



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Seventh Regular Session

10:00 A.M.

TUESDAY, January 17, 2006

The Senate met.

The Senate was called to order by Senator Alan Lasee.

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

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

Absent – None.

Absent with leave – None.

The Senate stood for a moment of silent meditation.

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

### CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated Thursday, January 12, 2006.

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

#### **Senate Bill 464**

Relating to: authorizing a person to transport an unencased firearm in a motor vehicle under certain circumstances.

Passage.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

#### **Senate Bill 480**

Relating to: transporting buildings on the highways and providing penalties.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

#### **Senate Bill 485**

Relating to: exempting from motor carrier regulations certain vehicle combinations operated in intrastate commerce.

Passage.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

#### **Assembly Bill 26**

Relating to: entering into the wildlife violator compact.

Concurrence.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

#### **Assembly Bill 248**

Relating to: operation of motorboats by persons who are at least 16 years of age and born after a certain date.

Concurrence.

Ayes, 4 – Senators Kedzie, Kapanke, Wirch and Breske.

Noes, 1 – Senator Stepp.

#### **Assembly Bill 286**

Relating to: bows used for hunting.

Concurrence.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

#### **Assembly Bill 365**

Relating to: traffic control signal emergency preemption devices, and providing a penalty.

Concurrence.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

#### **Assembly Bill 556**

Relating to: trailers or semitrailers used to transport livestock.

Concurrence.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

#### **Assembly Bill 586**

Relating to: hunting and firearm possession by persons who are under 16 years of age.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Concurrence as amended.

Ayes, 4 – Senators Kedzie, Kapanke, Wirch and Breske.  
Noes, 1 – Senator Stepp.

NEAL KEDZIE  
Chairperson

**State of Wisconsin  
Office of the Governor**

January 11, 2006

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DUCKETT, SANDRA, of Green Bay, as a member of the Fox River Navigational System Authority, to serve for the term ending July 1, 2008.

Sincerely,  
JIM DOYLE  
Governor

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

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

**Senate Clearinghouse Rule 05–083**

Relating to a deer hunting season at Straight Lake Wilderness state park.

No action taken.

NEAL KEDZIE  
Chairperson

Senate substitute amendment 1 to **Senate Bill 483** offered by Senator Kanavas.

The Chief Clerk makes the following entries dated Friday, January 13, 2006.

Read and referred:

**Senate Joint Resolution 58**

Relating to: the life of Army Sergeant Andrew Wallace.

By Senator Roessler; cosponsored by Representative Underheim.

To committee on **Senate Organization**.

Read first time and referred:

**Senate Bill 504**

Relating to: determining the size of a livestock operation for the applicability of the livestock facility siting law, water quality regulation of livestock operations, granting rule-making authority, and providing an exemption from emergency rule procedures.

By Senators Kapanke and Brown; cosponsored by Representatives Ott, Ward, Petrowski, Musser, Nerison, Ainsworth and Towns.

To committee on **Agriculture and Insurance**.

Pursuant to Senate Rule 17 (5), Senator Carpenter added as a coauthor of **Senate Bill 423**.

Pursuant to Senate Rule 17 (5), Senator Carpenter added as a cosponsor of **Assembly Bill 826**.

Pursuant to Senate Rule 17 (5), Senator Carpenter added as a coauthor of **Senate Joint Resolution 57**.

**REPORT OF COMMITTEES**

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

BLAIR, KARLA, of Kaukauna, as a member of the Accounting Examining Board, to serve for the term ending July 1, 2008.

Confirmation.

Ayes, 3 – Senators Kanavas, Zien and Lassa.  
Noes, 0 – None.

CORBILLE, STEVE, of Crivitz, as a member of the Accounting Examining Board, to serve for the term ending July 1, 2009.

Confirmation.

Ayes, 3 – Senators Kanavas, Zien and Lassa.  
Noes, 0 – None.

**Senate Bill 453**

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

Passage.

Ayes, 3 – Senators Kanavas, Zien and Lassa.  
Noes, 0 – None.

TED KANAVAS  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Ethics Board**

January 17, 2006

The Honorable, The Senate:

The following lobbyists have been authorized to act on behalf of the organizations set opposite their names.

Brooks, Bryan	Wisconsin Corn Growers Association
Brozek, Michael	National Marine Manufacturers Association
Fuller, Kevin	Bayer HealthCare
George Jr, Nicholas C	Midwest Food Processors Association Inc
Hubbard, Gregory	Unspam
Hulsey, Brett	Wisconsin Corn Growers Association
Johnson, Kevin	AstraZeneca Pharmaceuticals LP
Mayfield, Linda	Wisconsin Coalition Against Domestic Violence
Vetter, Marilyn	Takeda Pharmaceuticals America

For more detailed information about these lobbyists and organizations and a complete list of organizations and people authorized to lobby the 2005 session of the legislature, visit the Ethics Board's web site at <http://ethics.state.wi.us>

Also available from the Wisconsin Ethics 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,  
R. ROTH JUDD  
Executive Director

**State of Wisconsin  
Office of State Employment Relations**

January, 2006

The Honorable, The Legislature:

Pursuant to s.230.04 (9)(em), Wis. Stats., I am pleased to submit the 2005 Veterans Employment Report. The report summarizes veteran new hires and on-board statistics for the time period from July 1, 2004, to June 30, 2005, and includes information for each state agency and each institution of the University of Wisconsin System.

Veterans comprise an important segment of the Wisconsin workforce in both the private and public sectors. State government – and any other employer – can benefit greatly by recruiting and retaining our nation’s trained and motivated veterans.

Sincerely,

KAREN E. TIMBERLAKE  
Director

**State of Wisconsin  
Claims Board**

January 11, 2006

The Honorable, The Senate:

Enclosed is the report of the State Claims Board covering the claims heard on December 9, 2005.

The amounts recommended for payment under \$5,000 on claims included in this report have, under the provisions of s. 16.007, stats., been paid directly by the Board.

The Board is preparing the bill(s) on the recommended award(s) over \$5,000, if any, and will submit such to the Joint Finance Committee for legislative introduction.

This report is for the information of the Legislature. The Board would appreciate your acceptance and spreading of it upon the Journal to inform the members of the Legislature.

Sincerely,

JOHN E. ROTHSCHILD  
Secretary

**STATE OF WISCONSIN CLAIMS BOARD**

**The State Claims Board conducted hearings at the State Capitol Building in Madison, Wisconsin, on December 9, 2005, upon the following claims:**

<u>Claimant</u>	<u>Agency</u>	<u>Amount</u>
1 C.A.Haas Rcg. Tms.	Wis. State Fair Park	none
2.Noble Grain Farms	D.N.R.	\$45,570.00
3 Estate of Paul D. Rivers	D.O.R.	\$4,671.15

**The following claims were considered and decided without hearings:**

<u>Claimant</u>	<u>Agency</u>	<u>Amount</u>
4 Larry D. Conley	D.O.C.	\$233.63
5.Charles C. Downing	D.O.C.	\$173.22
6.Flint Ink North America Dept.	of Financial Institutions	\$19,667.00
7.Hugasian Motors, Inc.	D.O.T.	\$2,000.00

**In addition, the Board considered a motion to refer the innocent convict claim (s. 775.05, Stats.) of Richard A. Moeck to a hearing examiner.**

*The Board Finds:*

**1. Carl A. Haas Racing Teams, Ltd.** of Lincolnshire, Illinois files this procedural claim arising from the claimant’s desire to file a third-party action against Wisconsin State Fair Park. The claimant is the former lessee of the Milwaukee Mile Racetrack. During the lease term, the claimant contracted with Southern Bleacher Company to make improvements to the site. The claimant alleges that this contract was entered into with the knowledge and consent of the State. The claimant states that a dispute arose between Southern Bleacher and one of its subcontractors, Seater Construction Company, which resulted in Southern Bleacher terminating Seater’s contract. In February 2004 Seater Construction filed suit against both Southern Bleacher and the claimant for money allegedly due Seater. The claimant states that it was named as a party in the suit as the “owner” of the racetrack. The claimant believes that the proper defendant in this case should be Wisconsin State Fair Park, the actual owner of the racetrack. The claimant does not believe it is able file a third-party action to bring State Fair Park into this litigation without first submitting this claim to the Claim Board.

