

STATE OF WISCONSIN

Senate Journal

Ninety–Sixth Regular Session

WEDNESDAY, April 21, 2004

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

REPORT OF COMMITTEES

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

STARK, ROBERT J., of Appleton, as a member of the Fox River Navigational System Authority, to serve for the term ending July 1, 2005.

Confirmation.

Ayes, 4 – Senators Kedzie, Zien, Risser and Wirch.
Noes, 0 – None.

STOWER, HARVEY, of Amery, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2004.

Confirmation.

Ayes, 4 – Senators Kedzie, Zien, Risser and Wirch.
Noes, 0 – None.

STOWER, HARVEY, of Amery, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2008.

Confirmation.

Ayes, 4 – Senators Kedzie, Zien, Risser and Wirch.
Noes, 0 – None.

THORNTON, THOMAS J., of Grand View, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2005.

Confirmation.

Ayes, 4 – Senators Kedzie, Zien, Risser and Wirch.
Noes, 0 – None.

Neal Kedzie
Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Office of the Governor

April 19, 2004

The Honorable, The Senate:

As required by Article V, Section 6 of the Wisconsin Constitution, I am submitting the annual Executive Clemency report to the Legislature, covering those clemency cases upon which final dispositions were rendered for applicants during the 2003 calendar year. Below is a list of applicants that received a full pardon in 2003:

Christopher Bell, (date of birth February 19, 1964), convicted on or about March 15, 1989 of Delivery of a Controlled Substance in Washington County and was sentenced to two

years probation. The Governor's Pardon Advisory Board recommended by a vote of 4–0 to grant a pardon. Following the Board's recommendation, Mr. Bell was pardoned on November 3, 2003, because he had no subsequent contacts with the criminal justice system and because he has demonstrated extensive personal growth by becoming a leader in his community.

Mary Ann (Shain) Bolen, (date of birth May 11, 1952), convicted on July 26, 1993 of Welfare Fraud in Rock County and was sentenced to three years probation and restitution. The Governor's Pardon Advisory Board recommended by a vote of 6–0 to grant a pardon. Following the Board's recommendation, Ms. Bolen was pardoned on May 20, 2003, because she has established a successful career as a nurse through which she provides much needed care and treatment to members of her community. Ms. Bolen would not have been able to continue in her professional capacity without a pardon.

Dale Thomas Carter, (date of birth October 5, 1951), convicted on March 3, 1977 of Possession/Attempted Possession of a Controlled Substance in Milwaukee County and was sentenced to 90 days in jail. Mr. Carter was convicted on November 10, 1977 of Theft for stealing two tires in Ozaukee County and sentenced to 60 days in jail. On July 20, 1978, Mr. Carter was convicted in Milwaukee County of Retail Theft, Habitual Criminality for stealing motor oil cans from a department store, and Burglary for trying to break into vending machines for money and was sentenced to five years in prison. The Governor's Pardon Advisory Board recommended by a vote of 6–1 to grant a pardon. Following the Board's recommendation, Mr. Carter was pardoned on July 17, 2003, because he has demonstrated extensive personal growth by serving as a registered vascular technologist at the UCLA Medical Center, recently graduating from law school, and continuing to attend regular rehabilitation meetings. Mr. Carter is also engaged in community service, including volunteering as a mentor to individuals recently released from state prison. In addition, Mr. Carter would have had difficulty obtaining his law license without a pardon.

Ronald B. Casperson, (date of birth April 3, 1939), convicted on or about December 14, 1957 in Winnebago County of Burglary and was sentenced to three years prison. The Governor's Pardon Advisory Board recommended by a vote of 6–0 to grant a pardon. Following the Board's recommendation, Mr. Casperson was pardoned on May 20, 2003, because of the length of time since the crime and because of the lack of other criminal justice system contacts. Mr. Casperson has also been a productive member of society as a business owner and as an active participant in several community service efforts.

Joseph Dube, (date of birth May 9, 1936), convicted on or about May 24, 1957 in Milwaukee County of sexual intercourse with a man and was sentenced to two years probation. The Governor's Pardon Advisory Board recommended by a vote of 5–0 to grant a pardon. Following the Board's recommendation,

Mr. Dube on was pardoned on May 20, 2003, because he was convicted of a crime that is no longer considered to be felonious criminal behavior in Wisconsin.

Ralph Forsythe, (date of birth February 5, 1947), convicted on or about December 19, 1964 in Juneau County of Theft and was sentenced to two years in prison and convicted on or about March 12, 1970 in Juneau County of Aggravated Battery and sentenced to 5 years in prison. The Governor's Pardon Advisory Board recommended by a vote of 4-0 to grant a pardon. Following the recommendation of the Board, Mr. Forsythe was pardoned on November 3, 2003, because of the length of time since his convictions and because he has demonstrated extensive personal growth and is now a productive member of society as a licensed hazardous material commercial truck driver. Due to a recent change in federal law, Mr. Forsythe would not have been able to continue in this employment without a pardon.

