



STATE OF WISCONSIN

Senate Journal

Ninety–Eighth Regular Session

11:10 A.M.

THURSDAY, February 21, 2008

The Senate met.

The Senate was called to order by Chief Clerk Marchant, pursuant to Senate Rule 5 (4)(b).

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

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 295** offered by Senator Plale.

Senate amendment 1 to **Senate Bill 404** offered by Senators Breske, Hansen and Kreitlow.

Senate amendment 1 to **Senate Bill 496** offered by Senator Cogs.

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

Read and referred:

Senate Joint Resolution 91

Relating to: the life and military service of Army Sergeant Matthew Pionk.

By Senator Jauch; cosponsored by Representative Boyle.
To committee on **Senate Organization**.

Senate Joint Resolution 92

Relating to: commemorating the achievements and contributions of the Boy Scouts of America.

By Senators Lazich, Harsdorf, Darling, Kanavas, Schultz, Taylor, Breske and Kedzie; cosponsored by Representatives Newcomer, LeMahieu, Vruwink, Petrowski, Kestell, Kerkman, Musser, Nerison, J. Ott, Owens, Jeskewitz, Strachota, Vukmir, M. Williams, Bies, Hahn, Petersen, Sinicki, Hebl, Gronemus, Boyle, Kreuser, Sheridan, Vos, Nygren, A. Ott, Lothian and Nass.

To committee on **Senate Organization**.

REPORT OF COMMITTEES

The committee on **Senate Organization** reports:

The following bills were referred to the joint committee on **Finance**, pursuant to Senate Rule 41 (1)(e):

Senate Bill 373

Relating to: setoffs against tax refunds for debts related to providing ambulance services.

Senate Bill 415

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

Senate Bill 430

Relating to: making various changes in the worker's compensation law.

Senate Bill 431

Relating to: various changes in unemployment insurance law and making an appropriation.

Senate Bill 446

Relating to: the streamlined sales and use tax agreement.
Ayes, 5 – Senators Decker, Risser, Hansen, Fitzgerald, and Leibham.
Noes, 0 – None.

The following bills were withdrawn from joint committee on **Finance** and made Available for Scheduling, pursuant to Senate Rule 41 (1)(e):

Senate Bill 178

Relating to: health insurance coverage of treatment for autism spectrum disorders.

Senate Bill 376

Relating to: reconciling outdated Internal Revenue Code references with changes made by [2007 Wisconsin Act 20](#) (Correction Bill).

Ayes, 5 – Senators Decker, Risser, Hansen, Fitzgerald, and Leibham.
Noes, 0 – None.

RUSS DECKER
Chairperson

The committee on **Health, Human Services, Insurance, and Job Creation** reports and recommends:

Assembly Bill 262

Relating to: requirements to successfully complete training on use of an automated external defibrillator, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, and requiring the exercise of rule-making authority.

Introduction and adoption of Senate Amendment 1.

Ayes, 7 – Senators Erpenbach, Vinehout, Carpenter, Taylor, Roessler, Lazich and Kanavas.
Noes, 0 – None.

Concurrence as amended.

Ayes, 7 – Senators Erpenbach, Vinehout, Carpenter, Taylor, Roessler, Lazich and Kanavas.
Noes, 0 – None.

BOECK, JANICE, of Racine, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 2011.

Confirmation.

Ayes, 7 – Senators Erpenbach, Vinehout, Carpenter, Taylor, Roessler, Lazich and Kanavas.
Noes, 0 – None.

KOLVE, SUSAN, of La Crosse, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 2010.

Confirmation.

Ayes, 7 – Senators Erpenbach, Vinehout, Carpenter, Taylor, Roessler, Lazich and Kanavas.
Noes, 0 – None.

MATTILA, AMY, of Washburn, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 2011.

Confirmation.

Ayes, 7 – Senators Erpenbach, Vinehout, Carpenter, Taylor, Roessler, Lazich and Kanavas.
Noes, 0 – None.

OLSON, DOROTHY, of Appleton, as a member of the Occupational Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2011.

Confirmation.

Ayes, 7 – Senators Erpenbach, Vinehout, Carpenter, Taylor, Roessler, Lazich and Kanavas.
Noes, 0 – None.

SETTLE-ROBINSON, RENE, of Milwaukee, as a member of the Podiatrists Affiliated Credentialing Board, to serve for the term ending July 1, 2011.

Confirmation.

Ayes, 7 – Senators Erpenbach, Vinehout, Carpenter, Taylor, Roessler, Lazich and Kanavas.
Noes, 0 – None.

SLAUGHTER, GAIL, of Two Rivers, as a member of the Occupational Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2011.

Confirmation.

Ayes, 7 – Senators Erpenbach, Vinehout, Carpenter, Taylor, Roessler, Lazich and Kanavas.
Noes, 0 – None.

SULLIVAN, KATHLEEN, of Madison, as a member of the Board of Nursing, to serve for the term ending July 1, 2011.

Confirmation.

Ayes, 7 – Senators Erpenbach, Vinehout, Carpenter, Taylor, Roessler, Lazich and Kanavas.
Noes, 0 – None.

