

STATE OF WISCONSIN
Senate Journal
Ninety–Sixth Regular Session

WEDNESDAY, September 17, 2003

CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated **September 12, 2003** :

Read first time and referred:

Senate Bill 246

Relating to: periods in which state agencies will act on certain applications, approval of certain applications, refunds of fees, and granting rule–making authority.

By Senators Stepp, Harsdorf, Kanavas, Leibham, Kedzie, Risser, Darling, Zien, Brown, Reynolds and Lazich; cosponsored by Representatives Montgomery, Jensen, Ladwig, McCormick, Nischke, Gunderson, Suder, Kaufert, Huebsch, Hundertmark, J. Wood, Grothman, M. Williams, Albers, Ainsworth, Olsen, Owens, Hahn and Musser.

To select committee on **Job Creation**.

The Chief Clerk makes the following entries dated **September 15, 2003** :

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

ARNOLD, EVA, of Beloit, as a member of the Board on Aging and Long Term Care, to serve for the term ending May 1, 2007.

Confirmation.

Ayes, 9 – Senators Roessler, Kanavas, Brown, Welch, Schultz, Robson, Chvala, Jauch and Carpenter.

Noes, 0 – None.

BOYLE, PATRICK, of Madison, as a member of the University of Wisconsin Hospital and Clinics Authority, to serve for the term sending July 1, 2005.

Confirmation.

Ayes, 9 – Senators Roessler, Kanavas, Brown, Welch, Schultz, Robson, Chvala, Jauch and Carpenter.

Noes, 0 – None.

BRUCE, LINDA C., of Superior, as a member of the Wisconsin Health and Educational Facilities Authority, to serve for the term ending June 30, 2008.

Confirmation.

Ayes, 9 – Senators Roessler, Kanavas, Brown, Welch, Schultz, Robson, Chvala, Jauch and Carpenter.

Noes, 0 – None.

CALAWAY, TONIT, of Milwaukee, as a member of the Wisconsin Health and Educational Facilities Authority, to serve for the term ending June 30, 2010.

Confirmation.

Ayes, 9 – Senators Roessler, Kanavas, Brown, Welch, Schultz, Robson, Chvala, Jauch and Carpenter.

Noes, 0 – None.

FINDER–STONE, PATRICIA A., of De Pere, as a member of the Board on Aging and Long Term Care, to serve for the term ending May 1, 2007.

Confirmation.

Ayes, 9 – Senators Roessler, Kanavas, Brown, Welch, Schultz, Robson, Chvala, Jauch and Carpenter.

Noes, 0 – None.

LOCKHART, DR. JACK M., of La Crosse, as a member of the Medical Examining Board, to serve for the term ending July 1, 2005.

Confirmation.

Ayes, 9 – Senators Roessler, Kanavas, Brown, Welch, Schultz, Robson, Chvala, Jauch and Carpenter.

Noes, 0 – None.

MUNRO, IAN, of Green Bay, as a member of the Medical Examining Board, to serve for the term ending July 1, 2007.

Confirmation.

Ayes, 9 – Senators Roessler, Kanavas, Brown, Welch, Schultz, Robson, Chvala, Jauch and Carpenter.

Noes, 0 – None.

ROPSON, BLAINE J., of Milwaukee, as a member of the Board of Nursing, to serve for the term ending July 1, 2007.

Confirmation.

Ayes, 9 – Senators Roessler, Kanavas, Brown, Welch, Schultz, Robson, Chvala, Jauch and Carpenter.

Noes, 0 – None.

SMITH, LLOYD M., of Janesville, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 9 – Senators Roessler, Kanavas, Brown, Welch, Schultz, Robson, Chvala, Jauch and Carpenter.

Noes, 0 – None.

Senate Bill 192

Relating to: tribal administration of rehabilitation reviews for persons who otherwise may not operate, be employed at, contract with, or reside at an entity that provides care for children or adults and granting rule–making authority.

Passage.

Ayes, 9 – Senators Roessler, Kanavas, Brown, Welch, Schultz, Robson, Chvala, Jauch and Carpenter.

Noes, 0 – None.

Senate Bill 230

Relating to: authorizing an employee of a school district, cooperative educational service agency, charter school, private school, the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, the Wisconsin Center for the Blind and Visually Impaired, or a social worker to subject an individual's blood to a test for the presence of the virus that causes acquired immunodeficiency syndrome.

Passage.

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

Noes, 1 – Senator Carpenter.

