



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Ninth Regular Session

11:00 A.M.

TUESDAY, November 3, 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 substitute amendment 2 to **Senate Bill 66** offered by Senator Sullivan.

Senate amendment 2 to **Senate Bill 308** offered by Senator Vinehout.

#### SENATE ENROLLED PROPOSALS

The Chief Clerk records:

**Senate Bill 38**

**Senate Bill 132**

**Senate Bill 252**

**Senate Joint Resolution 48**

**Senate Joint Resolution 51**

**Senate Joint Resolution 52**

**Senate Joint Resolution 53**

Report correctly enrolled on 11–3–2009.

The Chief Clerk makes the following entries dated **Friday, October 30, 2009**.

#### REPORT OF COMMITTEES

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

#### **Senate Bill 370**

Relating to: grants for improving academic achievement.

Passage.

Ayes, 7 – Senators Lehman, Jauch, Erpenbach, Hansen, Olsen, Grothman and Hopper.

Noes, 0 – None.

#### **Senate Bill 371**

Relating to: authorizing the Department of Public Instruction, the University of Wisconsin System, the Technical College System, and the Wisconsin Association of Independent Colleges and Universities to study each other's education programs, requiring a written agreement concerning such studies, and requiring the establishment of a longitudinal data system of student data.

Adoption of Senate Amendment 1.

Ayes, 7 – Senators Lehman, Jauch, Erpenbach, Hansen, Olsen, Grothman and Hopper.

Noes, 0 – None.

Passage as amended.

Ayes, 6 – Senators Lehman, Jauch, Erpenbach, Hansen, Olsen and Hopper.

Noes, 1 – Senator Grothman.

#### **Senate Bill 372**

Relating to: using the results of standardized examinations to evaluate teachers and requiring the development of a teacher evaluation plan to be a mandatory subject of collective bargaining.

Introduction of Senate Amendment 1.

Ayes, 5 – Senators Jauch, Erpenbach, Olsen, Grothman and Hopper.

Noes, 2 – Senators Lehman and Hansen.

Passage.

Ayes, 6 – Senators Lehman, Jauch, Erpenbach, Hansen, Grothman and Hopper.

Noes, 1 – Senator Olsen.

#### **Senate Bill 373**

Relating to: establishing or contracting for the establishment of a charter school.

Passage.

Ayes, 6 – Senators Lehman, Jauch, Erpenbach, Hansen, Olsen and Hopper.

Noes, 1 – Senator Grothman.

*JOHN LEHMAN*  
Chairperson

The committee on **Senate Organization** reports:

**[MOTION]** Pursuant to Senate Rule 41 (1)(e), to withdraw **Senate Bill 66** from the Joint Committee on Finance, and make the bill available for scheduling:

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

Noes: 0 – None.

*RUSS DECKER*  
Chairperson

The Chief Clerk makes the following entries dated **Monday, November 2, 2009**.

#### AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 308** offered by Senator Vinehout.

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Office of the Secretary of State**

November 2, 2009

The Honorable, the Legislature:

<u>Bill Number</u>	<u>Act Number</u>	<u>Publication Date</u>
<b>Senate Bill 309</b> . . . . .	Act 51 . . . . .	November 6, 2009
<b>Senate Bill 310</b> . . . . .	Act 52 . . . . .	November 6, 2009
<b>Senate Bill 311</b> . . . . .	Act 53 . . . . .	November 6, 2009
<b>Senate Bill 188</b> . . . . .	Act 54 . . . . .	November 11, 2009
<b>Senate Bill 123</b> . . . . .	Act 55 . . . . .	November 11, 2009
<b>Senate Bill 369</b> . . . . .	Act 57 . . . . .	October 30, 2009

Sincerely,  
*DOUGLAS LA FOLLETTE*  
Secretary of State

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

Read first time and referred:

**Senate Bill 379**

Relating to: notification of school closings and reopenings.  
By Senators Taylor and Hansen; cosponsored by Representatives Bernard Schaber and Berceau.  
To committee on **Education**.

