

# STATE OF WISCONSIN

# Senate Journal

## Ninety–Sixth Regular Session

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WEDNESDAY, September 1, 2004

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

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin Department of Natural Resources

August 31, 2004

The Honorable, The Legislature:

We at the Department of Natural Resources are pleased to provide you with a copy of our annual Wisconsin Environmental Policy Act (WEPA) report. In fulfillment of Section 1.11 (2)(j) of the state statutes, this document provides information on the numbers of environmental assessments (EAs) and environmental impact statements (EISs) completed by the Department in the past fiscal year.

Questions about the report can be directed to James Pardee, of the Environmental Analysis and Liaison Section, Bureau of Integrated Science Services, telephone 6–0426.

Sincerely,

GEORGE H. ALBRIGHT  
Chief Environmental Analysis and Liaison Section, Bureau of  
Integrated Science Services

#### State of Wisconsin Department of Natural Resources

August 2004

The Honorable, The Legislature:

The Groundwater Coordinating Council (GCC) is pleased to release its 2004 Report to the Legislature. The GCC was formed in 1984 to help state agencies coordinate non–regulatory activities and exchange information on groundwater. For the past 20 years, the GCC has served as a model for interagency coordination and cooperation among state agencies, the Governor, local and federal government, and the university. It is one of the few groups in the nation to effectively coordinate groundwater activities in its state from an advisory position.

This report summarizes GCC and agency activities related to groundwater protection and management in FY 04 (July 1, 2003 to June 30, 2004) and provides an overview of the condition of the groundwater resource. See the Executive Summary for highlights and the GCC’s recommendations in Future Directions for Groundwater Protection. The full report is available online at <http://dnr.wi.gov/org/water/dwg/gcc/rtl/gccreport.htm>.

A significant focus of the State’s groundwater protection activities this past year has been on groundwater quantity.

Highlights include:

- Providing scientific and technical expertise for the drafting of legislation to address acute and chronic impacts of groundwater withdrawals, which went into effect in May 2004;
- Developing a statewide strategy to guide agency monitoring activities for ground water quality, levels, and use;
- Completing groundwater flow models and developing scenarios of groundwater pumping in southeastern Wisconsin;
- Launching an educational website on Groundwater in the Great Lakes Basin;
- Summarizing groundwater management issues at the local and regional level in a Wisconsin Natural Resources a magazine article;
- Supporting research related to groundwater drawdowns and withdrawals through the Water Resources Institute.

We hope you will find this report to be a useful reference in protecting Wisconsin’s valuable groundwater resource.

Sincerely,

TODD AMBS  
Chair, Groundwater Coordinating Council

#### State of Wisconsin Legislative Audit Bureau

August 31, 2004

The Honorable, The Legislature:

We have completed financial audits of the Mendota and Winnebago Mental Health Institutes for the period July 1, 2002, through June 30, 2003. The audits were requested by the Department of Health and Family Services to comply with requirements of the Joint Commission on Accreditation of Healthcare Organizations. We were able to express an unqualified opinion on each Institute’s financial statements.

The Institutes reported mixed financial results for fiscal year (FY) 2002–2003. Mendota reported a gain of \$1.4 million in net assets, while Winnebago reported a loss of \$1.8 million in net assets. Winnebago sustained a loss because it did not generate enough revenue to cover its expenses. However, each Institute continued to report a positive accounting balance, which is reflected in its financial statements as unrestricted net assets.

During the course of our audits, we found the Department’s treatment of collections received on behalf of state–funded patients, which were primarily forensic patients, was not in compliance with s.20.435(2)(gk), Wis. Stats., which requires that these funds be treated as general purpose revenue (GPR)–earned. Relying on only s.20.001(4), Wis. Stats. which defines GPR–earned, the Department retained \$815,000 of the \$2.3 million received in FY 2001–02 and \$759,000 of the \$2.1 million received in FY 2002–2003 for operation of the Institutes. The Department has, however, agreed to properly

treat all collections received on behalf of state-funded patients as GPR—earned in FY 2003–04 and in the future.

