

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

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WEDNESDAY, March 11, 2009

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

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**CHIEF CLERK'S ENTRIES**

**AMENDMENTS OFFERED**

Senate amendment 1 to **Senate Bill 94** offered by Senator Cogg.

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The Chief Clerk makes the following entries dated **Monday, March 9, 2009**.

**PETITIONS AND COMMUNICATIONS**

Pursuant to Senate Rule 17 (5), Representatives Staskunas, Turner and Townsend added as a cosponsors of **Senate Bill 100**.

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

Read first time and referred:

**Senate Bill 104**

Relating to: requiring a license to engage in the practice of landscape architecture.

By Senators Risser, Taylor and Lehman; cosponsored by Representatives Shilling, Lothian, Clark, Parisi, Davis, Vruwink, Berceau, Benedict, Montgomery, A. Ott, Townsend, Turner, Molepske Jr., Mursau and Spanbauer.

To committee on **Economic Development**.

**Senate Bill 105**

Relating to: payment card network fees for merchants and providing a penalty.

By Senators Lassa, Lehman, Taylor, Cowles, Vinehout and Erpenbach; cosponsored by Representatives Cullen, Berceau, A. Williams, Bies, Vos, Townsend and Mursau.

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

**Senate Bill 106**

Relating to: allowing an individual income tax deduction for certain amounts contributed by a divorced or legally separated parent to his or her child's college savings account or college tuition and expenses program and limiting the deduction that may be claimed by a married person who files separately.

By Senators Lassa, Kreitlow, Taylor, Darling, Holperin, Lehman, Erpenbach, Plale, Grothman, Olsen and Kedzie; cosponsored by Representatives Molepske Jr., Cullen, Roys,

Suder, Berceau, Nass, Pope–Roberts, Bies, Vos, Zepnick, Kestell and Fields.

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

**Senate Bill 107**

Relating to: the sale, disposal, collection, and recycling of electronic devices, granting rule–making authority, making an appropriation, and providing penalties.

By Senators Miller, Jauch, Hansen, Robson, Erpenbach, Wirch, Lehman, Risser and Taylor; cosponsored by Representatives Bernard Schaber, Black, Hebl, Sherman, Milroy, Shilling, Parisi, Berceau, Benedict, Molepske Jr., Pope–Roberts, Richards, A. Ott, Clark, Smith, Hintz, Dexter, A. Williams and Hubler.

To committee on **Environment**.

**Senate Bill 108**

Relating to: mandatory overtime hours and on–call time worked by health care workers and providing penalties.

By Senators Robson, Taylor, Carpenter, Hansen, Plale, Lehman, Cogg, Erpenbach, Wirch and Miller; cosponsored by Representatives Pasch, Benedict, Cullen, Berceau, Pope–Roberts, Zepnick, Colon, Mason, Staskunas, A. Williams, Sinicki, Danou, Black, Kessler, Pocan, A. Ott, Toles, Richards, Hixson, Young, Turner and Grigsby.

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

**Senate Bill 109**

Relating to: commencement of the school term in public schools.

By Senators Lehman, Taylor, Lazich, Miller, Risser, Vinehout and Wirch; cosponsored by Representatives Pope–Roberts, Dexter, Nass, Berceau, Black, Danou, Hebl, Hilgenberg, Hraychuck, Pasch, Sinicki, Smith, Soletski, Toles, Vruwink and Wood.

To committee on **Education**.

**Senate Bill 110**

Relating to: regulation of certain dog breeders, granting rule–making authority, making an appropriation, and providing a penalty.

By Senator Darling; cosponsored by Representatives J. Ott, A. Ott, Van Roy, Bies, Spanbauer and Honadel.

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

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**REPORT OF COMMITTEES**

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

**Assembly Bill 3**

Relating to: restrictions on the use and sale of fertilizer containing phosphorus and other turf fertilizer and providing a penalty.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Miller, Jauch, Wirch, Kedzie and Olsen.  
Noes, 0 – None.

Concurrence as amended.

Ayes, 5 – Senators Miller, Jauch, Wirch, Kedzie and Olsen.  
Noes, 0 – None.

### Senate Bill 5

Relating to: restrictions on the use and sale of fertilizer containing phosphorus and other turf fertilizer and providing a penalty.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Miller, Jauch, Wirch, Kedzie and Olsen.  
Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Miller, Jauch, Wirch, Kedzie and Olsen.  
Noes, 0 – None.