**Senate Bill 380**

Relating to: the possession of a firearm by a person who has committed a misdemeanor crime of domestic violence and providing a penalty.

By Senators Taylor, Robson, Lassa, Jauch and Coggs; cosponsored by Representatives Staskunas, Bernard Schaber, Hraychuck, Pasch, Pope–Roberts, Parisi, Roys, Berceau, Fields, Turner, A. Ott, Milroy, Cullen, Van Akkeren, Zepnick, Seidel, Grigsby and LeMahieu.

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

**Senate Bill 381**

Relating to: notice of firearm prohibition when served with notice of an injunction hearing and process for surrendering firearms following the granting of certain injunctions.

By Senators Taylor, Robson, Lassa, Jauch, Risser and Coggs; cosponsored by Representatives Bernard Schaber, Staskunas, Parisi, Berceau, Roys, Turner, Fields, Pasch, Milroy, A. Ott, Hraychuck, Richards, Sinicki, Kestell, Hebl, Zepnick, Seidel, Grigsby, Toles, LeMahieu and Newcomer.

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

**Senate Bill 382**

Relating to: use of lamps on vehicles when visibility is limited by climatic conditions and providing a penalty.

By Senators Lehman, Holperin, Schultz, Taylor, Olsen and A. Lasee; cosponsored by Representatives Lothian, Brooks, Townsend, Kaufert, Gunderson, Berceau, A. Ott, Bies, Turner and Benedict.

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

**Senate Bill 383**

Relating to: municipal court elections, judges, and procedure, and providing penalties.

By Senators Taylor, Risser, Erpenbach and Wirch; cosponsored by Representatives Seidel, Parisi, Pope–Roberts, Turner, Tauchen, Pasch, Staskunas, Lothian, Berceau, Danou and Townsend.

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

**Senate Bill 384**

Relating to: defense to criminal prosecutions for parent or guardian for using spiritual treatment in lieu of medical treatment on a child and the election of Christian Science treatment for a child in lieu of medical or surgical treatment for the cure of disease.

By Senators Taylor, Lazich and Olsen; cosponsored by Representatives Kestell, Townsend and Nygren.

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

**REPORT OF COMMITTEES**

The committee on **Labor, Elections and Urban Affairs** reports and recommends:

**Senate Bill 183**

Relating to: the provision of support services information to employees who are affected by a business closing or mass layoff and providing a penalty.

Passage.

Ayes, 5 – Senators Coggs, Wirch, Lehman, A. Lasee and Grothman.

Noes, 0 – None.

**Senate Bill 349**

Relating to: the employment of minors 12 years of age or older by nonprofit organizations in and around the homes of elderly persons and persons with disabilities to perform snow shoveling, lawn mowing, leaf raking, and other similar work usual to those homes.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Coggs, Wirch, Lehman, A. Lasee and Grothman.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Coggs, Wirch, Lehman, A. Lasee and Grothman.

Noes, 0 – None.

**Senate Bill 366**

Relating to: various changes in the unemployment insurance law and providing a penalty.

Passage.

Ayes, 5 – Senators Coggs, Wirch, Lehman, A. Lasee and Grothman.

Noes, 0 – None.

*SPENCER COGGS*  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Government Accountability Board**

October 28, 2009

The Honorable, The Senate:

The following lobbyists have been authorized to act on behalf of the organizations set opposite their names.

For more detailed information about these lobbyists and organizations and a complete list of organizations and people authorized to lobby the 2009–2010 session of the legislature, visit the Government Accountability Board’s web site at: <http://ethics.state.wi.us/>.

Hatch, Sidney Milwaukee Teachers Education Association  
 Petersen, Eric J Coleman Lake Club  
 Smith, Jim Rehabilitation for Wisconsin Inc  
 Walsh, Kenneth Coleman Lake Club

Also available from the Wisconsin Government Accountability Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by organizations that employ lobbyists.

