



STATE OF WISCONSIN

Senate Journal

Ninety–Sixth Regular Session

10:00 A.M.

THURSDAY, October 2, 2003

The Senate met.

The Senate was called to order by Senator Tim Carpenter.

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 Bill 267

Relating to: the Uniform Sales and Use Tax Administration Act, granting rule-making authority, making an appropriation, and providing a penalty.

By Senators Brown, Jauch, Roessler, Erpenbach, Chvala and Schultz; cosponsored by Representatives M. Lehman, W. Wood, Jeskewitz, Musser, Ainsworth, Olsen, Miller, Van Roy, Bies, J. Lehman, Kaufert, Gielow, Richards, Montgomery, Pettis, Hahn, Krawczyk, Ziegelbauer, McCormick and Schooff.

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

Pursuant to Senate Rule 36(2)(c) and section 13.52(6), Wisconsin Statutes, the Co-Chairs of the Joint Survey Committee on Tax Exemptions shall prepare and submit a report in writing setting forth an opinion on the desirability of **Senate Bill 267**, relating to the Uniform Sales and Use Tax Administration Act, granting rule-making authority, making an appropriation and providing a penalty.

Senate Bill 268

Relating to: an education tax credit for businesses.

By Senators Darling, Leibham, Moore, Schultz, Reynolds, M. Meyer, Stepp, Brown, Roessler and Kanavas; cosponsored by Representatives Jensen, Pettis, Nischke, Suder, Musser, Towns, Krawczyk, McCormick, Van Roy, Bies, Olsen, Hahn, Ott, J. Wood, Gronemus, Hines, Ladwig, Freese, Owens, LeMahieu, Albers, Vrakas and Ward.

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

Senate Bill 269

Relating to: disclosure requirement for coverage of long-term care.

By Senators Leibham, Roessler, Lassa, Moore and S. Fitzgerald; cosponsored by Representatives Ladwig, Musser, Hahn, Krawczyk, Ott, F. Lasee, Bies, Pettis, Owens, Petrowski, Van Roy, McCormick, Albers, Hines, Gunderson and Nischke.

To committee on **Agriculture, Financial Institutions and Insurance.**

PETITIONS AND COMMUNICATIONS

THE STATE OF WISCONSIN OFFICE OF THE GOVERNOR

EXECUTIVE ORDER #25

Relating to the Creation of The Governor's Task Force on Energy Efficiency and Renewables

WHEREAS, supplying reliable electric energy at reasonable rates with as little impact on the environment as practicable is a key to fueling Wisconsin's economic development; and

WHEREAS, at a time when Wisconsin needs to build additional generation and transmission facilities, energy conservation and renewable resources are equally important components to a sound energy policy because by increasing electric efficiency and renewable energy sources Wisconsin can reduce the need to build power plants and transmission lines, while reducing emissions and limiting impacts to our air, water and land; and

WHEREAS, Wisconsin's energy priority statute lists cost-effective and technically feasible energy efficiency and renewable energy alternatives as the top two priorities guiding Wisconsin's energy policy decisions; and

WHEREAS, Wisconsin has a proud tradition as a national leader in energy conservation and generating electricity from renewable energy sources with programs like time-of-day rates and utility conservation escrows, progressive institutions such as the Wisconsin Energy Conservation Corporation and as one of 16 states with a renewable portfolio standard; and

WHEREAS, efficient use of energy has been proven to reduce reliance on fossil fuels, which Wisconsin pays over \$6 billion to import into the state each year, and energy efficiency efforts also lower ratepayers' electric and heating bills; and

WHEREAS, the cost of wind power has decreased substantially and Wisconsin is rich in renewable energy fuel sources like biomass, making it the time to develop these renewable resources and other cutting-edge renewable energy technologies.

NOW, THEREFORE, I, JIM DOYLE, Governor of the State of Wisconsin by the authority vested in me by the Constitution and Laws of this State, and specifically by Wis. Stat. s. 14.019, do hereby:

1. Create the Governor's Task Force on Energy Efficiency and Renewables (the "Task Force"); and
2. Provide that the Task Force shall consist of members who are leaders from the energy sector with experience and expertise in the energy field, appointed by the Governor to serve at the pleasure of the Governor; and
3. Provide that the Governor shall designate one member of the Task Force as chairperson to serve in that capacity at the pleasure of the Governor; and

4. Provide that the Task Force shall have the following mission:

To advise the Governor on creative, consensus policy options and practical business initiatives to restore Wisconsin as a leader in energy efficiency and renewable energy sources, relying upon cooperation among the stakeholders in the energy industry with the goal of reducing Wisconsin's dependence on out-of-state energy and helping to save ratepayers money; and

5. Require the Task Force to provide ongoing reports to the Public Service Commission Chairperson; and

6. Direct the Department of Administration, the Public Service Commission, and other state agencies to assist the Task Force with administrative and support services; and

7. Direct the Department of Administration to provide the Task Force with such sums of money as are necessary for travel and operating expenses in accordance with Wis. Stats. s. 20.505(4)(ba); and

8. Provide that the Task Force shall dissolve when the Governor accepts the Task Force's final report.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this thirtieth day of September in the year two thousand and three.