While State Fair Park admits that it is the owner of the Milwaukee Mile Racetrack, this fact does not translate into liability for the actions of the claimant or Southern Bleacher. Wisconsin State Fair Park strongly recommends denying any liability relating to the lawsuit brought by Seater Construction against the claimant and Southern Bleacher. State Fair Park points out that as the lessee, the claimant was responsible for track improvements. There was no state contract for the work and no consideration or approval by the State Fair Park Board, the Building Commission or the Department of Administration’s Division of State Facilities.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. (*Member Rothschild not participating.*)

**2. Noble Grain Farm** of Burlington, Wisconsin claims \$45,570.00 for crop damage allegedly caused by the DNR’s installation of a dam on the Bong Recreational Base (the Bong), which is adjacent to the farm. The dam was installed on Hoosier Creek in 1967, creating a 30–40 acre flowage known as the northern flowage. The claimants purchased the farm in 1974. The prior landowner had installed an earth berm along the property line to stop overflow from the Bong. The claimants state that the prior owner told them he had installed drainage tile on the property to help with the flooding problem that already existed. The claimants state that in the late 1980’s, an additional 80 acres (the southern flowage) began flooding. The claimants state that their drainage tile kept up with the flooding until about 1990, when it increased to the point that their tile could not keep up with the flow. They state that, although the southern flowage has a higher elevation than the northern flowage, the water from the southern flowage is not able to drain fast enough into the northern flowage and that the resulting back up in the southern flowage floods the claimants’ property. The claimants believe that the inadequate flow from the southern to northern flowages is caused by improper placement of the dam, which does not allow the drainage tile around the creek to function adequately. They state that the flooding became intolerable about seven years ago and that they contacted the DNR and the Drainage Board. They state that the Drainage Board suggested that the DNR never should have installed the dam because the creek and tile are under the control of the Drainage District. The claimants allege that the DNR has been reluctant to make necessary improvements. The claimants state that they incurred crop losses in 7 of the last 14 years due to flooding and that, although they do have catastrophic crop insurance, it does

not cover this type of damage. The claimants request reimbursement for these crop losses.

The DNR opposes payment of this claim. The DNR states that, even without the dam, the claimants' land would still be subject to flooding, because drainage from the Bong toward the claimants' property is a natural condition, as indicated by the wetland soil types on that area of the farm and the elevation drop from the Bong to the farm, which results in a natural, westerly flow. The DNR states that this natural flow from the Bong to the farm was altered in the 1970's, not by any action of the DNR, but by the prior owner of the land, who installed the berm and in doing so, essentially created the Southern Flowage and the resulting potential flow into the northern flowage. The DNR states that there is no evidence that any actions by the DNR caused the drainage onto the farm to be worse than under natural conditions. The DNR also presents historical aerial photographs which show that this portion of the farm was not usually cropped even before the construction of the northern flowage. Although the DNR initially questioned the existence of a tile system connecting the north and south flowages, the department now believes that such a system may exist, but that it is located approximately 600' east of the original mapped location, with the result that the drain tile system enters the northern flowage. The DNR states that this tile system appears to have been damaged during the construction of a gas pipeline in the area. However, despite the possibly damaged tile system, the DNR states that the discharge of this drain into the northern flowage cannot be shown to be the cause of the drainage onto the claimants' property. Finally, the DNR states that it has undertaken a number of projects to try and mitigate the flooding onto the farm and that, although attempts to lessen the flow have not been as successful as hoped, the DNR has no legal liability for the natural flow of water onto the claimants' land and no legal duty to prevent such flow. The DNR points to *Tiedman v. Middleton*, which provides that alterations which redirect the natural flow of water but do not increase it, do not increase the landowners liability.

The Board concludes that at this time there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. The Board would be willing to reconsider this claim if new or additional evidence becomes available in the future.

**3. The Estate of Paul D. Rivers, deceased**, formerly of Kewaunee, Wisconsin claims \$4,671.15 for taxes allegedly overpaid by Paul Rivers. In 2001, Mr. Rivers' wages were certified for an assessment of unpaid income taxes for the years 1996 through 1999. In 2002, Mr. Rivers' wages at a subsequent employer were also certified for this assessment. Mr. Rivers' statement indicates that he tried to resolve the tax issue between October 2003 and April 2004. Mr. Rivers stated that when he filed the returns, they resulted in a tax due of only \$5,424.27, although \$12,563.20 had been garnished from his wages. Mr. Rivers died in March 2005 and his surviving children are now pursuing this claim, with the assistance of Dawn Wittig, Mr. Rivers' ex-wife. His children request payment of \$7,138.92, to be divided equally among them.

The DOR recommends denial of this claim. DOR records indicate that in April 2001, the department issued an assessment for failure to file for the years 1996 through 1999. DOR records also indicate that the department already had a certification action in place to collect other unpaid tax liabilities, and that the 1996-99 assessment became a part of that collection action. DOR states that it certified Mr. Rivers' wages from February through May of 2001, and then began again with his subsequent employer in January 2002. The DOR states that Mr. Rivers did

not contact the department to resolve this issue until October 27, 2003. The 1996-99 returns were filed on November 6, 2003, and at that time Mr. Rivers asked the DOR to complete his 2000 through 2002 returns based on his wage statements, which the department did. DOR records indicate that the total amount closed to refund pursuant to s. 71.75(5), Stats., was \$10,938.91. DOR records indicate that the 2000 through 2003 tax liabilities were referred for collection in 2004. The DOR states that Mr. Rivers submitted a Petition for Compromise, requesting that his overpayment be applied to the new assessments. The DOR accepted that request and credited \$6,267.76 to the 2000-03 tax years. Based on that that Petition for Compromise, this claim should be reduced to \$4,671.15. The department points to the fact that s. 71.57(5), Stats., prohibits the DOR from refunding any remaining overpayment because no refund was claimed before the two-year statute of limitations, which expired on April 23, 2003.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**4. Larry D. Conley** of Milwaukee, Wisconsin claims \$233.63 for property allegedly damaged by DOC personnel. In February 2003 the claimant was transferred from Waupun Correctional Institution (WCI) to the Wisconsin Secure Program Facility (WSPF). The claimant states that at the time of the transfer, WCI staff did not note any damaged property on his inventory sheet and that the property was solely in DOC's custody. In February 2004, the claimant was transferred to Green Bay Correctional Institution (GBCI) and was given his property. The claimant alleges that he discovered that the base of his fan was broken and he filed a complaint on March 8, 2004. He states that he later discovered that his glasses and radio were also broken and he filed a subsequent complaint on March 17, 2004, regarding those items. The claimant states that DOC's procedures for handling property and noting damages are lax and that the DOC was negligent in the handling of his property. The claimant requests reimbursement for his damaged fan, radio and glasses.

