

STATE OF WISCONSIN

Senate Journal

One–Hundredth Regular Session

MONDAY, March 7, 2011

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

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Resolution 4** offered by Senator S. Fitzgerald.

Senate amendment 1 to **Senate Resolution 5** offered by Senator S. Fitzgerald.

Senate amendment 1 to **Senate Resolution 6** offered by Senator S. Fitzgerald.

Senate amendment 1 to **Senate Resolution 7** offered by Senator S. Fitzgerald.

Senate amendment 1 to **Senate Resolution 8** offered by Senator S. Fitzgerald.

Senate amendment 1 to **Senate Resolution 9** offered by Senator S. Fitzgerald.

Senate amendment 1 to **Senate Resolution 10** offered by Senator S. Fitzgerald.

Senate amendment 1 to **Senate Resolution 11** offered by Senator S. Fitzgerald.

Senate amendment 1 to **Senate Resolution 12** offered by Senator S. Fitzgerald.

Senate amendment 1 to **Senate Resolution 13** offered by Senator S. Fitzgerald.

Senate amendment 1 to **Senate Resolution 14** offered by Senator S. Fitzgerald.

Senate amendment 1 to **Senate Resolution 15** offered by Senator S. Fitzgerald.

Senate amendment 1 to **Senate Resolution 16** offered by Senator S. Fitzgerald.

Senate amendment 1 to **Senate Resolution 17** offered by Senator S. Fitzgerald.

The Chief Clerk makes the following entries dated **Friday, March 4, 2011**.

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read first time and referred:

Senate Bill 28

Relating to: composition of the Board of Regents of the University of Wisconsin System.

By Senators Harsdorf, Galloway, Olsen, Moulton, Lassa and Schultz; cosponsored by Representatives Severson, Ballweg, Bewley, Brooks, Knudson, LeMahieu, Mursau, A. Ott, Rivard, Shilling, Spanbauer, Tauchen and Wynn.

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

Senate Bill 29

Relating to: expanding and increasing the tax exemption for retirement plan income received by an individual.

By Senators Kedzie, Hopper, Kapanke, Lazich, Wirch and Schultz; cosponsored by Representatives August, Nass, Ziegelbauer, Spanbauer, Van Roy, Pridemore, Petersen, Kerkman, Nygren, Rivard, Bies, Honadel, J. Ott, Mursau, Kapenga, Jacque, Brooks, LeMahieu and Kaufert.

To joint survey committee on **Tax Exemptions**.

PETITIONS AND COMMUNICATIONS

State of Wisconsin Office of the Senate Majority Leader

March 2, 2011

The Honorable, The Senate:

Pursuant to Section **13.55(1)** Wisconsin Statutes and Senate Rule **20**, I am appointing Senator Rich Zipperer to the Commission on Uniform State Laws.

Please feel free to contact me with any questions.

Sincerely,

SCOTT FITZGERALD

Senate Majority Leader

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read first time and referred:

Senate Bill 30

Relating to: placing limits on residency requirements for 1st class city police officers and fire fighters.

By Senators Vukmir, Wanggaard and Lazich; cosponsored by Representatives Kramer, Kuglitsch and Honadel.

To committee on **Labor, Public Safety, and Urban Affairs**.

REPORT OF COMMITTEES

The committee on **Senate Organization** reports:

Placed the following proposals on the Senate Calendar of Tuesday, March 8, 2011:

- Senate Resolution 4**
- Senate Resolution 5**
- Senate Resolution 6**
- Senate Resolution 7**
- Senate Resolution 8**
- Senate Resolution 9**
- Senate Resolution 10**
- Senate Resolution 11**
- Senate Resolution 12**
- Senate Resolution 13**
- Senate Resolution 14**
- Senate Resolution 15**
- Senate Resolution 16**
- Senate Resolution 17**

Ayes: 3 – Senators Fitzgerald, Ellis and Grothman.
Noes: 0 – None.

SCOTT FITZGERALD
Chairperson

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Government Accountability Board**

February 22, 2011
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 2011–2012 session of the legislature, visit the Government Accountability Board’s web site at: <http://gab.wi.gov/>

- | | |
|----------------------|---|
| Babcock, William | Wisconsin Society of Architects |
| Blumenfeld, Michael | Care Wisconsin First, Inc. |
| Blumenfeld, Michael | Wisconsin Society of Radiologic Technologists |
| Boyer, Amy | CenturyLink (formerly CenturyTel Service Group LLC) |
| Boyer, Amy | Wisconsin Education Association Council |
| Broydrick, William | Milwaukee Center for Independence/Transitional Living Services Inc. |
| Carey, Ray | Wisconsin Cluster of YMCAs Executive Committee |
| Childress, Jason | Wisconsin Cluster of YMCAs Executive Committee |
| Engel, Andrew | CenturyLink (formerly CenturyTel Service Group LLC) |
| Engel, Andrew | Wisconsin Education Association Council |
| Fassbender, Robert I | CenturyLink (formerly CenturyTel Service Group LLC) |
| Ferguson, Lisa | Check Into Cash |
| Flynn, Celeste | Time Warner Cable |

