

STATE OF WISCONSIN
Senate Journal
Ninety–Sixth Regular Session

WEDNESDAY, January 7, 2004

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

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

Read and referred:

Senate Joint Resolution 55

Relating to: requiring the Joint Legislative Council to study pharmacy needs in Milwaukee County.

By Senators Carpenter and Moore; cosponsored by Representatives Richards, Cullen, Taylor, Sinicki, Young and Morris.

To committee on **Senate Organization**.

Senate Joint Resolution 56

Relating to: elector approval for certain taxing, spending, and bonding decisions by the state and local governmental units, emergency taxes, required reserves, refunds of amounts in excess of the approved amounts, and reduction of tax rates to reflect the excess of revenues over expenditures (first consideration).

By Senators Welch, Reynolds, Kanavas, Darling, S. Fitzgerald, Lassa, Leibham and Zien; cosponsored by Representatives F. Lasee, J. Wood, Suder, Honadel, Ziegelbauer, Ladwig, Kreibich, Weber, Jensen, Pettis, Powers, Nass, Freese, Hahn, Hines, Gunderson, Gundrum, Loeffelholz, J. Fitzgerald, Bies, Ainsworth, Hundertmark, Musser, Stone, Vrakas, Vukmir, Gielow, Johnsrud, Nischke and Seratti.

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

Senate Bill 365

Relating to: the cutoff time for receipt of documents for filing and recording with a register of deeds and fees relating to federal tax lien filings.

By Senators Stepp, Welch, Risser and Roessler; cosponsored by Representatives Ladwig, Hines, Kerkman, Stone, Turner, Gunderson, J. Lehman, Kestell, Miller, Olsen, Albers, Gronemus, Taylor, Krawczyk, Ainsworth, Hahn, Hundertmark, Suder, Musser, Bies, Van Roy, Vrakas and Ott.

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

Senate Bill 366

Relating to: increasing eligibility for the homestead tax credit.

By Senators Hansen, Wirch, Lassa and Erpenbach; cosponsored by Representatives Boyle, Taylor, Balow, Berceau and Albers.

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

Senate Bill 367

Relating to: increasing the amount of the individual income tax subtract modification for social security benefits.

By Senators Hansen, Wirch, Roessler, Schultz and Erpenbach; cosponsored by Representatives Balow, Taylor, Ladwig, Hebl, Turner, Seratti, Gundrum, Freese and Albers.

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

Senate Bill 368

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

By Senator Panzer; cosponsored by Representative Gard.

To select committee on **Job Creation**.

Senate Bill 369

Relating to: reciprocal agreements for real estate licenses.

By Senator Panzer; cosponsored by Representative Gard.

To select committee on **Job Creation**.

Senate Bill 370

Relating to: petitions by certain telecommunications utilities regarding unbundled network or service elements.

By Senator Panzer; cosponsored by Representative Gard.

To select committee on **Job Creation**.

Senate Bill 371

Relating to: partial deregulation of telecommunications services.

By Senator Panzer; cosponsored by Representative Gard.

To select committee on **Job Creation**.

Senate Bill 372

Relating to: making patient health care records concerning health care operations inapplicable to restrictions on release without informed consent.

By Senator Panzer; cosponsored by Representative Gard.

To select committee on **Job Creation**.

Senate Bill 373

Relating to: credits agreements.

By Senator Panzer; cosponsored by Representative Gard.

To select committee on **Job Creation**.

Senate Bill 374

Relating to: the acquisition of in-state banks and in-state bank holding companies.

By Senator Panzer; cosponsored by Representative Gard.

To select committee on **Job Creation**.

Senate Bill 375

Relating to: comprehensive planning by local governmental units and fees imposed by political subdivisions.

By Senator Panzer; cosponsored by Representative Gard.

To select committee on **Job Creation**.

Senate Bill 376

Relating to: nonmetallic mining reclamation financial assurances.

By Senator Panzer; cosponsored by Representative Gard.

To select committee on **Job Creation**.

Senate Bill 377

Relating to: contributions by electric and gas utilities to the utility public benefits fund and granting rule-making authority.

By Senator Panzer; cosponsored by Representative Gard.

To select committee on **Job Creation**.

Senate Bill 378

Relating to: strategic energy assessments.

By Senator Panzer; cosponsored by Representative Gard.

To select committee on **Job Creation**.

Senate Bill 379

Relating to: energy conservation and efficiency grants, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, and granting rule-making authority.

By Senator Panzer; cosponsored by Representative Gard.

To select committee on **Job Creation**.

REPORT OF COMMITTEES

The committee on **Homeland Security, Veterans and Military Affairs and Government Reform** reports and recommends:

Assembly Bill 131

Relating to: the duration of the effect of emergency rules.

Concurrence.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.

Noes, 0 – None.

Senate Bill 119

Relating to: payment of litigation expenses of emergency medical services personnel, fire fighters, and law enforcement or correctional officers.

Passage.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.

Noes, 0 – None.

Senate Bill 120

Relating to: creating a public health council, reimbursement for quarantine costs, intrastate mutual aid, requiring use of the incident command system in an emergency, exemption from liability during a state of emergency, threats to release or

disseminate harmful chemical, biological, or radioactive substances, making appropriations, and providing a penalty.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.

Noes, 0 – None.

Ronald Brown
Chairperson

The committee on **Labor, Small Business Development and Consumer Affairs** reports and recommends:

Assembly Bill 202

Relating to: school board contracts for yearbook photographs.

Concurrence.

Ayes, 5 – Senators Reynolds, Kedzie, Zien, Decker and Hansen.

