



STATE OF WISCONSIN

Senate Journal

Ninety–Sixth Regular Session

10:00 A.M.

TUESDAY, January 27, 2004

The Senate met.

The Senate was called to order by Senator Joseph Leibham.

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

The Chief Clerk makes the following entries dated **January 23, 2004** :

CHIEF CLERK'S ENTRIES

The committee on **Homeland Security, Veterans and Military Affairs and Government Reform** reports and recommends:

Assembly Bill 176

Relating to: authorizing the Wisconsin Health and Educational Facilities Authority to issue bonds to finance projects related to cultural facilities.

Concurrence.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.

Noes, 0 – None.

Assembly Bill 263

Relating to: changing the bonding requirements for city, village, and county officers.

Concurrence.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.

Noes, 0 – None.

Assembly Bill 271

Relating to: requiring notice to persons affected by zoning actions that change the allowable use of their property.

Concurrence.

Ayes, 4 – Senators Brown, Zien, S. Fitzgerald and Breske.

Noes, 1 – Senator Wirch.

Assembly Bill 365

Relating to: authorizing municipal courts to contract with collection agencies and the sharing of collection costs by cities, villages, towns, and counties.

Concurrence.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.

Noes, 0 – None.

Senate Bill 323

Relating to: changing the procedures for the incorporation of cities and villages, creating a board to review incorporation petitions, and changing annexation procedures affected by incorporation petitions.

Passage.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.

Noes, 0 – None.

Ronald Brown
Chairperson

The select committee on **Job Creation** reports and recommends:

Assembly Bill 727

Relating to: making patient health care records concerning health care operations inapplicable to restrictions on release without informed consent.

Concurrence.

Ayes, 4 – Senators Kanavas, Stepp, Leibham and Chvala.

Noes, 1 – Senator Jauch.

Assembly Bill 730

Relating to: the acquisition of in–state banks and in–state bank holding companies.

Concurrence.

Ayes, 4 – Senators Kanavas, Stepp, Leibham and Chvala.

Noes, 1 – Senator Jauch.

Assembly Bill 732

Relating to: nonmetallic mining reclamation financial assurances.

Concurrence.

Ayes, 3 – Senators Kanavas, Stepp and Leibham.

Noes, 2 – Senators Chvala and Jauch.

Assembly Bill 734

Relating to: partial deregulation of telecommunications services.

Concurrence.

Ayes, 3 – Senators Kanavas, Stepp and Leibham.

Noes, 2 – Senators Chvala and Jauch.

Assembly Bill 735

Relating to: strategic energy assessments.

Concurrence.

Ayes, 4 – Senators Kanavas, Stepp, Leibham and Chvala.

Noes, 1 – Senator Jauch.

Ted Kanavas
Senate Chairperson

Cathy Stepp
Senate Chairperson

The Chief Clerk makes the following entries dated **January 26, 2004** :

Read first time and referred:

Senate Bill 405

Relating to: adding additional members to the Council on Veterans Programs.

By Senators Brown, Breske, Coggs, S. Fitzgerald, Reynolds, Roessler, Stepp, Welch and Lassa; cosponsored by Representatives Musser, Albers, Bies, Colon, Gronemus, Gunderson, Hines, Hubler, Hundertmark, Kaufert, Krawczyk, Ladwig, J. Lehman, Loeffelholz, McCormick, Nischke, Plouff, Pocan, Stone, Suder, Townsend, Turner, Weber, Shilling and Morris.

To committee on **Homeland Security, Veterans and Military Affairs and Government Reform.**

Senate Bill 406

Relating to: the Milwaukee Parental Choice Program and granting rule-making authority.

By Senators Plale, Darling, Stepp, Kanavas, Welch and Leibham; cosponsored by Representatives Jensen, Krug, Krusick, Nischke, Ladwig, Krawczyk, Hundertmark, Honadel, Ainsworth, Ott, Albers, Owens, Nass, Stone and Jeskewitz.

