



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Eighth Regular Session

2:35 P.M.

THURSDAY, January 24, 2008

The Senate met.

The Senate was called to order by Assistant Chief Clerk Renk, pursuant to Senate Rule 5 (3) and (4)(b).

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### CHIEF CLERK'S ENTRIES

#### AMENDMENTS OFFERED

Senate amendment 2 to **Senate Bill 165** offered by Senator Hansen.

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

Read and referred:

#### **Senate Joint Resolution 81**

Relating to: the life and public service of Governor Lee Sherman Dreyfus.

By Senators Kanavas, Lassa, Lazich, Taylor, Hansen, Harsdorf, Decker, Risser, Plale, Roessler, Schultz, S. Fitzgerald, Darling, Carpenter, Kedzie, Olsen, Ellis and Cowles; cosponsored by Representatives Kramer, Molepske, Hines, Kleefisch, Jorgensen, Van Akkeren, J. Ott, Gunderson, Sheridan, Pocan, Nygren, Ballweg, Zipperer, Soletski, Hebl, Albers, Kreuser, Hubler, Cullen, Sinicki, Jeskewitz, Zepnick, Boyle, Gronemus, Tauchen, Musser, Nass, Turner, Seidel, Owens, Fields, Townsend, Petrowski, Bies, Mursau, Hintz, A. Ott, Vos, Berceau and Hahn.

To committee on **Senate Organization**.

#### **Senate Joint Resolution 82**

Relating to: opposing a federal mandate requiring the suspension or revocation of driver's licenses in all circumstances where a person has been convicted of a drug or other controlled substances violation and exercising the state's option to opt out of this federal mandate.

By Senators Taylor and Miller; cosponsored by Representatives Grigsby, Fields, Kessler, Mason, Parisi, Sinicki, Toles and Turner.

To committee on **Transportation and Tourism**.

Read first time and referred:

#### **Senate Bill 409**

Relating to: remote dispensing by pharmacists and authorizing the exercise of rule-making powers.

By Senators Breske, Roessler, Darling, Grothman, S. Fitzgerald, Hansen, Lehman, Lazich, A. Lasee, Plale, Wirch,

Cowles, Kreitlow, Lassa and Kapanke; cosponsored by Representatives Montgomery, Musser, Soletski, Mursau, Hahn, A. Ott, Nerison, Hines, Petrowski, Nygren, Tauchen, Seidel and Molepske.

To committee on **Health, Human Services, Insurance, and Job Creation**.

#### **Senate Bill 410**

Relating to: motor vehicle operating privilege suspensions for controlled substance violations.

By Senators Taylor and Miller; cosponsored by Representatives Grigsby, Fields, Mason, Parisi, Sinicki, Toles, Turner and Kessler.

To committee on **Judiciary, Corrections, and Housing**.

#### **Senate Bill 411**

Relating to: allowing the Department of Transportation to issue occupational licenses following operating privilege suspensions related to motor vehicle financial responsibility violations.

By Senators Taylor and Miller; cosponsored by Representatives Grigsby, Fields, Kessler, Mason, Parisi, Sinicki, Toles and Turner.

To committee on **Transportation and Tourism**.

#### **Senate Bill 412**

Relating to: payment of judgments in traffic courts and municipal courts by installments and the suspension of operating privileges.

By Senators Taylor and Miller; cosponsored by Representatives Grigsby, Fields, Kessler, Mason, Parisi, Sinicki, Toles, Turner and Ballweg.

To committee on **Judiciary, Corrections, and Housing**.

#### **Senate Bill 413**

Relating to: markers for military memorial highways and bridges.

By Senators S. Fitzgerald, Hansen, Leibham, Roessler and Schultz; cosponsored by Representatives Murtha, Sheridan, Gunderson, Mursau, Musser, Nerison, Owens, Suder, Tauchen, Townsend and Turner.

To committee on **Transportation and Tourism**.

