

2007 DRAFTING REQUEST

Senate Joint Resolution

Received: **06/01/2007**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Tim Carpenter (608) 266-8535**

By/Representing: **Stuart Ewy**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Health - medical assistance**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Carpenter@legis.wisconsin.gov**

Carbon copy (CC:) to: **robin.ryan@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Senior Care as a permanent program; advisory referendum

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	dkennedy 06/04/2007	lkunkel 06/08/2007		_____			
/1			rschluet 06/08/2007	_____	mbarman 06/08/2007		
				_____	mbarman 07/24/2007		
/2	dkennedy 07/24/2007	lkunkel 07/24/2007	jfrantze 07/25/2007	_____	sbasford 07/25/2007	lparisi 07/25/2007	

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/2/mk 7/24

De/Self
7/25

mbarman
07/24/2007

e-mail
only

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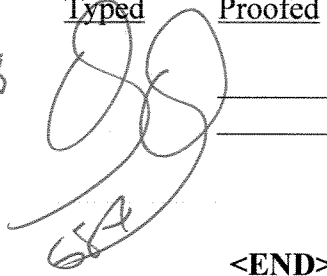
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/?

dkennedy

1/1mk 6/8



FE Sent For:

<END>

Kennedy, Debora

From: Parisi, Lori
Sent: Tuesday, May 29, 2007 11:33 AM
To: Kennedy, Debora
Subject: FW: Message for Debora Kennedy

From: Ewy, Stuart
Sent: Tuesday, May 29, 2007 11:28 AM
To: LRB.Legal
Subject: Message for Debora Kennedy

Debora Kennedy:

Hi Deb

Tim Carpenter would like a joint resolution drafted that would place on the Nov. 08 ballot an advisory referendum calling for SeniorCare to be made permanent, with a permanent waiver for funding from the federal government, so that SeniorCare recipients will not be dependant upon fighting for temporary waivers from the federal government every few years.

Would you be able to help draft this? I guess we need to know if there are any restrictions on how much explanation regarding the referendum question can be put on the ballot.

Here is a rough draft of the question:

Question 1: SeniorCare provides low cost prescription drugs for low-income Wisconsin seniors, funded in significant part by federal assistance. SeniorCare is set to expire on December 31, 2009, unless the federal government agrees to permanently continue the program. In most cases, SeniorCare provides better coverage, is less expensive, and is much easier to apply for than the federal Medicare Part D prescription drug program. The federal government spends on average about \$617 per SeniorCare participant, almost half as much as the \$1,174 it spends per Medicare Part D participant. SeniorCare has already saved Wisconsin seniors and taxpayers hundreds of millions of dollars since its inception in 2002, reducing prescription drug costs for more than 100,000 seniors by almost \$200 million in state fiscal year 2006

Therefore, Should the State of Wisconsin and the Federal Government allow SeniorCare to continue as a permanent program?

I think you get the idea. Your advice on how to shorten the length of question, and make it more appropriate for the ballot would be appreciated.

Next, FYI, here is a copy of an email Tim sent out to the legislature:

TO: All Legislators
FROM: Senator Tim Carpenter
DATE: Friday, May 25, 2007
RE: Making SeniorCare permanent. Co-Sponsorship of Resolution Calling for Referendum to call for permanent continuation of SeniorCare.

I share the relief of most Wisconsinites that federal funding of SeniorCare appears headed for continuation through December 31, 2009. Our Wisconsin Congressional delegation is to warmly

congratulated and thanked for the work they have done to help accomplish this!

I am having drafted a resolution to place an advisory referendum on the November 2008 ballot calling for the permanent continuation of SeniorCare with a permanent federal waiver.

Wisconsin's seniors and those who care for them deserve much better than to be put through the anxiety of wondering each few years if a federal waiver will continue, or whether the prescription drug program that they rely for the drugs they need will continue to be subject to politics in Washington, D.C.

In Wisconsin's next general election, this vital issue for our state's seniors should be addressed by all candidates for electoral office, and this referendum will help focus the issue, and show Wisconsin's strong support for this program.

When the resolution is completed drafting, I will be sending it around for co-sponsorship.

If you have any questions or comments, please contact my office at 6-8535.

Let's discuss.

Regards,

G. Stuart Ewy
Chief of Staff
Office of Senator Tim Carpenter
State Capitol 306 S
608.266.8535

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2005 SJP 5
1991 Act 321

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to you also

DAK

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Chief of Staff
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Kennedy, Debora

To: Nelson, Kirstin B - DHFS
Subject: RE: Enrolled Bill link

This is extremely helpful. I think it settles the question I had, because it gives a very definite ending date, not just a "two and a half year extension". Thank you very much.
Debora

-----Original Message-----

From: Nelson, Kirstin B - DHFS
Sent: Monday, June 04, 2007 10:33 AM
To: Kennedy, Debora
Cc: Jones, James D - DHFS; Simpson, Joanne - DHFS
Subject: Enrolled Bill link

Debora,

Here is the enrolled bill passed by both U.S. House and Senate, H.R. 2206. The public law signed by the President is not yet available online.