To committee on **Education, Ethics and Elections.**

Senate Bill 407

Relating to: hunting deer in a chronic wasting disease intensive harvest or heard reduction zone without a deer hunting license, the receipt of a deer hunting license during an open season for hunting deer, and granting rule-making authority.

By Senators Kedzie, Zien, S. Fitzgerald, Cowles, Roessler, Lassa, Schultz and Stepp; cosponsored by Representatives Johnsrud, Huebsch, Freese, Krawczyk, Ott, Gronemus, Albers, Hines, Hahn, Vrakas, Lothian, J. Lehman, Petrowski, Molepske, Jeskewitz, Suder, Ainsworth, Musser, Olsen and Plouff.

To committee on **Environment and Natural Resources.**

INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Read and referred:

Senate Resolution 26

Relating to: recognizing Alexis Deignan for her selection as Miss American Sweetheart.

By Senators Brown and Zien.

To committee on **Senate Organization.**

Senate Bill 408

Relating to: creating a nonrefundable individual income tax credit for certain adoption expenses.

By Senator Reynolds.

To committee on **Health, Children, Families, Aging and Long Term Care.**

Senate Bill 409

Relating to: adopting federal law as it relates to health savings accounts for state income and franchise tax purposes.

By Senators Darling, Welch, Stepp, Roessler, Zien, Reynolds, Lazich, Brown, Schultz, A. Lasee and Harsdorf;

cosponsored by Representatives Wieckert, Ladwig, Jensen, Hines, Van Roy, Kreibich, Ziegelbauer, Pettis, Ainsworth, Hahn, McCormick, Musser, Stone, Albers, Nass, J. Wood, Townsend, Grothman, Rhoades, Petrowski, M. Lehman, F. Lasee, Gunderson, Hundertmark, Vrakas, Bies, Towns, Nischke and Weber.

To joint survey committee on **Tax Exemptions.**

Senate Bill 410

Relating to: eligibility for a grant under the fire dues program.

By Senators Brown, S. Fitzgerald, Kanavas, Kedzie and Roessler; cosponsored by Representatives M. Williams, Kerkman, Hundertmark, Albers, Gunderson, Huebsch, J. Lehman, M. Lehman, McCormick, Ott, Stone, Vruwink, Musser and Hahn.

To committee on **Homeland Security, Veterans and Military Affairs and Government Reform.**

REPORT OF COMMITTEES

The committee on **Agriculture, Financial Institutions and Insurance** reports and recommends:

Assembly Bill 284

Relating to: the requirement that operators of fish farms provide evidence of fish health and granting rule-making authority.

Concurrence as amended.

Ayes, 5 – Senators Schultz, Brown, Kedzie, Hansen and Lassa.

Noes, 0 – None.

Dale Schultz
Chairperson

The select committee on **Job Creation** reports and recommends:

Senate Bill 371

Relating to: partial deregulation of telecommunications services.

Passage.

Ayes, 3 – Senators Kanavas, Stepp and Leibham.

Noes, 2 – Senators Chvala and Jauch.

Senate Bill 372

Relating to: making patient health care records concerning health care operations inapplicable to restrictions on release without informed consent.

Passage.

Ayes, 5 – Senators Kanavas, Stepp, Leibham, Chvala and Jauch.

Noes, 0 – None.

Senate Bill 374

Relating to: the acquisition of in-state banks and in-state bank holding companies.

Passage.

Ayes, 5 – Senators Kanavas, Stepp, Leibham, Chvala and Jauch.

Noes, 0 – None.

Senate Bill 376

Relating to: nonmetallic mining reclamation financial assurances.

Passage.

Ayes, 3 – Senators Kanavas, Stepp and Leibham.

Noes, 2 – Senators Chvala and Jauch.

Senate Bill 378

Relating to: strategic energy assessments.

Passage.

Ayes, 4 – Senators Kanavas, Stepp, Leibham and Chvala.

Noes, 1 – Senator Jauch.

