

STATE OF WISCONSIN
Senate Journal
Ninety–Ninth Regular Session

WEDNESDAY, September 16, 2009

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

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 163** offered by Senator Wirch.

Senate amendment 2 to **Senate Bill 215** offered by Senator Holperin.

Senate amendment 3 to **Senate Bill 215** offered by Senator Holperin.

Senate amendment 1 to **Senate Bill 244** offered by Senator Lassa.

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

Read and referred:

Senate Joint Resolution 45

Relating to: calling on the Wisconsin congressional delegation to take action to grandfather preexisting highway weight limits upon the designation of USH 41 as part of the Dwight D. Eisenhower system of interstate and defense highways.

By Senators Hansen, Cowles, Holperin, Plale, Taylor, Lassa, Darling and Kedzie; cosponsored by Representatives Zigmunt, Bernard Schaber, Soletski, Van Roy, Montgomery, Hintz, Turner, Vruwink, Spanbauer, Steinbrink, Fields, Strachota, Vos and Townsend.

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

Read first time and referred:

Senate Bill 289

Relating to: factors for setting premium rates for motor vehicle insurance.

By Senator Carpenter; cosponsored by Representatives Young, Grigsby, Parisi, Berceau, Turner and Richards.

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

Senate Bill 290

Relating to: changes in the regulation of boxing contests, regulating mixed martial arts fighting contests, granting rule-making authority, making an appropriation, and providing a penalty.

By Senators Hansen, Lehman, Plale, Cowles, Lassa, Taylor and Sullivan; cosponsored by Representatives Colon, Poca,

Zepnick, Hintz, Zigmunt, Kleefisch, Vruwink, Richards, Cullen, Staskunas, Honadel and Seidel.

To committee on **Labor, Elections and Urban Affairs**.

Senate Bill 291

Relating to: authorizing the designation of a tax incremental district as distressed and expanding the use of donor tax incremental districts.

By Senators Sullivan, Schultz, Holperin, Kreitlow and Taylor; cosponsored by Representatives Molepske Jr., Ripp, Radcliffe, Davis, Staskunas, Brooks, Townsend, Soletski, Clark, Zepnick and Hintz.

To committee on **Economic Development**.

Senate Bill 292

Relating to: the exemption of State Historical Society books from state printing requirements.

By Senators Lassa, Risser, Schultz, Taylor and Lehman; cosponsored by Representatives Berceau, Kestell, Pasch, Townsend, Ballweg, Gunderson, Pope–Roberts, Jorgensen and Mason.

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

Senate Bill 293

Relating to: directing the governor to annually proclaim March 25 as Medal of Honor Day.

By Senators Lassa, Hansen, Darling, Schultz, Taylor, Lehman, Coggs, Cowles and Kapanke; cosponsored by Representatives Molepske Jr., Turner, Brooks, Berceau, Townsend, Nerison, Strachota, A. Ott, Knodl, Grigsby, Hebl, Schneider, Roth, Jorgensen, Mursau, Lothian, Ripp, Sinicki, Mason, M. Williams and Hintz.

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

Senate Bill 294

Relating to: municipal quotas for retail intoxicating liquor licenses.

By Senators Plale, Miller, Taylor, Grothman and Olsen; cosponsored by Representatives Hintz, Gottlieb, Spanbauer, Strachota, Zigmunt, Zepnick, Lothian, Townsend, Mursau, Zipperer, Ballweg and Roys.

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

Senate Bill 295

Relating to: permitting a minor to present musical entertainment or perform in a theatrical performance in a roadhouse, cabaret, dance hall, night club, tavern, or similar place.

By Senators Kedzie, Taylor and Schultz; cosponsored by Representatives Knodl and Gunderson.

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

Senate Bill 296

Relating to: extensions of managed forest land orders.

By Senators Lassa, Holperin, Schultz, Taylor and Lehman; cosponsored by Representatives Schneider, Brooks, Nerison and Ripp.

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

Senate Bill 297

Relating to: the immobilization or removal, impoundment, and disposal of motor vehicles for multiple nonmoving traffic violations.

