

STATE OF WISCONSIN
Senate Journal
Ninety–Ninth Regular Session

MONDAY, November 9, 2009

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

CHIEF CLERK'S ENTRIES

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Bill 331
Senate Bill 347
Senate Bill 361
Senate Bill 370
Senate Bill 371
Senate Bill 372
Senate Bill 373

Report correctly enrolled on 11–9–2009.

BILLS PRESENTED TO THE GOVERNOR

The Chief Clerk records:

Senate Bill 370
Senate Bill 371
Senate Bill 372
Senate Bill 373

Presented to the Governor on 11–9–2009.

The Chief Clerk makes the following entries dated **Friday, November 6, 2009**.

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Bill 157
Senate Bill 251
Senate Bill 253

Report correctly enrolled on 11–6–2009.

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 110
Assembly Bill 173
Assembly Bill 241
Assembly Bill 362
Assembly Bill 403

Concurred in:

Senate Bill 40

Senate Bill 41
Senate Bill 80
Senate Bill 204
Senate Bill 223
Senate Bill 259
Senate Bill 278
Senate Bill 331
Senate Bill 349
Senate Bill 370
Senate Bill 371
Senate Bill 372
Senate Bill 373
Senate Amendment 1 to Assembly Bill 373

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

Read first time and referred:

Senate Bill 385

Relating to: factors considered in binding interest arbitration under the Municipal Employment Relations Act.

By Senators Grothman, Olsen, Darling, Cowles, Harsdorf, Kedzie, A. Lasee, Lazich, Leibham and Sullivan; cosponsored by Representatives Gottlieb, Davis, Ballweg, Brooks, Gunderson, Honadel, Huebsch, Kerkman, Kestell, Knodl, LeMahieu, Lothian, Meyer, Montgomery, Nass, Nerison, Nygren, A. Ott, J. Ott, Petersen, Petrowski, Rhoades, Ripp, Strachota, Suder, Townsend, Van Roy, Vos, M. Williams and Ziegelbauer.

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

Senate Bill 386

Relating to: automobile insurance coverage limits and proof of financial responsibility.

By Senators Ellis, S. Fitzgerald, Kapanke, Darling, A. Lasee, Schultz, Cowles, Kanavas, Leibham, Hopper, Kedzie, Lazich, Grothman, Olsen, Harsdorf and Carpenter; cosponsored by Representatives Nygren, Kaufert, Roth, Newcomer, J. Fitzgerald, A. Ott, LeMahieu, Ziegelbauer, Honadel, Vos, Strachota, Ballweg, Vukmir, Montgomery, Kerkman, Nerison, Huebsch, Spanbauer, Nass, Bies, Brooks, Davis, Friske, Gottlieb, Gunderson, Gundrum, Kestell, Kleefisch, Knodl, Kramer, Lothian, Meyer, Mursau, Murtha, J. Ott, Petersen, Petrowski, Pridemore, Rhoades, Ripp, Stone, Suder, Tauchen, Townsend, Van Roy, M. Williams and Zipperer.

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

Senate Bill 387

Relating to: special distinguishing registration plates associated with Marquette University.

By Senators Plale, Coggs, Sullivan, Lehman, Taylor, Kanavas and Hansen; cosponsored by Representatives Colon, Young, Cullen, Molepske Jr., Pridemore, Steinbrink, Pasch, Fields, Stone, Sinicki, Vos and Zepnick.

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

Senate Bill 388

Relating to: changes to the regulation of massage therapy and bodywork, creating the Massage Therapy and Bodywork Therapy Examining Board, and granting rule-making authority.

By Senators Hansen, Taylor, Wirsch, Ellis, Olsen and Risser; cosponsored by Representatives Berceau, Kaufert, Pope-Roberts, Suder, Van Roy, Hilgenberg, Staskunas, Ballweg and Molepske Jr.

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

Senate Bill 389

Relating to: licensing sign language interpreters, creating an evidentiary privilege for communications with those interpreters, creating a Sign Language Interpreter Council, granting rule-making authority, and providing a penalty.

By Senators Kedzie, Lazich and Olsen; cosponsored by Representatives Lothian and Townsend.

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

Senate Bill 390

Relating to: deduction of voluntary payments from retirement annuities under the Wisconsin Retirement System.

By Senators Hansen, Coggs, Wirsch, Kreitlow, Taylor, Lehman, Holperin, Miller, Erpenbach, Carpenter and Vinehout; cosponsored by Representatives Mason, Pocan, Berceau, Van Akkeren, Jorgensen, Shilling, Sinicki, Danou, Benedict, Hixson, Roys, A. Williams, Kessler, Colon, Hebl, Pope-Roberts, Zigmunt, Molepske Jr., Toles, Parisi and Soletski.

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

Senate Bill 391

Relating to: expenditure of \$30,000 from moneys appropriated to the Department of Natural Resources in payment of a claim against the state made by Stillmunkes, Inc.

By Senator Hansen; cosponsored by Representative Sherman.

