

STATE OF WISCONSIN
Senate Journal
Ninety–Ninth Regular Session

WEDNESDAY, November 18, 2009

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

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 286** offered by Senator Darling.

The Chief Clerk makes the following entries dated **Friday, November 13, 2009**.

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Office of the Governor**

November 13, 2009

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Senate Bill 331	Act 76	November 13, 2009
Senate Bill 280	Act 77	November 13, 2009
Senate Bill 299	Act 78	November 13, 2009
Senate Bill 347	Act 79	November 13, 2009

Respectfully Submitted,
JIM DOYLE
Governor

The Chief Clerk makes the following entries dated **Monday, November 16, 2009**.

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 221** offered by Senator Ellis.

DEPOSITED WITH THE SECRETARY OF STATE

The Chief Clerk records:
Senate Joint Resolution 48
Senate Joint Resolution 50

Deposited in the office of the Secretary of State on 11–16–2009.

The Chief Clerk makes the following entries dated **Tuesday, November 17, 2009**.

PETITIONS AND COMMUNICATIONS

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

November 17, 2009

The Honorable, the Legislature:

<u>Bill Number</u>	<u>Act Number</u>	<u>Publication Date</u>
Senate Bill 252	Act 62	November 25, 2009
Senate Bill 157	Act 64	November 25, 2009
Senate Bill 158	Act 65	November 25, 2009
Senate Bill 132	Act 67	November 25, 2009
Senate Bill 38	Act 70	November 25, 2009
Senate Bill 361	Act 71	November 25, 2009
Senate Bill 251	Act 72	November 25, 2009
Senate Bill 331	Act 76	November 25, 2009
Senate Bill 280	Act 77	November 25, 2009
Senate Bill 299	Act 78	November 25, 2009
Senate Bill 347	Act 79	November 25, 2009

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

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

Read first time and referred:

Senate Bill 392

Relating to: registration of former military vehicles.

By Senators Erpenbach, Holperin, Grothman, Kedzie, S. Fitzgerald, Lassa, Taylor, Hansen, Harsdorf, Sullivan, Schultz and Kreitlow; cosponsored by Representatives Pope–Roberts, Berceau, Kerkman, Kestell, Townsend, Gunderson, Petersen, M. Williams, Mursau, Brooks and Ripp.

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

Senate Bill 393

Relating to: restoring the Minority Business Development Board and the Minority Business Grant and Loan Program.

By Senator Taylor; cosponsored by Representatives Young, Turner, A. Williams, Grigsby, Zepnick, Kessler, Richards and Berceau.

To committee on **Commerce, Utilities, Energy, and Rail**.

Senate Bill 394

Relating to: designating the Harley–Davidson as the Wisconsin state motorcycle.

By Senators Coggs, Plale, Sullivan, Taylor, Vinehout and Hopper; cosponsored by Representatives Young, Sinicki, Milroy, Benedict, Berceau, Brooks, Fields, Kessler, Knodl, Mason, Pridemore, Turner and Zepnick.

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

Senate Bill 395

Relating to: psychological evaluations for law enforcement officers, providing an exemption from emergency rule procedures, and requiring the exercise of rule-making authority.

By Senators Hansen, Holperin, A. Lasee, Coggs, Schultz and Taylor; cosponsored by Representatives Hraychuck, Bies, Danou, Gunderson, Young, Zepnick, Sinicki, Vruwink, Brooks, Cullen, Toles, Benedict, Berceau, Townsend, Ripp and Ziegelbauer.

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

Senate Bill 396

Relating to: fishing and trolling in boats with electric motors.

By Senators Decker, Holperin, Grothman, Taylor, Lehman and Schultz; cosponsored by Representatives Danou, Hebl, Turner, Zigmunt, Sinicki, Gunderson, Petrowski, A. Ott, Staskunas and Montgomery.

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

Senate Bill 397

Relating to: general purpose revenue funding for the veterans trust fund and making an appropriation.

By Senators S. Fitzgerald, Schultz, Leibham, Hopper, Darling, Harsdorf, Olsen, Carpenter and Kapanke; cosponsored by Representatives Petersen, Suder, Roth, Townsend, Gundrum, Turner, Meyer, Kleefisch, A. Ott, Pridemore, Bies, Gunderson, LeMahieu, Montgomery, Nygren, Petrowski, Spanbauer, Stone, Vos, M. Williams, Strachota, Brooks, Van Roy, Nerison, Murtha and Davis, by request of Wisconsin Department of Veterans Affairs, The American Legion, AMVETS, Veterans of Foreign Wars, Vietnam Veterans of America, Wisconsin American GI Forum, Wisconsin Vietnam Vets, Dry Hootch, Gold Star Wives, Madison Veterans Council, Marine Corps League, Military Order of the Purple Heart, Military Officers Association of America, Navy Clubs of USA, Polish Legion of American Veterans, and The Retired Enlisted Association.

To joint committee on **Finance.**

Senate Bill 398

Relating to: privatization of certain municipal water utilities.

By Senator Sullivan; cosponsored by Representatives Sinicki, A. Williams and Danou.

