

STATE OF WISCONSIN
Senate Journal
One–Hundredth Regular Session

WEDNESDAY, March 16, 2011

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

CHIEF CLERK’S ENTRIES

DEPOSITED WITH THE SECRETARY OF STATE

The Chief Clerk records:

Senate Joint Resolution 15

Deposited in the office of the Secretary of State on 3–16–2011.

The Chief Clerk makes the following entries dated **Friday, March 11, 2011**.

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Bill 11

Senate Bill 21

Report correctly enrolled on 3–11–2011.

**INTRODUCTION, FIRST READING, AND
REFERENCE OF PROPOSALS**

Read and referred:

Senate Joint Resolution 16

Relating to: veto power of county executive over appropriations (second consideration).

By Senators Harsdorf, Carpenter, Moulton, Schultz, Risser and Taylor; cosponsored by Representatives Bies, Mursau, Nass, Pasch, Rivard, Roys, Sinicki, Spanbauer and Stone.

To committee on **Judiciary, Utilities, Commerce, and Government Operations**.

Read first time and referred:

Senate Bill 35

Relating to: the number of legislative districts.

By Senator Carpenter; cosponsored by Representative Kaufert.

To committee on **Judiciary, Utilities, Commerce, and Government Operations**.

Senate Bill 36

Relating to: the application of shoreland zoning ordinances to certain unincorporated areas.

By Senators Holperin, Jauch and Grothman; cosponsored by Representative Spanbauer.

To committee on **Natural Resources and Environment**.

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Senator Olsen added as a coauthor of **Senate Bill 32**.

Pursuant to Senate Rule 17 (5), Representative Jacque added as a cosponsor of **Senate Bill 32**.

**State of Wisconsin
Government Accountability Board**

March 8, 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/>

Beiriger, Jeffrey J

Berlinski, Heather
Boycks, Brad
Brooks, Bryan
Carey, Ray
Childress, Jason
Fonfara, Thomas
Froehlke, Scott

Fuchs, Gary
Goyke, Gary R.

Goyke, Gary R.

Goyke, Gary R.
Goyke, Gary R.

Goyke, Gary R.

Graul, Mark
Hubbard, Gregory
Kammer, Peter
Kammer, Peter
Krueger, Erin
Kussow, Matthew
Kussow, Michelle
Langenohl, Tony
Lavarreda, Elena

Wisconsin Illinois Senior Housing
Abbott Laboratories
Badger Advocates, Inc.
Badger Advocates, Inc.
Johnson Controls Inc
Johnson Controls Inc
Badger Advocates, Inc.
Ground Water Management & Water Conservation
Lobbying Association (d.b.a. Long Lake District)
Hewlett–Packard Company
Citizens for a Scenic Wisconsin
Specialized Medical Vehicle Association of Wisconsin
Whitetails of Wisconsin
Wisconsin Pyrotechnic Arts Guild Inc.
Wisconsin Rental Housing Legislative Council
Badger Advocates, Inc.
Badger Advocates, Inc.
Abbott Laboratories
Skyward Inc.
MAXIMUS Inc
Badger Advocates, Inc.
Badger Advocates, Inc.
Johnson Controls Inc
Voces de la Frontera Action,

Lueck, Larry	Inc.
Martin, Waldo "Buck"	Northeast Communications of Wisconsin, Inc. dba Stockbridge-Munsee Community
McCoshen, Carol	Badger Advocates, Inc.
McCoshen, William J	Johnson Controls Inc
McIntosh, Forbes	Badger Advocates, Inc.
McIntosh, Forbes	Crown Cork & Seal Company
Mitchell, Brian	Wisconsin Car Rental Alliance
Neumann-Ortiz, Christine	Voces de la Frontera Action, Inc.
Raschka, Adam	Northern States Power d/b/a Xcel Energy
Ruesch, Kristin	Badger Advocates, Inc.
Schoenfeldt, Jeffrey	Badger Advocates, Inc.
Scholz, Brandon	Badger Advocates, Inc.
Seitz, Robert	Badger Advocates, Inc.
Walby, Kathleen	Johnson Controls Inc
Warkentin, Kimberly	America Votes
Zelenkova, Ramie	Badger Advocates, 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
 Government Accountability Board**

March 9, 2011

The Honorable, The Legislature:

I am writing to seek your preliminary feedback on the most viable dates for changing the State's September Partisan Primary. A date change for the September Partisan Primary is needed in order to comply with the requirements of the federal 2009 Military and Overseas Voter Empowerment Act.

