

STATE OF WISCONSIN

Senate Journal

Ninety–Ninth Regular Session

TUESDAY, February 9, 2010

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

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 457** offered by Senator Sullivan.

BILLS PRESENTED TO THE GOVERNOR

The Chief Clerk records:

Senate Bill 137
Senate Bill 182
Senate Bill 191
Senate Bill 242
Senate Bill 284
Senate Bill 498

Presented to the Governor on 2–9–2010.

The Chief Clerk makes the following entries dated **Monday, February 8, 2010**.

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 399** offered by Senator Kreitlow.

DEPOSITED WITH THE SECRETARY OF STATE

The Chief Clerk records:

Senate Joint Resolution 11

Deposited in the office of the Secretary of State on 2–8–2010.

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read and referred:

Senate Joint Resolution 60

Relating to: proclaiming that the ancient Macedonians were Hellenes and that the inhabitants of the northern province of Greece, Macedonia, are their Hellenic descendants.

By Senators Kanavas and Plale; cosponsored by Representative Danou.

To committee on **Senate Organization**.

Read first time and referred:

Senate Bill 518

Relating to: creating an ambulance operator safety program in the Department of Transportation, rules of the road

applicable to the operation of ambulances, requiring the exercise of rule–making authority, and making an appropriation.

By Senators Coggs and Miller; cosponsored by Representatives Hixson, Jorgensen, A. Williams and Turner.

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

Senate Bill 519

Relating to: the issuance by the Department of Transportation of Eagle Scout decals to be affixed to motor vehicle registration plates and making an appropriation.

By Senators Hansen, Wirch, Holperin, Coggs, Darling and Taylor; cosponsored by Representatives Jorgensen, Hebl, Kerkman, Ziegelbauer, Hraychuck, Pridemore, Pasch, Berceau, Turner, Lothian, Townsend and Petrowski.

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

Senate Bill 520

Relating to: requiring municipalities to pay health insurance premiums for survivors of a fire fighter who dies, or has died, in the line of duty.

By Senators Hansen, Coggs, Lehman and Taylor; cosponsored by Representatives Hraychuck, Turner, Zepnick and Berceau.

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

Senate Bill 521

Relating to: a sales and use tax exemption for extended–range electric vehicles; a property tax exemption for tangible personal property used to recharge electric vehicles; the motor vehicle emission inspection and maintenance program, extended–range electric vehicle grants; an income and franchise tax credit for research conducted in this state by a corporation; a property and sales and use tax exemption for certain machinery and tangible personal property used to conduct research; granting rule–making authority; and making appropriations.

By Senators Plale, Darling, Schultz, A. Lasee and Sullivan; cosponsored by Representatives Stone, Richards, Vos, Pasch, Honadel, Fields, Gottlieb, Roys, Huebsch, Turner, Davis, Gunderson, Montgomery, Roth, Strachota, Zipperer, Townsend, Bies, Steinbrink, Knodl and Kerkman.

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

Senate Bill 522

Relating to: various changes to the worker's compensation law.

By Senators Coggs and A. Lasee; cosponsored by Representatives Sinicki and Honadel.

To committee on **Labor, Elections and Urban Affairs**.

Senate Bill 523

Relating to: unfair labor practices in violation of collective bargaining rights.

By Senators Coggs, Hansen, Vinehout, Wirch, Lehman, Taylor, Lassa and Kreitlow; cosponsored by Representatives Pocan, Mason, Hixson, Roys, Turner, Jorgensen, Sinicki, Kessler, Berceau, Zepnick, Milroy, Soletski, Toles, Hilgenberg, Young, Van Akkeren, Molepske Jr., Parisi, Pope–Roberts, Grigsby, Hintz, Smith and Richards.

To committee on **Labor, Elections and Urban Affairs**.

Senate Bill 524

Relating to: subpoenas and warrants requiring providers of electronic communications services or of remote computing services to provide customer information or disclose contents of wire or electronic communications.

By Senators Sullivan, Taylor and Darling; cosponsored by Representatives Pasch, Berceau, Townsend, Danou, Bies, Fields, Turner, Richards, Sinicki, Jorgensen and Kaufert.

