

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Seventh Regular Session

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WEDNESDAY, November 30, 2005

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

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**CHIEF CLERK'S ENTRIES**

The Chief Clerk makes the following entries dated Wednesday, November 23, 2005.

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Read first time and referred:

**Senate Bill 451**

Relating to: the Health Insurance Risk–Sharing Plan; creating the Health Insurance Risk–Sharing Plan Authority; a health benefit program for persons eligible for tax credits for payment of premiums; an income and franchise tax credit for Health Insurance Risk–Sharing Plan assessments; and making an appropriation.

By Senators Kapanke, Brown, Darling, Schultz, S. Fitzgerald, Taylor, Olsen, Roessler, Jauch, Hansen, Lazich and Plale; cosponsored by Representatives Nischke, Gielow, Rhoades, Gard, Huebsch, Kreuser, Sheridan, Montgomery, McCormick, Lehman, Ballweg, Moulton, Van Roy, Underheim, Nelson, Stone, Jensen, J. Fitzgerald, Hahn, Molepske, Gottlieb, Hundertmark, Honadel, Shilling, Krawczyk, Seidel, Sinicki, Boyle, Vruwink and Townsend.

To committee on **Agriculture and Insurance**.

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The Chief Clerk makes the following entries dated Friday, November 25, 2005.

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Senate substitute amendment 1 to **Senate Bill 451** offered by Senator Kapanke.

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The Chief Clerk makes the following entries dated Monday, November 28, 2005.

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The committee on **Agriculture and Insurance** reports and recommends:

**Senate Bill 250**

Relating to: automatic fire sprinkler systems in certain residence halls and other student residential facilities and granting rule–making authority.

Introduction and adoption of Senate Amendment 1.

Ayes, 7 – Senators Kapanke, Kedzie, Brown, Olsen, Erpenbach, Hansen and Miller.  
Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators Kapanke, Kedzie, Brown, Olsen, Erpenbach, Hansen and Miller.

Noes, 0 – None.

DAN KAPANKE  
Chairperson

The committee on **Veterans, Homeland Security, Military Affairs, Small Business and Government Reform** reports and recommends:

**Senate Bill 152**

Relating to: an education tax credit for businesses.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Brown, Zien, Kanavas, Breske and Wirch.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Brown, Zien, Kanavas, Breske and Wirch.

Noes, 0 – None.

RONALD BROWN  
Chairperson

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**State of Wisconsin**

November 28, 2005

The Honorable, The Senate:

Pursuant to Senate Rule 46(2)(c), I am writing to direct that **Senate Bill 152** be withdrawn from the committee on **Senate Organization** and rereferred to the joint committee on **Finance**. I have obtained the consent of the appropriate chairperson.

Sincerely,

ALAN LASEE  
Senate President

Pursuant to Senate Rule 17 (5), Senator Brown added as a coauthor of **Senate Bill 436**.

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The committee on **Agriculture and Insurance** reports and recommends:

**Senate Clearinghouse Rule 05–044**

Relating to food and dairy license and reinspection fees.

No action taken.

DAN KAPANKE  
Chairperson

The committee on **Health, Children, Families, Aging and Long Term Care** reports and recommends:

**Senate Clearinghouse Rule 05–078**

Relating to prescription records and transfer of prescription order information.

No action taken.

CAROL ROESSLER  
Chairperson

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Senate substitute amendment 1 to **Senate Bill 230** offered by Senator Stepp.

Senate amendment 2 to **Senate Bill 250** offered by Senator Brown.

Senate substitute amendment 1 to **Senate Bill 278** offered by Senator Stepp.

Senate amendment 1 to **Senate Bill 281** offered by Senator Stepp.

Senate amendment 2 to **Senate Bill 281** offered by Senator Stepp.

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The Chief Clerk makes the following entries dated Tuesday, November 29, 2005.

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Read and referred:

**Senate Resolution 11**

Relating to: urging all members of Wisconsin’s delegation to the United States Congress to vote no on any agreement for the United States to enter into a Free Trade Area of the Americas (FTAA) at this time.

By Senators Reynolds and Hansen.

To committee on **Senate Organization**.

Read first time and referred:

**Senate Bill 452**

Relating to: collective bargaining process for University of Wisconsin System faculty and academic staff and making appropriations.