Noes, 0 – None.

Thomas Reynolds
Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin

Office of the State Treasurer

December 30, 2003

The Honorable, The Senate:

Attached to this letter is the EDVEST College Savings Program Annual Report for the 2002-2003 Fiscal Year ending June 30, 2003. 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 sixth annual report includes summaries of the required actuarial valuation, prepared by Millman USA and a program audit prepared by PriceWaterhouseCoopers, LLP as well as discussion of the key developments in the program over the past fiscal year.

The program experienced continued significant growth and success in FY03. As of June 30, we were meeting the college savings needs of nearly 156,000 families nationwide with over \$865 million in assets under management.

Unfortunately the most significant event of the year for the program was discovered after the close of the fiscal year, when New York Attorney General Elliot Spitzer announced a widespread investigation into trading practices in the mutual fund industry, including Strong Funds. As you know, Strong serves as manager for the EDVEST program. We will report on the developments of this issue in next year's annual report.

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
Investment Board**

December 22, 2003

The Honorable, The Legislature:

Annually under s. 25.17(14g), Stats., the Investment Board submits a report to the Legislature on investment goals and

long-term strategies. As we have done the past three years, I am writing to advise you that we plan to submit the report in February. Although this will be after the December 31 due date, for the reasons noted below, it will enable us to provide a more complete and informative report to you.

The Board of Trustees will consider recommendations on investment strategies and asset allocations made by staff and outside experts at the January meeting. We believe it is helpful to reflect the outcome of those discussions in our reports to you. In addition, we will include in the report the effect of the market's resurgence on the trust funds in 2003 and steps we have taken to earn the optimum returns during the volatile markets of the past few years.

The report we submit in February will also include the performance assessment required under s. 25.17(14m). As in past years, combining the two reports will make it easier to understand the relationship between our strategies and our investment results.

Please feel free to contact me if you have any questions or concerns.

Sincerely,

DAVID C. MILLS
Executive Director

State of Wisconsin

December 22, 2003

The Honorable, The Senate:

I respectfully request that I be added as a cosponsor to the following bill: Senator Kedzie's Senate Bill 346, relating to allowing an individual income tax deduction for certain amounts contributed to any section 529 college tuition program.

Sincerely,

KARL VAN ROY
State Representative

**State of Wisconsin
Department of Administration**

December 15, 2003

The Honorable, The Legislature:

This report is transmitted as required by sec. 20.002(11)(f) of the Wisconsin Statutes, (for distribution to the appropriate standing committees under sec. 13.172(3) Stats.), and confirms that the Department of Administration has found it necessary to exercise the "temporary reallocation of balances" authority provided by this section in order to meet payment responsibilities and cover resulting negative balances during the month of November 2003.

On November 1, 2003, the **Agricultural Chemical Cleanup Fund** cash balance closed at its monthly low of a negative \$119.0 thousand. The negative balance continued through November 30, 2003, when the balance closed at a negative \$115.0 thousand. The negative balance was due to the difference in the timing of revenues and expenditures.

The Agricultural Chemical Cleanup Fund shortfall was not in excess of the statutory interfund borrowing limitation and did not exceed the balances of the funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund's share. Therefore, the monthly calculation by the State Controller's Office will automatically reflect the use of these temporary reallocations of balance authority, and as a result, the funds requiring the use of the authority will effectively bear the interest cost.

Sincerely,

MARC J. MAROTTA
Secretary

Referred to the joint committee on **Finance.**

**State of Wisconsin
Ethics Board**

December 23, 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>

Broydrick, Cynthia

Aurora Health Care Inc

Carbone, Paul

Robert W Baird and Company

Inc

Chandler, Richard

Wisconsin Energy Corporation

Kniffin, Kevin

AFT – Wisconsin

Theo, Michael

Wisconsin Energy Corporation

Tierney, Jodie

Wisconsin Energy Corporation

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

**State of Wisconsin
Ethics Board**

December 30, 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>

Sholty, J. Cameron

Wisconsin Citizens for a Sound

Economy

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

**State of Wisconsin
Ethics Board**

January 6, 2005

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>

Ciske, Thom

**Fox Cities Chamber of Commerce &
Industry**

Ott, Christopher **Action Wisconsin**

Welch, William **Fox Cities Chamber of Commerce & Industry**

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 03-071

Relating to definitions, deleting antiquated provisions related to public accountants, and changes to the requirements for individual and firm certified public accountant licenses.

Submitted by Department of Regulation and Licensing.

Report received from Agency, January 6, 2004.

Referred to committee on **Labor, Small Business Development and Consumer Affairs**, January 7, 2004.

Senate Clearinghouse Rule 03-115

Relating to increased filing fees.

Submitted by Employment Relations Commission.

Report received from Agency, January 2, 2004.

Referred to committee on **Labor, Small Business Development and Consumer Affairs**, January 7, 2004.

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

Senate Clearinghouse Rule 02-133

Relating to annual audits and verification of member accounts by state-chartered credit unions.

No action taken.

Dale Schultz
Chairperson

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

Senate Clearinghouse Rule 02-103

Relating to extension of disciplinary action time limits.

No action taken.

Senate Clearinghouse Rule 03-080

Relating to assessments on occupied, licensed beds in nursing homes and intermediate care facilities for the mentally retarded (ICF-MR).

No action taken.

Carol Roessler
Chairperson

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

Senate Clearinghouse Rule 03-093

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

No action taken.

Joseph Leibham
Chairperson

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 51** offered by Senator Harsdorf.