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

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Office of the Governor**

November 9, 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 370 Act 58 November 9, 2009
Senate Bill 371 Act 59 November 9, 2009

Senate Bill 372 Act 60 November 9, 2009

Senate Bill 373 Act 61 November 9, 2009

Respectfully Submitted,
JIM DOYLE
Governor

LEGISLATIVE REFERENCE BUREAU CORRECTIONS

CORRECTIONS IN:

2009 SENATE BILL 361

Prepared by the Legislative Reference Bureau
(November 9, 2009)

In enrolling, the following correction was made:

1. Page 8, line 17: after "placement" insert a period.

NOTE: Inserts missing punctuation.

**State of Wisconsin
Tax Appeals Commission**

November 3, 2009

The Honorable, The Legislature:

Please find the attached Tax Appeals Commission 2007-2009 Biennial Report. This report also is posted on the Commission's webpage at www.wisbar.org and is submitted to you pursuant to Wis. Stat. s. 15.04(1)(d). If you have any questions or comments regarding the report, please contact me at the Commission's office at 608-266-1391. Thank you.

Sincerely,
DAVID C. SWANSON
Chairperson

**State of Wisconsin
Legislative Audit Bureau**

November 10, 2009

The Honorable, The Legislature:

As requested by the Public Service Commission (PSC), we have completed a financial audit of the Universal Service Fund (USF), which was established to ensure that all Wisconsin residents receive essential telecommunications services and have access to advanced telecommunications capabilities. The USF is funded primarily through assessments the PSC levies on providers of telecommunications services, which may be fully recovered from consumers. In fiscal year (FY) 2007-08, provider assessments totaled \$31.6 million.

Eight of 14 programs supported by the USF during the period we audited are operated by the PSC. However, the largest program supported by the USF in FY 2007-08 was the Educational Telecommunications Access Program, which is administered by the Department of Administration. That program subsidizes data lines and video links for eligible educational institutions and entities such as public libraries and had expenditures of \$14.6 million. The USF also provided \$14.0 million in FY 2007-08 to fund Aid to Public Library Systems, a program administered by the Department of Public Instruction; funded three other programs administered by that agency; and helped to fund access to voice, data, and video services for four-year University of Wisconsin System campuses.

In past audits, we noted that the USF's fund balance had increased steadily because revenue from provider assessments

exceeded program expenditures. In contrast, FY 2007–08 expenditures exceeded revenues by \$5.6 million. The resulting decline in the fund balance is largely attributable to increased reliance on the USF as a funding source for public libraries. In FY 2008–09 the USF became the sole funding source for Aid to Public Library Systems, and the current biennial budget requires it to provide \$16.2 million in funding for that program in FY 2009–10 and \$16.7 million in FY 2010–11.

Our audit report contains our unqualified opinion on the USF’s financial statements for the fiscal years ending June 30, 2008, and June 30, 2007. Our Report on Internal Control and Compliance includes a recommendation for the Department of Administration to ensure the accuracy of copayment billings for institutions participating in the Educational Telecommunications Access Program.

We appreciate the courtesy and cooperation extended to us by staff at the PSC, the Department of Administration, the Department of Public Instruction, the University of Wisconsin System, and the USF’s administrator, Wipfli LLP.

Sincerely,
JANICE MUELLER
 State Auditor

**State of Wisconsin
 Government Accountability Board**

November 10, 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/>.

Schreiber, Martin	Public Parks Alliance, Inc.
Rabbitt, James	CooperativeNetwork Association
Schoof, Susan	Can Manufacturers Institute
Cook, Andrew	Wisconsin Interscholastic Athletic Association
Osborne, Patrick	Wisconsin Interscholastic Athletic Association

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

MESSAGES FROM THE ASSEMBLY CONSIDERED

Assembly Bill 110

Relating to: access to employment records of candidates for law enforcement positions.

By Representatives Hraychuck, Townsend, Murtha, LeMahieu, Spanbauer, Gunderson, A. Ott, Kleefisch and

Mursau; cosponsored by Senators Leibham, Cowles, Taylor and Olsen.

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

Assembly Bill 159

Relating to: the charge–back of refunded or rescinded taxes and of personal property taxes and sharing certain collected taxes.

By Representatives Hixson, Berceau, Benedict, Fields, Seidel, Kestell, Townsend, Ballweg and Davis; cosponsored by Senators Robson, Olsen and Grothman.

Read first time and referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**.

Assembly Bill 173

Relating to: the method by which the Department of Revenue makes certain calculations regarding tax incremental financing district number 4 in the village of Elmwood.

By Representative Murtha; cosponsored by Senator Harsdorf.

Read first time and referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**.

Assembly Bill 198

Relating to: highway maps published by the Department of Transportation.

By Representatives Vruwink, Hilgenberg, Turner, Berceau, Jorgensen, Milroy, Barca, Pope–Roberts, A. Williams, Zepnick, Townsend, Lothian and Bies; cosponsored by Senators Hansen, Taylor, Lassa, Lehman, Erpenbach, Olsen and Schultz.