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

Senate Bill 525

Relating to: prohibiting institutions of higher education from engaging in certain activity regarding student credit cards, requiring such institutions to provide financial literacy information to students, creating requirements for credit cards issued to underage customers, granting rule–making authority, and providing a penalty.

By Senators Vinehout, Lehman, Lassa, Taylor and Wirch; cosponsored by Representatives Smith, Hixson, Vruwink, Pasch, Pocan, Grigsby, Fields, Benedict, Richards, Turner, Sinicki, Young, Hebl, Berceau and A. Williams.

To committee on **Veterans and Military Affairs, Biotechnology, and Financial Institutions**.

Senate Bill 526

Relating to: authorizing the village of Stockholm to become a premier resort area.

By Senators Vinehout and Holperin; cosponsored by Representative Danou.

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

Senate Bill 527

Relating to: the agricultural producer security program, providing an exemption from emergency rule procedures, and granting rule–making authority.

By Senators Vinehout, Miller, Taylor and Harsdorf; cosponsored by Representatives Vruwink, Jorgensen, Garthwaite, Smith, Hraychuck, Danou, Tauchen, Ripp, Dexter, Molepske Jr. and A. Ott.

To committee on **Agriculture and Higher Education**.

Senate Bill 528

Relating to: methods of voting by members of a cooperative.

By Senators Taylor, Kreitlow and Lassa; cosponsored by Representatives Hraychuck, Steinbrink, Jorgensen, Petersen, A. Ott, Turner and Smith.

To committee on **Rural Issues, Biofuels, and Information Technology**.

Senate Bill 529

Relating to: uniform power of attorney for finances and property.

By Senators Risser, Taylor and Lehman; cosponsored by Representatives Cullen, Molepske Jr., Turner, Berceau, Vos, Zepnick, Smith and Roys.

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

Senate Bill 530

Relating to: regulating consumer small loans, limiting the areas in which a payday lender may operate, granting rule–making authority, and providing a penalty.

By Senators Sullivan, Hansen, Miller, Lehman and Robson; cosponsored by Representative Fields.

To committee on **Veterans and Military Affairs, Biotechnology, and Financial Institutions**.

Senate Bill 531

Relating to: annual or consecutive month permits for vehicles or combinations of vehicles transporting loads near the Wisconsin–Michigan border.

By Senator Jauch; cosponsored by Representative Sherman.

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

REPORT OF COMMITTEES

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

Senate Bill 475

Relating to: reimbursement of counties and Indian tribes for unexpected or unusually high–cost out–of–home care placements of Indian juveniles who have been adjudicated delinquent by tribal courts and making an appropriation.

Passage.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

LENA TAYLOR
Chairperson

PETITIONS AND COMMUNICATIONS

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

February 9, 2010

The Honorable, the Legislature:

| <u>Bill Number</u> | <u>Act Number</u> | <u>Publication Date</u> |
|----------------------------------|-------------------|-------------------------|
| Senate Bill 184 | Act 106 | February 18, 2010 |
| Senate Bill 290 | Act 111 | February 18, 2010 |
| Senate Bill 440 | Act 112 | February 18, 2010 |

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

**State of Wisconsin
Legislative Audit Bureau**

February 9, 2010

The Honorable, The Legislature:

As required by [2007 Wisconsin Act 222](#), we have completed an evaluation of virtual charter schools. Pupils enrolled in these nonsectarian public schools typically attend

from their homes and take a majority of their classes online. In the 2007–08 school year, 15 virtual charter schools enrolled 2,951 full–time pupils. We found that 7.6 percent of pupils attended virtual schools that were chartered by their school district of residence, while 91.1 percent attended through open enrollment, which requires payment from the district of residence (the “sending district”) to the district chartering the virtual school (the “receiving district”).

Virtual charter schools spent an estimated \$17.8 million in the 2007–08 school year. They were funded by a mix of federal charter school grants; fees; general district revenue, including property tax revenue; and \$14.2 million in state aid, which represented 79.0 percent of their total revenue. The availability of state aid affects both sending and receiving districts, and receiving districts have a financial incentive to attract additional virtual charter school pupils through open enrollment. We found that in the 2007–08 school year, 8 of the 15 virtual charter schools’ per pupil expenditures were less than the \$6,007 payment per full–time open enrollment pupil.