Deloris Garner, (date of birth September 19, 1951), convicted on or about September 28, 1982 in Milwaukee County of Failure to Report Income and was sentenced to 2 years probation and restitution. The Governor's Pardon Advisory Board recommended by a vote of 4-0 to grant a pardon. Following the recommendation of the Board, Ms. Garner was pardoned on November 3, 2003, because of her lack of other criminal justice system contacts, the non-violent nature of the crime, and the length of time since the crime.

Gary Michael Rhoades, (date of birth January 12, 1953), convicted on or about April 3, 1974 in Brown County for two counts of Burglary and was sentenced to 2 years prison and 2 years probation. The Governor's Pardon Advisory Board recommended by a vote of 7-0 to grant a pardon. Following the recommendation of the Board, Mr. Rhoades was pardoned on July 17, 2003, because of the non-violent nature of the crime, the length of time since the crime, and the lack of other criminal justice system contacts.

Donna Spearman, (date of birth July 28, 1958), convicted on or about April 17, 1985 in Rock County of Endangering Safety of Another by Conduct Regardless of Life and was sentenced to 5 years in prison, 5 years probation, and community service. The Governor's Pardon Advisory Board recommended by a vote of 4-0 to grant a pardon. Following the recommendation of the board, Ms. Spearman was granted a pardon on November 3, 2003, because of her positive adjustment and lack of subsequent criminal justice system contacts. In addition, Ms. Spearman has demonstrated extensive personal growth by obtaining several health care related degrees and licenses, actively volunteering in her community, and becoming a role model for single parents.

Cindy Sue (Freitag) Wilcox, (date of birth June 6, 1966), between September 6, 1985 and October 20 1985 was convicted in Jefferson and Dodge Counties of three counts of Burglary (PTAC) and three counts of Burglary and was sentenced to 3 years in prison (stayed), 5 years probation, 6 months county jail, and restitution. The Governor's Pardon Advisory Board recommended by a vote of 4-0 to grant a pardon. Following the recommendation of the Board, Ms. Wilcox was pardoned on November 3, 2003, because she has had no subsequent contacts with the criminal justice system and has demonstrated extensive personal growth. In addition, Ms. Wilcox is a productive member of society as a licensed hazardous material commercial truck driver. Due to a recent change in federal law, Ms. Wilcox would not have been able to continue in this employment without a pardon.

Sincerely,
JIM DOYLE
 Governor

**State of Wisconsin
 Office of the Governor**

April 15, 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 60	Wisconsin Act 254	April 15, 2004
Senate Bill 261(veto in part)	Wisconsin Act 255	April 15, 2004
Senate Bill 279	Wisconsin Act 260	April 15, 2004
Senate Bill 320	Wisconsin Act 261	April 15, 2004
Senate Bill 326	Wisconsin Act 262	April 15, 2004
Senate Bill 381	Wisconsin Act 263	April 15, 2004
Senate Bill 492	Wisconsin Act 264	April 15, 2004

Sincerely,
JIM DOYLE
 Governor

**State of Wisconsin
 Office of the Governor**

April 15, 2004

The Honorable, The Senate:

I have approved **Senate Bill 261** as [2003 Wisconsin Act 255](#) and have deposited it in the Office of the Secretary of State. I have vetoed Sections 23(2m) and 25(2) and exercised a partial veto in Section 20.

This bill creates two venture capital tax credits – an early stage seed investment tax credit and an angel investment tax credit. The Department of Commerce shall implement a program to certify investment fund managers and businesses for the tax credits. An investor may claim an early stage seed investment tax credit equal to 25 percent of his or her initial investment in a certified business through a certified fund manager. Under the angel investment tax credit, an investor may claim up to 12.5 percent of his or her investment in a certified business. The maximum aggregate amount of the tax credits for a ten-year period beginning January 1, 2005, is limited to \$3,500,000 per year for the early stage seed investment tax credit and \$3,000,000 per year for the angel investment tax credit.

This bill also creates a technology commercialization grant and loan program to be administered by the department. The program is designed to assist businesses in obtaining or matching funding to develop a technologically innovative product, process or service. The program would be funded by GPR and loan repayments after the program is implemented. The new GPR appropriation provides \$2,600,000 in fiscal year 2004-05 but requires an equal lapse on June 30, 2005. In addition, the bill provides a delayed effective date for the appropriations of the second day after the publication of the 2005-07 biennial budget.

