

STATE OF WISCONSIN
Senate Journal
Ninety–Eighth Regular Session

WEDNESDAY, June 4, 2008

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

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Senate**

May 28, 2008

The Honorable, the Senate:

I submit my resignation as State Senator of the 12th Senate District, and any committee or councils on which I serve as a result of that position, effective at the end of the business day, Wednesday, June 4, 2008.

My 18 years in the Senate have been my personal privilege and I have served humbly as the representative for the people in northern Wisconsin. I am honored to have been their State Senator and will miss the many duties I have fulfilled in that role.

I look forward to continuing to work with my fellow legislators as well as people throughout the entire state in my new capacity as Wisconsin's Commissioner of Railroads.

Sincerely,
ROGER BRESKE
State Senator
12th Senate District

**State of Wisconsin
Senate Majority Leader**

May 27, 2008

Dear Senator Plale,

I am writing to inform you that I am appointing you as chair of the Senate Transportation and Tourism Committee effective June 4, 2008. As the current vice–chair of the committee, I believe that you are well wuited to assuming the duties and responsibility of chairing the committee upon Senator Roger Breske's confirmation as State Railroad Commissioner.

Please contact me if you have any questions.

Sincerely,
RUSS DECKER
Senator Majority Leader

**State of Wisconsin
Senate Majority Leader**

June 4, 2008

The Honorable, The Senate:

Pursuant to Senate Rule 20 and with consultation from the Senate Minority Leader, I am apointing Senator Sheila Harsdorf to the Mississippi River Parkway Commission.

Please feel free to contact me with any questions.

Sincerely,
RUSS DECKER
Senator Majority Leader

**State of Wisconsin
Department of Transportation**

May 9, 2008

The Honorable, The Legislature:

[2007 Wisconsin Act 20](#), Section 9148 (4c), directs the Department of Transportation to conduct a study of alternative program models for the vehicle emissions inspection and maintenance program.

The enclosed report summarizes alternatives for:

- organizational structures feasible for vehicle emissions inspection maintenance programs.
- methods available to capturing and transmitting data from vehicle on–board computers.
- tools available for collecting data from vehicle on–board computers.

The report is submitted for your distribution to the Assembly Committee on Transportation and the Senate Committee on Transportation and Tourism.

Staff from the Division of Motor Vehicle is available to answer questions about the enclosed paper. Please contact Anna Biermeier, Director of the Bureau of Vehicle Services, at (608) 267–5121 or anna.beirmeier@dot.state.wi.us.

Sincerely,
FRANK J. BUSALACCHI
Secretary

Referred to committee on **Transportation and Tourism**.

**State of Wisconsin
Government Accountability Board**

May 29, 2008

The Honorable, The Legislature:

Yesterday, the Government Accountability Board received notice that we had won a nationwide competitive grant from the U.S. Election Assistance Commission (EAC) to improve the reporting of election data for elections. We are pleased to provide you with a brief summary of the benefits this grant will bring to election administration in Wisconsin, and the nation.

Ten states applied for five grants of \$2 million each, and Wisconsin, Illinois, Minnesota, Ohio and Pennsylvania were funded. The purpose of the federal grant is two-fold: To “enhance the capacity of states and their jurisdictions to collect accurate and complete election data,” according to the EAC, and “to develop a model elections data collection protocol.”

Fulfillment of the grant will include the development of new procedures, systems and methodologies for election data collection. As part of our compliance with the grant requirements, Wisconsin will report to the EAC in March 2009, with data collected from the November 4, 2008 election, to be used in their required June 2009 report to Congress.

As you are aware, Wisconsin has one of the most decentralized systems of election administration in the country. Therefore, our state is in a unique position to offer suggestions for best practices and procedures that will benefit election data collection here at home and throughout the nation. Collection of Wisconsin election data at the ward level already occurs to a significant degree. This new \$2 million dollar project will fortify local election officials’ collection and reporting efforts.

To summarize, this grant will significantly enhance Wisconsin’s ability to:

- Assist county and local clerks to improve analysis and reporting of local election data;
- Collect and record better – and more complete – statewide election data;
- Receive and report in a more timely manner accurate, statewide election data;
- Provide the EAC with a reliable model of data collection that can be replicated by other states
- Continue to serve as a national leader in election administrations practices and information

Attached to this memo is our news release of yesterday afternoon. We will be happy to provide you with more information. Please contact me if you have questions about the EAC grant, our plans to improve election data collection in the state, or our preparedness for the fall elections.