- | | |
|---------------------------|--|
| Fonfara, Thomas | American Federation for Children |
| Greer, Jim | Miron Construction |
| Gunderson, Dan | Enbridge Energy Company, Inc. |
| Keckhaver, John | Wisconsin Association of Lakes Inc |
| Kent, Paul | Wisconsin Builders Association |
| Kilgore, Kathleen | Wisconsin Community Papers |
| Millis, Don | Wisconsin Manufacturers & Commerce |
| Moore, Thomas E | WPPI Energy |
| Morby, Joshua | Miron Construction |
| Morby, Joshua | Wisconsin Bio Industry Alliance |
| Osborne, Patrick | Wisconsin Education Association Council |
| Partenfelder–Moede, Peggy | Americash Loans of WI, LLC |
| Peterson, Scott | Wisconsin Funeral Directors Association |
| Reihl, Mark | Wisconsin State Council of Carpenters |
| Schmidt, Ruth | Wisconsin Early Childhood Association Inc |
| Seitz, Robert | American Federation for Children |
| Stenger, Scott | Boldt Construction |
| Swandby, Janet R | Wisconsin Community Papers |
| Walby, Kathleen | Wisconsin Cluster of YMCAs Executive Committee |
| Welch, Robert | Wisconsin Bio Industry Alliance |
| Zelenkova, Ramie | Wisconsin County Police Association |

Sincerely,
KEVIN KENNEDY
Director and General Counsel

WHA Information Center

February 23, 2011
The Honorable, The Senate:

Please find enclosed a hard copy of the 2009 Wisconsin Inpatient Hospital Quality Indicators Report produced by WHA Information Center pursuant to s.153.22, Wis Stats. The report was posted on our website in December 2010. Please feel free to download and print additional copies at: www.whainfocenter.org.

If you have any questions regarding the report you may contact me at 608–274–1820, 800–231–8340 or drickelman@wha.org.

Sincerely,
DEBBIE RICKELMAN
Senior Director

**State of Wisconsin
Department of Health Services**

February 23, 2011
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 setting 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 2010, Southern Wisconsin Center and Central Wisconsin Center have relocated 5 center residents into the community under the CIP program. The Department was able to reduce funding for calendar year 2010 without employee layoffs and without redeploying employees into vacant positions as the result of these placements.

Sincerely,
DENNIS G. SMITH
Secretary

Referred to joint committee on **Finance**.

Referred to committee on **Health**.

**State of Wisconsin
Department of Administration**

February 28, 2011

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 2011.

On January 1, 2011, the General Fund cash balance closed at a negative \$123.2 million (its intra-month low). This negative balance continued through January 4, 2011, when the fund's cash balance closed at a positive \$814.7 million. The negative balance was due to the difference in the timing of revenues and expenditures.

On January 1, 2011, the Medical Assistance Trust Fund cash balance closed at a negative \$172.4 million. This negative balance continued through January 31, 2011, when the fund's cash balance closed at a negative \$204.5 million. The Medical Assistance Trust Fund cash balance reached its intra-month low of a negative \$208.6 million on January 13, 2011. The negative balance was due to the difference in the timing of revenues and expenditures.

On January 1, 2011, the Police and Fire Protection Fund cash balance closed at a negative \$38.8 million (its intra-month low). This negative balance continued through January 31, 2011, when the fund's cash balance closed at a negative \$34.1 million. The negative balance was due to the difference in the timing of revenues and expenditures.

On January 1, 2011, the Petroleum Inspection Fund cash balance closed at a negative \$1.0 million. This negative balance continued through January 20, 2011, when the fund's cash

balance closed at a positive \$2.1 million. The Petroleum Inspection Fund cash balance reached its intra-month low of a negative \$1.6 million on January 13, 2011. The negative balance was due to the difference in the timing of revenues and expenditures.

On January 13, 2011, the Conservation Fund cash balance closed at a negative \$896 thousand. This negative balance continued through January 31, 2011, when the fund's cash balance closed at a negative \$12.6 million (its intra-month low). The negative balance was due to the difference in the timing of revenues and expenditures.

On January 19, 2011, the Democracy Trust Fund cash balance closed at a negative \$300 thousand (its intra-month low). This negative balance continued through January 31, 2011, when the fund's cash balance closed at a negative \$300 thousand. The negative balance was due to the difference in the timing of revenues and expenditures.

The General Fund, Medical Assistance Trust Fund, Police and Fire Protection Fund, Petroleum Inspection Fund, Conservation Fund, and Democracy Trust 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,
MIKE HUEBSCH
Secretary

Referred to joint committee on **Finance**.

**State of Wisconsin
Joint Legislative Council**

February 28, 2011

The Honorable, The Senate:

Enclosed is a copy of the 2010 Annual Report Legislative Council Rules Clearinghouse, submitted to the Legislature pursuant to s. 227.15(5), Stats.

