

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

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TUESDAY, September 27, 2011

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

**CHIEF CLERK'S ENTRIES**

The Chief Clerk makes the following entries dated **Friday, September 23, 2011.**

**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Department of Public Instruction**

September 20, 2011

The Honorable, The Senate:

Pursuant to s. 15.377(8), Wis. Stats., enclosed please find a list of nominees to the Professional Standards Council for Teachers. These individuals were selected based upon organizational recommendations as prescribed in statute. Your confirmation of the appointees is requested.

Sincerely,  
*TONY EVERS*  
State Superintendent

HAJDU, KATIE, of Madison, as a member of the Professional Standards Council for Teachers, to serve for the term ending June 30, 2013.

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

The Chief Clerk makes the following entries dated **Monday, September 26, 2011.**

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

Read first time and referred:

**Senate Bill 198**

Relating to: the rail passenger service assistance and promotion program.

By Senators Cowles, Lasee, Holperin, Kedzie, Schultz, Grothman, Olsen and Wanggaard; cosponsored by Representatives Mursau, Kerkman, Wynn, Jacque, Spanbauer, Brooks, Ripp, Steineke, A. Ott, Strachota and Endsley.

To committee on **Transportation and Elections.**

**Senate Bill 199**

Relating to: adoption by governmental units of a maintenance program that applies to private sewage systems.

By Senator Galloway; cosponsored by Representatives Tauchen, Petrowski, Williams and Suder.

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

**Senate Bill 200**

Relating to: requiring motorists to yield to railroad track equipment trains at railroad crossings and requiring a railroad to maintain its right-of-way.

By Senators Leibham, Olsen, Hansen and Taylor; cosponsored by Representatives Petrowski, Mursau, Brooks, Endsley, Jorgensen, Kaufert, Nerison, A. Ott, Rivard, Sinicki, Spanbauer and Zepnick.

To committee on **Transportation and Elections.**

**PETITIONS AND COMMUNICATIONS**

**LEGISLATIVE REFERENCE BUREAU CORRECTIONS**

**CORRECTIONS IN:**

**2011 SENATE BILL 161**

Prepared by the Legislative Reference Bureau  
(September 26, 2011)

1. Page 19, line 5: delete "(ow)" and substitute "(cw)".

\*\*\*NOTE: Corrects cross-reference. This bill creates s. 20.370 (1) (cw) not (ow). There is no s. 20.370 (1) (ow) in current law or under the bill.

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

The committee on **Natural Resources and Environment** reports and recommends:

**Senate Clearinghouse Rule 11–005**

Relating to the revision of the state's reasonably available control technology emission limitations for volatile organic compound to address deficiencies identified by the U.S. Environmental Protection Agency, and affecting small business.

No action taken.

*NEAL KEDZIE*  
Chairperson

Referred to joint committee for review of **Administrative Rules**, pursuant to 227.19(5)(a), Wisconsin Statutes.

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

Read and referred:

**Senate Resolution 21**

Relating to: public notice for meetings of senate committees.

By Senators Vinehout, Holperin, C. Larson, Lassa and Risser.

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

Read first time and referred:

**Senate Bill 201**

Relating to: an income and franchise tax credit for hiring unemployed individuals.

By Senator Wanggaard; cosponsored by Representatives Petryk, Bies, E. Coggs and Doyle.

To committee on **Economic Development and Veterans and Military Affairs.**

**Senate Bill 202**

Relating to: elimination of compensatory and punitive damages for acts of employment discrimination or unfair honesty or genetic testing.

By Senators Grothman, Galloway, Darling, Lasee, Kedzie, Zipperer and Moulton; cosponsored by Representatives Litjens, LeMahieu, Pridemore, Thiesfeldt, Honadel, Brooks, Knodl, Kleefisch, T. Larson, Kooyenga, Rivard, Kapenga, Steineke, Severson, Petersen, Stroebel, Vos, Knilans, Craig, A. Ott, Kaufert, Tauchen, Bies, Kuglitsch, Endsley and Strachota.

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

**Senate Bill 203**

Relating to: adopting federal law as it relates to excluding from an employee's income certain payments from an employer related to medical care.

By Senators Wanggaard, Leibham, Olsen and Holperin; cosponsored by Representatives Strachota, Kaufert, Doyle, LeMahieu, Spanbauer, Endsley and Kerkman.

