

STATE OF WISCONSIN
Senate Journal
Ninety–Seventh Regular Session

WEDNESDAY, March 30, 2005

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

CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated Tuesday, March 29, 2005.

Read and referred:

Senate Resolution 5

Relating to: limitations on senate consideration of specified senate amendments and senate substitute amendments to an executive budget bill.

By Joint Legislative Council.

To joint committee on **Finance**.

Senate Joint Resolution 18

Relating to: identification and removal of specified types of policy from an executive budget bill.

By Joint Legislative Council.

To joint committee on **Finance**.

Read first time and referred:

Senate Bill 139

Relating to: designating and marking a portion of USH 14 as the Ronald Reagan Highway.

By Senators Harsdorf, Kanavas, S. Fitzgerald, Reynolds, A. Lasee, Zien, Cowles, Stepp, Kapanke and Grothman; cosponsored by Representatives Suder, Lothian, Vukmir, Hines, Hahn, Vos, Nass, Gard, Jensen, Stone, Krawczyk, Townsend, Kreibich, Ballweg, Bies, M. Williams, Owens, F. Lasee, Gunderson and Pridemore.

To committee on **Senate Organization**.

Senate Bill 140

Relating to: eliminating a penalty for certain early withdrawals from an individual retirement account.

By Senators Roessler, Zien, Darling, Reynolds, A. Lasee and Lassa; cosponsored by Representatives Wieckert, Underheim, Jeskewitz, Gronemus, Hahn, Gard, Jensen, Nass, Kreibich, Loeffelholz, Gielow, Stone, Krawczyk, McCormick, Ainsworth, Townsend, Albers, Ballweg, Bies, Honadel, Ott, Petrowski, Vrakas, Pridemore, Mursau, M. Williams, Owens, Gunderson and Musser.

To committee on **Job Creation, Economic Development and Consumer Affairs**.

Senate Bill 141

Relating to: prohibiting cancellation or nonrenewal of property or automobile insurance because of claims based on acts of nature.

By Senators Roessler, Cowles, Erpenbach, A. Lasee, Taylor and Wirsch; cosponsored by Representatives Petrowski, Owens, Townsend, Albers, Ballweg, Lehman, Sheridan, Hines and Pridemore.

To committee on **Agriculture and Insurance**.

Senate Bill 142

Relating to: grants to counties for providing alternatives to prosecution and incarceration for persons who abuse alcohol or other drugs and making appropriations.

By Senators Roessler, Zien, Stepp, S. Fitzgerald, Harsdorf, Darling, Miller, Hansen and Coggs; cosponsored by Representatives Bies, Nischke, Vos, Krawczyk, Shilling, Gronemus, Hahn, Jeskewitz, Ott, Musser, Berceau, Black, Grigsby, Staskunas, Seidel, Petrowski, Pocan and Albers.

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

Senate Bill 143

Relating to: deadlines for the transmittal of the Building Commission's long-range state building program recommendations and the delivery of the governor's biennial budget message and a report on the timeliness of the submittal of agency budget requests.

By Joint Legislative Council.

To joint committee on **Finance**.

Senate Bill 144

Relating to: the budget stabilization fund, the generally accepted accounting principles deficit reduction fund, the general fund deficit based on generally accepted accounting principles, and making appropriations.

By Joint Legislative Council.

To joint committee on **Finance**.

Senate Bill 145

Relating to: deferred prosecution agreements for persons charged with issuing a worthless check or other order for payment and allowing a district attorney to collect money owed to others.

By Senators Harsdorf, Robson, Olsen, Roessler, Grothman, Darling and Lazich; cosponsored by Representatives Kaufert, Boyle, Pettis, Ziegelbauer, Young, Berceau, Ainsworth, Wood, Musser, Staskunas, Hines, Molepske, Vruwink, Ott and Albers.

To committee on **Judiciary, Corrections and Privacy**.

Senate Bill 146

Relating to: authorizing a county to participate in a municipal revenue sharing agreement.

