

STATE OF WISCONSIN
Senate Journal
Ninety–Ninth Regular Session

MONDAY, May 3, 2010

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

CHIEF CLERK'S ENTRIES

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Bill 25
Senate Bill 172
Senate Bill 264
Senate Bill 279
Senate Bill 291
Senate Bill 401
Senate Bill 409
Senate Bill 460
Senate Bill 475
Senate Bill 531
Senate Bill 581
Senate Bill 586
Senate Bill 587
Senate Bill 627
Senate Bill 661
Senate Bill 667

Report correctly enrolled on 5–3–2010.

The Chief Clerk makes the following entries dated **Friday, April 30, 2010**.

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Office of the Governor**

April 30, 2010

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 484	Act 219 . . .	April 30, 2010
Senate Bill 437	Act 215 . . .	April 29, 2010
Senate Bill 362	Act 218 . . .	April 29, 2010

Respectfully Submitted,
JIM DOYLE
Governor

**State of Wisconsin
Legislative Reference Bureau**

April 30, 2010

To the Honorable, the Legislature:

The following rules have been published in the April 30, 2010 Wisconsin Administrative [Register No. 652](#):

<u>Clearinghouse Rules</u>	<u>Effective Date(s)</u>
09–062	5–1–2010
09–064	5–1–2010
09–097	5–1–2010

Sincerely,
BRUCE J. HOESLY
Senior Legislative Attorney/Code Editor

ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin
Office of the Governor**

April 28, 2010

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LANGENDORF, BRIAN, of Racine, as a member of the Funeral Directors Examining Board, to serve for the term ending July 1, 2014.

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**

April 28, 2010

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MULLEADY, MICHAEL, of Minocqua, as a member of the Real Estate Board, to serve for the term ending July 1, 2014.

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**

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

Senate Clearinghouse Rule 09–087

Relating to penalties for failure to produce records.

No action taken.

Senate Clearinghouse Rule 10–001

Relating to apportionment and nexus.

No action taken.

JON ERPENBACH
Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Office of the Secretary of State

May 3, 2010

The Honorable, the Legislature:

<u>Bill Number</u>	<u>Act Number</u>	<u>Publication Date</u>
Senate Bill 437 Act 215 May 13, 2010
Senate Bill 362 Act 218 May 13, 2010
Senate Bill 484 Act 219 May 13, 2010

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

LEGISLATIVE REFERENCE BUREAU CORRECTIONS

CORRECTIONS IN:

**SENATE AMENDMENT 3
TO 2009 SENATE BILL 279**

Prepared by the Legislative Reference Bureau
(April 30, 2010)

In enrolling, the following correction was made:

1. Page 1, line 3: delete “(f)” and substitute “(g)”.

***NOTE: Senate amendment 3 and senate amendment 4 create different statutory paragraphs numbered s. 100.51 (6) (f). This correction changes the numbering of the paragraph created by senate amendment 3 to place it adjacent to the paragraph created by senate amendment 4.

LEGISLATIVE REFERENCE BUREAU CORRECTIONS

CORRECTIONS IN:

**ASSEMBLY AMENDMENT 6
TO 2009 SENATE BILL 409**

Prepared by the Legislative Reference Bureau
(April 30, 2010)

In enrolling, the following correction was made:

1. Page 11, line 17: delete “48” and substitute “48m”.

***NOTE: Senate amendment 1 to senate substitute amendment 1 changed the bill section number of SECTION 48. to be 48m. This item corrects a cross-reference to reflect that new bill section number.

State of Wisconsin
Office of Energy Independence

April 30, 2010

The Honorable, The Legislature:

Pursuant to State Statutes 13.172(3) and 16.045(5)(3) the Office of Energy Independence is reporting to your respective office the 2010 Biofuels and Alternative Fuels Use Report for

distribution to the respective committees as directed by the Speaker and President.

We have provided 20 reports for distribution as directed by the Speaker and President, and have made the report available for electronic download at the following website:

<http://www.energyindependence.wi.gov>

The report shall remain available for electronic download to the general public, and the Office of Energy Independence will encourage further distribution to officers and employees who use personal motor vehicles on state business and by residents of this state.

Sincerely,
JUDY ZIEWACZ
Executive Director

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

State of Wisconsin
Department of Administration

April 30, 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 March 2010.

On March 1, 2010, the Utility Public Benefits Fund cash balance closed at a negative \$9.5 million. This negative balance continued through March 31, 2010, when the fund’s cash balance closed at a negative \$12.4 million. The Utility Public Benefits Fund cash balance reached its intra-month low of a negative \$12.5 million on March 29, 2010. The negative balance was due to the difference in the timing of revenues and expenditures.

On March 1, 2010, the Permanent Endowment Fund cash balance closed at a negative \$2.0 million (its intra-month low). This negative balance continued through March 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 March 1, 2010, the Medical Assistance Trust Fund cash balance closed at a negative \$227.3 million. This negative balance continued through March 31, 2010, when the fund’s cash balance closed at a negative \$315.0 million. The Medical Assistance Trust Fund cash balance reached its intra-month low of a negative \$316.1 million on March 23, 2010. The negative balance was due to the difference in the timing of revenues and expenditures.

