



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Eighth Regular Session

11:00 A.M.

TUESDAY, January 9, 2007

The Senate met.

The Senate was called to order by President Risser.

The roll was called and the following Senators answered to their names:

Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 33.

Absent – None.

Absent with leave – None.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator Hansen led the Senate in the pledge of allegiance to the flag of the United States of America.

### INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS; REFERENCE OF APPOINTMENTS

Read first time and referred:

#### Senate Joint Resolution 2

Relating to: equal rights (first consideration).

By Senators Erpenbach, Robson, Risser, Carpenter, Miller and Lehman; cosponsored by Representatives Parisi, Young, Black, Hebl, Turner, Berceau, Sheridan, Kessler, Pope–Roberts, Travis, Pocan and Grigsby.

To committee on **Judiciary and Corrections**.

Read and referred:

#### Senate Joint Resolution 3

Relating to: the life and military service of Captain Rhett W. Schiller.

By Senator Lazich; cosponsored by Representative Gunderson.

To committee on **Senate Organization**.

#### Senate Joint Resolution 4

Relating to: recognizing February 6 as Ronald Reagan Day in the state of Wisconsin.

By Senators Kanavas, Grothman, Darling, A. Lasee, Lazich and Roessler; cosponsored by Representatives J. Ott, Davis, Zipperer, Vos, Newcomer, Honadel, Ott, Ballweg, Bies, F. Lasee, Hines, Hahn, Nerison, Suder, Kerkman, Townsend, M. Williams, Kestell, Jeskewitz, Vukmir, Lothian, Nass, Gundrum and J. Fitzgerald.

To committee on **Senate Organization**.

Read first time and referred:

#### Senate Bill 5

Relating to: elimination of accumulated sick leave credit program for legislators, justices and judges, all other state elected officials, and certain appointed executive branch officials.

By Senators Kanavas, Darling, Leibham, Kapanke, Grothman, Cowles and Lazich; cosponsored by Representatives Strachota, Kleefisch, Zipperer, Kestell, LeMahieu, Ziegelbauer, Pridemore, Vukmir, Kerkman, Lothian, Hahn, Nygren, Gottlieb, Vos, Bies, Gundrum, J. Ott, J. Fitzgerald and Roth.

To committee on **Ethics Reform and Government Operations**.

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin

#### Department of Health and Family Services

December 27, 2006

The Honorable, The Legislature:

Section **46.03(26)** of the statutes requires the Department of Health and Family Services to report annually on information systems projects under development including the implementation schedule, estimate of costs, and methods of determining changes (if applicable).

The Department has three groups of systems now under development: (1) Public Health Information Network (PHIN), (2) the Vital Records Reengineering Project, and (3) the Medicaid Management Information System (MMIS) and related subsystems. The required information is included in the attached reports.

Sincerely,

*HELENE NELSON*

Secretary

Referred to committee on **Health and Human Services**.

#### State of Wisconsin

#### Department of Health and Family Services

December 27, 2006

The Honorable, The Senate:

Enclosed is a copy of the Child Abuse and Neglect Report, 2005 Data, pursuant to s. **48.981**. The report includes a statistical analysis of suspected child abuse and neglect reports received and investigated by county child protective services (CPS) agencies and the state Bureau of Milwaukee Child Welfare in calendar year 2005. The report also contains information on child fatalities due to child abuse or neglect.

Sincerely,

*HELENE NELSON*

Secretary

**State of Wisconsin  
Department of Health and Family Services**

December 28, 2006

The Honorable, The Senate:

The Department of Health and Family Services is pleased to report to you and the Legislature on the development of a uniform document of gift form that will aid families considering the donation of a loved one's organs and tissues. This work was required by [2005 Wisconsin Act 229](#).

[2005 Wisconsin Act 229](#), effective November 1, 2006, required that additional information be included in any document of anatomical gift for organ and tissue donation. Act 229 also directed the DHFS to convene a group of interested parties to discuss and provide input about the development of a document for use by all parties including hospitals, organ procurement organizations, tissue banks, coroners and medical examiners involved in the donation process.