By Senators Kapanke, Brown, Cowles, A. Lasee, Olsen, Roessler and Wirch; cosponsored by Representatives Wieckert, Huebsch, Nerison, Shilling, Ainsworth, Ballweg, Gielow, Gunderson, Hahn, Hines, Jeskewitz, LeMahieu, Loeffelholz, Lothian, Molepske, Mursau, Musser, Nass, Ott, Owens, Petrowski, Pridemore, Rhoades, Townsend, Van Roy and Vrakas.

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

Senate Bill 147

Relating to: preemption of city, village, town, or county living wage ordinances.

By Senators A. Lasee and Schultz.

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

Senate Bill 148

Relating to: requiring registration of firearms owned by Milwaukee County residents and providing a penalty.

By Senator Coggs; cosponsored by Representatives Young, Fields, Sinicki, Toles, Turner, Berceau, A. Williams and Kessler.

To committee on **Judiciary, Corrections and Privacy.**

Senate Bill 149

Relating to: membership of the Group Insurance Board.

By Senators Brown, Olsen, A. Lasee, Kapanke, Roessler, Darling and Grothman; cosponsored by Representatives Musser, Nischke, Jeskewitz, Krawczyk, Ott, Hines, Hahn, Petrowski, Townsend and Ballweg.

To committee on **Agriculture and Insurance.**

INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Read first time and referred:

Senate Bill 150

Relating to: making technical and minor substantive changes in the administrative rule-making process.

By Joint Legislative Council.

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

Senate Bill 151

Relating to: permitting an educational agency to refuse to employ or to terminate from employment an unpardoned felon.

By Senators Darling, A. Lasee, Lazich, Leibham, Kanavas, Harsdorf, Roessler, Grothman and Brown; cosponsored by Representatives Petrowski, Nass, Gundrum, Bies, Nischke, Townsend, Pridemore, Kleefisch, Pettis, Vos, Lothian, Kerkman, Honadel, Suder, Montgomery, Hines, Wood, Krawczyk, J. Fitzgerald, Hahn, Ballweg, Vrakas, McCormick, Moulton, Gard, Gunderson, Musser, Jensen, M. Williams, Albers, Owens, F. Lasee, Vukmir, Ziegelbauer, Stone, Hundertmark, Freese, Gielow, Huebsch, Loeffelholz, Kestell and Kreibich.

To committee on **Education.**

Senate Bill 152

Relating to: an education tax credit for businesses.

By Senators Darling, Olsen, Harsdorf, Leibham, Stepp, Brown and Kanavas; cosponsored by Representatives Jensen, Kleefisch, Nischke, Ward, Jeskewitz, Townsend, Pettis, Bies, Hahn, Ainsworth, Musser, Vos, Davis, Suder, Kreibich, Mursau, Pridemore, LeMahieu, Ballweg, Lamb, F. Lasee, Nass, Moulton, Petrowski, Shilling, Gard, Vrakas, Strachota, J. Fitzgerald, Hines, Nerison and Seidel.

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

REPORT OF COMMITTEES

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

BARNETT, JEFFREY, of Whitewater, as a member of the Professional Standards Council for Teachers, to serve for the term ending June 30, 2007.

Confirmation.

Ayes, 7 – Senators Olsen, Darling, Harsdorf, Grothman, Jauch, Erpenbach and Hansen.

Noes, 0 – None.

HELFF, LINDA, of Manitowoc, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2005.

Confirmation.

Ayes, 7 – Senators Olsen, Darling, Harsdorf, Grothman, Jauch, Erpenbach and Hansen.

Noes, 0 – None.

KAESKE, RUSS, of Hales Corners, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 7 – Senators Olsen, Darling, Harsdorf, Grothman, Jauch, Erpenbach and Hansen.

Noes, 0 – None.

POLLACK, HILARY, of Ashland, as a member of the Professional Standards Council for Teachers, to serve for the term ending June 30, 2007.