#### **Senate Bill 414**

Relating to: preparation and legislative consideration of a biennial budget bill.

By Senators Leibham, Kanavas, Cowles, Darling, Ellis, Grothman, Harsdorf, Kapanke, Lazich, Roessler and Schultz; cosponsored by Representatives Zipperer, Vukmir, Roth, Ballweg, Bies, Davis, Gunderson, Hahn, Honadel, Jeskewitz, Kerkman, Kleefisch, Kramer, F. Lasee, LeMahieu, Lothian, Moulton, Musser, Nass, Nygren, Owens, Petersen, Pridemore, Strachota, Townsend, Van Roy, Vos and Wood.

To joint committee on **Finance**.

**Senate Bill 415**

Relating to: permitting a researcher, under certain conditions, access to cancer information reported to the Department of Health and Family Services, prohibiting certain other use or redisclosure of the information, creating civil liability for violation of the prohibitions, making an appropriation, and providing penalties.

By Senators Sullivan, Kreitlow, Schultz, Robson, Miller, Cowles, Lehman, Kapanke, Olsen, Risser, Roessler, Plale, Hansen, Lassa, Darling, Taylor and Coggs; cosponsored by Representatives Shilling, Wieckert, Vruwink, Sheridan, Musser, Richards, Davis, Van Akkeren, Suder, Hebl, Jeskewitz, Black, Pope-Roberts, Mason, Murtha, Grigsby, Hilgenberg, Young, Seidel, Moulton, Benedict, Bies, Townsend, Boyle, Parisi, Newcomer, Berceau, Mursau, Soletski, A. Ott, A. Williams, Fields, Gunderson, Nelson, Nerison, Sinicki, Garthwaite, Owens, Hixson, Wood, Kaufert and Wasserman.

To committee on **Public Health, Senior Issues, Long Term Care and Privacy.**

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**State of Wisconsin  
Office of the Governor**

January 23, 2008

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint NAYLOR, DANIEL, of Waupaca, as a member of the Board of Veterans Affairs, to serve for the term ending May 1, 2013.

Respectfully submitted,  
JIM DOYLE  
Governor

Read and referred to committee on **Veterans and Military Affairs, Biotechnology and Financial Institutions.**

**State of Wisconsin  
Office of the Governor**

January 24, 2008

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BERG, SCOTT, of Appleton, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2011.

Respectfully submitted,  
JIM DOYLE  
Governor

Read and referred to committee on **Economic Development.**

**State of Wisconsin  
Office of the Governor**

January 24, 2008

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MATTILA, AMY, of Washburn, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 2011.

Respectfully submitted,  
JIM DOYLE  
Governor

Read and referred to committee on **Health, Human Services, Insurance, and Job Creation.**

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**REPORT OF COMMITTEES**

The committee on **Judiciary, Corrections, and Housing** reports and recommends:

**Senate Bill 390**

Relating to: increasing the size of the city of Milwaukee Board of Fire and Police Commissioners, authorizing a panel of the board to decide certain cases, and the adjournment of a trial or investigation relating to charges brought against an officer.

Introduction and adoption of Senate Amendment 1.

Ayes, 3 – Senators Taylor, Sullivan and Vinehout.

Noes, 2 – Senators Lazich and Grothman.

Passage as amended.

Ayes, 4 – Senators Taylor, Sullivan, Vinehout and Grothman.

Noes, 1 – Senator Lazich.

*LENA TAYLOR*  
Chairperson

The committee on **Transportation and Tourism** reports and recommends:

**Senate Bill 181**

Relating to: prohibiting an insurer from requiring a certain vendor for repairing a motor vehicle, requiring adjusters to inspect motor vehicle damage, and insurance payments for motor vehicle repair costs.

Introduction of Senate Substitute Amendment 3.

Ayes, 4 – Senators Plale, Kapanke, Schultz and Leibham.

Noes, 3 – Senators Breske, Erpenbach and Hansen.

