

## Senate

### Record of Committee Proceedings

#### **Committee on Judiciary, Utilities, Commerce, and Government Operations**

##### **January 2011 Special Session Senate Bill 1**

Relating to: limiting noneconomic damages awarded in actions against long-term care providers; actions against manufacturers, distributors, sellers, and promoters of certain products; confidentiality of health care services reviews; use as evidence of information regarding health care providers; reporting of quality indicators identifying individual hospitals; homicide or injury by negligent handling of a dangerous weapon, explosives, or fire; criminal abuse of individuals at risk; criminal abuse and neglect of patients and residents; evidence of lay and expert witnesses; damages for frivolous claims; and punitive damage awards.

By Committee on Senate Organization, by request of Governor Scott Walker, Senator Zipperer, and Representative J. Ott.

January 05, 2011      Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

January 11, 2011      **PUBLIC HEARING HELD**

Present:    (5)      Senators Zipperer, Kedzie, Galloway, Risser and Erpenbach.

Absent:     (0)      None.

Excused:   (0)      None.

##### Appearances For

- Brian Hagedorn — Office of Governor Walker
- Bill Smith, Madison — NFIB
- Cap Wulf, Sturgeon Bay — Wulf Bos, Inc.
- Edward Lump, Madison — Wisconsin Restaurant Association
- Peter Thillman — WEDA and WCJC
- Andrew Cook, Madison — Wisconsin Defense Counsel
- James Mathie — Wisconsin Defense Counsel
- Sharon Kostroski, Marshfield — Ministry Health Care
- Thomas Shorter, Madison — Ministry Health Care
- Cary Silverman, Washington, DC — American Tort Reform Association
- Jim Murray, Milwaukee — Wisconsin Defense Counsel
- Kelly Court — Wisconsin Hospital Association
- Ralph Topinka, Janesville — Mercy Health Services
- Mark Grapentine — Wisconsin Medical Society

- Guy DeBeau, Fitchburg — Wisconsin Medical Society
- Michael Brennan, Milwaukee
- James Buchen, Madison — WMC
- Tom Moore, Madison — Wisconsin Health Care Association/  
Wisconsin Center for Assisted Living
- Brian Purtell, Madison — Wisconsin Health Care Association  
and Wisconsin Center for Assisted Living
- Laura Leitch — Wisconsin Hospital Association
- Robert Fassbender, Madison
- Tom Ramsey, Madison — Wisconsin Association of Homes  
and Services for the Aging

#### Appearances Against

- Nancy Rottier, Madison — Director of State Courts
- Christine Larson, West Bend
- Paul Jenkins, Mequon
- Terri Lins, Prairie du Chien
- Rick Orechovsky, Racine
- Bonnie Graber, Greendale
- Heidi & John Laabs, Lake Mills
- Mark Warhus — Brain Injury Association of Wisconsin
- Monica Murphy, Waukesha — Disability Rights Wisconsin
- Julie Paasch-Anderson, Milwaukee
- Richard Witt, Hartford
- Jason Studenski, Stevens Point
- Terri Lee — Estate of Jean Vanermausen
- Mary Beth Nusetinen, Greenville — Estate of Charles  
Nuutinen
- Robert Kraig, Milwaukee — Citizen Action of Wisconsin
- Terri Schuck, Brookfield
- Daniel Rottier — WAJ
- Yvonne Lewondowski-Moss, Milwaukee
- Jill Rakanski, Racine — WAJ
- Dawn Kellner, Greenfield
- Robert McCoy, Milwaukee — Cascino Vaughan Law Office
- Ann Jacobs, Milwaukee — Wisconsin Association for Justice
- Jeffrey Pitman — WAJ
- Michael End, Shorewood — WAJ
- John Hendrick, Madison — CWAG
- Jay Urban, Glendale
- Robert Jaskulski, New Berlin — WAJ
- John Keckhaver, Madison — WCASA
- Jacqui Callari Robinson, Madison — WCASA
- Tony Gilbert — WCADV

- Joanne Ricca, Milwaukee — AFL-CIO

#### Appearances for Information Only

- Andrew Phillips, Madison — WI Counties Assoc
- Winn Collins, Madison — WI District Attorneys Association
- Emily Thompson, Madison — WI District Attorneys Association
- John Walsh, Madison

#### Registrations For

- Brian Dake, Madison — WI Independent Business
- Monika Grove Batiza, Madison — American Family Insurance
- Christine Bremer, Wausau
- Nick George, Madison — Midwest Food Processors Association
- Misha Lee, Stevens Point — Sentry Insurance
- Nick George, Madison — Midwest Food Processors Association
- Misha Lee, Stevens Point — Sentry Insurance
- Andy Franken, Madison — WI Insurance Alliance
- Michael Heifitz, Madison — Dean Clinic
- Ross Kinzler, Madison — WI Housing Alliance
- Mary Ann Gerard, Madison — WI Auto and Truck Dealers Association
- Patrick Stevens, Madison — Wis. Builders Association
- Mark Hazelbaker, Ettrick — Wis. Association of Campground Owners
- Eric Borgerding — WI Hospital Association
- Jim Murphy, Madison — WI Assisted Living Association
- Roger Nacker, Madison — WBDA
- Karl Ashenhurst, Milwaukee — Ministry Health Care
- Robert Phillips, Madison — Marshfield Clinic
- Mark Hagen, Watertown — Bethesda Lutheran Communities
- Anne Forster, Milwaukee — Residential Services Association
- Tony Driessen, Madison — Wis. Association of Nurse Anesthetists
- Ron Kuehn, Madison — Professional Insurance Agents
- Katie Walby — Eli Lilly
- Kathryn Kuhn, Milwaukee — Medical College of WI
- Tony Driessen — Wis. Association of Nurse Anesthetists
- Gina Dennik-Champion, Madison — WI Nurses Association
- Paul Westrick, Milwaukee — Columbia St. Mary's
- Katie Walby — Aurora Health Care
- Paul Merline, Madison — WI Hospital Association
- William Skewes, Madison — Wis Utilities Association

