



STATE OF WISCONSIN

Senate Journal

Ninety–Sixth Regular Session

10:00 A.M.

TUESDAY, April 29, 2003

The Senate met.

The Senate was called to order by Senator Alan Lasee.

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

INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Read and referred:

Senate Resolution 7

Relating to: urging the Wisconsin congressional delegation to work to enact legislation that would reform the current Medicare system and create a funding method that will dispense equal benefits regardless of geography.

By Senators Cowles, Roessler, Brown, Robson, Darling, Schultz, S. Fitzgerald, Lazich, Harsdorf, Jauch, Breske and Wirch.

To committee on **Senate Organization**.

Senate Bill 124

Relating to: the prohibition of certain billing practices for consumer goods or services, lawn care service contracts, granting rule–making authority, and providing penalties.

By Senators Erpenbach, Carpenter, Schultz and Harsdorf; cosponsored by Representatives Jeskewitz, Berceau, Miller, Hahn, M. Lehman, Van Roy, Cullen, Musser, Ladwig, Olsen, Sinicki, Huber, Seratti, Ott, J. Wood, J. Lehman, Gielow, Ainsworth, Plouff, Bies, Townsend, Hines, Gronemus, Balow, Hundertmark, Albers and Gunderson.

To committee on **Labor, Small Business Development and Consumer Affairs**.

Senate Bill 125

Relating to: designating and marking the bridge on STH 13 across the south fork of the Flambeau River in the town of Fifield in Price County as Freedoms Bridge.

By Senators Decker, Wirch and Hansen; cosponsored by Representatives M. Williams, Miller, Hahn, Turner, Wasserman, Townsend, Seratti, Weber, Plouff, Bies, Lassa and Van Roy.

To committee on **Transportation and Information Infrastructure**.

Senate Bill 126

Relating to: product liability of manufacturers, distributors, and sellers.

By Senators Welch, Kanavas, Stepp, Roessler, Reynolds, A. Lasee and Schultz; cosponsored by Representatives Huebsch, Hines, Musser, Nischke, Bies, Ainsworth, Van Roy, Ladwig, Gielow, Albers, Stone, Seratti, Gundrum, Pettis, Grothman,

Weber, McCormick, J. Wood, Vrakas, Petrowski and Hundertmark.

To committee on **Judiciary, Corrections and Privacy**.

Senate Bill 127

Relating to: late payments of property tax installments.

By Senators Leibham, Kanavas and Moore; cosponsored by Representatives Ziegelbauer, Huber, Ainsworth, Balow, Bies, Black, Grothman, F. Lasee, J. Lehman, Musser, Petrowski, Plouff, Seratti, A. Williams, Albers and M. Lehman.

To committee on **Homeland Security, Veterans and Military Affairs and Government Reform**.

Senate Bill 128

Relating to: the disclosure of public library records.

By Senators Leibham, Cowles, Lazich and Roessler; cosponsored by Representatives Albers, Krawczyk, Bies, Friske, Grothman, Gunderson, Hahn, Hines, Jeskewitz, Ladwig, M. Lehman, Nass, Ott, Owens, Petrowski, Seratti, Stone, Townsend, Van Roy and LeMahieu.

To committee on **Judiciary, Corrections and Privacy**.

REPORT OF COMMITTEES

The committee on **Energy and Utilities** reports and recommends:

BRIDGE, BURNIE, of Madison, as a Public Service Commissioner, to serve for the interim term ending March 1, 2003, and for the full term ending March 1, 2009.

Confirmation.

Ayes, 5 – Senators Cowles, Lazich, Leibham, Wirch and M. Meyer.

Noes, 0 – None.

Robert Cowles
Chairperson

The committee on **Environment and Natural Resources** reports and recommends:

Assembly Bill 4

Relating to: determining what constitutes the administration of the Department of Natural Resources when managing the state's fish and wildlife resources.

Concurrence.

Ayes, 4 – Senators Kedzie, Stepp, Zien and Wirch.

Noes, 1 – Senator Risser.

Senate Bill 117

Relating to: prohibiting methyl tertiary-butyl ether in automotive gasoline, providing an exemption from emergency rule procedures, and granting rule-making authority.

Passage.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.
Noes, 0 – None.

Senate Bill 29

Relating to: immunity for the use of solid waste for public projects.

Passage.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.
Noes, 0 – None.

