



STATE OF WISCONSIN

Senate Journal

Ninety–Ninth Regular Session

3:45 P.M.

TUESDAY, February 3, 2009

The Senate met.

The Senate was called to order by Chief Clerk Marchant, pursuant to Senate Rule 5 (4)(b).

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated Monday, February 2, 2009.

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read first time and referred:

Senate Bill 23

Relating to: acceptance of certain political contributions by certain elective state officials and committees.

By Senators Harsdorf, Olsen, Cowles and Schultz; cosponsored by Representatives Gottlieb, Kaufert, Ballweg, Bies, Brooks, Cullen, Davis, Gunderson, Lothian, Meyer, Mursau, Murtha, Nass, Nygren, A. Ott, Petrowski, Roth, Strachota and Van Roy.

To committee on **Ethics Reform and Government Operations**.

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read and referred:

Senate Joint Resolution 6

Relating to: opposing a federal mandate requiring the suspension or revocation of driver's licenses in all circumstances in which a person has been convicted of a drug or other controlled substances violation and exercising the state's option to opt out of this federal mandate.

By Senators Taylor, Grothman, Lehman, Plale and Erpenbach; cosponsored by Representatives Grigsby, Kessler,

Berceau, Colon, Fields, Mason, Roys, Sinicki, Toles, Turner, A. Williams, Young and A. Ott.

To committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing**.

Read first time and referred:

Senate Joint Resolution 7

Relating to: providing property tax relief from school district property taxes to persons who have their principal dwelling in this state (first consideration).

By Senators Hansen, Wirch, Lehman, Erpenbach, Lassa, Decker, Plale, Carpenter and Risser; cosponsored by Representatives Soletski, Garthwaite, Pope–Roberts, Benedict, Staskunas, Fields, Turner, Black, Berceau, Zepnick and Pocan.

To committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**.

Senate Bill 24

Relating to: creating an individual income tax checkoff for Wisconsin food banks that are members of Feeding America and making an appropriation.

By Senators Coggs, Vinehout, Risser, Hansen, Kreitlow, Erpenbach, Taylor and Darling; cosponsored by Representatives Young, Hilgenberg, Richards, Grigsby, Sinicki, Gunderson, A. Williams, Pasch, Roth and Montgomery.

To committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**.

Senate Bill 25

Relating to: the use of race–based names, nicknames, logos, and mascots by school boards, requiring the exercise of rule–making authority, and providing a penalty.

By Senators Coggs, Hansen, Carpenter, Risser, Holperin and Taylor; cosponsored by Representatives Soletski, Pope–Roberts, Mursau, Young, Benedict, Berceau, Black, Colon, Cullen, Fields, Grigsby, Hilgenberg, Kessler, Molepske Jr., Mason, Milroy, Nelson, Parisi, Pasch, Pocan, Radcliffe, Schneider, Sherman, Sheridan, Shilling, Sinicki, Smith, Steinbrink, Turner, Van Akkeren and A. Williams.

To committee on **Education**.

Senate Bill 26

Relating to: allowing dairy cooperatives to claim the dairy manufacturing facility investment credit and making an appropriation.

By Senators Hopper, Erpenbach, Harsdorf and Schultz; cosponsored by Representatives Ripp, A. Ott, Ballweg, Brooks, Davis, Gunderson, Kestell, Knodl, Murtha, Nerison, Nygren, Petrowski, Rhoades, Roth, Spanbauer, Stone, Strachota, Suder, Tauchen, Townsend, Vos, Bies and LeMahieu.

To committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**.

Senate Bill 27

Relating to: requiring health insurance coverage of hearing aids and cochlear implants for persons under 18 years of age.

By Senators Lassa, Hansen, Lehman, Risser, Taylor, Erpenbach, Vinehout, Darling, S. Fitzgerald, Coggs and Kapanke; cosponsored by Representatives Cullen, Bernard Schaber, Schneider, Sheridan, Berceau, Hilgenberg, Hraychuck, Vruwink, Mason, Black, Pasch, Sherman, Pocan, Jorgensen, Sinicki, Stone, Krusick, Smith, Seidel, Montgomery, Parisi, Turner, Grigsby, Richards, Zigmunt, A. Williams, Soletski, Hixson and Dexter.

To committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue.**

Senate Bill 28

Relating to: excluding from taxable income gains from a Wisconsin business.

By Senators Hopper, Kanavas, Taylor, S. Fitzgerald, Darling, Leibham, Schultz, Harsdorf, Olsen and Kedzie; cosponsored by Representatives Strachota, Spanbauer, Ripp, Zipperer, Knodl, Brooks, Rhoades, Suder, Petersen, Davis, Roth, Tauchen, Kerkman, Van Roy, Nygren, A. Ott, Vukmir, Kramer, Kaufert, Murtha, Lothian, LeMahieu, Stone, Mursau, Gunderson, Huebsch, Honadel, M. Williams, Kleefisch, Bies and Ballweg.

To committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue.**

Senate Bill 29

Relating to: passing parked motor vehicles and opening motor vehicle doors on highways and providing a penalty.

By Senators Risser, Miller, Hansen and Lehman; cosponsored by Representatives Black, Sherman, Mason, Berceau, Pope–Roberts, Ballweg, Pocan, Zepnick and A. Williams.

To committee on **Transportation, Tourism, Forestry, and Natural Resources.**

Senate Bill 30

Relating to: underage persons possessing, consuming, or being provided alcohol beverages on licensed premises when accompanied by a parent, guardian, or spouse.

By Senators Robson and Kreitlow; cosponsored by Representatives Hixson, Hubler, Berceau, Bies, Dexter, A. Ott, Pope–Roberts, Sinicki, Smith, Toles, Townsend and Turner.

To committee on **Children and Families and Workforce Development.**

Senate Bill 31

Relating to: the Uniform Prudent Management of Institutional Funds Act, as approved by the National Conference of Commissioners on Uniform State Laws.

By Senators Risser, Lehman, Cowles, Plale, Lassa, Miller, Robson, Taylor and Wirsch; cosponsored by Representatives Cullen, Fields, Stone, Davis, Smith, Zepnick, Turner, Berceau, A. Ott, Kaufert, Kestell, Benedict, Townsend and Shilling.

To committee on **Veterans and Military Affairs, Biotechnology, and Financial Institutions.**

Senate Bill 32

Relating to: prohibited alcohol concentration.

By Senators Kedzie and Schultz; cosponsored by Representatives Smith, Staskunas, Lothian, Bies, A. Ott and Roth.

To committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.**

Senate Bill 33

Relating to: purchasing or leasing a motor vehicle after a violation relating to operating a motor vehicle while intoxicated and providing a penalty.

By Senators Kedzie, Leibham and A. Lasee; cosponsored by Representatives Nass, Lothian, Kerkman, Kaufert, Brooks, Gunderson, J. Ott, Kleefisch, Nygren, LeMahieu and Honadel.

To committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.**

Senate Bill 34

Relating to: eligibility for an occupational license.

By Senators Kedzie, Olsen and Cowles; cosponsored by Representatives Nass, Lothian, Kerkman, Strachota, A. Ott, Townsend, Nygren, Spanbauer and Honadel.

To committee on **Transportation, Tourism, Forestry, and Natural Resources.**

Senate Bill 35

Relating to: the distribution of the first dollar property tax credit.

By Senators Vinehout, Jauch and Kreitlow; cosponsored by Representatives Dexter, Sherman, Barca, Berceau and Smith.

To committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue.**

Senate Bill 36

Relating to: motor vehicle operating privilege suspensions for controlled substance violations.

By Senators Taylor, Grothman, Lehman, Plale and Erpenbach; cosponsored by Representatives Grigsby, Kessler, Berceau, Colon, Fields, Mason, Roys, Sinicki, Toles, Turner, A. Williams, Young and A. Ott.

To committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.**

Senate Bill 37

Relating to: payment of judgments in traffic courts and municipal courts by installments and the suspension of operating privileges.

By Senators Taylor, Lehman and Plale; cosponsored by Representatives Grigsby, Kessler, Berceau, Colon, Fields, Mason, Roys, Sinicki, Toles, Turner, A. Williams, Young and A. Ott.

To committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.**

Senate Bill 38

Relating to: issuing annual vehicle admission receipts for motor buses for entry to state parks and other vehicle admission areas under the jurisdiction of the Department of Natural Resources.

By Senators A. Lasee and Grothman; cosponsored by Representatives Bies, Kaufert, Nygren, Spanbauer, Townsend and A. Ott.

To committee on **Transportation, Tourism, Forestry, and Natural Resources.**

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Department of Natural Resources**

December 29, 2008

The Honorable, The Legislature:

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,
MATTHEW J. FRANK
Secretary

**State of Wisconsin
Milwaukee Public Schools**

January 22, 2009

The Honorable, The Senate:

Enclosed you will find a copy of the report entitled "High/Scope All Day Five-Year Old Kindergarten Program and High/Scope First Grade Program." This report provides a summary of the project and the data collected for the 2007-2009 school year.

Each year a report is prepared in response to Sections [119.71](#), [119.73](#), and [119.75](#) of the current state statutes. This report should provide you with a comprehensive summary, as well as specific details regarding the positive impact of this early childhood program. If you have any questions or need additional information, please feel free to contact me at 475-8528.

