

STATE OF WISCONSIN
Senate Journal
Ninety–Ninth Regular Session

TUESDAY, February 2, 2010

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

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 418** offered by Senator Sullivan.

Senate amendment 1 to **Senate Bill 439** offered by Senator Sullivan.

Senate amendment 2 to **Senate Bill 439** offered by Senator Sullivan.

Senate amendment 1 to **Senate Bill 471** offered by Senator Erpenbach.

Senate amendment 1 to **Senate Bill 482** offered by Senator Hansen.

BILLS PRESENTED TO THE GOVERNOR

The Chief Clerk records:

Senate Bill 184
Senate Bill 290
Senate Bill 440

Presented to the Governor on 2–2–2010.

The Chief Clerk makes the following entries dated **Monday, February 1, 2010**.

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 410** offered by Senator Coggs.

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Bill 191
Senate Bill 440
Senate Bill 498
Senate Joint Resolution 56

Report correctly enrolled on 2–1–2010.

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

Read first time and referred:

Senate Bill 504

Relating to: professional employer organizations.

By Senator Wirch; cosponsored by Representatives Hilgenberg and Newcomer.

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

Senate Bill 505

Relating to: motor vehicle emission inspections and requiring the exercise of rule–making authority.

By Senators Wirch and Taylor; cosponsored by Representatives Steinbrink, Gottlieb, Honadel and Pasch.

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

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Representative Hilgenberg added as a cosponsor of **Senate Bill 448**.

Pursuant to Senate Rule 17 (5), Senator Holperin added as a cosponsor of **Assembly Bill 509**.

Pursuant to Senate Rule 17 (5), Senator Lassa withdrawn as a coauthor of **Senate Bill 464**.

LEGISLATIVE REFERENCE BUREAU CORRECTIONS

CORRECTIONS IN:

**SENATE AMENDMENT 2
TO SENATE AMENDMENT 2
TO 2009 SENATE BILL 440**

Prepared by the Legislative Reference Bureau
(January 29, 2010)

In enrolling, the following correction was made:

1. Page 2, line 1: delete ““(5)” and substitute ““(5m)””.

CORRECTIONS IN:

**SENATE AMENDMENT 2
TO 2009 SENATE BILL 440**

Prepared by the Legislative Reference Bureau
(January 29, 2010)

In enrolling, the following correction was made:

1. Page 14, line 20: delete “midwestern” and substitute “Midwestern”.

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read first time and referred:

Senate Bill 506

Relating to: vehicle towing and storage liens.

By Senator Plale; cosponsored by Representative Smith.

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

Senate Bill 507

Relating to: changing the fees collected by a register of deeds, the redaction of social security numbers from electronic documents, and changes to the land information program.

By Senators Erpenbach, Lehman, Hansen, Kreitlow, Vinehout, Risser and Taylor; cosponsored by Representatives Soletski, Hebl, Pope–Roberts, Smith, Lothian, Townsend, Vruwink, Dexter, Vos, Radcliffe and Van Roy.

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

Senate Bill 508

Relating to: exempting from income taxation certain employer–paid fringe benefits for mass transit expenses.

By Senators Taylor, Coggs and Carpenter; cosponsored by Representatives Toles, Fields, Berceau, Zepnick and Sinicki.

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

Senate Bill 509

Relating to: creating a nonrefundable individual income and corporate income and franchise tax credit for contributions to certain public school programs and to private school scholarship funds.

By Senators Taylor, Hopper and Darling; cosponsored by Representatives Fields, Townsend, Gunderson, Toles and Sinicki.

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

Senate Bill 510

Relating to: allowing a village in Waushara County to exceed its retail liquor license quota by issuing one additional retail license.

By Senator Olsen; cosponsored by Representative Ballweg.

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

Senate Bill 511

Relating to: the southeastern regional transit authority, the creation of interim regional transit authorities in southeast Wisconsin, requiring the exercise of rule–making authority, and making an appropriation.

By Senators Taylor, Lehman, Plale and Coggs; cosponsored by Representatives Barca, Grigsby, Turner, Sinicki, Zepnick, Kessler, Toles, Young, Pasch and Fields.

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

Senate Bill 512

Relating to: the transfer of moneys from the general fund to the utility public benefits fund and the calculation of the low–income assistance fee for the 2010–11 fiscal year.

By Senators Holperin, Plale, Vinehout, Schultz and Grothman; cosponsored by Representatives Cullen, Soletski, Molepske Jr., Friske, Ballweg and Kaufert.