Senate Bill 61

Relating to: environmental compliance audits, environmental management systems, providing incentives for improving environmental performance, providing immunity from civil penalties for certain violations of environmental requirements, access to certain information, granting rule-making authority, and providing a penalty.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.
Noes, 0 – None.

Passage as amended.

Ayes, 3 – Senators Kedzie, Stepp and Zien.
Noes, 2 – Senators Risser and Wirch.

Neal Kedzie
Chairperson

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

FRAZIER, J C, of Milwaukee, as a member of the Funeral Director's Examining Board, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 8 – Senators Roessler, Kanavas, Brown, Welch, Schultz, Robson, Jauch and Carpenter.
Noes, 0 – None.

HAMBERGER, L. KEVIN, of Franklin, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2005.

Confirmation.

Ayes, 8 – Senators Roessler, Kanavas, Brown, Welch, Schultz, Robson, Jauch and Carpenter.
Noes, 0 – None.

HEINZ, GERI A., of Wausau, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 8 – Senators Roessler, Kanavas, Brown, Welch, Schultz, Robson, Jauch and Carpenter.
Noes, 0 – None.

KAUFMANN, MARILYN A., of Cleveland, as a member of the Board of Nursing, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 8 – Senators Roessler, Kanavas, Brown, Welch, Schultz, Robson, Jauch and Carpenter.

Noes, 0 – None.

PETERS, ALMA, of Mequon, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 8 – Senators Roessler, Kanavas, Brown, Welch, Schultz, Robson, Jauch and Carpenter.

Noes, 0 – None.

RODRIGUEZ, MARIANA, of Milwaukee, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2005.

Confirmation.

Ayes, 8 – Senators Roessler, Kanavas, Brown, Welch, Schultz, Robson, Jauch and Carpenter.

Noes, 0 – None.

SELDIN, BARBARA, of Neenah, as a member of the Psychology Examining Board, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 8 – Senators Roessler, Kanavas, Brown, Welch, Schultz, Robson, Jauch and Carpenter.

Noes, 0 – None.

Carol Roessler
Chairperson

The committee on **Transportation and Information Infrastructure** reports and recommends:

BUSALACCHI, FRANK, of Brookfield, as Secretary of the Department of Transportation, to serve for the term ending at the pleasure of the Governor.

Confirmation.

Ayes, 5 – Senators Leibham, Kanavas, Kedzie, Breske and M. Meyer.

Noes, 0 – None.

Joseph Leibham
Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin

April 24, 2003

The Honorable, The Senate:

Pursuant to Senate Rule 20(2)(a) and (b) I have appointed Senator Kedzie to the Joint Committee on Finance and removed Senator Leibham.

With regards to members of the minority party, appointments are made based on the nominations of that caucus.

Sincerely,

SENATOR MARY PANZER
Senate Majority Leader

**State of Wisconsin
Department of Administration**

April 22, 2003

The Honorable, The Senate:

Please find enclosed a copy of the State of Wisconsin 2003 Consolidated Annual Plan to address housing and community development needs for the state. The plan was developed by the Department of Administration, Division of Housing and Intergovernmental Relations, and the Department of Commerce and is submitted annually to the U.S. Department of Housing and Urban Development (HUD).

Wisconsin State Statute 16.31(4) requires the Department to submit a copy of the state housing strategy plan to the Governor and the Chief Clerk of each house before October 1 of each year.

If you have any questions regarding the plan, please contact Marty Evanson, Director, Bureau of Housing, at (608) 267-2713.

Sincerely,

PATRICK J. FARLEY, Administrator
Division of Housing and Intergovernmental Relations

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

April 25, 2003

The Honorable, The Senate:

The Bureau of Health Information, Department of Health and Family Services, is pleased to submit to the Governor and the Legislature the *Health Care Data Report, 2001*. The data for this report were collected under section 153.05, Wisconsin Statutes, and are published as authorized by the requirements of section 120.20, Wisconsin Administrative Code.

This report is based on data reported quarterly to the Bureau of Health Information by all operating general medical-surgical and specialty hospitals and Medicare-certified, freestanding and ambulatory surgery centers in Wisconsin. It presents a summary of data on utilization and charges at those facilities in 2001.

Sincerely,

HELENE NELSON
Secretary

**State of Wisconsin
University of Wisconsin System**

April 22, 2003

The Honorable, The Legislature:

At its meeting April 11, 2003 the Board of Regents accepted the attached report for submission to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172(3).

