

STATE OF WISCONSIN
Senate Journal
Ninety–Ninth Regular Session

WEDNESDAY, September 9, 2009

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

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 30** offered by Senator Robson.

Senate substitute amendment 1 to **Senate Bill 108** offered by Senator Robson.

The Chief Clerk makes the following entries dated **Friday, September 4, 2009**.

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 120** offered by Senator Taylor.

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Senator Carpenter added as a coauthor of **Senate Bill 218**.

The Chief Clerk makes the following entries dated **Tuesday, September 8, 2009**.

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

Read first time and referred:

Senate Bill 284

Relating to: designating and marking USH 63 as the Gaylord Nelson Highway.

By Senators Kreitlow, Jauch, Harsdorf, Hansen, Lehman, Coggs, Sullivan, Miller, Schultz, Wirch and Lassa; cosponsored by Representatives Hraychuck, Danou, Sherman, Milroy, Hebl, Roys, Black, Berceau, Turner, A. Ott, Sinicki, Molepske Jr., Kessler, Zigmunt, Jorgensen and Pope–Roberts.

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

REPORT OF COMMITTEES

The committee on **Senate Organization** reports:

Referred to the joint committee on **Finance**, pursuant to Senate Rule 41 (1)(e):

Senate Bill 40

**Senate Bill 63
Assembly Bill 178**

Placed the following appointments and proposals on the Senate Calendar of Tuesday, September 15, 2009:

**Appointment BITTER
Appointment BOLDT
Appointment CASTANEDA
Appointment COLBURN
Appointment DAVISST
Appointment GREENBERGM
Appointment LEVIT, JR.
Appointment MCCABE
Appointment MULLIGAN
Appointment STAFF
Appointment WATSON
Appointment WATSOND
Appointment WOZNIAK
Senate Joint Resolution 11
Senate Joint Resolution 43
Senate Bill 38
Senate Bill 57
Senate Bill 160
Senate Bill 170
Senate Bill 185
Senate Bill 195
Senate Bill 218
Assembly Joint Resolution 61**

Ayes: 5 – Senators Decker, Risser, Hansen, Fitzgerald and Grothman.

Noes: 0 – None.

Chairperson,
RUSS DECKER
Committee on Senate Organization

ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin
Office of the Governor**

September 1, 2009

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint EVERS, ANTHONY, of Madison, as a Superintendent of Public Instruction on the Board of Regents of the University of Wisconsin System, to serve for the term ending at the pleasure of the Governor.

Respectfully Submitted,
JIM DOYLE
Governor

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

**State of Wisconsin
Office of the Governor**

September 1, 2009

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint EVERS, ANTHONY, of Madison, as a Superintendent of Public Instruction on the Wisconsin Technical College System Board, to serve for the term ending at the pleasure of the Governor.

Respectfully Submitted,
JIM DOYLE
Governor

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

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

Senate Clearinghouse Rule 09-032

Relating to continuing education for land surveyors.
Submitted by Department of Regulation and Licensing.
Report received from Agency, September 3, 2009.

Referred to committee on **Economic Development**,
September 8, 2009.

Senate Clearinghouse Rule 09-049

Relating to the transportation facilities economic assistance and development program, and the transportation infrastructure loan program.

Submitted by Department of Transportation.
Report received from Agency, September 1, 2009.

Referred to committee on **Transportation, Tourism, Forestry, and Natural Resources**, September 8, 2009.

REPORT OF COMMITTEES

The committee on **Children and Families and Workforce Development** reports and recommends:

Senate Bill 257

Relating to: emergency assistance grants.

Passage.

Ayes, 5 – Senators Jauch, Lassa, Vinehout, Kedzie and Hopper.

Noes, 0 – None.

ROBERT JAUCH
Chairperson

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Representative Petersen added as a cosponsor of **Senate Bill 258**.

Pursuant to Senate Rule 17 (5), Representative Spanbauer withdrawn as a cosponsor of **Senate Bill 127**.