We appreciate the courtesy and cooperation extended to us by Department of Health and Family Services staff during our audit.

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Department of Administration**

August 31, 2004

The Honorable, The Legislature:

The Wisconsin Land Council (WLC) and the Wisconsin Land Information Board (WLIB) submit the attached Report to the Governor and Legislature in compliance with the provisions of S.S. 16.023(2), Wis. Stats., and 2003 Act 33, Section 2809.

Our report strongly supports continuation of the Wisconsin Land Information Program. Every Wisconsin citizen has benefited from this program through more modern and accessible land records. The digitization of land information enables the public and all levels of government to make informed decisions using standardized, reliable data.

The report also recommends support for the Comprehensive Planning Grant Program. About 645 local governments — or one-third of all counties and municipalities — are using this state resource to support local planning decisions. This will continue to be a critical resource as additional communities prepare for growth and future service needs.

We also recognize the Governor's and Legislature's desire to reduce the size of State Government. To that end, the report calls for the sunset of the WLC and the WLIB. Instead, we recommend using existing structures to support the land information and comprehensive planning grant programs.

The WLC and WLIB appreciate this opportunity to report on activities and recommend future directions. We ask that you consider our comments as you develop land information and planning policies.

Sincerely,

MAYOR TIMOTHY M. HANNA, CHAIR  
Wisconsin Land Council

TED W. KOCH, CHAIR  
Wisconsin Land Information Board

**State of Wisconsin  
Ethics Board**

August 31, 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>

Ebbott, John      **Legal Action of Wisconsin, Inc**

Petkovich, Vlado   **HNTB**

Petrovic, Milan    **HNTB**

Rongstad, Deedee **Legal Action of Wisconsin, Inc**

Turney, Susan      **Wisconsin Medical Society**

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**

August 24, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint L. VAN DE HEY, RON, of Kaukauna, as a member of the Fox River Navigational System Authority, to serve the term ending July 1, 2008.

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 03–098**

Relating to supervised pre-certification and pre-licensure social work.

Submitted by Department of Regulation and Licensing.

Report received from Agency, August 31, 2004.

Referred to committee on **Health, Children, Families, Aging and Long Term Care**, September 1, 2004.

**Senate Clearinghouse Rule 04–004**

Relating to Wisconsin interstate fuel tax and international registration program.

Submitted by Department of Transportation.

Report received from Agency, August 26, 2004.

Referred to committee on **Transportation and Information Infrastructure**, September 1, 2004.

**Senate Clearinghouse Rule 04–010**

Relating to child labor.

Submitted by Department of Workforce Development.

Report received from Agency, August 31, 2004.

Referred to committee on **Labor, Small Business Development and Consumer Affairs**, September 1, 2004.

**Senate Clearinghouse Rule 04–018**

Relating to admission time for national examinations and post graduate training permits.

Submitted by Department of Regulation and Licensing.

Report received from Agency, August 31, 2004.

Referred to committee on **Agriculture, Financial Institutions and Insurance**, September 1, 2004.

**Senate Clearinghouse Rule 04-039**

Relating to the agricultural chemical and household hazardous waste collection ("clean sweep") grant program.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, August 31, 2004.

Referred to committee on **Agriculture, Financial Institutions and Insurance**, September 1, 2004.

**Senate Clearinghouse Rule 04-044**

Relating to alcohol and drug counseling.

Submitted by Department of Regulation and Licensing.

Report received from Agency, August 31, 2004.

Referred to committee on **Health, Children, Families, Aging and Long Term Care**, September 1, 2004.

**Senate Clearinghouse Rule 04-057**

Relating to the Wisconsin scenic byways program.

Submitted by Department of Transportation.

Report received from Agency, August 31, 2004.

Referred to committee on **Transportation and Information Infrastructure**, September 1, 2004.