The section on SeniorCare is found on page 77 at the top of the page. As you can see, the language states that the extension is for programs expiring June 30, 2007 that will be extended through December 31, 2009. It is a 2 ½ year extension.

Let me know if you have any other questions. Thanks for all your help on WisconsinCare.

Kirstin

Kirstin Nelson
Budget and Policy Analyst
Division of Health Care Financing
Department of Health and Family Services
(608) 267-1421
nelsokb@dhfs.state.wi.us

* * * * *

NOTICE: This email and any attachments may contain confidential information. Use and further disclosure of the information by the recipient must be consistent with applicable laws, regulations and agreements. If you received this email in error, please notify the sender; delete the email; and do not use, disclose or store the information it contains.

Enrolled version

Title VII

Sec. 7002



H. R. 2206—77

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to prescriptions executed after September 30, 2007.

(c) EXTENSION OF CERTAIN PHARMACY PLUS WAIVERS.—

(1) AUTHORITY TO CONTINUE TO OPERATE WAIVERS.—Notwithstanding any other provision of law, any State that is operating a Pharmacy Plus waiver described in paragraph (2) which would otherwise expire on June 30, 2007, may elect to continue to operate the waiver through December 31, 2009, and if a State elects to continue to operate such a waiver, the Secretary of Health and Human Services shall approve the continuation of the waiver through December 31, 2009.

(2) PHARMACY PLUS WAIVER DESCRIBED.—For purposes of paragraph (1), a Pharmacy Plus waiver described in this paragraph is a waiver approved by the Secretary of Health and Human Services under the authority of section 1115 of the Social Security Act (42 U.S.C. 1315) that provides coverage for prescription drugs for individuals who have attained age 65 and whose family income does not exceed 200 percent of the poverty line (as defined in section 2110(c)(5) of such Act (42 U.S.C. 1397jj(c)(5))).

TITLE VIII—FAIR MINIMUM WAGE AND TAX RELIEF

Subtitle A—Fair Minimum Wage

SEC. 8101. SHORT TITLE.

This subtitle may be cited as the “Fair Minimum Wage Act of 2007”.

SEC. 8102. MINIMUM WAGE.

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

“(1) except as otherwise provided in this section, not less than—

“(A) \$5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007;

“(B) \$6.55 an hour, beginning 12 months after that 60th day; and

“(C) \$7.25 an hour, beginning 24 months after that 60th day.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

SEC. 8103. APPLICABILITY OF MINIMUM WAGE TO AMERICAN SAMOA AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to American Samoa and the Commonwealth of the Northern Mariana Islands.

(b) TRANSITION.—Notwithstanding subsection (a)—

(1) the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the

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H.R. 2206

Title: Making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes.

Sponsor: Rep Obey, David R. [WI-7] (introduced 5/8/2007) Cosponsors (None)

Related Bills: [H.RES.387](#), [H.RES.438](#), [H.R.1591](#), [H.R.2207](#)

Latest Major Action: Became Public Law No: 110-28 [GPO: [Text](#), [PDF](#)]

Note: The House Rules Committee has posted the [text](#) of the Senate amendment and the House amendments to the Senate amendment.

ALL ACTIONS:

5/8/2007:

Referred to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

5/8/2007:

Referred to House Appropriations

5/8/2007:

Referred to House Budget

5/9/2007 11:30pm:

Rules Committee Resolution [H. Res. 387](#) Reported to House. Rule provides for consideration of [H.R. 2237](#), [H.R. 2206](#) and [H.R. 2207](#).

5/10/2007 5:57pm:

Considered under the provisions of rule [H. Res. 387](#). (consideration: CR 5/11/2007 [H4808-4867](#))

5/10/2007 7:24pm:

The previous question was ordered pursuant to the rule. (consideration: CR 5/11/2007 [H4866](#))

5/10/2007 7:25pm:

Mr. Lewis (CA) moved to recommit with instructions to Appropriations. (consideration: CR 5/11/2007 [H4865-4866](#); text: CR [H4865](#))

5/10/2007 7:51pm:

On motion to recommit with instructions Failed by the Yeas and Nays: 195 - 229 (Roll no. 332). (consideration: CR 5/11/2007 [H4866](#))

5/10/2007 7:56pm:

On passage Passed by the Yeas and Nays: 221 - 205 (Roll no. 333).

5/10/2007 7:57pm:

Motion to reconsider laid on the table Agreed to without objection.

5/14/2007:

Received in the Senate. Read twice. Ordered Placed on Senate Legislative Calendar under General Orders. Calendar No. 146.

5/15/2007:

Measure laid before Senate by unanimous consent. (consideration: CR [S6115-6118](#))

5/15/2007:

Motion by Senator Reid to commit to Senate Committee on Appropriations with instructions to report back forthwith with an amendment (SA 1126) made in Senate.