Sincerely,  
 KEVIN KENNEDY  
 Director and General Counsel

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**State of Wisconsin  
 Department of Administration**

October 30, 2009  
 The Honorable, The Legislature:

This report is transmitted as required by s. 20.002(11)(f), Wisconsin Statutes, (for distribution to the appropriate standing committees under s. 13.172(3), Wisconsin Statutes) and confirms that the Department of Administration has found it necessary to utilize the “temporary reallocation of balances” authority provided by this section in order to meet payment responsibilities and cover resulting negative cash balances during the month of September 2009.

**September 2009 Utilization of Temporary Reallocation Authority**  
 [in millions]

Fund	Beg Bal	End Bal	Low Bal	Reason for Cash Deficit
<b>Insured Patients and Families Compensation</b>	-\$544.3	-\$33.1	-\$44.4	See detailed explanation below
<b>Mediation</b>	-0.1	-0.1	-0.1	Timing of revenues and expenditures
<b>Permanent Endowment</b>	-2.0	-2.0	-2.0	Timing of revenues and expenditures
<b>Utility Public Benefits</b>	-5.8	-10.4	-10.5	Timing of revenues and expenditures

The cash deficit in the Injured Patients and Families Compensation Fund was due to the transfer of \$200 million to the Medical Assistance Trust Fund per 2007 Wisconsin Act 20, and the pending liquidation of fund securities necessary to offset this shortfall.

The Injured Patients and Families Compensation Fund, Mediation Fund, Permanent Endowment Fund, and Utility Public Benefits Fund shortfalls were not in excess of the

statutory interfund borrowing limitations and did not exceed the balances of the funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund’s share. Therefore, the monthly calculation by the State Controller’s Office will automatically reflect the use of these temporary reallocations of balance authority, and as a result, the funds requiring the use of the authority will effectively bear the interest cost.

Sincerely,  
 MICHAEL L. MORGAN  
 Secretary

Referred to joint committee on **Finance**.

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**State of Wisconsin  
 Gathering Waters Conservancy**

October 30, 2009  
 The Honorable, The Senate:

It is my pleasure to share with you the enclosed report of Gathering Waters Conservancy’s activities and accomplishments for Fiscal Year 2009. This report is being submitted in accordance with the statutory requirements of s.23.0955(2)(b)5. Gathering Waters Conservancy had an extremely successful year, especially in light of prevailing economic conditions. Our success is due in part to the ongoing support of the state legislature and the Department of Natural Resources.

Gathering Waters Conservancy works on the leading edge of a truly influential conservation movement. Wisconsin land trusts have permanently protected over 200,000 acres in communities across Wisconsin. They claim a combined membership of close to 500,000 individuals and thousands of local volunteers; they have raised millions of private dollars to protect critical lands that benefit the public; and they work with private landowners every day to promote stewardship and protection of our natural resources.

We look forward to continuing to work with the Department and the state legislature to achieve our mutual conservation goals. Please do not hesitate to contact me for additional information. I have also enclosed Gathering Waters Conservancy’s audited financial reports for FY 2009 for your review.

Sincerely,  
 MICHAEL STRIGEL  
 Executive Director

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

**Senate Clearinghouse Rule 09–065**

Relating to renewal, reinstatement of license, and continuing education.

Submitted by Department of Regulation and Licensing.  
 Report received from Agency, October 29, 2009.

Referred to committee on **Labor, Elections and Urban Affairs**, November 3, 2009.

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**MESSAGES FROM THE ASSEMBLY**

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has adopted and asks concurrence in:

- Assembly Joint Resolution 83**
- Assembly Joint Resolution 84**
- Assembly Joint Resolution 92**

**MESSAGES FROM THE ASSEMBLY CONSIDERED**

**Assembly Bill 21**

Relating to: discharge from employment of a passenger-for-hire vehicle operator solely on the basis of having been involved in a single motor vehicle accident.