Sincerely,
ANN TERRELL
Director

Referred to committee on **Education**.

**State of Wisconsin
Legislative Audit Bureau**

January 29, 2009

The Honorable, The Legislature:

We have completed a financial audit of WHA Television, as requested by the University of Wisconsin-Extension to fulfill the audit requirements of the Corporation for Public Broadcasting. The Corporation requires audited financial statements of public broadcasting entities to determine future funding levels.

WHA Television is licensed to the University of Wisconsin System's Board of Regents and is operated by the University of Wisconsin-Extension. WHA Television earned \$15.2 million in revenues during fiscal year 2007-08, including state support, member contributions, funding from the Corporation for Public Broadcasting, and various other grants.

Our audit report contains the financial statements and related notes as of and for the periods ended June 30, 2008, and June 30, 2007. We were able to issue an unqualified independent auditor's report on these statements.

We appreciate the courtesy and cooperation extended to us by University of Wisconsin-Extension staff during the audit.

Respectfully Submitted,
JANICE MUELLER
State Auditor

**State of Wisconsin
Legislative Audit Bureau**

January 29, 2009

The Honorable, The Legislature:

We have completed a financial audit of WHA Radio, as requested by the University of Wisconsin-Extension to fulfill the audit requirements of the Corporation for Public Broadcasting. The Corporation requires audited financial statements of public broadcasting entities to determine future funding levels.

WHA Radio is licensed to the University of Wisconsin System's Board of Regents and is operated by the University of Wisconsin-Extension. WHA Radio earned \$10.3 million in revenues during fiscal year 2007-08, including state support, member contributions, funding from the Corporation for Public Broadcasting, and various other grants.

Our audit report contains the financial statements and related notes as of and for the periods ended June 30, 2008, and June 30, 2007. We were able to issue an unqualified independent auditor's report on these statements.

We appreciate the courtesy and cooperation extended to us by University of Wisconsin-Extension staff during the audit.

Respectfully Submitted,
JANICE MUELLER
State Auditor

**State of Wisconsin
Department of Administration**

January 30, 2009

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 December 2008.

On December 1, 2008, the General Fund cash balance closed at a negative \$36.2 million. This negative balance continued through December 16, 2008, when the fund's cash balance closed at a positive \$218.5 million. The General Fund cash balance reached its intra-month low of a negative \$238.9 million on December 11, 2008. The negative balance was due to the difference in the timing of revenues and expenditures.

On December 1, 2008, the Injured Patients and Families Compensation Fund cash balance closed at a negative \$123.7 million. This negative balance continued through December 31, 2008, when the fund's cash balance closed at a negative \$103.2 million. The Injured Patients and Families

Compensation Fund cash balance reached its intra-month low of a negative \$123.8 million on December 3, 2008. The negative balance was due to the transfer of \$200 million to the Medical Assistance Trust Fund per [2007 Wisconsin Act 20](#), and the pending liquidation of fund securities necessary to offset this shortfall.

On December 1, 2008, the Worker's Compensation Fund cash balance closed at a negative \$2.6 million. This negative balance continued through December 29, 2008, when the fund's cash balance closed at a negative \$395 thousand. The Workers Compensation Fund cash balance reached its intra-month low of a negative \$3.5 million on December 2, 2008. The negative balance was due to the difference in the timing of revenues and expenditures.

On December 1, 2008, the Utility Public Benefits Fund cash balance closed at a negative \$4.1 million (its intra-month low). This negative balance continued through December 31, 2008, when the fund's cash balance closed at a negative \$3.9 million. The negative balance was due to a delayed transfer to the fund.

On December 18, 2008, the Conservation Fund cash balance closed at a negative \$ 359 thousand. This negative balance continued through December 31, 2008, when the fund's cash balance closed at a neegative \$12.4 million (its intra-month low). The negative balance was due to the difference in the timing of revenues and expenditures.

On December 18, 2008, the Dry Cleaner Environmental Reponse Fund cash balance closed at a negative \$15 thousand (its intra-month low). This negative balance continued through

December 31, 2008, when the fund's cash balance closed at a negative \$14 thousand. The negative balance was due to timing of revenues and expenditures.

The General Fund, Injured Patients and Families Compensation Fund, Workers Compensation Fund, Utility Public Benefits Fund, Conservation Fund, and Dry Cleaner Environmental Response 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,
MICHAEL L. MORGAN
Secretary

Referred to joint committee on **Finance**.

ADJOURNMENT

Chief Clerk Marchant, with unanimous consent, asked that the Senate adjourn until Thursday, February 5, 2009, at 10:00 A.M.

Adjourned.

3:46 P.M.