

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Sixth Regular Session

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WEDNESDAY, December 17, 2003

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

**INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS**

Read and referred:

**Senate Joint Resolution 54**

Relating to: the retirement of Pat Coakley following a long and dedicated career in the service of the Wisconsin legislature as a member of the Joint Legislative Council Staff.

By Senators Chvala, Breske, Brown, Coggs, Carpenter, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lassa, Lazich, Leibham, M. Meyer, Moore, Panzer, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Welch, Wirch and Zien; cosponsored by Representatives Gard and Miller.

To committee on **Senate Organization**.

**Senate Bill 347**

Relating to: authorizing the use of the design–build construction process for the Milwaukee Metropolitan Sewerage District.

By Senators Darling and Plale; cosponsored by Representatives Jeskewitz, Hahn, Wasserman, Young, Richards, Gundrum, Zepnick, Gunderson, Taylor, Krug and Staskunas.

To committee on **Economic Development, Job Creation and Housing**.

**Senate Bill 348**

Relating to: attendance in a nonresident school district under the Open Enrollment Program.

By Senators Reynolds, Moore, Stepp and Schultz; cosponsored by Representatives Cullen, McCormick, Zepnick, Krug, Turner, J. Lehman, Staskunas, Lothian and Albers.

To committee on **Education, Ethics and Elections**.

**Senate Bill 349**

Relating to: the expenditure by the State Historical Society of Wisconsin of an amount equal to two times the amount of contributions, gifts, grants, and bequests received for the Circus World Museum, not to exceed \$1,500,000, for the operation, management, maintenance, and development of the Circus World Museum and making an appropriation.

By Senators Welch and Schultz; cosponsored by Representatives Hines, Albers and Gronemus.

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

**Senate Bill 350**

Relating to: qualifications for endorsements authorizing the operation of a school bus and for operators of certain other

motor vehicles transporting pupils, school board contracts for the transportation of pupils, studying the use of video cameras on school buses and the training of operators of school buses and certain other motor vehicles transporting pupils, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures and from rule–making procedures, granting rule–making authority, making an appropriation, and providing penalties.

By Senators Lazich, Darling, Carpenter, Roessler, Stepp, Zien and Lassa; cosponsored by Representatives Krusick, Zepnick, Albers, Gunderson, Sinicki, Gielow, Hines, Ott, Petrowski, Suder, Lothian, Taylor and Krug.

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

**Senate Bill 351**

Relating to: the size of the county board of supervisors in certain counties.

By Senators Kanavas, Kedzie, Reynolds, Brown and Roessler; cosponsored by Representatives Underheim, Suder, J. Wood, Stone, Albers, Nass, Gunderson and Shilling.

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

**Senate Bill 352**

Relating to: governance of metropolitan sewerage districts created by 1st class cities.

By Senators Reynolds and Schultz; cosponsored by Representatives Grothman, Nass and Hahn.

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

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Office of the Governor**

December 12, 2003

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
<b>Senate Bill 204</b>	<b>Wisconsin Act 101</b>	December 11, 2003
<b>Senate Bill 205</b>	<b>Wisconsin Act 102</b>	December 11, 2003

Sincerely,  
JIM DOYLE  
Governor

**State of Wisconsin**

December 15, 2003

The Honorable, The Senate:

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

With regard 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  
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Res- olution or Res- olution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
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<b>Senate Bill 204</b>	Wisconsin Act 101	December 29, 2003
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<b>Senate Bill 205</b>	Wisconsin Act 102	December 29, 2003
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Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Department of Revenue**

December 5, 2003

The Honorable, The Legislature:

Section 565.45, Wisconsin Statutes, requires the Department of Revenue to submit a biennial report to the legislature regarding the impact on lottery operations of the 10% expense limitation under s. 25.75(3)(b). Attached is that report.

Sincerely,

MICHAEL L. MORGAN  
Secretary

**State of Wisconsin  
Legislative Audit Bureau**

December 16, 2003

The Honorable, The Legislature:

At the request of the departments of Commerce and Administration, and to meet our audit responsibilities under s. 13.94, Wis. Stats., we have completed a financial audit of the State of Wisconsin Petroleum Inspection Fee Revenue Obligations Program for the fiscal years ending June 30, 2003, and June 30, 2002. We were able to express our unqualified opinion on the program's Statement of Changes in Program Assets and related notes.

Under the Petroleum Inspection Fee Revenue Obligations Program, the State issues revenue obligations, such as bonds and commercial paper, to provide financing for payment of claims under the Wisconsin Petroleum Environmental Cleanup Fund Award (PECFA) program. The obligations are not general obligation debt of the State. Instead, the revenue obligations are to be repaid from the \$0.03 per gallon fee charged suppliers for petroleum products sold in Wisconsin and collected by the Department of Revenue.