Issue: To which date should the Wisconsin September Partisan Primary be moved in order to comply with requirements of the federal 2009 Military and Overseas Voter Empowerment Act?

Background: The Military and Overseas Voter Empowerment (MOVE) Act requires all states to distribute an official ballot that contains federal offices, i.e. President, Vice-President, U.S. Senate and U.S. House of Representatives, to military and overseas voters no less than 45 calendar days prior to the election; if the voter has submitted an absentee ballot request. Wisconsin's September Primary is scheduled the second Tuesday in September which, combined with current statutory ballot deadlines, makes it impossible to meet the MOVE Act's 45-day requirement. Simply stated, the Wisconsin September Partisan Primary must be moved.

The Government Accountability Board's staff has met and will continue to meet with local election officials (municipal and county clerks) and with concerned and interested constituents, customers, and stakeholders to gather broad input on viable recommendation for consideration by the Governor and Legislature on possible new Partisan Primary dates.

For the 2010 Fall Election Cycle, we requested a waiver from the 45-day transit provision of the MOVE Act, because Wisconsin has a long-demonstrated history of providing ballots to military and overseas voters in a timely manner; though, less than 45 days. Due to the fact that Wisconsin's 2010 election calendar fell short of the federal 45-day minimum transit time as required by the MOVE Act, our State was sued by the U.S. Department of Justice. That lawsuit resulted in a consent decree which ensured that Wisconsin's military and overseas voters would have sufficient time to cast ballots for the November 2, 2010 General Election. Moving forward, however, we have been advised by the U.S. Justice Department that a permanent structural change to Wisconsin's Election Calendar needs to be effectuated for the 2012 election cycle and beyond. In order to comply with the MOVE Act, a statutory change in the State's September Partisan Primary date and possible other election dates as well, is required.

Request: As part of our information-gathering on the preference and impact of the various choices, in consultation and collaboration with our local election officials, partners and customers, we have identified some viable options for changing the September Partisan Primary. In continuing that process, we want to solicit your initial thoughts on which options you feel best fit with the Legislative calendar and business of the Legislature, and other public policy considerations. We request that you provide your feedback by the close of business on Monday, March 21, 2011.

For you information and consideration, attached is the Government Accountability Board's staff's initial review of potential Partisan Primary dates. This review includes several examples of new Partisan Primary dates, some important election events they affect, and pros and cons for each example. Partisan Primary dates, some important election events they affect, and pros and cons for each example. In addition to changing the Partisan Primary date, adjustments must also be considered for the special election cycle and the Presidential Preference Election, which are not addressed in this report.

A report, including your feedback, additional input from our local election officials and other interested customers, and additional analysis, will be submitted to the Governor and Legislature after members of the Government Accountability Board consider this matter during its March 22-23, 2011, regular meeting.

My staff and I are available to answer your questions and discuss the attached review. I may be contacted at Kevin.Kennedy@wi.gov, or at (608) 261-8683. Thank you in advance for reviewing this matter and for your feedback.

Sincerely,
 KEVIN KENNEDY
 Director and General Counsel

**State of Wisconsin
 Legislative Audit Bureau**

March 8, 2011

The Honorable, The Legislature:

In response to a complaint reported on the Fraud, Waste, and Mismanagement Hotline established by [2007 Wisconsin Act 126](#), we have completed a limited-scope review of the Department of Transportation's (DOT's) warranty program for asphalt state highways. Concerns were raised about the quality of asphalt highways constructed under warranties. From 1995 through 2009, 184 such highways were constructed under

warranties that guarantee pavements will meet contractually specified performance standards, typically for five years. If DOT determines that these standards have not been met, contractors can be required to perform and pay for repairs.

