

STATE OF WISCONSIN
Senate Journal
Ninety–Ninth Regular Session

FRIDAY, September 3, 2010

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

CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated **Thursday, September 2, 2010.**

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

Senate Clearinghouse Rule 08–034

Relating to Wisconsin Works sanction good cause exceptions and notice of payment reductions and affecting small businesses.

Submitted by Department of Workforce Development .

Report received from Agency, August 30, 2010. Report received from Agency, August 30, 2010.

Referred to committee on **Children and Families and Workforce Development**, September 2, 2010.

Senate Clearinghouse Rule 08–070

Relating to electric rate changes due to the cost of fuel.

Submitted by Public Service Commission.

Report received from Agency, August 30, 2010.

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

Senate Clearinghouse Rule 09–104

Relating to fire prevention; recordkeeping for fires; fire suppression for mobile kitchens; structural, ventilating, and vapor-barrier requirements for one- and two-family dwellings; air barriers and local enforcement for commercial buildings; and previously constructed buildings that are converted to community-based residential facilities; and affecting small businesses.

Submitted by Department of Commerce.

Report received from Agency, August 30, 2010.

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

Senate Clearinghouse Rule 09–120

Relating to sentence computation and modification.

Submitted by Department of Corrections.

Report received from Agency, August 31, 2010.

Referred to committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing**, September 2, 2010.

Senate Clearinghouse Rule 10–013

Relating to psychometric testing.

Submitted by Department of Regulation and Licensing.

Report received from Agency, August 31, 2010.

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

Senate Clearinghouse Rule 10–029

Relating to the adjustment of thresholds for payment and performance assurance bond requirements and affecting small businesses.

Submitted by Department of Workforce Development .

Report received from Agency, August 31, 2010.

Referred to committee on **Children and Families and Workforce Development**, September 2, 2010.

Senate Clearinghouse Rule 10–045

Relating to the addition of cell phone numbers to the Wisconsin no call law.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, August 31, 2010.

Referred to committee on **Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection**, September 2, 2010.

Senate Clearinghouse Rule 10–057

Relating to the siting of wind energy systems.

Submitted by Public Service Commission.

Report received from Agency, August 31, 2010.

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

Senate Clearinghouse Rule 10–079

Relating to the Wisconsin development fund, and affecting small businesses.

Submitted by Department of Commerce.

Report received from Agency, August 30, 2010.

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

Senate Clearinghouse Rule 10–080

Relating to the annual Wisconsin angel network grant under section 560.255 of the statutes, and to capital connections grants and venture seed fund grants under section 560.277 of the statutes, and affecting small businesses.

Submitted by Department of Commerce.

Report received from Agency, August 30, 2010.

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

Senate Clearinghouse Rule 10–081

Relating to the impaired professionals procedure.

Submitted by Department of Regulation and Licensing.

Report received from Agency, August 30, 2010.

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

Senate Clearinghouse Rule 10–082

Relating to bikeways and sidewalks in highway projects.
Submitted by Department of Transportation.
Report received from Agency, August 30, 2010.
Referred to committee on **Environment**, September 2, 2010.

Senate Clearinghouse Rule 10–084

Relating to the subsidy of health insurance premiums for persons with HIV infection.
Submitted by Department of Health Services.
Report received from Agency, August 30, 2010.
Referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**, September 2, 2010.

Senate Clearinghouse Rule 10–085

Relating to emergency medical services, including first responders, emergency medical technicians (EMTs), first responder service providers, non–transporting EMT service providers, and ambulance service providers.
Submitted by Department of Health Services.
Report received from Agency, August 31, 2010.
Referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**, September 2, 2010.

Senate Clearinghouse Rule 10–089

Relating to carbon monoxide detectors in dwellings and affecting small business.
Submitted by Department of Commerce.
Report received from Agency, August 31, 2010.
Referred to committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing**, September 2, 2010.

Senate Clearinghouse Rule 10–090

Relating to the licensing and registration of individuals who install or alter thermal insulation for heating, ventilating, cooling, plumbing, or refrigeration systems.
Submitted by Department of Commerce.
Report received from Agency, August 31, 2010.
Referred to committee on **Labor, Elections and Urban Affairs**, September 2, 2010.

Senate Clearinghouse Rule 10–091

Relating to miscellaneous minor and technical changes.
Submitted by Department of Health Services.
Report received from Agency, August 30, 2010.
Referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**, September 2, 2010.

Senate Clearinghouse Rule 10–092

Relating to amending the rules of the prevailing wage program in response to statutory changes made by [2009 Wisconsin Act 28](#).
Submitted by Department of Workforce Development.
Report received from Agency, August 31, 2010.
Referred to committee on **Labor, Elections and Urban Affairs**, September 2, 2010.

Senate Clearinghouse Rule 10–097

Relating to the exemption of health care billing companies from the definition of a collection agency.
Submitted by Department of Financial Institutions.
Report received from Agency, August 31, 2010.
Referred to committee on **Veterans and Military Affairs, Biotechnology, and Financial Institutions**, September 2, 2010.

Senate Clearinghouse Rule 10–098

Relating to payday lending.
Submitted by Department of Financial Institutions.
Report received from Agency, August 31, 2010.
Referred to committee on **Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection**, September 2, 2010.

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Department of Health Services**

September 2, 2010

The Honorable, The Legislature:

Section [227.485\(9\)](#) of the Wis. Stats. requires the Department to submit a report concerning decisions and resulting payments of attorney fees and related legal costs. Attorney fees and other legal costs are to be paid whenever the opposing party to an agency’s Chapter [227](#) hearing prevails and it is determined the agency’s position was not substantially justified. As indicated in the attached chart, five payments totaling \$51,613.82 were made during SFY2010.

