



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Seventh Regular Session

11:00 A.M.

THURSDAY, January 19, 2006

The Senate met.

The Senate was called to order by Senator Alan Lasee.

The roll was called and the following Senators answered to their names:

Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator Kanavas led the Senate in the pledge of allegiance to the flag of the United States of America.

### CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated Tuesday, January 17, 2006.

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has concurred in:

#### **Senate Joint Resolution 56**

The Chief Clerk makes the following entries dated Wednesday, January 18, 2006.

Read first time and referred:

#### **Senate Bill 505**

Relating to: construction of one- and 2-family dwellings by dwelling owners who are members of bona fide religious denominations.

By Senators Brown, Zien, Grothman and Reynolds; cosponsored by Representatives Musser, Townsend, Gronemus and Suder.

To committee on **Housing and Financial Institutions**.

#### **Senate Bill 506**

Relating to: prohibiting school districts from adopting certain textbooks.

By Senators Reynolds and Lazich; cosponsored by Representatives Ott, Hines, Gundrum, Vos, Kleefisch and Petrowski.

To committee on **Education**.

#### **Senate Bill 507**

Relating to: event data recorders and providing a penalty.

By Senators Reynolds, Grothman and Roessler; cosponsored by Representatives Friske, Albers, Gunderson, Hahn, Krawczyk, Musser, Nass, Petrowski, Schneider, Turner, Wood and Ziegelbauer.

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

#### **Senate Bill 508**

Relating to: authorizing specific information signs on certain portions of USH 151.

By Senators Roessler, Cowles and Grothman; cosponsored by Representatives Townsend, Albers, Berceau, Bies, Hines and Ott.

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

#### **Senate Bill 509**

Relating to: a single registration plate for motor vehicles registered with the Department of Transportation and transfers from the transportation fund to the general fund.

By Senators Hansen and Brown; cosponsored by Representatives Montgomery, Nelson, Berceau, Colon, Seidel, Towns and Zepnick.

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

The committee on **Health, Children, Families, Aging and Long Term Care** reports and recommends:

#### **Assembly Bill 802**

Relating to: supplemental Medical Assistance payments to county and municipal nursing homes and making an appropriation.

Concurrence.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

CAROL ROESSLER  
Chairperson

The committee on **Senate Organization** reports and recommends:

#### **Senate Bill 453**

Relating to: creating an individual income tax checkoff for donations to the fire fighters memorial.

Rereferred to joint committee on Finance, pursuant to Senate Rule 41 (1)(e), by committee on Senate Organization.

Ayes, 5 – Senators Schultz, Lasee, Kedzie, Robson and Hansen.

Noes, 0 – None.

Withdrawn from joint committee on Finance and placed on the calendar of 1–19–2006 by committee on Senate Organization, pursuant to Senate Rule 41 (1)(e).

Ayes, 5 – Senators Schultz, Lasee, Kedzie, Robson and Hansen.

Noes, 0 – None.

Dale Schultz  
Chairperson

**State of Wisconsin**

January 18, 2006

The Honorable, The Senate:

Pursuant to Senate Rule 46(2)(c), I am writing to direct that **Senate Bill 498** be withdrawn from the committee on **Natural Resources and Transportation** and rereferred to the committee on **Energy, Utilities, and Information Technology**. I have obtained the consent of the appropriate chairperson.

Sincerely,

ALAN LASEE  
Senate President

Pursuant to Senate Rule 17 (5), Senator Olsen added as a coauthor of **Senate Bill 504**.

**State of Wisconsin  
Office of the Governor**

January 13, 2006

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SENTRY, PAUL, of Verona, as a member of the Wisconsin Housing and Economic Development Authority, to serve for the term ending January 1, 2007.

Sincerely,

JIM DOYLE  
Governor

Read and referred to committee on **Housing and Financial Institutions**.

**State of Wisconsin  
Office of the Governor**

January 18, 2006

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint AMBS, TODD, of Madison, as a member of the Great Lakes Protection Fund, to serve for the term ending October 11, 2009.

Sincerely,

JIM DOYLE  
Governor

Read and referred to committee on **Natural Resources and Transportation**.

**State of Wisconsin  
Office of the Governor**

January 18, 2006

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ARMSTRONG, PERRY, of Mount Horeb, as a member of the Wisconsin Housing and Economic Development Authority, to serve for the term ending January 1, 2010.

Sincerely,  
JIM DOYLE  
Governor

Read and referred to committee on **Housing and Financial Institutions**.

**State of Wisconsin  
Office of the Governor**

January 17, 2006

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HURTADO, GEOFF, of Cedarburg, as a member of the Wisconsin Housing and Economic Development Authority, to serve for the term ending January 1, 2010.

Sincerely,  
JIM DOYLE  
Governor

Read and referred to committee on **Housing and Financial Institutions**.

**State of Wisconsin  
Office of the Governor**

January 17, 2006

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CANTU, KATHLEEN, of Madison, as a member of the Cemetery Board, to serve for the term ending July 1, 2008.

