



STATE OF WISCONSIN

Senate Journal

Ninety–Ninth Regular Session

11:15 A.M.

THURSDAY, May 14, 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.

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read first time and referred:

Senate Bill 200

Relating to: products containing mercury and granting rule–making authority.

By Senators Jauch, Coggs, Cowles, Lassa, Lehman, Miller, Risser, Robson, Sullivan, Taylor, and Wirsch; cosponsored by Representatives Danou, Black, Benedict, Berceau, Bernard Schaber, Dexter, Hebl, Hilgenberg, Hintz, Hixson, Milroy, A. Ott, Parisi, Pasch, Pocan, Pope–Roberts, Richards, Roys, Sinicki, Smith, Spanbauer and Steinbrink.

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

Senate Bill 201

Relating to: permitting motor vehicle dealers to remain open for business on Sunday.

By Senator Ellis, by request of Megan Stine.

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

Senate Bill 202

Relating to: school policies on bullying.

By Senators Kedzie, Coggs, Sullivan, Carpenter and Schultz; cosponsored by Representatives Young, Berceau, Richards, Bies, Lothian, Staskunas, Spanbauer and Smith.

To committee on **Education.**

Senate Bill 203

Relating to: claims for loss of society and companionship in medical malpractice cases.

By Senators Plale, Hansen and Coggs; cosponsored by Representatives Richards, Sinicki, Roys, Berceau, A. Williams, Pope–Roberts, Mason, Toles, Cullen, Spanbauer, Zepnick, Turner, Parisi and Kessler.

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

Senate Bill 204

Relating to: prohibiting discrimination in housing because of domestic abuse victim status and providing a penalty.

By Senators Coggs, Taylor, Carpenter, Risser, Hansen, Holperin, Erpenbach, Plale, Sullivan and Lehman; cosponsored by Representatives Parisi, Suder, Seidel, A. Ott, Pocan, Van Roy, Young, Tauchen, Sherman, Petrowski, Grigsby, Wood, Roys, Spanbauer, Berceau, Hebl, Nygren, Pasch, Pope–Roberts, Zepnick, Shilling, Milroy, Sinicki, Toles and Dexter.

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

PETITIONS AND COMMUNICATIONS

State of Wisconsin Office of the Senate President

May 14, 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.

Assembly Bill 122, relating to appellate time limits and procedure, withdrawn from committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing and rereferred to committee on Senate Organization.

Assembly Bill 123, relating to appellate procedure regarding commitments of persons found not guilty by reason of mental disease or defect and commitments of sexually violent persons, withdrawn from committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing and rereferred to committee on Senate Organization.

Assembly Bill 124, relating to appellate procedure, withdrawn from committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing and rereferred to committee on Senate Organization.

Sincerely,
FRED A. RISSER
Senate President

LEGISLATIVE REFERENCE BUREAU CORRECTIONS

CORRECTIONS IN:

TO 2009 SENATE BILL 181

Prepared by the Legislative Reference Bureau
(May 13, 2009)

1. Page 5, line 19: delete “veteran’s” and substitute “veterans”.

CORRECTIONS IN:

**SENATE AMENDMENT 1,
TO 2009 SENATE BILL 181**

Prepared by the Legislative Reference Bureau
(May 13, 2009)

1. Page 5, line 8: delete “two” and substitute “2”.
2. Page 5, line 21: delete “veteran’s” and substitute “veterans”.

**State of Wisconsin
Legislative Audit Bureau**

May 12, 2009

The Honorable, The Legislature:

In response to a complaint reported to the Fraud, Waste, and Mismanagement Hotline established by [2007 Wisconsin Act 126](#), we have completed a limited-scope review of the role of construction engineers in the Department of Transportation’s (DOT’s) quality assurance process on state highway projects. Construction engineers, who include both DOT staff and private consultants, ensure that construction contractors build highways according to contractual requirements. In fiscal year (FY) 2007–08, construction engineering expenditures totaled an estimated \$56.8 million, including \$20.8 million in spending related to state staff and \$36.0 million paid to private consultants.

Our analysis is focused on state highway projects built with concrete pavement. We reviewed in detail projects begun from FY 2006–07 through FY 2007–08. None of 20 projects we reviewed had any measurements that indicated unacceptable concrete pavement thickness. However, documentation for 11 of the 20 projects indicated that contractors measured the concrete pavement’s thickness less frequently than contractually required. State staff served as the lead construction engineer on 7 of the 11 projects, while consultants served in that role on the remaining 4. It is possible the measurements were actually taken but not documented, but we cannot independently confirm this.

To help ensure state highway projects are appropriately constructed, DOT recently modified number of its quality assurance practices for contractors and construction engineers. However, we provide several additional recommendations to help ensure that highways are consistently constructed according to contractual requirements. This is particularly important because the American Recovery and Reinvestment Act of 2009 will provide Wisconsin with \$529.1 million in

federal transportation funds, much of which will be used for state highway projects.

We appreciate the courtesy and cooperation extended to us by DOT in completing this review.

Sincerely,
JANICE MUELLER
State Auditor

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

Senate Clearinghouse Rule 08–065

Relating to wine collectors and small winery cooperative wholesalers.

Submitted by Department of Revenue.

Report received from Agency, May 12, 2009.

Referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**, May 14, 2009.

Senate Clearinghouse Rule 08–074

Relating to the identification, classification, and control of invasive species.

Submitted by Department of Natural Resources.

Report received from Agency, May 11, 2009.

Referred to committee on **Transportation, Tourism, Forestry, and Natural Resources**, May 14, 2009.

Senate Clearinghouse Rule 08–110

Relating to building contractors and affecting small business.

Submitted by Department of Commerce.

Report received from Agency, May 7, 2009.

Referred to committee on **Commerce, Utilities, Energy, and Rail**, May 14, 2009.

MESSAGES FROM THE ASSEMBLY

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has concurred in:

Senate Bill 181

ADJOURNMENT

Chief Clerk Marchant, with unanimous consent, asked that the Senate adjourn until Tuesday, May 19, 2009.

11:16 A.M.

Adjourned.