By Senators Carpenter and Darling; cosponsored by Representatives Krusick, Gottlieb, Richards, Staskunas, Zepnick, Mursau, A. Ott, Stone, Townsend, Vos and Knodl.

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

Senate Bill 298

Relating to: state building contracting and construction procedures and granting rule-making authority.

By Senators Risser, Plale and Kanavas; cosponsored by Representatives Black, Hintz and Kaufert, by request of The Building Commission.

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

LENA TAYLOR
Chairperson

The committee on **Senate Organization** reports:

Senate Bill 241

Relating to: modifying the definition of all-terrain vehicle.

Referred to, and withdrawn from, the joint committee on **Finance**, pursuant to Senate Rule 41 (1)(e).

Placed the following proposals on the Senate Calendar of Tuesday, September 22, 2009:

- Appointment BROWN**
- Appointment DEVINED**
- Appointment ERICKSON**
- Appointment FINORA**
- Appointment JOYNER**
- Appointment KINNEY**
- Appointment MADRIGRANO**
- Appointment ROONEY**
- Appointment THOMAS**
- Appointment WHITED**
- Appointment WILEY**

Senate Joint Resolution 39

Senate Bill 89

Senate Bill 190

Senate Bill 200

Senate Bill 226

Senate Bill 227

Senate Bill 229

Senate Bill 241

Senate Bill 243

Senate Bill 257

Assembly Bill 8

Assembly Bill 33

Assembly Bill 86

Assembly Bill 132

Assembly Bill 308

Ayes: 3 – Senators Decker, Risser and Hansen.

Noes: 0 – None.

RUSS DECKER
Chairperson

REPORT OF COMMITTEES

The committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing** reports and recommends:

Senate Bill 182

Relating to: statute of limitations for intentional torts.

Passage.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

Senate Bill 203

Relating to: claims for loss of society and companionship in medical malpractice cases.

Passage.

Ayes, 3 – Senators Taylor, Sullivan and Erpenbach.

Noes, 2 – Senators Grothman and Hopper.

Senate Bill 93

Relating to: partially exempting an assessor and an assessor's staff from liability for trespassing, creating immunity from civil liability, and changing the notice requirements related to the revaluation of property by an assessor.

Introduction and adoption of Senate Amendment 1 to Senate Substitute Amendment 1.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

Adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

Passage as amended.

Ayes, 4 – Senators Taylor, Sullivan, Erpenbach and Grothman.

Noes, 1 – Senator Hopper.

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Representative Turner added as a cosponsor of **Senate Bill 297**.

University of Wisconsin System

June 23, 2009

The Honorable, The Legislature:

Section 36.11(22)(2)(b), Wisconsin Statutes, requires the Board of Regents to annually submit a report to the chief clerk of each house of the Legislature on the methods used by each UW System institution to disseminate information to students on sexual assault and sexual harassment. The attached report is submitted on behalf of the Board of Regents to fulfill the UW System's statutory requirements.

The law requires UW System institutions to incorporate into their orientation programs for newly entering students oral and written information on sexual assault and sexual

harassment, including information on: (1) sexual assault by acquaintances of the victims; (2) the legal definitions and penalties for sexual assault; (3) generally available national, state, and campus statistics on sexual assault; (4) the rights of victims; and (5) protective behaviors including methods of recognizing and avoiding sexual assault and sexual harassment. In addition, each institution must annually supply to all students enrolled in the institution printed material that includes information on all of these topics. This law was enacted in April 1990, and this is the eighteenth report to be compiled for the Legislature since its enactment.

This report summarizes the primary methods used by each institution to comply with s.36.11(22)(1), Wisconsin Statutes. The summaries are not exhaustive of all efforts underway at the institutions. Instead, they summarize the programs institutions have identified as their "best practices" to respond to victims of sexual assault and provide information about sexual assault prevention to all students.

Overall, UW System institutions are (1) continually updating and improving the scope and quality of information provided to students; (2) integrating presentations, small-group discussion of the issues, and interactive dramatizations relating to sexual violence into new student orientation programs; (3) providing educational and resource information required by s.36.11(22), Wisconsin Statutes, on the web or in print form; (4) offering educational programs addressing the topic in a wide range of venues, including residence halls, student unions, classrooms, student organization gatherings, and private housing facilities; and (5) establishing effective and important connections among campus and health personnel, local police, community service agencies, and regional hospitals to address sexual violence in a coordinated manner.

