



STATE OF WISCONSIN

Senate Journal

Ninety–Ninth Regular Session

12:15 P.M.

TUESDAY, May 12, 2009

The Senate met.

The Senate was called to order by Chief Clerk Marchant, pursuant to Senate Rule 5 (4)(b).

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

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate amendment 2 to **Senate Bill 123** offered by Senator Jauch.

The Chief Clerk makes the following entries dated **Friday, May 8, 2009**.

REPORT OF COMMITTEES

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

Senate Bill 181

Relating to: prohibiting smoking in indoor areas, in sports arenas, in public conveyances, and at certain outdoor locations and providing a penalty.

Adoption of Senate Substitute Amendment 1.

Ayes, 6 – Senators Erpenbach, Robson, Lassa, Lazich, Kanavas and Darling.

Noes, 1 – Senator Carpenter.

Passage as amended.

Ayes, 5 – Senators Erpenbach, Robson, Lassa, Kanavas and Darling.

Noes, 2 – Senators Carpenter and Lazich.

JON ERPENBACH
Chairperson

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Representative Petrowski added as a cosponsor of **Senate Bill 199**.

LEGISLATIVE REFERENCE BUREAU CORRECTIONS CORRECTIONS IN:

2009 SENATE BILL 194

Prepared by the Legislative Reference Bureau
(May 8, 2009)

1. Page 14, line 11: delete “Acts” and substitute “Act”.
2. Page 14, line 12: after “20 and” insert “2009 Wisconsin Act”.
3. Page 21, line 11: on lines 11 and 21, delete “Acts” and substitute “Act”.
4. Page 21, line 12: on lines 12 and 22, after “and” insert “2009 Wisconsin Act”.

The Chief Clerk makes the following entries dated **Monday, May 11, 2009**.

REPORT OF COMMITTEES

The committee on **Veterans and Military Affairs, Biotechnology, and Financial Institutions** reports and recommends:

BEIL, MARTIN, of Madison, as a member of the Deferred Compensation Board, to serve for the term ending July 1, 2009.

Confirmation.

Ayes, 5 – Senators Sullivan, Coggs, Carpenter, Leibham and Kanavas.

Noes, 0 – None.

DRURY, MICHAEL, of Merrill, as a member of the Deferred Compensation Board, to serve for the term ending July 1, 2011.

Confirmation.

Ayes, 5 – Senators Sullivan, Coggs, Carpenter, Leibham and Kanavas.

Noes, 0 – None.

MACARENO, AMELIA, of Milwaukee, as a member of the Banking Review Board, to serve for the term ending May 1, 2013.

Confirmation.

Ayes, 5 – Senators Sullivan, Coggs, Carpenter, Leibham and Kanavas.

Noes, 0 – None.

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.

Introduction of Senate Substitute Amendment 1.

Ayes, 5 – Senators Sullivan, Coggs, Carpenter, Leibham and Kanavas.

Noes, 0 – None.

Adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Sullivan, Coggs, Carpenter, Leibham and Kanavas.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Sullivan, Coggs, Carpenter, Leibham and Kanavas.

Noes, 0 – None.

Senate Bill 31

Relating to: the Uniform Prudent Management of Institutional Funds Act, as approved by the National Conference of Commissioners on Uniform State Laws.

Introduction of Senate Substitute Amendment 1.

Ayes, 5 – Senators Sullivan, Coggs, Carpenter, Leibham and Kanavas.

Noes, 0 – None.

Adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Sullivan, Coggs, Carpenter, Leibham and Kanavas.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Sullivan, Coggs, Carpenter, Leibham and Kanavas.

Noes, 0 – None.

Senate Bill 39

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

Passage.

Ayes, 5 – Senators Sullivan, Coggs, Carpenter, Leibham and Kanavas.

Noes, 0 – None.

Senate Bill 75

Relating to: the designation of Korean War Armistice Day.

Passage.

Ayes, 5 – Senators Sullivan, Coggs, Carpenter, Leibham and Kanavas.

Noes, 0 – None.

Senate Bill 76

Relating to: the designation of Vietnam Veterans Day.

Passage.

Ayes, 5 – Senators Sullivan, Coggs, Carpenter, Leibham and Kanavas.

Noes, 0 – None.

JIM SULLIVAN
Chairperson

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

The committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing** reports and recommends:

Senate Clearinghouse Rule 08–105

Relating to establishing a reimbursement fee to offset the costs of monitoring persons subject to global positioning system tracking or passive positioning system tracking.

No action taken.

LENA TAYLOR
Chairperson

REPORT OF COMMITTEES

The committee on **Senate Organization** reports:

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

Senate Bill 106

Senate Bill 134

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

Noes, 0 – None.