JIM DOYLE
Governor

BY THE GOVERNOR:

DOUGLAS LA FOLLETTE
Secretary of State

**THE STATE OF WISCONSIN
OFFICE OF THE GOVERNOR**

EXECUTIVE ORDER #26

Relating to the Establishment of an Employee Assistance Program

WHEREAS, the economy of this state and nation is vitally dependent upon the health, the stability, and the productivity of its human resources; and

WHEREAS, it is recognized that personal problems and illnesses such as alcohol and other drug abuse and dependency, depression, separation and divorce, work-related stress, and family stress can affect the productivity of our work force, causing economic and human losses in industry and in government; and

WHEREAS, it has been demonstrated both nationally and in Wisconsin that the employer, the employee, the employee's family, and unions, where present, benefit substantially when help is provided as early as possible through a confidential Employee Assistance Program to help employees and their family sort out problems, to identify and assist with referral to appropriate community resources, and to offer programs that encourage wellness; and

WHEREAS, the State of Wisconsin as an employer seeks by its example to encourage all other employers in the state to establish similarly appropriate means designed to maximize and conserve the human and economic resources of our state;

NOW, THEREFORE, I, JIM DOYLE, Governor of the State of Wisconsin by the authority vested in me by the Constitution and Laws of this State, and specifically by Wis. Stat. s. 14.019, do hereby direct that:

1. An Employee Assistance Program ("EAP") be established and maintained in every department and independent agency in state government, and in every

institution in the University of Wisconsin System, under the direction of the Office of State Employment Relations ("the Office"), which shall; and

- a. Establish minimum program standards;
- b. Identify and recommend agency program adjustments as necessary; and
- c. Provide consultation to, and coordinate the provision of training for, statewide EAP personnel;

2. The head of every department, independent agency and institution in the university system, and their officers and employees, shall cooperate with the Office by:

a. Establishing and maintaining an EAP that provides for and ensures:

. The opportunity for self-help to employees who voluntarily seek it;

Assistance to supervisors whose employees' work performance may be impaired by personal problems and illnesses;

The confidentiality of all information shared during an EAP contact, except when a proper release of information has been signed or pursuant to general EAP principles and standards; and

Equal access to services for all employees, supervisors and managers.

b. Appointing or designating a program director to lead and direct the operation and maintenance of the EAP;

c. Establishing an employee assistance committee or other mechanism to assist in developing, maintaining and evaluating the EAP;

d. Providing education and ongoing training for the EAP Director, supervisors, managers, union representatives and others with defined roles in the program on the operation and utilization of the EAP;

e. Establishing procedures that conform with general EAP principles and standards;

f. Promoting awareness and understanding of the EAP among employees and their family members;

g. Maintaining a system of confidential record keeping that is consistent with general EAP standards, and guarantees the protection of individual privacy; and

h. Making program adjustments as necessary in cooperation with technical assistance and consultation provided for that purpose by the Office.

3. The Office of State Employment Relations is hereby designated as the state agency that will administer the state EAP. The Office shall serve as the administrative clearinghouse for the EAP, and shall provide technical assistance, information and consultation to EAP programs in all departments, independent agencies, the UW-System, constitutional offices and the judicial and legislative branches of government.

4. The EAP Director in each agency shall be a member of the State Agency EAP Advisory Committee, which shall be advisory to the Director of the Office on policy, program development, and program maintenance issues that affect statewide EAP operations. The Office will report to the Governor, state agencies, the UW-System and judicial and legislative branches regarding employee assistance activities.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this first day of October, 2003.

JIM DOYLE
Governor

BY THE GOVERNOR:

DOUGLAS LA FOLLETTE
Secretary of State

**State of Wisconsin
University of Wisconsin Hospital and Clinics**

September 30, 2003

The Honorable, The Senate:

On behalf of the University of Wisconsin Hospital and Clinics Authority, I am please to submit the enclosed report as required under section 233.04(1), Wisconsin Statutes. The report outlines FY 2003 progress on goals set forth in our 2001-2005 Strategic Plan and outlines our plans for FY 2004. University of Wisconsin Hospital and Clinics, along with our UW Health partners, is currently undergoing a mid-course review of our five-year plan and hope to present modifications for approval later this year.

Through a host of bests as ranked by national data, we retain our leadership position among the best hospitals in the nation, emphasizing patient safety, clinical excellence and technical innovation. We are very proud to have ranked among four finalists for the national *Quest for Quality* prize and are, according to the most recently published data, the largest kidney transplant center in the country.

We are pleased to report that, under the University of Wisconsin Hospital and Clinics Authority structure, UWHC is consistently serving its mission of patient care, education, research and community service in a manner consistent with expectations for an academic medical center associated with a great research university.

If you have any questions or need further information, please don't hesitate to contact me at 608-263-5800.

