



STATE OF WISCONSIN

Senate Journal

Ninety–Fifth Regular Session

10:00 A.M.

THURSDAY, January 24, 2002

The Senate met.

The Senate was called to order by Senator Jim Baumgart.

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

INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

Senate Resolution 12

Relating to: supporting President George W. Bush's Economic Security Plan.

By Senators Welch, Darling, Kanavas, Roessler and Harsdorf.

To committee on **Labor and Agriculture**.

Senate Joint Resolution 56

Relating to: the life and public service of Roy Kubista.

By Senators Risser, Erpenbach, Plache, Grobschmidt and Roessler; cosponsored by Representatives Boyle, Sinicki, Miller, Black, Krug, Berceau, Hahn, Musser, Travis, Turner, Owens, Pocan, Plale, J. Lehman, Lassa, Meyerhofer, Sykora and Townsend.

To committee on **Senate Organization**.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 396

Relating to: the scope of the Wisconsin Consumer Act, the Wisconsin Motor Vehicle Consumer Lease Act, and the law with regard to fraudulent representations and deceptive advertising; liability and required disclosures under the Wisconsin Consumer Act; liability under the Wisconsin Motor Vehicle Consumer Lease Act; the authority of licensed lenders; the regulation of certain motor vehicle dealers, salespersons, and sales finance companies; the regulation of consumer leases under the Uniform Commercial Code; arbitration of controversies arising out of consumer credit transactions; establishing a penalty for unauthorized disclosure of personal medical information by an insurer; deceptive preapproval of open-end credit plans; payday loan providers; liability for unauthorized, remote access to certain depository accounts; and providing a penalty.

By Senators Burke, Erpenbach, Hansen, Risser, Rosenzweig and Wirch; cosponsored by Representatives

Richards, Berceau, Huber, J. Lehman, Miller, Musser, Pocan, Ryba, Schneider, Turner and Young.

To committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

Senate Bill 397

Relating to: the practice of nurse–midwifery, providing an exemption from emergency rule procedures, and granting rule–making authority.

By Senators Robson, Moen, Moore, Roessler, Rosenzweig, Wirch, Burke, Erpenbach, Breske and Darling; cosponsored by Representatives Underheim, Krawczyk, Lippert, Miller, Olsen, Bies, Skindrud, Townsend, Albers and Gard.

To committee on **Health, Utilities, Veterans and Military Affairs**.

Senate Bill 398

Relating to: a community youth grant to the New Concept Self Development Center, Inc.

By Senators George and Moore; cosponsored by Representatives Morris–Tatum, Young, Turner, La Fave, Cogs, Riley and Williams.

To committee on **Labor and Agriculture**.

Senate Bill 399

Relating to: cremation of corpses.

By Senators Risser, Darling and Huelsman; cosponsored by Representatives Gronemus, Boyle and Hahn.

To committee on **Health, Utilities, Veterans and Military Affairs**.

Senate Bill 400

Relating to: the notice of changed property tax assessments, the monitoring of property tax assessments, the filing deadline for property tax reassessment petitions, the recertification of local assessment personnel, the procedure for challenging tax lien foreclosures on property that is exempt from taxation, the administration of the property tax exemption for computers, and providing a penalty.

By Senators Hansen, Grobschmidt and Roessler; cosponsored by Representatives Townsend, Ryba and Lippert.

To committee on **Universities, Housing, and Government Operations**.

REPORT OF COMMITTEES

The committee on **Economic Development and Corrections** reports and recommends:

Assembly Bill 481

Relating to: the interstate compact for adult offender supervision.

Concurrence.

Ayes, 3 – Senators Jauch, M. Meyer and Zien.

Noes, 0 – None.

Assembly Bill 65

Relating to: parcels of land that may be included in a business improvement district.

Concurrence.

Ayes, 3 – Senators Jauch, M. Meyer and Zien.

Noes, 0 – None.

MORGAN, DEIRDRE A., of Verona, as Chair of the Parole Commission, to serve for the term ending March 1, 2003.

Confirmation.

Ayes, 3 – Senators Jauch, M. Meyer and Zien.

Noes, 0 – None.

Robert Jauch
Chairperson

The committee on **Environmental Resources** reports and recommends:

Assembly Bill 269

Relating to: deer hunting back tag number reservation fees.

Concurrence.

