

STATE OF WISCONSIN  
**Senate Journal**  
One–Hundredth Regular Session

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MONDAY, May 23, 2011

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

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**CHIEF CLERK’S ENTRIES**

**AMENDMENTS OFFERED**

Senate substitute amendment 1 to **Senate Bill 45** offered by Senator Olsen.

Senate substitute amendment 1 to **Senate Bill 49** offered by Senator Olsen.

Senate substitute amendment 1 to **Senate Bill 93** offered by Senator Galloway.

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The Chief Clerk makes the following entries dated **Friday, May 20, 2011**.

**BILLS PRESENTED TO THE GOVERNOR**

The Chief Clerk records:

**Senate Bill 12**  
**Senate Bill 20**  
**Senate Bill 61**

Presented to the Governor on 5–20–2011.

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

Read first time and referred:

**Senate Bill 98**

Relating to: requirements for wind energy systems, providing an exemption from emergency rule procedures, and granting rule–making authority.

By Senator Lasee; cosponsored by Representatives Jacque and Bies.

To committee on **Energy, Biotechnology, and Consumer Protection**.

**Senate Bill 99**

Relating to: interest rates on payday loans and loans by licensed lenders.

By Senators Grothman, Taylor, Wanggaard, Ellis, T. Cullen, Hansen and Carpenter; cosponsored by Representatives Wynn, Nass, Hintz, Bernier, Spanbauer, Petryk, Rivard, Bies, Petrowski, Pasch, Hebl, Molepske Jr and Knilians.

To committee on **Financial Institutions and Rural Issues**.

**Senate Bill 100**

Relating to: designating the cream puff as the Wisconsin state dessert.

By Senators Lazich and Darling; cosponsored by Representative Kerkman, by request of Mrs. Coley’s 2010–11 4th Grade Class from Mukwanago Clarendon Avenue Elementary School.

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

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**PETITIONS AND COMMUNICATIONS**

Pursuant to Senate Rule 17 (5), Senator Grothman added as a coauthor of **Senate Resolution 18**.

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Office of the Senate President**

May 23, 2011

The Honorable, the Senate:

Pursuant to Senate Rule 46 (2)(c), I am writing to inform you that I have directed the following proposal(s) to be withdrawn from committee and rereferred. I have obtained the consent of the appropriate standing committee chairperson and the chairperson of the committee on Senate Organization.

**Senate Bill 100**, relating to designating the cream puff as the Wisconsin state dessert, withdrawn from committee on Judiciary, Utilities, Commerce, and Government Operations and rereferred to committee on Education.

Sincerely,  
*MICHAEL G. ELLIS*  
Senate President

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**Milwaukee Public Schools**

May 3, 2011

The Honorable, The Senate:

According to Wisconsin School Law 121.87 in accordance with 13.172, the Board is required by law to submit the enclosed reports. School Law 121.87 states “...annually by May 1 the board of school directors of the school district operating under ch. 119 shall submit a report to the legislature under s. 13.172(2) that specifies the number, percentage, race, sex, grade and attendance area of pupils transferred outside their attendance area without written consent under s.121.85(6)(am).”

Enclosed you will find a report that meets the requirements stated above. The total number of intra–district students bused

under the Chapter 220 designation for the school year 2010–2011 equals 15,167. Of that number 662 either did not return a consent form or checked box indicating no consent. Students who have moved during the school year and not longer require parental consent were subtracted from the non–returned figure. The district did meet the requirement of nine–five percent (95%) parents providing consent.

Sincerely,  
 MICHAEL TURZA  
 Director, Division of Business Services

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**State of Wisconsin  
 Legislative Audit Bureau**

May 11, 2011

The Honorable, The Senate:

As required by s. 13.94(1)(em), Wis. Stats., we have completed our annual financial audit and biennial program evaluation of the Wisconsin Lottery, which is administered by the Department of Revenue (DOR). We have issued an unqualified opinion on the Wisconsin Lottery’s fiscal year (FY) 2009–10 and FY 2008–09 financial statements.

Sales of instant game and lotto tickets decreased 5.5 percent over the past five years, from \$509.1 million in FY 2005–06 to \$480.9 million in FY 2009–10. However, largely because of the introduction of a new multi–state lotto game, total sales increased 1.6 percent in FY 2009–10. From FY 2005–06 through FY 2009–10, gaming–related proceeds funded \$699.3 million in property tax relief.

As a management tool, the Wisconsin Lottery calculates ticket sales for each instant game for the first 12 weeks after its introduction, as well as each game’s net sales, which reflect both ticket sales and the costs of production and prizes paid, but not product information expenditures. When we included product information expenditures, we found that net sales for 12 instant games that were introduced in FY 2008–09 were lower than net sales for 36 unpublicized games introduced during the same period. We include a recommendation that the Wisconsin Lottery report to the Joint Legislative Audit Committee later this year on how it proposes to measure the effects of its product information expenditures.