Sincerely,  
JIM DOYLE  
Governor

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

**Senate Clearinghouse Rule 05–109**

Relating to the time period within which a person moving to Wisconsin may operate a motor vehicle under a driver license from his or her previous state of residence.

Submitted by Department of Transportation.

Report received from Agency, January 17, 2006.

Referred to committee on **Natural Resources and Transportation**, January 18, 2006.

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 229**

**Assembly Bill 526**  
**Assembly Bill 536**  
**Assembly Bill 660**  
**Assembly Bill 742**

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**Assembly Bill 229**

Relating to: assignment of a landowner's eligibility to apply for a turkey hunting license.

By Representatives Musser, Gronemus, Pettis, Krawczyk, Petrowski, Ott, Kreibich, Hahn, Ballweg, Hines and Pridemore; cosponsored by Senators Stepp and A. Lasee.

Read first time and referred to committee on **Natural Resources and Transportation**.

**Assembly Bill 526**

Relating to: requiring a child's parent to provide a health insurance identification card to the child's other parent.

By Representatives Owens, Ainsworth, Albers, Ballweg, Gronemus, Hahn, Hines, Kerkman, Krawczyk, Lehman, Lothian, Musser, Pridemore, Townsend, Van Roy and Vos; cosponsored by Senators Roessler and Darling.

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

**Assembly Bill 536**

Relating to: prohibiting a register of deeds from recording certain instruments that contain more than a partial social security number and providing a penalty.

By Representatives Molepske, M. Williams, Montgomery, Vruwink, Wood, Gronemus, Jeskewitz, Parisi, Petrowski, Ainsworth, Hahn, Davis, Staskunas, Sheridan, Krawczyk, Kreuser, Black, Musser, Vos, Albers, Lothian, Seidel, Hines, Strachota, Hebl, Nelson, Vrakas, Van Roy, Gundrum, Pettis, Gunderson, Townsend, Towns, Kreibich, Loeffelholz, Sherman and Meyer; cosponsored by Senators Hansen, Decker and Breske.

Read first time and referred to committee on **Veterans, Homeland Security, Military Affairs, Small Business and Government Reform**.

**Assembly Bill 660**

Relating to: legal custody of a child who was initially taken into custody under circumstances in which the child's parent relinquished custody of the child and whose parents' parental rights to the child have been terminated.

By Representatives Freese, Albers, Hahn, Hines, Kestell, Lothian and Van Akkeren; cosponsored by Senator Roessler.

Read first time and referred to committee on **Judiciary, Corrections and Privacy**.

**Assembly Bill 742**

Relating to: transferring a permit to operate a hotel, restaurant, bed and breakfast, rooming house, or vending machine.

By Representatives Wood, Mursau, Albers, Bies, Fields, Gielow, Hahn, Hundertmark, Krawczyk, Moulton, Musser, Owens, Petrowski and Towns; cosponsored by Senators Grothman, Lassa, Zien and Stepp.

Read first time and referred to committee on **Higher Education and Tourism**.

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Senate amendment 1 to **Senate Bill 420** offered by Senator Kanavas.

Senate amendment 2 to **Senate Bill 480** offered by Senator A. Lasee.

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

Read first time and referred:

**Senate Bill 510**

Relating to: repealing reporting requirements related to area cooperation compacts.

By Senators Roessler and Cowles; cosponsored by Representatives Jeskewitz, Musser, Petrowski, Ott, Owens and Townsend.

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

**Senate Bill 511**

Relating to: eliminating the Wisconsin credit union savings insurance corporation (suggested as remedial legislation by the Department of Financial Institutions).

By Law Revision Committee.

To committee on **Housing and Financial Institutions**.

**Senate Bill 512**

Relating to: various changes regarding the Department of Financial Institutions and persons regulated by the Department of Financial Institutions and granting rule-making authority (suggested as remedial legislation by the Department of Financial Institutions).

By Law Revision Committee.

To committee on **Housing and Financial Institutions**.

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**PETITIONS AND COMMUNICATIONS**

Pursuant to Senate Rule 17 (5), Senator Leibham added as a coauthor of **Senate Bill 453**.

Pursuant to Senate Rule 17 (5), Senator Lassa added as a coauthor of **Senate Bill 453**.

Pursuant to Senate Rule 17 (5), Senator Lassa added as a cosponsor of **Assembly Bill 802**.

Pursuant to Senate Rule 17 (5), Senator Zien added as a cosponsor of **Assembly Bill 802**.

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**ADVICE AND CONSENT OF THE SENATE**

Senator Kedzie, with unanimous consent, asked that the reading be dispensed with and that the appointments be taken up en masse.

LANDES, SAMUEL, of Dane, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2008.

SWANSON, DAVID, of Milwaukee, as a member of the Tax Appeals Commission, to serve for the term ending March 1, 2011.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman,

Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

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## SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

### Senate Bill 158

Relating to: fishing with a bow and arrow at night.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 158**?

Adopted.

Ordered to a third reading.

Senator Schultz, with unanimous consent, asked that the bill be considered for final action at this time.

### Senate Bill 158

Read a third time and passed.

### Senate Bill 350

Relating to: displaying political signs in condominiums.

