



STATE OF WISCONSIN

Senate Journal

Ninety–Ninth Regular Session

10:15 A.M.

THURSDAY, October 22, 2009

The Senate met.

The Senate was called to order by Chief Clerk Marchant, pursuant to Senate Rule 5 (4)(b).

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 215** offered by Senator Holperin.

Senate amendment 1 to **Senate Bill 361** offered by Senator Jauch.

BILLS PRESENTED TO THE GOVERNOR

The Chief Clerk records:
Senate Bill 107

Presented to the Governor on 10–22–2009.

The Chief Clerk makes the following entries dated **Tuesday, October 20, 2009**.

MESSAGES FROM THE ASSEMBLY

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has passed and asks concurrence in:

Assembly Bill 8
Assembly Bill 213
Assembly Bill 229
Assembly Bill 332
Assembly Bill 355
Assembly Bill 364
Assembly Bill 426

Concurred in:

Senate Bill 188
Senate Bill 280
Senate Bill 288
Senate Bill 299
Senate Bill 309
Senate Bill 310
Senate Bill 311

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Senator Miller added as a coauthor of Senate Amendment 1 to Senate Substitute Amendment 1 of **Senate Bill 103**.

The Chief Clerk makes the following entries dated **Wednesday, October 21, 2009**.

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Bill 107

Report correctly enrolled on 10–21–2009.

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read and referred:

Senate Joint Resolution 52

Relating to: the life and public service of Ernest Paul Sobotta.

By Senators Vinehout, Kedzie, Grothman, Cowles, Olsen, Taylor and Sullivan; cosponsored by Representatives Danou, Newcomer, Strachota, Turner, Bies and Townsend.

To committee on **Senate Organization**.

REPORT OF COMMITTEES

The committee on **Ethics Reform and Government Operations** reports and recommends:

Assembly Bill 292

Relating to: recording and filing documents with the register of deeds.

Concurrence.

Ayes, 5 – Senators Risser, Robson, Kreitlow, Ellis and A. Lasee.

Noes, 0 – None.

BARLAND, JUDGE THOMAS, of Eau Claire, as a member of the Government Accountability Board, to serve for the term ending May 1, 2015.

Confirmation.

Ayes, 5 – Senators Risser, Robson, Kreitlow, Ellis and A. Lasee.

Noes, 0 – None.

MYSE, JUDGE GORDON, of Appleton, as a member of the Government Accountability Board, to serve for the term ending May 1, 2011.

Confirmation.

Ayes, 5 – Senators Risser, Robson, Kreitlow, Ellis and A. Lasee.
 Noes, 0 – None.

Senate Bill 206

Relating to: recording and filing documents with the register of deeds.

Passage.

Ayes, 5 – Senators Risser, Robson, Kreitlow, Ellis and A. Lasee.
 Noes, 0 – None.

Senate Bill 292

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

Passage.

Ayes, 5 – Senators Risser, Robson, Kreitlow, Ellis and A. Lasee.
 Noes, 0 – None.

FRED RISSER
 Chairperson

The joint survey committee on **Tax Exemptions** reports and recommends:

Senate Bill 215

Relating to: a personal property tax exemption for snowmobile clubs.

Report of joint survey committee on Tax Exemptions received.

Ayes, 7 – Senators Erpenbach, Decker and Ellis; Representatives Hubler, Cullen and Zipperer; DOR Secretary Ervin.

Noes, None

Absent, 2 – Ms. Dunn; Special Assistant to the Attorney General St. John.

JON ERPENBACH
 Senate Chairperson

Referred to committee on **Senate Organization**, pursuant to Senate Rule [36 \(2m\)](#).

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule [17 \(5\)](#), Representative Honadel withdrawn as a cosponsor of **Senate Bill 66**.

LEGISLATIVE REFERENCE BUREAU CORRECTIONS

CORRECTIONS IN:

2009 SENATE BILL 107

Prepared by the Legislative Reference Bureau
 (October 21, 2009)

In enrolling, the following correction was made:

Item 19 of assembly amendment 4 was not given effect because item 11 of assembly amendment 3 deleted that material.

MESSAGES FROM THE ASSEMBLY CONSIDERED

Assembly Bill 8

Relating to: municipal quotas for retail intoxicating liquor licenses.

By Representative Sherman.

Read first time and referred to committee on **Senate Organization**.

Assembly Bill 213

Relating to: establishing and changing compensation for city and village elective offices; signing village contracts; bidding procedure for village public construction contracts; officer-of-the-peace status of village officers; publication by the city clerk of fund receipts and disbursements; village and 4th class city regulation of political signs; liability of counties and cities for mob damage; means of providing police and fire protection by cities and villages; holdover status of appointed city and village officers; use of the s. [32.05](#) procedure in villages for certain housing and urban renewal condemnation; and application of public contract bidder prequalification to 1st class cities.