Sincerely,

LINDA G. BREI
Vice President, Marketing and Public Affairs

**State of Wisconsin
Department of Veterans Affairs**

September 30, 2003

The Honorable, The Legislature:

In accordance with Wis. Stats. s. 45.35 (3d)(b), the Wisconsin Department of Veterans Affairs and the Wisconsin Council on Veterans Programs jointly submit the biennial report to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172(2), including a general summary of the activities and membership over the past two years of the council and each organization on the council.

Council member organizations that have not reported are the American Red Cross, and Navy Clubs of the USA.

The information contained in the report was compiled by WDVA staff and the Council Chair from materials submitted by the representative from each organization on the Council.

Please do not hesitate to contact me at (608) 266-1315 for further information or assistance.

Sincerely,

JOHN A. SCOCOS
Deputy Secretary

**State of Wisconsin
Director of State Courts**

October 1, 2003

The Honorable, The Senate:

Pursuant to s. 758.19(5)(i), Wis. Stats., the information reported to the Director of State Courts under ss. 758.19(5)(e) and 758.19(6)(d), Wis. Stats., by Wisconsin's counties has been compiled and is herein submitted. Under ss. 758.19(5)(e) and 758.19(6)(d), Wis. Stats., each county is required to submit an annual report to the Director of State Courts which provides information on the actual amount expended in the previous calendar year for court costs relating to the circuit court support and the guardian ad litem payment programs.

Sincerely,

A. JOHN VOELKER
Director of State Courts

ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin
Office of the Governor**

September 30, 2003

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint REDHAIL, GENE, of Green Bay, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2006.

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**

**State of Wisconsin
Revisor of Statutes Bureau**

October 1, 2003

To the Honorable, the Senate:

The following rules have been published:

Clearinghouse Rules	Effective Date(s)
02-058	October 1, 2003
02-064	October 1, 2003
02-143	October 1, 2003
02-155	October 1, 2003
03-013	October 1, 2003
03-042	October 1, 2003

Sincerely,
GARY L. POULSON
Deputy Revisor

MESSAGES FROM THE ASSEMBLY

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has passed and asks concurrence in:

Assembly Bill 255

Assembly Bill 259

Assembly Bill 260

Assembly Bill 261

Assembly Bill 472

Assembly Bill 503

Concurred in:

Senate substitute amendment 1 to **Assembly Bill 2**

Senate substitute amendment 1 to **Assembly Bill 204**

**MESSAGES FROM THE ASSEMBLY
CONSIDERED**

Assembly Bill 255

Relating to: liability of cities, villages, towns, and counties for damages caused by an insufficiency or want of repair of a highway.

By Representatives Albers, Gronemus, Freese, Gottlieb, Grothman, Hahn, Hines, Ladwig, LeMahieu, Loeffelholz, M. Lehman, Musser, Owens, Turner, Weber and Stone; cosponsored by Senators Schultz, Breske, Stepp, Welch and Wirch.

Read first time and referred to committee on **Transportation and Information Infrastructure**.

Assembly Bill 259

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

By Representatives Jensen, Ziegelbauer, Vukmir, Grothman, Hahn, McCormick, J. Wood, Nischke, Hines, Van Roy, Ott, Nass, Vrakas, Albers, Owens and Towns;

cosponsored by Senators Darling, Welch, Reynolds, Kanavas and Stepp.

Read first time and referred to joint committee on **Finance**.

Assembly Bill 260

Relating to: extending the Milwaukee Parental Choice Program to all private schools in Milwaukee County.

By Representatives Jensen, Ziegelbauer, Vukmir, Towns, Townsend, Gielow, Ladwig, Krawczyk, Jeskewitz, Gundrum, LeMahieu, Vrakas, McCormick and Stone; cosponsored by Senators Darling, Welch, Lazich, Stepp and Kanavas.

Read first time and referred to joint committee on **Finance**.

Assembly Bill 261

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

By Representatives Jensen, Ziegelbauer, Vukmir, Grothman, Nischke, Towns, Krawczyk, Nass, LeMahieu, McCormick, Owens, J. Wood and Gielow; cosponsored by Senators Darling, Welch, Kanavas, Roessler and Lazich.

Read first time and referred to joint committee on **Finance**.

Assembly Bill 472

Relating to: the Milwaukee Parental Choice Program income limit.

By Representatives A. Williams, Jensen, Gronemus, Owens, Nass, Grothman, Bies, Hundertmark and McCormick; cosponsored by Senators Reynolds and Lazich.

Read first time and referred to joint committee on **Finance**.

Assembly Bill 503

Relating to: the enrollment of the charter school established by the University of Wisconsin–Parkside.

By Representatives Ladwig, Jensen, Kerkman, McCormick, Hines, Krawczyk, F. Lasee, M. Lehman, Nass, Nischke, Owens, Seratti and Hahn; cosponsored by Senators Stepp, Kanavas, Roessler, Reynolds and A. Lasee.

Read first time and referred to joint committee on **Finance**.

ADJOURNMENT

Senator Carpenter, with unanimous consent, asked that the Senate adjourn pursuant to Senate Joint Resolution 1.

Adjourned.

10:01 A.M.