

STATE OF WISCONSIN
Senate Journal
Ninety–Sixth Regular Session

WEDNESDAY, April 14, 2004

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

INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Read and referred:

Senate Bill 562

Relating to: amending and revising sections 961.41 (2) (bm) and 961.41 (2) (cm) of the statutes for the purpose of reconciling conflicts and supplying omissions. (Revisor's Correction Bill).

By Law Revision Committee.

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

Senate Bill 563

Relating to: repealing, consolidating, renumbering, amending, and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities, and obsolete provisions, reconciling conflicts, and repelling unintended repeals (Revisor's Correction Bill).

By Law Revision Committee.

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

Senate Bill 564

Relating to: repealing, consolidating, renumbering, amending, and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities, and obsolete provisions, reconciling conflicts, and repelling unintended repeals (Revisor's Correction Bill).

By Law Revision Committee.

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

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Office of the Governor**

April 8, 2004

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>
Senate Bill 420	Wisconsin Act 184	April 7, 2004
Senate Bill 120	Wisconsin Act 186	April 7, 2004
Senate Bill 441	Wisconsin Act 187	April 7, 2004
Senate Bill 428	Wisconsin Act 194	April 7, 2004

Sincerely,
JIM DOYLE
Governor

**State of Wisconsin
Office of the Governor**

April 9, 2004

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>
Senate Bill 512	Wisconsin Act 195	April 8, 2004
Senate Bill 66	Wisconsin Act 196	April 8, 2004
Senate Bill 340	Wisconsin Act 197	April 8, 2004
Senate Bill 435	Wisconsin Act 198	April 8, 2004
Senate Bill 105	Wisconsin Act 200	April 8, 2004
Senate Bill 46	Wisconsin Act 218	April 8, 2004
Senate Bill 410	Wisconsin Act 219	April 8, 2004
Senate Bill 436	Wisconsin Act 220	April 8, 2004
Senate Bill 448	Wisconsin Act 221	April 8, 2004

Sincerely,
JIM DOYLE
Governor

**State of Wisconsin
Office of the Governor**

April 12, 2004

The Honorable, The Senate:

I am vetoing **Senate Bill 384** in its entirety. The bill creates the Wisconsin Advantage Jobs Training Program and allows a technical college district to contract with a business located in the district to provide worker training programs and other assistance if the contract is approved by the Wisconsin Technical College System Board.

Specifically, the bill allows a technical college system board, either on its own or jointly with any other entity, to enter into a contract with a business in its district to provide training for jobs created or retained by the business; adult basic education

programs; vocational and skill–assessment services; training facilities, equipment and materials; or professional services. Under the bill, a district board may not increase its tax levy to support a training program initiated under this section.

The Wisconsin Technical College System is critical to the health of Wisconsin’s economy and the services that it provides to businesses in Wisconsin are vital in ensuring that the workforce in Wisconsin remains of the highest caliber. Senate Bill 384, however, does not enhance the ability of the Wisconsin Technical College System to provide worker training services to businesses.

This bill does nothing to improve working training in our state, since Technical College districts already have the power to enter into contracts with businesses to provide training. Unfortunately, the bill actually represents a step backward, because it pits job training against other worthy economic development projects as part of the Wisconsin Development Fund.

Since the day I unveiled my Grow Wisconsin plan, I have urged the Legislature to take action on my worker training program, making important strategic investments in our workforce. The Legislature missed the boat in failing to pass Senate Bill 310 – part of Grow Wisconsin – to create a new worker training program, with funding resources, to assist businesses that increase their workforce or make significant capital investments in their company. SB 310 represents real, meaningful improvements in job training that will help our workers earn their way up the economic ladder. The bill I am vetoing today falls far short of this, and is actually a step backward.

Finally, I am vetoing this bill and Senate Bill 451 because they represent a troubling departure from the longstanding and important practice of including appropriations in bills that require funding. The Legislature tried to separate the proposal into two separate bills, instead of allowing the proposal to be evaluated in its entirety. These types of legislative games are not in the interests of good public policy, and are a disservice to the people of Wisconsin. The Legislature should be advised that I am not likely to look favorably on future efforts to split bills away from their appropriations.