If you need additional information regarding this report, please contact Cindy Graham at cgraham@uwsa.edu or 608-263-4398.

Sincerely,
KEVIN P. REILLY
President

Referred to committee on **Agriculture and Higher Education.**

**State of Wisconsin
Department of Administration**

September 11, 2009

The Honorable, The Legislature:

As required by s. 14.065, Wis. Stats., and on behalf of Governor Doyle, I am transmitting a recommended Stripper XXII Oil Overcharge Plan, and requesting the Joint Committee on Finance to consider this plan at its next s. 13.10, Wis Stats., meeting.

The Plan proposes an allocation of \$602,907.78, which includes \$52,899.22 of Stripper XXI unapproved funds plus all accrued and future accruing interest, \$300,000 of Stripper XXI inactive funds, the reallocation of \$15,386.22 of prior year monies, and the reallocation of \$234,622.34 of Exxon monies. The Plan proposes funding designed to leverage and coordinate Wisconsin's federal awards directed at clean and renewable energy research and development.

I appreciate your support in helping Wisconsin increase energy efficiency and the use of renewable energies. If you

have any questions regarding the Plan or require additional information, please contact Judy Ziewacz, Director of Wisconsin's Office of Energy Independence, at 261-0607.

Sincerely,
MICHAEL L. MORGAN
Secretary

Referred to committee on **Commerce, Utilities, Energy, and Rail.**

**State of Wisconsin
Department of Health Services**

September 14, 2009

The Honorable, The Legislature:

1997 Wisconsin Act 27 directs the Department of Health Services to submit an annual report to the Joint Committee on Finance on the previous fiscal year's utilization of nursing home beds by Medical Assistance (MA) recipients and also requires a discussion and projection of current fiscal year MA expenditures and likely balances. Section **49.45 (6v)(c)** of the statutes requires that if the report shows a decrease in bed utilization by MA recipients at a rate greater than assumed in the budget, then the Department must propose a transfer of funds associated with that decrease from the MA budget to the Community Options Program (COP). However, statutes prohibit the Department from proposing a transfer that would create a deficit in the current year or biennial appropriation.

The number of nursing home patient days budgeted for FY09 in **2007 Act 20**, the 07-09 Budget Bill, was 6,283,416. In FY09, MA recipients utilized 6,680,034 nursing home patient days, 396,618 days more than budgeted (Table 1). An analysis of patient days by level of care and the average daily cost for each care level indicates that actual expenses exceeded projections by approximately \$43,583,300 AF (\$15,328,200 GPR). Because of the higher than budgeted utilization of MA nursing home services, there is no surplus of nursing home funds to transfer to the Community Options Program appropriation.

Thank you for your attention to this report.

Sincerely,
KAREN E. TIMBERLAKE
Secretary

Referred to joint committee on **Finance.**

**State of Wisconsin
Department of Natural Resources**

September 15, 2009

The Honorable, The Legislature:

We at the Department of Natural Resources are pleased to provide you with a copy of our annual Wisconsin Environmental Policy Act (WEPA) report. In fulfillment of Section **1.11 (2)(j)** of the state statutes, this document provides information on the numbers of environmental assessments (EAs) and environmental impact statements (EISs) completed by the Department in the past fiscal year.

Questions about the report can be directed to me at 6-0426.

Sincerely,
JAMES D. PARDEE
Wisconsin Environmental Policy Act Coordinator
DNR Office of Energy and Environmental Analysis

**State of Wisconsin
Joint Legislative Council**

September 15, 2009

The Honorable, The Legislature:

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

RL 2009–06 Special Committee on Enhancing
Recreational Trails for Non–Motorized
Use [2009 Senate Bills 264, 265, and 266]

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

University of Wisconsin System

September 15, 2009

The Honorable, The Legislature:

The attached document reflects the Wisconsin Environmental Policy Act (WEPA) activities of the University of Wisconsin System for the period of July 1, 2008 through June 30, 2009. This annual report fulfills Section 1.11(2)(j) of the Wisconsin Statutes, in that it provides information on the number of Type 1 Environmental Impact Statements and Type II Environmental Impact Assessments completed during the past fiscal year.