I am exercising a partial veto in Section 20 to eliminate the ten-year limitation on the new tax credits. This will ensure that no valuable credits are lost if the programs require initial startup time, while the retention of the annual and lifetime caps will maintain reasonable limits on the programs. I also am vetoing language in Section 20 that unnecessarily limits the discretion of the Departments of Revenue and Commerce to allocate credits in a fashion commensurate to the needs of the relevant business.

Additionally, while I recognize the Legislature's concern with the general fund balance, I object to making Wisconsin

businesses wait for the technology commercialization grant and loan program. This program will provide needed support to businesses developing new technology and assist in our statewide effort to Grow Wisconsin. I am vetoing Sections 23(2m) and 25(2) to delete the lapse of \$2,600,000 GPR from the appropriation under s. 20.143(1)(dk) and the delayed effective date for the new appropriations because the technology commercialization grant and loan program should begin in fiscal year 2004–05. I am confident that the investments by this program will result in significant economic benefits to Wisconsin.

Sincerely,
JIM DOYLE
Governor

**State of Wisconsin
Office of the Governor**

April 19, 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 474	Wisconsin Act 269	April 16, 2004
Senate Bill 230	Wisconsin Act 271	April 16, 2004
Senate Bill 196	Wisconsin Act 273	April 16, 2004
Senate Bill 391	Wisconsin Act 274	April 16, 2004
Senate Bill 440	Wisconsin Act 275	April 16, 2004
Senate Bill 61	Wisconsin Act 276	April 16, 2004
Senate Bill 113	Wisconsin Act 277	April 16, 2004
Senate Bill 272	Wisconsin Act 278	April 16, 2004
Senate Bill 207	Wisconsin Act 279	April 19, 2004
Senate Bill 350	Wisconsin Act 280	April 19, 2004
Senate Bill 372	Wisconsin Act 281	April 19, 2004

Sincerely,
JIM DOYLE
Governor

**State of Wisconsin
Office of the Governor**

April 21, 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 3	Wisconsin Act 297	April 20, 2004
Senate Bill 75	Wisconsin Act 298	April 20, 2004
Senate Bill 380	Wisconsin Act 299	April 20, 2004
Senate Bill 399	Wisconsin Act 300	April 20, 2004
Senate Bill 401	Wisconsin Act 301	April 20, 2004
Senate Bill 446	Wisconsin Act 302	April 20, 2004
Senate Bill 489	Wisconsin Act 303	April 20, 2004

Senate Bill 504 **Wisconsin Act 304** April 20, 2004

Senate Bill 526 **Wisconsin Act 305** April 20, 2004

Sincerely,
JIM DOYLE
Governor

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

To the Honorable, the Senate:

<u>Bill, Joint Resolution or Resolution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
Senate Bill 512	Wisconsin Act 195	April 22, 2004
Senate Bill 66	Wisconsin Act 196	April 22, 2004
Senate Bill 340	Wisconsin Act 197	April 22, 2004
Senate Bill 435	Wisconsin Act 198	April 22, 2004
Senate Bill 105	Wisconsin Act 200	April 22, 2004
Senate Bill 46	Wisconsin Act 218	April 22, 2004
Senate Bill 410	Wisconsin Act 219	April 22, 2004
Senate Bill 436	Wisconsin Act 220	April 22, 2004
Senate Bill 448	Wisconsin Act 221	April 22, 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 Resolution or Resolution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
Senate Bill 414	Wisconsin Act 237	April 27, 2004
Senate Bill 455	Wisconsin Act 238	April 27, 2004
Senate Bill 423	Wisconsin Act 241	April 27, 2004
Senate Bill 271	Wisconsin Act 250	April 27, 2004
Senate Bill 277	Wisconsin Act 251	April 27, 2004
Senate Bill 416	Wisconsin Act 252	April 27, 2004
Senate Bill 434	Wisconsin Act 253	April 27, 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 Resolution or Resolution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
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Senate Bill 320	Wisconsin Act 261	April 29, 2004
Senate Bill 326	Wisconsin Act 262	April 29, 2004

Senate Bill 381 Wisconsin Act 263 April 29, 2004
Senate Bill 492 Wisconsin Act 264 April 29, 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 474	Wisconsin Act 269	April 30, 2004
Senate Bill 230	Wisconsin Act 271	April 30, 2004
Senate Bill 196	Wisconsin Act 273	April 30, 2004
Senate Bill 391	Wisconsin Act 274	April 30, 2004
Senate Bill 440	Wisconsin Act 275	April 30, 2004
Senate Bill 61	Wisconsin Act 276	April 30, 2004
Senate Bill 113	Wisconsin Act 277	April 30, 2004
Senate Bill 272	Wisconsin Act 278	April 30, 2004
Senate Bill 207	Wisconsin Act 279	April 30, 2004
Senate Bill 350	Wisconsin Act 280	April 30, 2004
Senate Bill 372	Wisconsin Act 281	April 30, 2004

Sincerely,
 DOUGLAS LA FOLLETTE
 Secretary of State

**State of Wisconsin
 Department of Health and Family Services**

April 16, 2004

The Honorable, The Senate:

The Bureau of Health Information, Department of Health and Family Services, is pleased to submit to the Governor and the Legislature the *Health Care Data Report, 2002*. The data for this report were collected under section 153.05, Wisconsin Statutes, and are published as authorized by the requirements of section 120.20, Wisconsin Administrative Code.

