



STATE OF WISCONSIN

Senate Journal

Ninety–Ninth Regular Session

10:30 A.M.

TUESDAY, January 13, 2009

The Senate met.

The Senate was called to order by President Risser.

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

CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated Friday, January 2, 2009.

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

The 2007–08 committee on **Health, Human Services, Insurance and Job Creation** reports and recommends:

Senate Clearinghouse Rule 06–080

Relating to certification of outpatient mental health clinics, and affecting small businesses.

No action taken.

Senate Clearinghouse Rule 08–036

Relating to the training and certification of individuals performing regulated asbestos abatement activities, the certification of companies providing regulated asbestos activities, the accreditation of asbestos training courses, the approval of asbestos training instructors, and the responsibilities of designated school asbestos coordinators, and affecting small businesses.

No action taken.

JON ERPENBACH
Chairperson

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read and referred:

Senate Joint Resolution 2

Relating to: commending Jim Miller on his retirement as president of the Wisconsin Policy Research Institute.

By Senator Darling.

To committee on **Senate Organization**.

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule [17 \(5\)](#), Senator Jauch added as a coauthor of **Senate Bill 2**.

Pursuant to Senate Rule [17 \(5\)](#), Representative Steinbrink added as a cosponsor of **Senate Bill 3**.

State of Wisconsin Office of the Senate President

January 13, 2009

The Honorable, the Senate:

Pursuant to Senate Rule [46 \(2\)\(c\)](#), I am writing to inform you that I have directed the following proposal(s) to be withdrawn from committee and rereferred. I have obtained the consent of the appropriate standing committee chairperson and the chairperson of the committee on Senate Organization.

Senate Bill 3, relating to health insurance coverage of treatment for autism spectrum disorders, be withdrawn from committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue and rereferred to committee on Public Health, Senior Issues, Long–Term Care, and Job Creation.

Sincerely,

FRED A. RISSER
Senate President

State of Wisconsin Department of Justice

December 19, 2008

The Honorable, The Legislature:

Section [165.90](#) of the Wisconsin Statutes requires the Department of Justice to report on the performance of cooperative county–tribal law enforcement programs receiving aid under this section. This letter constitutes our report.

This marks the twenty–first year that the Department has awarded grants for cooperative county–tribal enforcement programs. The statutes require counties and tribes to develop joint program plans. The Department requires plans to include resolutions of support for the plan adopted by county boards and tribal governing bodies, to signify cooperation and mutual commitment.

This program pays for a variety of law enforcement services to Native American communities across Wisconsin. Grants have been used for the costs of personnel, patrol, investigation, crime prevention, K–9 units, information technology, law enforcement training, alternatives to drug abuse and gang involvement, diversity training, cultural awareness education, and emergency/rescue equipment. An increasing number of grants are awarded to programs that include tribal police departments, generally helping to pay for tribal liaison personnel and patrol services provided to Native American reservations and communities.

The amount appropriated for this program in State Fiscal Year 2009 was \$708,400. Grant funds comes from Indian gaming receipts as appropriated in the biennial budget. For Calendar Year 2009, the Department issues 19 awards totaling \$708, 400. These awards were in the following amounts:

| <u>County</u> | <u>Tribe</u> | <u>CY2009 Award</u> |
|---------------|------------------------|-------------------------|
| Ashland | Bad River | |
| | Chippewa | \$55,684 |
| Barron | St. Croix | |
| | Chippewa | \$15,876 |
| Bayfield | Red Cliff | |
| | Chippewa | \$57,493 |
| Brown | Oneida Nation | \$37,790 |
| Burnett | St. Croix | |
| | Chippewa | \$11,811 |
| Forest | Potawatomi | \$43,704 |
| Forest | Sokaogon Chippewa | \$35,778 |
| Jackson | Ho Chunk Nation | \$31,298 |
| Juneau | Ho Chunk Nation | \$32,985 |
| Menominee | Menominee | \$63,985 |
| Monroe | Ho Chunk Nation | \$23,333 |
| Outagamie | Oneida Nation | \$35,616 |
| Polk | St. Croix Chippewa | \$14,246 |
| Sauk | Ho Chunk Nation | \$27,082 |
| | Lac Courte Oreilles | |
| Sawyer | Chippewa | \$35,778 |
| | Ho Chunk Nation | \$16,961 |
| Shawano | Stockbridge–Munsee | |
| | Mochican | \$15,876 |
| Vilas | Lac de Flambeau | |
| | Chippewa | \$60,942 |
| <u>Wood</u> | <u>Ho Chunk Nation</u> | <u>\$20,132</u> |
| TOTAL | | \$708,400 |

The Department of Justice’s County Tribal Law Enforcement Grant Program continues to help local law enforcement provide needed services in Native American communities. In addition, this program helps build a cooperative atmosphere and positive relationship between law enforcement and tribal governments and communities. I am pleased to share information regarding this important program with you.