In September, DHFS convened a group to discuss the need for a statewide form. The group included representatives from the Wisconsin Hospital Association; University of Wisconsin Organ Procurement Organization; Wisconsin Donor Network Organ Procurement Organization; American Tissue Services Foundation; the Musculoskeletal Foundation; RTI Donor Services; Wisconsin Tissue Bank; the Lions Eye Bank of Wisconsin; the Wisconsin Coroners and Medical Examiners Association and the Wisconsin Funeral Directors Association. In the course of several meetings, the parties concluded that a uniform document had value and reached consensus on the specifics of the form. This document provides grieving families with the information they need and simplifies the consent process.

Through this effort, Wisconsin has become one of the first states to have a uniform consent form for organ, tissue and eye donation. The model form has been distributed to all organ and tissue recovery organizations, and the Wisconsin Hospital Association has shared it with their members. It has also been posted to the DHFS Forms Library at <http://dhfs.wisconsin.gov/forms/DPH/dph43O25.pdf>. A copy of the document is attached.

Please let me know if you would like additional information.

Sincerely,  
*HELENE NELSON*  
Secretary

**State of Wisconsin  
Department of Administration**

December 29, 2006

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 November 2006.

On November 1, 2006, the **Medical Assistance Trust Fund** cash balance closed at a negative \$12.0 million. This negative balance continued through November 30, 2006, when the fund's cash balance closed at a negative \$8.5 million. The **Medical Assistance Trust Fund** cash balance reached its intra-month low of a negative \$12.0 million on November 1, 2006. Wisconsin Act 211 authorizes the fiscal year 2007

transfer of \$25.4 million from the **General Fund** to the **Medical Assistance Trust Fund**, which will offset this cash deficiency.

On November 1, 2006, the **Wisconsin Health Education Loan Repayment Fund** cash balance closed at a negative \$2.0 thousand. This negative balance continued through November 30, 2006, when the fund's cash balance closed at a negative \$1.0 thousand. The **Wisconsin Health Education Loan Repayment Fund** cash balance reached its intra-month low of a negative \$2.0 thousand on November 1, 2006. The negative balance was due to the difference in the timing of revenues and expenditures.

On November 1, 2006, the **Worker's Compensation Fund** cash balance closed at a negative \$1.7 million. This negative balance continued through November 30, 2006, when the fund's cash balance closed at a negative \$2.8 million. The **Worker's Compensation Fund** cash balance reached its intra-month low of a negative \$2.8 million on November 30, 2006. The negative balance was due to the difference in the timing of revenues and expenditures.

The Medical Assistance Trust Fund, Wisconsin Health Education Loan Repayment Fund and Worker's Compensation 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,  
*STEPHEN E. BABLITCH*  
Secretary

Referred to the **joint committee on finance**.

**State of Wisconsin  
Department of Administration**

December 29, 2006

The Honorable, The Legislature:

Please find enclosed the Service Award Program 2006 Annual Report. The Service Award Board developed the report with support from Department of Administration staff. The report provides an overview of the program and outlines the accomplishments for the program year.

Wisconsin State Statute 16.25(6) requires the Department to submit the report to the Chief Clerk of each house annually describing the activities of the board.

If you have any questions regarding the report, please contact Terri Lenz at the Department of Administration, Division of Enterprise Operations, at (608) 261-6580.

Sincerely,  
*PATRICK J. FARLEY*  
Secretary, Service Award Board

**State of Wisconsin  
Office of the Commissioner of Insurance**

The Honorable, The Legislature:

In accordance with s. [893.55 \(4\) \(d\) 2.](#), Wis. Stat., I am pleased to submit this report to the Wisconsin State Legislature. The report, to be submitted to the Legislature January 1 of every odd number year after the effective date of [2005 Act 183](#) (April 6, 2006), is to make any recommended changes to the limits on noneconomic damages as established by Act 183, including the

reasons why such changes are necessary to meet the intent of the legislative findings under sub. (1d) of [2005 Act 183](#).