**Senate Clearinghouse Rule 04-069**

Relating to prorating under the Milwaukee parental choice program.

Submitted by Department of Public Instruction.

Report received from Agency, August 30, 2004.

Referred to committee on **Education, Ethics and Elections**, September 1, 2004.

**Senate Clearinghouse Rule 04-070**

Relating to definitions of administrative expenses and substantial compliance.

Submitted by Department of Commerce.

Report received from Agency, August 27, 2004.

Referred to committee on **Homeland Security, Veterans and Military Affairs and Government Reform**, September 1, 2004.

**Senate Clearinghouse Rule 04-071**

Relating to prescribing mortality tables and actuarial opinions, analysis and reports.

Submitted by Insurance Commissioner.

Report received from Agency, August 25, 2004.

Referred to committee on **Agriculture, Financial Institutions and Insurance**, September 1, 2004.

**Senate Clearinghouse Rule 04-074**

Relating to licensing requirements for investment advisers having custody of customer funds or securities.

Submitted by Department of Financial Institutions.

Report received from Agency, August 27, 2004.

Referred to committee on **Agriculture, Financial Institutions and Insurance**, September 1, 2004.

**Senate Clearinghouse Rule 04-075**

Relating to regarding the contributions towards employee health insurance premiums by local units of government that participate in the group health insurance plans established by the state of Wisconsin, group insurance board.

Submitted by Department of Employee Trust Funds.

Report received from Agency, August 25, 2004.

Referred to committee on **Agriculture, Financial Institutions and Insurance**, September 1, 2004.

**Senate Clearinghouse Rule 04-079**

Relating to annual adjustment to the minimum necessary cost or payment to access independent review.

Submitted by Insurance Commissioner.

Report received from Agency, August 31, 2004.

Referred to committee on **Agriculture, Financial Institutions and Insurance**, September 1, 2004.

**Senate Clearinghouse Rule 04-080**

Relating to the part-time study grant program and the tuition and fee reimbursement grant program.

Submitted by Department of Veterans Affairs.

Report received from Agency, August 26, 2004.

Referred to committee on **Homeland Security, Veterans and Military Affairs and Government Reform**, September 1, 2004.

**Senate Clearinghouse Rule 04-081**

Relating to prevailing wage rates on public works projects and affecting small business.

Submitted by Department of Workforce Development .

Report received from Agency, August 31, 2004.

Referred to committee on **Labor, Small Business Development and Consumer Affairs**, September 1, 2004.

**Senate Clearinghouse Rule 04-082**

Relating to the grievance procedure for resolving complaints of employment displacement under the Wisconsin works program and affecting small business.

Submitted by Department of Workforce Development .

Report received from Agency, August 31, 2004.

Referred to committee on **Labor, Small Business Development and Consumer Affairs**, September 1, 2004.

**Senate Clearinghouse Rule 04-089**

Relating to responsible high cost mortgage lending.

Submitted by Department of Financial Institutions.

Report received from Agency, August 27, 2004.

Referred to committee on **Agriculture, Financial Institutions and Insurance**, September 1, 2004.

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

**Senate Clearinghouse Rule 03-054**

Relating to the Lower St.Croix Scenic Riverway.

No action taken.

Neal Kedzie  
Chairperson

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

**Senate Clearinghouse Rule 04-040**

Relating to family care; reporting and investigation of caregiver misconduct; residential care centers for children and youth, child-placing agencies, day camps for children and day care programs established by school boards; group foster care; shelter care for children; community-based residential care facilities; patient rights and resolution of grievances; hospitals; hospices; nursing homes; facilities serving people with developmental disabilities; embalming standards; reporting blood test results; and electronic benefits transfer.

No action taken.

**Senate Clearinghouse Rule 04-050**

Relating to the SeniorCare program.

No action taken.