The DOC does not object to payment of this claim in the reduced amount of \$21.94 which represents the cost of the damaged fan, minus 10% depreciation. The DOC denies any responsibility for the alleged damage to the claimant's eyeglasses and radio. The DOC points to the WSPF inventory sheet from March 5, 2003, which indicates that the fan was broken, but no other property damage is noted. The claimant received a copy of that inventory sheet, but did not file a complaint until after his transfer to GBCI in February 2004. Furthermore, the DOC notes that, had the other property been damaged during the transfer from WCI to WSPF or from WSPF to GBCI, the claimant would have found out about it at the same time he noticed the damage to his fan. The DOC points to the fact that, although he received all his property back at the same time, his initial complaint mentions only the broken fan and that it was not until 12 days later that the claimant filed a complaint alleging damage to the glasses and radio. The DOC believes that the claimant has not presented sufficient evidence to show that the DOC is responsible for that damage and therefore only recommends payment for the damage to the fan, as reduced by depreciation.

The Board concludes the claim should be paid in the reduced amount of \$21.94 based on equitable principles. The Board further concludes, under authority of s. 16.007 (6m), Stats., payment should be made from the Department of Corrections appropriation s. 20.410(1)(a), Stats.

**5. Charles C. Downing** of Waupun, Wisconsin claims \$173.22 for the cost of a smoking cessation program. The claimant is an



inmate at Waupun Correctional Institution (WCI). He states that in April 2001, he purchased Nicoderm CQ patches to quit smoking as part of a smoking cessation program at WCI. He states that he successfully quit and remained smoke free until January 2004, when he started smoking again. The claimant believes that his relapse was caused by the fact that WCI was not smoke-free and that it was this constant exposure to smoking by inmates and staff in living, work and recreational areas that caused him to start smoking again. The claimant states that only 2 or 3 prisons allow smoking and that WCI should have been changed to non-smoking after the successful litigation against the tobacco companies. The claimant believes that the state was negligent in not providing a smoke-free environment and requests reimbursement for the cost of his failed smoking cessation program.

The DOC recommends denial of this claim. The DOC states that there is no guarantee that inmates participating in smoking cessation programs will be successful or that if they are, that their success will be permanent. The DOC does not believe that the state should be held liable for the claimant's lack of resolve. The DOC points to the fact that there are many non smoking inmates at WCI who do not begin smoking as a result of exposure to second hand smoke. The DOC also points to the fact that the claimant was able to refrain from smoking for almost 3 years. The DOC does not believe that it should be held responsible for his decision to start smoking again.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**6. Flint Ink North America Corporation** of Ann Arbor, Michigan claims \$19,667.00 for overpayment of fees in connection with the filing of its 2005 Foreign Corporation Annual Report. The claimant states that it was experiencing computer software problems at the time this report was filed, which resulted in the submission of a "negative" gross business figure. The claimant states that the computer error was discovered in a later audit. The claimant realizes that this error was not due to any negligence on the part of DFI, but requests that, in fairness, it be refunded the overpayment caused by the error.

The DFI recommends against payment of this claim because the department has no means by which it can verify any of the information provided by the claimant in either the original report, or the later report as adjusted by the articles of correction. The DFI points to the fact that the claimant has exclusive control over the information on which the report's figures are based. The DFI states that, although it did provide a \$226 refund to the claimant, this was based on an obvious mathematical error in the original report. The department performed its examination of the report in accordance with its responsibilities set forth by statute and should not be held responsible for any alleged errors by the claimant. Finally, the DFI points out that the Claims Board has a long history of denying claims of this nature.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

**7. Hugasian Motors, Inc.** of Sturtevant, Wisconsin claims \$2,000.00 for lost value of a vehicle incorrectly titled by the DOT. The claimant states that he accepted a 2000 Ford Mustang in trade on March 19, 2005, which was presented with a clear Wisconsin title. After researching the average price and wholesale value of the vehicle, the claimant priced the vehicle

at \$7,995. The claimant took the vehicle to the Metro Milwaukee Auto Auction in April. An employee of the auction runs a computer check on the vehicles as they come in and she told the claimant that there were three brands on the vehicle. The claimant states that up to that point he had no knowledge of any brands and had relied on the clean Wisconsin title. Because the brands were announced at the auction, the vehicle sold for only \$4,100, of which, after fees, the claimant only received \$3,945. The claimant requests payment of \$2,000 because he feels that he lost at least that much profit due to the DOT's title error.

The DOT recommends payment of this claim in an amount not to exceed \$2,000. The DOT's investigation into this matter discovered that the vehicle was incorrectly titled in December 2001. The Illinois title submitted to DOT at that time included the brands "FLOOD" and "REBUILT". However, the new Wisconsin title that was issued only noted "Previously Titled in Illinois." The Wisconsin title should have stated "Previously titled in Illinois as FLOOD" and "Previously titled in Illinois as REBUILT." The DOT finds negligence on the part of a former DOT employee and recommends payment of the claim.

The Board concludes the claim should be paid in the amount of \$2,000.00 based on equitable principles. The Board further concludes, under authority of s. 16.007 (6m), Stats., payment should be made from the Department of Transportation appropriation s. 20.395(5)(cq), Stats.

**Consideration of motion to refer the innocent convict claim of Richard A. Moeck to a hearing examiner.** Richard A. Moeck has filed an innocent convict claim under s. 775.05, Stats., with the Claims Board. Claims Board Secretary, John Rothschild, has made a motion that the claim should be heard by a hearing examiner designated by the Board, rather than by the entire Claims Board. The hearing examiner would conduct the hearing for the claim and would submit a proposed Findings of Fact and Decision to the Claims Board for their approval.

After consideration of the issue, the Board unanimously concludes that the claim of Richard A. Moeck should be referred to the Department of Administration's Division of Hearings and Appeals to be heard by a hearing examiner, who will then submit a proposed Findings of Fact and Decision to the Claims Board for its approval.

*The Board concludes:*

**1. The claims of the following claimants should be denied:**

- Carl A. Haas Racing Teams, Ltd.
- Noble Grain Farm
- Estate of Paul D. Rivers
- Charles C. Downing
- Flint Ink North America Corporation

**2. Payment of the following amounts to the following claimants from the following statutory appropriations is justified under s. 16.007, Stats:**

- Larry D. Conley s. 20.410(1)(a)  
\$21.94
- Hugasian Motors, Inc.  
s. 20.395(5)(cq) \$2,000.00

**3. The Board concludes that the claim of Richard A. Moeck should be referred to the Division of Hearings and Appeals and considered by a designated hearing examiner, who will then submit to the Board a proposed Findings of Fact and Decision for the Board's approval.**

**Dated at Madison, Wisconsin this 27th day of December, 2005.**

Alan Lee  
Chair, Representative of the Attorney General

John E. Rothschild  
Secretary, Representative of the Secretary of Administration

Amy Kasper  
Representative of the Governor

Mary Lazich  
Senate Finance Committee

Dan Meyer  
Assembly Finance Committee

Pursuant to Senate Rule 17 (5), Senator Zien added as a cosponsor of **Assembly Joint Resolution 70**.

Pursuant to Senate Rule 17 (5), Senator Brown added as a coauthor of **Senate Bill 414**.