To committee on **Commerce, Utilities, Energy, and Rail.**

Senate Bill 399

Relating to: authorizing two or more cities, villages, towns, or counties, or a combination of such political subdivisions, to create a commission to issue conduit revenue bonds and exercise eminent domain authority and exempting from taxation interest on such bonds.

By Senators Kreitlow, Plale, Hopper, Darling, Taylor, Schultz, Hansen and Olsen; cosponsored by Representatives

Seidel, Hilgenberg, Dexter, Fields, Berceau, Jorgensen, Petrowski, Smith, Staskunas, Benedict, Hintz and Hraychuck.

To joint survey committee on **Tax Exemptions.**

Senate Bill 400

Relating to: operation of all-terrain vehicles to remove snow.

By Senators Holperin, Kreitlow, Cowles, Taylor, Plale, Olsen, Schultz, Erpenbach and Hansen; cosponsored by Representatives Jorgensen, Clark, Ballweg, Townsend, Radcliffe, A. Ott, Suder, Petrowski, Mursau, Gunderson and Kaufert.

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

Senate Bill 401

Relating to: requiring the Department of Natural Resources to issue one-day fishing licenses.

By Senators Holperin, Darling, Erpenbach, Lassa, A. Lasee, Olsen, Schultz and Taylor; cosponsored by Representatives Ballweg, Clark, Brooks, Gunderson, Hixson, Hraychuck, Kaufert, Kleefisch, Knodl, A. Ott, J. Ott, Smith, Suder, Townsend, Vos, Vruwink, M. Williams and Zigmunt.

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

Senate Bill 402

Relating to: authorizing certain optometrists to dispense contact lenses that deliver a therapeutic pharmaceutical agent.

By Senators Vinehout, Cowles, Darling, Ellis, Jauch, Lehman, Schultz, Taylor and Decker; cosponsored by Representatives Seidel, Zigmunt, Ballweg, Benedict, Berceau, Bies, Brooks, Garthwaite, Hebl, Hintz, Hixson, Hubler, Kaufert, Kerkman, Kestell, Knodl, Molepske Jr., Montgomery, Nass, A. Ott, Pasch, Petrowski, Pridemore, Shilling, Suder, Townsend, Turner, Vruwink and Vukmir.

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

Senate Bill 403

Relating to: authorizing the release of certain personal identifying information collected by the Department of Regulation and Licensing.

By Senators Erpenbach, Risser, Grothman and Olsen; cosponsored by Representatives Parisi, Townsend and Berceau.

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

Senate Bill 404

Relating to: registration of former military vehicles.

By Senators Hansen, Plale, Holperin, Hopper, A. Lasee, Taylor and Wirsch; cosponsored by Representatives Zigmunt, Steinbrink, Soletski, Berceau, Brooks, Clark, Colon, Danou, Davis, Hraychuck, Jorgensen, Kerkman, Kleefisch, Knodl, Lothian, Molepske Jr., Petersen, Pope-Roberts, Ripp, Schneider, Sinicki, Strachota, Suder, Townsend, Turner, Van Roy, M. Williams, Ziegelbauer and Vruwink.

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

PETITIONS AND COMMUNICATIONS

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

November 18, 2009

Joint Resolution	Enrolled Number	Publication Date
SJR 48	18	Not Published
SJR 50	19	Not Published

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

**State of Wisconsin
Department of Health Services**

November 16, 2009

The Honorable, The Legislature:

Section 1. 20.907(1m) of the Wis. Stats. requires the Department to submit a report on expenditures made by the agency during the preceding fiscal year from nonfederal funds received as gifts, grants, bequests or devises. The expenditure report is attached. In addition, the Department has no in-kind contributions to report.

Sincerely,
KAREN TIMBERLAKE
Secretary

Referred to joint committee on **Finance**.

**State of Wisconsin
Department of Health Services**

November 17, 2009

The Honorable, The Legislature:

The Department of Health Services (DHS) respectfully submits information related to the H1N1 response earlier this spring. Chapter 250.03(3), Wis. Stats. directs DHS to provide a report to you and the Legislature on the emergency powers used by the public health authority or its agents and the expenses incurred while acting under the state of emergency.

This report will mainly focus on DHS' response to the spring flu outbreak, as well as provide an update on the state's current situation. For more detailed information, please visit our website at pandemic.wisconsin.gov. This site provides valuable information, including our weekly situation reports and our most current guidance to health care professionals and other partners.

If you have any questions, please feel free to contact either myself or Dr. Seth Foldy, Wisconsin's State Health Officer.

Sincerely,
KAREN TIMBERLAKE
Secretary

**State of Wisconsin
WHA Information Center**

November 17, 2009

The Honorable, The Legislature:

Enclosed is a hard copy of the *2007 Health Care Data Report* produced by WHA Information Center pursuant to s. [153.22](#), Wis Stats. The report was posted on our Web site in March 2009. Please feel free to download and print additional copies.

If you have any questions regarding the report you may contact me at 608-274-1820, 800-231-8340 or jkachelski@wha.org.