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

**Senate Bill 204**

Relating to: allowing certain pupils to possess and use an epinephrine auto-injector.

By Senators Galloway, Harsdorf, Schultz, Cowles, Moulton, Vinehout and Taylor; cosponsored by Representatives Strachota, Severson, Pridemore, Petryk, Jacque, Steineke, Kaufert, Brooks, Ripp, Bies, Ballweg, Rivard, Marklein, Endsley, Molepske Jr and Bewley.

To committee on **Public Health, Human Services, and Revenue.**

**REPORT OF COMMITTEES**

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

**Senate Bill 40**

Relating to: advanced manufacturing skills grants for technical colleges.

Adoption of Senate Amendment 1.

Ayes, 7 – Senators Schultz, Harsdorf, Kedzie, Moulton, Hansen, Shilling and King.

Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators Schultz, Harsdorf, Kedzie, Moulton, Hansen, Shilling and King.

Noes, 0 – None.

*DALE SCHULTZ*  
Chairperson

**PETITIONS AND COMMUNICATIONS**

Pursuant to Senate Rule 17 (5), Senator Olsen added as a coauthor of **Senate Bill 204.**

**State of Wisconsin  
Department of Health Services**

September 1, 2011

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. The attached report reflects payments made during SFY 2011.

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 2011, no motions of opposing parties were found to be frivolous. Consequently, the Department has no awards to report.

Sincerely,  
*DENNIS G. SMITH*  
Secretary

Referred to joint committee on **Finance.**

**State of Wisconsin  
Government Accountability Board**

September 13, 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/>.

- |                  |   |
|------------------|---|
| Beebe, Thomas    | Institute for Wisconsin's Future                  |
| Conway, Steven   | Hennessy Industries, Inc.                         |
| Krause, Mark     | Funeral Service & Cremation Alliance of Wisconsin |
| Kussow, Matthew  | National Home Service Contract Association        |
| Lucht, Kenneth   | Wisconsin & Southern Railroad Company             |
| Moreland, Edward | Harley-Davidson Motor Company                     |
| Phillips, Matt   | Humana  |
| Phillips, Matt   | Property Casualty Insurers Association of America |
| Phillips, Matt   | Takeda Pharmaceuticals America                    |
| Phillips, Matt   | Tavern League of Wisconsin                        |
| Phillips, Matt   | Verizon Wireless                                  |
| Phillips, Matt   | Wisconsin Athletic Trainers Association Inc       |
| Phillips, Matt   | Wisconsin Commercial Fisheries Association        |
| Riske, Laura     | Harley-Davidson Motor Company                     |

Scholz, Brandon National Home Service Contract Association  
Taffora, Raymond Harley-Davidson Motor Company  
Welsh, Michael NextEra Energy Resources

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 & General Counsel

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**State of Wisconsin  
Department of Natural Resources**

September 14, 2011  
The Honorable, The Legislature:

We at the Department of Natural Resources are pleased to provide you with a copy of our annual Wisconsin Environmental Policy Act (WEPA) report. In fulfillment of Section 1.11 (2)(j) of the state statutes, this document provides information on the numbers of environmental assessments (EAs) and environmental impact statements (EISs) completed by the Department in the past fiscal year.

Questions about the report can be directed to me at 6-0426.

Sincerely,  
*JAMES D. PARDEE*  
Wisconsin Environmental Policy Act Coordinator

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**University of Wisconsin System**

September 15, 2011  
The Honorable, The Legislature:

The attached document reflects the significant Wisconsin Environmental Policy Act (WEPA) activities of the University of Wisconsin System for the period of July 1, 2010 through June 30, 2011. This annual report fulfills Section 1.11 (2)(j) of the Wisconsin Statutes, in that it provides information on the number of Type I Environmental Impact Statements and Type II Environmental Impact Assessments completed during the past fiscal year.

Should you have any questions regarding this report, please direct them to Terri Reda, UW System Environmental Affairs Officer, at (608) 263-4410.

Sincerely,  
*KEVIN P. REILLY*  
President

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**State of Wisconsin  
Government Accountability Board**

September 20, 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/>.

