

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

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MONDAY, January 26, 2009

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

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**CHIEF CLERK'S ENTRIES**

The Chief Clerk makes the following entries dated **Friday, January 23, 2009**.

**AMENDMENTS OFFERED**

Senate substitute amendment 1 to **Senate Bill 1** offered by Senator Decker.

Senate amendment 1 to **Senate Bill 10** offered by Senator Lassa.

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

Read and referred:

**Senate Resolution 2**

Relating to: the senate rules.

By Senators Decker, Risser and Hansen.

To committee on **Senate Organization**.

**Senate Joint Resolution 3**

Relating to: Proclaiming Data Privacy Day.

By Senators Erpenbach, Taylor, Lehman, Hansen, Wirsch, Kanavas, Cowles and Lazich; cosponsored by Representatives Pope–Roberts, Roys, Soletski, Berceau, Molepske and Townsend.

To committee on **Senate Organization**.

**Senate Joint Resolution 4**

Relating to: recognizing February 2009 as American Heart Month and February 6, 2009, as Wear Red For Women Day.

By Senators Lassa, Darling, Coggs, Cowles, Hansen, Harsdorf, Hopper, Kedzie, Lazich, Lehman, Miller, Olsen, Plale, Schultz, Sullivan and Vinehout; cosponsored by Representatives Shilling, Nygren, Ballweg, Benedict, Berceau, Brooks, Cullen, Davis, Grigsby, Hebl, Hintz, Hraychuck, Kerkman, Molepske, Petersen, Pasch, Sinicki, Spanbauer, Radcliffe, Toles, Turner, Townsend, Strachota, M. Williams, Ziegelbauer, Zigmunt and Pope–Roberts.

To committee on **Senate Organization**.

**Senate Joint Resolution 5**

Relating to: commending the heroic efforts of US Airways pilot Jeff Skiles in the Hudson River crash of flight 1549.

By Senators Erpenbach and Miller.

To committee on **Senate Organization**.

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

Read first time and referred:

**Senate Bill 13**

Relating to: refunds of overcharges by commercial mobile radio service providers, actions against commercial mobile radio service providers that fail to make timely refunds, and providing a penalty.

By Senators Lassa and Vinehout; cosponsored by Representatives Roys, Berceau, Cullen, Grigsby, Hebl, Nass, A. Ott, Ripp, Schneider, Sinicki, Smith, Soletski, Spanbauer, Toles, Van Akkeren, A. Williams and Hintz.

To committee on **Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection**.

**Senate Bill 14**

Relating to: the definition of sexual intercourse for the crime of incest.

By Senators Lassa, Taylor, Sullivan, Coggs, Olsen, Lazich, A. Lasee, Darling and Plale; cosponsored by Representatives Cullen, Zepnick, A. Williams, Sinicki, Staskunas, Gundrum, Kerkman, Ziegelbauer, Berceau, Townsend, Spanbauer, Vruwink, Strachota, Barca, Turner and Soletski.

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

**Senate Bill 15**

Relating to: payment of Wisconsin supplemental and extended unemployment insurance benefits in this state.

By Senators Coggs, Decker, Miller, Hansen, Lehman and Wirsch; cosponsored by Representatives Sinicki, Sheridan, Nelson, Seidel, Staskunas, Barca, Colon, Van Akkeren, Jorgensen, Toles, Parisi and Honadel.

To joint committee on **Finance**.

**Senate Bill 16**

Relating to: permitting a mother to breast–feed in any public or private location where she is otherwise authorized to be.

By Senators Risser, Erpenbach, Wirsch, Darling, Schultz, Cowles, Sullivan and Lehman; cosponsored by Representatives Pasch, Parisi, Sinicki, Benedict, Black, Pope–Roberts, Roys, Pocan, Hilgenberg, Berceau, Mason, Molepske, Vruwink, Cullen, Hintz, Townsend, Toles and Ballweg.

To committee on **Public Health, Senior Issues, Long–Term Care, and Job Creation**.

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## REPORT OF COMMITTEES

The committee on **Senate Organization** reports:

Placed the following appointments and proposals on the Senate Calendar of Wednesday, January 28, 2009:

Executive Appointment **Patricia Finder–Stone**

Executive Appointment **Mary Lease**

**Senate Resolution 2**

**Senate Joint Resolution 2**

**Senate Joint Resolution 3**

**Senate Joint Resolution 4**

**Senate Joint Resolution 5**

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

Noes: 0 – None.

*RUSS DECKER*  
Chairperson

## PETITIONS AND COMMUNICATIONS

**State of Wisconsin**  
**Office of the Senate President**

January 26, 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 10**, relating to the income and franchise tax credit that supplements the federal historic rehabilitation tax credit, withdrawn from committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue and rereferred to committee on Economic Development.

Sincerely,  
*FRED A. RISSER*  
Senate President

**State of Wisconsin**  
**Office of the Senate Republican Leader**

January 22, 2009

Governor Doyle,

Following is my list of appointments from the Senate Republicans to serve on the following councils, boards and commissions:

Affirmative Action Council: Senator Glenn Grothman

Wisconsin Artistic Endowment Foundation: Senator Alberta Darling

Milwaukee Child Welfare Partnership Council: Senator Alberta Darling

Utility Public Benefits Council: Senator Rob Cowles

Please let me know if you have any questions.

Sincerely,  
*SCOTT FITZGERALD*  
Senate Republican Leader

**State of Wisconsin**  
**Office of the Senate President**

January 26, 2009

The Honorable, the Senate:

Pursuant to Wisconsin Statute 15.197(24)(a), I am appointing Senator Coggs to the Milwaukee Child Welfare Partnership Council.

Please feel free to contact me with any questions.