VIDAILLET, HUMBERTO, of Marshfield, as a member of the UW Hospitals and Clinics Authority and Board, to serve for the term ending July 1, 2010.

Confirmation.

Ayes, 7 – Senators Erpenbach, Vinehout, Carpenter, Taylor, Roessler, Lazich and Kanavas.
Noes, 0 – None.

Senate Bill 142

Relating to: requirements to successfully complete training on use of an automated external defibrillator, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, and requiring the exercise of rule-making authority.

Introduction of Senate Substitute Amendment 1.

Ayes, 7 – Senators Erpenbach, Vinehout, Carpenter, Taylor, Roessler, Lazich and Kanavas.
Noes, 0 – None.

Introduction of Senate Amendment 1 to Senate Substitute Amendment 1.

Ayes, 7 – Senators Erpenbach, Vinehout, Carpenter, Taylor, Roessler, Lazich and Kanavas.
Noes, 0 – None.

Adoption of Senate Amendment 1 to Senate Substitute Amendment 1.

Ayes, 7 – Senators Erpenbach, Vinehout, Carpenter, Taylor, Roessler, Lazich and Kanavas.
Noes, 0 – None.

Adoption of Senate Substitute Amendment 1.

Ayes, 7 – Senators Erpenbach, Vinehout, Carpenter, Taylor, Roessler, Lazich and Kanavas.
Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators Erpenbach, Vinehout, Carpenter, Taylor, Roessler, Lazich and Kanavas.
Noes, 0 – None.

Senate Bill 386

Relating to: the definition of a late enrollee; making group insurance certificates available electronically; prohibiting a lender from requiring property insurance in an amount that exceeds the replacement value of improvements; premium tax statute of limitations; miscellaneous changes to the insurance security fund; investments of the local government property insurance fund by the State of Wisconsin Investment Board, other miscellaneous insurance-related modifications; and granting rule-making authority.

Passage.

Ayes, 7 – Senators Erpenbach, Vinehout, Carpenter, Taylor, Roessler, Lazich and Kanavas.
Noes, 0 – None.

JON ERPENBACH
Chairperson

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

Senate Bill 429

Relating to: allowing a village meeting specified criteria to exceed its retail liquor license quota by issuing one additional retail license.

Introduction and adoption of Senate Amendment 1.

Ayes, 7 – Senators Breske, Plale, Erpenbach, Hansen, Kapanke, Schultz and Leibham.
Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators Breske, Plale, Erpenbach, Hansen, Kapanke, Schultz and Leibham.
Noes, 0 – None.

Senate Bill 435

Relating to: annual or consecutive month permits for overweight vehicle combinations transporting granular roofing material, providing an exemption from emergency rule procedures, and granting rule-making authority.

Introduction and adoption of Senate Substitute Amendment 1.

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

Noes, 0 – None.

Passage as amended.

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

Noes, 0 – None.

Senate Bill 443

Relating to: operation of all-terrain vehicles that have attached snowplows on roadways.

Introduction and adoption of Senate Amendment 1.

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

Noes, 0 – None.

Passage as amended.

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

Noes, 0 – None.

Senate Bill 509

Relating to: driver education instruction and driver's license examinations.

Passage.

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

Noes, 0 – None.

Senate Bill 513

Relating to: increasing the fee for a snowmobile trail use sticker.

Passage.

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

Noes, 0 – None.

Senate Bill 514

Relating to: all-terrain vehicle routes and trails that may be used by operators of lightweight utility vehicles.

Passage.

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

Noes, 0 – None.

Senate Joint Resolution 82

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

Adoption.

Ayes, 6 – Senators Breske, Plale, Erpenbach, Hansen, Kapanke and Schultz.

Noes, 1 – Senator Leibham.

ROGER BRESKE
Chairperson

The committee on **Veterans and Military Affairs, Biotechnology and Financial Institutions** reports and recommends:

Assembly Bill 400

Relating to: powers and duties of the Department of Military Affairs, the adjutant general, military officers, military property and assets, the national guard, the state defense force, rights of service personnel, the Wisconsin code of military justice, making an appropriation, and providing a penalty.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Sullivan, Coggs, Carpenter, Leibham and Kanavas.

Noes, 0 – None.

Concurrence as amended.

Ayes, 5 – Senators Sullivan, Coggs, Carpenter, Leibham and Kanavas.

Noes, 0 – None.

Senate Bill 351

Relating to: investments and operations of the State of Wisconsin Investment Board.

Passage.

Ayes, 4 – Senators Sullivan, Carpenter, Leibham and Kanavas.

Noes, 1 – Senator Coggs.

Senate Bill 371

Relating to: offering circulars provided to prospective franchisees under the franchise investment law (suggested as remedial legislation by the Department of Financial Institutions).

Passage.

Ayes, 5 – Senators Sullivan, Coggs, Carpenter, Leibham and Kanavas.

Noes, 0 – None.

Senate Bill 378

Relating to: the location of bank branches.

Passage.

Ayes, 5 – Senators Sullivan, Coggs, Carpenter, Leibham and Kanavas.