Confirmation.

Ayes, 7 – Senators Olsen, Darling, Harsdorf, Grothman, Jauch, Erpenbach and Hansen.

Noes, 0 – None.

SCHOESSOW, TERRY, of Mequon, as a member of the Professional Standards Council for Teachers, to serve for the term ending June 30, 2007.

Confirmation.

Ayes, 7 – Senators Olsen, Darling, Harsdorf, Grothman, Jauch, Erpenbach and Hansen.

Noes, 0 – None.

VAIL, REBECCA, of Lake Geneva, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 7 – Senators Olsen, Darling, Harsdorf, Grothman, Jauch, Erpenbach and Hansen.

Noes, 0 – None.

ZIMMERMAN, MARY, of Spring Valley, as a member of the Professional Council for Teachers, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 7 – Senators Olsen, Darling, Harsdorf, Grothman, Jauch, Erpenbach and Hansen.

Noes, 0 – None.

ZINDL, LYNN, of Sussex, as a member of the Professional Standards Council for Teachers, to serve for the term ending June 30, 2007.

Confirmation.

Ayes, 7 – Senators Olsen, Darling, Harsdorf, Grothman, Jauch, Erpenbach and Hansen.
Noes, 0 – None.

Senate Bill 17

Relating to: carrying forward a school district's unused revenue limit authority to the succeeding school year.

Passage.

Ayes, 7 – Senators Olsen, Darling, Harsdorf, Grothman, Jauch, Erpenbach and Hansen.
Noes, 0 – None.

Senate Bill 68

Relating to: supplementing special education funding with lapsed student achievement guarantee contract moneys and making an appropriation.

Adoption of Senate Substitute Amendment 1.

Ayes, 4 – Senators Olsen, Darling, Harsdorf and Grothman.
Noes, 3 – Senators Jauch, Erpenbach and Hansen.

Passage as amended.

Ayes, 4 – Senators Olsen, Darling, Harsdorf and Grothman.
Noes, 3 – Senators Jauch, Erpenbach and Hansen.

LUTHER OLSEN
Chairperson

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

Senate Bill 37

Relating to: creating an individual income tax subtract modification for amounts spent on medical insurance premiums by certain individuals.

Adoption of Senate Substitute Amendment 1.

Ayes, 13 – Senators S. Fitzgerald, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.
Noes, 2 – Senators Lazich and Cowles.

Passage as amended.

Ayes, 13 – Senators S. Fitzgerald, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.
Noes, 2 – Senators Lazich and Cowles.

Senate Bill 47

Relating to: expenditure of a sum sufficient equal to \$158,800 plus accrued interest from the general fund in payment of a claim against the state made by the Village of Sturtevant.

Passage, with emergency statement attached pursuant to s. 16.47(2), Wisconsin Statutes.

Ayes, 13 – Senators S. Fitzgerald, Lazich, Cowles, Leibham and Olsen. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon.
Noes, 2 – Senators Decker and Taylor.

SCOTT FITZGERALD
Senate Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin

March 22, 2005

The Honorable, The Senate:

Pursuant to Senate Rule 46(2)(c), I am writing to direct that **Senate Bill 129** be withdrawn from the committee on **Veterans, Homeland Security, Military Affairs, Small Business and Government Reform** and rereferred to the joint committee on **Finance**. I have obtained the consent of the appropriate chairperson.

Sincerely,
ALAN LASEE
Senate President

State of Wisconsin

March 23, 2005

The Honorable, The Senate:

Pursuant to Senate Rule 46(2)(c), I am writing to direct that the appointment of Scott Soldon be withdrawn from the committee on **Agriculture and Insurance** and rereferred to the committee on **Higher Education and Tourism**. I have obtained the consent of the appropriate chairperson.