Sincerely,
KEVIN J. KENNEDY
 Director and General Counsel

**State of Wisconsin
 Legislative Audit Bureau**

May 30, 2008

The Honorable, The Legislature:

We have completed an evaluation of the food and dairy safety program administered by the Department of Agriculture, Trade and Consumer Protection (DATCP). This report focuses on the effectiveness of DATCP’s regulatory activities and follows our January 2008 review of the program’s funding. The program’s expenditures totaled \$8.4 million in fiscal year (FY) 2006–07 and supported 97.6 full-time equivalent positions.

From FY 2004–05 through FY 2006–07, DATCP completed 79,743 routine inspections of food and dairy establishments. During this period, 98.7 percent of completed dairy inspections and 68.3 percent of completed food inspections were conducted when scheduled. DATCP has not developed formal inspection frequency standards for food establishments, which partially explains why a smaller percentage of food inspections were completed as scheduled.

While its approach to compliance appears effective in most cases, we found that DATCP is at times ineffective in gaining timely and continued compliance when follow-up is required after an inspection. In a review of 50 cases that suggested significant noncompliance with food and dairy safety regulations, we identified 13 in which DATCP did not take timely and sufficient enforcement action to ensure “permanent and continuous” compliance with food and dairy safety regulations.

In addition, we identified concerns with DATCP’s oversight of contracts with local health departments that regulate retail food establishments, and with its documentation of food emergencies. We include several recommendations to improve program management and enhance food and dairy safety enforcement activities.

We appreciate the cooperation extended to us by DATCP in conducting this evaluation. A response from DATCP follows the appendices.

Respectfully submitted,
JANICE MUELLER
 State Auditor

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

The committee on **Education** reports and recommends:

Senate Clearinghouse Rule 08–001

Relating to grants for nursing services.

No action taken.

JOHN LEHMAN
 Chairperson

**Motions Under Senate Rule 98 and Joint Rule 7
 for the Month of April 2008**

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Olivia Ambrosius, on the occasion of earning and attaining the Girl Scout Gold Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Kenneth L. Arbour, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Roessler, for Ardy and Ed’s Drive In, on the occasion of celebrating 60 years in service and being awarded the 2008 Restaurateur of the Year Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Eric James Badtke, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Jon Bechler, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Schultz, for Albert and Eileen Bigalke, on the occasion of being named the Town of Clearfield’s 2008 Citizens of the Year.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Ryan Birdsall, on the

occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Ryan Birdsall, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Grothman, for Ashley Rachel Bley, on the occasion of earning and attaining the Girl Scout Gold Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Steven Boldt, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Jonathan Cline, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Taylor, for Bailey Coleman, on the occasion of her 15 years of service to the Greater Milwaukee community through her work at WKKV–V100.7 Radio.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Bob and Marge Coonen, on the occasion of being named 2008 Seymour Outstanding Citizens of the Year.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Joseph W. Coughlin, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Ellis, for Michael Cupp, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Grothman, for Laura Jane Dean, on the occasion of earning and attaining the Girl Scout Gold Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grothman, for John Johnson Dindia, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Erpenbach, for the Eager Free Public Library, on the occasion of their 100th Anniversary Commemoration Ceremony.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Sullivan, for Mayor Theresa Estness, on the occasion of years of dedicated service city of Wauwatosa and Wisconsin.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Vinehout, for Christopher Flores, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Darling, for Richard E. Goehre, on the occasion of receiving the Brown Deer Senior Citizen Club's Citizen of the Year Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Schultz, for the Greater Mauston Area Development Corporation, on the occasion of 45 years of contributions to bettering the Mauston well being of all its community members.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grothman, for Erik Anders Grehn, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Nick Hager, on the occasion of being the 2008 WIAA State Wrestling Division 2, 140 pound Champion.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Grothman, for Taylor Clarice Hans, on the occasion of earning and attaining the Girl Scout Gold Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Duane Hartzkopf, on the occasion of being the 2008 WIAA State Wrestling Division 3, 171 pound Champion.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Roessler, for Jeremy Hentz, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Taylor, for Bishop Darrell L. Hines, on the occasion of celebrating his 50th Birthday shared with family and friends.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Taylor, for Akwa Ibom State Government and the University of Wisconsin–Milwaukee, on the occasion of a delegation coming to visit the University of Wisconsin – Milwaukee campus as they memorialize this symbolic and historic relationship being forged.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Annie Jackson Elementary School, on the occasion of its 100th Anniversary.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Brian James, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Micaela Jobke, on the occasion of receiving the 1st place Award in the 2008 4th Grade Forest Appreciation Week Writing Contest.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Schultz, for John “Jack” Johnson, on the occasion of his fifty years of distinguished service in banking and the well being of all its community members.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Fitzgerald, for Michael Aaron Johnson, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Nathaniel J. Kelly, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Grothman, for Alianne Irene Klink, on

