

STATE OF WISCONSIN
Senate Journal
Ninety–Ninth Regular Session

WEDNESDAY, February 24, 2010

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

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate amendment 2 to **Senate Bill 291** offered by Senators Vinehout, Sullivan and Decker.

Senate amendment 1 to **Senate Bill 390** offered by Senator Hansen.

**INTRODUCTION, FIRST READING, AND
REFERENCE OF PROPOSALS**

Read first time and referred:

Senate Bill 553

Relating to: assessment on critical access hospitals; payments to critical access hospitals under the Medical Assistance Program; creating a rural physician residency assistance program; the physician, dentist, and health care provider loan assistance programs; and making appropriations.

By Senators Miller, Olsen, Schultz, Vinehout, Coggs, Erpenbach, Hansen, Holperin, Jauch, A. Lasee, Lassa, Lehman, Robson and Taylor; cosponsored by Representatives Hraychuck, Ballweg, Garthwaite, Benedict, Berceau, Bies, Brooks, Clark, Danou, Dexter, Hebl, Hilgenberg, Hixson, Hubler, Jorgensen, Milroy, Molepske Jr., Murtha, Roys, Schneider, Shilling, Sinicki, Smith, Spanbauer, Townsend, Vruwink and Wood.

To committee on **Public Health, Senior Issues, Long–Term Care, and Job Creation.**

Senate Bill 554

Relating to: qualifications of the secretary of natural resources and qualifications of members of the Natural Resources Board.

By Senators Kedzie, Kapanke, Grothman and Hopper; cosponsored by Representatives LeMahieu, Nerison, Suder, Kestell, Nygren, Vos, Lothian, Spanbauer, Pridemore, Gunderson, Ballweg, Townsend, Bies, Tauchen, Brooks, Meyer and Van Roy.

To committee on **Transportation, Tourism, Forestry, and Natural Resources.**

Senate Bill 555

Relating to: crimes against animals and providing a penalty.

By Senators Jauch, Carpenter, Risser and Hansen; cosponsored by Representatives Milroy, Turner, Zepnick, A. Williams, Berceau, Sinicki, Pasch, Benedict and Smith.

To committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.**

Senate Bill 556

Relating to: the term of office of the commissioner of insurance.

By Senators Vinehout and Lehman; cosponsored by Representatives Barca, Pasch, Zigmunt, Turner, Hraychuck, A. Williams and Sinicki.

To committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.**

Senate Bill 557

Relating to: notices concerning construction near or on lakes, streams, or wetlands that are given to applicants for building permits and other construction approvals, requiring the Department of Natural Resources to furnish informational brochures about wetlands laws, requiring the Department of Natural Resources to provide evaluations and statements about whether certain land contains wetlands, and making an appropriation.

By Senators Kreitlow, A. Lasee, Miller, Hansen, Cowles, Taylor, Robson, Lehman, Holperin and Wirch; cosponsored by Representatives Bies, Zigmunt, Zepnick, Petrowski, Townsend, Mursau and Berceau.

To committee on **Environment.**

REPORT OF COMMITTEES

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

Assembly Bill 11

Relating to: eliminating the World Dairy Center Authority.

Concurrence.

Ayes, 5 – Senators Vinehout, Kreitlow, Plale, Harsdorf and Kapanke.

Noes, 0 – None.

Assembly Bill 455

Relating to: the testing of portable scales used for the enforcement of vehicle weight limitations.

Concurrence.

Ayes, 5 – Senators Vinehout, Kreitlow, Plale, Harsdorf and Kapanke.

Noes, 0 – None.

KOEPKE, JOHN, of Oconomowoc, as a member of the Board of Agriculture, Trade and Consumer Protection, to serve for the term ending May 1, 2015.

Confirmation.

Ayes, 5 – Senators Vinehout, Kreitlow, Plale, Harsdorf and Kapanke.

Noes, 0 – None.

ZORE, EDWARD, of Milwaukee, as a member of the Board of Trustees of the Medical College of Wisconsin to serve for the term ending May 1, 2014

Confirmation.

Ayes, 5 – Senators Vinehout, Kreitlow, Plale, Harsdorf and Kapanke.

Noes, 0 – None.

Senate Bill 327

Relating to: designating Wisconsin cheese as the Wisconsin state snack.

Passage.

Ayes, 5 – Senators Vinehout, Kreitlow, Plale, Harsdorf and Kapanke.

Noes, 0 – None.

Senate Bill 407

Relating to: eligibility for academic excellence higher education scholarships.

Passage.

Ayes, 5 – Senators Vinehout, Kreitlow, Plale, Harsdorf and Kapanke.

Noes, 0 – None.