Carol Roessler  
Chairperson

**MOTIONS UNDER SENATE RULE 98 AND JOINT RULE 7**

*for the Month of August 2004*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for the Athens Fair, on the occasion of celebrating their 100th Anniversary.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Erpenbach, for Pascal C. Bleam, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Kanavas, for the City of Brookfield, on the occasion of celebrating their 50th anniversary.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Moore, for Louis Butler, on the occasion of being appointed to the Wisconsin State Supreme Court.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Reynolds, for Adam Clark, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for the Dane County Fund, on the occasion of their 10th Anniversary serving the Dane County community.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Harsdorf, for the First National Bank of River Falls, on the occasion of its 100th Anniversary.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Kanavas, for Eric J. Fleming, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Schultz, for Vincent Frawley, on the occasion of his retirement after many years of dedicated service to the Richland Center Police Department.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Zien, for Chief Warrant Officer Marshall Marcus Fuhrman, on the occasion of his many years of dedicated service to the United States Army Reserve.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Reynolds, for Stuart Hill, on the occasion*

*of his retirement after years of dedication to teaching art at Swanson Elementary in Brookfield.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Reynolds for Mark Horstmeyer, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moore, for John George Kohler, Jr., on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Francis Brian Lee, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Drew Allan Looney, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Mabel Mayer, on the occasion of the celebration of her 100th Birthday shared with family and friends.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Michael McConnell, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Coggs, for the Mother Kathryn Daniels Conference Center for Community Empowerment and Family Reunification and the DJ Young/Marcia P. Coggs Academy, on the occasion of each of their grand openings.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Moore, for the Pakistani Cultural Society of Greater Milwaukee and the President Asif Rana, on the occasion of his leadership and celebrating Pakistan's 57th anniversary of Independence.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Harsdorf, for Polaris President and CEO Tom Tiller and the employees and supporters, on the occasion of celebrating their 50th anniversary.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Landon Raddant, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Christopher Reynolds, on the occasion of his heroism and valor as a member of the 32nd Military Police Company now home from serving in Iraq.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Erpenbach, for Logan B. Robertson, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Decker, for Jason Romig, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Mr. Lester Schussman, on the occasion of his 70 years of exhibiting sheep at the Wisconsin State Fair.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Moore, for Ms. Claretta "Mother Freedom" Simpson, on the occasion of being the founder of Career Youth Development, Inc., and the naming of "Mother Simpson Way" in her honor by the City of Milwaukee.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Brown, for Larry Paul Solberg, on the occasion of his patriotism, courage and commitment as reflected in his military service.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Coggs, for St. James United Methodist Church, on the occasion of celebrating their 55th anniversary.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for the United States Marine Headquarters Division, 3rd Battalion, 9th Regiment, 3rd Division, on the occasion of, welcoming them to Madison and for their service to World War II.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Roessler, for the Van Dyne Volunteer Fire Department, on the occasion of celebrating their 75th anniversary.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Kyle Raymond Waelchli, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Ben Waller, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for the new Wausau East High School, on the occasion of its dedication.*

*A certificate of commendation by the Wisconsin Senate on*

*the motion of Senator Carpenter, for James B. Wigdale, on the occasion of his receipt of the AJC's National Human Relations Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Moore, for Agnes Virginia Williams, on the occasion of her legacy of 35 years of educating students and teachers in Milwaukee, Beloit and the State of Wisconsin.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for the Wisconsin Coalition Against Domestic Violence, on the occasion of recognizing October 1, 2004 as "Work To End Domestic Violence Day".*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for the Wisconsin Coalition Against Domestic Violence, on the occasion of recognizing October 6, 2004 as "Day of Unity".*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for the Wisconsin Coalition Against Domestic Violence, on the occasion of recognizing October 8, 2004 as "Health Cares About Domestic Violence Day".*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for the Wisconsin Coalition Against Domestic Violence, on the occasion of recognizing October as "Domestic Awareness Month".*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Carpenter, for WISDOM, on the occasion of being participants in WISDOM's Rolling Thunder event, held in Milwaukee.*