Ayes, 4 – Senators Hansen, Wirch, Cowles and Schultz.

Noes, 1 – Senator Baumgart.

Assembly Bill 300

Relating to: the designation and duties of chief warden, deputy chief warden, internal affairs officer, and complaint officer within the department of natural resources.

Concurrence.

Ayes, 3 – Senators Hansen, Wirch and Schultz.

Noes, 2 – Senators Baumgart and Cowles.

Assembly Bill 301

Relating to: authorizing conservation wardens to enforce the trespass law and prohibitions on shooting at caged or staked wild animals and to make arrests under warrants issued for felonies or misdemeanors.

Concurrence.

Ayes, 4 – Senators Baumgart, Hansen, Wirch and Cowles.

Noes, 1 – Senator Schultz.

Assembly Bill 361

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

Concurrence.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Assembly Bill 588

Relating to: funding for the enforcement of laws regulating snowmobiles and the operation of snowmobiles and making an appropriation.

Concurrence.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Senate Bill 156

Relating to: exceptions from the requirement to obtain a license to practice professional geology, professional hydrology, or professional soil science and granting rule-making authority.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Passage as amended.

Ayes, 3 – Senators Hansen, Wirch and Schultz.

Noes, 2 – Senators Baumgart and Cowles.

Jim Baumgart
Chairperson

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

Senate Bill 104

Relating to: campaign financing, providing exemptions from emergency rule procedures, granting rule-making authority, making appropriations and providing penalties.

Senate amendment 1 to Senate substitute amendment 1 adoption.

Ayes, 8 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirch, Darling and Rosenzweig.

Noes, 0 – None.

Introduction and adoption of Senate amendment 2 to Senate substitute amendment 1.

Ayes, 8 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirch, Darling and Rosenzweig.

Noes, 0 – None.

Introduction and adoption of Senate amendment 3 to Senate substitute amendment 1.

Ayes, 8 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirch, Darling and Rosenzweig.

Noes, 0 – None.

Senate substitute amendment 1 adoption.

Ayes, 8 – Senators Burke, Decker, Moore, Shibilski, Plache, Wirch, Darling and Rosenzweig.

Noes, 0 – None.

Passage as amended.

Ayes, 6 – Senators Burke, Decker, Moore, Shibilski, Plache and Wirch.

Noes, 2 – Senators Darling and Rosenzweig.

Brian Burke
Chairperson

The committee on **Human Services and Aging** reports and recommends:

KAMPS, GEORGE J., of Green Bay, as a member of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for the term ending July 1, 2005.

Confirmation.

Ayes, 7 – Senators Robson, Moore, Wirch, Hansen, Roessler, Welch and Kanavas.

Noes, 0 – None.

LEE, SHOUA, of La Crosse, as a member of the Board on Aging and Long-Term Care, to serve for the interim term ending May 1, 2005.

Confirmation.

Ayes, 7 – Senators Robson, Moore, Wirch, Hansen, Roessler, Welch and Kanavas.
Noes, 0 – None.

TOLLAKSEN, MARGARET F., of West Allis, as a member of the Board on Aging and Long-Term Care, to serve for the term ending May 1, 2006.

Confirmation.

Ayes, 7 – Senators Robson, Moore, Wirch, Hansen, Roessler, Welch and Kanavas.
Noes, 0 – None.

Senate Bill 231

Relating to: requiring the creation of a task force to develop a plan for the state centers for the developmentally disabled.

Introduction and adoption of Senate amendment 1.

Ayes, 7 – Senators Robson, Moore, Wirch, Hansen, Roessler, Welch and Kanavas.
Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators Robson, Moore, Wirch, Hansen, Roessler, Welch and Kanavas.
Noes, 0 – None.

Senate Bill 329

Relating to: state agency status for physicians and dentists providing specific public health services and removal of a physician from the state immunization program.

Introduction and adoption of Senate amendment 1.

Ayes, 7 – Senators Robson, Moore, Wirch, Hansen, Roessler, Welch and Kanavas.
Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators Robson, Moore, Wirch, Hansen, Roessler, Welch and Kanavas.
Noes, 0 – None.

Senate Bill 356

Relating to: the disclosure of information about licensed nurses to the coordinated licensure information system.

Passage.

Ayes, 7 – Senators Robson, Moore, Wirch, Hansen, Roessler, Welch and Kanavas.
Noes, 0 – None.