Senate Bill 497

Relating to: creating a food animal veterinarian loan assistance program, granting rule-making authority, and making an appropriation.

Passage.

Ayes, 5 – Senators Vinehout, Kreitlow, Plale, Harsdorf and Kapanke.

Noes, 0 – None.

Senate Bill 527

Relating to: the agricultural producer security program, providing an exemption from emergency rule procedures, and granting rule-making authority.

Passage.

Ayes, 5 – Senators Vinehout, Kreitlow, Plale, Harsdorf and Kapanke.

Noes, 0 – None.

KATHLEEN VINEHOUT
Chairperson

The committee on **Children and Families and Workforce Development** reports and recommends:

Assembly Bill 485

Relating to: required judicial findings and orders when a child is placed outside the home, termination of parental rights warnings, mandatory child abuse or neglect reporters, the confidentiality of social services records, changing from day care to child care the term used to describe care and supervision for children for less than 24 hours a day, and renumbering the definition of neglect.

Concurrence.

Ayes, 5 – Senators Jauch, Lassa, Vinehout, Kedzie and Hopper.

Noes, 0 – None.

CLARK, NANCY, of Seymour, as a member of the Marriage and Family Therapy Professional Counseling and

Social Work Examining Board, to serve for the term ending July 1, 2011.

Confirmation.

Ayes, 5 – Senators Jauch, Lassa, Vinehout, Kedzie and Hopper.

Noes, 0 – None.

Senate Bill 517

Relating to: the Interstate Compact for the Placement of Children.

Passage.

Ayes, 5 – Senators Jauch, Lassa, Vinehout, Kedzie and Hopper.

Noes, 0 – None.

ROBERT JAUCH
Chairperson

The committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue** reports and recommends:

Assembly Bill 159

Relating to: the charge-back of refunded or rescinded taxes and of personal property taxes and sharing certain collected taxes.

Concurrence.

Ayes, 7 – Senators Erpenbach, Carpenter, Robson, Lassa, Lazich, Kanavas and Darling.

Noes, 0 – None.

Assembly Bill 173

Relating to: the method by which the Department of Revenue makes certain calculations regarding tax incremental financing district number 4 in the village of Elmwood.

Concurrence.

Ayes, 7 – Senators Erpenbach, Carpenter, Robson, Lassa, Lazich, Kanavas and Darling.

Noes, 0 – None.

CLARK, MARY ANN, of Cumberland, as a member of the Nursing Home Administrator Examining Board, to serve for the term ending July 1, 2013.

Confirmation.

Ayes, 7 – Senators Erpenbach, Carpenter, Robson, Lassa, Lazich, Kanavas and Darling.

Noes, 0 – None.

Senate Bill 418

Relating to: disclosure of information by health care providers and insurers and providing a penalty.

Adoption of Senate Substitute Amendment 1.

Ayes, 7 – Senators Erpenbach, Carpenter, Robson, Lassa, Lazich, Kanavas and Darling.

Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators Erpenbach, Carpenter, Robson, Lassa, Lazich, Kanavas and Darling.

Noes, 0 – None.

JON ERPENBACH
Chairperson

The committee on **Senate Organization** reports:

[**MOTION**] *That Assembly Bill 375 be withdrawn from the calendar of Thursday, February 25, 2010 and referred to,*

and withdrawn from, the Joint Committee on Finance, pursuant to Senate Rule 41 (1)(e), and placed on the calendar of Thursday, February 25, 2010.

Ayes: 5 – Senators Decker, Risser, Hansen, Fitzgerald and Grothman.

Noes: 0 – None.

RUSS DECKER
Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Office of Senator Lena C. Taylor

February 24, 2010

The Honorable, The Senate:

Pursuant to Senate Rule 75, please have the Senate Journal reflect how I would have voted had I been present for the roll call votes taken on Tuesday, February 23, 2010:

Confirmation of Barland, Judge Thomas: Aye
Concurrence of Assembly Bill 166: Aye
Tabling of Senate Amendment 1 to Senate Bill 389: Aye
Passage of Senate Bill 408: Aye
Passage of Senate Bill 448: Aye
Passage of Senate Bill 460: Aye
Rejection of Senate Amendment 1 to Senate Bill 465: Aye
Passage of Senate Bill 465: Aye
Passage of Senate Bill 475: Aye
Concurrence of Assembly Bill 592: Aye

Please contact me if you have any questions pertaining to this matter.

