



STATE OF WISCONSIN

Senate Journal

Ninety–Ninth Regular Session

2:55 P.M.

THURSDAY, February 5, 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.

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read and referred:

Senate Joint Resolution 8

Relating to: modifying the session schedule for the 2009–10 biennial session period and extending the deadline for the governor's budget message.

By Senator Decker; cosponsored by Representative Nelson.
To committee on **Senate Organization**.

Senate Joint Resolution 9

Relating to: providing for an advisory referendum on the question of restoring the annual adjustment of the motor vehicle fuel tax rate in this state.

By Senator Carpenter; cosponsored by Representatives Berceau, Vos and Spanbauer.

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

Read first time and referred:

Senate Joint Resolution 10

Relating to: the dissolution of state funds and accounts and prohibiting the state from changing the purpose of any state fund or program revenue appropriation account (first consideration).

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

To committee on **Ethics Reform and Government Operations**.

Senate Joint Resolution 11

Relating to: veto power of county executive over appropriations (first consideration).

By Senators Carpenter, Lehman and Harsdorf; cosponsored by Representatives Pasch, Van Akkeren, Lothian and Townsend.

To committee on **Ethics Reform and Government Operations**.

Senate Bill 39

Relating to: cash value of life insurance regarding eligibility for the veterans assistance program.

By Senators Kreitlow, Erpenbach, Taylor, Lassa, Plale, Lehman, Wirch, Vinehout, Schultz, S. Fitzgerald, Leibham and Lazich; cosponsored by Representatives Milroy, Garthwaite, Hebl, A. Ott, Sinicki, Fields, Townsend, Richards, Smith, Gunderson, Toles, Berceau, Petersen, Bies and Strachota.

To committee on **Veterans and Military Affairs, Biotechnology, and Financial Institutions**.

Senate Bill 40

Relating to: public financing of campaigns for the office of justice of the supreme court, making appropriations, and providing penalties.

By Senators Kreitlow, Taylor, Sullivan, Miller, Risser, Erpenbach, Wirch, Lassa, Lehman, Hansen, Vinehout and Schultz; cosponsored by Representatives Hintz, Hilgenberg, Smith, Garthwaite, Benedict, Roys, Hebl, Staskunas, Turner, Parisi, Cullen, Jorgensen, Richards, Zepnick, Pocan, Pope–Roberts, Clark, Shilling, Hubler, Black, Berceau, Grigsby, Molepske Jr. and Kessler.

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

Senate Bill 41

Relating to: indoor environmental quality in public and private schools.

By Senators Sullivan, Olsen, Miller, Hansen, Vinehout, Lassa, Taylor, Darling, Erpenbach, Schultz, Risser and Lehman; cosponsored by Representatives Grigsby, Pope–Roberts, Cullen, Hilgenberg, Black, Benedict, Fields, Berceau, Mason, Toles, Hintz, Molepske Jr., Zepnick, Hebl, Pocan, Parisi, Milroy, Roys and Hixson.

To committee on **Education**.

Senate Bill 42

Relating to: a report on food safety programs.

By Senators Vinehout, Kapanke, Darling, Holperin, Lazich, Leibham, Olsen, Schultz and Taylor; cosponsored by Representatives A. Ott, Ballweg, Barca, Brooks, Davis, Gunderson, Huebsch, Jorgensen, Kaufert, LeMahieu, Molepske Jr., Murtha, Nerison, Ripp, Spanbauer, Suder, Tauchen, Townsend, M. Williams, Zepnick and Ziegelbauer.

To committee on **Agriculture and Higher Education**.

Senate Bill 43

Relating to: the scope of regulated activity under the campaign finance law.

By Senators Erpenbach, Kreitlow, Ellis, Vinehout, Hansen, Risser, Lehman, Holperin, Harsdorf, Carpenter, Cowles and Robson; cosponsored by Representatives Dexter, Hebl, Cullen, Zigmunt, Sherman, Barca, Hintz, Black, Hilgenberg, Mason, Toles, Hixson, Pope–Roberts, Pocan, Kaufert and Berceau.

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

Senate Bill 44

Relating to: adjudications for involuntary commitment, appointment of a guardian of the person, and protective placement or protective services, background checks for the purchase of handguns, and requiring the exercise of rule-making authority.

By Senators Darling, Harsdorf, Olsen, Schultz and Sullivan; cosponsored by Representatives Gunderson, Richards, Murtha, Kerkman, Vos, Fields, Lothian, Townsend, Stone, Bies, Ballweg, Kaufert, LeMahieu, Nygren, Petersen, Van Roy and Spanbauer.

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

Senate Bill 45

Relating to: creating a nonrefundable individual income tax credit for certain amounts relating to health savings accounts that may be deducted from, or are exempt from, federal income taxes.

By Senators Darling, S. Fitzgerald, Olsen, Lazich, Kedzie, A. Lasee, Grothman, Hopper and Schultz; cosponsored by Representatives Kaufert, J. Fitzgerald, Murtha, Nygren, Ziegelbauer, Tauchen, Kerkman, Montgomery, Huebsch, Van Roy, Petersen, Newcomer, Ballweg, Meyer, LeMahieu, Kestell, Roth, Nerison, Davis, Ripp, Spanbauer, Honadel, Fields, A. Ott, Knodl, Petrowski, Lothian, Strachota, Gottlieb, Townsend, Mursau, Stone, Gunderson, J. Ott, Brooks, Friske, Vos and Bies.

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

Senate Bill 46

Relating to: arbitration and fair-share agreements during collective bargaining negotiations under the Municipal Employment Relations Act.

