

STATE OF WISCONSIN

Senate Journal

Ninety–Sixth Regular Session

WEDNESDAY, October 6, 2004

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

PETITIONS AND COMMUNICATIONS

State of Wisconsin Department of Administration

September 30, 2004

The Honorable, The Legislature:

This report is transmitted as required by s. 20.002(11)(f), Wisconsin Statutes, (for distribution to the appropriate standing committees under s. 13.172(3), Wisconsin Statutes), 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 cash balances during the month of August 2004.

On August 1, 2004, the **General Fund** cash balance closed at a negative \$431.4 million. The fund’s negative cash balance continued intermittently until August 27, 2004, when the fund’s cash balance closed at a positive \$34.9 million. The fund reached an intramonth low cash balance of a negative \$436.8 million on August 11, 2004. The negative balance was due to a difference in the timing of revenues and expenditures.

On August 1, 2004, the **Medical Assistance Trust Fund** cash balance closed at its intramonth low of a negative \$203.8 million. The fund’s negative cash balance continued through August 31, 2004, when the fund’s cash balance closed at a negative \$199.6 million. The deficit is due to federal revenues falling short of estimates included in [2003 Wisconsin Act 33](#).

On August 1, 2004, the **University Trust–Principal Fund** cash balance closed at its intramonth low of a negative \$3.2 million. The fund’s negative cash balance continued through August 31, 2004, when the fund’s cash balance closed at a negative \$2.5 million. The negative balance was due to a coding error and has since been corrected.

The General Fund, Medical Assistance Trust fund, and the University Trust–Principal Fund shortfalls were not in excess of the statutory interfund borrowing limitations 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 Joint Committee on **Finance**.

State of Wisconsin Supreme Court

October 1, 2004

The Honorable, The Legislature:

Pursuant to s. 758.19(5)(i), Wis. Stats., the information reported to the Director of State Courts under ss. 758.19(5)(e) and 758.19(6)(d), Wis. Stats., by Wisconsin’s counties has been compiled and is herein submitted. Under ss. 758.19(5)(e) and 758.19(6)(d), Wis. Stats., each county is required to submit an annual report to the Director of State Courts which provides information on the actual amount expended in the previous calendar year for court costs relating to the circuit court support and the guardian ad litem payment programs. Statutes prohibit the Director of State Courts from requiring counties to submit audited annual reports to ensure accurate, uniform information. As a result, due to the differing and inconsistent accounting practices among and within counties, the following reported expenditures are not comparable among counties.

Sincerely,

A. JOHN VOELKER
Director of State Courts

State of Wisconsin Ethics Board

October 5, 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>

Schubert, Louis American Family Insurance Group
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
Executive Director

State of Wisconsin State Employment Relations

September 30, 2004

The Honorable, The Senate:

I am pleased to submit the Fiscal Year 2004 report on employment of customers of the Wisconsin works (W–2) program. This report includes a description of each agency’s efforts to employ W–2 job seekers, shows the number of W–2 job seekers employed by each agency, and the classification

title of each position filled, from July 1, 2003 through June 30, 2004.

If you have questions or need additional information regarding this report, please contact Kathryn A. Moore at 266-9472 or by e-mail at kathryn.moore@oser.state.wi.us.

Sincerely,

KAREN E. TIMBERLAKE
Director

**State of Wisconsin
Women's Council**

October 1, 2004

The Honorable, The Legislature:

Wisconsin Statutes s. 16.01(2)(g) requires the Council to submit a biennial report on its activities to the Governor and to the Chief Clerk of each house of the legislature. This letter is intended to fulfill this statutory requirement. A list of Council Members and a budget/staffing summary for the 2001-2003 biennium are provided in Attachments.

The Wisconsin Women's Council did not meet frequently during the 2001-2003 biennium. Nonetheless, a review of the records shows a wide range of programs and activities that continued to be carried out by the Council under its program of work. During the reporting period, the Council continued to build on successful projects begun in the previous biennium, including programs such as Wardrobes for Working Women (a Council program that has been modeled nationally), the Financial Education Blueprint, and marital property law education. The Council gave emphasis to developing its web site with links and reference materials to serve as a resource for Wisconsin women, as well as providing links to the Council's own products such as the Financial Blueprint and other educational materials. During the reporting period, the Council also distributed a reprinted version of its Directory, Wisconsin Women's Resources 2001. Finally, the Council continued its outreach efforts by speaking to a variety of community and professional organizations, and partnering and serving on committees with organizations focused on helping Wisconsin women improve their lives.

In 2004, in a collaborative effort by the Governor and Legislative Leaders, a new group of Women's Council members was appointed and I was hired as Executive Director. This revitalized group has been hearing testimony from the leadership of state agencies and other organizations concerned with issues affecting women in order to fulfill its mission - that is, to identify barriers that prevent women from participating fully and equally in various aspects of life and to develop long-term solutions to women's economic and social inequality in this state. The strategic plan that is developing out of these efforts is designed to guide Council activities in the coming years.

