

STATE OF WISCONSIN
Senate Journal
Ninety–Fifth Regular Session

WEDNESDAY, August 7, 2002

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

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Department of Administration**

July 31, 2002

The Honorable, The Legislature:

This report is transmitted as required by sec. 20.002(11)(f) of the Wisconsin Statutes, (for distribution to the appropriate standing committees under sec. 13.172(3) Stats.), 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 balances during the month of June 2002.

On June 17, 2002, the **General Fund** balance was –\$727.4 million. This shortfall continued through June 30, 2002, when the cash balance closed at –\$421.9 million. The shortfall was due to the difference in the timing of revenues and expenditures, in combination with the overall budget shortfall.

On June 1, 2002, the **Wisconsin Health Education Loan Repayment Fund** balance was –\$1,000. This shortfall continued until June 24, 2002, when the balance reached a positive \$6,000. During this period, the **Wisconsin Health Education Loan Repayment Fund** balance reached a low of –\$2,000 on June 3, 2002. The shortfall was due to the difference in the timing of revenues and expenditures.

The General Fund and the Wisconsin Health Education Loan Repayment Fund shortfalls were not in excess of the statutory interfund borrowing limitation 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.

Sincerely,

GEORGE LIGHTBOURN
Secretary

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

**State of Wisconsin
Legislative Audit Bureau**

July 30, 2002

The Honorable, The Legislature:

At the request of the joint Legislative Audit Committee, we have completed an evaluation of the Milwaukee Metropolitan

Sewerage District. The District is a special-purpose municipal corporation that provides sewer services to the City of Milwaukee and most of Milwaukee County, as well as to all or parts of a number of municipalities in surrounding counties.

The District’s \$2.3 billion sewer improvement program, including the 19.4 mile Deep Tunnel and related improvements, has significantly reduced both the number and the volume of sewer overflows, and the District has not violated the combined sewer overflow provisions of its wastewater discharge permit since 1994. However, the program has not achieved the results anticipated when it was designed. Sanitary sewer overflows continue, and more than twice the predicted number of combined sewer overflows has occurred since the Deep Tunnel began operation. Since 1994, a total of 13.2 billion gallons of untreated wastewater has been discharged into Milwaukee-area waterways because of a combination of large storms, stormwater infiltration into sewers, capacity issues in the Deep Tunnel and the District’s sewers and treatment facilities, and operational policies that have exacerbated overflows. For example, a total of 107 million gallons of untreated wastewater was discharged since June 1999 during six overflows that occurred because the District’s contractor had temporarily turned off Deep Tunnel pumps while switching to a lower-cost source of electricity.

The District is in the process of implementing a \$786.4 million building program that is intended to reduce sewer overflows by constructing additional wastewater capacity, increasing treatment plant capacity, and improving the performance of the sewer system. It also plans to spend \$410.0 million on watercourse improvement projects. To date, completed projects have had significantly higher costs than the District anticipated.

We found that the District’s sewer system and the Deep Tunnel have reduced the amount of pollutants entering waterways, and water quality has improved within the combined sewer area. However, water quality outside the combined sewer area has not improved since 1994 because of sewer overflows and nonpoint and other pollution sources. Neither Lake Michigan nor Milwaukee-area rivers currently meet designated water quality standards specified in federal and state law.

We appreciate the courtesy and cooperation extended to us by the District’s staff during the course of our audit. The District’s response in Appendix 5.

Sincerely,

JANICE MUELLER
State Auditor

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

**State of Wisconsin
Revisor of Statutes Bureau**

August 1, 2002

To the Honorable, the Senate:

The following rules have been published:

Clearinghouse Rules	Effective Date(s)
00-154 (part)	August 1, 2002
01-087	August 1, 2002
01-108 (part)	August 1, 2002
01-127	August 1, 2002
01-129	August 1, 2002
01-134	August 1, 2002
01-137	August 1, 2002
01-143	August 1, 2002
01-145	August 1, 2002
01-151	August 1, 2002
01-153	August 1, 2002
01-154	August 1, 2002
02-010	August 1, 2002
02-028	August 1, 2002
02-029	August 1, 2002
02-031	August 1, 2002

Sincerely,
GARY L. POULSON
Deputy Revisor

Senate Clearinghouse Rule 01-124

Relating to dairy plants.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, August 2, 2002.

Referred to committee on **Labor and Agriculture**, August 7, 2002.

Senate Clearinghouse Rule 01-125

Relating to dairy farms.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, August 2, 2002.

Referred to committee on **Labor and Agriculture**, August 7, 2002.

Senate Clearinghouse Rule 02-038

Relating to complaint procedures.

Submitted by Department of Corrections.

Report received from Agency, August 6, 2002.

Referred to committee on **Economic Development and Corrections**, August 7, 2002.

Senate Clearinghouse Rule 02-052

Relating to the definition of "ownership" for the purpose of determining eligibility of firms for a license as a certified public accounting firm.

Submitted by Department of Regulation and Licensing.

Report received from Agency, August 2, 2002.

Referred to committee on **Universities, Housing, and Government Operations**, August 7, 2002.

Senate Clearinghouse Rule 02-083

Relating to operation of the health insurance risk-sharing plan (HIRSP).

Submitted by Department of Health and Family Services.

Report received from Agency, August 1, 2002.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, August 7, 2002.