Placed the following appointments and proposals on the Senate Calendar of Wednesday, May 13, 2009:

Executive Appointment **Martin Beil**

Executive Appointment **Michael Drury**

Executive Appointment **Amelia Macareno**

Assembly Joint Resolution 9

Assembly Joint Resolution 23

Assembly Joint Resolution 41

Assembly Joint Resolution 48

Assembly Joint Resolution 50

Senate Bill 14

Senate Bill 31

Senate Bill 39

Senate Bill 51

Senate Bill 75

Senate Bill 76

Senate Bill 112

Senate Bill 123

Senate Bill 137

Made a special order at 11:15 A.M. on the Senate Calendar of Wednesday, May 13, 2009:

Senate Bill 181

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

Noes: 0 – None.

RUSS DECKER
Chairperson

The joint review committee on **Criminal Penalties** reports and recommends:

Senate Bill 14

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

Adoption of Report on Senate Bill 14.

Ayes, 7 – Senators Taylor and Grothman; Messrs. St. John and Ozanne; State Public Defender Chiarkas; Sheriffs Mahoney and Gehring.

Noes, 0 – None.

LENA C. TAYLOR
Co-Chairperson

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Senator Hopper added as a coauthor of **Senate Bill 39**.

Pursuant to Senate Rule 17 (5), Senator Carpenter added as a coauthor of **Senate Bill 107**.

State of Wisconsin Department of Administration

May 7, 2009

The Honorable, The Legislature:

In compliance with Wisconsin statute 16.548, please find the Wisconsin Office of Federal/State Relations quarterly report to be submitted to the Legislature for the First Quarter of 2009. This report provides information on the activities of the office and the status of federal legislation of concern to the State of Wisconsin.

Please contact me if you have any questions about this material.

Sincerely,
MICHAEL L. MORGAN
Secretary

State of Wisconsin Department of Transportation

May 8, 2009

The Honorable, The Legislature:

The Local Roads Improvement Program (LRIP) was established in 1991 to assist local communities in improving seriously deteriorating county highways, town roads, and municipal streets. Since then, \$327 million has been distributed to local units of government through this program. The 2007–09 State Biennial Budget provided non–discretionary funds of \$16.9 million in FY 2008 and \$17.2 in FY 2009, with separate discretionary funds of \$7.1 million in FY 2008 and \$7.3 million in FY 2009. Including funding carryover from the previous program cycle, \$48.8 million was available for 931 LRIP projects during the FY 2008 and FY 2009 program cycle.

Administrative Rule Trans 206.03(15)(f) directs WisDOT to publish a summary of program activity by June 30th of each odd–numbered year. The latest edition, Local Roads

Improvement Program (LRIP) Biennial Summary Report: State Fiscal Years 2008–2009 is available exclusively electronically on the LRIP Web site at <http://www.dot.wisconsin.gov/localgov/docs/lrip-biennial2008.pdf>. (Adobe Acrobat Reader will be needed to view the report. This software can be downloaded for free at <http://www.adobe.com/>.)

Information in the report is current as of March 9, 2009. Since not all projects from the 2008–2009 program cycle were completed as of this date, data in this report may not agree with the most current information available.

If you have questions regarding the program, please visit the LRIP Web site at:

<http://www.dot.wisconsin.gov/localgov/highways/lrip.htm>.

You may also contact one of the LRIP Program Managers:

Janice Watzke: janice.watzke@dot.wi.gov

Phone: (608) 266–9497

Counties Managed: Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Crawford, Douglas, Dunn, Eau Claire, Grant, Jackson, Juneau, Kenosha, La Crosse, Milwaukee, Monroe, Ozaukee, Pepin, Pierce, Polk, Racine, Richland, Rusk, Sawyer, St. Croix, Taylor, Trempealeau, Vernon, Walworth, Washburn, Washington, Waukesha.

Kathryn Dustin: kathryn.dustin@dot.wi.gov

Phone: (608) 264–7336

Counties Managed – Adams, Brown, Calumet, Columbia, Dane, Dodge, Door, Florence, Fond du Lac, Forest, Green, Green Lake, Iowa, Iron, Jefferson, Kewaunee, Lafayette, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Marquette, Menominee, Oconto, Oneida, Outagamie, Portage, Price, Rock, Sauk, Shawano, Sheboygan, Vilas, Waupaca, Waushara, Winnebago, Wood.

Sincerely,
LORI RICHTER
Local State Programs Unit Leader

ADJOURNMENT

Chief Clerk Marchant, with unanimous consent, asked that the Senate adjourn until Wednesday, May 13, 2009, at 11:15 A.M.

12:16 P.M.

Adjourned.