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

Senate Bill 513

Relating to: life settlements, granting rule–making authority, and providing a penalty.

By Senators Wirch, Vinehout, Risser, Erpenbach, Grothman and Lehman; cosponsored by Representatives Barca, Toles, Richards, Soletski, Turner and Fields.

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

REPORT OF COMMITTEES

The committee on **Public Health, Senior Issues, Long Term Care, and Job Creation** reports and recommends:–

Assembly Bill 186

Relating to: salvinorin A and providing a penalty.

Concurrence.

Ayes, 5 – Senators Carpenter, Coggs, Vinehout, Schultz and Kapanke.

Noes, 0 – None.

Assembly Bill 57

Relating to: permitting a mother to breast–feed in any public or private location where she is otherwise authorized to be.

Concurrence.

Ayes, 5 – Senators Carpenter, Coggs, Vinehout, Schultz and Kapanke.

Noes, 0 – None.

RONK, EARLENE, of Jefferson, as a member of the Nursing Home Administrator Examining Board, to serve for the term ending July 1, 2010.

Confirmation.

Ayes, 5 – Senators Carpenter, Coggs, Vinehout, Schultz and Kapanke.

Noes, 0 – None.

Senate Bill 455

Relating to: the wholesale distribution of prescription drugs.

Passage.

Ayes, 5 – Senators Carpenter, Coggs, Vinehout, Schultz and Kapanke.

Noes, 0 – None.

Senate Bill 96

Relating to: diversions under a community integration program of Medical Assistance–eligible persons from imminent entry into nursing homes.

Passage.

Ayes, 5 – Senators Carpenter, Coggs, Vinehout, Schultz and Kapanke.

Noes, 0 – None.

TIM CARPENTER
Chairperson

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Senator Carpenter added as a cosponsor of **Assembly Bill 414**.

Wisconsin Technical College System

January 27, 2010

The Honorable, The Legislature:

This letter certifies that all sixteen Wisconsin Technical Colleges have provided sexual assault and harassment orientation, materials and information to students as required under state statute 38.12(11)(c) for the 2008–2009 school year.

Individual college letters assuring compliance are on file at the WTCS office. If you have any questions or need additional information, please contact Norman Kenney, Associate Vice President – Management Services, at 266–1766.

Sincerely,
DANIEL CLANCY
President

Referred to committee on **Agriculture and Higher Education**.

**State of Wisconsin
Government Accountability Board**

February 2, 2010

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/>.

Jensen, Eric	Wisconsin Chapter of the American College of Emergency Physicians Inc
Jensen, Eric	Wisconsin Psychiatric Association
John, Maliyakal	WiSys Technology Foundation, Inc.
Kilcoyne, Shaina	Wisconsin Customers for Affordable Local and Long Distance Service
Stenger, Scott	Property Casualty Insurers Association of America
Stephens, Liz	Wisconsin Counties Association
Vercauteren, Jeffrey	Wisconsin Customers for Affordable Local and Long Distance Service
Walker, Mindy	Property Casualty Insurers Association of America

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
Joint Legislative Council**

February 2, 2009

The Honorable, The Senate:

Enclosed is a copy of the *2009 Annual Report Legislative Council Rules Clearinghouse*, submitted to the Legislature pursuant to s.227.15 (5) Stats.

Sincerely,
TERRY C. ANDERSON
Director

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

Senate Clearinghouse Rule 09–057

Relating to technical and minor substantive changes in existing ETF administrative rules.

Submitted by Department of Employee Trust Funds.

Report received from Agency, February 1, 2010.

Referred to committee on **Veterans and Military Affairs, Biotechnology, and Financial Institutions**, February 2, 2010.

Senate Clearinghouse Rule 09–062

Relating to radiation protection and affecting small business.

Submitted by Department of Health Services.

Report received from Agency, January 28, 2010.

Referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**, February 2, 2010.

Senate Clearinghouse Rule 09–063

Relating to tax incentives for job creation, capital investment, employee training and corporate headquarters, and affecting small businesses.

Submitted by Department of Commerce.

Report received from Agency, January 28, 2010.

Referred to committee on **Commerce, Utilities, Energy, and Rail**, February 2, 2010.

Senate Clearinghouse Rule 09–077

Relating to ensuring that lands acquired with funding from the stewardship program under ss. 23.0915 and 23.0917, Stats., are open to public hunting, trapping, fishing, hiking and cross county skiing.