Senate Clearinghouse Rule 02-088

Relating to the extension of the time period allowed for filing an initial claim for unemployment insurance benefits.

Submitted by Department of Workforce Development .

Report received from Agency, August 1, 2002.

Referred to committee on **Labor and Agriculture**, August 7, 2002.

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

Senate Clearinghouse Rule 00-162

Relating to public notification requirements for public water systems.

No action taken.

Senate Clearinghouse Rule 02-014

Relating to fishing on the inland and outlying waters of Wisconsin.

No action taken.

Senate Clearinghouse Rule 02-016

Relating to trout fishing on the inland waters of Wisconsin.

No action taken.

Senate Clearinghouse Rule 02-017

Relating to hunting.

No action taken.

Senate Clearinghouse Rule 02-018

Relating to hunting, trapping and captive wildlife.

No action taken.

Jim Baumgart
Chairperson

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

Senate Clearinghouse Rule 02-068

Relating to fees regarding partnerships, corporations, limited liability companies and cooperatives.

No action taken.

Jon Erpenbach
Chairperson

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

Senate Clearinghouse Rule 02-009

Relating to the college savings program.

No action taken.

Senate Clearinghouse Rule 02-071

Relating to the procedure for challenging the ballot of an elector at a polling place.

No action taken.

Mark Meyer
Chairperson

**Motions Under Senate Rule 98 and Joint Rule 7
for the Month of July 2002**

A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Christina Diaz-Arntzen, on the occasion of her 29 years of dedication to teaching and working with the Hispanic community.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for John Hadidian-Baughner 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 Erpenbach, for Miguel Benson, 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 Roessler, for Fire Chief Jeff Berry, on the occasion of being chosen as the Fire Chief of the Year by the Wisconsin Fire Inspectors Association.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Michael S. Brandt, 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 Kanavas, for The Brookfield Players, on the occasion of their years of elevating performing arts in the community.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Christopher Michael Colney, 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 Erpenbach, for Tristan Cook, 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 George, for the Cottrell-Kimbrough Family, on the occasion of their 20th annual family reunion.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Moore, for the Cream City Medical Society, on the occasion of celebrating its 75th anniversary.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Denny Dutton, on the occasion of his retirement from the Elm Grove Police Department after 28 years of dedicated service.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Stephen Ferguson, 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 Panzer, for Justin Gassner, 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 Erpenbach, for Greg Ginz, 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 John and Marjorie Gusman, on the occasion of celebrating their 65th anniversary.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for Robert Harrits, 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 Breske, for The Hodag Country Festival and the Eckert Family, on the occasion of celebrating its 25th anniversary since Bernie and Diane Eckert began the country festival in 1978.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Eric Hoest, 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 Andrew J. Holperin, 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 Panzer, for Jim Johnson, 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 Kanavas, for Nedra Johnson, on the occasion of her kindness and CPR skills that help save the life of Mrs. Lois Waech.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Derek Kinowski, 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 Decker, for Kraft Foods, on the occasion of celebrating its 75th anniversary of business in Wausau, Wisconsin.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Marshall Legenza, 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 Erpenbach, for Local 139 of the International Union of Operating Engineers, on the occasion of celebrating their 100th anniversary.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Colin McCambridge, 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 Patrick McConnell, 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 Jauch, for James "Monk" Monroe, on the occasion of his commitment to his community of Ashland.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moore, for the National Black Chamber of Commerce, Inc., on the occasion of convenes their 10th Annual Business Conference.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moore, for the National Association of Black Journalists (NABJ), on the occasion of celebrating their 27th Annual Convention.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Nicholas Neumann, 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 George, for the Peck family, on the occasion of celebrating four significant life events in their family.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moen, for Robert W. Radcliffe, on the occasion of his retirement after years of distinguished service to his community of Jackson County, state and country.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Jesse James Robinson, 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 Decker, for Samoset Council Troop 462, on the occasion of celebrating 50 years of dedication to scouting.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Breske, for Philip J. Scherer, on the occasion of 20 years of dedicated service to the Transportation Development Association.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Eric J. Schoenherr, 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 Panzer, for Dan Silver, 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 Ronnie Skow, 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 Erpenbach, for Michael Smith, 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 Kory Southworth, 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 Kanavas, for the Stadium Board, on the occasion of their dedication and unending efforts towards Miller Park.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Zachary Tratar, 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 Kanavas, for Clem and Dorothy Trimborn, on the occasion of celebrating their 65th anniversary.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Cowles, for Past Chief Commander Arthur H. Farr, senior navigator and the members of the United States Power Squadrons, on the occasion of their efforts to increase boating safety and awareness through education and community service.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Rosenzweig, for Natalie Verrette, on the occasion of her accomplishments at Fordham University.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Andrew West, 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 Wisconsin Coalition Against Domestic Violence, on the occasion of recognizing October 1, 2002 as "Work To End Domestic Violence Day".

A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Wisconsin Coalition Against Domestic Violence, on the occasion of recognizing October 10, 2002 as "Health Cares About Domestic Violence Day".

A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Wisconsin Coalition Against Domestic Violence, on the occasion of recognizing October 1, 2002 as "Day of Unity".

A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Wisconsin Coalition Against Domestic Violence, on the occasion of recognizing October 2002 as Domestic Violence Awareness Month.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Rosenzweig, for the Wisconsin Exposition Center, on the occasion of the grand opening at the State Fair grounds.