Sincerely,
JOSEPH KACHELSKI
Vice President

**State of Wisconsin
WHA Information Center**

November 17, 2009

The Honorable, The Legislature:

Enclosed is a hard copy of the *Guide to Wisconsin Hospitals Fiscal Year 2007* produced by WHA Information Center pursuant to s.153.22, Wis. Stats. The report was posted on our Web site in May 2009. Please feel free to download and print additional copies.

If you have any questions regarding the report you may contact me at 608-274-1820, 800-231-8340 or jkachelski@wha.org.

Sincerely,
JOSEPH KACHELSKI
Vice President

**State of Wisconsin
Department of Revenue**

November 18, 2009

The Honorable, The Legislature:

I am submitting the quarterly report of the Wisconsin Lottery for the quarter ending September 30, 2009. As required by s. [565.37\(3\)](#), Wis Stats., the attached materials contain unaudited Wisconsin Lottery year-to-date Revenue and Expenditure information.

If you have any questions or comments regarding this report, please feel free to contact me at (608) 266-6466.

Sincerely,
ROGER M. ERVIN
Secretary

**State of Wisconsin
Government Accountability Board**

November 18, 2009

The Honorable, The Legislature:

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/>.

- | | |
|-------------------|--|
| Childress, Jason | Applus+ Technologies Inc. |
| D'Amato, Michael | Public Parks Alliance, Inc. |
| Houdek, Nathan | Wisconsin Association of Health Plans |
| Walby, Kathleen | Applus+ Technologies Inc. |
| Welch, Robert | Apartment Association of South Central Wisconsin |
| Williams, Matthew | General Electric Company |

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

**State of Wisconsin
Legislative Audit Bureau**

November 18, 2009

The Honorable, The Legislature:

At the request of the departments of Commerce and Administration, and in accordance with s. [13.94\(1s\)](#), Wis. Stats., we have completed a financial audit of the State of Wisconsin Petroleum Inspection Fee Revenue Obligations Program for the fiscal years ending June 30, 2009, and June 30, 2008. We have provided our unqualified audit opinion on the Statement of Changes in Program Assets.

Under the program, the State issued \$387.6 million in revenue bonds and commercial paper to provide financing for payment of claims under the Petroleum Environmental Cleanup Fund Award (PECFA) program and other program-related costs. These revenue obligations are not general obligation debt of the State. Instead, they are to be repaid primarily from the \$0.02 per gallon fee charged to suppliers of petroleum products sold in Wisconsin. During fiscal year 2008–09, the State collected \$73.4 million in petroleum inspection fees and made \$28.2 million in debt service payments. As of June 30, 2009, a total of \$231.0 million in revenue obligations was outstanding.

Petroleum inspection fees in excess of debt service requirements, which amounted to more than \$45.0 million for fiscal year 2008–09, were deposited to the Petroleum Inspection Fund, and \$10.4 million was subsequently used to pay PECFA claims. The remaining \$34.6 million was used for a variety of purposes, including a \$6.3 million transfer authorized by the Legislature to the Transportation Fund, as well as \$16.9 million in transfers to the General Fund to help the departments of Commerce and Natural Resources meet lapse requirements related to [2007 Wisconsin Acts 20](#) and [226](#) and [2009 Wisconsin Act 2](#).

In [2009 Wisconsin Act 28](#), the Legislature authorized \$54.3 million in transfers during the 2009–11 biennium from the Petroleum Inspection Fund to the General Fund, the Transportation Fund, and two other funds. A portion of the funding for these transfers will be made possible by refinancing a portion of the program's debt in fall 2009, which will have the effect of reducing debt service payments during the 2009–11 biennium. However, the refinancing also extends the period of indebtedness and, therefore, the time that the \$0.02 per gallon petroleum inspection fee will need to be charged.

We appreciate the courtesy and cooperation extended to us during our audit by staff of the departments of Commerce, Administration, and Revenue.

Sincerely,
JANICE MUELLER
State Auditor

ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin
Office of the Governor**

November 17, 2009

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CLARK, NANCY, of Seymour, as a member of the Marriage and Family Therapy Professional Counseling and Social Work Examining Board, to serve for the term ending July 1, 2011.

Respectfully Submitted,
JIM DOYLE
Governor

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

**State of Wisconsin
Office of the Governor**

November 17, 2009

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MOESSNER, JEFFREY, of Eau Claire, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2011.

Respectfully Submitted,
JIM DOYLE
Governor

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

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

Senate Clearinghouse Rule 09–046

Relating to program revenue fees, and affecting small business.

Submitted by Department of Commerce.

Report received from Agency, November 12, 2009.

Referred to committee on **Commerce, Utilities, Energy, and Rail**, November 18, 2009.

Senate Clearinghouse Rule 09–070

Relating to emergency agricultural transportation permits, and emergency energy conservation permits.

Submitted by Department of Transportation.

Report received from Agency, November 11, 2009.

Referred to committee on **Transportation, Tourism, Forestry, and Natural Resources**, November 18, 2009.