Senate Bill 71

Relating to: treatment of prescription drug costs, diagnostic testing, and payments under mandated insurance coverage of treatment for nervous and mental disorders and alcoholism and other drug abuse problems, and granting rule-making authority.

Passage.

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

Noes, 1 – Senator Welch.

Senate Bill 72

Relating to: increasing the limits for insurance coverage of nervous or mental health disorders or alcoholism or other drug abuse problems.

Passage.

Ayes, 5 – Senators Roessler, Robson, Chvala, Jauch and Carpenter.

Noes, 4 – Senators Kanavas, Brown, Welch and Schultz.

Carol Roessler
Chairperson

The committee on **Higher Education and Tourism** reports and recommends:

Assembly Bill 204

Relating to: capital expenditures by technical college district boards for applied technology centers.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Harsdorf, Schultz, Cowles, Breske and Chvala.

Noes, 0 – None.

Concurrence as amended.

Ayes, 5 – Senators Harsdorf, Schultz, Cowles, Breske and Chvala.

Noes, 0 – None.

Senate Bill 201

Relating to: the historic sites operated by the State Historical Society of Wisconsin, the purposes for which the State Historical Society of Wisconsin may contract with the Wisconsin Historical Foundation, Inc., or any other nonprofit corporation, and making an appropriation.

Passage.

Ayes, 5 – Senators Harsdorf, Schultz, Cowles, Breske and Chvala.

Noes, 0 – None.

Senate Bill 212

Relating to: capital expenditures by technical college district boards for applied technology centers.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Harsdorf, Schultz, Cowles, Breske and Chvala.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Harsdorf, Schultz, Cowles, Breske and Chvala.

Noes, 0 – None.

Senate Bill 85

Relating to: appointment of members of the Board of Regents of the University of Wisconsin System.

Adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Harsdorf, Schultz, Cowles, Breske and Chvala.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Harsdorf, Schultz, Cowles, Breske and Chvala.

Noes, 0 – None.

Sheila Harsdorf
Chairperson

The committee on **Judiciary, Corrections and Privacy** reports and recommends:

Senate Bill 224

Relating to: operating a vehicle or operating or going armed with a firearm after using certain controlled substances and providing penalties.

Passage.

Ayes, 5 – Senators Zien, S. Fitzgerald, Stepp, George and Carpenter.

Noes, 0 – None.

David Zien
Chairperson

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

INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Read and referred:

Senate Resolution 14

Relating to: commending the Japan External Trade Organization.

By Senators Welch, Kedzie, Roessler and Jauch.

To committee on **Senate Organization**.

Senate Joint Resolution 42

Relating to: commending and congratulating Eugene Gilbert for his inspiring dedication to the betterment of the City of Milwaukee and our international community as president of Milwaukee Turners, Inc.

By Senators Darling and Lazich; cosponsored by Representatives Wasserman, Krug, Ladwig, Hahn, McCormick and Zepnick.

To committee on **Senate Organization**.

Senate Bill 247

Relating to: providing certain orientation information for University of Wisconsin System students electronically.

By Senators Harsdorf, Kanavas, Schultz, Roessler and Reynolds; cosponsored by Representatives Jeskewitz, Gronemus, Kerkman, Ladwig, Weber, Albers, Kreibich, Hines, Olsen, Rhoades, Bies, Gottlieb, Gunderson, Krawczyk, Taylor, F. Lasee, Van Roy, Cullen, Owens, Seratti, Hundertmark and Hahn.

To committee on **Higher Education and Tourism**.

Senate Bill 248

Relating to: the method of calculating technology zone tax credits and the certification of businesses under the technology zone program.

By Senators Harsdorf, Lassa, Zien, Jauch, Schultz, Kanavas, Stepp, Wirch and Roessler; cosponsored by Representatives Suder, Nass, Vruwink, Hahn, Pettis, Albers, Friske, Seratti, Towns, McCormick, Hines, Jensen, Ainsworth, Townsend, Krawczyk and Petrowski.

To select committee on **Job Creation**.

Senate Bill 249

Relating to: certified capital investment limitations, qualified business requirements, creating a certified capital company income and franchise tax credit for insurers, certified capital company office, qualified distributions of certified capital companies, certified capital company net worth, certified capital company investment reporting requirements, treatment of qualified investments that become nonqualified, permitted nonqualified investments, reviews of certified capital company financial statements, requesting a performance audit, and requiring the exercise of rule-making authority.