By Senators Schultz, Kapanke and Ellis; cosponsored by Representatives Freese, Lamb, Davis, Kaufert and Gronemus.

To committee on **Higher Education and Tourism**.

**Senate Bill 453**

Relating to: creating an individual income tax checkoff for donations to the fire fighters memorial.

By Senators S. Fitzgerald, Brown and Zien; cosponsored by Representatives Gard, Schneider and J. Fitzgerald.

To committee on **Job Creation, Economic Development and Consumer Affairs**.

**Senate Bill 454**

Relating to: regulation of unsafe children’s products, extending the time limit for and providing an exemption from emergency rule procedures, requiring the exercise of rule-making authority, and providing a penalty.

By Senators Lassa and Miller; cosponsored by Representatives Gunderson, Lehman, Vruwink, Berceau, Black, Sheridan and Wasserman.

To committee on **Job Creation, Economic Development and Consumer Affairs**.

**Senate Bill 455**

Relating to: releasing persons arrested for certain offenses related to operating a vehicle while intoxicated.

By Senators Lassa, Cowles, Darling, Hansen, Leibham and Plale; cosponsored by Representatives Kaufert, Ainsworth, Berceau, Bies, Fields, Hahn, Hines, Kerkman, Lehman, Lothian, Ott, Pettis, Shilling, Townsend and Turner.

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

**Senate Bill 456**

Relating to: claims for loss of society and companionship in medical malpractice cases.

By Senators Plale, Hansen and Erpenbach; cosponsored by Representatives Sheridan, Ott and Zepnick.

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

**Senate Bill 457**

Relating to: confidentiality of certain information and documents and privilege and immunity from civil liability for certain persons under the statewide trauma care system.

By Senators Brown and Harsdorf; cosponsored by Representatives Gielow, Krawczyk and Gunderson.

To committee on **Health, Children, Families, Aging and Long Term Care**.

**Senate Bill 458**

Relating to: the timely filing of documents and payments with the Department of Revenue related to the income tax and franchise tax.

By Senators Kapanke, Grothman and Olsen; cosponsored by Representatives Huebsch, Albers, Friske, Gunderson, Musser, Ott, Pettis and Pridemore.

To committee on **Job Creation, Economic Development and Consumer Affairs**.

**Senate Bill 459**

Relating to: administration and funding of programs for utility public benefits; renewable energy requirements for utilities and retail electric cooperatives; energy efficiency requirements for state construction; revising and reviewing the state energy conservation code; state use of renewable energy resources; anaerobic digester research; and granting rule-making authority.

By committee on Energy, Utilities and Information Technology.

To committee on **Energy, Utilities and Information Technology**.

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The committee on **Agriculture and Insurance** reports and recommends:

**Senate Bill 451**

Relating to: the Health Insurance Risk-Sharing Plan; creating the Health Insurance Risk-Sharing Plan Authority; a health benefit program for persons eligible for tax credits for payment of premiums; an income and franchise tax credit for Health Insurance Risk-Sharing Plan assessments; and making an appropriation.

Adoption of Senate Substitute Amendment 1.

Ayes, 7 – Senators Kapanke, Kedzie, Brown, Olsen, Erpenbach, Hansen and Miller.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Kapanke, Kedzie, Brown, Olsen and Hansen.

Noes, 2 – Senators Erpenbach and Miller.

**Assembly Bill 59**

Relating to: actions against forestry operations and granting rule-making authority.

Concurrence.

Ayes, 6 – Senators Kapanke, Kedzie, Brown, Olsen, Erpenbach and Hansen.

Noes, 1 – Senator Miller.

**Assembly Bill 606**

Relating to: an income and franchise tax credit for sales and use taxes paid on the purchase of electricity used in agricultural biotechnology and on the purchase of products used on livestock.

Concurrence.

Ayes, 5 – Senators Kapanke, Kedzie, Brown, Olsen and Hansen.

Noes, 2 – Senators Erpenbach and Miller.

**Assembly Bill 635**

Relating to: participation by certain persons who buy potatoes in the Agriculture Producer Security Program and granting rule-making authority.

Concurrence.

Ayes, 6 – Senators Kapanke, Kedzie, Brown, Olsen, Erpenbach and Hansen.