The law requires UW System institutions to incorporate into their orientation programs for newly entering students oral and written information on sexual assault and sexual harassment, including information on: (1) sexual assault by acquaintances of the victims; (2) the legal definitions and penalties for sexual assault; (3) generally available national, state, and campus statistics on sexual assault; (4) the rights of victims; and (5) protective behaviors including methods of recognizing and avoiding sexual assault and sexual harassment. In addition, each institution must annually supply to all students enrolled in the institution printed material that includes information on all of these topics. This law was enacted in April 1990 and this is the thirteenth report to be compiled for the legislature since its enactment.

If you need additional information regarding this report, please contact Janice Sheppard at jsheppard@uwsa.edu or 608-262-5563.

Sincerely,

KATHARINE C. LYALL
President

Referred to committee on **Higher Education and Tourism**.

**State of Wisconsin
Legislative Audit Bureau**

April 29, 2003

The Honorable, The Legislature:

As required by **1999 Wisconsin Act 9**, we have completed an evaluation of the Wisconsin Center for the Blind and Visually Impaired, which is a statewide educational resource for

students with visual impairments and for their parents and teachers. Act 9 created the Center and directed it to continue to operate the Wisconsin School for the Visually Handicapped, which is a residential school in Janesville; to offer youth and adult summer programs; and to provide outreach services to school districts statewide. In fiscal year (FY) 2001-02, the Center spent \$7.1 million and had 95.1 authorized full-time equivalent staff positions. Outreach activities accounted for \$1.4 million, or 19.7 percent, of expenditures in FY 2001-02.

Enrollment in the residential school increased from 62 students in the 1997-98 school year to 84 students in the 2001-02 school year; however, most students with visual impairments attend local school districts. Increasing short-term residential school enrollments is one of the Center's goals, but only 3.6 percent of students attended the residential school for 36 days or less in 2001-02.

The Center has made a number of the programmatic changes that were included in a May 2000 transition plan for implementing the provisions of Act 9, and it plans to make more. However, it does not expect to implement all of the plan's objectives, because the needs of students and educators have changed since the plan was developed. We include recommendations to assist the residential school in meeting its goal of providing more short-term enrollments and to make the Center's oversight of summer programs more effective. We also include a recommendation for the Center to provide the Joint Legislative Audit Committee with a strategic plan that sets program priorities and established quantitative measures by which progress can be assessed.

We appreciate the courtesy and cooperation extended to us by the Department of Public Instruction. Its response follows the appendix.

Sincerely,

JANICE MUELLER
State Auditor

State of Wisconsin

April 29, 2003

The Honorable, The Senate:

Pursuant to Senate Rule **20(2)(a)** and **(b)** I have appointed Senator Fitzgerald to the Joint Committee on Finance and removed Senator Kedzie.

With regards to members of the minority party, appointments are made based on the nominations of that caucus.

Sincerely,

SENATOR MARY PANZER
Senate Majority Leader

**State of Wisconsin
Ethics Board**

April 29, 2003

To 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>

Carey, Ray	Johnson Diversey
Eisenberg, Alan D	Share the Earth
Essie, Patrick	MAXIMUS Inc
Fitzgerald, Moira E	Bell Ambulance
Kammer, Peter	MAXIMUS Inc
Kerksick, Julie	New Hope Project, The
LaFreniere, Karin	Share the Earth

Lucksinger, Barbara **La Causa Inc**
Medeiros, Anne **Community Alliance of Providers of
Wisconsin (CAPOW)**
Rosen, Brian S **Purdue Pharma LP**
Sumi, Gail **AARP**

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
Director

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

Senate Clearinghouse Rule 03-024

Relating to the expenditure limitation for dentures under the health care aid grant program.

Submitted by Department of Veterans Affairs.

Report received from Agency, April 23, 2003.

Referred to committee on **Homeland Security, Veterans and Military Affairs and Government Reform**, April 29, 2003.

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

Senate Clearinghouse Rule 02-150

Relating to notarized photographs.

No action taken.

Senate Clearinghouse Rule 03-005

Relating to admission requirements for all required professional examinations.

No action taken.

Carol Roessler
Chairperson

ADJOURNMENT

Senator A. Lasee, with unanimous consent, asked that the Senate adjourn until Thursday, May 1.

Adjourned.

10:01 A.M.

**LEGISLATIVE REFERENCE BUREAU
CORRECTIONS**

CORRECTIONS IN:

2003 ASSEMBLY BILL 119

Prepared by the Legislative Reference Bureau

(April 25, 2003)

1. Page 5, line 20: delete “, as affected”.