2007 Wisconsin Act 222 established a virtual charter school open enrollment limit of 5,250. This limit will likely be reached within the next few years, which will prompt continued legislative debate. We make a number of recommendations for the Department of Public Instruction (DPI) to provide information that can inform this debate and enhance compliance with program rules.

We appreciate the courtesy and cooperation extended to us by DPI; the teachers, high school pupils, and parents and guardians who spoke with us and responded to our surveys; and the virtual charter school administrators who responded to our requests for information. A response from DPI follows the appendices.

Sincerely,
 JANICE MUELLER
 State Auditor

**State of Wisconsin
 Government Accountability Board**

February 9, 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/>.

| | |
|---------------------|---|
| Cook, Andrew | Association of Wisconsin Surgery Centers, Inc. |
| Engel, Andrew | Association of Wisconsin Surgery Centers, Inc. |
| Herkert, Toni | Wisconsin Association of Lakes Inc |
| Klasen, Michael | AT&T Wisconsin |
| Poehnel, Robert | Wisconsin Crop Production Association |
| Schreiber, Martin | Southeastern Regional Transit Authority (SERTA) |
| VanderSanden, Scott | AT&T Wisconsin |
| Walsh, Kenneth | Southeastern Regional Transit Authority (SERTA) |

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
 Department of Corrections**

February 2, 2010
 The Honorable, The Legislature:

The following information is provided for your consideration and review pursuant to 301.03(6m), Wisconsin Statutes. The figures below pertain to calendar year 2009.

There were ninety–two Chapter 51 mental health commitments within the Department of Corrections. Of these, forty–six were initial commitments and forty–six were extensions of commitments from previous years.

Eighty–two of the ninety–two commitments were obtained at the Wisconsin Resource Center (male inmates). Of these, forty–one were initial commitments and forty–one were renewals of commitments from previous years.

Ten of the ninety–two commitments were obtained at Taycheedah Correctional Institution (female inmates). Of these, five were initial commitments and five were recommitments from previous years.

After a Chapter 51 commitment, male inmates returned to the Wisconsin Resource Center (WRC) for further treatment. Average length of stay for WRC inmates was 428 days. Three male inmates were transferred from WRC to Mendota Mental Health Institute on an involuntary basis.

After a Chapter 51 initial commitment, females were transferred to Winnebago Mental Health Institute (WMHI). For recommitments, females remained at TCI. In addition, three females were transferred to WMHI and received treatment on a voluntary basis. Average length of stay for committed individuals was 13 days.

2) The total number of inmates who were treated with psychotropic medication in 2009 was 8,051. This number includes inmates who were incarcerated for short–term stays as well as long–term stays. The number of inmates who were treated with psychotropic medication on any specific date is estimated at approximately 4,750. Of these, the number treated on an involuntary basis was the same as the number of involuntary commitments (ninety–two). Major classes of medication included antidepressants, antipsychotics, and mood stabilizers.

3) Mental Health Services are available at all of the major institutions. Services include crisis intervention, individual counseling, and group therapy. Specific programs include sex offender treatment, anger management, domestic violence, substance abuse treatment, and cognitive interventions. Psychiatrists are available at all major institutions to provide evaluations for psychotropic medication and management of these medications. In addition, consultation is available from both psychologists and psychiatrists to evaluate competency to consent to psychotropic medication and/or medical treatment.

If you have any questions or need any further information, please let me know.

Sincerely,
 RICK RAEMISCH
 Secretary

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

ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin
Office of the Governor**

February 5, 2010

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BRIDSON, SUE, of Madison, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2013.

Respectfully Submitted,
JIM DOYLE
Governor

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

**State of Wisconsin
Office of the Governor**

February 5, 2010

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint COOPER, DAVID, of Slinger, as a member of the Occupational Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2011.

Respectfully Submitted,
JIM DOYLE
Governor

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

**State of Wisconsin
Office of the Governor**

February 5, 2010

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CROUSE, BYRON, of Madison, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2012.