Sincerely,
ALAN LASEE
Senate President

State of Wisconsin

March 23, 2005

The Honorable, The Senate:

Pursuant to Senate Rule 46(2)(c), I am writing to direct that **Senate Bill 103** be withdrawn from the joint committee on **Finance** and rereferred to the committee on **Job Creation, Economic Development and Consumer Affairs**. I have obtained the consent of the appropriate chairperson.

Sincerely,
ALAN LASEE
Senate President

State of Wisconsin

March 29, 2005

The Honorable, The Senate:

Pursuant to Senate Rule 46(2)(c), I am writing to direct that **Senate Bill 142** be withdrawn from the committee on **Health, Children, Families, Aging and Long Term Care** and rereferred to the committee on **Judiciary, Corrections and Privacy**. I have obtained the consent of the appropriate chairperson.

Sincerely,
ALAN LASEE
Senate President

State of Wisconsin Office of the Commissioner of Insurance

March 29, 2005

The Honorable, The Senate:

Pursuant to [1999 Wisconsin Act 113](#) and Sec. 13.172 (3) Wis. Stats, I am forwarding OCI's Report on Insurance Coverage for Lead Liability. Under Act 113 this report is to be forwarded to the appropriate standing committees of the legislature which could include the Senate Committee on Health, Children, Families, Aging and Long-Term Care; the Senate Committee

on Agriculture and Insurance; the Assembly Committee on Health and the Assembly Committee on Insurance. If you feel that other standing committees of the legislature would be appropriate please forward the report to them as well.

Sincerely,
JORGE GOMEZ
Commissioner

Referred to the committee on **Agriculture and Insurance**.

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

Pursuant to Senate Rule 17(5), Senator Breske added as a coauthor of **Senate Bill 56**.

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

Senate Clearinghouse Rule 04-067

Relating to group foster homes for children.
Submitted by Department of Health and Family Services.
Report received from Agency, March 30, 2005.

Referred to committee on **Health, Children, Families, Aging and Long Term Care**, March 30, 2005.

Senate Clearinghouse Rule 04-121

Relating to medicare supplement, replacement, cost-sharing, select, advantage and medicare D prescription drug plans.

Submitted by Insurance Commissioner.
Report received from Agency, March 30, 2005.

Referred to committee on **Health, Children, Families, Aging and Long Term Care**, March 30, 2005.

Senate Clearinghouse Rule 04-124

Relating to supervision and disclosure.
Submitted by Department of Regulation and Licensing.
Report received from Agency, March 25, 2005.

Referred to committee on **Veterans, Homeland Security, Military Affairs, Small Business and Government Reform**, March 30, 2005.

Senate Clearinghouse Rule 04-142

Relating to the cancer drug repository program authorized under s. 255.056, Stats., and affecting small businesses.

Submitted by Department of Health and Family Services.
Report received from Agency, March 30, 2005.

Referred to committee on **Health, Children, Families, Aging and Long Term Care**, March 30, 2005.

The committee on **Labor and Election Process Reform** reports and recommends:

Senate Clearinghouse Rule 04-097

Relating to criminal background investigations and fingerprinting of applicants.

No action taken.

Senate Clearinghouse Rule 05-007

Relating to the adjustment of thresholds for application of prevailing wage rates.

No action taken.

THOMAS REYNOLDS
Chairperson

The committee on **Natural Resources and Transportation** reports and recommends:

Senate Clearinghouse Rule 02-099

Relating to department standards for erosion control of inland lakes and impoundments.

Modifications requested, Ayes 5, Noes 0.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

No action taken.

Senate Clearinghouse Rule 04-065

Relating to timelines and procedures for exemptions, general permits, and individual permits for activities in navigable waters.

No action taken.

Senate Clearinghouse Rule 04-066

Relating to natural resources board policies on protection and management of public waters.

Modifications requested, Ayes 5, Noes 0.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Review period waived, Ayes 5, Noes 0.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Senate Clearinghouse Rule 05-003

Relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

No action taken.

NEAL KEDZIE
Chairperson

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 52** offered by Senator Kanavas.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 68** offered by Senator Grothman.