Read a second time.

Ordered to a third reading.

Senator Kedzie, with unanimous consent, asked that the bill be considered for final action at this time.

### Senate Bill 350

Read a third time and passed.

### Senate Bill 380

Relating to: the Barbering and Cosmetology Examining Board.

Read a second time.

Ordered to a third reading.

Senator Kedzie, with unanimous consent, asked that the bill be considered for final action at this time.

### Senate Bill 380

Read a third time and passed.

### Senate Bill 405

Relating to: powers of the Pharmacy Examining Board during times of emergency or disaster.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 405**?

Adopted.

Ordered to a third reading.

Senator Kedzie, with unanimous consent, asked that the bill be considered for final action at this time.

### Senate Bill 405

Read a third time and passed.

### Senate Bill 429

Relating to: the regulation of optometrists, providing an exemption from emergency rule procedures, and granting rule-making authority.

Read a second time.

Ordered to a third reading.

Senator Schultz, with unanimous consent, asked that the bill be considered for final action at this time.

### Senate Bill 429

Read a third time and passed.

### Senate Bill 450

Relating to: construction liens, requirements for securing payment for work on publicly financed projects, and providing a penalty.

Read a second time.

Senator Robson moved that **Senate Bill 450** be rereferred to the committee on **Judiciary, Corrections and Privacy**.

The question was: shall **Senate Bill 450** be rereferred to the committee on **Judiciary, Corrections and Privacy**?

Referral Refused.

Ordered to a third reading.

Senator Schultz, with unanimous consent, asked that the bill be considered for final action at this time.

### Senate Bill 450

Read a third time and passed.

### Senate Bill 453

Relating to: creating an individual income tax checkoff for donations to the fire fighters memorial.

Read a second time.

Senate amendment 2 to **Senate Bill 453** offered by Senator S. Fitzgerald.

The question was: Adoption of Senate amendment 2 to **Senate Bill 453**?

Adopted.

Ordered to a third reading.

Senator Schultz, with unanimous consent, asked that the bill be considered for final action at this time.

### Senate Bill 453

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 2; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman,

Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Olsen, Plale, Reynolds, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 31.

Noes – Senators Miller and Risser – 2.

Absent or not voting – None.

Passed.

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## SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS

### Assembly Bill 89

Relating to: exclusive municipal court jurisdiction in proceedings against juveniles 12 years of age or over, but under 16 years of age, for municipal traffic ordinance violations.

Read a second time.

Ordered to a third reading.

Senator Kedzie, with unanimous consent, asked that the bill be considered for final action at this time.

### Assembly Bill 89

Read a third time and concurred in.

### Assembly Bill 90

Relating to: notice of appeal of a municipal court judgment and requesting a jury trial on appeal from that judgement.

Read a second time.

Ordered to a third reading.

Senator Kedzie, with unanimous consent, asked that the bill be considered for final action at this time.

### Assembly Bill 90

Read a third time and concurred in.

### Assembly Bill 91

Relating to: noncompliance with a municipal court order.

Read a second time.

Ordered to a third reading.

Senator Kedzie, with unanimous consent, asked that the bill be considered for final action at this time.

### Assembly Bill 91

Read a third time and concurred in.

### Assembly Bill 456

Relating to: prepayment penalties on variable rate residential mortgage loans.

Read a second time.

Ordered to a third reading.

Rules suspended.

### Assembly Bill 456

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes – Senators Brown, Cowles, Darling, Ellis, Erpenbach, S. Fitzgerald, Grothman, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, Lazich, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp and Zien – 21.

Noes – Senators Breske, Carpenter, Coggs, Decker, Hansen, A. Lasee, Lassa, Miller, Risser, Robson, Taylor and Wirch – 12.

Absent or not voting – None.

Concurred in.

### Assembly Bill 496

Relating to: defaults in consumer credit transactions involving motor vehicle consumer leases or credit sales of motor vehicles.

Read a second time.

Ordered to a third reading.

Senator Kedzie, with unanimous consent, asked that the bill be considered for final action at this time.

### Assembly Bill 496

Read a third time and concurred in.

### Assembly Bill 802

Relating to: supplemental Medical Assistance payments to county and municipal nursing homes and making an appropriation.

Read a second time.

Ordered to a third reading.

Senator Kedzie, with unanimous consent, asked that the bill be considered for final action at this time.

### Assembly Bill 802

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Concurred in.

Senator Schultz, with unanimous consent, asked that all action be immediately messaged to the Assembly.

Messaged.

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**ANNOUNCEMENTS, ADJOURNMENT  
HONORS, AND REMARKS UNDER  
SPECIAL PRIVILEGE**

Senator Decker asked unanimous consent that the Senate instruct the committee on **Job Creation, Economic Development, and Consumer Affairs** to schedule **Senate Bill 376** for its next public hearing.

Senator Schultz objected.

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**ADJOURNMENT**

Senator Schultz, with unanimous consent, asked that the Senate adjourn until Tuesday, January 24 at 10:00 A.M.

Adjourned.

2:07 P.M.

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**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Bill 403**

Presented to the Governor on January 19, 2006.