Judith Robson
Chairperson

The committee on **Labor and Agriculture** reports and recommends:

Senate Bill 339

Relating to: exclusive contracts for the sale of soft drinks in schools.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.
Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.
Noes, 0 – None.

Senate Bill 395

Relating to: temporary supplemental unemployment insurance benefits and certain other changes to the unemployment insurance law.

Passage.

Ayes, 5 – Senators Hansen, Decker, Baumgart, A. Lasee and Harsdorf.
Noes, 0 – None.

David Hansen
Chairperson

The committee on **Universities, Housing, and Government Operations** reports and recommends:

Assembly Bill 373

Relating to: notice regarding ineligibility to vote.

Concurrence.

Ayes, 6 – Senators M. Meyer, Grobschmidt, Hansen, Ellis, Huelsman and Zien.
Noes, 1 – Senator Moore.

Senate Bill 288

Relating to: administration of student financial aid programs by the higher educational aids board and granting rule-making authority (suggested as remedial legislation by the higher educational aids board).

Passage.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.
Noes, 0 – None.

Senate Bill 347

Relating to: eliminating redundancy in statutes pertaining to license renewal requirements; limiting a credential issued by an examining board; use of the term “credential” in the statutes pertaining to the department of regulation and licensing; changing the definition of “licensing” as it relates to administrative procedure; the award of costs in a contested administrative case; persons exempt from regulation as private detectives or private security personnel; and renumbering and creating statutory titles for provisions pertaining to immunity from liability for testimony to the department of regulation and licensing and attached boards, advisory committees to the department of regulation and licensing and attached boards, and cemetery preneed sellers (suggested as remedial legislation by the department of regulation and licensing).

Passage.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.
Noes, 0 – None.

Senate Bill 350

Relating to: authorizing a town board to exercise village powers.

Passage.

Ayes, 7 – Senators M. Meyer, Moore, Grobschmidt, Hansen, Ellis, Huelsman and Zien.
Noes, 0 – None.

Mark Meyer
Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Legislative Audit Bureau

January 23, 2002

The Honorable, The Legislature:

As requested in [1999 Wisconsin Act 9](#) and directed by the Joint Legislative Audit Committee, we have completed an evaluation of the activities and expenditures of Wisconsin’s regional hazardous materials (hazmat) response teams. This evaluation was undertaken and largely completed before the terrorist attacks of September 11, 2001. In light of nationwide

concerns about terrorist activity involving weapons of mass destruction, including biological or chemical agents, we have issued a separate letter to the Committee outlining the role of hazmat teams in responding to terrorist threats and the availability of federal funding to enhance state and local preparedness.

Wisconsin has a well-established response network of eight regional hazmat teams that are jointly funded by the State and by local fire departments. These teams are trained and equipped to respond to incidents requiring the highest level of skin and respiratory protection. Wisconsin's statewide response coverage, ongoing training of hazmat personnel, and established response protocols and procedures provide a solid base for current efforts to develop and implement additional plans to respond to potential terrorist threats from chemical or biological agents.

In fiscal year 2000-01, the State, through the Department of Military Affairs, provided \$1.4 million in general purpose revenue to the regional hazmat teams. Wisconsin's hazmat expenditures have been significantly higher than those of other states. The Legislature may wish to review the roles of the hazmat teams and methods of allocating funds among them, as well as the possibility of developing alternative funding sources for their activities.

We appreciate the courtesy and cooperation extended to us by the eight regional response teams and the Department of Military Affairs. The Department's response is Appendix 4.

Sincerely,

JANICE MUELLER
State Auditor

State of Wisconsin

January 22, 2002

The Honorable, The Senate:

I respectfully ask to be removed from cosponsorship of **Senate Bill 379**.

Thank you for your attention to this matter.

Sincerely,

TOM SYKORA
State Representative

State of Wisconsin

The Honorable, The Senate:

Recently we agreed to cosponsor LRB 4067/1 (Senate Bill 363), authored by Senator Baumgart and Representative Dean Kaufert.

We are concerned the cosponsorship memo that was distributed does not accurately reflect the intent of the bill. Thus, we respectfully request the removal of our names as coauthors.

If you have any questions related to this request, please do not hesitate to contact us.

