

STATE OF WISCONSIN
Senate Journal
Ninety–Ninth Regular Session

FRIDAY, August 14, 2009

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

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate amendment 2 to **Senate Bill 63** offered by Senator Lassa.

The Chief Clerk makes the following entries dated **Thursday, August 13, 2009**.

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 80** offered by Senator Coggs.

Senate substitute amendment 1 to **Senate Bill 200** offered by Senator Jauch.

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Office of the Governor**

August 13, 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 112	Act 38	August 13, 2009
Senate Bill 167	Act 39	August 13, 2009

Respectfully Submitted,
JIM DOYLE
Governor

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

Read first time and referred:

Senate Bill 267

Relating to: the definition of plumbing and classifying plumbers to do certain work.

By Senators Plale, Taylor, Lehman, Hansen, Wirch, Holperin, Carpenter and Cowles; cosponsored by

Representatives Soletski, Sinicki, Kestell, Zigmunt, Mursau, Murtha, Staskunas, Turner and Vruwink.

To committee on **Commerce, Utilities, Energy, and Rail**.

REPORT OF COMMITTEES

The committee on **Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection** reports and recommends:

Senate Bill 218

Relating to: penalties and private actions for violations of restrictions on telephone solicitations.

Introduction of Senate Amendment 1.

Ayes, 5 – Senators Wirch, Plale, Holperin, Hopper and Lazich.

Noes, 0 – None.

Passage.

Ayes, 5 – Senators Wirch, Plale, Holperin, Hopper and Lazich.

Noes, 0 – None.

ROBERT WIRCH
Chairperson

PETITIONS AND COMMUNICATIONS

LEGISLATIVE REFERENCE BUREAU CORRECTIONS

CORRECTIONS IN:

2009 SENATE BILL 80

Prepared by the Legislative Reference Bureau
(August 14, 2009)

1. Page 2, line 8: before “dentist” insert “a”.
2. Page 2, line 9: delete “or” and substitute “a”.
3. Page 2, line 10: before “pharmacist” insert “a”.
4. Page 2, line 11: before “chiropractor” insert “a”.
5. Page 2, line 11: before “physical” insert “a”.

**State of Wisconsin
Department of Natural Resources**

May 29, 2009

The Honorable, The Legislature:

In fulfillment of the requirements under s. 299.83(8)(h), Wisconsin State Statutes, I am transmitting the 2009 Green Tier Biennial Progress Report. Please distribute as appropriate. I am also providing a copy of the Report to the Governor and to the Chief Clerk of the Assembly.

Green Tier continues to be a powerful, sustainable force for environmental and economic performance. We are confident that with the reauthorization of the Green Tier Law that a permanent stage has been set for those committed to superior environmental performance. We will be able to not only recognize their work through a program with longevity but also to continuously improve the ways that we grow a green Wisconsin economy. It is indeed heartening to see a range of participants from 3 employees in Wisconsin to several thousand employees worldwide that share a common goal – growing green together. Our report covers both our progress and our opportunities for improvement in an effort to give you a report with both the good things being done and good work yet to be done.

For more information on the Green Tier program or additional copies of this report, please contact Mark McDermid at (608) 267-3125, or visit our web site at <http://greentier.wi.gov>. Here is a link to the report:

<http://dnr.wi.gov/org/caer/cea/environmental/reports/2009report.pdf>.

Thank you.

Sincerely,
MATTHEW J. FRANK
Secretary

**State of Wisconsin
Joint Legislative Council**

August 4, 2009

The Honorable, The Senate:

I am pleased to transmit to you the following report to the 2009 Legislature on legislation introduced by the Joint Legislative Council:

RL 2009-05 Special Committee on Strengthening Wisconsin Families [2009 Senate Bill 210 and 2009 Assembly Bill 296; 2009 Senate Bill 211 and 2009 Assembly Bill 297; 2009 Senate Bill 212 and Assembly Bill 298]

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available at the Legislative Council Staff offices, One East Main, Suite 401, or from our web page at <http://www.legis.state.wi.us/lc/>.

