

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Ninth Regular Session

---

FRIDAY, October 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 266** offered by Senator Lassa.

---

The Chief Clerk makes the following entries dated **Thursday, October 15, 2009**.

**AMENDMENTS OFFERED**

Senate amendment 1 to **Senate Bill 162** offered by Senators Sullivan and Decker.

---

**REPORT OF COMMITTEES**

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

**Senate Bill 331**

Relating to: prohibiting a person who has been convicted or adjudicated delinquent for committing certain serious crimes or who is the subject of a pending criminal charge or delinquency petition for committing a serious crime from being licensed, certified, or contracted with to provide child care, from being employed or contracted as a caregiver of a child care provider, or from being permitted to reside at a premises where child care is provided and making an appropriation.

Adoption of Senate Amendment 1.

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

Noes, 0 – None.

Introduction and adoption of Senate Amendment 2.

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

Noes, 0 – None.

Passage as amended.

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

Noes, 0 – None.

---

*ROBERT JAUCH*  
Chairperson

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

**Assembly Bill 283**

Relating to: operating a vehicle while intoxicated, granting rule-making authority, making an appropriation, and providing a penalty.

---

*ROBERT JAUCH*  
Chairperson

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

**Assembly Bill 153**

Relating to: membership of the State Fair Park Board.

Concurrence.

Ayes, 7 – Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

Noes, 0 – None.

**Senate Bill 287**

Relating to: transferring ownership and jurisdiction of a municipality's highways to an American Indian tribe or agency of the United States government.

Passage.

Ayes, 6 – Senators Holperin, Sullivan, Plale, Hansen, Leibham and Grothman.

Noes, 1 – Senator Kedzie.

**Senate Bill 300**

Relating to: certain areas of land subject to managed forest land orders that were part of a parcel of land under single ownership that exceeded 8,000 acres in size.

Introduction and adoption of Senate Substitute Amendment 1.

Ayes, 7 – Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

Noes, 0 – None.

**Senate Bill 321**

Relating to: operation of neighborhood electric vehicles.

Passage.

Ayes, 7 – Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

Noes, 0 – None.

**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.

Adoption.

Ayes, 7 – Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

Noes, 0 – None.

*JIM HOLPERIN*  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**LEGISLATIVE REFERENCE BUREAU CORRECTIONS**

**CORRECTIONS IN:**

**2009 SENATE BILL 288**

Prepared by the Legislative Reference Bureau  
(October 15, 2009)

1. Page 60, line 2: delete “his or her” and substitute “her”.

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

October 15, 2009

The Honorable, the Senate:

I am writing to you 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 **Assembly Bill 283**, 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

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

Read first time and referred:

**Senate Bill 351**

Relating to: requirements before a sale or other transfer of a manufactured and mobile home community, providing an exemption from the real estate transfer fee, and providing a penalty.

By Senators Erpenbach and Wirch; cosponsored by Representatives Roys, Berceau, Jorgensen and Pope–Roberts.

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

**Senate Bill 352**

Relating to: the jurisdictional amount and court fees in certain small claims actions.

By Senators Erpenbach, Wirch, Holperin, Olsen, Schultz and Hansen; cosponsored by Representatives Hebl, Sherman, Berceau and Pope–Roberts.

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

**Senate Bill 353**

Relating to: federalizing the treatment of capital losses.

By Senators Kedzie, Darling, Olsen and A. Lasee; cosponsored by Representatives J. Ott, Petrowski, Kestell, Gunderson, A. Ott, Kaufert, Ripp, Mursau, Kerkman, LeMahieu, Townsend, Nygren, Gundrum, Honadel, Bies, Spanbauer, Nass, Ballweg, Lothian, Knodl, Ziegelbauer, Suder, Vos and Strachota.

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

**Senate Bill 354**

Relating to: substitutions by pharmacists dispensing epilepsy drugs.