Pursuant to Senate Rule 17 (5), Senator Brown added as a cosponsor of **Assembly Bill 775**.

Pursuant to Senate Rule 17 (5), Senator Erpenbach added as a coauthor of **Senate Bill 502**.

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## ADVICE AND CONSENT OF THE SENATE

Senator Schultz, with unanimous consent asked that the reading be dispensed with, and that the appointments be taken up en masse.

BRIDSON, SUE, of Madison, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2009.

DECICCO, JULIA, of Milwaukee, 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, 2007.

GASPERETTI, THOMAS, of Milwaukee, 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, 2009.

HAHN, JOHN, of Elm Grove, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2007.

HUNT, RANDALL, of Cross Plains, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2008.

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

MADISON, FREDERICK, of Lodi, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, for the term ending July 1, 2008.

MODE, WILLIAM, of Neenah, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2009.

MOORE, MICHELE, of La Crosse, as a member of the Funeral Directors Examining Board, to serve for the term ending July 1, 2009.

NIELSEN, STEVEN, of Luck, 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, 2009.

RAGLAND, NANCY, of Madison, 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, 2008.

TROCHLELL, PATRICIA, of Blue Mounds, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2009.

TWAIT, HOWARD, of Wisconsin Rapids, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 2008.

WIDERSKI, TED, of Cambridge, 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, 2007.

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, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

Senator Schultz, with unanimous consent, asked that **Senate Joint Resolution 56** be withdrawn and taken up at this time.

### Senate Joint Resolution 56

Relating to: commending Barry Alvarez for his achievements as coach of the University of Wisconsin Badgers football team.

Read.

Adopted.

Senator Schultz, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 56**.

Pursuant to Senate Rule 11 (6) the committee on **Senate Organization** has unanimously voted to give Barry Alvarez the privilege of the floor.

Barry Alvarez addressed the members from the rostrum.

Senator Schultz, with unanimous consent, asked that **Senate Joint Resolution 56** be immediately messaged to the Assembly.

The Chair, with unanimous consent, asked that the Senate recess.

10:15 A.M.

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**RECESS**

10:47 A.M.

The Senate reconvened.

Senator A. Lasee in the chair.

Senator Schultz, with unanimous consent, asked that **Senate Resolution 12** be withdrawn and taken up at this time.

**Senate Resolution 12**

Relating to: the Professional Ambulance Association of Wisconsin.

Read.

Adopted.

Senator Brown, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Resolution 12**.

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**MESSAGES FROM THE ASSEMBLY**

**Senate Bill 68**

Relating to: supplementing special education funding with lapsed student achievement guarantee contract moneys and making an appropriation.

The question was: Shall Assembly amendment 1 to **Senate Bill 68** be concurred in?

Concurred in.

**Senate Bill 403**

Relating to: carrying a concealed weapon, possessing or transporting a firearm under certain circumstances, background checks for handgun purchases, photographic identification cards for retired law enforcement officers, requiring the exercise of rule-making authority, providing an exemption from rule-making authority, and providing penalties.

Senator Schultz, with unanimous consent, asked that **Senate Bill 403** be placed at the foot of the twelfth order of business.

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**SECOND READING AND AMENDMENTS  
OF SENATE JOINT RESOLUTIONS AND  
SENATE BILLS**

**Senate Bill 283**

Relating to: limiting the reasons for which a local government may withhold approval of a permit.

Read a second time.

Senator Miller moved that **Senate Bill 283** be referred to the committee on **Veterans, Homeland Security, Military Affairs, Small Business and Government Reform**.

Referral Refused.

The question was: Adoption of Senate amendment 1 to **Senate Bill 283**?

Adopted.

Ordered to a third reading.

Senator Schultz, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 283**

Read a third time and passed.

**Senate Bill 412**

Relating to: the deadline for school districts to determine, and to notify municipalities of, their tax levies.

Read a second time.

Ordered to a third reading.

Senator Schultz, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 412**

Read a third time and passed.

**Senate Bill 414**

Relating to: fee remission for children and surviving spouses of ambulance drivers, correctional officers, emergency medical services technicians, fire fighters, and law enforcement officers.

Read a second time.

Ordered to a third reading.

Senator Schultz, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 414**

Read a third time and passed.

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**SECOND READING AND AMENDMENTS  
OF ASSEMBLY JOINT RESOLUTIONS AND  
ASSEMBLY BILLS**

**Assembly Joint Resolution 70**

Relating to: the life and public service of William Proxmire.

Read.

Concurred in by unanimous rising vote.

Senator Schultz, with unanimous consent, asked that all members of the Senate be added as cosponsors of **Assembly Joint Resolution 70**.

**Assembly Bill 202**

Relating to: special distinguishing registration plates for groups that are military in nature and making an appropriation.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 202**?

Adopted.

Ordered to a third reading.

Senator Schultz, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 202**

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 1; absent or not voting, 1; as follows:

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Robson, Roessler, Schultz, Stepp, Wirch and Zien – 31.

Noes – Senator Risser – 1.

Absent or not voting – Senator Taylor – 1.

Concurred in as amended.

**Assembly Bill 775**

Relating to: fermented malt beverages wholesalers.

Read a second time.

Ordered to a third reading.

Senator Kedzie, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 775**

Read a third time and concurred in.

**Senate Bill 403**

Relating to: carrying a concealed weapon, possessing or transporting a firearm under certain circumstances, background checks for handgun purchases, photographic identification cards for retired law enforcement officers, requiring the exercise of rule-making authority, providing an exemption from rule-making authority, and providing penalties.

The Chair, with unanimous consent, asked that the Senate stand informal.

11:20 A.M.

**STOOD INFORMAL**

11:25 A.M.

The Senate reconvened.

Senator A. Lasee in the chair.

Senate amendment 1 to Assembly amendment 15 to **Senate Bill 403** offered by Senator Carpenter.

Senator Zien moved rejection of Senate amendment 1 to Assembly amendment 15 to **Senate Bill 403**.

The question was: Rejection of Senate amendment 1 to Assembly amendment 15 to **Senate Bill 403**?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 20.

Noes – Senators Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 13.

Absent or not voting – None.

Rejected.

The question was: Shall Assembly amendment 15 to **Senate Bill 403** be concurred in?

The ayes and noes were demanded and the vote was: ayes, 28; noes, 5; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Carpenter, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa,

Lazich, Leibham, Olsen, Plale, Reynolds, Robson, Roessler, Schultz, Stepp, Wirch and Zien – 28.

Noes – Senators Coggs, Jauch, Miller, Risser and Taylor – 5.

Absent or not voting – None.

Concurred in.

Senator Kedzie, with unanimous consent, asked that all action be immediately messaged to the Assembly.

Messaged

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

Senator Schultz, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Bob Wollersheim. Bob was a Fond du Lac native who earned his masters degree from the University of Wisconsin in 1966. He helped develop weather radar and space satellites for the UW Space Science program during the 60's and 70's. During his years as a professor of electrical engineering at UW Madison, Bob developed a thorough knowledge and appreciation for grape growing and wine making. Bob Wollersheim became a pioneering entrepreneur for Wisconsin. He risked it all on a grand experiment in the Wisconsin River Valley at Prairie du Sac. With intelligence, hard work, and a beautiful personality, Bob and his lovely wife Joann re-built an historic 1850's estate. Today, Wollersheim Winery is Wisconsin's premier winery and vineyard and a state treasure as an historic tourism destination. The influence of award-winning Wollersheim wines on the Midwest and Eastern wine industry continues to grow. Bob died on December 11, 2005. Bob leaves a legacy in which Joann Wollersheim, together with the family's next generation including Bob and Joann's daughter Julie Coquard and son-in-law Philippe Coquard, will keep the vision alive and keep a great Wisconsin value-added agricultural business growing.