Sincerely,
TERRY C. ANDERSON
Director

**State of Wisconsin
Department of Public Instruction**

March 1, 2011

The Honorable, The Senate:

The annual report on the status of the Preschool-to-Grade-Five(P-5) Program has been submitted to the Joint Committee on Finance and is submitted to your for referral to the appropriate standing committees pursuant to s. 115.45(6)(b) and (c), Wis. Stats.

If you have any questions, please contact my office or Kevin Ingram, Director, Wisconsin Educational Opportunity

Programs and Office of Urban Education at (414) 227-4413 or kevin.ingram@dpi.wi.gov.

Sincerely,
 TONY EVERS, PHD
 State Superintendent

Referred to joint committee on **Finance**.

Referred to committee on **Education**.

**State of Wisconsin
 Government Accountability Board**

March 1, 2011

The Honorable, The Senate:

The following lobbyists have been authorized to act on behalf of the organizations set opposite their names.

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Berlinski, Heather	GlaxoSmithKline Inc
Blumenfeld, Michael	Wisconsin Child Support Enforcement Association
Blumenfeld, Michael	Wisconsin Educational Media and Technology
Blumenfeld, Michael	Wisconsin Personal Services Association Inc (WPSA)
Coleman, Bruce	Heat & Frost Insulators, Local 19
Elverman, Timothy J	Heat & Frost Insulators, Local 19
Engel, Andrew	Alliance of Automobile Manufacturers
Fonfara, Thomas	March of Dimes Birth Defects Foundation
Foti, Steven	Wine Institute
Gard, John	School Choice Wisconsin
Johns, Jason E	Coventry
Kammer, Peter	GlaxoSmithKline Inc
Kartheiser, Maureen	March of Dimes Birth Defects Foundation
Kent, Paul	League of Wisconsin Municipalities
Kent, Paul	Wisconsin Realtors Association
Langenohl, Tony	Service Contract Industry Council
McCoshen, William J	Service Contract Industry Council
McGrath, Lee	Institute for Justice
Palmer, Dian	SEIU Healthcare Wisconsin
Sorenson, Gustave	Wisconsin Paralyzed Veterans of America
Stocks, John	National Education Association of the United States
Thomas, Kerry	Transit Now
Welch, Robert	Northeast Communications of Wisconsin, Inc. dba
Winters, Amy	Scotts Miracle - Gro Company

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

ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin
 Office of the Governor**

March 1, 2011

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DONOHOO, EILEEN, of Wauwatosa, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2014.

Respectfully submitted,
 SCOTT WALKER
 Governor

Read and referred to committee on **Health**.

**State of Wisconsin
 Office of the Governor**

March 11, 2011

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LANDREMAN, STEVEN, of Kenosha, as a member of the Earned Release Review Commission, to serve for the term ending March 1, 2013.

Respectfully submitted,
 SCOTT WALKER
 Governor

Read and referred to committee on **Judiciary, Utilities, Commerce, and Government Operations**.

**State of Wisconsin
 Office of the Governor**

March 1, 2011

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint YETTER, BARBARA, of Manitowoc, as a member of the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board, to serve for the term ending July 1, 2014.

Respectfully submitted,
 SCOTT WALKER
 Governor

Read and referred to committee on **Health**.

**State of Wisconsin
 Office of the Governor**

February 25, 2011

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint YINGLING, JOHN, of Mequon, as a member of the State Fair Park Board, to serve for the term ending May 1, 2015.

Respectfully submitted,
 SCOTT WALKER
 Governor

Read and referred to committee on **Workforce Development, Small Business, and Tourism.**

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

Senate Clearinghouse Rule 10–104

Relating to accrual and use of sick leave by faculty, academic staff, and limited appointees of the University of Wisconsin System.

Submitted by University of Wisconsin System.

Report received from Agency, March 3, 2011.

Referred to committee on **Agriculture, Forestry, and Higher Education**, March 7, 2011.

The committee on **Agriculture, Forestry, and Higher Education** reports and recommends:

Senate Clearinghouse Rule 10–096

Relating to training program grants.

No action taken.

Senate Clearinghouse Rule 10–100

Relating to the licensing and regulation of dog dealers, dog breeders, dog breeding facilities, animal control facilities, and animal shelters.

No action taken.

Senate Clearinghouse Rule 10–110

Relating to pesticide product restrictions.

No action taken.

DAN KAPANKE
Chairperson

The committee on **Judiciary, Utilities, Commerce, and Government Operations** reports and recommends:

Senate Clearinghouse Rule 10–112

Relating to the scheduling of a schedule II controlled substance, lisdexamfetamine, under ch.961, Stats., of the uniform controlled substances act.

No action taken.

Senate Clearinghouse Rule 10–116

Relating to administering a film production accreditation program and affecting small business.

No action taken.

Senate Clearinghouse Rule 10–117

Relating to investment tax credits for food processing plants and food warehouses and affecting small businesses.

No action taken.

Senate Clearinghouse Rule 10–133

Relating to the determination of indigency eligibility for the assignment of publicly appointed counsel.

No action taken.

Senate Clearinghouse Rule 10–134

Relating to determining, collecting, and processing the payments received from persons as payment for legal representation.

No action taken.

RICH ZIPPERER
Chairperson