Sincerely,  
*FRED A. RISSER*  
Senate President

**State of Wisconsin**  
**Department of Administration**

December 17, 2008

The Honorable, The Legislature:

I have enclosed a copy of the State of Wisconsin's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2008. The State's CAFR is also available on the State of Wisconsin, Department of Administration's web page <http://www.doa.state.wi.us/debf> under Financial Reporting.

The financial statements presented in the CAFR are prepared in accordance with generally accepted accounting principles (GAAP) prescribed for state and local governments.

I am pleased to report that the Government Finance Officers Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the state of Wisconsin for its Fiscal Year 2007 CAFR. The GFOA's Certificate is a prestigious national award recognizing conformance with the highest standards for state and local government financial reports. The State of Wisconsin is again applying for the Certificate, and the 2008 CAFR has been submitted to the GFOA.

If you have specific questions regarding the CAFR's contents, please contact me at (608) 266-8158.

Sincerely,  
*STEPHEN J. CENSKY*  
State Controller

**State of Wisconsin**  
**Department of Health Services**

January 20, 2009

The Honorable, The Legislature:

The attached report is submitted to the Legislature pursuant to s.46.27 (11g) and s.46.277 (5m) of the Wisconsin statutes, which require the Department of Health Services to submit an annual report for the Community Options Program (COP) and the Home and Community-Based Waivers (COP-W/CIP II). The attached report describes the persons served, program expenditures, and services delivered through the COP, COP-Waiver and CIP II programs in calendar year 2007.

The Community Options Program provides services to people who are elderly or who have a physical, developmental or mental disability, and is closely coordinated with all of Wisconsin's Medicaid Home and Community-Based Waivers.

With the Department's oversight, county agencies are able to ensure that a comprehensive and individualized care plan is provided, while maintaining program flexibility and integrity, and maximizing federal matching funds.

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

Sincerely,  
*KAREN E. TIMBERLAKE*  
 Secretary

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**State of Wisconsin  
 Department of Health Services**

January 20, 2009

The Honorable, The Legislature:

In 1997, Act 27, the 1997–99 Biennial Budget, the Legislature established requirements in state law intended to strengthen protections for children and vulnerable adults in organized care settings. The provisions require, among other things, that designated caregivers conduct background checks on all new and existing staff and bar them from employing anyone who has committed certain crimes or acts. The Department of Health Services and (for certain child care providers) counties and local school boards must perform checks on a provider before issuing a license or other credential. Individuals who have committed prohibited crimes or acts may apply to the Department, counties, or school boards for a waiver of the employment or licensing bans upon evidence of rehabilitation.

Sections [48.685\(5g\)](#) and [50.065\(5g\)](#) of the Wisconsin Statutes direct the Department to submit an annual report to the Legislature that specifies the number of persons who have sought waivers of employment or licensing bans by requesting to demonstrate that they have been rehabilitated. The report must also specify the number of requests that were approved and the reasons for the success or failure of the requests. Attached is the report for 2008.

Questions about this report should be referred to Diane Welsh, Chief Legal Counsel, at 608–266–1404.

Sincerely,  
*KAREN E. TIMBERLAKE*  
 Secretary

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**State of Wisconsin  
 Legislative Audit Bureau**

January 27, 2009

The Honorable, The Legislature:

At the request of the Department of Workforce Development and to meet our audit responsibilities under s. [13.94](#), Wis. Stats., we have audited the financial statements of the State of Wisconsin Unemployment Reserve Fund, which funds unemployment benefits paid to eligible workers, primarily through taxes paid by employers. The Unemployment Reserve Fund operates on a fiscal year that ends June 30. This audit report contains our unqualified opinion

on financial statements and related notes for the years ended June 30, 2008 and 2007. During our audit period, the seasonally adjusted unemployment rate ranged between 4.3 percent and 5.1 percent, and unemployment benefit payments exceeded employer payments to the Unemployment Reserve Fund.

As a result, the Fund's balance has continued to decline from its high of \$1.9 billion as of June 30, 2000. As of June 30, 2008, the Unemployment Reserve Fund balance was \$608.8 million. It has continued to decline after that date, and as of November 30, 2008, \$312.0 million was available to pay benefits. The Department expects that the Fund's cash balances will be depleted in February 2009, at which time borrowed federal funds will be needed in order to continue unemployment benefit payments.

[2007 Wis. Act 59](#) included several provisions to strengthen the Unemployment Reserve Fund, including increasing the amount of wages subject to unemployment taxes starting in calendar year 2009, with additional increases in 2011 and 2013. However, given current economic conditions, it is unclear whether anticipated increases in revenues from the taxes paid by employers will be sufficient to restore the Fund's balances, and further changes may be needed to increase employer taxes or reduce unemployment benefit payments.

Accompanying the financial statements is the Schedule of Cash Balance Related to Taxable Employers, which is used to determine the tax rate paid by employers. Section [108.18\(3m\)](#), Wis. Stats., requires the second–highest tax rate schedule to be applied when the cash balance as of June 30 is between \$300 million and \$900 million. Consequently, the second–highest of four tax rate schedules will continue to be applied in calendar year 2009.

We appreciate the courtesy and cooperation extended to us by Department of Workforce Development staff during the audit.

Respectfully Submitted,  
*JANICE MUELLER*  
 State Auditor

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

**Senate Clearinghouse Rule 08–076**

Relating to analytical methods used for Wisconsin pollutant discharge monitoring system (WPDES) compliance monitoring.

Submitted by Department of Natural Resources.  
 Report received from Agency, January 22, 2009.  
 Referred to committee on **Environment**, January 26, 2009.

**Senate Clearinghouse Rule 08–094**

Relating to examinations for substance abuse professionals.  
 Submitted by Department of Regulation and Licensing.  
 Report received from Agency, January 22, 2009.

Referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**, January 26, 2009.