*MARK MILLER*  
Chairperson

## PETITIONS AND COMMUNICATIONS

### State of Wisconsin Office of the Commissioner of Insurance

February 25, 2009

The Honorable, The Legislature:

This report is submitted on behalf of the Board of Governors of the Injured Patients and Families Compensation Fund (Fund) as required by s. 655.27(4)(f), Wis Stat.

This annual report provides financial data for the fiscal year ending June 30, 2008. In addition, it provides information on the levels of provider participation in the Fund, claim activity, and major board action.

Sincerely,  
*SEAN DILWEG*  
Commissioner

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

### State of Wisconsin Department of Corrections

March 2, 2009

The Honorable, The Legislature:

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

On June 30, 2008 the Department had 23,604 adult inmates assigned to Type “1” prisons and in state and in contract facilities. Out of the 23,604 inmates, 14,991 had violent offenses.

Sincerely,  
*RICHARD RAEMISCH*  
Secretary

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

### State of Wisconsin Department of Natural Resources

March 3, 2009

The Honorable, The Senate:

Environmental Improvement Fund (EIF) program legislation (s. 281.59(3)(bm)2, Wis. Stats.) requires the Department of Natural Resources and the Department of Administration to submit to the Legislature and to the State Building Commission any amendments to the EIF Biennial Finance Plan that were made by the Governor for inclusion in the budget. The purpose of the Plan is to provide information on loan, loan subsidy, and bonding levels for program operations in the 2009–2011 biennium.

A third, and final, version of the Biennial Finance Plan will be distributed after the biennial budget is enacted.

If you have any questions regarding the Biennial Finance Plan, please contact Robert Ramharter at 266–3915 or Michael Wolff at 267–2734.

Sincerely,  
*ROBERT RAMHARTER*  
Chief, Environmental Loans  
Bureau of Community Financial Assistance  
*FRANK R. HOADLEY*  
Capitol Finance Director  
Department of Administration

## ADVICE AND CONSENT OF THE SENATE

### State of Wisconsin Department of Public Instruction

March 4, 2009

The Honorable, The Senate:

Pursuant to s. 15.377(8), Wis. Stats., enclosed please find a list of nominees to the Professional Standards Council for Teachers. These individuals were selected based upon organizational recommendations as prescribed in statute. Your confirmation of the appointees is requested.

Sincerely,  
*ELIZABETH BURMASTER*  
State Superintendent

CASTANEDA, MICHAEL, of Milwaukee, as a member of the Professional Standards Council for Teachers, to serve for the term ending June 30, 2011.

Read and referred to committee on **Education.**

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

### Senate Clearinghouse Rule 08–108

Relating to benefits covered by the Wisconsin medical assistance program.

Submitted by Department of Health Services.

Report received from Agency, March 6, 2009.

Referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**, March 11, 2009.

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

**Senate Clearinghouse Rule 08–076**

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

No action taken.

**MARK MILLER**  
Chairperson

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The committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue** reports and recommends:

**Senate Clearinghouse Rule 08–082**

Relating to training in the use of automated external defibrillators for emergency medical technicians, first responders, and individuals who provide instruction to emergency medical technicians and first responders, and affecting small businesses.

No action taken.

**Senate Clearinghouse Rule 08–088**

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

No action taken.

**JON ERPENBACH**  
Chairperson

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The committee on **Transportation, Tourism, Forestry, and Natural Resources** reports and recommends:

**Senate Clearinghouse Rule 08–113**

Relating to a municipal or county vehicle registration fee.

No action taken.

**JIM HOLPERIN**  
Chairperson

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**Motions Under Senate Rule 98 and Joint Rule 7  
for the Month of February 2009**

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lazich, for ABATE of Wisconsin, Inc., on the occasion of celebrating its 35th anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Grothman, for the Allenton Fire Department, on the occasion of celebrating their 100th Anniversary.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Harsdorf, for Aaron Anderson, on the occasion of earning and attaining the rank of Arrow of Light.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Erpenbach, for Alissa Baumgartner, 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 Erpenbach, for Zachary Beck, 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 Brian James Benmour, 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 Miller, for Drew A. Birrenkott, 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 Harsdorf, for Matthew Blietz, on the occasion of earning and attaining the rank of Arrow of Light.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lazich, for Mary Helen Block, on the occasion of being the recipient of the Greendale Chamber of Commerce 2009 Spirit of Greendale Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Darling, for Nicholas Broadway, 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 Miller, for Evan S. Chalmers, 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 Miller, for Scott B. Chalmers, 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 Harsdorf, for Samuel Charbonneau, on the occasion of earning and attaining the rank of Arrow of Light.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Holperin, for Joshua Chilcote, 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 Harsdorf, for George Cibulka, on the occasion of advancing into the Boy Scouts.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Harsdorf, for Miles Cibulka, on the occasion of advancing into the Boy Scouts.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Schultz, for Donald Coughlin, on the occasion of his 33 years of dedicated service to the Lyndon Station Fire/Rescue Department.*