Adoption of Senate Substitute Amendment 3.

Ayes, 4 – Senators Plale, Kapanke, Schultz and Leibham.

Noes, 3 – Senators Breske, Erpenbach and Hansen.

Passage as amended.

Ayes, 7 – Senators Breske, Plale, Erpenbach, Hansen, Kapanke, Schultz and Leibham.

Noes, 0 – None.

*ROGER BRESKE*  
Chairperson

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Department of Administration**

January 18, 2008

The Honorable, Legislature:

Please find enclosed the Service Award Program 2007 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,  
*JAMES M. LANGDON*  
Secretary

**State of Wisconsin  
Legislative Audit Bureau**

January 22, 2008

The Honorable, Legislature:

I write in response to questions raised by several legislators concerning the content and timing of our statutorily required analysis of the standardized test score data received from the School Choice Demonstration Project. Section 119.23 (7)(e) 2, Wis. Stats., requires the Bureau to report to the Legislature, in 2007 and annually thereafter until 2011, on the results of the standardized tests administered to pupils participating in the Milwaukee Parental Choice Program and those who attend Milwaukee Public Schools (MPS). As you are aware, our first report to the Legislature will be delayed because we did not receive the baseline test score data from the Project until December 28, 2007.

We have completed a preliminary examination of the baseline test score data, which contain the results of the Wisconsin Knowledge and Concepts Examination tests that were administered during the 2006–07 school year to a sample of 2,727 pupils who attended schools participating in the Choice program, a sample of 2,727 MPS pupils who were selected based on their similarity to the sample of Choice pupils, and a random sample of 2,727 MPS pupils. Demographic and other information was also provided for these pupils.

With the data given to us, we anticipate that we can provide the Legislature with a report that analyzes the average baseline test score data, for reading and mathematics at each grade level, for each of the three groups of pupils and determine whether any differences in average test scores are statistically significant. We also anticipate providing summary demographic information for the three groups. However, because the test score data do not identify individual pupils or the schools where they were enrolled, we will be unable to report on the average test scores of pupils at individual Choice schools or determine whether pupils at some Choice schools scored significantly differently than those at other schools.

We will begin analyzing the test score data in earnest in the weeks ahead and anticipate releasing our first report to the Legislature later in 2008.

We appreciate the cooperation of the School Choice Demonstration Project in providing us with the baseline test score data and explaining its research methodology. Please contact me if you have any questions.

Sincerely,  
*JANICE MUELLER*  
State Auditor

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Pursuant to Senate Rule 17 (5), Senator Hansen added as a cosponsor of **Assembly Bill 442**.

Pursuant to Senate Rule 17 (5), Senator Grothman added as a coauthor of **Senate Bill 337**.

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

The committee on **Labor, Elections and Urban Affairs** reports and recommends:

**Senate Clearinghouse Rule 07–068**

Relating to the status of a nonannuitant Wisconsin retirement system participant at death, for purposes of determining the applicable death benefit.

No action taken.

*SPENCER COGGS*  
Chairperson

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**MESSAGES FROM THE ASSEMBLY**

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has passed and asks concurrence in:

**Assembly Bill 173**  
**Assembly Bill 262**  
**Assembly Bill 265**  
**Assembly Bill 340**  
**Assembly Bill 363**  
**Assembly Bill 411**  
**Assembly Bill 423**  
**Assembly Bill 501**  
**Assembly Bill 539**  
**Assembly Bill 542**  
**Assembly Bill 557**  
**Assembly Bill 564**  
**Assembly Bill 598**  
**Assembly Bill 646**

Concurred in:

**Senate Bill 116**  
**Senate Bill 264**  
**Senate Joint Resolution 4**

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**ADJOURNMENT**

Chief Clerk Marchant, with unanimous consent, asked that the Senate adjourn until Tuesday, January 29, 2008.

Adjourned.

2:36 P.M.