By Joint Legislative Council.

Read first time and referred to committee on **Ethics Reform and Government Operations**.

Assembly Bill 229

Relating to: the sale of home-canned food.

By Representatives Sherman, Berceau, Turner, Milroy, Townsend, Mason, A. Ott, Jorgensen, Gunderson, Spanbauer, Ballweg and Petrowski; cosponsored by Senators Taylor, Lehman, Olsen, Holperin, Schultz, Lassa, Harsdorf and Plale.

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

Assembly Bill 332

Relating to: authorizing the use of airguns and crossbows under certain hunting licenses.

By Representatives Hubler, Jorgensen, Milroy, Steinbrink, Smith and Hraychuck; cosponsored by Senators Holperin, Jauch, Vinehout, Schultz and Taylor.

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

Assembly Bill 355

Relating to: hunting of deer during the open bow hunting season.

By Representatives Hraychuck, Molepske Jr., Jorgensen, Ripp, Murtha, Ballweg, Nerison, Gunderson, Mason, Brooks and A. Ott; cosponsored by Senators Miller, Holperin, Lehman, Kedzie, Lassa, Vinehout, Taylor and Grothman.

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

Assembly Bill 364

Relating to: Council on Offender Reentry.

By Representative Parisi; cosponsored by Senator Taylor.

Read first time and referred to committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing**.

Assembly Bill 426

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

By Representatives Molepske Jr., Ripp, Radcliffe, Davis, Staskunas, Brooks, Townsend, Soletski, Clark, Zepnick, Hintz

and Petersen; cosponsored by Senators Sullivan, Schultz, Holperin, Kreitlow and Taylor.

Read first time and referred to committee on **Economic Development**.

REPORT OF COMMITTEES

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

Assembly Bill 164

Relating to: notice of intent to remove a child from the home of a relative and review of decisions or orders involving the placement and care of a child placed in the home of a relative.

Concurrence.

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

Noes, 0 – None.

Assembly Bill 297

Relating to: child abuse and neglect prevention grants.

Concurrence.

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

Noes, 0 – None.

Senate Bill 346

Relating to: required judicial findings and orders when a child is placed outside the home, termination of parental rights warnings, mandatory child abuse or neglect reporters, the confidentiality of social services records, changing from day care to child care the term used to describe care and supervision for children for less than 24 hours a day, and renumbering the definition of neglect.

Passage.

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

Noes, 0 – None.

Senate Bill 347

Relating to: requiring consultation with a child in determining and reviewing his or her permanency plan; requiring agencies, in making reasonable efforts to place a child in a permanent placement, to include efforts to place the child outside this state; requiring juvenile courts to take certain actions to expedite the interstate placement of children; requiring juvenile courts to give a child's out-of-home care provider the right to be heard in proceedings involving the child; requiring notice to relatives when a child is removed from the home; requiring reasonable efforts to place siblings together or to provide for visitation between siblings; requiring agencies to assist children in developing a plan for transition to independent living; requiring health care providers to report cases of infants with controlled substances in their bodily fluids to the agency responsible for investigating suspected child abuse or neglect; authorizing circuit court commissioners to conduct permanency plan reviews and hearings; specifying certain placements for purposes of calculating how long a child has been placed outside the home for purposes of filing a termination of parental rights petition; and permitting disclosure of information to a relative of a child for purposes of facilitating placement of the child with the relative or to a public or private agency in this state or any other state for purposes of investigating a proposed foster or adoptive placement.

Introduction and adoption of Senate Amendment 1.

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.

Senate Bill 361

Relating to: the monthly rates that are paid for foster care; the levels of care that a foster home may provide; licensing of kinship care relatives to operate foster homes and, subject to certain exceptions, time limits on the receipt of kinship care payments; and licensing of foster homes across county lines.

Adoption of Senate Amendment 1.

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 **Economic Development** reports and recommends:

GASPERETTI, THOMAS, of Milwaukee, 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, 2013.

Confirmation.

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

Noes, 0 – None.

HANNA, MARK, of Sheboygan, as a member of the Wisconsin Aerospace Authority, to serve for the term ending June 30, 2012.

Confirmation.

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

Noes, 0 – None.

HENZL, ROBERT, of Racine, as a member of the Wisconsin Professional Baseball Park District Board, to serve for the term ending July 1, 2011

Confirmation.

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

Noes, 0 – None.

NUERNBERG, CHRISTINE, of Mequon, as a member of the Wisconsin Professional Baseball Park District Board, 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 55

Relating to: the regulation, preservation, and restoration of historic buildings; the supplement to the federal historic rehabilitation tax credit and the state historic rehabilitation tax credit; requiring the certification of downtowns; promoting

certain downtown areas in this state; highway projects involving business and downtown areas; granting rule-making authority; and making appropriations.

