

STATE OF WISCONSIN
Senate Journal
Ninety–Ninth Regular Session

TUESDAY, March 31, 2009

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

CHIEF CLERK’S ENTRIES

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 89** offered by Senator Coggs.

The Chief Clerk makes the following entries dated **Friday, March 27, 2009**.

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Office of the Governor**

March 27, 2009

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 4	3	March 26, 2009

Respectfully Submitted,
JIM DOYLE
Governor

The Chief Clerk makes the following entries dated **Monday, March 30, 2009**.

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

The committee on **Transportation, Tourism, Forestry, and Natural Resources** reports and recommends:

Senate Clearinghouse Rule 08–083

Relating to the Wisconsin lists of endangered and threatened species.

No action taken.

JIM HOLPERIN
Chairperson

**INTRODUCTION, FIRST READING, AND
REFERENCE OF PROPOSALS**

Read first time and referred:

Senate Bill 139

Relating to: environmental regulation of mining and notice to transferees of interests in mining sites.

By Senators Hansen, Lehman, Taylor, Risser and Lassa; cosponsored by Representatives Black, Soletski, Berceau, Molepske Jr., A. Ott, Pocan and Spanbauer.

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

Senate Bill 140

Relating to: posttermination of parental rights contact between a child and a birth relative of the child and disclosure of the report of an investigation of the home of a proposed adoptive parent on the request of the proposed adoptive parent.

By Senators Darling, Plale, Vinehout, Olsen and Lassa; cosponsored by Representatives Stone, Pasch, Spanbauer, Townsend, Gunderson, Petrowski, Grigsby, Richards, Pocan, A. Ott, Knodl, Kestell and Ballweg.

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

Senate Bill 141

Relating to: requiring certain vehicles that transport children to and from a child care provider to have child safety alarms installed, granting rule-making authority, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, and providing a penalty.

By Senators Cogg, Carpenter, Taylor, Plale, Erpenbach, Risser and Hansen; cosponsored by Representatives Grigsby, Pasch, Richards, A. Williams, Berceau, Danou, Young, Turner, Fields, Cullen, Colon, Zepnick, Kessler, Sinicki, Toles and Parisi.

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

Senate Bill 142

Relating to: slaughter of equine animals.

By Senators Plale, S. Fitzgerald, Taylor, Lassa and Hansen; cosponsored by Representatives Pasch, Lothian, Berceau and Sinicki.

To committee on **Agriculture and Higher Education**.

Senate Bill 143

Relating to: bulk transfers of inventory.

By Senators Risser and Taylor; cosponsored by Representatives Cullen, Colon, Molepske Jr. and A. Williams.

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

Senate Bill 144

Relating to: authorizing sharing of tax increments by certain environmental remediation tax incremental districts.

By Senator Plale; cosponsored by Representatives Mason, Turner, Richards, Zepnick and Molepske Jr..

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

Senate Bill 145

Relating to: determining the value of billboards for personal property tax purposes.

By Senators Plale, Lehman, Hansen, Holperin, Cowles and Schultz; cosponsored by Representatives Soletski, Staskunas, Smith, Hixson, Fields, Danou, Zepnick, Grigsby, Gunderson, Petersen, Kestell, A. Ott, Suder, Vos, Petrowski, Townsend, Newcomer, Van Roy, Ripp, Kerkman, Brooks, Montgomery, Honadel, Garthwaite and Jorgensen.

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

REPORT OF COMMITTEES

The committee on **Economic Development** reports and recommends:

JOHNSON, RUTH, of Madison, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2011.

Confirmation.

Ayes, 7 – Senators Lassa, Lehman, Vinehout, Kreitlow, Kanavas, Darling and Leibham.

Noes, 0 – None.

Senate Bill 10

Relating to: the income and franchise tax credit that supplements the federal historic rehabilitation tax credit.

Adoption of Senate Amendment 1.

Ayes, 7 – Senators Lassa, Lehman, Vinehout, Kreitlow, Kanavas, Darling and Leibham.

Noes, 0 – None.

Introduction and adoption of Senate Amendment 2.

Ayes, 7 – Senators Lassa, Lehman, Vinehout, Kreitlow, Kanavas, Darling and Leibham.

Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators Lassa, Lehman, Vinehout, Kreitlow, Kanavas, Darling and Leibham.

Noes, 0 – None.

JULIE LASSA
Chairperson

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Legislative Reference Bureau**

March 31, 2009

To the Honorable, the Legislature:

The following rules have been published in the March 31, 2009 Wisconsin Administrative [Register No. 639](#):

<u>Clearinghouse Rules</u>	<u>Effective Date(s)</u>
07-108	4-1-2009
08-043	4-1-2009

08-090 4-1-2009

08-095 4-1-2009

Sincerely,

BRUCE J. HOESLY

Senior Legislative Attorney/Code Editor

**State of Wisconsin
Department of Corrections**

March 18, 2009

The Honorable, The Legislature:

The following information is provided for your consideration and review pursuant to 301.08(6m), Wisconsin Statutes. The figures below pertain to calendar year 2008.