Senator Brown, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the first annual Gulf War Illness Recognition Day.

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the life and legacy of the great Dr. Martin Luther King Jr.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Kenosha area bronze artist, Frank Colicki. Frank is a lifelong artist who despite having "accidentally" gotten into sculpture just ten years ago, has works displayed in several places around Kenosha, and is currently completing a life-size statue of General Mitchell to be displayed at the Milwaukee airport. Senator Wirch would like to thank Frank Colicki for his contributions to the Kenosha community.

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Brad Kesuluk of Lake Nebagamon, Erin Liljenberg of Webster, and Jason Sebens of Spooner, who are here for the Professional Ambulance Association of Wisconsin's Stars of Life Ceremony. The Ceremony will honor these three, along with others from across the state, for the exceptional contributions they have made to their communities and the dedication that they show to their work. They have also demonstrated a selfless devotion and generosity in their efforts to help serve victims of Hurricane Katrina.

The Chair appointed Senators Lazich and Breske to escort his excellency, the Governor, to the Assembly Chamber for the Joint Convention of the Legislature.



Senator Schultz, with unanimous consent, asked that the Senate adjourn until Thursday, January 19th upon the rising of the Joint Convention.

Senator Schultz, with unanimous consent, asked that the Senate recess until 6:30 P.M.

12:11 P.M.

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**RECESS**

6:30 P.M.

The Senate reconvened.

Senator A. Lasee in the chair.

The Senate proceeded in a body to the Assembly Chamber to meet in Joint Convention to receive the State of the State Message.

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**IN ASSEMBLY CHAMBER IN JOINT CONVENTION**

Senate President Lasee in the Chair.

The Committee to await upon the Governor appeared with his excellency the Governor, who delivered his message as follows:

“Mr. Speaker, Mr. President, Mr. Speaker Pro-Tempore, Members of the Legislature, Lieutenant Governor Lawton, Constitutional Officers, Supreme Court Justices, Members of the Cabinet, Tribal Leaders, and fellow citizens of Wisconsin.

Three years ago, I stood in this building and put my hand on the Bible. I took an oath to lead this state during a time of challenge:

- Our deficit was out of control.
- Our economy was out of steam.
- Too many of our citizens were out of work.
- And for many people, government seemed out of touch.

While we still have a long way to go, just think how far we’ve come.

We cut spending and solved the worst fiscal crisis in our history ... without raising taxes. We invested in education while passing a property tax freeze ... We protected SeniorCare for more than 90,000 seniors... And together, we created more than 140,000 new jobs.

Today, our economy is growing, new businesses are opening, home values are up, incomes are up, exports are way up, the gas tax is going down, our budget is balanced, and our schools remain the envy of the nation.

My fellow citizens, I can report to you tonight: Wisconsin is moving forward.

Moving forward in job creation...outpacing Illinois, Indiana, Michigan, Ohio, Missouri and Minnesota.

Moving forward in early learning...with four-year-old kindergarten for almost 21,000 students this year.

Moving forward on prescription drugs... with discounts for individuals and small businesses, and a website to help every citizen who needs safe, affordable prescription drugs from Canada.

We’re moving forward on public safety...with a crackdown on dangerous sex predators ... and a national model program that has arrested 135 sex offenders in the last three months alone.

We’re moving forward on the environment...setting aside forever more than 85,000 acres of pristine land through the Stewardship program.

We’re moving forward on stem cell research, regulatory reform, modernizing our agricultural economy, investing in manufacturing – and restoring fiscal responsibility to state government.

We’ve made this progress by making smart choices and tough cuts.

We cut \$670 million in state overhead.

We eliminated almost 4,000 positions from the state payroll.

We renegotiated contracts – like one that saved taxpayers \$93 million.

We reduced outside contracting by 12 percent – the first reduction in a decade.

We’re using the state’s buying power to save taxpayers \$150 million on everything from office paper to computers to prescription drugs.

We auctioned 1,000 cars...eliminated 1,500 cell phones... and sold eight airplanes. Believe me, state government doesn’t need its own airline.

Quite simply, I try to never forget that it’s the taxpayers of this state who pay the bills. It’s your money. Let’s work to spend every dollar as wisely as you would, and focus on the things that matter most.

Three years ago, I stood here and promised the people of Wisconsin I wouldn’t raise their taxes – and I kept my word.

I said no to higher sales taxes...

No to higher income taxes...

No to higher excise taxes...

And in fact we’ve cut taxes...for veterans...for businesses... or manufacturers...

Repealed automatic increases in gas taxes...

Expanded middle class tax deductions...for health care...for college...

And next year, the tax on Social Security benefits will be history.

All together, I have signed into law tax cuts worth more than \$660 million. That’s right, more than half a billion dollars in tax cuts.

Oh yes ... one more thing. We moved forward on property tax relief – with the toughest limits on property taxes in Wisconsin history.

The plan the Republican legislature first sent me would have devastated education. But I did it the right way – enacting a property tax freeze that protects our schools while bringing desperately needed relief to Wisconsin families. As a result, the average bill had only a small increase. And for the first time in years, many homeowners saw their property tax bill actually go down.

In fact, the property tax burden for existing homes and businesses went down by \$51 million.

By cutting spending, holding the line on taxes, establishing priorities like education, creating new jobs, and protecting our environment ... Wisconsin is moving forward.

But even though we’ve made real progress for real people, we know there’s more to do ...particularly for middle-class families who are getting squeezed.

Too many of our neighbors are struggling to pay their bills, their taxes, and do the best they can for their kids.

A few weeks ago, I met Paul and Sue Miller at their home in Eau Claire, and I’ve asked them to join us tonight. A police officer

and a dietician, they are a great Wisconsin family, not very different from so many of you watching tonight. They're incredibly proud of their daughter Carolyn (Carol-lin), who's now in college, and their son Sam, who's seventeen. Next year, he'll be off to college as well.

The Millers tell me they love living in Wisconsin and raising a family here. But they wonder how they're going to pay for two kids in college. They have a knot in their stomach every year when that property tax bill comes. They worry about the rising costs of long-term care ... and like most people, the thing that really heats them up is opening the gas bill each month.

It's folks like the Millers I try to keep in mind every day. They don't expect government to solve all their problems, but they do want to know that state government is on their side.

And so tonight, I offer an agenda to make Wisconsin more affordable for middle-class families ... an Affordability Agenda for families like the Millers.

An Affordability Agenda that says no family should have to go bankrupt if they get sick. An Affordability Agenda that says you shouldn't have to choose between paying your energy bill and saving for college. An agenda that says every person who wants it and works for it should be able to afford a great education. An agenda that says manufacturing jobs are not a thing of the past but the heart of our future. An agenda of fiscal restraint and lower taxes so you keep more of what you earn. An agenda of high standards, high expectations, and determination that Wisconsin's best days lie ahead.

Middle class families like Paul and Sue Miller are being squeezed, and the first thing they're worried about is health care.

Let's be honest. No state can solve the national health care crisis by itself. And it's a disgrace that our Congress and President let 46 million people face each day without health coverage. The wealthiest nation on earth should be the healthiest.