The attached report provides information regarding the background of [2005 Wisconsin Act 183](#), and discussion of any recommendations.

Sincerely,

*CLARE STAPLETON CONCORD*  
Deputy Commissioner

**State of Wisconsin  
Department of Regulation and Licensing**

January 9, 2007

The Honorable, The Legislature:

Please find attached the annual report of the Wisconsin Controlled Substances Board. Please let me know if you have questions.

Sincerely,  
*TOM RYAN*

Director, Bureau of Health Professions

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**ADVICE AND CONSENT OF THE SENATE**

Senator Robson, with unanimous consent, asked that all appointments except those of Thomas Loftus, Rodney Moen, and James F. Rooney, be taken up en masse.

Senator Fitzgerald, with unanimous consent, asked that the appointment of Marvin Freeman be taken up separately.

Senator Fitzgerald, with unanimous consent, asked that the appointments of Jeffrey Bartell, Milton McPike, Christopher Semenas, Thomas Shields, Brent Sith, Michael Spector, and Judith VanderMeulen Crain be voted on en masse, separately from the others.

BARBEAU, LORI R., of New Berlin, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2006.

BAUMAN, SUSAN, of Madison, as a member of the Wisconsin Employment Relations Commission, to serve for the term ending March 1, 2011.

BRONSTON, CAROLYN, of Wausau, as a member of the Medical Examining Board, to serve for the term ending July 1, 2008.

CHRISTMAN, BLANE, of Ladysmith, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2006.

HAGER, ALAN S., of Lena, as a member of the Auctioneer Board, to serve for the term ending May 1, 2005.

HAGER, ALAN, of Lena, as a member of the Auctioneer Board, to serve for the term ending May 1, 2009.

HOWARD, CAROL, of Shorewood, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2006.

JARAMILLO, ADRIANA, of Madison, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2009.

KINNEY, MAUREEN L., of La Crosse, as a member of the Wisconsin Waterways Commission, to serve for the term ending March 1, 2009.

KRUEGER, BYRON, of Melrose, as a member of the Auctioneer Board, to serve for the term ending May 1, 2007.

LOWE, GRETCHEN, of Madison, as a member of the Board of Nursing, to serve for the term ending July 1, 2009.

MCKERNAN-ACE, DEBORAH, of Stoughton, as a member of the Occupational Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2006.

MILLER, MICHAEL, of West Bend, as a member of the Judicial Commission, to serve for the term ending August 1, 2008.

MORALES, JOE, of Racine, as a member of the Public Defender Board, to serve for the term ending May 1, 2009.

OEMIG, HUNTER, of Cornell, as a member of the Wisconsin Technical College System Board, to serve for the term ending May 1, 2007.

PHILLIPS, PAMELA, of Green Bay, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 2006.

RAATHS, WILLIAM, of Menasha, as a member of the Fox River Navigational System Authority, for the term ending July 1, 2008.

RITCHIE, KIRK, of Rhinelander, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2009.

SMITH, BRIAN, of Ripon, as a member of the Funeral Directors Examining Board, to serve for the term ending July 1, 2008.

STARK, ROBERT, of Appleton, as a member of the Fox River Navigational System Authority, for the term ending July 1, 2008.

TAYLOR, ANNE, of Milwaukee, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2008.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

Senator Miller, with unanimous consent, asked that all appointments to the University of Wisconsin Board of Regents be taken up en masse.

Senator Fitzgerald objected.

LOFTUS, THOMAS, of Sun Prairie, as a member of the Board of Regents of the University of Wisconsin System, for the term ending May 1, 2011.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 31; noes, 2; absent or not voting, 0; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lehman, Leibham, Miller, Olsen, Plale, Risser,

Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 31.