1) There were sixty-three Chapter 51 mental health commitments within the Department of Corrections. Of these, twenty-one were initial commitments and forty-two were extensions of commitments from previous years.

Fifty-five of the sixty-three commitments were obtained at the Wisconsin Resource Center (male inmates). Of these, seventeen were initial commitments and thirty-eight were renewals of commitments from previous years.

Eight of the sixty-three commitments were obtained at Taycheedah Correctional Institution (female inmates). Of these, four were initial commitments and four were recommitments from previous year.

After a Chapter 51 commitment, male inmates returned to the Wisconsin Resource Center (WRC) for further treatment. Average length of stay for WRC inmates was 372 days. Three male inmates were transferred from WRC to Mendota Mental Health Institute on an involuntary basis.

After a Chapter 51 initial commitment, females were transferred to Winnebago Mental Health Institute (WMHI). For recommitments, females remained at TCI. In addition, one female was transferred to WMHI and received treatment on a voluntary basis. Average length of stay for committed individuals was 20 days.

2) The total number of inmates who were treated with psychotropic medication in 2008 was 8,115. This number includes inmates who were incarcerated for short-term stays as well as long-term stays. The number of inmates who were treated with psychotropic medication on any specific date is estimated at approximately 4,700. Of these, the number treated on an involuntary basis was the same as the number of involuntary commitments (sixty-three). Major classes of medication included antidepressants, antipsychotics, and mood stabilizers.

3) Mental Health Services are available at all of the major institutions. Services include crisis intervention, individual counseling, and group therapy. Specific programs include sex offender treatment, anger management, domestic violence, substance abuse treatment, and cognitive interventions. Psychiatrists are available at all major institutions to provide evaluations for psychotropic medication and management of these medications. In addition, consultation is available from both psychologists and psychiatrists to evaluate competency to consent to psychotropic medication and/or medical treatment.

If you have any questions or need any further information, please let me know.

Sincerely,
RICK RAEMISCH
 Secretary

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

**State of Wisconsin
 Department of Administration**

March 31, 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 February 2009.

On February 1, 2009, the Injured Patients and Families Compensation Fund cash balance closed at a negative \$101.1 million. This negative balance continued through February 28, 2009, when the fund’s cash balance closed at a negative \$74.3 million. The Injured Patients and Families Compensation Fund cash balance reached its intra-month low of a negative \$101.3 million on February 9, 2009. 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 February 1, 2009, the Conservation Fund cash balance closed at a negative \$ 1.6 million. This negative balance continued through February 28, 2009, when the fund’s cash balance closed at a negative \$15.7 million. The negative balance was due to the difference in the timing of revenues and expenditures.

On February 1, 2009, the Utility Public Benefits Fund cash balance closed at a negative \$1.6million. This negative balance continued through February 28, 2009, when the fund’s cash balance closed at a negative \$5.6 million. The Utility Public Benefits Fund cash balance reached its intra-month low of a negative 6.7 million on February 23, 2009. The negative balance was due to a delayed transfer to the fund.

The Injured Patients and Families Compensation Fund, Conservation Fund, and Utility Public Benefits 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.**

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

Senate Clearinghouse Rule 08–104

Relating to VOC emission controls for industrial wastewater collection and treatment operations.
 Submitted by Department of Natural Resources.
 Report received from Agency, March 30, 2009.
 Referred to committee on **Environment**, March 31, 2009.

Senate Clearinghouse Rule 08–107

Relating to replacement of life insurance or annuity contracts and to disclosure requirements.
 Submitted by Insurance Commissioner.
 Report received from Agency, March 27, 2009.
 Referred to committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing**, March 31, 2009.

Senate Clearinghouse Rule 08–112

Relating to medicare supplement insurance and affecting small business.
 Submitted by Insurance Commissioner.
 Report received from Agency, March 30, 2009.
 Referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**, March 31, 2009.

Senate Clearinghouse Rule 08–114

Relating to the application of reasonably available control technology for volatile organic compound emissions from certain operations within the synthetic organic chemical manufacturing industry.
 Submitted by Department of Natural Resources.
 Report received from Agency, March 30, 2009.
 Referred to committee on **Environment**, March 31, 2009.

Senate Clearinghouse Rule 08–102

Relating to the application of reasonably available control technology emission limitations to sources of volatile organic compounds in ozone non-attainment counties, and affecting small business.
 Submitted by Department of Natural Resources.
 Report received from Agency, March 30, 2009.
 Referred to committee on **Environment**, March 31, 2009.