Should you have any questions regarding this report, please direct them to Terri Reda, UW System Environmental Affairs Officer, at (608) 263–4410.

Sincerely,
KEVIN P. REILLY
President

**State of Wisconsin
Government Accountability Board**

September 15, 2009

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 2009–2010 session of the legislature, visit the Government Accountability Board’s web site at <http://ethics.state.wi.us/>.

Bellcock, Michael	IBEW Local Union 2150
Langyel, Michael	Milwaukee Teachers Education Association
Brooks, Bryan	National Popular Vote
Foti, Steven	National Popular Vote
Sokol, Lawrence	National Popular Vote
Brooks, Bryan	Orion Energy Systems

Petersen, Eric J	Wisconsin Independent Businesses Inc
Langenohl, Tony	Wisconsin Independent Businesses Inc
Broberg, Jennifer	Wisconsin Independent Businesses Inc

Also available from the Wisconsin Government Accountability 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,
KEVIN KENNEDY
Director and General Counsel

**State of Wisconsin
Investment Board**

September 14, 2009

The Honorable, The Senate:

Pursuant to s. 1.11(2)(j) Stats., please distribute this notice to members of the Senate. The State of Wisconsin Investment Board did not consider any proposals or major actions in Wisconsin during fiscal year 2009 that would have significantly affected the quality of the human environment. Accordingly, the agency was not required to prepare any environmental assessments or impact statements under s. 1.11, Stats.

Please contact Sandy Drew at 261–0182 if you have any questions concerning this report.

Sincerely,
KEITH BOZARTH
Executive Director

**State of Wisconsin
Legislative Audit Bureau**

September 17, 2009

The Honorable, The Legislature:

We have completed an evaluation of the consolidation of administrative functions within the Department of Administration (DOA) and the Accountability, Consolidation, and Efficiency (ACE) Initiative, as requested by the Joint Legislative Audit Committee. In 2005, DOA implemented the ACE Initiative to improve management of purchasing, human resources, and information technology (IT) functions. Although the ACE Initiative ended in June 2007, many of its components remain in effect.

Currently, DOA provides human resources services to 7 other state agencies, purchasing services to 11 other agencies, and computer server and network support services to 7 other agencies. However, the agencies continue to incur costs to complete certain administrative tasks that DOA does not perform.

DOA negotiated 14 new contracts for some of the goods and services commonly purchased by state agencies and the University of Wisconsin System. From fiscal year (FY) 2005–06 through FY 2007–08, purchases under the contracts totaled \$237.7 million. We estimate savings of \$18.9 million from purchases of goods and services for which data were available. However, vendors were potentially paid \$396,100 more than allowed under three of the contracts.

The costs of three ACE Initiative–related IT projects totaled \$113.5 million through June 2009 and have significantly

exceeded original estimates. One project is completed, work on another has been suspended, and the third is taking longer than expected to complete.

Any savings and efficiencies achieved through consolidation have been offset by payments of \$15.2 million to four contractors that helped to create and implement the ACE Initiative. Continued legislative monitoring of ongoing consolidation efforts is warranted.

We appreciate the courtesy and cooperation extended to us by DOA and other state agencies. A response from DOA follows the appendices.

Sincerely,
JANICE MUELLER
Sate Auditor

ADVICE AND CONSENT OF THE SENATE

State of Wisconsin Office of the Governor

September 14, 2009

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WALL, EDWARD, of Windsor, as

Administrator of Wisconsin Emergency Management, to serve for the term ending at the pleasure of the Governor.

Respectfully Submitted,
JIM DOYLE
Governor

Read and referred to committee on **Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection.**

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

Senate Clearinghouse Rule 09-060

Relating to the transition from a registration system to a license system under subch. III, ch. 224, Stats., branch offices, mortgage broker agreements, surety bonds and trade names.

Submitted by Department of Financial Institutions.

Report received from Agency, September 15, 2009.

Referred to committee on **Veterans and Military Affairs, Biotechnology, and Financial Institutions**, September 16, 2009.