Sincerely,

JIM DOYLE
Governor

**State of Wisconsin
Office of the Governor**

April 12, 2004

The Honorable, The Senate:

I am vetoing **Senate Bill 451** in its entirety. The bill creates an appropriation and appropriates funds for the Wisconsin Advantage Jobs Training Program, a program created in Senate Bill 384.

Specifically, the bill creates an appropriation for the Wisconsin Technical College System Board. Senate Bill 451 provides \$500,000 GPR to the appropriation in fiscal year 2004–05 allowing the Board to make grants under the Wisconsin Advantage Jobs Training Program, which would have been created had I signed Senate Bill 384. The bill also reduces the Wisconsin Development Fund by \$500,000 GPR in fiscal year 2004–05. In addition, the bill requires that the base funding level for the Wisconsin Advantage Jobs Training Program be \$1,000,000 GPR annually beginning in the 2005–07 biennium.

I am vetoing Senate Bill 451 because the Wisconsin Advantage Jobs Training Program was not enacted into law due to my veto of Senate Bill 384. As a result, the appropriation of funds for

this program is not necessary. Furthermore, a reduction in funding for the Wisconsin Development Fund, one of the state’s important economic development programs, is counterproductive to my efforts at growing Wisconsin’s economy.

Sincerely,
JIM DOYLE
Governor

**State of Wisconsin
Office of the Governor**

April 12, 2004

The Honorable, The Senate:

I am vetoing **Senate Bill 508** in its entirety. The bill provides that employees who provide companionship services are exempt from state laws regarding overtime pay. In addition, Senate Bill 508 adopts the federal definition of companionship services. Under current law, when an employee of a commercial enterprise that provides in–home companionship services works more than 40 hours in a given week, the business must pay the employee an hourly wage equal to 1.5 times the regular rate for each hour over 40.

I am vetoing Senate Bill 508 in its entirety because the definition of companionship services included in the bill is so broad that the exemptions provided may be subject to misapplication and misuse. By downgrading the pay status of the companionship services occupation at a time when the demand for home care workers is increasing, Senate Bill 508 will lead to a less professional and less stable home care workforce. I also object to singling out one category of home–related personal service for separate treatment under the state’s overtime law.

Sincerely,
JIM DOYLE
Governor

**State of Wisconsin
Office of the Governor**

April 13, 2004

The Honorable, The Senate:

I am vetoing **Senate Bill 63** in its entirety. The bill creates an exemption to the prohibition on the selling, buying, bartering and trading of feathers and nonedible parts of grouse, partridge, pheasant, quail and wild turkey.

The bill modifies state regulation of fur dealers by designating the sale, purchase, barter and trade of feathers and nonedible parts from upland game birds as a regulated activity under a license issued by the Department of Natural Resources. The bill also grandfathered licensed resident fur dealers to allow them to trade in upland game bird feathers and nonedible parts until their current license expires. Hunters would be exempt from fur and feather dealer licensing and record keeping requirements.

I support the state’s efforts to regulate the trade of certain fur and animal parts under current law. However, I object to the commercialization of the upland game bird resource and creating the potential of overharvest for feathers and parts, which would have negative long–term impacts on the state’s upland game bird population. Reducing upland game bird populations could also have a negative impact on the sport in the form of reduced bag limits, shorter hunting seasons and issuance of fewer permits. Lastly, the bill potentially increases law enforcement workload related to investigation and response to complaints of illegal hunting.

Sincerely,
JIM DOYLE
Governor

**State of Wisconsin
Office of the Governor**

April 14, 2004

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>
Senate Bill 414	Wisconsin Act 237	April 13, 2004
Senate Bill 455	Wisconsin Act 238	April 13, 2004
Senate Bill 423	Wisconsin Act 241	April 13, 2004
Senate Bill 271	Wisconsin Act 250	April 13, 2004
Senate Bill 277	Wisconsin Act 251	April 13, 2004
Senate Bill 416	Wisconsin Act 252	April 13, 2004
Senate Bill 434	Wisconsin Act 253	April 13, 2004

Sincerely,

JIM DOYLE
Governor

**State of Wisconsin
Office of the Governor**

April 6, 2004

The Honorable, The Senate:

This letter is to withdraw the nomination of **Bob Henzl** that was made March 10, 2004 for the State fair Park Board. Mr. Henzl no longer wishes to pursue this appointment.