Sincerely,
J.B. VAN HOLLEN
 Attorney General

**State of Wisconsin
 Public Service Commission**

December 30, 2008

The Honorable, The Legislature:

Enclosed please find the statutory proposal of the Public Service Commission for equitably allocating the costs of the Focus on Energy program among energy utility customers. 2005 Wis Act. 141 established an initial approach for allocating

these costs, but directed the Commission to propose an alternative, as provided in Wis. Stat. 196.374(5)(bm)1.

On June 13, 2008, the Commission opened a proceeding (docket 05–UI–113) as required by this law. The Commission identified issues and solicited comments from interested parties. At its open meeting on December 18, 2008, the Commission deliberated on these comments and unanimously agreed on an equitable means of allocating costs among energy utility customers. The Commission’s proposal, which accompanies this letter and which is being sent by separate cover to the Governor, complies with Wis. Stat. 196.374(5)(bm)1.

Under Wis. Stat. 196.374(3)(b)2., each energy utility must spend 1.2 percent of its annual operating revenues to fund the statewide energy efficiency and renewable resource programs that 2005 Wis. Act 141 mandates. Previously, the amounts that energy utilities and their customers paid for these programs varied widely. In 2005, before the enactment of 2005 Wis. Act 141, paid for these programs varied widely. In 2005, before the enactment of 2005 Wis. Act 141, natural gas and electric customers contributed between 0 and 1.10 percent of their bills to these programs. While Wis. Act 141 equalized the amounts that energy utilities must pay, it retained some of the inequities among utility customers. Under Wis. Stat. 196.374(5)(b)1., energy utilities can collect from a large energy customer no more than the customer had been paying in 2005. The result is that some large energy customers still make no contribution to the statewide energy efficiency and renewable resource programs, while others pay more than 1 percent of their bills for these programs. The cap on payments by large energy customers also creates inequities for other utility customers because they must contribute excess amounts to make up for the shortfall of payments from large energy customers.

The Commission’s proposal assigns to each customer class the projected costs of the energy efficiency and renewable resource programs that it is receiving. This ensures that customers are receiving benefits from the programs commensurate with the contributions to date, large energy customers have been receiving energy efficiency and renewable resource services in excess of the contributions. The Commission’s proposal increases the cost responsibility of large energy customers over three years until they are paying their full share. This gradual increase in cost responsibility is designed to mitigate the fiscal impact on large energy customers while still equitably allocating the cost of these programs among the classes of energy utility customers.

If this proposal is not enacted into law by July 1, 2009, the existing statute requires the Commission to annually raise the payments of a large energy customer by the lesser of the percentage increase in the customer’s utility’s operating revenues or the consumer price index.

Thank you for your consideration of this proposal. If you have further questions, please contact my Executive Assistant, Nate Zolik, at 267–7897.

Sincerely,
ERIC CALLISTO
 Chairperson

Referred to committee on **Commerce, Utilities, Energy, and Rail.**

**State of Wisconsin
Department of Corrections**

January 1, 2009

The Honorable, The Legislature:

Attached in compliance with s. 301.03(6t), is the Department's information on the use of overtime in state adult correctional institutions for fiscal year 2008. Should you have any questions related to this information please contact Roland Couey at 608-240-5405.

Sincerely,
RICK RAEMISCH
Secretary

**State of Wisconsin
Department of Administration**

January 5, 2009

The Honorable, The Legislature:

Please find enclosed the Service Award Program 2008 Annual Report. The Service Award Board approved the report at its meeting on December 9, 2008. The report provides an overview of the program and outlines the accomplishments for the program year.

Wisconsin State Statute 16.25(6) requires the Department to submit the report to the Chief Clerk of each house annually describing the activities of the board.

If you have any questions regarding the report, please contact Terri Lenz at the Department of Administration, Division of Enterprise Operations, at (608) 261-6580.

Sincerely,
JAMES M. LANGDON
Secretary, Service Award Board

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

Senate Clearinghouse Rule 08-100

Relating to motor carrier safety, and hazardous material transportation safety.

Submitted by Department of Transportation.

Referred to committee on **Transportation, Tourism, Forestry, and Natural Resources**, January 13, 2009.

Senate Clearinghouse Rule 08-046

Relating to the county forest administration grant program. Submitted by Department of Natural Resources.

Report received from Agency, January 13, 2009.

Referred to committee on **Transportation, Tourism, Forestry, and Natural Resources**, January 13, 2009.

Senate Clearinghouse Rule 08-075

Relating to minor and technical rule changes.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, January 12, 2009.

Referred to committee on **Agriculture and Higher Education**, January 13, 2009.

ADJOURNMENT

President Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, January 27, 2009, pursuant to **Senate Joint Resolution 1**.

Adjourned.

10:31 A.M.