We appreciate the courtesy and cooperation extended to us by Wisconsin Lottery staff in DOR. DOR’s response follows our report.

Sincerely,  
 JANICE MUELLER  
 State Auditor

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**State of Wisconsin  
 Department of Health Services**

May 16, 2011

The Honorable, The Legislature:

Pursuant to Wis. Stats., s. 50.04(5)(fr), I am submitting the Department of Health Services’ annual report to the Legislature related to Class A violations committed by nursing homes, and forfeitures assessed on nursing homes for those violations. As defined by Wis. Stats., s. 50.04(3b), a Class A violation is “. . . a violation of this subchapter or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a nursing home presenting a

substantial probability that death or serious mental or physical harm to a resident will result. . .”

The Department issued 19 Class A violations in calendar year 2010. The enclosed report provides details on all Class A violations, including the original forfeiture amount assessed and the status of payment.

Sincerely,  
 DENNIS G. SMITH  
 Secretary

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**State of Wisconsin  
 Legislative Audit Bureau**

May 19, 2011

The Honorable, The Legislature:

We have completed the third in a series of analyses of the overtime costs of state agencies, which for the first time also includes the University of Wisconsin System. Our analysis focuses on premium overtime, which is typically earned by employees who staff facilities with 24–hour operations or address emergency needs. Premium overtime is typically paid at 1.5 times the employee’s hourly rate for hours in excess of 40 per week.

From 2006 to 2010, state agencies paid a total of \$297.5 million in premium overtime. After declining in 2009, premium overtime payments increased 2.5 percent in 2010. The Department of Corrections (DOC) and the Department of Health Services (DHS) continue to account for the largest share of overtime costs. Both agencies’ overtime payments increased from 2009 to 2010, although they declined over the five–year period we reviewed.

DOC and DHS have increasingly used surplus positions to control overtime costs and address staffing needs. Surplus positions are intended to be temporary, and statutes authorize their use when “necessary to maintain adequate staffing levels for high turnover classifications, in anticipation of attrition, to fill positions for which recruitment is difficult.” However, we are concerned that the increased use of surplus positions for purposes or periods that may not have been intended by the Legislature has had the effect of circumventing statutory controls on position authority, and that existing reporting mechanisms may not provide sufficient information for the exercise of legislative oversight.

We appreciate the courtesy and cooperation extended to us by staff of the Office of State Employment Relations, the Department of Administration, DOC, DHS, University of Wisconsin System Administration, and other agencies reviewed.

Sincerely,  
 JANICE MUELLER  
 State Auditor

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**State of Wisconsin  
 Government Accountability Board**

May 19, 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/>.

Berlinski, Heather	Wisconsin Credit Union League
Berlinski, Heather	Wisconsin Hospital Association Inc (WHA)
Boyer, Amy	Wal-Mart
Dupler, Marina	Wisconsin Troopers Association Inc
Engel, Andrew	Wal-Mart
Fassbender, Robert I	Wal-Mart
Gerrard, M William	Allied Health of Wisconsin SC
Hogan, Rebecca	Wisconsin Manufacturers & Commerce
Kerschensteiner, Kristin	Disability Rights Wisconsin
Prince, Gingee	Enhanced Capital Partners LLC

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

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## ADVICE AND CONSENT OF THE SENATE

State of Wisconsin  
Office of the Governor

May 19, 2011

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JADIN, PAUL, of Green Bay, as Chief Executive Officer on the Wisconsin Economic Development Corporation Authority, to serve for the term ending at the pleasure of the Governor.

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

May 19, 2011

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MAXWELL, DAVID, of Westby, as a member of the Kickapoo Reserve Management Board, to serve for the term ending May 1, 2013.

Respectfully submitted,  
*SCOTT WALKER*  
Governor

Read and referred to committee on **Natural Resources and Environment.**

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

### Senate Clearinghouse Rule 11-016

Relating to radiography.  
Submitted by Department of Regulation and Licensing.  
Report received from Agency, May 20, 2011.  
Referred to committee on **Health**, May 23, 2011.

### Senate Clearinghouse Rule 11-017

Relating to requiring ethics courses and approval of continuing education programs.  
Submitted by Department of Regulation and Licensing.  
Report received from Agency, May 20, 2011.  
Referred to committee on **Health**, May 23, 2011.

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

### Senate Clearinghouse Rule 10-106

Relating to buttermaker license qualifications.

No action taken.

### Senate Clearinghouse Rule 11-001

Relating to restricting the import of certain plants, wood and wood products to prevent the introduction of thousand cankers disease of walnut trees into this state.

No action taken.

*DAN KAPANKE*  
Chairperson