Ted Kanavas
Senate Chairperson

Cathy Stepp
Senate Chairperson

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Office of the Governor**

January 22, 2004

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Senate Bill 357	Wisconsin Act 112	January 21, 2004
Senate Bill 358	Wisconsin Act 113	January 21, 2004
Senate Bill 359	Wisconsin Act 114	January 21, 2004
Senate Bill 360	Wisconsin Act 115	January 21, 2004
Senate Bill 361	Wisconsin Act 116	January 21, 2004
Senate Bill 362	Wisconsin Act 117	January 21, 2004

Sincerely,

JIM DOYLE
Governor

**State of Wisconsin
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
Senate Bill 357	Wisconsin Act 112	January 23, 2004
Senate Bill 358	Wisconsin Act 113	January 23, 2004
Senate Bill 359	Wisconsin Act 114	January 23, 2004
Senate Bill 360	Wisconsin Act 115	January 23, 2004
Senate Bill 361	Wisconsin Act 116	January 23, 2004
Senate Bill 362	Wisconsin Act 117	January 23, 2004

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

State of Wisconsin

January 22, 2004

The Honorable, The Senate:

Please remove my name as cosponsor from **Senate Bill 352**.

If you require further information, please do not hesitate to call my office.

Sincerely,

GLENN GROTHMAN
State Representative

**State of Wisconsin
Department of Health and Family Services**

January 22, 2004

The Honorable, The Senate:

On behalf of the Board of Governors of the Health Insurance Risk Sharing Plan (HIRSP), I am pleased to submit the calendar

year 2002 annual report. This submission is in accordance with the statutory requirements set forth at s. 149.15, and Wisconsin Statutes.

The report includes:

- A summary of how HIRSP is funded, who is eligible, what services are covered and policyholder premium, deductible and coinsurance obligations.
- A historical overview and a summary of HIRSP-related legislative changes since 1997.
- Demographic information about HIRSP policyholders.
- An explanation of HIRSP's funding and financial information.
- Utilization and cost data, including summaries of HIRSP payments by diagnosis category and by therapeutic classes of prescription drugs.
- Recommendations for changes to HIRSP.

The Department of Health and Family Services and the HIRSP Board appreciate the continuing support of the Legislature. Please contact me if I may provide additional information.

Sincerely,

MARK B. MOODY
Administrator

Referred to committee on **Health, Children, Families, Aging and Long Term Care.**

**State of Wisconsin
Department of Justice**

January 15, 2004

The Honorable, The Legislature:

Section 165.90 of the Wisconsin Statutes requires the Department of Justice to report on the performance of cooperative county-tribal law enforcement programs receiving aid under this section. This letter constitutes our report.

The County-Tribal Law Enforcement Grant Program continues to help local law enforcement provide needed services in Indian communities. In addition, this program helps build a cooperative atmosphere and positive relationship between law enforcement and tribal governments and communities. Departmental staff is available to discuss this report and this important program.

Sincerely,

PEGGY A. LAUTENSCHLAGER
Attorney General

ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin
Office of the Governor**

January 16, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MUSSER, GENE, of Middleton, as a member of the Medical Examining Board, to serve for the term ending July 1, 2005.

Sincerely,

JIM DOYLE
Governor

Read and referred to committee on **Health, Children, Families, Aging and Long Term Care.**

**State of Wisconsin
Office of the Governor**

January 21, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint OLSON, DOROTHY, of Appleton, as a member of the Occupational Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2007.

Sincerely,

JIM DOYLE

Governor

Read and referred to committee on **Health, Children, Families, Aging and Long Term Care.**

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

The committee on **Labor, Small Business Development and Consumer Affairs** reports and recommends:

Senate Clearinghouse Rule 03-084

Relating to uniform standards of professional appraisal practice.

No action taken.

Senate Clearinghouse Rule 03-092

Relating to the transfer of personnel commission responsibilities to the equal rights division and other revisions to civil rights rules.

No action taken.

Thomas Reynolds
Chairperson

ADJOURNMENT

Senator Leibham, with unanimous consent, asked that the Senate adjourn until Wednesday, at 10:00 A.M..

Adjourned.

10:01 A.M.