Submitted by Department of Natural Resources.

Report received from Agency, January 29, 2010.

Referred to committee on **Environment**, February 2, 2010.

Senate Clearinghouse Rule 09–080

Relating to continuing education for architects.

Submitted by Department of Regulation and Licensing.

Report received from Agency, January 28, 2010.

Referred to committee on **Economic Development**, February 2, 2010.

Senate Clearinghouse Rule 09–081

Relating to continuing education for landscape architects.

Submitted by Department of Regulation and Licensing.

Report received from Agency, January 28, 2010.

Referred to committee on **Economic Development**, February 2, 2010.

The committee on **Children and Families and Workforce Development** reports and recommends:

Senate Clearinghouse Rule 09–085

Relating to requirements for conducting lead–safe renovation activities in pre–1978 housing and child–occupied facilities, and affecting small businesses.

No action taken.

ROBERT JAUCH
Chairperson

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

Senate Clearinghouse Rule 09–089

Relating to forfeitures, anatomical gifts, and automated external defibrillator (AED) training for hospitals.

No action taken.

JON ERPENBACH
Chairperson

MESSAGES FROM THE ASSEMBLY CONSIDERED

Assembly Bill 347

Relating to: the Internet sale of unclaimed personal property by a sheriff.

By Representatives Lothian, Nass, Suder, Murtha, Brooks, Spanbauer, Vos, Townsend, LeMahieu, Petrowski and Ballweg; cosponsored by Senators Kedzie, Lehman, Taylor and A. Lasee.

Read first time and referred to committee on **Rural Issues, Biofuels, and Information Technology**.

Assembly Bill 371

Relating to: privileges under a Class A or Class B bear hunting license, and bear carcass tag and back tag requirements.

By Representatives Hraychuck, Vruwink, Brooks, Gunderson, Friske, Murtha, Danou, Smith and Suder; cosponsored by Senators Holperin, Wirch, Vinehout, Olsen, Grothman, Hopper, Schultz, Hansen, Kreitlow and Cowles.

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

Assembly Bill 532

Relating to: directing the Department of Commerce to award grants to community development corporations to establish capital access programs, providing an exemption from emergency rule procedures, requiring the exercise of rule–making authority, and making an appropriation.

By Representatives Barca, Jorgensen, Fields, Seidel, Staskunas, Hraychuck, Zigmunt, Soletski, Sinicki, Young, Roys, Clark, Vruwink, Turner, Steinbrink, Garthwaite and Hixson; cosponsored by Senators Holperin, Wirch and Taylor.

Read first time and referred to committee on **Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection**.

Assembly Bill 548

Relating to: possession of certain animals killed by vehicles.

By Representatives Hraychuck, Zigmunt, Smith, Vruwink, Friske, Molepske Jr., Ballweg, Brooks, Gunderson, Garthwaite, Strachota, Danou, Berceau, Bies, Petrowski and M. Williams; cosponsored by Senators Holperin, Vinehout, A. Lasee, Taylor, Grothman, Schultz, Lassa, Hopper and Olsen.

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

Assembly Bill 574

Relating to: lightweight utility vehicles and providing a penalty.

By Representatives Vruwink, Garthwaite, Radcliffe, Danou, A. Ott, Turner, Ballweg, Suder and Hubler; cosponsored by Senators Schultz, Olsen and Taylor.

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

Assembly Bill 575

Relating to: requiring the Department of Agriculture, Trade and Consumer Protection to establish standards for products sold as honey, prohibiting the labeling as Wisconsin certified honey of a product that has not been determined to meet the standards, prohibiting the labeling as honey of a product that does not meet the standards, and requiring the exercise of rule–making authority.

By Representatives Garthwaite, Vruwink, Barca, Ballweg, Brooks, Clark, Hilgenberg, Kerkman, Knodl, Molepske Jr., A. Ott, Pasch, Roys, Schneider, Steinbrink, Tauchen, Turner, Young and Zigmunt; cosponsored by Senators Vinehout, Lehman, Miller and Schultz.

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

Assembly Bill 579

Relating to: special distinguishing registration plates associated with Marquette University.

By Representatives Colon, Young, Cullen, Molepske Jr., Pridemore, Steinbrink, Pasch, Fields, Stone, Sinicki, Vos and Zepnick; cosponsored by Senators Plale, Coggs, Sullivan, Lehman, Taylor, Kanavas and Hansen.

