

STATE OF WISCONSIN

Senate Journal

Ninety–Ninth Regular Session

FRIDAY, February 26, 2010

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

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 86** offered by Senator Carpenter.

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

Senate amendment 1 to Senate amendment 1 to **Senate Bill 431** offered by Senator Risser.

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Bill 292

Senate Bill 293

Senate Bill 308

Senate Bill 408

Senate Bill 410

Report correctly enrolled on 2–26–2010.

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read first time and referred:

Senate Bill 558

Relating to: feeding of deer for viewing purposes.

By Senators Holperin, Kreitlow, Taylor and Schultz; cosponsored by Representatives Milroy, A. Ott and Mursau.

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

Senate Bill 559

Relating to: the dairy and livestock investment tax credits.

By Senators Vinehout, Harsdorf, Taylor and Schultz; cosponsored by Representatives Vruwink, Smith, Ripp, A. Ott, Jorgensen, Radcliffe, Danou, Molepske Jr., Garthwaite, Kestell, Davis, Berceau, Hebl, Brooks, Spanbauer, Ballweg, Strachota, Black, Zepnick, Turner, Petersen, Townsend, Zigmunt, Sinicki, Bies, Hixson, LeMahieu, Nerison, Hraychuck and Hubler.

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

Senate Bill 560

Relating to: prohibiting advertising the price of merchandise as reduced by an available rebate unless the rebate is provided at the time of purchase.

By Senators Lehman and Taylor; cosponsored by Representatives Pope–Roberts, Turner and Knodl.

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

Senate Bill 561

Relating to: evidentiary recordings of persons under the age of 18 engaging in sexually explicit conduct and attempt of certain sex crimes against children and providing penalties.

By Senators Lassa and Sullivan; cosponsored by Representatives Staskunas, Berceau, Brooks and Suder.

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

Senate Bill 562

Relating to: weight limitations for vehicles transporting raw forest products.

By Senators Holperin, Jauch, Hansen, Taylor and Cowles; cosponsored by Representatives Clark, Friske, Sherman, Soletski, Mursau, Bies and Townsend.

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

Senate Bill 563

Relating to: the statute of limitations for wrongful death claims arising out of medical malpractice.

By Senators Miller and Risser; cosponsored by Representatives Pope–Roberts, Young, Turner and A. Williams.

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

Senate Bill 564

Relating to: designating and marking a portion of STH 50 in Kenosha County as the LeRoy and Lynn Copen Memorial Highway.

By Senator Wirch; cosponsored by Representatives Steinbrink, Barca and Kerkman.

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

Senate Bill 565

Relating to: parking on the streets adjacent to the state capitol park.

By Senators Erpenbach, Grothman, A. Lasee and Risser; cosponsored by Representatives Berceau, Petersen, Ziegelbauer, Schneider, Mursau, A. Williams and M. Williams.

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

Senate Bill 566

Relating to: requiring the University of Wisconsin System to obtain the approval of the Joint Committee on Finance in order to acquire property by condemnation.

By Senators Hansen, Cowles, Schultz and Kapanke; cosponsored by Representatives Vruwink, Danou, Sinicki, Soletski, Huebsch, Davis, Ballweg, M. Williams and Zepnick.

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

Senate Bill 567

Relating to: elimination of surplus retention limitations for residential care centers for children and youth, group homes, and child welfare agencies that provide rate-based services for the Department of Children and Families or a county department of human services or social services; determination of the rates charged by those providers; establishment of a performance-based contracting system for those providers; and requiring the exercise of rule-making authority.

By Joint Legislative Council.

To committee on **Children and Families and Workforce Development**.

Senate Bill 568

Relating to: extended juvenile court jurisdiction for certain foster youth under the age of 21 years.

By Joint Legislative Council.

To committee on **Children and Families and Workforce Development**.

Senate Bill 569

Relating to: training for foster parents.

By Joint Legislative Council.

To committee on **Children and Families and Workforce Development**.

Senate Bill 570

Relating to: creating expectations for foster children and foster parents and requiring the exercise of rule-making authority.

