

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

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FRIDAY, March 14, 2008

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

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**CHIEF CLERK'S ENTRIES**

**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Bill 86**  
**Senate Bill 260**  
**Senate Bill 317**  
**Senate Bill 318**  
**Senate Bill 330**  
**Senate Bill 344**  
**Senate Bill 377**  
**Senate Bill 386**  
**Senate Joint Resolution 14**  
**Senate Joint Resolution 15**  
**Senate Joint Resolution 62**  
**Senate Joint Resolution 63**  
**Senate Joint Resolution 74**  
**Senate Joint Resolution 77**  
**Senate Joint Resolution 79**  
**Senate Joint Resolution 85**  
**Senate Joint Resolution 86**  
**Senate Joint Resolution 94**  
**Senate Joint Resolution 100**  
**Senate Joint Resolution 104**

Report correctly enrolled on 3–14–2008.

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**BILLS PRESENTED TO THE GOVERNOR**

The Chief Clerk records:

**Senate Bill 310**  
**Senate Bill 456**  
**Senate Bill 487**

Presented to the Governor on 3–14–2008.

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**LEGISLATIVE REFERENCE BUREAU CORRECTIONS**

**CORRECTIONS IN:**

**SENATE SUBSTITUTE AMENDMENT 1,  
TO 2007 SENATE BILL 454**

Prepared by the Legislative Reference Bureau  
(March 6, 2008)

1. Page 2, line 16: delete “apply” insert “to”.

**CORRECTIONS IN:**

**TO 2007 SENATE BILL 544**

Prepared by the Legislative Reference Bureau  
(March 11, 2008)

1. Page 8, line 13: delete “(b)” and substitute “(b).”.

**CORRECTIONS IN:**

**TO 2007 SENATE BILL 377**

Prepared by the Legislative Reference Bureau  
(March 13, 2008)

In enrolling, the following correction was made:

1. Page 2, line 4: delete “, Section” and substitute “Section”.

**CORRECTIONS IN:**

**SENATE AMENDMENT 1,  
TO 2007 SENATE BILL 496**

Prepared by the Legislative Reference Bureau  
(March 13, 2008)

In enrolling, the following correction was made:

1. Page 1, line 2: delete that line and substitute: “1m. Page 5, line 13: delete “1, 1,” and substitute “1, 2,”.

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

**State of Wisconsin  
Office of the Governor**

March 12, 2008

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HENZL, ROBERT, of Racine, as a member of the Wisconsin Professional Baseball Park District Board, to serve for the term ending July 1, 2009.

Respectfully submitted,  
*JIM DOYLE*

Governor

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

**State of Wisconsin  
Office of the Governor**

March 14, 2008

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HOEKSEMA, TIMOTHY, of

Nashotah, as a member of the Board of Trustees of the Medical College of Wisconsin, to serve for the term ending May 1, 2013.

Respectfully submitted,  
*JIM DOYLE*  
Governor

Read and referred to committee on **Health, Human Services, Insurance, and Job Creation.**

**State of Wisconsin  
Office of the Governor**

March 14, 2008

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MILLER, MICHAEL, of West Bend, as a member of the Wisconsin Professional Baseball Park District Board, to serve for the term ending July 1, 2011.

Respectfully submitted,  
*JIM DOYLE*  
Governor

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

**State of Wisconsin  
Office of the Governor**

February 27, 2008

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint STANLEY, TIM, of Monona, as a member of the Cemetery Board, to serve for the term ending July 1, 2011.

Respectfully submitted,  
*JIM DOYLE*  
Governor

Read and referred to committee on **Health, Human Services, Insurance, and Job Creation.**

**State of Wisconsin  
Office of the Governor**

March 13, 2008

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WALSH, ROGER, of Wauwatosa, as a member of the Wisconsin Waterways Commission, to serve for the term ending March 1, 2013.

Respectfully submitted,  
*JIM DOYLE*  
Governor

Read and referred to committee on **Environment and Natural Resources.**

**State of Wisconsin  
Office of the Governor**

February 25, 2008

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WILLIAMS, JAY, of Hartland, as a member of the Wisconsin Professional Baseball Park District Board, to serve for the term ending July 1, 2009.

Respectfully submitted,  
*JIM DOYLE*  
Governor

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

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Office of the Governor**

March 14, 2008

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>
<b>Senate Bill 142</b>	<b>Act 104</b>	March 14, 2008

Respectfully submitted,  
*JIM DOYLE*  
Governor

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**State of Wisconsin  
Senate**

March 14, 2008

The Honorable, The Senate:

On Wednesday, March 12, I had to take a temporary leave of absence after 5:00 p.m.

I would request that the Senate Journal reflect how I would have voted on the following roll-call votes taken during that leave.

On final passage of Senate Bill 355, I would have voted aye.

On concurrence with Assembly Bill 248, I would have voted aye.

On concurrence with Assembly Bill 893, I would have voted aye.

Thank you.