Noes, 0 – None.

JIM SULLIVAN
Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of Revenue

January 30, 2008

The Honorable, the Legislature:

I am submitting the quarterly report of the Wisconsin Lottery for the quarter ending December 31, 2007. As required by s. 565.37(3), Wis. Stats., the attached materials contain unaudited Wisconsin Lottery year-to-date Revenue and Expenditure Information.

The information reported here is a summary and is not intended to be a complete financial accounting of Wisconsin Lottery operations.

If you have any questions or comments regarding this report, please feel free to contact me at (608) 266-6466.

Sincerely,
ROGER M. ERVIN
Secretary of Revenue

State of Wisconsin
Department of Administration

January 31, 2008

The Honorable, the Legislature:

In compliance with Wisconsin statute 16.548, please find the Wisconsin Office of Federal/State Relations quarterly report to be submitted to the Legislature for the Fourth Quarter of 2007. This report provides information on the activities of the office and the status of federal legislation of concern to the State of Wisconsin.

Please contact me if you have any questions about this material.

Sincerely,
MICHAEL MORGAN
Secretary

State of Wisconsin
Department of Workforce Development

February 4, 2008

The Honorable, the Senate:

Pursuant to §109.12(2) and (3), Wis. Stats., I hereby submit the Department of Workforce Development's (DWD) 2007 annual report on the administration and enforcement of §109.07 and 109.075, Wis. Stats. The report contains three sections. The first section lists all employers in 2007 that notified DWD of business closings and mass layoffs planned in Wisconsin. The second section of the report lists employers against whom DWD has received business closing or mass layoff notification complaints and the current status or outcome of those complaints. The third section of the report lists employers against whom DWD has received healthcare cessation notification complaints, DWD's actions and the current status or outcome of those complaints.

Business Closing or Mass Layoff Notification Cases:

On January 1, 2007 the department had 21 business closing or mass layoff cases pending either within the department [DWD] or at the Department of Justice [DOJ]. Since January 1, 2007 nine of those cases have been resolved. Three cases were settled. Six cases were closed as invalid complaints. Of the remaining 12 cases, all 12 cases remain with the DOJ in various stages of litigation.

During 2007 and thus far in 2008 the department has received 17 new cases. Eleven of these cases remain under investigation. Six cases have been closed as invalid.

Overall in 2007 the departments collected more than \$1.62 million in increased wages for 750 employees due to a combination of employers' failures to provide employees with advance notices of business closings or mass layoffs and unpaid final wages for these employees.

Healthcare Plan Cessation Notification Cases:

On January 1, 2007 the department had five healthcare plan cessation notification cases pending either at DWD or DOJ. One of these cases was settled. One case was closed as invalid. The remaining three cases are pending litigation by DOJ. The amount of money collected in the settlement of the above case is included in the \$1.62 million listed as collected under the business closing cases.

In 2007 nine new healthcare plan cessation notification cases were filed. DWD has completed its investigation of three of these cases and determined they were invalid. The other six complaints remain under investigation by DWD.

If you have any questions regarding the information contained in this report, please contact Jennifer Ortiz, Administrator of the Equal Rights Division, at (608) 266-0946.

Sincerely,
ROBERTA GASSMAN
Secretary

Referred to committee on **Labor, Elections, and Urban Affairs.**

State of Wisconsin
Department of Health and Family Services

February 8, 2008

The Honorable, the Legislature:

The attached report is submitted to the Legislature pursuant to s.46.27 (11g) and s.46.277 (5m) of the Wisconsin statutes which require the Department of Health and Family Services to submit an annual report for the Community Options Program (COP) and the Home and Community-Based Waivers (COP-W/CIP II). The attached report describes the persons served, program expenditures, and services delivered through the COP, COP-Waiver and CIP II programs in calendar year 2006.

The Community Options Program provides services to people who are elderly or who have a physical, developmental or mental disability, and is closely coordinated with all of Wisconsin's Medicaid Home and Community-Based Waivers. With the Department's oversight, county agencies are able to ensure that a comprehensive and individualized care plan is provided, while maintaining program flexibility and integrity, and maximizing federal matching funds.

With warm regards,
KEVIN R. HAYDEN
Secretary

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

Pursuant to Senate Rule 17 (5), Senator Roessler added as a coauthor of **Senate Bill 487.**

Pursuant to Senate Rule 17 (5), Representative Hilgenberg added as a cosponsor of **Senate Bill 375.**

Pursuant to Senate Rule 17 (5), Representative Albers added as a cosponsor of **Senate Bill 455.**

Pursuant to Senate Rule 17 (5), Representative Albers added as a cosponsor of **Senate Bill 513.**

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

The committee on **Education** reports and recommends:

Senate Clearinghouse Rule 07-057

Relating to the identification of gifted and talented pupils.

No action taken.

JOHN LEHMAN
Chairperson

ADJOURNMENT

Chief Clerk Marchant, with unanimous consent, asked that the Senate adjourn until Tuesday, February 26, 2008.

Adjourned.

11:11 A.M.