- Bob Seitz, Madison — Wis Utility Investors
- Tom Engels, Madison — Pharmacy Society of Wisconsin
- Tom Mooew, Madison — Pharma
- Ryan Natzke — WI Academy of Family Physicians
- Lisa Maroney, Madison — UW Hospital and Clinics
- Maureen McNally, Milwaukee — Froedtert Health
- Jeremy Levin — Rural WI Health Cooperative
- Scott Newcomer, Madison — Independent Business Association
- Rebecca Larson, Madison — Xcel Energy
- Laurie Fischer, Madison — Dairy Business Association
- Pam Christenson, Madison — WI Petroleum Marketers
- Tony Driessen, Madison — ThedaCare
- Gene Qualmann, Oregon — Wisco Industries, INC
- Michelle Mettner, Milwaukee — Children's Hospital of Wisconsin
- Jim Boullion, Madison — AGC of Wis.
- Steve Baas — MMAC
- Scott Tyre — WHA
- Beata Kalies, Madison — Cooperative Network

#### Registrations Against

- Ian Henderson, Madison — WCASA
- Roderick Caesar, Milwaukee — Organized Growth in the Community
- Lori Enzenroth, Oregon
- Al Majkrzak, Madison — AARP
- Patrice England, Milwaukee
- Kenneth Greening, West Allis
- Christopher Stombaugh, Platteville
- Rosie Caradine Lewis, Milwaukee
- Antonenetta Smith, Milwaukee
- Howard Siculo, Whitefish Bay
- Terese Halfmann, Oconomowoc
- Marcia Roenspies, Milwaukee
- Heather Bruemmer, Madison — Board of Aging and Long Term Care
- Paul Golueke, Milwaukee — Alzheimers Association
- William Donaldson, Madison — Board of Aging and Long Term Care
- Brian Rothgery, Milwaukee
- Paul Siculo, Milwaukee
- Aimee Bleier, Mosinee
- Barbara Moubry, McFarland

- George Brown, Madison — State Bar of Wisconsin
- Sabrina Gentile, Madison — WI Council on Children and Families
- Ruth Simpson, Madison
- Jane Garrott, Stoughton
- Patricia Ballhorn, Madison
- Aaron Swann, Middleton
- Merrie Felder, Milwaukee
- Charles Pietowski, Rochester

Registrations for Information Only

- Keisha Ellis, Milwaukee

January 14, 2011

**EXECUTIVE SESSION HELD**

Present: (5) Senators Zipperer, Kedzie, Galloway, Risser and Erpenbach.

Absent: (0) None.

Excused: (0) None.

Moved by Senator Kedzie, seconded by Senator Galloway that **Senate Amendment 1** be recommended for adoption.

Ayes: (3) Senators Zipperer, Kedzie and Galloway.

Noes: (2) Senators Risser and Erpenbach.

ADOPTION OF SENATE AMENDMENT 1 RECOMMENDED,  
Ayes 3, Noes 2

Moved by Senator Risser, seconded by Senator Erpenbach that **Senate Amendment 2** be recommended for adoption.

Ayes: (2) Senators Risser and Erpenbach.

Noes: (3) Senators Zipperer, Kedzie and Galloway.

ADOPTION OF SENATE AMENDMENT 2 NOT  
RECOMMENDED, Ayes 2, Noes 3

Moved by Senator Erpenbach, seconded by Senator Risser that **Senate Amendment 4** be recommended for adoption.

Ayes: (2) Senators Risser and Erpenbach.

Noes: (3) Senators Zipperer, Kedzie and Galloway.

ADOPTION OF SENATE AMENDMENT 4 NOT  
RECOMMENDED, Ayes 2, Noes 3

Moved by Senator Risser, seconded by Senator Erpenbach that  
**Senate Amendment 5** be recommended for adoption.

Ayes: (2) Senators Risser and Erpenbach.  
Noes: (3) Senators Zipperer, Kedzie and Galloway.

ADOPTION OF SENATE AMENDMENT 5 NOT  
RECOMMENDED, Ayes 2, Noes 3

Moved by Senator Risser, seconded by Senator Erpenbach that  
**Senate Amendment 6** be recommended for adoption.

Ayes: (2) Senators Risser and Erpenbach.  
Noes: (3) Senators Zipperer, Kedzie and Galloway.

ADOPTION OF SENATE AMENDMENT 6 NOT  
RECOMMENDED, Ayes 2, Noes 3

Moved by Senator Risser, seconded by Senator Erpenbach that  
**Senate Amendment 7** be recommended for adoption.

Ayes: (2) Senators Risser and Erpenbach.  
Noes: (3) Senators Zipperer, Kedzie and Galloway.

ADOPTION OF SENATE AMENDMENT 7 NOT  
RECOMMENDED, Ayes 2, Noes 3

Moved by Senator Kedzie, seconded by Senator Zipperer that  
**January 2011 Special Session Senate Bill 1** be recommended for  
passage as amended.

Ayes: (3) Senators Zipperer, Kedzie and Galloway.  
Noes: (2) Senators Risser and Erpenbach.

PASSAGE AS AMENDED RECOMMENDED, Ayes 3, Noes 2

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Chris Reader  
Committee Clerk