But Washington's failure can't be ours. We must do what we can to make health care more affordable for average Wisconsin families. It's why we're working to lower prices on prescription drugs, create health care co-ops, and expand tax deductions for health insurance premiums. It's why many of you in this room have been calling for an action plan on affordable health care.

And it's also why — when the so-called Medicare prescription drug plan caused so much confusion and threatened to deny seniors their lifesaving drugs — we stepped in so Wisconsin seniors can get the drugs they need ... until Congress can fix the problem they created.

Almost every day, I talk to parents who live in fear that if they or one of their children is seriously injured, all their savings will be lost to cover the health care bills.

Small business owners tell me the same thing—if just one employee develops a serious illness, their health care costs could double.

Let's be honest. You can't make a dent in health care costs until you address the exploding price of catastrophic care ... because 50 percent of health care costs are incurred by 5 percent of the people.

And so, as part of my Affordability Agenda, tonight I propose a new endeavor called Healthy Wisconsin, to help lower health care costs and pass along the savings to middle class families.

The state will set up a large, catastrophic insurance pool with lower rates that employers can join. By working together to lower the price of insuring the sickest among us, we can reduce health care costs for everyone.

New York has a similar program that has lowered premiums for some small businesses by as much as 30 percent. That can be

the difference between your employer keeping you covered or cutting you off.

Let's make this happen. Because in Wisconsin, health care should be a birthright — not a ticket to bankruptcy.

Even as we expand our commitment to health coverage, we need to make sure that some companies aren't reducing theirs.

Wal-Mart is one of the most profitable companies in the world, yet it has more than 1,200 employees and dependents on BadgerCare—far more than any other company in the state. And Wisconsin's taxpayers are picking up the tab.

I want to make this very clear to Wal-Mart and any other company that might be thinking of shifting its health care responsibility to taxpayers: BadgerCare is intended to help working families, not multibillion dollar corporations.

Tonight, I am calling on the Legislature to outlaw the practice of health care dumping. Companies cannot be allowed to deliberately manipulate the system. If they are dropping coverage for employees they know are eligible for state programs so they can increase profits, there should be serious consequences.

It is unfair ... it is unethical ... and we should make it illegal.

Like a lot of Wisconsin families, one of the most difficult issues my family has had to face is long term care.

I know what a toll this takes, because I've been through it with my 89 year-old mother. Given the state of her Parkinson's disease, she needs to be in a nursing home. But there are thousands of other seniors who neither want nor need to be there.

All too often, the only kind of care Medicaid will pay for is the most expensive — going to a nursing home.

Measured in dollars or measured in dignity, it is government waste at its worst ... and it must change.

A year ago, I set a broad goal for our state, and I reaffirm that goal tonight: we should reduce the use of nursing homes by 25 percent over the next 8 years.

We have launched a comprehensive effort to achieve this goal — and it's working. In the past year, we've helped hundreds of seniors move from nursing home care to community care — and in the next 18 months, we will help another 1,200 seniors get home.

Mrs. Betty Miller is a longtime resident of Adams County. When her husband got sick a few years ago and had to move to a nursing home, Betty moved too. After she broke her hip, the family sold their home. Her husband later passed away, and even though her hip had healed, she had nowhere to go. But because of my initiative, last month she moved out of the nursing home and into a furnished apartment. Betty is sitting right up there. Betty, thanks for coming, and welcome home.

Despite successes like Betty Miller, there are still more than 10,000 people around the state on waiting lists for community-based long-term care.

Years ago, Governor Thompson — and many of you in this room — started a great pilot program called Family Care, which gives people the ability to move off the waiting list and out of the nursing home. By any standard, it has been a success. Tonight, I ask you to join me in expanding Family Care statewide.

Over the next five years, we can eliminate waiting lists across Wisconsin ... and give seniors the dignity and independence they deserve.

I'd like to move now from our oldest citizens to our youngest.

Every year, more than 90,000 kids go without basic health insurance.

You might think this problem is limited to our poorest families – but the rising price of health care is costing more and more middle class families their health coverage.

And so tonight, as part of my Affordability Agenda, I propose a bold, comprehensive reform: in Wisconsin, every child will have access to health insurance by next year.

This new effort — *BadgerCare Plus* — will merge 500,000 individuals currently enrolled in Medicaid, BadgerCare and Healthy Start into one, streamlined and comprehensive program.

And while higher income families will be asked to pay a little more, unlike the current system, the reach of *BadgerCare Plus* would extend to middle class families too, giving every parent—regardless of their income—the opportunity to join a state plan with affordable, comprehensive coverage for their kids.

Without good health, little else matters. That’s why my Affordability Agenda starts with health care. But anyone who knows me will tell you my first priority as Governor has been education.

It’s why I said no when Republicans in the Legislature tried to cut schools last year by hundreds of millions of dollars. It’s why I’m fighting to give more families access to four year old kindergarten and smaller classes. It’s why I’m fighting for competitive teacher salaries ... so we can recruit and retain the best educators for our kids for our kids. It’s why I’ve doubled financial aid for U.W. students.

It’s why I’ve asked the Legislature to increase the cap in the Milwaukee school choice program... protecting families already enrolled ... while providing basic accountability. I support options for parents, but I can’t allow our tax dollars to pay for a principal’s Mercedes, or schools with two kids to take field trips to McDonald’s.

It’s also why I’m demanding high standards in our schools – and asking you to make a third year of math and science mandatory for high school graduation. Because if you ask me, when a student gets a diploma in Wisconsin ... it should really mean something.

Tonight as part of my Affordability Agenda, I am very excited to announce the Wisconsin Covenant.

The idea is simple, but the impact is far reaching. All 8<sup>th</sup> graders in the state will be given the chance to join the Wisconsin Covenant. If they pledge to stay in school, take challenging courses, stay out of trouble, apply for state and federal financial aid and maintain at least a B average in high school, we’ll do our part and guarantee their family a package of financial aid that lets them walk through the doors of one of our U.W. campuses.

It is an historic commitment to make college more affordable for hardworking Wisconsin families ... while giving our high school students an incentive to succeed in the classroom.

It will be open to every family across the state who needs financial aid – whether a little or a lot. The neediest families will receive grants to pay the costs of education. Others at slightly higher incomes will get a mix of loan subsidies, grants, and work study. But as long as the student holds up his or her end of the bargain, every family that qualifies for financial aid will get a package that fully covers their tuition.

We will challenge the business community and private foundations to help fund this initiative ... just as they have done with a similar initiative in North Carolina.

I’d like to introduce Shakiya Fitzgerald, a student at Audubon Middle School in Milwaukee, who is here along with her family and her language arts teacher. She’s a good student, an athlete, and plans on going to college. Now, like I was at that age, she’s hoping to be able to get a basketball scholarship. But Shakiya,

with or without basketball, I want you to know that if you’ll agree to do your part in school, we’ll do our part and make sure that higher education is affordable for your family.

We also need to help those families who so often work the most and earn the least. Last year, we gave 150,000 people on the minimum wage their first raise in eight years.

We’ve embarked on a broad effort called *KidsFirst*, to make sure that our kids are safe, educated, healthy and happy. But I think we should also make sure that they don’t have to grow up in poverty.

And so tonight, as part of my Affordability Agenda, I propose a Living Wage Tax Credit. This isn’t a handout – it is a refundable tax credit which guarantees that every parent who works full time doesn’t have to raise their child in poverty.