the occasion of earning and attaining the Girl Scout Gold Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Harsdorf, for Kyle Kludtke, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Grothman, for Kim Ellen Krueger, on the occasion of earning and attaining the Girl Scout Gold Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Nichole Lattin, on the occasion of earning and attaining the Girl Scout Silver Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Jacob Sullivan Leigh, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Joanna Lincicum, on the occasion of earning and attaining the Girl Scout Silver Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Matthew Lohr, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Kanavas, for Ian Long, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for the Mad City 100K Run, on the occasion of the Second annual Mad City 100K and USA 100KM Road Championship and to all the participating ultramarathoners, relay runners, and dedicated volunteers.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Clarke William Mathers, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Matthew A. Martell, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Schultz, for Chad Marthaler, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Chris McCallum, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Jauch, for Ian James McCumber, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for McKinstry's Home Furnishings, on the occasion of celebrating their 150th Anniversary.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Erpenbach, for the City of Middleton, on the occasion of receiving the honorary title of "Best Place to Live 2007" from Money Magazine.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Taylor, for the Metropolitan Missionary Baptist Church, on the occasion of celebrating its 40th Anniversary.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Steven Jeffery Moerke, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for the New Berlin Eisenhower High School Cheerleading Team and coach Kristine Cherek and Edlyn Scholz, on the occasion of being named the 2008 United Performing Association National Cheerleading Champions.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lazich, for New Berlin Senior Taxi, on the occasion of celebrating 10 years of serving senior citizens of New Berlin.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Melodie Wilson Oldenburg, on the occasion of being recognized as the Wisconsin Women's Health Foundation's 2008 Champion in Women's Health.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Jauch, for Ruth Oppedahl, on the occasion of her work on the Mt. Ashwabay project as well as her commitment to the continued enjoyment of Northern Wisconsin's Natural Resources.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Ross Petchler, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Hansen, for Don Phillips, on the occasion of his retirement after 26 years of dedicated service to the Green Bay Fire Department.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Joe Pliner, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Preble High School Management Competition Team, on the occasion of finishing 1st place in the ProStart Invitational and wish them continues success at the National ProStart Invitational.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Lt. Col. Otis Prichard, on the occasion of the 63rd Anniversary of his release from Stalag Luft III Prisoner of War Camp in Poland.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Grothman, for Genna Catherine Quentin, on the occasion of earning and attaining the Girl Scout Gold Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Grothman, for Chief William G. Ritter, on the occasion of his 75 years of dedicated service with the Cedarburg Fire Department.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Matthew Timothy Seipel, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Fitzgerald, for Kyle Patrick Shannon, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Schultz, for Michael Neumann Sinclair, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Zach Singer, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Donald Sipes, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Eric Smits, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Hansen, for Jeff Stauber, on the occasion of his retirement from the Green Bay Fire Department after years of distinguished service.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Taylor, for David Stillin, on the occasion of his recognition of his contributions to the betterment of society through his academic and athletic achievements.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Taylor, for Joseph Stillin, on the occasion of his recognition of his contributions to the betterment of society through his academic and athletic achievements.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Tyler Paul Swessel, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Roessler, for Michael Thiel, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Roessler, for Mike Tolvstad, on the occasion of his retirement after years of service to the Village of Fond du Lac.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Zachary Van Natta, on

the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Taylor, for Victory Temple Church of the First Born International, on the occasion of the Women of Excellence celebration and congratulate all recognized for their perseverance and dedication.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Naomi Waddell, on the occasion of earning and attaining the Girl Scout Gold Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Kanavas, for Robert Wallace, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Sullivan, for Robert Wallace, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Sullivan, for the Wauwatosa East High School Red Raiders, on the occasion of their championship victory in the WIAA Division I finals.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for the Winnebago Mental Health Institute, on the occasion of celebrating its 135th Anniversary.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Christopher Wisniewski, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Christopher Wisniewski, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Lt. Col. Howard A. "Rusty" Wolf, on the occasion of his service to his country and for the distinction as an inductee to the Wisconsin Army National Guard Hall of Honor.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Josh Zaharias, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grothman, for Zachary Robert Zellner, on the occasion of earning and attaining the Eagle Scout Award.