We reviewed all warranted asphalt state highway projects constructed from 2002 through 2004. Pavements on 12 of these 34 projects did not meet some performance standards during their warranty periods. However, because many inspection results were provided to DOT regional offices after warranties had expired, it is unclear whether contractors can now be required to repair identified problems.

We also compared the quality of 33 asphalt pavement projects constructed under warranties to that of all 215 asphalt pavement projects constructed on state highways during the same three year period. We found that the warranted projects generally show less distress?such as cracks, potholes, and ruts – and are smoother than those without warranties. However, some DOT engineers are concerned that warranted pavements constructed since 2004 are deteriorating more quickly than anticipated, particularly in northwest Wisconsin.

Because our May 2009 review of concrete state highways and several recent single audit reports for the State of Wisconsin found that DOT did not always follow its quality assurance program, we examined quality assurance procedures for asphalt state highways. We found that construction engineers performed 181 of the 193 tests (93.8 percent) required by DOT to measure the density of asphalt pavement on 41 projects constructed in 2009. We also found that DOT has improved its documentation of contractors’ roughness measurements.

We appreciate the courtesy and cooperation extended to us by DOT in completing this review.

Sincerely,
JANICE MUELLER
State Auditor

ADVICE AND CONSENT OF THE SENATE

State of Wisconsin
Office of the Governor

March 9, 2011

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ARMSTRONG, PERRY, of Madison, as a member of the Wisconsin Housing and Economic Development Authority, to serve for the term ending January 1, 2014.

Respectfully submitted,
SCOTT WALKER
Governor

Read and referred to committee on **Economic Development and Veterans and Military Affairs.**

State of Wisconsin
Office of the Governor

March 9, 2011

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint GUSE, BRADLEY, of Arpin, as a member of the Wisconsin Housing and Economic Development Authority, to serve for the term ending January 1, 2014.

Respectfully submitted,
SCOTT WALKER
Governor

Read and referred to committee on **Economic Development and Veterans and Military Affairs.**

State of Wisconsin
Office of the Governor

March 7, 2011

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KLAPPERICH, STEVEN, of St. Cloud, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2015.

Respectfully submitted,
SCOTT WALKER
Governor

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

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

Senate Clearinghouse Rule 10–120

Relating to verified statements and contract penalties for grant and loan programs.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, March 9, 2011.

Referred to committee on **Agriculture, Forestry, and Higher Education**, March 16, 2011.

Senate Clearinghouse Rule 10–122

Relating to making minor technical changes to the department’s rules.

Submitted by Department of Agriculture, Trade and Consumer Protection.

Report received from Agency, March 9, 2011.

Referred to committee on **Agriculture, Forestry, and Higher Education**, March 16, 2011.

MESSAGES FROM THE ASSEMBLY CONSIDERED

Assembly Bill 4

Relating to: automobile insurance coverage limits, permissible policy provisions, and proof of financial responsibility.

By Representatives Nygren, Petersen, Steineke, Klenke, Knilans, Krug, Petryk, Rivard, Endsley, Tranel, Marklein, Severson, Wynn, Bernier, Tiffany, Jacque, Weininger, Knudson, T. Larson, Kooyenga, Farrow, Kuglitsch, Litjens, August, Kapenga, Thiesfeldt, Williams, Honadel, Ripp, Nerison, J. Fitzgerald, Kramer, Suder, Vos, Knodl, Ballweg, Mursau, Murtha, Kestell, Meyer, Petrowski, Tauchen, Brooks, A. Ott, J. Ott, Bies, Van Roy, Kaufert, Stone, Kerkman, LeMahieu, Strachota, Kleefisch, Nass, Spanbauer, Pridemore, Ziegelbauer and Fields; cosponsored by Senators Lasee, Lazich, Taylor, Darling, Hopper, Wanggaard, Galloway, Kapanke, Leibham, Harsdorf, Kedzie and Vinehout.

Read first time and referred to committee on **Senate Organization.**