Sincerely,
TERRY C. ANDERSON
Director

**State of Wisconsin
Department of Health Services**

August 5, 2009

The Honorable, The Senate:

The Department of Health Services is pleased to submit to you, as required by s.253.115 of the Wisconsin Statutes, the annual report on the status of Universal Newborn Hearing Screening (UNHS) in Wisconsin. I am especially pleased to report that in 2008, all of the State's birthing hospitals had implemented a hearing screening program.

In 2008, 98 percent of babies born in Wisconsin were born in a facility that offers UNHS and 2 percent were born at home.

Currently 96 percent of babies are screened prior to hospital discharge, with a 0.2 percent rate of refusal. The statewide average rate of infants who did not pass the inpatient hearing screen in 2008 was 2.1 percent, which falls within the American Academy of Pediatrics recommendation of less than 4 percent.

The Department's early hearing detection and intervention program, Wisconsin Sound Beginnings (WSB), continues to provide support to screening and diagnostic organizations and to the county Birth to 3 programs, working with identified infants with hearing loss and their families. With federal funds, WSB has implemented an early hearing loss data collection and tracking system in 94 birthing units, 18 neo-natal intensive care units, and 61 audiology clinics. WSB also has developed a parent-to-parent support system which has received national attention, called the Guide By Your Side program. The program provides services for families of children who are deaf or hard of hearing, including those who are Spanish- and Hmong-speaking only.

Hearing loss is the most common congenital birth defect, affecting an estimated 200 Wisconsin infants annually. Undetected hearing loss impedes speech, language, and cognitive and social development. The Department is dedicated to helping children and families cope with the effect of hearing loss through its early detection and intervention programs, so that all Wisconsin children can have a sound beginning.

Sincerely,
KAREN E. TIMBERLAKE
Secretary

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

**State of Wisconsin
Joint Legislative Council**

August 6, 2009

The Honorable, The Senate:

I am pleased to transmit to you the following report to the 2009 Legislature on legislation introduced by the Joint Legislative Council:

RL 2009-09 Special Committee on Building Wisconsin's Workforce [2009 Assembly Bill 293 and 2009 Senate Bill 245; 2009 Assembly Bill 294 and 2009 Senate Bill 246]

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available at the Legislative Council Staff offices, One East Main, Suite 401, or from our web page at <http://www.legis.state.wi.us/lc/>.

Sincerely,
TERRY C. ANDERSON
Director

**State of Wisconsin
Department of Health Services**

August 12, 2009

The Honorable, The Legislature:

The Department of Health Services published a Statement of Scope in Administrative Register No. 614, February 28, 2007, to provide notice of the Department's intent to modify ch.

DHS (HFS) 117, relating to fees for copies of health care provider records. The Legislature, under [2009 Act 28](#), established a fee schedule for medical record copies under ch. [146](#), Stats., which replaces the medical record copy fee schedule established by the Department under ch. [DHS 117](#).

Accordingly, the Department, under s. [227.14 \(6\) \(b\)](#), Stats., hereby withdraws the proposed rulemaking. In addition, the Department will soon begin the process to repeal the existing ch. [DHS 117](#).

If you have any questions, please contact Rosie Greer at 266-1279.

Sincerely,
KAREN E. TIMBERLAKE
Secretary

**State of Wisconsin
Department of Health Services**

August 12, 2009

The Honorable, The Legislature:

The Department of Health Services published a Statement of Scope in Administrative [Register No. 630](#), June 14, 2008, to provide notice of the Department's intent to modify chs. [DHS \(HFS\) 92](#) and [94](#), relating to confidentiality of treatment records and patient rights and resolution of patient grievances. The Department has now decided not to promulgate the rules anticipated under the Statement of Scope at this time. Accordingly, the Department, under s. [227.14 \(6\) \(b\)](#), Stats., withdraws the proposed rulemaking.

If the Department later decides to modify ch. [DHS 92](#) or [94](#), the Department will issue a Statement of Scope as required under s. [227.135](#), Stats.

If you have any questions, please contact Rosie Greer at 266-1279.

Sincerely,
KAREN E. TIMBERLAKE
Secretary

ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin
Department of Public Instruction**

August 10, 2009

The Honorable, The Senate:

Pursuant to s. [15.377\(8\)](#), Wis. Stats., enclosed please find a list of nominees to the Professional Standards Council for Teachers. These individuals were selected based upon organizational recommendations as prescribed in statute. Your confirmation of the appointees is requested.