By Representative Schneider.

Read first time and referred to committee on **Children and Families and Workforce Development**.

**Assembly Bill 174**

Relating to: authorizing sharing of tax increments by certain environmental remediation tax incremental districts.

By Representatives Mason, Turner, Richards, Zepnick, Molepske Jr. and Barca; cosponsored by Senator Plale.

Read first time and referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**.

**Assembly Bill 277**

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

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; cosponsored by Senators Coggs, Taylor, Carpenter, Risser, Hansen, Holperin, Erpenbach, Plale, Sullivan and Lehman.

Read first time and referred to committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing**.

**Assembly Bill 288**

Relating to: education and work experience requirements for registration as a professional engineer and examinations for professional engineering credentials.

By Representatives Molepske Jr., Gottlieb, Townsend, Zepnick, A. Ott, Jorgensen, Kerkman, Danou, Petrowski and Gunderson; cosponsored by Senators Plale and Taylor.

Read first time and referred to committee on **Labor, Elections and Urban Affairs**.

**Assembly Bill 323**

Relating to: information provided by a person required to register as a sex offender.

By Representatives Jorgensen, Danou, Hraychuck, Bernard Schaber, Barca, Hixson, Hubler, Molepske Jr., Smith, Staskunas, Turner, Vruwink, A. Williams, Zepnick, Bies and Ripp; cosponsored by Senators Taylor, Sullivan, Lehman, Hansen, Hopper, Darling and Schultz.

Read first time and referred to committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing**.

**Assembly Bill 376**

Relating to: restitution for misappropriation from a cemetery of certain objects that relate to a veteran.

By Representatives Turner, Davis, Brooks, Berceau, Shilling, Mason, Hilgenberg, Pope-Roberts, Nass, Kaufert, Gundrum, Zepnick, Lothian, Townsend, Gunderson, Murtha, Steinbrink, Hintz, Hebl, A. Ott, Zigmunt, Nerison, Vruwink, Schneider, Petrowski, Spanbauer and Van Akkeren; cosponsored by Senators Lehman, Kedzie, Lassa, Darling, Erpenbach, Wirch, Schultz, Olsen, Coggs and Taylor.

Read first time and referred to committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing**.

**Assembly Bill 400**

Relating to: requiring landlords to change locks.

By Representatives Dexter, Parisi, Berceau, Bernard Schaber, Clark, Grigsby, Hebl, Milroy, A. Ott, Pasch, Pocan, Roys, Seidel, Shilling, Smith, Suder, A. Williams and Wood; cosponsored by Senators Holperin, Hansen, Kreitlow, Schultz and Taylor.

Read first time and referred to committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing**.

**Assembly Bill 409**

Relating to: U-turns on highways and providing a penalty.

By Representatives Steinbrink, Nerison, Townsend, Brooks, Petrowski, Vos, M. Williams and Turner; cosponsored by Senators Sullivan, Kanavas, Taylor, Holperin, Plale and Hansen.

Read first time and referred to committee on **Transportation, Tourism, Forestry, and Natural Resources**.

**Assembly Bill 410**

Relating to: violation of the 72-hour no contact provision in domestic violence cases and providing a penalty.

By Representatives Zigmunt, Parisi, Benedict, Berceau, Bernard Schaber, Grigsby, Hraychuck, Kaufert, A. Ott, Pasch, Pope-Roberts, Roys, Sinicki, Soletski, Staskunas, Suder and Turner; cosponsored by Senators Taylor, Sullivan, Darling, A. Lasee, Lassa, Lehman and Risser.

Read first time and referred to committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing**.

**Assembly Bill 411**

Relating to: the prohibition against making, reproducing, or possessing a nude depiction of a person without the person's consent and the sex offender registry.

By Representatives Zigmunt, Parisi, Gundrum, Berceau, Bernard Schaber, Hraychuck, Pope-Roberts, Roys, Suder and Turner; cosponsored by Senators Plale, Taylor and Darling.