By Joint Legislative Council.

To committee on **Children and Families and Workforce Development**.

Senate Bill 571

Relating to: creating a family policy board and requiring counties to provide prevention resources.

By Joint Legislative Council.

To committee on **Children and Families and Workforce Development**.

Senate Bill 572

Relating to: suitability of annuity contracts and granting rule-making authority.

By Senator Wirch; cosponsored by Representatives Cullen, Molepske Jr., Turner and A. Williams.

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

REPORT OF COMMITTEES

The committee on **Economic Development** reports and recommends:

Senate Bill 291

Relating to: authorizing the designation of a tax incremental district as distressed and expanding the use of donor tax incremental districts.

Adoption of Senate Amendment 1.

Ayes, 7 – Senators Lassa, Lehman, Vinehout, Kreitlow, Kanavas, Darling and Leibham.

Noes, 0 – None.

Adoption of Senate Amendment 2.

Ayes, 7 – Senators Lassa, Lehman, Vinehout, Kreitlow, Kanavas, Darling and Leibham.

Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators Lassa, Lehman, Vinehout, Kreitlow, Kanavas, Darling and Leibham.

Noes, 0 – None.

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.

Adoption of Senate Amendment 2.

Ayes, 7 – Senators Lassa, Lehman, Vinehout, Kreitlow, Kanavas, Darling and Leibham.

Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators Lassa, Lehman, Vinehout, Kreitlow, Kanavas, Darling and Leibham.

Noes, 0 – None.

JULIE LASSA

Chairperson

The committee on **Veterans and Military Affairs, Biotechnology, and Financial Institutions** reports and recommends:

FREEDMAN, MARVIN, of Middleton, as a member of the Board of Veterans Affairs, to serve for the term ending May 1, 2015.

Confirmation.

Ayes, 3 – Senators Sullivan, Coggs and Carpenter.

Noes, 2 – Senators Leibham and Kanavas.

Senate Bill 286

Relating to: collection agencies.

Passage.

Ayes, 5 – Senators Sullivan, Coggs, Carpenter, Leibham and Kanavas.

Noes, 0 – None.

JIM SULLIVAN

Chairperson

The committee on **Senate Organization** reports:

[**MOTION**] *That Senate Bill 464 be removed from the calendar of Tuesday, March 2, 2010.*

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

Noes: 0 – None.

RUSS DECKER

Chairperson

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Government Accountability Board**

February 23, 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/>.

Early, Annie	Wisconsin Fraternal Congress
Ferguson, Lisa	Check Into Cash
Jelinski, David	Dairy Business Association
Lamont, Cori	Wisconsin Realtors Association
Loehr, Kira	Wisconsin Customers for Affordable Local and Long Distance Service
Strauch–Nelson, Rachel	City of Madison
Zelenkova, Ramie	Consumer Electronics Association
Zukowski, Ryan	Wisconsin Troopers Association Inc

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 Health Services**

February 25, 2010

The Honorable, The Legislature:

The Community Integration Program (CIP) for residents of State Centers was created by [1983 Wisconsin Act 27](#). According to [s. 46.275](#) of the Wisconsin statutes, this program is intended:

...to relocate persons from the state centers for the developmentally disabled into appropriate community settings with the assistance of home and community–based services and with continuity of care. The intent of the program is also to minimize its impact on state employees through redeployment of employees into vacant positions.

Under Wisconsin statutes [s. 46.275\(5m\)](#), the Department is required to submit an annual report to the Joint Committee on Finance and to the Chief Clerk of each house of the Legislature describing the program’s impact during the prior calendar year on state employees, including the Department’s efforts to redeploy employees into vacant positions and the number of employees laid off.

During calendar year 2009, Southern Wisconsin Center and Central Wisconsin Center have relocated 9 center residents into

the community under the CIP program. There were no employee layoffs as the result of these placements. However, the Department redeployed 24 employees into other vacant positions dedicated to providing care to persons who continue to reside at the Center.

Sincerely,
KAREN E. TIMBERLAKE
Secretary

Referred to joint committee on **Finance**.