By Senators Kanavas, Moore, Stepp, Leibham, Darling, Erpenbach, M. Meyer, Robson, Lazich, Harsdorf, Brown, Kedzie, Jauch, Lassa, Plale, Wirch, Hansen and Roessler; cosponsored by Representatives Ward, McCormick, Nischke, Turner, Berceau, Jensen, Vrakas, Huebsch, Ladwig, Staskunas, Albers, M. Lehman, Towns, Hines, J. Fitzgerald, Hahn, Plouff, Ott, Gunderson, Jeskewitz, Musser, Taylor, Gronemus, Richards, Gielow, Poca, Cogs and Krug.

To select committee on **Job Creation**.

Senate Bill 250

Relating to: construction and operation of a Hmong cultural center, granting bonding authority, and making appropriations.

By Senators Welch, George, Kanavas and Schultz; cosponsored by Representatives Freese, Kestell, Musser and Cogs.

To joint committee on **Finance**.

Senate Bill 251

Relating to: grants for Southeast Asian recreation programs, and compulsive gambling assistance and making appropriations.

By Senators Welch, George, Kanavas and Schultz; cosponsored by Representatives Freese and Kestell.

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

Senate Bill 252

Relating to: Joint Committee on Finance review of stewardship acquisitions.

By Senators Darling, S. Fitzgerald, Kanavas, Schultz, Harsdorf, Lazich, Welch, Zien, Roessler and Stepp; cosponsored by Representatives Kaufert, Gard, Albers, Ainsworth, Hahn, Huebsch, Hundertmark, M. Lehman,

LeMahieu, McCormick, D. Meyer, Musser, Nass, Olsen, Owens, Rhoades, Seratti, Suder, Towns, Ward, Hines, Stone, F. Lasee, Lothian, Vrakas and M. Williams.

To joint committee on **Finance**.

Senate Bill 253

Relating to: independent charter schools established by University of Wisconsin institutions and college campuses.

By Senators Darling, Stepp, Reynolds, Kanavas and Lazich; cosponsored by Representatives Jensen, Ziegelbauer, Vrakas, Nass, Ladwig, McCormick, Towns, Stone, Gielow, Van Roy and Weber.

To committee on **Higher Education and Tourism**.

Senate Bill 254

Relating to: a sales tax and use tax exemption for Internet access services.

By Senators Leibham, Kedzie, Kanavas, A. Lasee, Roessler and Reynolds; cosponsored by Representatives Jensen, Ziegelbauer, Pettis, Huebsch, Gunderson, Suder, Owens, Ladwig, Stone, Hines, J. Wood, McCormick, Vrakas, Nass, Nischke and Kreibich.

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

REPORT OF COMMITTEES

The committee on **Education, Ethics and Elections** reports and recommends:

Assembly Bill 119

Relating to: reporting of information by nonresident registrants under the campaign finance law.

Concurrence.

Ayes, 7 – Senators Ellis, S. Fitzgerald, Reynolds, Stepp, Jauch, Robson and Hansen.

Noes, 0 – None.

Assembly Bill 120

Relating to: notice regarding ineligibility to vote.

Introduction and adoption of Senate Amendment 1.

Ayes, 7 – Senators Ellis, S. Fitzgerald, Reynolds, Stepp, Jauch, Robson and Hansen.

Noes, 0 – None.

Concurrence as amended.

Ayes, 7 – Senators Ellis, S. Fitzgerald, Reynolds, Stepp, Jauch, Robson and Hansen.

Noes, 0 – None.

Assembly Bill 121

Relating to: recruitment, training, certification, and compensation of election officials.

Concurrence.

Ayes, 7 – Senators Ellis, S. Fitzgerald, Reynolds, Stepp, Jauch, Robson and Hansen.

Noes, 0 – None.

Assembly Bill 126

Relating to: directing the Legislative Audit Bureau to administer a study of the Milwaukee Parental Choice Program.

Adoption of Senate Amendment 1.

Ayes, 3 – Senators Jauch, Robson and Hansen.

Noes, 4 – Senators Ellis, S. Fitzgerald, Reynolds and Stepp.

Adoption of Senate Amendment 2.

Ayes, 3 – Senators Jauch, Robson and Hansen.

Noes, 4 – Senators Ellis, S. Fitzgerald, Reynolds and Stepp.

Concurrence.

Ayes, 4 – Senators Ellis, S. Fitzgerald, Reynolds and Stepp.

Noes, 3 – Senators Jauch, Robson and Hansen.

Assembly Bill 141

Relating to: the eligibility of employees of cities, villages, towns, and counties to be candidates for elective public office.

Concurrence.

Ayes, 6 – Senators Ellis, S. Fitzgerald, Stepp, Jauch, Robson and Hansen.

