2000 through June 30, 2001.

Questions regarding this report should be directed to Terri Reda, UW System Environmental Affairs Officer. Terri may be reached at 263-4410.

Sincerely,

KATHARINE C. LYALL
President

**State of Wisconsin
Department of Public Instruction**

August 2001

The Honorable, The Legislature:

The Department of Public Instruction is submitting the 2000 Annual Report on the Status of Bilingual-Bicultural Education programs as required under s. 115.96, Wisconsin Statutes. The enclosed report provides data from the 38 state-aided bilingual-bicultural/ESL education programs for the 2000 fiscal year (July 1, 1999, through June 30, 2000).

This annual report includes details on the state's administration and funding of bilingual education in Wisconsin and factors contributing to program expansion; the continuously lower annual reimbursement rates for school districts; the number of pupils from minority languages served; the locations of the state-aided programs during the 2000 fiscal year; and staff-related data.

If you have questions on any aspect of this report, please contact Barbara A. Bitters, Director, Equity Mission Team, at barbara.bitters@dpi.state.wi.us or 267-2276.

Sincerely,

ELIZABETH BURMASTER
State Superintendent

**State of Wisconsin
Office of the Commissioner of Insurance**

September 2001

The Honorable, The Legislature:

I am please to submit the 132nd *Wisconsin Insurance Report* covering 2000.

Wisconsin's tradition of sound regulation, combined with strong consumer protections, continued over the past year. Highlights of OCI's accomplishments and innovations are as follows:

- Implementation of legislation and administrative rules relating to Medicare supplemental and long-term care insurance, and continuing education;
- Implementation of legislation and development of administrative rules relating to independent review organizations and grievances, privacy and producer licensing;
- Further improvement and enhancement to information available on the OCI Internet site to include:
 - Financial and market conduct examination reports,
 - Frequently asked questions for health, auto and homeowner's insurance,
 - Annual and quarterly statement packets,
 - Premium tax forms;
- Implementation of a workplan to monitor and develop policy on regulation and enforcement of insurance electronic activities;
- Publication of *Guia del Consumidor para Seguros de Vivienda*, a Spanish version of the *Consumer's Guide to Homeowner's Insurance*;
- Implementation of a study to evaluate the feasibility of having companies file Wisconsin-specific forms electronically over the Internet.

- Announcement of a 25% decrease in annual fees which participating health care providers must pay to the Patient's Compensation Fund.

Sincerely,

CONNIE L. O'CONNELL
Commissioner

**State of Wisconsin
Department of Revenue**

September 17, 2001

The Honorable, The Legislature:

The use-value assessment law, enacted in [1995 Act 27](#), specified duties of the Farmland Advisory Council and required the Council to report to the Legislature on the usefulness of use-value assessment as a way to preserve farmland and to reduce the conversion of farmland to other uses. At that time, Wisconsin became the 49th state to institute some form of use-value assessment of agricultural land.

Section [73.03\(49\)\(a\)](#), Wis. Stats., requires the Farmland Advisory Council to advise the Department of Revenue on the supplement to the *Wisconsin Property Assessment Manual (WPAM)* guidelines for assessing agricultural land, and on rules to implement use-value assessment of agricultural land and to reduce urban sprawl. The guidelines for the 2001 assessment year are attached for your reference.

Sincerely,

RICHARD G. CHANDLER
Secretary
Department of Revenue

**State of Wisconsin
Department of Transportation**

September 25, 2001

The Honorable, The Senate:

The enclosed report has been sent to you pursuant to sec. 1.11 (2)(j), Stats. This statute states: "*Annually, no later than September 15, submit a report to the chief clerk of each house of the legislature for distribution to the legislature under s. [13.172\(2\)](#), including the number of proposed actions for which the agency conducted an assessment of whether an impact statement was required under par. (c) and the number of impact statements prepared under par. (c).*"

This report addresses the activities of the Department of Transportation for fiscal year 2000, the period from July 1, 2000 to June 30, 2001.

Sincerely,

TERRY MULCAHY, P.E.
Secretary

**State of Wisconsin
Ethics Board**

September 25, 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/>

Lee, David R **P. H. Glatfelter Company**

Salinero, Amparo **Child Care Resource & Referral Services of Greater Racine & Kenosha Inc**

Walsh, Kenneth **Wisconsin Troopers Association 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,

ROTH JUDD
Director

**ADVICE AND CONSENT OF THE SENATE
State of Wisconsin
Office of the Governor**

September 17, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint VAN BOGAERT, CYNTHIA A., of Brooklyn, as a member of the Employee Trust Fund Board, to serve for the term ending May 1, 2005.

Sincerely,

SCOTT MCCALLUM
Governor

Read and referred to committee on **Labor and Agriculture.**

**State of Wisconsin
Office of the Governor**

September 17, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint OSBORNE, PATRICK J., of Madison, as a member of the Great Lakes Protection Fund, to serve for the term ending October 11, 2003.

Sincerely,

SCOTT MCCALLUM
Governor

Read and referred to committee on **Environmental Resources.**

**State of Wisconsin
Office of the Governor**

September 17, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SCHMIDT, CRAIG W.C., of Berlin, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2006.

Sincerely,

SCOTT MCCALLUM
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin
Office of the Governor**

September 17, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ELMAN, WILLIAM R., of Appleton, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2005.

Sincerely,

SCOTT MCCALLUM
Governor

Read and referred to committee on **Environmental Resources.**

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

State of Wisconsin
Revisor of Statutes Bureau

October 1, 2001

To the Honorable, the Senate:

The following rules have been published:

Clearinghouse Rules	Effective Date(s)
00-138	October 1, 2001
00-153	October 1, 2001
00-159 (part)	October 1, 2001
00-159 (part)	December 1, 2001
01- 18	October 1, 2001
01- 28 (part)	October 1, 2001
01- 28 (part)	November 1, 2001
01- 35	October 1, 2001
01- 39	October 1, 2001
01- 40	October 1, 2001
01- 51	October 1, 2001
01- 52	October 1, 2001
01- 65	October 1, 2001

Sincerely,
GARY L. POULSON
Deputy Revisor

The committee on **Universities, Housing, and Government Operations** reports and recommends:

Senate Clearinghouse Rule 01-070

Relating to the allocation of volume cap on tax-exempt private activity bonds.

No action taken.

Senate Clearinghouse Rule 01-078

Relating to the teacher education loan program.

No action taken.

Senate Clearinghouse Rule 01-079

Relating to the teacher of the visually impaired loan program.

No action taken.

Mark Meyer
Chairperson

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Assembly Bill 60** offered by Senator Plache.

Senate amendment 1 to **Senate Bill 105** offered by Senator Harsdorf.