Respectfully Submitted,
JIM DOYLE
Governor

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

**State of Wisconsin
Office of the Governor**

February 5, 2010

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DICKINSON, LORELI, of Oconto, as a member of the Nursing Home Administrator Examining Board, to serve for the term ending July 1, 2011.

Respectfully Submitted,
JIM DOYLE
Governor

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

**State of Wisconsin
Office of the Governor**

February 5, 2010

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint FOSTER, GREGORY, of Neillsville, as a member of the Optometry Examining Board, to serve for the term ending July 1, 2013.

Respectfully Submitted,
JIM DOYLE
Governor

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

**State of Wisconsin
Office of the Governor**

February 5, 2010

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HOLMQUIST, BRIAN, of Madison, as a member of the Occupational Therapists Affiliated Credentialing Board to serve a term expiring July 1, 2013.

Respectfully Submitted,
JIM DOYLE
Governor

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

**State of Wisconsin
Office of the Governor**

February 5, 2010

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JARAMILLO, ADRIANA, of Stoughton, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2013.

Respectfully Submitted,
JIM DOYLE
Governor

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

**State of Wisconsin
Office of the Governor**

February 5, 2010

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MODE, WILLIAM, of Neenah, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2013.

Respectfully Submitted,
JIM DOYLE
Governor

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

**State of Wisconsin
Office of the Governor**

February 5, 2010

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint RICE, CORLISS, of Milwaukee, as a member of the Occupational Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2013.

Respectfully Submitted,
JIM DOYLE
Governor

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

**State of Wisconsin
Office of the Governor**

February 5, 2010

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SHEEHY, PATRICK, of Mequon, as a member of the College Savings Program Board, to serve for the term ending May 1, 2013.

Respectfully Submitted,
JIM DOYLE
Governor

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

**State of Wisconsin
Office of the Governor**

February 5, 2010

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SIZE, TIM, of Sauk City, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2012.

Respectfully Submitted,
JIM DOYLE
Governor

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

**State of Wisconsin
Office of the Governor**

February 5, 2010

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint STYCZINSKI, ROSHEEN, of Milwaukee, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2013.

Respectfully Submitted,
JIM DOYLE
Governor

Read and referred to committee on **Economic Development.**

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

Senate Clearinghouse Rule 07–111

Relating to thermal standards for Wisconsin surface waters. Submitted by Department of Natural Resources. Report received from Agency, February 5, 2010. Referred to committee on **Environment**, February 9, 2010.

Senate Clearinghouse Rule 09–103

Relating to regulation of firewood entering department lands and affecting small businesses. Submitted by Department of Natural Resources. Report received from Agency, February 5, 2010. Referred to committee on **Transportation, Tourism, Forestry, and Natural Resources**, February 9, 2010.

Senate Clearinghouse Rule 09–109

Relating to substance abuse counselors, clinical supervisors, and prevention specialists, and affecting small businesses. Submitted by Department of Health Services. Report received from Agency, February 5, 2010. Referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**, February 9, 2010.

Senate Clearinghouse Rule 09–115

Relating to fees for copies of health care provider records, registration of sanitarians, safety, maintenance and operation of public swimming pools and water attractions, and child support cooperation for food stamps, and affecting small businesses. Submitted by Department of Health Services. Report received from Agency, February 5, 2010. Referred to— committee on **Public Health, Senior Issues, Long Term Care, and Job Creation**, February 9, 2010.

Senate Clearinghouse Rule 09–090

Relating to sales and use tax. Submitted by Department of Revenue. Report received from Agency, February 8, 2010. Referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**, February 9, 2010.

Senate Clearinghouse Rule 09–097

Relating to exempting commercial umbrella and commercial liability policies covering only hired and non-owned autos from having to offer or include uninsured and underinsured motorist coverage. Submitted by Insurance Commissioner. Report received from Agency, February 9, 2010. Referred to committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing**, February 9, 2010.

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

Senate Clearinghouse Rule 09–075

Relating to inmate release accounts.
No action taken.

LENA TAYLOR
Chairperson