Introduction and 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.

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

Noes, 0 – None.

JULIE LASSA
Chairperson

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

Assembly Bill 138

Relating to: the appointment and term of service of the secretary of natural resources and vacancies on the Natural Resources Board.

Introduction of Senate Amendment 1.

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

Noes, 0 – None.

Adoption of Senate Amendment 1.

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

Noes, 0 – None.

Introduction of Senate Substitute Amendment 1.

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

Noes, 0 – None.

Introduction of Senate Substitute Amendment 2.

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

Noes, 0 – None.

Introduction of Senate Amendment 2.

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

Noes, 0 – None.

Concurrence as amended.

Ayes, 5 – Senators Holperin, Sullivan, Plale, Hansen and Leibham.

Noes, 2 – Senators Kedzie and Grothman.

JIM HOLPERIN
Chairperson

The committee on **Senate Organization** reports:

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

Senate Bill 184
Senate Bill 208
Senate Bill 331

Placed the following proposals on the Senate Calendar of Tuesday, October 27, 2009:

Senate Joint Resolution 45
Senate Joint Resolution 48
Senate Joint Resolution 50
Senate Joint Resolution 51
Senate Joint Resolution 52
Senate Bill 93
Senate Bill 147
Senate Bill 148
Senate Bill 203
Senate Bill 215
Senate Bill 242
Senate Bill 251
Senate Bill 262
Senate Bill 300
Assembly Bill 153
Assembly Bill 172
Assembly Bill 281

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

Noes: 0 – None.

RUSS DECKER
Chairperson

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Senator Hopper added as a coauthor of **Senate Joint Resolution 45**.

Pursuant to Senate Rule 17 (5), Representative Bies withdrawn as a cosponsor of **Senate Bill 66**.

State of Wisconsin
Office of Senator Vinehout

October 21, 2009

The Honorable, The Senate:

Unfortunately, recent knee surgery prevented me from being in Madison for session on Tuesday, October 20th.

Pursuant to Senate Rule 75, please have the Senate Journal reflect how I would have voted had I been present for the roll call votes taken on Tuesday, October 20, 2009:

Confirmation of the Appointments en masse: aye
Passage of Senate Bill 17: aye
Passage of Senate Bill 41: aye
Passage of Senate Bill 87: aye
Adoption of SA 1 to SSA 1 to Senate Bill 103: aye
Passage of Senate Bill 103: aye
Passage of Senate Bill 154: aye
Passage of Senate Bill 252: aye
Passage of Senate Bill 288: aye
Passage of Senate Bill 309: aye
Passage of Senate Bill 310: aye
Passage of Senate Bill 311: aye

Please contact me if you have any questions pertaining to this matter.

Sincerely,
KATHLEEN VINEHOUT
State Senator, 31st District

**State of Wisconsin
Government Accountability Board**

October 20, 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/>.

Goyke, Gary R. Wisconsin Association of Public, Educational and Government Access Channels, 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
Legislative Audit Bureau**

October 22, 2009

The Honorable, The Legislature:

As required under s. 13.94(1)(dh), Wis. Stats., we have completed our annual financial audit of the Wisconsin Health Insurance Risk–Sharing Plan (HIRSP) Authority for 2008. The HIRSP Authority provides medical and prescription drug insurance for individuals who are unable to obtain coverage in the private market or who have lost employer–sponsored group

health insurance. As of December 31, 2008, 16,252 policyholders were enrolled in one of the HIRSP Authority’s plans.

We have provided an unqualified audit opinion on the HIRSP Authority’s financial statements. However, our report on internal control and compliance includes a recommendation that the HIRSP Authority implement a more thorough review process to ensure its financial statements are free from material misstatement.

Following years of significant increases during the early 2000s, policyholder enrollment has decreased in recent years, in part because of the availability of the federal Medicare Part D program. In addition, beginning in 2008, individuals under the age of 19 who are eligible for the State’s BadgerCare Plus program are no longer eligible to participate in the HIRSP Authority’s plans.

The HIRSP Authority has maintained a sound financial position, with net assets totaling \$35.4 million at the end of 2008. In December 2008, the HIRSP Authority Board of Directors approved distribution of a portion of the surplus net asset balance totaling approximately \$12.0 million to HIRSP policyholders.

We appreciate the courtesy and cooperation extended to us by the HIRSP Authority and the plan administrator. A response from the HIRSP Authority follows our report.

Sincerely,
JANICE MUELLER
State Auditor

ADJOURNMENT

Chief Clerk Marchant, with unanimous consent, asked that the Senate stand adjourned until Tuesday, October 27, 2009.

10:16 A.M.

Adjourned.