Sincerely,  
*MICHAEL G. ELLIS*  
State Senator

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**State of Wisconsin  
Department of Health and Family Services**

January 28, 2008

The Honorable, The Legislature:

Wis. Stats. s.46.03(26) requires the Department of Health and Family Services to report annually on information systems projects under development including the implementation schedule, an estimate of costs, and proposed methods of determining charges where applicable.

The Department currently has the following three systems under development: (1) Public Health Information Network – Wisconsin Electronic Disease Surveillance System (WEDSS), (2) the Vital Records Reengineering Project, and (3) the Medicaid Management Information System (MMIS) and related subsystems. The required information is provided in the attached report.

With warm regards,  
*KEVIN R. HAYDEN*  
Secretary

Referred to committee on **Health, Human Services, Insurance and Job Creation.**

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**State of Wisconsin  
Department of Health and Family Services**

February 5, 2008

The Honorable, The Legislature:

The Department of Health and Family Services is pleased to submit to you and the Joint Committee on Finance the attached report on the feasibility of modifying the Health Insurance Risk Sharing Plan (HIRSP) Pilot Program under Wisconsin Statute, s. 49.686 (6). This report is required under Section 9129 (7p) of 2007 Wisconsin Act 20.

The HIRSP Pilot will provide coverage under HIRSP for at least one hundred uninsured clients of the AIDS Drug Assistance Program (ADAP). The Pilot reduces costs to ADAP and expands access for pilot participants to the full range of medical care available to HIRSP policy holders. ADAP and the companion AIDS/HIV Health Insurance Premium Subsidy Program (Insurance Program) have provided access to life saving medications and medical care for low-income Wisconsin residents living with HIV disease since 1989 without the need for waiting lists or other cost containment measures that would negatively impact this vulnerable population. This is due in part to the rebates that ADAP collects from pharmaceutical companies and the "payer of last resort" status conferred on ADAP by federal guidance and legislation.

The Department concludes that it is not feasible to modify the HIRSP Pilot. The modifications are contrary to the "payer of last resort" status of ADAP and would not result in any further increase in drug rebate revenues to the State or any reduction in the cost of the Pilot for DHFS.

With warm regards,  
KEVIN R. HAYDEN  
Secretary

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**State of Wisconsin  
Department of Corrections**

February 18, 2008

The Honorable, The Legislature:

As required under Section 301.03(6r) of the Wisconsin Statutes, the Department of Corrections submits information relative to the number of prisoners that the Department considers violent and the total number of prisoners.

On November 30, 2007 the Department had 23,776 adult inmates assigned to Type "1" prisons in state and in contract facilities. Out of these inmates, 15,048 offenders had violent offenses.

Sincerely,  
RICK RAEMISCH  
Secretary

Referred to committee on **Judiciary and Corrections**.

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**State of Wisconsin  
Joint Legislative Council**

February 21, 2008

The Honorable, The Senate:

Enclosed is a copy of the 2007 Annual Report Legislative Council Rules Clearinghouse, submitted to the Legislature pursuant to s. 227.15 (5), Stats.

Sincerely,  
TERRY C. ANDERSON  
Director

**State of Wisconsin  
Legislative Audit Bureau**

February 27, 2008

The Honorable, The Legislature:

At your request, we have completed a limited-scope review of the Department of Transportation's (DOT's) bridge inspection program. In fiscal year 2006-07, DOT spent approximately \$2.3 million to inspect Wisconsin's 5,188 state-owned bridges, including an estimated \$1.0 million to hire private consultants with specialized inspection expertise.

Federal and state law require DOT to inspect all bridges owned or maintained by the State at least once every 24 months. We found that 98.1 percent of routine inspections were completed on time between January 2003 and November 2007. During this period, 98.9 percent of routine inspections conducted on structurally deficient bridges, which are bridges that have deteriorated or developed structural problems, were completed within the required 24-month intervals. Both of these inspection rates have improved since our 2001 evaluation of DOT's bridge inspection program (report 01-17).

DOT has not implemented procedures for monitoring routine bridge maintenance work performed by county highway departments or verifying the cost of completed maintenance work. Therefore, we include a recommendation for DOT to develop policies and procedures to track the type and cost of routine bridge maintenance work performed by counties, which totaled \$5.7 million in 2006.

In general, the condition of state-owned bridges has improved in recent years. The percentage of state-owned bridges that are structurally deficient declined from 7.4 percent in 2002 to 4.2 percent in 2007, when there were 219 such bridges statewide. However, 34 state-owned bridges are more than 80 years old, exceeding the typical 75-year life span of bridges.

We appreciate the courtesy and cooperation extended to us by DOT in conducting this review.

Sincerely,  
JANICE MUELLER  
State Auditor

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**State of Wisconsin  
Department of Administration**

February 29, 2008

The Honorable, The Legislature:

This report is transmitted as required by s. 20.002(11)(f), Wisconsin Statutes, (for distribution to the appropriate standing committees under s. 13.172(3), Wisconsin Statutes) and confirms that the Department of Administration has found it necessary to exercise the "temporary reallocation of balances" authority provided by this section in order to meet payment responsibilities and cover resulting negative cash balances during the month of January 2008.