Sincerely,
LENA C. TAYLOR
State Senator, 4th Senate District

LEGISLATIVE REFERENCE BUREAU CORRECTIONS

CORRECTIONS IN:

2009 SENATE BILL 525

Prepared by the Legislative Reference Bureau
(February 24, 2010)

1. Page 3, line 2: on lines 2, 13, and 23, delete “give” and substitute “given”.
2. Page 4, line 16: delete that line.
3. Page 4, line 19: after that line insert:“(dm) “Customer” has the meaning given in s. 421.301 (17).”.

****NOTE: Items 2 and 3 move the definition of “Customer” to the correct alphabetical order in the section.

4. Page 4, line 21: delete “(3) (a)” and substitute “(a) (3)”.

State of Wisconsin
Department of Workforce Development

February 22, 2010

The Honorable, The Senate:

Pursuant to ss.109.12(2) and (3) Wis. Stats., I hereby submit the Department of Workforce Development’s (DWD) 2009 annual report on the administration and enforcement of ss.109.07 and 109.075, Wis. Stats. The report contains three

sections. The first section lists all employer in 2009 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 and the current status or outcome of those complaints.

Business Closing or Mass Layoff Notification Cases:

On January 1, 2009, the department had 19 business closing or mass layoff cases pending either within the department [DWD] or at the Department of Justice [DOJ]. Since January 1, 2009, fourteen of those cases have been resolved. One case was settled and four were closed as uncollectible. Nine cases were closed as invalid complaints. Of the remaining five cases, all five remain with the DOJ in various stages of litigation.

During 2009 and thus far in 2010 the department has received 44 new cases. 16 of these cases remain under investigation. Twenty-seven (27) cases have been closed as invalid. One case was withdrawn.

Overall in 2009 the departments collected more than \$157,000 in increased wages for 119 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, 2009 the department had four healthcare plan cessation notification cases pending either at DWD or DOJ. Since January 1, 2009 the department had four healthcare plan cessation notification cases pending either at DWD or DOJ. Since January 1, 2009, one case was closed as invalid. The remaining three cases are pending litigation by DOJ.

During 2009 and thus far in 2010 the department has received five new cases. DWD has completed its investigation of three of these cases and determined two were invalid and another case was dismissed. The two remaining cases are under investigation.

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 **Children and Families and Workforce Development.**

Wisconsin Technical College System

February 23, 2010

The Honorable, The Senate:

I am pleased to share with you the attached report in compliance with section 38.04(21) of the statutes. This provision requires the Wisconsin Technical College System (WTCS) Board to submit an annual report regarding high school students attending technical colleges. The report is to be submitted to the Legislature and to four state agencies (Departments of Administration, Children and Families, Public Instruction, and Workforce Development). The reporting requirement was established in the 1997-99 biennial budget (1997 Wisconsin Act 27).

- This edition of the report provides enrollment information from 2000 through 2009. The following level of activity occurred in 2008–2009.

- 2,067 high school students attended the WTCS under the 118.15 Compulsory Education Option.

- 2,863 high school students attended the WTCS under the Youth Options Program.

- Over 13, 922 high school students enrolled in WTCS postsecondary level course through means other than 118.15 Compulsory Education or Youth Options.

If you have any questions regarding this report, please contact Ann Westrich, Tech Prep Education Director, at (608) 261–4588.

Sincerely,
DANIEL CLANCY
President

ADVICE AND CONSENT OF THE SENATE

State of Wisconsin
Office of the Governor

February 22, 2010

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BRENNER, ELIZABETH (BETSY), of Waukesha, as a member of the Board of Trustees of the Medical College of Wisconsin, to serve for the term ending May 1, 2015.

Respectfully Submitted,
JIM DOYLE
Governor

Read and referred to committee on **Agriculture and Higher Education.**

State of Wisconsin
Office of the Governor

February 22, 2010

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint GUBBELS, SAMUEL, of Madison,

as a member of Hearing and Speech Examining Board, to serve for the term ending July 1, 2013.

Respectfully Submitted,
JIM DOYLE
Governor

Read and referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue.**

State of Wisconsin
Office of the Governor

February 23, 2010

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SMIAR, NICK, of Eau Claire, as a member of the Marriage and Family Therapy Professional Counseling and Social Work Examining Board, to serve for the term ending July 1, 2010.

Respectfully Submitted,
JIM DOYLE
Governor

Read and referred to committee on **Children and Families and Workforce Development.**

MESSAGES FROM THE ASSEMBLY

By Patrick E. Fuller, chief clerk.

Mr. President:

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

Assembly Bill 260
Assembly Bill 470
Assembly Bill 495
Assembly Bill 514
Assembly Bill 689
Assembly Bill 720
Assembly Bill 742

Concurred in:

Senate Bill 292
Senate Bill 293
Senate Bill 308
Senate Bill 408
Senate Bill 410