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

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Schultz, for Dale E. Dorow, on the occasion of his 27 years of service to Juneau County.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Darin Dumke, on the occasion of advancing into the Boy Scouts.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Harsdorf, for Ben Dumont, on the occasion of advancing into the Boy Scouts.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Darling, for Susan Ela, on the occasion of being honored with the 2009 TEMPO Mentor Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Erpenbach, for Kally Gagnon, 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 Erpenbach, for Rebecca Gehrman, 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 Darling, for Beverly Greenberg, on the occasion of being honored with the 2009 TEMPO Mentor Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Miller, for Peter R. Grenzow, 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 Holperin, for David J. Gryskiewicz, 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 Miller, for Joseph Peter Hovel, 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 Dan Johnson, on the occasion of being awarded the Greendale Chamber of Commerce 2009 Teacher of the Year Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Grothman, for Joshua 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 Sullivan, for Jack Jorgenson, 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 Fran Kelly, on the occasion of celebrating her 90th Birthday shared with family and friends.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Kanavas, for Benjamin Kohler, 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 Harsdorf, for Eric Kolb, on the occasion of advancing into the Boy Scouts.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Erpenbach, for Ted Knupp, on the occasion of receiving the 2009 Madison Silver Medal Award from American Advertising Federation.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Schultz, for Rolf and Lynnette Kurandt, on the occasion of celebrating their 50th wedding Anniversary and 50 years of business together with the Target Bluff German Haus Restaurant in Camp Douglas.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lehman, for Dr. Steven E. Landfried, founder of the Wisconsin High School United Nations, for the current coordinator Nicole Palasz and the Institute of World Affairs at the UW–Milwaukee Center for International Education, on the occasion of celebrating its 40th Anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Christine Larson, 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 Risser, for Patrick Last, 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 Lehman, for Abraham Lincoln, on the occasion of state and national events that are being held in his honor to commemorate the bicentennial celebration of his birth.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Harsdorf, for Eric Lusardi, on the occasion of advancing into the Boy Scouts.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Harsdorf, for Deb Lyons, on the occasion of receiving the Silver Beaver Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lazich, for Martial Arts America, on the occasion of being chosen as the 2009 Business of the Year.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Taylor, for Dr. Charles H. McClelland, on the occasion of his Inauguration as Bishop of the Northeast Wisconsin Jurisdiction.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Wayne McGown, on the occasion of commending his life, he was a man who loved his family and friends and worked tirelessly for his community and the State of Wisconsin.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Kanavas, for Gabrielle Mears, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Harsdorf, for Kasper Messer, on the occasion of earning and attaining the rank of Arrow of Light.*

*A certificate of condolences by the Wisconsin Senate on the motion of Senator Taylor, for Reverend Reginal T. Moore, on the occasion of honoring his life and extend condolences to his family and his congregation.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Holperin, for Justin Myszka, 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 Lehman, for the NAACP, on the occasion of celebrating its centennial anniversary.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Erpenbach, for Claire Petchler, 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 Schultz, for Melanie Ramsey, 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 John Ruf, on the occasion of receiving the bronze medal in sailing at the 2008 Paralympic Games in Qingdao, China and his many personal accomplishments.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Monty Schiro, founder and*

*President of the Food Fight Restaurant Group, on the occasion of his 40 years of success and achievement in the restaurant business.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Grothman, for Tyler Schultz, 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 Lazich, for Jackie Schweitzer, on the occasion of being awarded the Greendale Chamber of Commerce, 2009 Spirit of Greendale Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Nathaniel J. Shoener, 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 Amanda Sonnemann, on the occasion of earning and attaining the Girl Scout Gold Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Miller, for Glenn G. Sparks, 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 the Upsilon Mu Omega Chapter of the Alpha Kappa Alpha Sorority, Inc., on the occasion of hosting their 101st Founder's Day celebration.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Douglas Vanden Plas, 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 Miller, for Anthony Weidner, on the occasion of earning and attaining the rank of the Eagle Scout Award.*