On January 1, 2008, the **Wisconsin Health Education Loan Repayment Fund** cash balance closed at a negative \$2 thousand. This negative balance continued through January 31, 2008, when the fund's cash balance closed at a negative \$2 thousand. The negative balance was due to the difference in the timing of revenues and expenditures.

On January 1, 2008, the **Worker's Compensation Fund** cash balance closed at a negative \$4.7 million. This negative balance continued through January 23, 2008, when the fund's cash balance closed at a positive \$175 thousand. The **Worker's Compensation Fund** cash balance reached its intra-month low of a negative \$4.8 million on January 4, 2008. The negative balance was due to the difference in the timing of revenues and expenditures.

On January 1, 2008, the **Injured Patients and Families Compensation Fund** cash balance closed at a negative \$52.5 million. This negative balance continued through January 31, 2008, when the fund's cash balance closed at a negative \$45.0 million. The **Injured Patients and Families Compensation Fund** cash balance reached its intra-month low of a negative \$55.0 million on January 4, 2008. The negative balance was due to the transfer of \$71.5 million to the General Fund per **2007 Wisconsin Act 20**, and the pending liquidation of fund securities necessary to offset this shortfall.

On January 1, 2008, the **Dry Cleaner Environmental Response Fund** cash balance closed at a negative \$16 thousand. This negative balance continued through January 23, 2008, when the fund's cash balance closed at a positive \$381 thousand. The **Dry Cleaner Environmental Response Fund** cash balance reached its intra-month low of a negative \$17 thousand on January 3, 2008. The negative balance was due to the difference in the timing of revenues and expenditures.

On January 31, 2008, the **Conservation Fund** cash balance closed at a negative \$1.5 million (its intra-month low). The negative balance was due to the difference in the timing of revenues and expenditures.

The Wisconsin Health Education Loan Repayment Fund, Worker's Compensation Fund, Injured Patients and Families Compensation Fund, Dry Cleaner Environmental Response Fund, and Conservation Fund shortfalls were not in excess of the statutory interfund borrowing limitations and did not exceed the balances of the funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund's share. Therefore, the monthly calculation by the State Controller's Office will automatically reflect the use of these temporary reallocations of balance authority, and as a result, the funds requiring the use of the authority will effectively bear the interest cost.

Sincerely,  
MICHAEL L. MORGAN  
Secretary

Referred to joint committee on **Finance**.

**State of Wisconsin  
Government Accountability Board**

February 29, 2008

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 2007-2008 session of the legislature, visit the Government Accountability Board's web site at <http://ethics.state.wi.us/>

Foti, Steven	Wisconsin Retail Council
Franken, Andrew	Association of American Publishers
Franken, Andrew	Midwest College of Oriental Medicine/The Acupuncture Center, Inc.
Goyke, Gary	Wisconsin Association on Alcohol and Other Drug Abuse Inc
McCoshen, William J	Mc Lane Company, Inc
McCoshen, William J	Wisconsin Cheese Makers Association
Mettner, Michelle	Wheaton Franciscan Healthcare

Nesheim, Kate	Wisconsin Association on Alcohol and Other Drug Abuse Inc
Ordaz, Bethany	Service Employees International Union Local 150
Osborne, Patrick	Association of American Publishers
Petak, George	Standard Process Inc.
Pfaff, Shawn	K12 Inc
Pfaff, Shawn	Wisconsin Cheese Makers Association
Plautz, Jolene	Wisconsin Health Freedom Coalition
Raschka, Adam	Wisconsin Cable Communications Association
Reck, Donald	Northern States Power d/b/a Xcel Energy
Rogowski, Michael	Standard Process Inc.
Seif, Sheba	Agudath Israel of America
Seligman, Noah	Citizens Utility Board
Strohl, Joseph	Novo Nordisk Inc.
Theo, Michael	Steve Brown Apartments
Welch, Robert	Coalition For Wisconsin Environmental Stewardship
Welch, Robert	Wisconsin Housing Preservation Corp

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  
Legal Counsel

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

**Senate Clearinghouse Rule 07-089**

Relating to licensing of elevator contractors and installers and affecting small businesses.

Submitted by Department of Commerce.

Report received from Agency, March 13, 2008.

Referred to committee on **Commerce, Utilities and Rail**, March 14, 2008.

**Senate Clearinghouse Rule 07-100**

Relating to private onsite wastewater treatment systems, and affecting small businesses.

Submitted by Department of Commerce.

Report received from Agency, March 13, 2008.

Referred to committee on **Commerce, Utilities and Rail**, March 14, 2008.

**Senate Clearinghouse Rule 07-117**

Relating to grants for construction career academies and affecting small business.

Submitted by Department of Commerce.

Report received from Agency, March 13, 2008.

Referred to committee on **Commerce, Utilities and Rail**, March 14, 2008.

**Senate Clearinghouse Rule 08-015**

Relating to small business enforcement discretion.

Submitted by Department of Financial Institutions.

Report received from Agency, March 14, 2008.

Referred to committee on **Veterans and Military Affairs, Biotechnology and Financial Institutions**, March 14, 2008.