On March 1, 2010, the Police and Fire Protection Fund cash balance closed at a negative \$23.1 million (its intra-month low). This negative balance continued through March 31, 2010, when the fund’s cash balance closed at a negative \$19.4 million. The negative balance was due to the difference in the timing of revenues and expenditures.

On March 1, 2010, the Conservation Fund cash balance closed at a negative \$27.8 million (its intra-month low). This negative balance continued through March 15, 2010, when the fund’s cash balance closed at a positive \$37.1 million. The negative balance was due to the difference in the timing of revenues and expenditures.

The Utility Public Benefits Fund, Permanent Endowment 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 the joint committee on **Finance**.

**State of Wisconsin
 Department of Revenue**

April 31, 2010

The Honorable, The Legislature:

I am submitting the quarterly report of the Wisconsin Lottery for the quarter ending March 31, 2010. As required by s. 565.37(3) Wis. Stats., the attached materials contain unaudited Wisconsin Lottery year-to-date Revenue and Expenditure information.

Operating revenue for the quarter was down \$1.4 million or 1.2 percent compared to the same quarter last year. Year to date, operating revenue is up \$4.7 million or 1.3 percent from last year.

The information reported here is a summary and is not intended to be a complete financial accounting of Wisconsin Lottery operations.

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
 Office of the Milwaukee Ombudsman for Child Welfare**

April, 2010

The Honorable, The Legislature:

I am pleased to submit the 2009 Annual Report of the Office of the Milwaukee Ombudsman for Child Welfare (Ombudsman Office). This report is intended to complement other quality assurance and evaluation information to assess the delivery of child welfare in Milwaukee County.

Several organizational changes occurred in 2009. Late March brought a change to Region 3 when St. Amelian-Lakeside, Inc. was chosen by the Department of Children and Families (DCF) to provide ongoing case management and safety services for Region 3. This occurred after La Causa, one of the Bureau of Milwaukee Child Welfare's (Bureau) contracted partner agencies, exercised its option to terminate their contract. Integrated Family Services, a subsidiary of St. Amelian-Lakeside, was created to provide these services. In September 2009, the DCF announced they

had hired a new Bureau director, Arlene Happach. The Ombudsman Office looks forward to her efforts to improve the child welfare system in Milwaukee.

The 2009 Annual Report provides an overview of the activities of the Ombudsman Office and our recommendations for systemic improvement from the perspective of those who depend on Bureau services. Based on the past year and previous years, the data suggests a need for improved communication, better comprehension of goals, accurate and timely documentation, quality supervision, as well as a need for an independent system perspective.

The Ombudsman Office appreciates the cooperation of the Bureau and its contracted private agency partners in our efforts to provide complainants with an independent and impartial review of their complaints. We continue to believe an independent Ombudsman established in state statute is the best way to provide this needed service to Milwaukee County's children and families.

Sincerely,
PAMELA MATTHEWS
 Director

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

The committee on **Commerce, Utilities, Energy, and Rail** reports and recommends:

Senate Clearinghouse Rule 09-121

Relating to allocation of the midwestern disaster area bonding authority provided to Wisconsin under the federal Heartland Disaster Tax Relief Act of 2008, and affecting small businesses.

No action taken.

JEFFREY PLALE
 Chairperson

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

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Lassa, for Jim Anderson, on the occasion of being honored with the 2010 Quality of Life Leadership Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lassa, for Jeff Barth, on the occasion of being named a 2010 Emergency Response Hero by the American Red Cross.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Holperin, for Loretta Baughan, on the occasion of being presented the 2010 Distinguished Service Award by the Dog Federation of Wisconsin.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lazich, for Nicholas J. Baumgardner, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Lassa, for George Becker, on the occasion of being a 2010 inductee into the Wisconsin Conservation Hall of Fame.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lassa, for Emilie Benson, on the occasion of earning and attaining the Girl Scout Gold Award.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Lassa, for Mary Berard, on the occasion of being honored with the 2010 Quality of Life Leadership Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for David Berousek, on the occasion of his retirement from the Brown Deer and North Shore Fire Department after 19 years of dedicated service.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lassa, for Jordan Binder, on the occasion of earning and attaining the Girl Scout Gold Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Taylor, for Bishop R.J. Burt, Sr., on the occasion of his 25 years of unending service to his family, congregation and community.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Brent Burton, 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 Erpenbach, for Hannah Colney, on the occasion of earning and attaining the Girl Scout Gold Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Olsen, for Culver Franchising System, Inc., on the occasion of winning the 2009 Sauk County Large Business of the Year Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Harsdorf, for Walter Lee DeKock, 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 Ellis, for Jon Desens, 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 Christopher W. Doerner, 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 Lassa, for Lori Duchow, on the occasion of being named the 2010 Health Hero by the American Red Cross.

