

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

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FRIDAY, March 2, 2007

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

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**CHIEF CLERK’S ENTRIES**

The Chief Clerk makes the following entries dated Wednesday, February 28, 2007.

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The committee on **Senate Organization** reports:

**Senate Bill 10**

Relating to: reporting of certain information concerning individual contributions received on campaign finance reports.

Placed on calendar 3–13–2007 pursuant to s. 227.19 (6)(b), Wisconsin Statutes, and Senate Rule 18 (1).

Ayes, 5 – Senators Robson, Risser, Hansen, Fitzgerald and Leibham.

Noes, 0 – None.

*JUDITH B. ROBSON*  
Chairperson

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**REPORT OF COMMITTEES**

The joint committee on **Finance** reports and recommends:

**Senate Bill 39**

Relating to: authorizing the secretary of administration to lapse moneys from appropriation accounts and transfer moneys between funds during the 2006–07 fiscal year, affecting position authorizations for certain state agencies, requiring the secretary of administration to lapse or transfer moneys to the general fund related to unfunded retirement liability debt service, and making appropriations.

Introduction of Senate Substitute Amendment 1.

Ayes, 16 – Senators Decker, Hansen, Taylor, Jauch, Miller, Lehman, Darling and Olsen. Representatives Rhoades, Meyer, Stone, Kestell, Suder, Vos, Pocan and Colon.

Noes, 0 – None.

Adoption of Senate Substitute Amendment 1.

Ayes, 16 – Senators Decker, Hansen, Taylor, Jauch, Miller, Lehman, Darling and Olsen. Representatives Rhoades, Meyer, Stone, Kestell, Suder, Vos, Pocan and Colon.

Noes, 0 – None.

Passage as amended.

Ayes, 16 – Senators Decker, Hansen, Taylor, Jauch, Miller, Lehman, Darling and Olsen. Representatives Rhoades, Meyer, Stone, Kestell, Suder, Vos, Pocan and Colon.

Noes, 0 – None.

*RUSSELL DECKER*  
Senate Chairperson

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**  
**Department of Administration**

February 28, 2007

The Honorable, the Legislature:

This report is transmitted as required by s. 20.002(11)(f), Wisconsin Statutes, (for distribution to the appropriate standing committees under s. 13.172(3), Wisconsin Statutes) and confirms that the Department of Administration has found it necessary to exercise the “temporary reallocation of balances” authority provided by this section in order to meet payment responsibilities and cover resulting negative cash balances during the month of January 2007.

On January 1, 2007, the **Medical Assistance Trust Fund** cash balance closed at its intra-month low of a negative \$5.2 million. This negative balance continued through January 23, 2007, when the fund’s cash balance closed at a positive \$277.0 thousand. The negative balance was due to the difference in the timing of revenues and expenditures.

On January 1, 2007, the **Wisconsin Health Education Loan Repayment Fund** cash balance closed at a negative \$1.0 thousand. This negative balance continued through January 31, 2007, when the fund’s cash balance closed at a negative \$1.0 thousand. The negative balance was due to the difference in the timing of revenues and expenditures.

On January 1, 2007, the **Wisconsin Building Trust Fund** cash balance closed at a negative \$2.2 million. This negative balance continued through January 11, 2007, when the fund’s cash balance closed at a positive \$5.3 million. The **Wisconsin Building Trust Fund** cash balance reached its intra-month low of a negative \$2.8 million on January 4, 2007. The negative balance was due to a delayed cash transfer from the University of Wisconsin.

On January 1, 2007, the **Worker’s Compensation Fund** cash balance closed at a negative \$3.5 million. This negative balance continued through January 30, 2007, when the fund’s cash balance closed at a positive \$1.9 million. The **Worker’s Compensation Fund** cash balance reached its intra-month low of a negative \$4.3 million on January 3, 2007. The negative balance was due to the difference in the timing of revenues and expenditures.

The Medical Assistance Trust Fund, Wisconsin Health Education Loan Repayment Fund, Wisconsin Building Trust Fund and Worker’s Compensation Fund shortfalls were not in excess of the statutory interfund borrowing limitations and did not exceed the balances of the funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund’s share. Therefore, the monthly calculation by the State Controller’s Office will automatically reflect the use of these temporary reallocations of balance authority, and as a

result, the funds requiring the use of the authority will effectively bear the interest cost.

Sincerely,  
*MICHAEL L. MORGAN*  
Secretary

Referred to joint committee on **Finance**.