**State of Wisconsin
Office of Senator Lena C. Taylor**

August 21, 2009

The Honorable, the Senate:

I am writing in my capacity as the chairperson of the Senate committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing** to request that the Joint Review Committee on **Criminal Penalties** prepare a report on the bill under s. 13.525 (5) (b), Wis. Stats. on **Senate Bill 66**, which creates a new crime or revises an existing criminal penalty.

If you have any questions, please do not hesitate to contact me.

Sincerely,
LENA C. TAYLOR
Senator, 4th Senate District

**State of Wisconsin
Department of Health Services**

September 1, 2009

The Honorable, The Legislature:

Section 227.485(9) of the Wis. Stats. requires the Department to submit a report concerning decisions and resulting payments of attorney fees and related legal costs. Attorney fees and other legal costs are to be paid whenever the opposing party to an agency's Chapter 227 hearing prevails and it is determined the agency's position was not substantially justified. As indicated in the attached chart, two payments totaling \$7,679.14 were made during SFY 2009.

In addition, under 814.245(10) of the Wis. Stats., the Department is required to report any awards granted to the Department regarding frivolous motions brought against this Department. In SFY 2009, no motions of opposing parties were found to be frivolous. Consequently, the Department has no awards to report.

Sincerely,
KAREN E. TIMBERLAKE
Secretary

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

**State of Wisconsin
Department of Health Services**

September 4, 2009

The Honorable, The Legislature:

Section 55.14 (11) of the Wis. Stats. requires the Department of Health Services to submit a report concerning any orders for the involuntary administration of psychotropic medications to individuals who are receiving protective services. Counties and their contract agencies are required to submit copies of these orders to the Department. Sections 51.14(3) and (8) establish the criteria for issuance of court orders. Six counties (Dodge, Oneida, Pierce, Rock, Washburn and Richland) provided copies of protective placement court orders for psychotropic medications in the last year.

Sincerely,
KAREN E. TIMBERLAKE
Secretary

**State of Wisconsin
Legislative Audit Bureau**

September 9, 2009

The Honorable, The Legislature:

We have completed a review of the State's purchasing card program under which state employees use credit cards to make purchases for state business purposes. The program is administered by the Department of Administration (DOA). In 2008, executive branch agencies and University of Wisconsin (UW) institutions made over 693,000 purchasing card transactions totaling \$161.7 million.

Agency and UW institution employees held approximately 18,000 cards as of December 2008. To control spending, each purchasing card is assigned both a credit limit, which is its maximum account balance for each two-week billing cycle, and a single purchase limit, which is the maximum amount chargeable in a single transaction. In many instances cards' spending limits were higher than necessary, and the potential financial risk to the State could be reduced by establishing spending limits at levels that are more consistent with cardholder needs.

Our review of a sample of 3,071 purchasing card transactions found generally adequate internal controls for purchasing card oversight. The use of purchasing cards for personal gain has been rare. However, we found 131 exceptions totaling \$74,499, including examples of unnecessary, excessive, or inappropriate transactions. Through their own oversight procedures, agencies and UW institutions had already identified and addressed 52 of these transactions, totaling \$7,286, with measures ranging from staff training to termination of employment.

While we found no evidence of widespread fraud or abuse, compliance with documentation requirements and other program rules could be improved. We include recommendations for DOA to clarify program policies and to work with agencies and UW institutions to ensure that cardholders receive adequate training.

We appreciate the courtesy and cooperation extended to us by DOA and by the agencies and UW institutions we reviewed. Responses from DOA and UW System Administration follow

the appendices.

Sincerely,
JANICE MUELLER
State Auditor

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

The committee on **Environment** reports and recommends:
Senate Clearinghouse Rule 08-111

Relating to the management of accumulated sediment from storm water management structures.

No action taken.

MARK MILLER
Chairperson

The committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue** reports and recommends:
Senate Clearinghouse Rule 09-003

Relating to fair hearings and continuation of benefits pending the outcome of a grievance, department review, or fair hearing under the family care program.

No action taken.

JON ERPENBACH
Chairperson

The committee on **Transportation, Tourism, Forestry, and Natural Resources** reports and recommends:
Senate Clearinghouse Rule 09-031

Relating to the administration of the forest crop law and managed forest law.

No action taken.

JIM HOLPERIN
Chairperson