By Senators Hansen, Wirch, Lehman, Vinehout, Coggs and Erpenbach; cosponsored by Representatives Soletski and Berceau.

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

Senate Bill 47

Relating to: designating portions of the Totogatic River as a wild river.

By Senators Jauch, Lassa, Hansen, Kedzie, Lehman, Risser and Wirch; cosponsored by Representatives Milroy, Berceau, Black, Hubler, Jorgensen, Sherman, Spanbauer, Hraychuck and Soletski.

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

REPORT OF COMMITTEES

The committee on **Senate Organization** reports:

Senate Bill 7

Relating to: the filing of certain forms related to tax incremental financing district number ten in the city of Chippewa Falls.

Referred to the joint committee on **Finance**, pursuant to Senate Rule 41 (1)(e):

Ayes, 5 – Senators Decker, Risser, Hansen, Fitzgerald and Leibham.

Noes, 0 – None.

Withdrawn from the joint committee on **Finance** and made Available for Scheduling, pursuant to Senate Rule 41 (1)(e):

Ayes, 5 – Senators Decker, Risser, Hansen, Fitzgerald and Leibham.

Noes, 0 – None.

Senate Joint Resolution 8

Relating to: modifying the session schedule for the 2009–10 biennial session period and extending the deadline for the governor’s budget message.

Made a special order of business at 10:01 A.M. on Tuesday, February 10, 2009:

Ayes, 5 – Senators Decker, Risser, Hansen, Fitzgerald and Leibham.

Noes, 0 – None.

Placed the following appointments and proposals on the Senate Calendar of Tuesday, February 5, 2009:

- Executive Appointment **Tim Boehmer**
- Executive Appointment **Linda Bohacek**
- Executive Appointment **Kathleen Cantu**
- Executive Appointment **Eugene Gottfredsen**
- Executive Appointment **Sujatha Kailas**
- Executive Appointment **Kathi Leach**
- Executive Appointment **Roger LeGrand**
- Executive Appointment **Richard Leinenkugel**
- Executive Appointment **Thomas McAdams**
- Executive Appointment **Suresh Misra**
- Executive Appointment **Steven Nass**
- Executive Appointment **Sandra Osborn**
- Executive Appointment **Jeffrey Patterson**
- Executive Appointment **E. Glen Porter**
- Executive Appointment **Suzette Renwick**
- Executive Appointment **Teresa Rose**
- Executive Appointment **Laura Ruiz**
- Executive Appointment **Mark Shropshire**
- Executive Appointment **Luann Simpson**
- Executive Appointment **Timothy Sweeney**
- Executive Appointment **Patricia Thornton**
- Executive Appointment **Howard Twait**
- Executive Appointment **Lou Ann Weix**

Senate Bill 1

Senate Bill 2

Senate Bill 7

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

Noes: 0 – None.

RUSS DECKER
Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Office of the Governor

February 5, 2009

The Honorable, the Legislature:

Pursuant to Senate Rule 16.45, Wisconsin Statutes, I respectfully request that the Legislature allow me to deliver my budget message on February 17, 2009.

Sincerely,
JIM DOYLE
Governor

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

February 5, 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 20, relating to authorizing the circuit court to order a person who engages in discrimination in employment to pay compensatory and punitive damages and a surcharge and making an appropriation, withdrawn from committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing and rereferred to committee on Labor, Elections and Urban Affairs.

Sincerely,
FRED A. RISSER
Senate President

**State of Wisconsin
Legislative Reference Bureau**

February 5, 2009

To the Honorable, the Legislature:

The following rules have been published in the January 31, 2009 Wisconsin Administrative Register No. 637:

<u>Clearinghouse Rules</u>	<u>Effective Date(s)</u>
07-095	4-1-2009
08-044	2-1-2009
08-050	2-1-2009
08-073	2-1-2009

Sincerely,
BRUCE J. HOESLY
Senior Legislative Attorney/Code Editor

**State of Wisconsin
Legislative Audit Bureau**

January 15, 2009

The Honorable, The Legislature:

This biennial report, which is required under s. 13.94(1)(j), Wis. Stats., summarizes the Legislative Audit Bureau's

statutory responsibilities and highlights significant accomplishments from January 1, 2007, through December 31, 2008.

During that biennium, we produced more than 50 independent audits, evaluations, reviews, opinions, and certifications. Our work helps to assure the Legislature and the public that financial transactions and management decisions are made effectively, efficiently, and in compliance with the law and that the policies and practices of state agencies are consistent with legislative intent. Our reports frequently include recommendations that improve government programs and services, maximize federal reimbursements, and ensure public funds are wisely spent and appropriately accounted for.

We are proud to deliver accurate and useful information that enhances accountability and assists the Legislature in its oversight of executive branch agencies. We look forward to serving the Legislature, the Governor, and the people of Wisconsin in the coming years.

Respectfully Submitted,
JANICE MUELLER
State Auditor

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

Senate Clearinghouse Rule 08-088

Relating to supervised practice, training licenses and academic programs for professional counselors.

Submitted by Department of Regulation and Licensing.

Report received from Agency, February 5, 2009.

Referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**, February 5, 2009.

Senate Clearinghouse Rule 08-113

Relating to a municipal or county vehicle registration fee.

Submitted by Department of Transportation.

Report received from Agency, February 5, 2009.

Referred to committee on **Transportation, Tourism, Forestry, and Natural Resources**, February 5, 2009.

ADJOURNMENT

President Risser, with unanimous consent, asked that the Senate adjourn until Tuesday, February 10, 2009, at 10:00 A.M.

Adjourned.

2:56 P.M.