We can do this, we can do it inexpensively, and we can do it together. I ask you to join me in lifting 9,000 hardworking families and their 26,000 children out of poverty.

At the heart of my Affordability Agenda is a commitment to creating jobs and rewarding work. Because when you get right down to it, there’s no social program better than a good-paying job.

And so, even though Washington obviously has no plan for manufacturing, we do have one in Wisconsin.

With technology, training, trade promotion, and new investment, we are working to revolutionize and modernize Wisconsin manufacturing ... and expand opportunities for middle class families.

In Green Bay, our aggressive regulatory reform allowed Proctor and Gamble to invest \$200 million in their first new paper-making machine in 35 years.

In Janesville, with the help of our investment in training and the hard work of people like Mike Sheridan, GM is keeping its plant, protecting 3,800 jobs, and investing \$175 million in Wisconsin’s future.

In Manitowoc, we worked with Mayor Kevin Crawford – who is here tonight — to retrain workers after the Mirro company moved to Mexico. We created three new businesses out of the old Mirro plant, including Orion, which is represented here tonight by CEO Neal Veerfurth and Louie Mitcheltree, the plant manager. Together, we’ve helped the city back get on its feet, put hundreds of people back to work and cut unemployment virtually in half.

In Sturgeon Bay, we worked with Senator Alan Lasee and Representative Gary Bies to find \$8 million to get our shipyards booming again ... and put 600 more people to work at Bay Shipbuilding.

From GE HealthCare’s expanded plant in Milwaukee to Bemis’ new headquarters in Neenah to Johnson Sausages in Sheboygan ... Wisconsin manufacturing is alive and well and we can make it even stronger.

First, we must continue to open new doors for Wisconsin around the globe. We’ve had three straight years of export growth far above the national average – an increase of almost 40 percent since I took office – with manufacturing leading the way.

Americans see a lot of products that say “Made in China.” But from Beijing to Tokyo to Warsaw to Mexico City, I want to see the “Made in Wisconsin” label all over the world.

Second, we must help manufacturers address the rising cost of health care – and the Healthy Wisconsin initiative I announced tonight will do just that.

Third, I’m funding an effort to strengthen more than 100 small manufacturers in our state that supply big Wisconsin companies like Harley Davidson, John Deere, and Oshkosh Truck.

Fourth, and finally, we need to rededicate ourselves to training and retraining our workers, and making sure that our technical colleges remain the finest in the nation.

I believe we should make Wisconsin a place where every person can go as far as their talent and hard work will take them.

That's why I've worked so hard with Republicans and Democrats to cut taxes and red tape, expand access to investment capital and help new businesses get started. We've supported regional business partnerships like the New North initiative, which is helping launch a venture capital fund in Northeast Wisconsin. It will be one of the first in that region, and they plan to invest \$10 million to build the jobs and economy of the future.

Even as we invest in and modernize core industries like manufacturing, agriculture and tourism, we are also growing new ones ... like biotechnology, information technology, and nanotechnology.

And Wisconsin – the birthplace of stem cell research – is giving millions of families hope that one day diseases like Parkinsons, Alzheimers and Juvenile Diabetes may be conquered. These breakthroughs in medical science can transform our economy and open doors to new industries we've only dreamed of.

In less than a decade, the market for stem cell products could reach \$10 billion and create 100,000 jobs. Tonight, I offer an ambitious goal for our state – to capture 10 percent of this market by 2015.

To that end, I'm directing the Department of Commerce to dedicate at least \$5 million to find, fund, and recruit companies turning stem cell technology into high paying jobs. I'm asking Forward Wisconsin to launch a new effort to brand our state as the stem cell leader. And I'm asking you to pass legislation supporting the Biomedical Technology Alliance in Southeast Wisconsin.

We're joined here tonight by Michelle Alswager from Madison, and her 9 year-old son Jesse. He's a great kid. He does well in school, plays little league, he's on the swim team at the Ridgewood pool, and according to his mother, every now and then, he even cleans his room. Jesse's mom has made it her mission to give him a normal life ... even though Jesse has juvenile diabetes.

Not only is Michelle fighting for her own child, but she and her son have testified before Congress, and have become advocates for the stem cell research which could help millions of other families.

Michelle and Jesse, I want you to know... I want this Legislature to know... I want the researchers in our labs and across the nation to know... as long as I am Governor, Wisconsin will never allow politics to stand in the way of curing disease.

I know that families across Wisconsin are wondering how they are going to afford their heating bills this year.

I get angry just thinking about how, after Hurricane Katrina, as our fellow citizens clung to rooftops and searched the waters for lost relatives, the oil companies were running up their prices and reaping the largest corporate profits in history.

Some people have criticized me for taking on the oil companies – but I think we should be getting a refund from the \$100 billion they racked up in profits last year.

And if Congress won't do the right thing and make them pay, we will at least work to make energy bills more affordable for you.

That's why we doubled our commitment to energy assistance to help people pay their bills...we encouraged the utilities to offer \$12 million in relief to middle-class families...we ended automatic gas tax increases, and called for legislation sponsored by Senator Hansen and Representative Zepnick to

outlaw price gouging at the pump...to reduce energy demand, we turned down the temperature in state buildings – including the Capitol.

But we must do more. Thousands of Wisconsin families are struggling to pay their December heating bill, but they aren't eligible for federal assistance because their income is a little too high.

So tonight ... I propose an emergency heating assistance package to provide \$6 million to families who make \$40,000 a year or less. We're in the heart of the heating season, and these families need help. I'm asking you to pass this legislation immediately.

And that's not all. We must reduce our dependence on foreign oil and fossil fuels.

Senator Cowles and Representative Montgomery are working to pass the recommendations of my Task Force on Renewable Energy – including getting 10 percent of our energy from renewable sources by 2015.

It's an ambitious goal ... but it's the right goal and we should settle for nothing less. I urge you to pass the bill without watering it down and without delay.

Finally, I'm calling for the ethanol bill authored by Senator Harsdorf and Representatives Freese and Gronemus. Ethanol is clean, it's renewable, it's less expensive, it helps Wisconsin farmers, and it reduces the demand for foreign oil. Let's pass this bill, because America ought to be more dependent on the Midwest, and not the Mideast.

Wisconsin is home to many renewable resources – but one of our most precious resources can never be replaced. I'm talking about the Great Lakes. That's why last year I signed an agreement that protects these waters from being diverted to Arizona or New Mexico. Now, it's time to pass the legislation I called for in my Conserve Wisconsin agenda – ending ballast water discharges from cargo ships and stopping the spread of invasive species.

From my days as a prosecutor to my time as Attorney General to my work as Governor, I've always demanded the highest standards of integrity.

Last April, I unveiled sweeping election reforms to modernize the system and correct the problems of 2004... including better training for poll workers, merging the elections and ethics boards, and stopping felons from voting illegally.

Two weeks ago, I offered up significant and bipartisan ethics reforms – including a ban on all fundraising during the budget process and putting the brakes on former officials who want to turn around and lobby the government they helped run. These reforms make common sense, they'll make a difference, and tonight, I ask you to make them law.

Two years ago, Senators Ellis and Erpenbach offered a blueprint for comprehensive campaign finance reform. It would end the phony issue ads, and includes strong public financing. It is bipartisan, it is major reform, and it is time the Legislature passed it.