A certificate of condolence by the Wisconsin Senate on the motion of Senator Taylor, for the family and friends of Ms. Peggy Norris–Dunn, on the occasion of her dedication to her country, community and the lasting impact on all who had the privilege of knowing her.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Lassa, for Emily Earley, on the occasion of being a 2010 inductee into the Wisconsin Conservation Hall of Fame.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Lazich, for Nicholas Kevork Goldner, 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 Taylor, for Greater Galilee Missionary

Baptist Church, on the occasion of being honored for a remarkable 90 years of service.

A certificate of condolence by the Wisconsin Senate on the motion of Senator Taylor, for the family and friends of Ms. Margaret Green, on the occasion of her dedication to family and community and the lasting impact on all who had the privilege of knowing her.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lassa, for Kelly Guden, on the occasion of earning and attaining the Girl Scout Gold Award.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Lassa, for Duane Harris, on the occasion of being named the 2010 Good Samaritan Hero by American Red Cross.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Lassa, for Ruth Hine, on the occasion of being a 2010 inductee into the Wisconsin Conservation Hall of Fame.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Taylor, for Bishop Darrell Hines and Pastor Pamela Hines, on the occasion of founding the Darrell L. Hines Academy that provides children with opportunities to succeed academically.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Jauch, for Jonah Robert Kahl, on the occasion of achieving a third place finish in the 2010 Fourth Grade Forest Appreciation Week writing contest.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Donald Keenan, on the occasion of being the recipient of the 2010 Person of the Year Award

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Erpenbach, for Marisa Ketchum, on the occasion of earning and attaining the Girl Scout Gold Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Taylor, for Bishop Lawrence Kirby, on the occasion of his dedication to the youth and those in need and the lasting impact on all who had the privilege of knowing him.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Lassa, for Nathan Korlesky, 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 Harsdorf, for Tyler Robert Lathe, 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 John and Gloria LeMay, on the occasion of celebrating their 70 years of marriage.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Harsdorf, for Brian Loncar, 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 Kanavas, for Will Davis Lyons, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Lassa, for McCain Foods USA, on the occasion of being named the 2010 Corporate Hero by the American Red Cross.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Schultz, for Thomas D. McPherson, Jr., 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 Erpenbach, for Elizabeth Meier, on the occasion of earning and attaining the Girl Scout Gold Award.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Lassa, for Terry Menzel, on the occasion of being named the 2010 Community Hero by the American Red Cross.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Charles D. Miller, on the occasion of earning and attaining the rank of the Eagle Scout.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Grothman, for all the brave men and women serving as law enforcement officers, on the occasion of recognition of National Peace Officer's Memorial Day.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Greg Allen Nemetz, 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 Jauch, for 2009–2010 Northwood High School Girls Basketball team, on the occasion of their outstanding overall record of 25–1.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Erpenbach, for Maille O'Neil, on the occasion of earning and attaining the Girl Scout Gold Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lassa, for Andrew Patterson, 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 Matthew Polakowski, 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 Lassa, for Elisa Prebble, on the occasion of earning and attaining the Girl Scout Gold Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lazich, for the Prospect Lions Club, on the occasion of celebrating sixty years of service.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for the Village of Pulaski, on the occasion of its 100th Anniversary.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Holperin, for the Rhinelander High School Mock Trial team, on the occasion of being the 2010 Mock Trial State Champions.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lazich, for Evan John Rypel, 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 Ellis, for Nick Salzman, 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 Vincent J. Scaglione, on the occasion of his 50 years of dedicated service to the student athletes at Milwaukee Public Schools.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Lassa, for Matt Schoonover, on the occasion of being named a 2010 Emergency Response Hero by the American Red Cross.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Lassa, for Jim Schuh, on the occasion of being honored with the 2010 Quality of Life Leadership Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Erpenbach, for Elan Simpson, on the occasion of earning and attaining the Girl Scout Gold Award.

A certificate of condolence by the Wisconsin Senate on the motion of Senator Taylor, for the family and friends of Ms. Juanita Smith, on the occasion of her dedication to family and community and the lasting impact on all who had the privilege of knowing her.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lassa, for the Sports Den and all its employees, on the occasion of being selected as Marshfield Area Chamber of Commerce and Industry's 2010 Small Business of the Year.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Tucker John Stewart, 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 David Stockbridge, on the occasion of earning and attaining the rank of Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Erpenbach, for Kelli Sutherland, on the occasion of earning and attaining the Girl Scout Gold Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Taylor, for Thrivent Builds with Habitat for Humanity, on the occasion of their dedication to community and service and the lasting impact on all who are involved with this organization.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Nicholas Colin Umbs, 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 Ellis, for Joe Weber, 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 Schultz, for Wildside Adventure Sports, on the occasion of winning the 2009 Small Business of the Year Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Erpenbach, for Hannah Wolf, on the occasion of earning and attaining the Girl Scout Gold Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Risser, for Jillian Ybanez, on the occasion of winning second place in the 18th annual Arbor Day poster contest.