Sincerely,

JIM DOYLE
Governor

**State of Wisconsin
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
Senate Bill 369	Wisconsin Act 168	April 19, 2004
Senate Bill 323	Wisconsin Act 171	April 19, 2004
Senate Bill 291	Wisconsin Act 172	April 19, 2004
Senate Bill 284	Wisconsin Act 173	April 19, 2004

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

**State of Wisconsin
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
Senate Bill 71	Wisconsin Act 178	April 20, 2004
Senate Bill 503	Wisconsin Act 179	April 20, 2004
Senate Bill 426	Wisconsin Act 181	April 20, 2004

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

**State of Wisconsin
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
Senate Bill 420	Wisconsin Act 184	April 21, 2004
Senate Bill 120	Wisconsin Act 186	April 21, 2004
Senate Bill 441	Wisconsin Act 187	April 21, 2004
Senate Bill 428	Wisconsin Act 194	April 21, 2004

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

**State of Wisconsin
Department of Administration**

April 7, 2004

The Honorable, The Legislature:

In accordance with Wisconsin statutes section 13.172(2) and section 16.957(2)(d)4, the department submits the FY2003 Annual report on the Public Benefits Fund.

The Public Benefits Fund supports the Focus on Energy program and Wisconsin Home Energy Assistance programs.

Please let me know if you have any questions about the report or the programs.

Sincerely,

MARC J. MAROTTA
Secretary

**State of Wisconsin
University of Wisconsin System**

April 6, 2004

The Honorable, The Legislature:

At its meeting April 2, 2004, 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).

Section 36.25(14m)(c), Wis. Stats., requires the Board of REgents to submit a report to the governor and to the chief clerk of each house of the Legislature annually by April 15 on its precollege, recruitment, and retention plan for minority and disadvantaged students. The report must also include information on financial aid programs serving those students. The report for 2002-2003 is attached.

If you need additional information regrading this report, please contact Andrea-Teresa Arenas, Assistant Vice President for Academic Affairs, at 262-8636.

Sincerely,

KATHARINE C. LYALL
President

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

**State of Wisconsin
Legislative Audit Bureau**

April 14, 2004

The Honorable, The Legislature:

At the request of the Department of Health and Family Services (DHFS), we have completed a financial audit of the Health Insurance Risk-Sharing Plan (HIRSP) for fiscal year (FY)

2002-03. HIRSP provides medical and prescription drug insurance for more than 17,000 policyholders who are unable to obtain coverage in the private market or who lost employer-sponsored group health insurance. We have provided an unqualified opinion of HIRSP's financial statements.

HIRSP's financial position continues to improve: its accounting deficit was \$0.9 million on June 30, 2003, compared to \$6.0 million on June 30, 2002. In addition, a balance in the excess policyholder premium account increased significantly during FY 2002-03, from \$3.0 million to \$10.4 million as of June 30, 2003. By statute, the excess premium balance can be used only for purposes that benefit policyholders, such as for reducing premium levels to a statutory floor of 140 percent of standard risk rates.

Despite an improving financial position, HIRSP faces continuing management and funding challenges because of increasing enrollment and claims costs. In FY 2002-03, enrollment increased 16.9 percent and claims costs increased 27.8 percent. In addition, general purpose revenue (GPR) support was eliminated beginning in FY 2003-04. Costs previously covered by GPR, which totaled \$10.2 million in FY 2002-03, are now covered by policyholders, insurers, and health care providers. Further, legislative action will be needed to address a technical issue that DHFS and HIRSP's contracted actuary have identified in HIRSP's statutory funding formula.