Noes, 1 – Senator Miller.

**Assembly Bill 646**

Relating to: an income and franchise tax credit for the sales and use taxes paid on the purchase of tangible personal property used in farming.

Concurrence.

Ayes, 5 – Senators Kapanke, Kedzie, Brown, Olsen and Hansen.

Noes, 2 – Senators Erpenbach and Miller.

DAN KAPANKE  
Chairperson

The committee on **Energy, Utilities and Information Technology** reports and recommends:

**Senate Bill 459**

Relating to: administration and funding of programs for utility public benefits; renewable energy requirements for utilities and retail electric cooperatives; energy efficiency requirements for state construction; revising and reviewing the state energy conservation code; state use of renewable energy resources; anaerobic digester research; and granting rule-making authority.

Introduction.

Ayes, 3 – Senators Cowles, Kapanke, and Plale

Noes, 1 – Senator Wirth

ROBERT COWLES  
Chairperson

The committee on **Job Creation, Economic Development and Consumer Affairs** reports and recommends:

KILKENNY, THOMAS, of Brookfield, as a member of the Accounting Examining Board, to serve for the term ending July 1, 2009.

Confirmation.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.

Noes, 0 – None.

**Senate Bill 281**

Relating to: creating an income and franchise tax credit for work provided by community rehabilitation programs and granting rule-making authority.

Adoption of Senate Amendment 1.

Ayes, 4 – Senators Kanavas, Zien, Reynolds and Lassa.

Noes, 1 – Senator Decker.

Adoption of Senate Amendment 2.

Ayes, 4 – Senators Kanavas, Zien, Reynolds and Lassa.

Noes, 1 – Senator Decker.

Passage as amended.

Ayes, 3 – Senators Kanavas, Zien and Lassa.

Noes, 2 – Senators Reynolds and Decker.

**Senate Bill 352**

Relating to: creating the Wisconsin Aerospace Authority to develop and operate spaceports and related facilities and services and other aerospace facilities and services and providing the authority with the power of condemnation, authorizing municipalities to develop and operate spaceports, and making an appropriation.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.

Noes, 0 – None.

Introduction and adoption of Senate Amendment 2.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.

Noes, 0 – None.

Introduction and adoption of Senate Amendment 3.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.

Noes, 0 – None.

Passage as amended.

Ayes, 3 – Senators Kanavas, Zien and Lassa.

Noes, 2 – Senators Reynolds and Decker.

**Senate Bill 372**

Relating to: a grant for a biomedical technology alliance in southeastern Wisconsin.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.

Noes, 0 – None.

Passage as amended.

Ayes, 3 – Senators Kanavas, Zien and Lassa.

Noes, 2 – Senators Reynolds and Decker.

**Senate Joint Resolution 52**

Relating to: supporting the creation of a compact with the states of Iowa, Illinois, Michigan, and Minnesota for the purpose of pooling resources to attract biotechnology research.

Adoption.

Ayes, 4 – Senators Kanavas, Zien, Lassa and Decker.

Noes, 1 – Senator Reynolds.

TED KANAVAS  
Chairperson

**State of Wisconsin**

November 28, 2005

The Honorable, The Senate:

This letter is to inform you of a temporary replacement on the Senate Committee on Judiciary, Corrections, and Privacy.

Senator Tim Carpenter will be replacing Senator Lena Taylor for the public hearing taking place on Tuesday, November 29, 2005.

This appointment will be effective immediately. Thank you for your attention to this matter.

Sincerely,  
DALE W. SCHULTZ  
Senate Majority Leader

State of Wisconsin

November 29, 2005

The Honorable, The Senate:

Pursuant to Senate Rule 46(2)(c), I am writing to direct that **Senate Bill 352** and **Senate Bill 451** be withdrawn from the committee on **Senate Organization** and rereferred to the joint committee on **Finance**. I have obtained the consent of the appropriate chairperson.

Sincerely,

ALAN LASEE  
Senate President

Pursuant to Senate Rule 17 (5), Representative Strachota added as a cosponsor of **Senate Joint Resolution 53**.