**State of Wisconsin  
Department of Workforce Development**

February 28, 2007

The Honorable, the Senate:

Pursuant to s. 109.12 (2) and (3), Wis. Stats., I hereby submit the Department of Workforce Development's (DWD) 2006 annual report on the administration and enforcement of s. 109.07 and 109.075, Wis. Stats. The report contains three sections. The first section lists all employers in 2006 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 1st, 2006 the department had 23 business closing or mass layoff cases ;pending either within the department [DWD] or at the Department of Justice [DOJ]. Since January 1st, 2006 twelve of those cases have been resolved. Six cases were settled. Six cases were closed as invalid complaints. Of the remaining eleven cases, all 11 cases remain with the DOJ in various stages of litigation.

During 2006 and thus far in 2007 the department has received 24 new cases. Eight of these cases remain under investigation. Thirteen cases have been closed as invalid. In the remaining three cases one case was settled with the remaining two cases either under collection by DWD or collection by DOJ through litigation.

Overall in 2006 the departments collected more than \$1.85 million in increased wages for 564 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 1st, 2006 the department had eight healthcare plan cessation notification cases pending either at DWD or DOJ. One of these cases is still under investigation by DWD, four are pending litigation and the remaining three cases were settled.

In 2006 five new healthcare plan cessation notification cases were filed. DWD has completed its investigation of all of these cases and closed four of them as invalid and the final complaint was withdrawn.

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  
Joint Legislative Council**

February 28, 2007

The Honorable, the Senate:

Enclosed is a copy of the 2006 Annual Report Legislative Council Rules Clearinghouse, submitted to the Legislature pursuant to s. 227.15 (5), Stats.

Sincerely,  
*TERRY C. ANDERSON*  
Director

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

**Senate Clearinghouse Rule 05-052**

Relating to private duty nursing and respiratory care service benefits covered by the Wisconsin medical assistance program, and affecting small businesses.

Submitted by Department of Health and Family Services.  
Report received from Agency, March 1, 2007.

Referred to committee on **Public Health, Senior Issues, Long Term Care and Privacy**, March 2, 2007.

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**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 31**

**Assembly Bill 37**

Adopted and asks concurrence in:

**Assembly Joint Resolution 19**

**Assembly Joint Resolution 22**

Concurred in:

**Senate Bill 52**

**Senate Joint Resolution 8**

**Senate Joint Resolution 12**

**Senate Joint Resolution 13**

**Senate Joint Resolution 17**

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**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 31**

Relating to: elimination of accumulated sick leave credit program for legislators, justices and judges, and all other state elected officials.

By Representatives Strachota, Kleefisch, Zipperer, Kestell, LeMahieu, Ziegelbauer, Pridemore, Vukmir, Kerkman, Lothian, Hahn, Nygren, Gottlieb, Vos, Bies, Gundrum, J. Ott, J. Fitzgerald, Roth and Van Roy; cosponsored by Senators Kanavas, Darling, Leibham, Kapanke, Grothman, Cowles and Lazich.

Read first time and referred to committee on **Ethics Reform and Government Operations**.

**Assembly Bill 37**

Relating to: the administration by a dentist of oral medication to induce conscious sedation.

By joint committee for review of Administrative Rules.

Read first time and referred to committee on **Health and Human Services**.

**Assembly Joint Resolution 19**

Relating to: declaring March 25 to 31, 2007, as Veterans of Foreign Wars National Home for Children Awareness Week.

By Representatives Hubler, Boyle, Sinicki, Turner, Musser, Albers, Pope–Roberts, Jeskewitz, Montgomery, Hines, Nass, Hahn, Berceau, Nygren, Townsend, Sheridan, Petrowski, Seidel, Gunderson and M. Williams; cosponsored by Senators Breske, Lassa, Roessler, Darling, Risser, S. Fitzgerald, Wirch, Kreitlow, Coggs, Sullivan and Plale.

Read and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 22**

Relating to: declaring March 10, 2007, Tibet Day.

By Representatives Parisi, Black, Bies, Davis, Berceau,

Pocan, Pope–Roberts, Seidel and Sherman; cosponsored by Senators Lehman and Miller.

Read and referred to committee on **Senate Organization**.

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**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Bill 52**

**Senate Joint Resolution 7**

Report correctly enrolled on March 2, 2007.

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**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Joint Resolution 1**

Deposited in the office of the Secretary of State on February 22, 2007.