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

**State of Wisconsin
Department of Administration**

February 26, 2010

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 exercise 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 January 2010.

On January 1, 2010, the Injured Patients and Families Compensation Fund cash balance closed at a negative \$12.7 million (its intra–month low). This negative balance continued through January 31, 2010, when the fund’s cash balance closed at a negative \$9.1 million. The negative balance 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.

On January 1, 2010, the Utility Public Benefits Fund cash balance closed at a negative \$10.9 million. This negative balance continued through January 31, 2010, when the fund’s cash balance closed at a negative \$14.1 million (its intra–month low). The negative balance was due to the difference in the timing of revenues and expenditures.

On January 1, 2010, the Permanent Endowment Fund cash balance closed at a negative \$2.0 million. This negative balance continued through January 31, 2010, when the fund’s cash balance closed at a negative \$2.0 million. The negative balance was due to the difference in the timing of revenues and expenditures.

On January 1, 2010, the Workers Compensation Fund cash balance closed at a negative \$4.1 million (its intra–month low). This negative balance continued through January 19, 2010, when the fund’s cash balance closed at a positive \$782 thousand. The negative balance was due to the difference in the timing of revenues and expenditures.

On January 1, 2010, the Medical Assistance Trust Fund cash balance closed at a negative \$70.4 million. This negative balance continued through January 31, 2010, when the fund’s cash balance closed at a negative \$97.0 million (its intra–month low). The negative balance was due to the difference in the timing of revenues and expenditures.

On January 1, 2010, the Police and Fire Protection Fund cash balance closed at a negative \$32.2 million (its intra–month low). This negative balance continued through January 31, 2010, when the fund’s cash balance closed at a negative \$29.7 million. The negative balance was due to the difference in the timing of revenues and expenditures.

On January 21, 2010, the Conservation Fund cash balance closed at a negative \$3.8 million. This negative balance continued through January 31, 2010, when the fund's cash balance closed at a negative \$7.1 million (its intra-month low). The negative balance was due to the difference in the timing of revenues and expenditures.

The Injured Patients and Families Compensation Fund, Utility Public Benefits Fund, Permanent Endowment Fund, Workers Compensation Fund, Medical Assistance Trust Fund, Police and Fire Protection Fund, and Conservation 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**.

**State of Wisconsin
Legislative Audit Bureau**

February 26, 2010

The Honorable, The Legislature:

We have completed a limited-scope review of the Wisconsin Health and Educational Facilities Authority (WHEFA) as authorized in s. 231.19(1), Wis. Stats. Through June 2009, WHEFA has issued 603 revenue bonds totaling more than \$14.5 billion on behalf of tax-exempt healthcare and certain educational institutions. The tax-exempt bonds help the borrowing institutions finance capital projects. They are not debt or obligations of the State of Wisconsin and are repaid solely by the borrowing institutions.

WHEFA has no taxing power and does not receive state appropriations. It is governed by a seven-member board and has four full-time employees, whose salaries and fringe benefits are its primary operating costs. WHEFA funds those costs with annual fees paid by borrowing institutions.

As of June 30, 2009, WHEFA accumulated a surplus balance of \$3.1 million, which is more than four times its annual operating expenses. We include a recommendation that WHEFA continue to carefully monitor its surplus balance for appropriateness. We are also concerned that the WHEFA Board's actions to increase compensation for the Executive Director have had the effect of circumventing a statutory salary limit on the Executive Director's salary. Since 2005, the WHEFA Board has provided him with 40 days of vacation each year. WHEFA paid him for unused leave, including vacation and sick leave, by making annual deposits into the Wisconsin Deferred Compensation Program. As a result, the Executive Director's annual compensation has exceeded the statutory limit established for his position by an average of \$16,200 annually. In addition, we believe WHEFA is incorrectly reporting some unused leave as earnings that will effectively increase its employees' pension benefits under the Wisconsin Retirement System. We include recommendations for the

Legislature to take steps to address these concerns and for WHEFA to work with the Department of Employee Trust Funds to correctly report future earnings.