By Senators Erpenbach, Lassa, Hansen, Risser and Taylor; cosponsored by Representatives Benedict, Pasch, Berceau, Bies, Parisi, Pope–Roberts, Sinicki, Townsend, Turner, Steinbrink, Van Akkeren and A. Ott.

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

**Senate Bill 355**

Relating to: prohibiting electronic text messaging while driving and providing a penalty.

By Senators Lehman, A. Lasee, Hansen, Olsen, Carpenter, Harsdorf, Cowles, Taylor, Darling and Schultz; cosponsored by Representatives Barca, Turner, Bernard Schaber, Zigmunt, Steinbrink, A. Ott, Clark, Sinicki, Bies, Pasch, Hilgenberg, Petrowski, Hixson, Hintz, Radcliffe, Kerkman, Benedict, Mason, Gunderson, Black, Hebl, Brooks, Cullen, Berceau, Hubler, Lothian, Krusick, Van Roy, Van Akkeren and Toles.

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 328**

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

Noes: 0 – None.

*RUSS DECKER*  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**  
**Office of the Senate President**

October 16, 2009

The Honorable, the Senate:

Pursuant to Wisconsin Statute 15.205 (4), I am appointing Senator Julie Lassa to the Child Abuse and Neglect Prevention Board.

Please feel free to contact me with any questions.

Most Sincerely,  
*FRED A. RISSER*  
Senate President

---

**State of Wisconsin  
Government Accountability Board**

October 13, 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/>.

Kraft, Debra	Community Advocates, Inc.
Rasch, Christopher	Wisconsin Medical Society
Smith, Jim	Northern States Power d/b/a Xcel Energy

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  
Office of State Employee Relations**

October 15, 2009

The Honorable, The Senate:

I am pleased to forward the Fiscal Year 2009 report on employment of customers of the Wisconsin Works (W–2) program. Included in this report are the number of W–2 job seekers employed by each state agency and the classification of each position filled from July 1, 2007, through June 30, 2008. Of the 1,994 new hires to state employment, 110 or 5.5 percent were W–2 hires. This exceeds the state’s hiring goal of 2 percent.

Attached is a copy of the W–2 Hiring Report. Please contact Claire Dehnert at (608) 267–1005 or email [Claire.dehnert@wisconsin.gov](mailto:Claire.dehnert@wisconsin.gov) if you have questions or need additional information regarding this report.

Sincerely,  
*JENNIFER DONNELLY*  
Director

**State of Wisconsin  
Legislative Audit Bureau**

October 15, 2009

The Honorable, The Legislature:

We have completed financial audits of Mendota and Winnebago Mental Health Institutes for the period July 1, 2007, through June 30, 2008. The audits were requested by the Department of Health Services (DHS). We were able to express an unqualified opinion on each Institute’s financial statements.

Mendota and Winnebago Mental Health Institutes are licensed and accredited hospitals that provide specialized diagnostic, evaluation, and treatment services for mentally ill children and adults. The Institutes also provide services to forensic patients referred to them through the criminal justice system. The Institutes are funded through a mix of general purpose revenue and program revenue.

The Institutes reported mixed financial results for fiscal year 2007–08. Mendota reported a \$0.6 million gain in net assets, primarily as a result of increased settlements from the federal government. Winnebago reported a \$2.5 million loss in net assets because it did not generate enough revenue to cover its expenses.

The cash balance in the Institutes’ primary program revenue appropriation has been declining over the past five years. To address this decline, DHS approved increases in daily patient rates of 9.5 percent at both Institutes effective October 1, 2009. This follows rate increases of 9.5 percent at Mendota and 11.0 percent at Winnebago that were effective in October 2008.

We appreciate the courtesy and cooperation extended to us by DHS staff during our audit.

Sincerely,  
*JANICE MUELLER*  
State Auditor

---

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

The committee on **Veterans and Military Affairs, Biotechnology, and Financial Institutions** reports and recommends:

**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.

No action taken.

*JIM SULLIVAN*  
Chairperson