

STATE OF WISCONSIN

Senate Journal

Ninety–Fifth Regular Session

WEDNESDAY, December 11, 2002

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

PETITIONS AND COMMUNICATIONS

State of Wisconsin

December 6, 2002

The Honorable, The Senate:

As President of the state Senate, and pursuant to s. [15.07\(11\)\(b\)3](#) of the Wisconsin Statutes, please be advised that I am making two appointments to the Wisconsin Women's Council.

I am appointing Gina Bosben of Madison. Ms. Bosben is an attorney with experience as a volunteer in numerous areas affecting women and families. She is noted as having received the United Way of Dane County Award in recognition of outstanding service to the community for volunteer work at the Domestic Abuse Intervention Services Center.

I am also appointing Kathy Koltin Blumenfeld of Madison. Ms. Blumenfeld is an accountant and a community activist who has been involved in many issues having a profound impact on families. She has received recognition for her involvement and is the recipient of numerous awards for her service to the community, including the Miriam Singer Sulman Young Leadership Award and the Ben Minkoff Volunteer Service Award.

These women will be strong assets to the Council, and I am deeply pleased with their willingness to serve.

Sincerely,

SENATOR FRED RISSER

President, Wisconsin State Senate

Ice Age Park and Trail Foundation

December 5, 2002

The Honorable, The Senate:

In 1999 the State Legislature included a \$75,000 annual grant in the state budget to be matched with \$25,000 of private funds for the purpose of establishing, maintaining and promoting the Ice Age National and State Scenic Trail. The Ice Age Park and Trail Foundation (IAPTF) was delighted to be the recipient of that grant in 2000, 2001 and 2002. It is with a great deal of pride that I submit our final report for the year 2002, as required by statute s. [23.295](#).

The protection, development and management of the Ice Age Trail is dependent on partnerships. The Trail's primary partners, including the National Park Service, Wisconsin Department of Natural Resources, and IAPTF, work closely with county governments and other municipalities, and with local volunteers from around the state. In 2002 alone, over 5,000 volunteers provided an "in kind" match of over 73,000 hours spent in support of the trail. When translated into dollars

their contribution equals more than \$1,000,000 annually – really quite extraordinary.

The grant from the DNR has allowed the IAPTF to:

- Support the work of volunteers who develop, maintain and promote the Ice Age Trail.
- Build partnerships for the Ice Age trail area with local governmental units and nonprofit organization.
- Promote the protection of a corridor for the Ice Age Trail by providing information about acquiring land, or an interest in land in the corridor.
- Strengthen community support for the Ice Age Trail area by recruiting and training volunteers and by coordinating the activities of interest groups.
- Promote tourism in the Ice Age Trail area.

We genuinely appreciate your continuing support and your true partnership. Please call me at 608-663-1240 with any questions you may have.

Sincerely,

CHRISTINE THISTED

Executive Director

State of Wisconsin

Wisconsin Technical College System Board

December 3, 2002

The Honorable, The Legislature:

This letter certifies that all sixteen Wisconsin Technical Colleges have provided sexual assault and harassment orientation, materials and information as required under state statute 38.12 (11) for the 2002-2003 school year.

Individual college letters assuring compliance are on file in our office at this time. Samples of materials provided are on file in the equal opportunity offices at each college. If you have any questions or need additional information, please contact Keith Krinke, System Equal Opportunity Officer, of my staff at 266-1844.

Sincerely,

RICHARD CARPENTER

President

**State of Wisconsin
Department of Public Instruction**

December 3, 2002

The Honorable, The Legislature:

Per Wisconsin Stat. 115.28(39), the Department of Public Instruction is required biennially to evaluate the effectiveness of the programs under ss. 115.36 (assistance for alcohol and other drug abuse programs) and 115.361 (alcohol and other drug abuse prevention and intervention programs) and submit a report to the legislature under s. 13.172(2).

To satisfy this reporting requirement, attached are two reports entitled "Alcohol and Other Drug Abuse Grant Distribution, Training and Education Programs in Wisconsin School Districts 2000-2002" and "Youth to Youth: An Evaluation of State AODA Funded Peer Programs in Wisconsin 2001-02."