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

Assembly Bill 230

Relating to: electronic access by law enforcement agencies to photographs on motor vehicle operators licenses and identification cards.

By Representatives Hraychuck, Rhoades, Shilling, Montgomery, Brooks, Berceau, Van Akkeren, Danou, Gottlieb, LeMahieu, Townsend, Huebsch, Pridemore, Lothian, Gundrum, A. Ott, Jorgensen, Spanbauer, Steinbrink, Dexter, Kaufert, Murtha, Ripp and Bies; cosponsored by Senators Lehman, Olsen, Harsdorf, Leibham, Schultz, Darling and A. Lasee.

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

Assembly Bill 241

Relating to: retail theft, proof of ownership for flea market sales, and providing penalties.

By Representatives Danou, Turner, Jorgensen, Pasch, Kestell, Van Roy, Brooks, Lothian, Kerkman, Staskunas, A. Ott, Steinbrink, Zepnick, Kleefisch, Kaufert, Bies and Hebl; cosponsored by Senators Taylor, Sullivan, Kreitlow, Holperin, Lassa, Wirsch, Harsdorf and Darling.

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

Assembly Bill 267

Relating to: licenses and limited X–ray machine operator permits to engage in the practice of radiography, creating a

radiography examining board, granting rule-making authority, and requiring the exercise of rule-making authority.

By Representatives Berceau, Benedict, Pasch, Van Roy, A. Ott, Barca, Turner, Hintz, Zepnick, Jorgensen, Staskunas, Mason, Lothian, Vruwink and Parisi; cosponsored by Senators Lehman, Taylor, Olsen, Risser, Robson, Darling and Coggs.

Read first time and referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue.**

Assembly Bill 269

Relating to: causing injury to a law enforcement officer while resisting or obstructing an officer or while attempting to flee and providing a penalty.

By Representatives Danou, Milroy, Brooks, Kerkman, Bies, Sinicki, Kaufert, Jorgensen, Townsend, Zigmunt, Smith, Berceau, Soletski, Hraychuck, Zepnick, Dexter, Clark and Spanbauer; cosponsored by Senators Sullivan, Kreitlow, Plale, Carpenter, Kapanke and Schultz.

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

Assembly Bill 280

Relating to: seizure of a computer used to commit a crime and providing a penalty.

By Representatives Van Akkeren, Kerkman, Staskunas, Spanbauer, Gunderson, Suder, Bies and LeMahieu; cosponsored by Senators Leibham and Olsen.

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

Assembly Bill 348

Relating to: the applicability of rules of the road to private roads located in manufactured and mobile home communities.

By Representative Parisi; cosponsored by Senator Miller.

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

Assembly Bill 362

Relating to: designating and marking the bridge on USH 41 across the Peshtigo River in the city of Peshtigo as the Steven Drees Memorial Bridge.

By Representative Nygren; cosponsored by Senator Hansen.

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

Assembly Bill 382

Relating to: fishing licenses issued to disabled veterans.

By Representatives Hilgenberg, Sinicki, Clark, Pridemore,

Zigmunt, Brooks, Hubler, Benedict, Berceau, Meyer, Pope-Roberts, Kaufert, Hebl, Milroy, Zepnick, Lothian, Townsend, Gunderson, Nerison, Turner, Hraychuck, Strachota, Seidel, Pasch and Petrowski; cosponsored by Senators Carpenter, Miller, Lazich, Kreitlow, Lehman, Grothman, Hopper, Lassa, Wirch, Darling, Schultz, Coggs and Taylor.

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

Assembly Bill 403

Relating to: local government property insurance fund premiums.

By Representatives Barca, Hubler, Jorgensen, Hixson, Zigmunt, Hilgenberg, Clark, Garthwaite, Seidel, Mason, Staskunas, Kerkman, Berceau, Pope-Roberts, Zepnick, Smith, Dexter, Petrowski, Van Roy, A. Williams, Hraychuck, Fields, Bernard Schaber, Mursau, Turner, Pasch, Shilling, Nygren, Roys and Hintz; cosponsored by Senators Vinehout, Lehman, Wirch, Holperin, Hansen, Erpenbach, Harsdorf, Taylor, Carpenter, Coggs, Robson and Grothman.

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

Assembly Bill 455

Relating to: the testing of portable scales used for the enforcement of vehicle weight limitations.

By Representatives Steinbrink, Turner, Soletski and A. Ott; cosponsored by Senators Holperin and Taylor.

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

Assembly Bill 456

Relating to: self-authentication by electronic certification of certain Department of Transportation records.

By Representatives Steinbrink, Turner, Soletski and A. Ott; cosponsored by Senators Holperin and Taylor.

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

Assembly Bill 485

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.

By Representative Dexter; cosponsored by Senator Jauch.

Read first time and referred to committee on **Children and Families and Workforce Development.**