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

**Motions Under Senate Rule 98 and Joint Rule 7
for the Month of January 2010**

A certificate of commendation by the Wisconsin Senate on the motion of Senator Taylor, for Milele Chikasa Anana, on the occasion of her many years of service to the African–American community.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Travis Bastien, 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 the Black Diamond Group, on the occasion of being the South Suburban Chamber of Commerce 2009 Business of the Year

A certificate of condolence by the Wisconsin Senate on the motion of Senator Taylor, for the family and friends of Shadric Brown, Sr., on the occasion of honoring his remarkable life.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Mary Brunner, on the occasion of receiving the Presidents Award from the Menomonee Falls Chamber of Commerce.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Harsdorf, for Brent Bundgaard, 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 Darling, for Eliot Chertack, on the occasion of receiving the Community Betterment Award from the Menomonee Falls Chamber of Commerce.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Father Tom Coyle, on the occasion of being chosen as Jefferson Chamber of Commerce's Citizen of the Year.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Harsdorf, for James Cross, 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 Erpenbach, for Ryan Duffy, 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 Darling, for Michelle Greiner, on the occasion of receiving the Volunteer of the Year Award from the Menomonee Falls Chamber of Commerce.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Holperin, for Tyrus K. Grunenwald, 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 Hansen, for Professor Regan A.R. Gurung, on the occasion of being named Wisconsin Professor of the Year by the Council for Advancement and Support of Education (CASE) and the Carnegie Foundation for the Advancement of Teaching.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Vinehout, for Michael Haldeman, on the occasion of his retirement after 29 years of dedicated service to the Jackson County Sheriff's Department.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for the Harley Davidson Powertrain Operations, on the occasion of receiving the Captain of Industry Award from the Menomonee Falls Chamber of Commerce.

A certificate of condolence by the Wisconsin Senate on the motion of Senator Taylor, for the family and friends of Bobby G. Harper, on the occasion of honoring his remarkable life.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Holperin, for Theodore Helm, 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 Fitzgerald, for Assistant Chief Victor Herbst, on the occasion of his retirement after years of service to the Beaver Dam community and the Beaver Dam Fire Department.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Kanavas, for Terry Janssen, on the occasion of being named Pewaukee's Person of the Year.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for JCPenny, on the occasion of receiving the Community Improvement Award from the Menomonee Falls Chamber of Commerce.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Jim Jeskewitz, on the occasion of receiving the Larry Stewart Humanitarian Award from the Menomonee Falls Chamber of Commerce.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Captain Dan Kenevan, on the occasion of his retirement after years of service to the Beaver Dam community and the Beaver Dam Fire Department.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Nathan Koslakiewicz, 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 Darling, for Elizabeth Kraniak, on the occasion of her retirement after 26 years of service to the Milwaukee County Department of Health and Human Services.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lazich, for Rich Kuchenbecker, on the occasion of his retirement after 26 years of dedicated service with the Village of East Troy Police Department.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Fran Lasee, on the occasion of all his years of success in the sport of bowling.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Vinehout, for Carol Lien, manager of the Connells II Supper Club, on the occasion of being named Outstanding Restaurateur of the Year.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Marianne and Sheldon Lubar, on the occasion of receiving the Builders of Community Award from Yeshiva Elementary School.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Jauch, for Alex Mayou, 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 Andrew Joseph Melian, 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 Hansen, for Joshua M. Nackers, 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 Lasee, for Devyn Neta, 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 Lasee, for Brent Rukamp, 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 Joshua J. Rynish, 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 Darling, for Michael Stelter, on the occasion of receiving the Chamber Business Award from the Menomonee Falls Chamber of Commerce.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Lassa, for Randall D. Swanson, on the occasion of his retirement after 31+ years of dedicated service with the Village of Plover Police Department.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Fitzgerald, for Gerda Thelen, on the occasion of being chosen Lomira Area Chamber of Commerce Citizen of the Year 2009.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lehman, for Barbara and Richard Tworek, on the occasion of celebrating their 50th wedding anniversary.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for the Wacker Neuson Corporation, on the occasion of receiving the Captain of

Industry Award from the Menomonee Falls Chamber of Commerce.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lazich, for Wheaton Franciscan Healthcare, on the occasion of being the 2009 South Suburban Chamber of Commerce Pride in Premises Award winner.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Steve Zimmerman, on the occasion of being awarded the 2009 Economic Contribution Award by the Fort Atkinson Area Chamber of Commerce.