Sincerely,
TONY EVERS
State Superintendent

MCCABE, JEFF, of Kaukauna, as a member of the Professional Standards Council for Teachers, to serve for the term ending June 30, 2012.

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

**State of Wisconsin
Office of the Governor**

July 15, 2009

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JOYNER, BENNIE, of Milwaukee, as a member of the State Fair Park Board, to serve for the term ending May 1, 2014.

Respectfully Submitted,
JIM DOYLE
Governor

Read and referred to committee on **Transportation, Tourism, Forestry, and Natural Resources**.

**State of Wisconsin
Office of the Governor**

August 3, 2009

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MADRIGRANO, ALDO, of Sussex, as a member of the State Fair Park Board, to serve for the term ending May 1, 2010.

Respectfully Submitted,
JIM DOYLE
Governor

Read and referred to committee on **Transportation, Tourism, Forestry, and Natural Resources**.

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

Senate Clearinghouse Rule 09-037

Relating to method of sale of commodities, including method of sale by weight, measure or count.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, August 13, 2009.

Referred to committee on **Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection**, August 14, 2009.

**Motions Under Senate Rule 98 and Joint Rule 7
for the Month of July 2009**

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Jason Alexander, 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 Holperin, for Trace David Borchardt, 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 Blake Brawner, 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 Harsdorf, for Patrick

Carr, 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 Harsdorf, for Alexander Caturia, 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 Lasee, for Senator Gary Drzewiecki, on the occasion of being selected as the Grand Marshall of the 2009 Pulaski Polka Days Parade.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Kanavas, for Zachary Thomas Emberts, 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 the Freedom House Crisis Center, on the occasion of the United Proud Patriots Veterans Organization on the opening of the new Crisis Center in Menomonee Falls.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Erpenbach, for Eric Ganshert, 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 Carpenter, for the Greenfield Public Library, on the occasion of its years of dedicated public service to the residents of Greenfield and Milwaukee County.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Taylor, for Harold "Buster" Hair, Jr., on the occasion of being inducted into the Yesterday's Negro League Hall of Fame and his lasting impact on the Negro Baseball League.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Vinehout, for the Jackson County Fair, on the occasion of its Sesquicentennial celebration.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Jacob Lawyer, 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 Grothman, for Mitchell Lee Lemons, 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 Jauch, for Judge Mike Lucci, on the occasion of his retirement from his career on the Douglas County Circuit Court.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Darling, for the Menomonee Falls Neighborhood Watch, on the occasion of receiving the Award of Excellence from the National Sheriff's Association.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for Russell J. Niesen, on the occasion of his retirement after 28+ years with the Department of Revenue.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Hopper, for Lynn Oestreich, on the occasion of his 27 plus years of excellence in service to the Waupun Correctional Institution.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Sullivan, for Chief Redman and the brave men and women of Fire Station #1, on the occasion of their dedication to protect our Wauwatosa Community and the groundbreaking of the new Fire Department.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for the newly named Robinson American Legion Post 538, on the occasion of recognizing the Carlton American Legion Post 538 for renaming the VFW in honor of Lance Corporal Gerald A. Robinson.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Grothman, for Jacob Peter Schowalter, 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 Kanavas, for Marilyn Schumann, on the occasion of her 23 years of dedicated service to the Hamilton School District.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lazich, for Steeple View, on the occasion of celebrating its 5th Anniversary.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Kreilow, for Catherine Stowe, 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 Cowles, for Kyle Sweeney, 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 Taylor, for the Tennessee Youth Christian Choir, on the occasion of the Milwaukee debut concert in Milwaukee.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Taylor, for the family and friends of James "Jim P" Tillman, Sr., on the occasion of being inducted into the Yesterday's Negro League Hall of Fame and celebrate his life and the lasting impact on the Negro Baseball League.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for James Anthony Ulicki, 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 Darling, for Alex Washburn, 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 Hopper, for Amory Joseph Waters, on the occasion of earning and attaining the rank of the Eagle Scout Award.