Noes, 1 – Senator Reynolds.

Assembly Bill 175

Relating to: mailing, transmittal, and witnessing of absentee ballots.

Concurrence.

Ayes, 7 – Senators Ellis, S. Fitzgerald, Reynolds, Stepp, Jauch, Robson and Hansen.

Noes, 0 – None.

Assembly Bill 79

Relating to: authorizing the Wisconsin Health and Educational Facilities Authority to issue bonds to finance a project undertaken for a facility used for education by a private, tax-exempt institution.

Concurrence.

Ayes, 7 – Senators Ellis, S. Fitzgerald, Reynolds, Stepp, Jauch, Robson and Hansen.

Noes, 0 – None.

Senate Bill 219

Relating to: eligibility for participation in the Milwaukee Parental Choice Program.

Passage.

Ayes, 4 – Senators Ellis, S. Fitzgerald, Reynolds and Stepp.

Noes, 3 – Senators Jauch, Robson and Hansen.

Senate Bill 220

Relating to: charter schools located in a 1st class city school district.

Passage.

Ayes, 4 – Senators Ellis, S. Fitzgerald, Reynolds and Stepp.

Noes, 3 – Senators Jauch, Robson and Hansen.

Senate Bill 81

Relating to: residency of certain election officials.

Passage.

Ayes, 7 – Senators Ellis, S. Fitzgerald, Reynolds, Stepp, Jauch, Robson and Hansen.

Noes, 0 – None.

Michael Ellis
Chairperson

The select committee on **Job Creation** reports and recommends:

Senate Bill 246

Relating to: periods in which state agencies will act on certain applications, approval of certain applications, refunds of fees, and granting rule-making authority.

Passage.

Ayes, 3 – Senators Kanavas, Stepp and Leibham.

Noes, 2 – Senators Chvala and Jauch.

Ted Kanavas
Senate Co-Chairperson
Cathy Stepp
Senate Co-Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin

Department of Health and Family Services

July 31, 2003

The Honorable, The Senate:

As required by s. 253.115 of the Wisconsin Statutes, I am enclosing the Department's annual report on the status of Universal Newborn Hearing Screening in Wisconsin. We are pleased to report that in 2002 Wisconsin hospitals have met the legislative criteria. By hospital report, 99.5% of all Wisconsin babies were born in hospitals with a universal newborn hearing screening program in 2002.

Sincerely,

HELENE NELSON
Secretary

State of Wisconsin

Department of Health and Family Services

September 9, 2003

The Honorable, The Senate:

In accordance with section 1.11(2)(j) Wis. Stats., the Department of Health and Family Services reports that it conducted one Environmental Assessment during the reporting period of July 1, 2002, through June 30, 2003.

The Environmental Assessment was done for the project to construct a **new Administration and Armory Building at the Wisconsin Resources Center in Winnebago, WI**. It was determined that the construction on this building does not have a significant negative effort on the environment

Sincerely,

HELENE NELSON
Secretary

State of Wisconsin

Department of Natural Resources

September 10, 2003

The Honorable, The Legislature:

We at the Department of Natural Resources are pleased to provide you with a copy of our annual Wisconsin Environmental Policy Act (WEPA) report. In fulfillment of Section 1.11 (2)(j) of the state statutes, this document provides information on the numbers of environmental assessments (EAs) and environmental impact statements (EIS) completed by the Department in the past fiscal year.

Questions about the report can be directed to James Pardee, of the Environmental Analysis and Liaison Section, Bureau of Integrated Science Services, telephone 6-0426.

Sincerely,

GEORGE H. ALBRIGHT
Chief Environmental Analysis and Liaison Section
Bureau of Integrated Science Services

State of Wisconsin

Public Service Commission

September 9, 2003

The Honorable, The Legislature:

Enclosed is a copy of the annual report the Public Service Commission (Commission) shall submit to the legislature as provided for in Wis. Stat. s. 1.11 (2)(j). It reports on the number and type of proposed actions requiring the preparation of an environmental assessment or an environmental impact statement by the Commission between July 1, 2002 and June 20, 2003.

If you have any questions on this report, please contact our Environmental Review Coordinator, Kathleen Zuelsdorff, at (608) 266-2730.