Sincerely,

REPRESENTATIVE STEPHEN FREESE
51st Assembly District
REPRESENTATIVE EUGENE HAHN
47th Assembly district
REPRESENTATIVE J. A. HINES
42nd Assembly District
REPRESENTATIVE SUZANNE JESKEWITZ
24th Assembly District
REPRESENTATIVE BONNIE LADWIG
63rd Assembly District
REPRESENTATIVE MARYANN LIPPERT

70th Assembly District
REPRESENTATIVE DAN MEYER
34th Assembly District
REPRESENTATIVE TERRY MUSSER
92nd Assembly District
REPRESENTATIVE LUTHER OLSEN
41st Assembly District
REPRESENTATIVE ALVIN OTT
3rd Assembly District
REPRESENTATIVE CAROL OWENS
53rd Assembly District
REPRESENTATIVE JERRY PETROWSKI
86th Assembly District
REPRESENTATIVE DANIEL VRAKA
33rd Assembly District

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

Senate Clearinghouse Rule 00-157

Relating to consultation programs and licensure requirements.

Submitted by Department of Regulation and Licensing.

Report received from Agency, January 23, 2002.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, January 24, 2002.

Senate Clearinghouse Rule 01-130

Relating to the commencement of a school term.

Submitted by Department of Public Instruction.

Report received from Agency, January 22, 2002.

Referred to committee on **Education**, January 24, 2002.

MESSAGES FROM THE ASSEMBLY

By John A. Scocos, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has passed and asks concurrence in:

Assembly Bill 38

Assembly Bill 158

Assembly Bill 259

Assembly Bill 293

Assembly Bill 441

Assembly Bill 548

Assembly Bill 589

Adopted and asks concurrence in:

Assembly Joint Resolution 79

Assembly Joint Resolution 82

Assembly Joint Resolution 83

Assembly Joint Resolution 84

Assembly Joint Resolution 85

Assembly Joint Resolution 86

Amended and concurred in as amended:

Senate Bill 110 Assembly amendments 3, 5, 6, 9, 10, 11 and 12 adopted.

**MESSAGES FROM THE ASSEMBLY
CONSIDERED**

Assembly Bill 38

Relating to: public inspection of the records of the canvass of elections for the offices of president and vice president.

By Representatives Freese, Gronemus, Ainsworth, Albers, Hoven, Hundertmark, Krawczyk, Ladwig, McCormick, Montgomery, Musser, Owens, Pettis, Townsend, Urban and Williams; cosponsored by Senators Schultz and Farrow.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

Assembly Bill 158

Relating to: filing of declarations of candidacy and recording of votes received by write-in candidates in certain elections.

By Representatives Skindrud, Ainsworth, Freese, Gronemus, Gunderson, Hahn, Jeskewitz, Kestell, Krawczyk, Loeffelholz, Musser, Ott, Petrowski, Ryba, Starzyk, Sykora, Townsend and Urban; cosponsored by Senators Darling and Roessler.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

Assembly Bill 259

Relating to: identification required in order to vote at a polling place or obtain an absentee ballot and the fee for an identification card issued by the department of transportation.

By Representatives Walker, Ladwig, Gundrum, Huebsch, M. Lehman, Starzyk, Urban, Seratti, Stone, Sykora, Krawczyk, Owens, Gunderson, Vrakas, Jeskewitz, Hundertmark, Leibham and Ott; cosponsored by Senators Schultz, Darling, Huelsman, Farrow and Roessler.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

Assembly Bill 293

Relating to: prohibiting pupils from using a calculator while taking the 4th and 8th grade knowledge and concepts examinations.

By Representatives Grothman, La Fave, Nass, Underheim, M. Lehman, Colon, Kedzie, Krawczyk and Musser; cosponsored by Senator Ellis.

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

Assembly Bill 441

Relating to: use of moneys from the Wisconsin election campaign fund to make certain false representations.

By Representatives Ward, Suder, Kestell, Hahn, Nass, Ladwig, J. Lehman, Ainsworth, McCormick, Ryba, Skindrud, Lippert, Pettis and Freese; cosponsored by Senators Roessler and Darling.

Read first time and referred to committee on **Judiciary, Consumer Affairs, and Campaign Finance Reform**.

Assembly Bill 548

Relating to: the date of the presidential preference primary.