5/15/2007:

Cloture motion on the bill presented in Senate.

5/16/2007:

Cloture motion on the bill withdrawn by unanimous consent in Senate.

5/17/2007:

Considered by Senate. (consideration: CR [S6215-6220](#))

5/17/2007:

Passed Senate with an amendment by Voice Vote. (text: CR [S6219](#))

5/17/2007:

Senate insisted on its amendment, requested a conference.

5/17/2007:

Senate appointed conferees. Byrd; Inouye; Reid; Cochran; McConnell.

5/17/2007:

Message on Senate action sent to the House.

5/24/2007 5:05pm:

Mr. Obey moved that the House agree with an amendment to the Senate amendment. (consideration: CR 5/25/2007 [H5776-591](#))

5/24/2007 6:17pm:

The previous question was ordered pursuant to the rule.

5/24/2007 6:39pm:

On motion to agree to the Senate amendment with House amendment No. 1 Agreed to by the Yeas and Nays: 348 - 73 (Roll no. 424). (consideration: CR 5/25/2007 [H5777-5800](#); text: CR 5/25/2007 [H5777-5800](#))

5/24/2007 6:45pm:

On motion to agree to the Senate amendment with House amendment No. 2 Agreed to by recorded vote: 280 - 142 (Roll no. 425). (consideration: CR 5/25/2007 [H5800-5805](#); text: CR 5/25/2007 [H5800-5805](#))

5/24/2007 6:45pm:

Motion to reconsider laid on the table Agreed to without objection.

5/24/2007:

Message on House action received in Senate and at desk: House amendment to Senate amendment.

5/24/2007:

Senate agreed to House amendment to Senate amendment by Yea-Nay Vote. 80 - 14. Record Vote Number: 181. (consideration: CR [S6795-6823](#); text as Senate agreed to House amendment to Senate amendment: CR [S6795-6821](#))

5/24/2007:

Cleared for White House.

5/25/2007:

Message on Senate action sent to the House.

5/25/2007:

Presented to President.

5/25/2007:

Signed by President.

5/25/2007:

Became Public Law No: 110-28.



soon

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

2007 SENATE JOINT RESOLUTION

as a permanent
federal-state
program

1 **Relating to:** providing for an advisory referendum on the question of continuing the
2 program of prescription drug assistance for elderly persons (Senior Care) past
3 December 30, 2009, as a permanent federal-state program. ✓

Analysis by the Legislative Reference Bureau

This joint resolution calls for an advisory referendum on the question of continuing the program of prescription drug assistance for elderly persons (Senior Care) past December 30, 2009, ~~without periodically requiring federal waiver extensions.~~ The referendum is to be held at the next spring or general election occurring not sooner than 45 days after adoption of the resolution. ✓

4 **Resolved by the senate, the assembly concurring, That** the following
5 question be submitted, for advisory purposes only, to the voters of this state at the
6 next spring or general election occurring not sooner than 45 days after adoption of
7 this resolution: ✓

8 **QUESTION 1:** ~~“Continuance of Senior Care in Wisconsin.”~~ ^{no I} Should the
9 program of prescription drug assistance for elderly persons in Wisconsin, known as

1 Senior Care, which is funded in part by the state and in part by the federal
2 government under a waiver of federal Medical Assistance laws, and for which federal
3 funding, unless the waiver is extended, will cease on January 1, 2010, be continued
4 past that date as a permanent joint federal and state program?" ✓

5

(END)

Kennedy, Debora

To: Ewy, Stuart
Subject: RE: Message for Debora Kennedy

Surely, Stuart. I'm drafting that now.

From: Ewy, Stuart
Sent: Tuesday, July 24, 2007 2:01 PM
To: LRB.Legal; Kennedy, Debora
Subject: Message for Debora Kennedy

Hi Debora-

Re LRB 2823/1, a joint resolution re advisory referendum re making SeniorCare waiver permanent, I noticed that the language says the question is to be submitted to the voters "at the next spring or general election not sooner than 45 days after the adoption of the resolution."

Tim would like this to be on the November 08 general election (assuming it is passed, of course). Can we take out the reference to the spring election?

Thank you,

Regards,

G. Stuart Ewy
Office of Senator Tim Carpenter
State Capitol 306 S
608.266.8535



(Soon. In edit 7/24)

State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2823/22

DAK:lmk:as

✓ stays

2007 SENATE JOINT RESOLUTION

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9 program of prescription drug assistance for elderly persons in Wisconsin, known as
10 Senior Care, which is funded in part by the state and in part by the federal

1 government under a waiver of federal Medical Assistance laws, and for which federal
2 funding, unless the waiver is extended, will cease on January 1, 2010, be continued
3 past that date as a permanent joint federal and state program?"

4 (END)

Duerst, Christina

From: Ewy, Stuart
Sent: Wednesday, July 25, 2007 11:22 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-2823/2 Topic: Senior Care as a permanent program; advisory referendum

Please Jacket LRB 07-2823/2 for the SENATE.