Conway, Steven	Sanofi Pasteur
Langenohl, Tony	Scientific Games International Inc
McCoshen, William J	Scientific Games International Inc
Petersen, Eric J	Scientific Games International Inc
Phillips, Matt	Alliance of Wisconsin Retailers, LLC
Phillips, Matt	MillerCoors LLC
Phillips, Matt	Wisconsin Organization for Responsible Consumerism

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 & General Counsel

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**State of Wisconsin  
Legislative Audit Bureau**

September 21, 2011  
The Honorable, The Legislature:

Department and to fulfill our audit requirements under s. 13.94(1)(dd), Wis. Stats. The Department's financial statements report on the financial position and activity of various benefit programs available to state and local public employees, including the Wisconsin Retirement System (WRS) and health and life insurance programs for active and retired employees of the state and participating local governments. The statements and our unqualified opinion on them are included in the Department's 2010 Comprehensive Annual Financial Report (CAFR), which can be found on its Web site.

The largest program administered by the Department is the WRS, which reported net assets of \$75.9 billion at the end of 2010 and provided benefits totaling \$3.9 billion during 2010. The WRS reported positive investment returns and a net increase in retirement assets of \$5.9 billion during 2010. At the end of 2010, the WRS was 93.8 percent funded based on the fair value of its assets and 99.8 percent funded based on standard actuarial measures, which smooth investment returns over a five-year period. As required by s. 13.94(1)(dc), Wis. Stats, the Audit Bureau contracted with an independent actuary to perform an audit of the WRS's consulting actuary. The results of that audit were released on August 25, 2011.

Accompanying this letter is a management letter we provided to the Department, which includes an auditor's report on internal control and compliance, as required by Government Auditing Standards. We are pleased to note that the Department has taken steps to address a long-standing concern related to cash reconciliations by performing a reconciliation at an appropriation level between the State's official accounting system and the Department's internal accounting system.

Sincerely,  
*JOE CHRISMAN*  
Interim State Auditor

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

**Senate Clearinghouse Rule 10–127**

Relating to administration of stewardship grants.  
Submitted by Department of Natural Resources.  
Report received from Agency, September 23, 2011.  
Referred to committee on **Natural Resources and Environment**, September 27, 2011.

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**Motions Under Senate Rule 98 and Joint Rule 7  
for the Month of August 2011**

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Miller, for Kimberly K. Brown, on the occasion of being named Teacher of the Year.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Erpenbach, for Calvin Butcher, 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 Fitzgerald, for Dylan Cayo, 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 Jauch, for Chicago Iron & Supplies, on the occasion of being honored as the 2011 Ashland Area Business of the Year by the Ashland Area Development Corporation.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Vukmir, for Brent C. Christianson, 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 Ian Coleman, 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 Fitzgerald, for Farmers and Merchants Union Bank, on the occasion of the celebration of its 150 years of service to its customers and community.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Jauch, for Flambeau River Papers, on the occasion of celebrating its 5th year in operation and being named Business of the Year.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Ellis, for Maria Georgen, on the occasion of receiving the 2011 Prudential Spirit of Community Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Zipperer, for Tyler Anthony HarriSon, 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 John Hesselbach, 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 Jauch, for Diane Kleiboer, on the occasion of her retirement from Wisconsin Emergency Management after nearly 36 years of dedicated service.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Christopher Kratcha, on the occasion of his heroic living saving actions.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lasee, for Darren Kuhn, on the occasion of his heroic living saving actions.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Lake Mills, WI and its community, on the occasion of celebrating its 175th Anniversary.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Jauch, for Lake Superior Big Top Chautauqua, on the occasion of celebrating their 25th Anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Josh Langenohl, 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 Michael Meisner, 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 Patrick “Mike” Neal, on the occasion of his heroic living saving actions.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Harsdorf, for O’Connell Family Funeral Homes of Hudson and Baldwin, on the occasion of celebrating their 25th Anniversary.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Harsdorf, for Jack Rector, 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 Vukmir, for Alex Swenson, 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 Lucille “Lou” Swenty, on the occasion of celebrating her 80th Birthday shared with family and friends.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lassa, for Christine Thomas, on the occasion of receiving the National Society for the Daughters of the American Revolution 2011 Conservation Medal and Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Miller, for Timothy Tyson, 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 Vierbicher Associates, Inc., on the occasion of its 35 years of leadership in quality development of Wisconsin communities.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Vukmir, for Ryan Welsh, 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 Risser, for Wisconsin Women’s Equality Day, on the occasion of honoring the work and perseverance of those who helped secure woman’s suffrage.*