If you have any questions regarding either of these reports, please contact Doug White, Assistant Director, Student Services/Prevention and Wellness Team, at 608-266-5198 or douglas.white@dpi.state.wi.us.

Sincerely,

CAROLYN STANFORD TAYLOR
Assistant State Superintendent
Division for Learning Support: Equity and Advocacy

**State of Wisconsin
Legislative Audit Bureau**

December 4, 2002

The Honorable, The Legislature:

We have completed a biennial performance evaluation of the Department of Administration's Division of Gaming, as required by s. 13.94(1)(eg), Wis. Stats. The Division regulates the State's Indian gaming, pari-mutuel racing, and charitable gaming activities. In FY 2001-02, its expenditures totaled \$3.8 million in program revenue.

Indian gaming represents the most significant gaming activity in Wisconsin and is the state's largest source of gaming revenue. In 2001, tribal gaming revenue totaled \$970.9 million, and tribal gaming profits totaled \$428.3 million. Under the terms of renegotiated compacts that took effect from 1998 through 2000, tribal revenue from gaming has increased, and the tribes have provided more revenue to the state: in addition to annual payments of \$350,000 to help fund oversight and regulatory activities, they have agreed to pay \$24.0 million in FY 2000-01 and again in FY 2001-02. These payments are to be used for purposes that include economic development initiatives to benefit Native Americans in Wisconsin and tourism marketing.

The Division conducts three types of reviews – compliance audits, financial audits, and inventory reviews – to monitor gaming activities at tribal casinos. However, it has not conducted each type of review for all casinos. For example, the Division has conducted financial audits but not compliance audits at three casinos that account for 27.1 percent of the 14,354 electronic gaming devices operating in Wisconsin in August 2002. Compliance audits determine conformity with compact provisions. We have included recommendations to improve the Division's oversight of Indian gaming and have provided options the Legislature and the Governor may wish to consider for strengthening the Division's regulatory authority.

Declining attendance at Wisconsin's two remaining racetracks has contributed to a decline in racing revenue for the state. Revenue from bingo and crane games has also declined in recent years.

We appreciate the courtesy and cooperation extended to us by the department of Administration's Division of Gaming. The Division's response is Appendix 4.

Sincerely,

JANICE MUELLER
State Auditor

**State of Wisconsin
Legislative Audit Bureau**

December 10, 2002

The Honorable, The Legislature:

We have completed follow-up to our audit of the Wisconsin Works (W-2) program (report 01-7), as first requested by Senator Moore. Specifically, we reviewed the processes used by the Department of Workforce Development and W-2 agencies to sanction W-2 program participants.

We reviewed statewide data on sanctions issued by W-2 agencies and found that the overall rate at which participants are sanctioned has declined from 31.4 percent of the statewide caseload in October 1999 to 20.0 percent in October 2002. However, Milwaukee County W-2 agencies continue to sanction at rates higher than other agencies.

The Department has taken reasonable and appropriate steps to remedy problems associated with the inappropriate sanctioning of W-2 participants. However, a significant number of errors persist. For example, although W-2 agencies identified 614 inappropriately sanctioned cases from September 1997 through March 2001 that resulted in underpayments of \$115,792, we estimate that W-2 agencies made errors in assessing the appropriateness of sanctions imposed for an additional 127 cases, which also resulted in underpayments. Furthermore, we estimate that sanction policy was applied incorrectly without resulting in underpayments for an additional 320 cases. The timeliness of W-2 agency reviews of inappropriate sanctions is also a concern. We found that W-2 agencies had not yet reviewed 168 of the 263 potentially inappropriate sanctions issued since April 2001; half of these were issued before November 2001.

We have included a series of recommendations to address the ongoing problems we identified, including a recommendation for the Department to report to the Joint Legislative Audit Committee by May 1, 2003, on its progress in addressing these concerns.

We appreciate the courtesy and cooperation extended to us by the Department of Workforce Development and W-2 agencies in conducting our review.

Sincerely,

JANICE MUELLER
State Auditor

**State of Wisconsin
State Treasurer**

December 9, 2002

The Honorable, The Senate:

Attached to this letter is the EDVEST College Savings Program Annual Report for the 2001-2002 Fiscal Year. Legislation for the EDVEST program requires the Office of the State Treasurer to annually report to the Governor and the Legislature on the program. This fifth annual report includes summaries of the required actuarial valuation, prepared by Milliman USA, and a program audit prepared by PriceWaterhouseCoopers, LLP as well as discussion of the key development in the program over the past fiscal year.