In the past year, Jessica and I have seen the goodness of the people of Wisconsin firsthand. We've seen how our citizens responded with generosity and helped one another after the tornadoes hit Dane, Richland, and Vernon counties. And we saw how they mobilized to help those whose lives were upended by Hurricane Katrina.

Not long ago, I got a letter from Patrick Owen, an officer at the Fox Lake Correctional Institution who spent four weeks volunteering to help the Red Cross in Louisiana. Patrick, could you stand please?

He wrote to thank me for allowing him and other state employees to take time off and help in the relief effort. But



Patrick, I want to thank you and all of your colleagues who gave their time and talents to help the victims of Katrina. You are a perfect example of the great contributions state employees make every day – and you make Wisconsin proud.

But even as we sit here tonight, let's not forget that there's another group of public servants overseas who are making incredible sacrifices for our country.

I've met these men and women at troop sendoffs, as they've said goodbye to their loved ones. I've seen how communities rally to welcome them home. And I've been with dozens of families as they've mourned the loss of a son or a daughter, a brother, a sister, a mother, or a father taken tragically and all too soon from their lives.

Nearly 2,000 members of our Wisconsin National Guard are serving America far from the comfort and safety of their homes. I've gotten to know many of them and their families, and I can tell you this: they represent Wisconsin's finest.

These men and women are truly Wisconsin's heroes. We owe them more than our thanks and respect tonight. We owe them our solemn commitment that while they are doing their jobs overseas, we'll do our job here at home.

Let their patriotism be our inspiration. Let their sense that we're all in this together be our example. And let their families' dreams be our cause.

Here in this chamber, let us rededicate ourselves to moving this state forward so that these brave men and women – and all the hardworking families in Wisconsin, can afford to get an education, buy a home, and enjoy all the great things that life in our state has to offer.

Let's keep Wisconsin moving forward.  
On Wisconsin."

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**ADJOURNMENT**

Adjourned.

8:06 P.M.

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**AMENDMENTS OFFERED**

Senate substitute amendment 2 to **Senate Bill 320** offered by Senator Kanavas.

Senate substitute amendment 1 to **Senate Bill 395** offered by Senator A. Lasee.

Senate substitute amendment 1 to **Senate Bill 441** offered by Senator A. Lasee.

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**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Bill 403**

Report correctly enrolled on January 17, 2006.

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**Motions Under Senate Rule 98 and Joint Rule 7  
for the Month of December 2005**

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Taylor, for ALSCO, on the occasion of sponsoring the 16th Annual Christmas Family Feast.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Taylor, for American Family*

*Insurance, on the occasion of sponsoring the 16th Annual Christmas Family Feast.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Cowles, for Herb Behnke, on the occasion of his retirement from the Natural Resource Board.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Harsdorf, for Mr. Phil Betzel, on the occasion of his retirement and his many years of service to the First National Bank of River Falls.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Thomas Bjoraker, 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 Ellis, for Lois Helen Block, on the occasion of celebrating her 90th Birthday shared with family and friends.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Taylor, for Brewer's Charities, Inc., on the occasion of sponsoring the 16th Annual Christmas Family Feast.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Taylor, for CHRYSPAC, on the occasion of sponsoring the 16th Annual Christmas Family Feast.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Taylor, for Cedar Crest, on the occasion of sponsoring the 16th Annual Christmas Family Feast.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for J. Michael Clumpner, on the occasion of his years of faithful service to the Wisconsin College Savings Program Board.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Taylor, for Patrick Cudahy, on the occasion of sponsoring the 16th Annual Christmas Family Feast.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Erik Endres, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Taylor, for Golden Guernsey, on the occasion of sponsoring the 16th Annual Christmas Family Feast.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Taylor, for Heavenly Ham, on the occasion of sponsoring the 16th Annual Christmas Family Feast.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Reynolds, for Leon Harris, on the occasion of his retirement after 30 years of teaching at Milwaukee Area Technical College.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Reynolds, for Margaret Harris, on the occasion of her retirement after 30 years of teaching at Milwaukee Area Technical College.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Andy C. Hopfensperger, on the*

*occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Taylor, for Hupy Law Firm, on the occasion of sponsoring the 16th Annual Christmas Family Feast.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for David Janzen, 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 Decker, for Joseph T. Kuzma, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Taylor, for Sara Lee, on the occasion of sponsoring the 16th Annual Christmas Family Feast.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Mark Lefebber, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Taylor, for Levy Restaurants, on the occasion of sponsoring the 16th Annual Christmas Family Feast.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Andrew T. Marshall, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Taylor, for Maximus, on the occasion of sponsoring the 16th Annual Christmas Family Feast.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Taylor, for McDonalds, on the occasion of sponsoring the 16th Annual Christmas Family Feast.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Taylor, for Midwest Airlines Center, on the occasion of sponsoring the 16th Annual Christmas Family Feast.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Taylor, for Milwaukee County Sheriff's Department, on the occasion of sponsoring the 16th Annual Christmas Family Feast.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Taylor, for Milwaukee County Transit System, on the occasion of sponsoring the 16th Annual Christmas Family Feast.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Brown, for Don Norrell, on the occasion of his 28 years of service to the City of Eau Claire.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Taylor, for Jewel Osco, on the occasion of sponsoring the 16th Annual Christmas Family Feast.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Roessler, for Parkside Elementary School of Fond du Lac, on the occasion of being named a New Wisconsin Promise School.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Stephan A. Pipkorn, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Taylor, for Planned Parenthood of Wisconsin, on the occasion of sponsoring the 16th Annual Christmas Family Feast.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Taylor, for Private Industry Council, on the occasion of sponsoring the 16th Annual Christmas Family Feast.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Anthony M. Rehberg, 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 Roessler, for Roosevelt Elementary School of Oshkosh, on the occasion of being named a New Wisconsin Promise School.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Taylor, for Roundy's Supermarket, on the occasion of sponsoring the 16th Annual Christmas Family Feast.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Taylor, for the Salvation Army, on the occasion of sponsoring the 16th Annual Christmas Family Feast.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Taylor, for Samster, Konkel & Safran, LLC Attorneys at Law, on the occasion of sponsoring the 16th Annual Christmas Family Feast.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Aaron Earl Schaefer, 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 Erpenbach, for Clay Schmidt, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Taylor, for Second Harvest of Wisconsin, on the occasion of sponsoring the 16th Annual Christmas Family Feast.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for John Spanbauer, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Taylor, for The Spice House, on the occasion of sponsoring the 16th Annual Christmas Family Feast.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Taylor, for Sprecher Brewing Company, on the occasion of sponsoring the 16th Annual Christmas Family Feast.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Kapanke, for Edith Taylor, owner and operator of Taylor's Café, on the occasion of being named the Wisconsin Restaurant Association La Crosse Chapter Outstanding Restaurateur of the Year.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for David Thunes, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Taylor, for Time Warner Cable, on the occasion of sponsoring the 16th Annual Christmas Family Feast.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Ellis, for Kathleen Truax of Eddie's Sky Club East, on the occasion of being chosen as the 2006 Wisconsin Restaurant Association Outstanding Restaurateur of the Year 2006.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Taylor, for WE Energies, on the*

*occasion of sponsoring the 16th Annual Christmas Family Feast.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Taylor, for Wendy's, on the occasion of sponsoring the 16th Annual Christmas Family Feast.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Michael Wolff, on the occasion of his years of faithful service to the Wisconsin College Savings Program Board.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Daniel Zagrodnik, on the occasion of earning and attaining the rank of the Eagle Scout Award.*