This report is based on data reported quarterly to the Bureau of Health Information by all operating general medical-surgical and specialty hospitals and Medicare-certified, freestanding and ambulatory surgery centers in Wisconsin. It presents a summary of data on utilization and charges at those facilities in 2002.

Sincerely,
 HELENE NELSON
 Secretary

**State of Wisconsin
 Office of State Employment Relations**

April 2004

The Honorable, The Legislature:

I am pleased to present to you the 2003 annual report on Affirmative Action for Wisconsin State Government. The report symbolizes the continuing commitment by the State of Wisconsin and the Office of State Employment Relations (OSER) to provide equal employment opportunities.

The State's workforce is becoming more representative of Wisconsin's rich and diverse heritage. We will continue to seek ways to eliminate underutilized job groups in the workforce

while maintaining timely and quality service delivery to our customers.

OSER will continue to guide the state's affirmative action and equal employment opportunity efforts building on the knowledge gathered from the past and upholding diversity as a fundamental principle.

Sincerely,
 KAREN E. TIMBERLAKE
 Director

**State of Wisconsin
 Ethics Board**

April 20, 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>

Boetcher, David **International Brotherhood of Electrical Workers Construction Electrician Local Unions**

Dotzour, Althea **Gathering Waters Conservancy, Inc.**

Fox, Peter D **Wisconsin Newspaper Association**

Graff, Corey **Wisconsin Gun Owners, 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**

April 15, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CLIFFORD, LINDA, of Madison, as a member of the State Historical Society Board of Curators, to serve for the term ending July 1, 2006.

Sincerely,
 JIM DOYLE
 Governor

Read and referred to committee on **Higher Education and Tourism.**

**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 GENISOT, KENNETH, of Gile, as a member of the Wisconsin Waterways Commission, to serve for the term ending March 1, 2006.

Sincerely,
 JIM DOYLE
 Governor

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

**State of Wisconsin
Office of the Governor**

April 14, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JOHNSON, DIANE L., of Hazelhurst, as a member of the Dietitians Affiliated Credentialing Board, 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.**

**State of Wisconsin
Office of the Governor**

April 16, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint NITZKE, SUSAN, of Cottage Grove, as a member of the Dietitians Affiliated Credentialing Board, 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.**

**State of Wisconsin
Office of the Governor**

April 16, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ROONEY, JAMES F., of Racine, as a member of the Wisconsin Waterways Commission, to serve for the term ending March 1, 2009.

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 WALSH, ROGER E., of Wauwatosa, as a member of the Wisconsin Waterways Commission, to serve for the term ending March 1, 2008.

Sincerely,

JIM DOYLE

Governor

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

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

Senate Clearinghouse Rule 04-007

Relating to applications, examinations, appraisal experience and continuing education (Real Estate Appraisers Board).

Submitted by Department of Regulation and Licensing.

Report received from Agency, April 16, 2004.

Referred to committee on **Economic Development, Job Creation and Housing**, April 21, 2004.

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

Senate Clearinghouse Rule 04-003

Relating to the recovery of erroneous payments made under the tuition and fee reimbursement, part-time study, and retraining grant programs.

No action taken.

Ronald Brown
Chairperson

CHIEF CLERK'S REPORT

The Chief Clerk records:

Senate Bill 3

Senate Bill 8

Senate Bill 17

Senate Bill 40

Senate Bill 61

Senate Bill 64

Senate Bill 75

Senate Bill 87

Senate Bill 113

Senate Bill 155

Senate Bill 196

Senate Bill 207

Senate Bill 218

Senate Bill 230

Senate Bill 253

Senate Bill 272

Senate Bill 322

Senate Bill 324

Senate Bill 350

Senate Bill 351

Senate Bill 372

Senate Bill 380

Senate Bill 391

Senate Bill 399

Senate Bill 401

Senate Bill 407

Senate Bill 440

Senate Bill 446

Senate Bill 471

Senate Bill 472

Senate Bill 474

Senate Bill 484

Senate Bill 489

Senate Bill 504

Senate Bill 526

Presented to the Governor on April 15, 2004.