We appreciate the courtesy and cooperation extended to us by the WHEFA Board and staff in completing this review.

Sincerely,
JANICE MUELLER
State Auditor

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

Senate Clearinghouse Rule 09-086

Relating to the police and fire protection fee created under 2009 Wisconsin Act 23.

Submitted by Public Service Commission.

Report received from Agency, February 23, 2010.

Referred to committee on **Commerce, Utilities, Energy, and Rail**, February 26, 2010.

Senate Clearinghouse Rule 09-113

Relating to electronic recording and release of liens by non-individual creditors.

Submitted by Department of Transportation.

Report received from Agency, February 25, 2010.

Referred to committee on **Transportation, Tourism, Forestry, and Natural Resources**, February 26, 2010.

Senate Clearinghouse Rule 09-116

Relating to fees for plan review and inspection of public swimming pools and water attractions and affecting small business.

Submitted by Department of Commerce.

Report received from Agency, February 24, 2010.

Referred to committee on **Commerce, Utilities, Energy, and Rail**, February 26, 2010.

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

Senate Clearinghouse Rule 09-064

Relating to combined reporting for corporation franchise and income tax purposes.

No action taken.

JON ERPENBACH
Chairperson

MESSAGES FROM THE ASSEMBLY

By Patrick E. Fuller, chief clerk.

Mr. President:

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

- Assembly Bill 116**
- Assembly Bill 247**
- Assembly Bill 296**
- Assembly Bill 482**
- Assembly Bill 549**
- Assembly Bill 552**
- Assembly Bill 588**
- Assembly Bill 600**

Assembly Bill 614
Assembly Bill 633
Assembly Bill 642

Concurred in:

Senate Bill 116
Senate Bill 215
Senate Bill 244
Senate Bill 332
Senate Bill 439
Senate Bill 471

MESSAGES FROM THE ASSEMBLY CONSIDERED

Assembly Bill 260

Relating to: extraterritorial plat approval on basis of land's use.

By Representatives Smith, Jorgensen, Roth, Hubler, Schneider, Vruwink, Danou, Fields, Clark, Dexter, Ripp, Kerkman, Kestell, Bies, Brooks, Gunderson, A. Ott, Ballweg and Suder; cosponsored by Senators Kreitlow, Vinehout, Holperin, Harsdorf and Olsen.

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

Assembly Bill 470

Relating to: membership of the Natural Resources Board.

By Representatives Vruwink, Garthwaite, Black, Tauchen, Hubler, Radcliffe, Molepske Jr., Danou, Hebl, Strachota, A. Williams, Zepnick and Brooks; cosponsored by Senator Schultz.

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

Assembly Bill 495

Relating to: membership of the Natural Resources Board.

By Representatives Danou, Zigmunt, Black, Vukmir,

Molepske Jr., Radcliffe, Strachota, Vruwink, Sinicki, Mason and Van Roy.

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

Assembly Bill 514

Relating to: time limitations for commencing prosecution of crimes.

By Representatives Staskunas, Jorgensen, Parisi, Kerkman, Suder, Wood, Turner, Roys, Cullen, Gunderson, Berceau, Pope-Roberts, Sinicki, A. Ott, Knodl, Hraychuck and Ballweg; cosponsored by Senators Risser, A. Lasee, Olsen, Cogs and Kedzie.

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

Assembly Bill 689

Relating to: Public Service Commission intervenor grants and making an appropriation.

By Representative Pocan; cosponsored by Senator Risser.

Read first time and referred to committee on **Commerce, Utilities, Energy, and Rail**.

Assembly Bill 720

Relating to: repealing, consolidating, renumbering, amending, and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities, and obsolete provisions, reconciling conflicts, and repelling unintended repeals (Correction Bill).

By Law Revision Committee.

Read first time and referred to committee on **Ethics Reform and Government Operations**.

Assembly Bill 742

Relating to: fuel products fees and inspection (suggested as remedial legislation by the Department of Commerce).

By Law Revision Committee.

Read first time and referred to committee on **Commerce, Utilities, Energy, and Rail**.