As of June 30, 2003, the State had issued \$342.55 million in revenue obligations, which was the maximum permitted under s. 101.143(9m), Wis. Stats., at that time. However, it is expected that PECFA claims submitted for payment will continue to exceed the amount of petroleum inspection fees available to pay them. In addition, as of June 30, 2003, the Department of Commerce had a backlog of nearly \$6 million

in approved claims awaiting payment, nearly \$37 million in additional claims that had been received but not yet approved for payment, and an estimated \$99 million in costs incurred by landowners under the program but not yet claimed for reimbursement. As a result, in 2003 Wisconsin Act 33, the Legislature increased the statutory limit for the program's revenue obligations to \$436 million, plus an amount to pay issuance or administrative costs, to make any necessary deposits to reserve funds, or to pay accrued or capitalized interest. On September 17, 2003, the Building Commission authorized the sale of \$95.88 million in revenue obligations, which are expected to be issued during the current fiscal year.

We appreciate the courtesy and cooperation extended to us during the audit by staff of the departments of Commerce, Administration and Revenue.

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Joint Legislative Council**

December 9, 2003

The Honorable, The Senate:

I am pleased to transmit to you the following reports to the 2003 Legislature on legislation introduced by the Joint Legislative Council:

RL 2003-13 Special Committee on Recodification  
of Town Highway Statutes

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available at the Legislative Council Staff offices, One East Main, Suite 401, or from our web page at [http://www.legis.state.wi.us/te/reports\\_by\\_topic.htm](http://www.legis.state.wi.us/te/reports_by_topic.htm).

Sincerely,

TERRY C. ANDERSON  
Director

**State of Wisconsin  
University of Wisconsin System**

December 12, 2003

The Honorable, The Legislature:

The 1999-2001 State of Wisconsin Biennial Budget, 1999 Wisconsin Act 9, included a provision to change the University of Wisconsin System's appropriation for tuition and fee revenues (Academic Student Fees, Fund 131) from an annual, sum certain appropriation to a continuing appropriation.

Wisconsin Act 9 required the Board of Regents to report annually, beginning on December 15, 2000, the amount by which actual expenditures in the previous fiscal year, in this case, 2002-2003, exceeded the amount in the schedule for that appropriation in the previous fiscal year. That report, including the purposes for which the additional revenues were spent and the amount spent for each purpose, is attached. The Board of Regents approved this report for submission at its December 5, 2003 meeting.

Please contact Freda Harris at (608) 262-6423, if you have any questions related to this report.

Sincerely,

DEBORAH A. DURCAN  
Vice President

**State of Wisconsin  
Ethics Board**

December 16, 2003

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 2003 session of the legislature, visit the Ethics Board's web site at <http://ethics.state.wi.us>

- Cook, Sharon      **Milwaukee Brewers**
- Essie, Patrick    **Independence First Inc.**
- Gallucci, Anita   **Municipal Electric Utilities of Wisconsin**
- Kammer, Peter    **Independence First Inc.**
- Kent, Paul        **Charles Industries Ltd**
- Kuehn, Ronald W **Wisconsin Cattlemen's Association**
- Kuehn, Ronald W **Wisconsin Health Freedom Coalition**
- Levin, Jeremy    **Wisconsin Medical Society**
- McKenzie, Ellyn   **Sixteenth Street Community Health Center**

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

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**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

December 9, 2003

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ERICKSON, LARRY D., of Hurley, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2006.

Sincerely,

JIM DOYLE  
Governor

Read and referred to committee on **Environment and Natural Resources**.

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

**Senate Clearinghouse Rule 03-092**

Relating to the transfer of personnel commission responsibilities to the equal rights division and other revisions to civil rights rules.

Submitted by Department of Workforce Development .

Report received from Agency, December 12, 2003.

Referred to committee on **Labor, Small Business Development and Consumer Affairs**, December 17, 2003.

**Senate Clearinghouse Rule 03-100**

Relating to circulator residency requirements.

Submitted by Elections Board.

Report received from Agency, December 12, 2003.

Referred to committee on **Education, Ethics and Elections**, December 17, 2003.

**Senate Clearinghouse Rule 03-101**

Relating to the child care local pass through program.

Submitted by Department of Workforce Development .

Report received from Agency, December 12, 2003.

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

**Senate Clearinghouse Rule 03-109**

Relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by Department of Transportation.

Report received from Agency, December 12, 2003.

Referred to committee on **Transportation and Information Infrastructure**, December 17, 2003.

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The committee on **Agriculture, Financial Institutions and Insurance** reports and recommends:

**Senate Clearinghouse Rule 03-083**

Relating to exception to limits on disclosure of nonpublic personal financial information for brand name licensees.

No action taken.

Dale Schultz  
Chairperson

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

**Senate Clearinghouse Rule 03-050**

Relating to the regulation of discharges of ammonia to surface waters of the state and relating to other minor corrections to errors in chs. NR 105 and 106.

No action taken.

**Senate Clearinghouse Rule 03-067**

Relating to arsenic in public water systems.

No action taken.

Neal Kedzie  
Chairperson

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**AMENDMENTS OFFERED**

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 279** offered by Senator Schultz.