Read first time and referred to committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing**.

**Assembly Bill 415**

Relating to: designating and marking a portion of USH 12 in the city of Whitewater as the Stephen Ambrose Memorial Highway.

By Representatives Hixson, Nass, Steinbrink, Petrowski, Sinicki, Vruwink, A. Ott, Mason, Berceau, Kerkman, Townsend and Brooks; cosponsored by Senators Kedzie, Wirch, Schultz, Lassa, Cowles and Darling.

Read first time and referred to committee on **Transportation, Tourism, Forestry, and Natural Resources**.

**Assembly Bill 418**

Relating to: a county fair coordinator.

By Representatives Vruwink, Gunderson, A. Ott, Schneider, Berceau, Ripp, Danou, Brooks, Seidel, Radcliffe, Nerison, Zepnick, Petrowski and Jorgensen; cosponsored by Senators Kedzie, Schultz, Olsen, Lassa, Holperin, Taylor and Kapanke.

Read first time and referred to committee on **Agriculture and Higher Education**.

**Assembly Bill 419**

Relating to: rape shield provisions in civil proceedings, discovery and inspection of victims and witnesses, and victims rights.

By Representatives Radcliffe, Parisi, Jorgensen, Shilling, Bies, Turner, Hraychuck, Bernard Schaber, Steinbrink, Roys, Staskunas, Berceau and Suder; cosponsored by Senators Taylor and Kedzie.

Read first time and referred to committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing**.

**Assembly Bill 483**

Relating to: the employment of minors 12 years of age or older by nonprofit organizations in and around the homes of elderly persons and persons with disabilities to perform snow shoveling, lawn mowing, leaf raking, and other similar work usual to those homes.

By Representative Sinicki; cosponsored by Senator Plale.

Read first time and referred to committee on **Labor, Elections and Urban Affairs**.

**Assembly Bill 487**

Relating to: various changes in the unemployment insurance law and providing a penalty.

By Representative Sinicki; cosponsored by Senator Coggs, by request of Department of Workforce Development.

Read first time and referred to committee on **Labor,**

**Elections and Urban Affairs.**

**Assembly Joint Resolution 83**

Relating to: the life and public service of Tommy T. Tradewell.

By Representatives Pridemore, Davis, Ziegelbauer, Kestell, Kerkman, Petersen, Hebl, Huebsch, Radcliffe, Brooks, Mursau, Vos, Bies, Strachota, Pope–Roberts, Townsend, Nerison, M. Williams, Gunderson, Zigmunt and Molepske Jr.; cosponsored by Senators Grothman, Cowles, Taylor, Wirch, Hopper, Schultz, Kedzie, Darling and Hansen.

Read and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 84**

Relating to: the life and public service of Velma Hamilton.

By Representatives Berceau, Hebl, Black, Pocan, Parisi, Zepnick, Pope–Roberts, Danou, Grigsby, Fields, Toles, Mason, Townsend and Sinicki; cosponsored by Senators Miller, Risser, Lehman, Lassa, Coggs, Wirch and Erpenbach.

Read and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 92**

Relating to: recognizing the 20th anniversary of the fall of the Berlin Wall and the symbolic end of the Cold War.

By Representatives J. Fitzgerald, Tauchen, Ziegelbauer, Pridemore, Vukmir, Ballweg, Kerkman, Suder, Vos, Newcomer, Mursau, Strachota, Bies, Townsend, Meyer, Knodl, Lothian, Kestell, LeMahieu, Gunderson, Gottlieb, Petrowski, Clark, Davis, A. Ott and M. Williams; cosponsored by Senator S. Fitzgerald.

Read and referred to committee on **Senate Organization**.

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**ADJOURNMENT**

Chief Clerk Marchant, with unanimous consent, asked that the Senate stand adjourned until Thursday, November 5, 2009.

11:01 A.M.

Adjourned.