During our prior audit, we recommended DHFS increase its oversight of prescription drug claims, which totaled \$32.4 million in FY 2002-03, through independent audits of the pharmacy benefit management company's controls. DHFS is currently conducting a competitive procurement process to select the plan administrator that will be administering HIRSP beginning in January 2005, and it has included a requirement for such audits in the Request for Vendor Proposals that will be used to award a new contract.

We appreciate the courtesy and cooperation extended to us by DHFS and the plan administrator for HIRSP. A response from DHFS follows the appendix.

Sincerely,

JANICE MUELLER
State Auditor

**State of Wisconsin
Ethics Board**

April 13, 2004

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>

Handrick, Joey	Wisconsin Occupational Therapy Association
Jentz, Robert	Air Wisconsin Airlines Corporation
Jentz, Robert	Arjo Wiggins Appleton Limited
Kuehn, Ronald W	Arjo Wiggins Appleton Limited
La Follette, Bronson	Value Generics Rx
Lamb, Jordan	Air Wisconsin Airlines Corporation
Peshek, Peter	Arjo Wiggins Appleton Limited
Peterson, Craig	Arjo Wiggins Appleton Limited

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**

April 5, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BABLITCH, STEVE, of Whitefish Bay, as a member of the State of Wisconsin Investment Board, to serve for the term ending May 1, 2005.

Sincerely,

JIM DOYLE
Governor

Read and referred to committee on **Agriculture, Financial Institutions and Insurance.**

**State of Wisconsin
Office of the Governor**

April 13, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BRAAM, QUIRIN E., of New Berlin, as a member of the Credit Union Review Board, to serve for the term ending May 1, 2007.

Sincerely,

JIM DOYLE
Governor

Read and referred to committee on **Agriculture, Financial Institutions and Insurance.**

**State of Wisconsin
Office of the Governor**

April 13, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CUPP, MARK, of Muscoda, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2008.

Sincerely,

JIM DOYLE
Governor

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

**State of Wisconsin
Office of the Governor**

April 13, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint STOWER, HARVEY, of Amery, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2008.

Sincerely,

JIM DOYLE
Governor

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

**State of Wisconsin
Office of the Governor**

March 25, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WILLIAMS, JAY, of Mequon, as Chair of the Wisconsin Professional Baseball Park District 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**

April 2, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WOMACK, ROLEN, of Brown Deer, as a member of the Bradley Center Sports and Entertainment Corporation, to serve for the term ending July 1, 2006.

Sincerely,

JIM DOYLE
Governor

Read and referred to committee on **Economic Development, Job Creation and Housing**.

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

Senate Clearinghouse Rule 04-019

Relating to purses paid to greyhound owners who are residents of the State of Wisconsin.

Submitted by Department of Administration.

Report received from Agency, April 7, 2004.

Referred to committee on **Homeland Security, Veterans and Military Affairs and Government Reform**, April 14, 2004.

Senate Clearinghouse Rule 04-021

Relating to the definitions of client and psychological treatment, degree requirements, interim determination of degree requirements met, continuing education courses, and professional conduct.

Submitted by Department of Regulation and Licensing.

Report received from Agency, April 8, 2004.

Referred to committee on **Health, Children, Families, Aging and Long Term Care**, April 14, 2004.

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

Senate Clearinghouse Rule 03-106

Relating to commercial fishing in Lake Michigan.

No action taken.

Neal Kedzie
Chairperson

CHIEF CLERK'S REPORT

The Chief Clerk records:

Senate Bill 384

Senate Bill 451

Senate Bill 508

Presented to the Governor on April 9, 2004.

CHIEF CLERK'S REPORT

The Chief Clerk records:

Senate Bill 414

Senate Bill 455

Senate Bill 63

Senate Bill 271

Senate Bill 277

Senate Bill 416

Senate Bill 423

Senate Bill 434

Presented to the Governor on April 12, 2004.

CHIEF CLERK'S REPORT

The Chief Clerk records:

Senate Bill 279

Senate Bill 320

Senate Bill 326

Senate Bill 381

Senate Bill 492

Senate Bill 261

Senate Bill 60

Presented to the Governor on April 14, 2004.