In addition, under 814.245(10) of the Wis. Stats., the Department is required to report any awards granted to the Department regarding frivolous motions brought against this Department. In SFY 2010, no motions of opposing parties were found to be frivolous. Consequently, the Department has no awards to report.

Sincerely,
KAREN E. TIMBERLAKE
Secretary

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

**State of Wisconsin
Legislative Audit Bureau**

September 2, 2010

The Honorable, The Legislature:

In response to a complaint reported to the Fraud, Waste, and Mismanagement Hotline established by [2007 Wisconsin Act 126](#), we have completed a limited–scope review of the Justice Gateway information system developed by the Office of Justice Assistance (OJA). This system was designed for local law enforcement agencies to share information that is not currently available in other statewide information systems. Concerns were raised about the progress made in development and implementation of the system and whether it is meeting its objectives.

Through fiscal year 2008–09, OJA spent \$6.4 million in federal funds to develop and maintain the Justice Gateway system. OJA is continuing its efforts to gain access to local law enforcement agencies’ information, register users, and increase Justice Gateway’s use. However, implementation has proceeded relatively slowly. OJA staff assert that Justice Gateway will play a role in the ongoing development of a similar voluntary federal system. However, there are challenges to OJA’s plans to increase Justice Gateway’s use, including the ability and willingness of local law enforcement agencies to participate in either the State’s or the federal initiative. In addition, because several programs and initiatives are supported with Homeland Security funds, establishing the

Justice Gateway’s priority as it relates to the State’s overall information sharing objectives may be important.

During 2011–13 biennial budget deliberations, the Legislature is likely to consider whether Justice Gateway merits state resources, especially in light of other information sharing systems under development. To help inform the debate, we include a recommendation that OJA report in early 2011 to the Joint Legislative Audit Committee and the Joint Committee on Information Policy and Technology on the system’s current status and its future plans for Justice Gateway.

We appreciate the courtesy and cooperation extended to us by OJA, the Department of Justice, and the Department of Administration’s Division of Enterprise Technology staff in conducting this review.

Sincerely,
JANICE MUELLER
 State Auditor

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

Senate Clearinghouse Rule 10–078

Relating to transitional jobs for low–income adults.
 Submitted by Children and Families.
 Report received from Agency, August 30, 2010.
 Referred to committee on **Children and Families and Workforce Development**, September 3, 2010.

Senate Clearinghouse Rule 10–086

Relating to child care subsidy program integrity and affecting small businesses.
 Submitted by Children and Families.
 Report received from Agency, August 30, 2010.
 Referred to committee on **Children and Families and Workforce Development**, September 3, 2010.

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

Senate Clearinghouse Rule 10–006

Relating to petroleum and other liquid fuel products, and affecting small businesses.
 No action taken.

JEFFREY PLALE
 Chairperson

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

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Jauch, for The Army Navy Store, on the occasion of being named the 2010 Ashland Area Business of the Year.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lassa, for Tom Barrett, on the occasion of his retirement after years of a dedicated career in the hospitality industry.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Joseph Bluma, 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 Ellis, for Ian Breaker, 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 Lasee, for the Town of Brussels, on the occasion of their new community center and town hall.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Erpenbach, for the Cross Plains Fire Department, on the occasion of celebrating their 100th Anniversary.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for William Diny, on the occasion of his retirement from the United States Post Office.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Taylor, for Joseph Dunlap, on the occasion of all his tremendous work on the Taylor–Jackson Reunion.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Kanavas, for Steven David Dusing, 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 the Family Services, on the occasion of celebrating their 100th Anniversary.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Jauch, for James Roland Gilbertson, on the occasion of earning and attaining the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Schultz, for Weston Glasbrenner, on the occasion of being a dedicated teacher, and his dedication to his family, community and students.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Harsdorf, for Tyanna Granberg, 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 Lori Hayward, on the occasion of her retirement after years of dedicated service to the University of Wisconsin–Madison.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lassa, for Kyle Holtz, 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 Schultz, for Jim Huebsch, on the occasion of his years of dedicated service to the town of Washington Fire Department.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Darling, for Gaye Kiel, on the occasion of her retirement after 13 years of dedicated service from the Richfield Joint School District No.1 Board of Education.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Don and Elaine Kittell, on the occasion of their commitment to public service and strengthening communities.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Dick and Rita Koltz, on the occasion of making a difference in so many people’s lives.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Harsdorf, for Anna Langer, 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 Kanavas, for Christopher David Letts, 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 Jauch, for Mark Luoma, on the occasion of his retirement after over 3 decades of work in education.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Jauch, for Larry and Pat Luostari, on the occasion of celebrating their 50th Wedding Anniversary.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Harsdorf, for Ryan Maas, 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 Harrison Charles Miller 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 Eric Matthew Nitz, 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 Brian Paplham, on the occasion of his years of service and commitment to the citizens of Kewaunee County and the town of Pierce.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Harsdorf, for Katherine Redmon, on the occasion of earning and attaining the Girl Scout Gold Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Harsdorf, for Alisa Sarnstrom, 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 Lazich, for Andrew Sima, 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 Madelin Skaalrud, 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 Hansen, for Joshua A. Smith, on the occasion of his years of leadership, wisdom and guidance as the Village Administrator for the Village of Howard and wish him well on his new endeavors.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Vinehout, for St. Mary's Assumption Parish, on the occasion of celebrating their 150th Anniversary.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Gregory J. Starsiak, 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 Cowles, for Juan Valladares, 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 Grothman, for Caleb David Vogt, 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 Delta I. Walls, on the occasion of celebrating her 79th Birthday shared with family and friends.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Zachary J. Wren, 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 Neal and Anne Zastrow, owners of Zastrow Prime Veal LLC on the occasion of their successful business and steadfast commitment to serve others.