Questions about the Wisconsin Women's Council and requests for additional copies of this report may be directed to the Wisconsin Women's Council, 101 East Wilson, 8th fl., Madison, WI 53703, or by telephone at (608)266-2219.

Sincerely,

CHRISTINE LIDBURY
Executive Director

**State of Wisconsin
Department of Administration**

September 30, 2004

The Honorable, The Senate:

Attached please find the Environmental Improvement Fund Biennial Finance Plan for the 2005-2007 biennium.

Environmental Improvement Fund program legislation (s. 281.59(3), wis. Stats.) requires the Department of Natural Resources and the Department of Administration to submit the first version of the Biennial Finance Plan to the Legislature and to the State Building Commission. The purpose of the plan is to provide information on loan, loan subsidy, and bonding levels for program operations in the 2005-2007 biennium.

If you have any questions regarding the Biennial Finance Plan, please contact Robert Ramharter at 266-3915 or Michael Wolff at 267-2734.

Sincerely,

THOMAS J. NIEBAUER
Acting Bureau Director
Bureau of Community Financial Assistance
Department of Natural Resources

MICHAEL WOLFF
Finance Program Administrator
Department of Administration

**State of Wisconsin
Department of Natural Resources**

September 15, 2004

The Honorable, The Senate:

As required by s. 292.25, Wis. Stats., the Department of Natural Resources is pleased to submit the attached report regarding the status of the Voluntary Party Liability Exemption (VPLE) environmental cleanup process. As required by law, this report is being submitted to the Governor, the Department of Administration, and the Legislature. If you have any questions regarding this report, please contact Darsi Foss from my staff at (608)267-6713.

Sincerely,

SCOTT HASSETT
Secretary

**State of Wisconsin
Department of Commerce**

September 29, 2004

The Honorable, The Senate:

Please find enclosed a copy of the State of Wisconsin 2004 Consolidated Annual Plan to address statewide housing and community development needs. The Plan was submitted to the U.S. Department of Housing and Urban Development as part of the State's annual funding application for:

- Small Cities Community Development Block Grants (CDBG),
- HOME Investment Partnership (HOME),
- Emergency Shelter Grants (ESG), and
- Housing Opportunities for Persons with AIDS (HOPWA).

Section 560.9802 (4), Wis. Stats., requires the Department to submit a copy of this state housing strategy plan to the Governor and the Chief Clerk of each house of the legislature before October 1 of each year.

If you have any questions regarding the plan, please contact Marty Evanson, Director, Bureau of Housing, at (608) 267-2713.

Sincerely,

JAMES O'KEEFE
Administrator, Division of Community Development

ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin
Office of the Governor**

September 28, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SWEENEY, TIMOTHY, of Ripon, as a member of the Auctioneer Board, to serve for the term ending May 1, 2008.

Sincerely,

JIM DOYLE
Governor

Read and referred to committee on **Labor, Small Business Development and Consumer Affairs**.

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

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

Senate Clearinghouse Rule 03-098

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

No action taken.

Senate Clearinghouse Rule 04-044

Relating to alcohol and drug counseling.

No action taken.

Senate Clearinghouse Rule 04-055

Relating to Wisconsin's statewide trauma care system.

No action taken.

Carol Roessler
Chairperson

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

Senate Clearinghouse Rule 04-010

Relating to child labor.

No action taken.

Senate Clearinghouse Rule 04-081

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

No action taken.

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.

No action taken.

Thomas Reynolds
Chairperson

**State of Wisconsin
Revisor of Statutes Bureau**

October 1, 2004

To the Honorable, the Senate:

The following rules have been published:

Clearinghouse Rules	Effective Date(s)
01-081	10-1-2004
02-046	10-1-2004
03-121	(part) 10-1-2004 (part) 1-1-2005
04-008	10-1-2004
04-011	(part) 11-1-2004 (part) 4-1-2005
04-014	10-1-2004
04-015	10-1-2004
04-029	10-1-2004
04-030	10-1-2004
04-034	(part) 10-1-2004 (part) 1-1-2006
04-037	10-1-2004
04-042	10-1-2004
04-046	10-1-2004