Sincerely,
BURNEATTA BRIDGE
Chairperson

**State of Wisconsin
Legislative Audit Bureau**

September 11, 2003

The Honorable, The Legislature:

We are required by s. 13.94(1)(dm), Wis. Stats., to conduct an annual financial audit of State Fair Park. Because State Fair Park staff have been unable to compile complete and accurate financial information, financial statements for fiscal year (FY) 2001-02 are not yet available for us to audit. We believe complete financial statements for FY 2001-02 and FY 2002-03 will be available in 2004, at which time we expect to render an opinion.

Based on financial data we were able to gather, we found that State Fair Park's financial condition continues to deteriorate. In FY 2002-03, total expenses exceeded revenues by \$4.5 million. As a result, State Fair Park for the first time in recent history reported a cash deficit as of June 30, 2003.

Three private entities – the contractor that until recently promoted and sponsored events at the newly renovated Milwaukee Mile racetrack; the not-for-profit State Fair Park Exposition Center, Inc., which manages the new \$37.8 million Wisconsin Exposition Center; and the Pettit National Ice Center – have contributed to State Fair Park's deteriorating financial condition. In every case, overly optimistic financial projections that were used to support either new construction or renovation have not been achieved. Further, State Fair Park incurred a net loss of over \$341,700 in Milwaukee Mile racing revenue in 2002 and spent an additional \$250,000 to terminate its agreement with the racing contractor just two days before the start of the 2003 racing season. Negotiated agreements that favor the Exposition Center at the expense of State Fair Park have resulted in reduced revenue and significant maintenance and other costs, and the Pettit Center owed State Fair Park nearly \$1.3 million in delinquent rent payments as of June 2003.

State Fair Park's ability to meet its debt service obligations will be limited if program revenues do not increase. As the State Fair Park Board, the Legislature, and the Governor consider the future of State Fair Park, they may wish to address our recommendations for improving its financial operations, its management structure, and its relationships with private entities.

We appreciate the courtesy and cooperation extended to us by the staff of State Fair Park. A response from State Fair Park's chief executive officer follows the appendices.

Sincerely,
JANICE MUELLER
State Auditor

**State of Wisconsin
Ethics Board**

September 16, 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>

- Bird, LuAnn **League of Women Voters of Wisconsin Inc**
- Boies, Cathy **Customers First! Coalition**
- Broydrick, William **Enhanced Capital Partners LLC**
- Elverman, Timothy J **Enhanced Capital Partners LLC**
- Fitzgerald, Moira E **Enhanced Capital Partners LLC**
- Rezin, Kathleen **America Online 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,
R. ROTH JUDD
Director

ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin
Office of the Governor**

September 3, 2003

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LEVIN, LLOYD, of Milwaukee, as a member of the Real Estate Board, to serve for the term ending July 1, 2007.

Sincerely,
JIM DOYLE
Governor

Read and referred to committee on **Economic Development, Job Creation and Housing.**
**State of Wisconsin
Office of the Governor**

September 4, 2003

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SULLIVAN, KATHLEEN L., of Madison, as a member of the Board of Nursing, to serve for the term ending July 1, 2007.

Sincerely,
JIM DOYLE
Governor

Read and referred to committee on **Health, Children, Families, Aging and Long Term Care.**

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

Senate Clearinghouse Rule 03–011

Relating to petroleum products.

Submitted by Department of Commerce.

Report received from Agency, September 16, 2003.

Referred to committee on **Economic Development, Job Creation and Housing**, September 17, 2003.

Senate Clearinghouse Rule 03-020

Relating to the licensing of physical therapists and physical therapist assistants, as well as continuing education requirements.

Submitted by Department of Regulation and Licensing.

Report received from Agency, September 15, 2003.

Referred to committee on **Health, Children, Families, Aging and Long Term Care**, September 17, 2003.

Senate Clearinghouse Rule 03-072

Relating to accepting examinations from the Medical Council of Canada.

Submitted by Department of Regulation and Licensing.

Report received from Agency, September 15, 2003.

Referred to committee on **Health, Children, Families, Aging and Long Term Care**, September 17, 2003.

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

Senate Clearinghouse Rule 02-152

Relating to consulting physicians and changing "athletic trainer" with "licensee."

No action taken.

Senate Clearinghouse Rule 03-033

Relating to miscellaneous amendments to a variety of Wisconsin Administrative Code chapters..administered by the Department of Health and Family Services

No action taken.

Senate Clearinghouse Rule 03-048

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

No action taken.

Carol Roessler
Chairperson

AMENDMENTS OFFERED

Senate amendment 1 to **Assembly Bill 126** offered by Senator Robson.

Senate amendment 2 to **Assembly Bill 126** offered by Senator Robson.

Senate amendment 1 to **Assembly Bill 175** offered by Senator Robson.