The most significant event of the year for the program involved the full implementation of state legislation designed specifically to give EDVEST new authority to take advantage of benefits and flexibility currently allowed under federal law.

The legislation provided broader eligibility and coverage for the program, created a new state tax deduction for parents, expanded the number of investment options, eliminated the residency requirement and established protection of eligibility for state financial aid. At the conclusion of a national search, the program contracted with Strong Capital Management of Menomonee Falls, Wisconsin to provide broad administrative services as the EDVEST program manager. A second partnership was developed with American Express, which offers a slightly reconfigured "tomorrow's scholar" version of the program through its financial advisors nationwide.

These program improvements were an immediate success with the public, and as of June 30, we were meeting the college savings needs of nearly 100,000 families nationwide with over \$450 million in assets under management. I'm proud to relate that our success enabled the program to repay its entire start-up loan to the state. All early operating subsidies were also repaid and the program is now entirely self-supporting.

The College Savings Program Board, EDVEST staff and I look forward to continued growth with quality service to participants in this exciting program. If you have any questions regarding the EDVEST Annual Report, please contact Marty Olle at 264-7886.

Sincerely,
JACK C. VOIGHT
State Treasurer

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

December 2, 2002

The Honorable, The Senate:

Attached is the state plan for Emergency Medical Services (EMS) in Wisconsin for the years 2002-2003. This report meets the statutory requirement s. 146.53(2) that the Department shall keep the state plan current and reorder priorities based on recommendations of the EMS Board. The EMS Board agreed early in 2002 that the plan should not be finalized until they had reviewed the EMS Section priorities and reprioritized their own objectives at their annual June planning session. The report summarizes EMS activity on what has been done in the past two years, what is currently in process, and what is planned or being considered for the near future.

The statute also requires a public hearing on a draft of the plan prior to final adoption and submission to the legislature under s. 13.172(2). The public hearing was held October 9, 2002.

Thank you for your attention to this report.

Sincerely,
PHYLLIS J. DUBE
Secretary

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

December 2, 2002

The Honorable, The Senate:

Enclosed is a copy of the Child Abuse and Neglect Report, 2000 & 2001 Data, pursuant to s. 48.981. The report includes a statistical analysis of suspected child abuse and neglect reports received and investigated by county child protective services (CPS) agencies and the state Bureau of Milwaukee Child Welfare in calendar year 2000 and 2001. The report also contains information on child fatalities due to child abuse or neglect.

Sincerely,
PHYLLIS J. DUBE
Secretary

**State of Wisconsin
Ethics Board**

December 10, 2002

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/>

- Clermont, Danielle **Milwaukee Public Schools**
- Kilgore, Kathleen **Wisconsin Retail Lumber Association Inc**
- Kilgore, Kathleen **Outdoor Advertising Association of Wisconsin**
- Kilgore, Kathleen **Wisconsin Free Community Papers**
- Thiel, Christopher **Milwaukee Public Schools**

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**

November 29, 2002

The Honorable, The Senate:

This is to inform you that I am withdrawing the following nominations:

Gene Kussart for appointment as Secretary of the department of Transportation. I nominated Tom Carlsen for this position effective November 21, 2002.

Catherine L. Stepp for appointment to the Natural Resources Board. Senator-elect Stepp resigned from the Board effective November 27, 2002.

Thank you for your attention to these matters.

Sincerely,
SCOTT MCCALLUM
Governor

**State of Wisconsin
Office of the Governor**

November 21, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CARLSEN, TOM, of Madison, as Secretary of the Department of Transportation, to serve for the term ending at the pleasure of the Governor.

Sincerely,
SCOTT MCCALLUM
Governor

Read and referred to committee on **Insurance, Tourism, and Transportation.**

**State of Wisconsin
Office of the Governor**

December 2, 2002

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LADD, DAVID A., of Dodgeville, as

a member of the Natural Resources Board, to serve for the interim term ending May 1, 2005.

Sincerely,

SCOTT MCCALLUM
Governor

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