By Representatives Walker, Bock, Jeskewitz, Musser, Ladwig, Freese, Kreibich, Bies, Sykora, Ryba, Albers, Gunderson, Owens, F. Lasee, Kreuser, Turner, Boyle,

Meyerhofer and Berceau; cosponsored by Senators Welch, Cowles, Wirch, Rosenzweig, Darling, Burke and Schultz.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

Assembly Bill 589

Relating to: registration by certain hospitalized electors.

By Representatives Huber, Ainsworth, Meyerhofer, Kestell, Plale, Ryba, Gronemus, Turner, J. Lehman, Bock, Plouff, Richards, Williams and Berceau; cosponsored by Senators Hansen, Burke, Robson, Plache and Decker.

Read first time and referred to committee on **Universities, Housing, and Government Operations**.

Assembly Joint Resolution 79

Relating to: the life and public service of Robert O. Uehling.

By Representatives Black, Miller, Berceau, Hahn and Skindrud; cosponsored by Senators Risser, Chvala and Erpenbach.

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

Assembly Joint Resolution 82

Relating to: celebrating March 1, 2002, as St. David's Day.

By Representatives Owens, Cullen, Freese, Gronemus, Hahn, Hines, Jeskewitz, Krawczyk, Krug, Ladwig, J. Lehman, Montgomery, Petrowski, Plale, Rhoades, Ryba, Starzyk, Townsend, Urban, Vrakas and Walker; cosponsored by Senators Roessler, Grobschmidt, Hansen, Kanavas, Schultz and Wirch.

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

Assembly Joint Resolution 83

Relating to: the life and public service of Wisconsin Governor and Federal Judge John W. Reynolds, Jr.

By Representatives Plale, Schooff, Jensen, Ryba, Jeskewitz, Black, Olsen, Stone, Richards, Gunderson, Sinicki, Vrakas, Staskunas, Freese, J. Lehman, McCormick, Wasserman, Hines, Miller, Owens, Riley, Lippert, Coggs, M. Lehman, Plouff, Ladwig, La Fave, Ziegelbauer, Krusick, Schneider, Boyle, Pohan and Walker; cosponsored by Senators Burke, Chvala, Rosenzweig, Grobschmidt, Darling, Plache, Kanavas, Hansen, Welch, Risser, Panzer, Wirch, Moen and Jauch.

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

Assembly Joint Resolution 84

Relating to: recognizing and congratulating Terry Mulcahy for his long service to the people of the state of Wisconsin and the United States of America.

By Representatives Jensen, Stone, Petrowski, McCormick, Ryba, Kestell, Rhoades, Walker, Gronemus, Gunderson, Lippert, Black, Jeskewitz, Bies, Hahn, Ladwig, Olsen, Pettis, Musser, Urban, Plouff, Starzyk, Turner, Owens, Plale, Miller, Coggs, J. Lehman, Lassa and Vrakas; cosponsored by Senators Panzer, S. Fitzgerald, Zien, Rosenzweig, Darling, Kanavas, Breske, Ellis, Welch, Grobschmidt, Huelsman, Jauch, Erpenbach, A. Lasee, Risser, Cowles, Harsdorf and Roessler.

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

Assembly Joint Resolution 85

Relating to: congratulating Brenda J. Blanchard for her long-term service to the citizens of Wisconsin and wishing her well in her future endeavors.

By Representatives Jensen, Petrowski, McCormick, Kestell, Rhoades, Walker, Gunderson, Huebsch, Stone, Miller, Balow, Jeskewitz, Lippert, Bies, Hahn, Ladwig, Krawczyk,

Olsen, Pettis, Musser, M. Lehman, Urban, Plouff, Hundertmark, Starzyk, Turner, Owens, Riley, J. Lehman, Plale, Lassa and Vrakas; cosponsored by Senators Panzer, Zien, S. Fitzgerald, Rosenzweig, Darling, Kanavas, Breske, Risser, Welch, Grobschmidt, Huelsman and Roessler.

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

Assembly Joint Resolution 86

Relating to: the 60th anniversary of the Civil Air Patrol.

By Representative Stone; cosponsored by Senator Moen.

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

Senator Baumgart, with unanimous consent, asked that **Senate Bill 395** be referred to the Joint Committee on **Finance**.

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

Senator Baumgart, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Aldo Leopold.

ADJOURNMENT

Senator Baumgart, with unanimous consent, asked that the Senate adjourn until Tuesday, January 29 at 10:00 A.M..

Adjourned.

10:01 A.M.