Sincerely,
GARY L. POULSON
Deputy Revisor

**Motions Under Senate Rule 98 and Joint Rule 7
for the Month of September 2004**

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Kanavas, for Annunciation Greek Orthodox Church, on the occasion of celebrating its Centennial Anniversary.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Moore, for Dr. Rudolph V. Bates and Mother Liller P. Bates, on the occasion of their 50 years of diligently serving the Lord at Bethesda Church of God in Christ in Milwaukee.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Schultz, for George and Dorothy Bauer, on the occasion of their 50th wedding anniversary.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Daniel James Beckwith, 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 Fitzgerald, for Linda Behling, on the occasion of earning and attaining the 4-H Key Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Reynolds, for Michael Bolger, on the occasion of receiving the 2004 Distinguished Citizen Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Panzer, for William R. Breitzman, on the occasion of his 15 years of excellence in service to the Waupun Correctional Institution.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Anthony and Andrea Bryant, on the occasion of receiving the Don Richards Leadership Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Peter Campbell, 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 Roessler, for the Cerebral Palsy of Mideast Wisconsin, on the occasion of celebrating its 50th Anniversary.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Cody Z. Chavez, 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 Schultz, for Wilma Clark, on the occasion of being the recipient of the AARP Wisconsin 2004 Andrus Award for Community Service.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Kyle Cook, on the occasion of earning and attaining the Eagle Scout Court of Honor Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Fitzgerald, for James Damask, on the occasion of his 15 years of excellence in service to the Waupun Correctional Institution.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Panzer, for Sarah Dogs, on the occasion of earning and attaining the 4-H Key Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Ewald Automotive Group, on the occasion of being recognized for over 40 years of outstanding professionalism and excellence by Daimler Chrysler, and being recognized as the twenty-seventh largest privately held corporation in Wisconsin by receiving the honor award by the advisory committee Deloitte & Touche.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Jacob Flood, on the occasion of earning and attaining the Eagle Scout Court of Honor Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Michael Friedrichs, on the occasion of earning and attaining the rank of the Eagle Scout Court of Honor Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for Anne Nicol Gaylor, on the occasion of retiring from the Freedom from Religion Foundation and from the day-to-day administration of the Women's Medical Fund.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Michael Glamann, on the occasion of his 10 years of excellence in service to the Waupun Correctional Institution.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Lazich, for Morgan Hamm, on the occasion of his participation in the 2004 Olympic Games, helping the men's gymnastic team win the silver medal for the United States.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Lazich, for Paul Hamm, on the occasion of his participation in the 2004 Olympic

Games, winning the 2 gold medals and 1 silver medal for the United States men's gymnastics events.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for George Harb, on the occasion of celebrating his 100th Birthday.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Jeremy Henning, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Jean Hill, on the occasion of receiving the 2004 Citizen of the Year Award from the Mequon-Thiensville Chamber of Commerce & Industry.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Jeremy J. Jenkins, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Johnson Level and Tool Manufacturing Company, Inc., on the occasion of receiving the 2004 Business of the Year Award from the Mequon-Thiensville Chamber of Commerce & Industry.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Keith Lang, on the occasion of his dedicated service to SCAODA, the military and also his knowledge and skills as the Statewide Disaster Human Services Project Coordinator.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Robert Last, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Ernie Lehr, on the occasion of his over 26 years of excellence in service to the Waupun Correctional Institution.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Hansen, for Eileen Littig, on the occasion of her retirement after many years of distinguished service to the Green Bay area.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Kanavas, for Matthew Lochmann, 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 Reynolds, for Nicholas A. Lorenzen, 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 Lazich, for Daniel J. Luglio, 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 3M, on the occasion of their 75th anniversary.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Schultz, for Wayne MacArdy, on the occasion of his recognition as the 2004 Business Person of the Year.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Mary Mackler, on the occasion of her 30 years of dedicated service to the Springdale 4–H, as project leader and general leader.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Mark Malak, on the occasion of his over 17 years of excellence in service to the Waupun Correctional Institution.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Jake Marcell, 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 Darling, for Sean McCrimmon, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Linda Mechler, on the occasion of her over 17 years of excellence in service to the Waupun Correctional Institution.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Catherine Miles, on the occasion of her retirement after a long career as an educator in the Milwaukee Public Schools.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Moore, for Catherine Miles, on the occasion of her years of selfless service to the students and staff of the Milwaukee Public Schools.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Moore, for Mr. James Nelson, on the occasion of his service and dedication to Career Youth Development, Inc. and the people in the community.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Kanavas, for Les Paul, on the occasion of receiving the Lifetime Achievement Award by the Wisconsin Foundation for School Music.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Jennifer Pillsbury, on the occasion of receiving the 4–H Key Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Moore, for Jeannette Simpson–Robinson, on the occasion of her service to the community as co–founder and Chief Executive Officer of Career Youth Development, Inc.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Roosevelt Elementary School, on the occasion of their achievement as a New Wisconsin Promise School.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Moore, for Ms. Clarette “Mother Freedom” Simpson, on the occasion of her legacy as co–founder of Career Youth Development, Inc.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Benedict W. Stollberg, 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 Lazich, for Adam Vogel, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Washington Elementary School, on the occasion of their achievement as a New Wisconsin Promise School.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Kanavas, for Whittier Elementary School, on the occasion of receiving a New Wisconsin Promise School of Recognition Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Michael Wright, 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 Darling, for Robert Zoulek, on the occasion of receiving the 2004 Business Person of the Year Award.