Noes – Senators Grothman and Lazich – 2.

Absent or not voting – None.

Confirmed.

MOEN, RODNEY, of Whitehall, as a member of the Board of Veterans Affairs, to serve for the term ending May 1, 2011.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

ROONEY, JAMES F., of Racine, as a member of the Wisconsin Waterways Commission, to serve for the term ending March 1, 2009.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

FREEDMAN, MARVIN, of Middleton, as a member of the Board of Veterans Affairs, to serve for the term ending May 1, 2009.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 29; noes, 4; absent or not voting, 0; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Erpenbach, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 29.

Noes – Senators Ellis, S. Fitzgerald, Grothman and A. Lasee – 4.

Absent or not voting – None.

Confirmed.

BARTELL, JEFFREY, of Middleton, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2013.

MCPIKE, MILTON, of Mazomanie, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2011.

SEMENAS, CHRISTOPHER, of Kenosha, as a member of the Board of Regents of the University of Wisconsin System, for the term ending May 1, 2007.

SHIELDS, THOMAS, of Oshkosh, as a member of the Board of Regents of the University of Wisconsin System to serve for the term ending May 1, 2008.

SMITH, BRENT, of La Crosse, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2013.

SPECTOR, MICHAEL, of Shorewood, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2012.

VANDERMEULEN CRAIN, JUDITH, of Green Bay, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2012.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 30; noes, 3; absent or not voting, 0; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 30.

Noes – Senators Grothman, Kanavas and Lazich – 3.

Absent or not voting – None.

Confirmed.

Senator Grothman, with unanimous consent, asked to be recorded as voting Aye on the appointment of Michael Spector.

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## CONSIDERATION OF MOTIONS AND RESOLUTIONS

### Senate Resolution 2

Relating to: the senate rules.

Senate amendment 1 to **Senate Resolution 2** offered by Senator S. Fitzgerald.

Senator Robson moved rejection of Senate amendment 1 to **Senate Resolution 2**.

The question was: Rejection of Senate amendment 1 to **Senate Resolution 2**?

Rejected.

Senate amendment 2 to **Senate Resolution 2** offered by Senator Robson.

The question was: Adoption of Senate amendment 2 to **Senate Resolution 2**?

Adopted.

The question was: Shall **Senate Resolution 2** be adopted?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 33.

Noes – None.

Absent or not voting – None.

Adopted.

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**ANNOUNCEMENTS, ADJOURNMENT  
HONORS, AND REMARKS UNDER  
SPECIAL PRIVILEGE**

Senator Erpenbach, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his parents Bill and Elizabeth Erpenbach, who are celebrating their 50th Anniversary in West Palm Beach, Florida.

Senator Grothman, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Army Specialist IV Stephen William Castner of Cedarburg who died in Iraq, July 24, 2006.

Senator Grothman, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Captain Kevin M. Kryst, 27, of West Bend who was a soldier killed in Iraq, December 18, 2006.

Senator Bob Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of JR Salzman, a soldier from Hayward who was seriously injured in Iraq by an IED explosion and lost his right arm. He is a log-rolling champion and a demonstration of the character and strength of the men and women who serve. He said although he lost an arm, his legs are fine, so he can still logroll.

Senator Joseph Leibham, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the life and spirit of Blondina H. Manser.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Irv Voyer of Oshkosh for being an outstanding community volunteer who served with distinction as a self-determined professional photographer for persons and community celebrations in Oshkosh. His presence, community support, cheerleading, the honor of being with him and being recipients of his photo artistry, is sorely missed.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Gail Gentz. Gail did an outstanding job as Clerk of the courts in Kenosha for 18 years. She handled a difficult job in an excellent manner. I wish her a long and happy retirement.

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**ADJOURNMENT**

Senator Robson, with unanimous consent, asked that the Senate adjourn until 11:00 A.M. on Tuesday, January 30, 2007, pursuant to Senate Joint Resolution 1.

Adjourned.

12:15 P.M.