State of Wisconsin  
Office of the Secretary of State

To the Honorable, the Senate:

<u>Joint Resolution</u>	<u>Enrolled Number</u>	<u>Publication Date</u>
<b>SJR 48</b>	<b>18</b>	Not Published

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

State of Wisconsin  
Department of Administration

November 30, 2005

The Honorable, The Legislature:

This report is transmitted as required by sec. 20.002(11)(f) of the Wisconsin Statutes, (for distribution to the appropriate standing committees under sec. 13.172(3) Stats.), 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 balances during the month of October 2005.

On October 14, 2005, the **Wisconsin Health Education Loan Repayment Fund** cash balance closed at its intramonth low of a negative \$9 thousand. The fund's negative cash balance continued through October 31, 2005, when the fund's cash balance closed at a negative \$9 thousand. The negative balance was due to the difference in the timing of revenues and expenditures.

The Wisconsin Health Education Loan Repayment Fund shortfall was 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 joint committee on **Finance**.

Senate amendment 1 to **Assembly Bill 558** offered by Senator Brown.

Senate amendment 1 to **Assembly Bill 762** offered by Senator Stepp.

Senate amendment 4 to **Senate Bill 136** offered by Senator Roessler.

Senate amendment 1 to **Senate Bill 215** offered by Senator Grothman.

Senate amendment 1 to **Senate Bill 283** offered by Senator Brown.

The Chief Clerk records:

**Senate Joint Resolution 48**

Deposited in the office of the Secretary of State on November 23, 2005.

## INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Read first time and referred:

**Senate Bill 460**

Relating to: municipal boundary agreements and the use of alternative dispute resolution in municipal boundary disputes.

By Joint Legislative Council.

To committee on **Veterans, Homeland Security, Military Affairs, Small Business and Government Reform**.

**Senate Bill 461**

Relating to: department of administration advisory review of certain annexations.

By Joint Legislative Council.

To committee on **Veterans, Homeland Security, Military Affairs, Small Business and Government Reform**.

**Senate Bill 462**

Relating to: the Investment Board and services of minority financial advisers and minority investment firms.

By Senators Cogg and Taylor; cosponsored by Representatives Fields, Turner, Berceau, Young, A. Williams, Cullen, Pocan, Grigsby, Bies, Zepnick and Wood.

To committee on **Housing and Financial Institutions**.

## PETITIONS AND COMMUNICATIONS

State of Wisconsin

November 30, 2005

The Honorable, The Senate:

Pursuant to Senate Rule 46(2)(c), I am writing to direct that **Senate Bill 356** be withdrawn from the committee on **Judiciary, Corrections, and Privacy** and rereferred to the committee on **State and Federal Relations**. I have obtained the consent of the appropriate chairperson.

Sincerely,

ALAN LASEE  
Senate President

State of Wisconsin  
Office of the Governor

November 21, 2005

The Honorable, The Senate:

Please withdraw Ken Genisot whose nomination to the Wisconsin Waterways Commission is pending in the Senate.

Sincerely,

JIM DOYLE  
Governor

**State of Wisconsin  
Office of the Governor**

November 21, 2005

The Honorable, The Senate:

Please withdraw Janet Parr whose nomination to the Wisconsin Waterways Commission is pending in the Senate.

Sincerely,

JIM DOYLE

Governor

Pursuant to Senate Rule 17 (5), Senator Cowles added as a coauthor of **Senate Bill 417**.

Pursuant to Senate Rule 17 (5), Senator Kapanke added as a coauthor of **Senate Bill 457**.

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**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

November 23, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ALDEN, GINGER, of Wausau, as a member of the Judicial Commission, to serve for the term ending August 1, 2008.

Sincerely,

JIM DOYLE

Governor

Read and referred to committee on **Judiciary, Corrections and Privacy**.

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

**Senate Clearinghouse Rule 05-082**

Relating to specific information signs.

Submitted by Department of Transportation.

Report received from Agency, November 30, 2005.

Referred to committee on **Natural Resources and Transportation**, November 30, 2005.

**Senate Clearinghouse Rule 05-099**

Relating to small employer uniform employee application for group health insurance.

Submitted by Insurance Commissioner.

Report received from Agency, November 30, 2005.

Referred to committee on **Agriculture and Insurance**, November 30, 2005.

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**AMENDMENTS OFFERED**

Senate substitute amendment 1 to **Senate Bill 215** offered by Senator Grothman.