

STATE OF WISCONSIN

Senate Journal

Ninety–Sixth Regular Session

WEDNESDAY, February 12, 2003

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

INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

Senate Joint Resolution 16

Relating to: requesting our elected representatives and senators in the United States Congress to support and vote to enact President Bush's 2002 economic growth and tax relief plan.

By Senators Welch, S. Fitzgerald, Kanavas, Stepp and Lazich; cosponsored by Representatives Suder, Owens, Krawczyk, Hines, Ladwig, Gundrum, Jeskewitz, Gunderson, McCormick, Hahn, Vrakas and Lothian.

To committee on **Economic Development, Job Creation and Housing.**

Senate Joint Resolution 17

Relating to: the life of Dr. Laurel Blair Salton Clark.

By Senators Stepp, Breske, Brown, Carpenter, Cowles, Darling, Ellis, S. Fitzgerald, Hansen, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Panzer, Reynolds, Risser, Robson, Roessler, Schultz, Welch, Wirch and Zien; cosponsored by Representatives Ladwig, Turner, J. Lehman, Ainsworth, Balow, Berceau, Bies, Black, Boyle, Coggs, Cullen, Freese, Gard, Gronemus, Gunderson, Hahn, Hebl, Hines, Huebsch, Hundertmark, Jeskewitz, Kaufert, Kerkman, Krawczyk, Kreibich, Kreuser, Krug, LeMahieu, Lassa, M. Lehman, Loeffelholz, McCormick, Miller, Musser, Olsen, Ott, Owens, Petrowski, Pettis, Plouff, Pocan, Pope–Roberts, Rhoades, Schooff, Seratti, Shilling, Sinicki, Stone, Suder, Towns, Underheim, Van Akkeren, Van Roy, Vrakas, Weber, M. Williams, Young, and Zepnick.

To committee on **Senate Organization.**

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 27

Relating to: recovery in cases involving wrongful birth or wrongful life.

By Senators Kedzie, S. Fitzgerald, Schultz, A. Lasee, Kanavas, Welch, Lazich, Leibham, Stepp, Cowles and Reynolds; cosponsored by Representatives Weber, Montgomery, Gundrum, Krawczyk, Petrowski, Ziegelbauer, Stone, Bies, Suder, Hines, Nischke, Owens, Ladwig, McCormick, Gunderson, Ott, Albers, Nass, Plale, Kerkman, J.

Fitzgerald, Vrakas, Freese, Friske, Kreibich, Seratti, Hahn and Grothman.

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

Senate Bill 28

Relating to: requiring a woman upon whom an abortion is to be performed or induced to be informed at least 24 hours before the abortion is performed or induced that she may anonymously and with immunity from liability relinquish custody of her newborn child to a law enforcement officer, an emergency medical technician, or a hospital staff member when the newborn child is 72 hours old or younger.

By Senators Kedzie, Reynolds, Schultz, A. Lasee, Lazich, Stepp, Roessler, Cowles, S. Fitzgerald and Kanavas; cosponsored by Representatives M. Williams, Ladwig, Rhoades, Jensen, Albers, Weber, Stone, Krawczyk, Petrowski, Hines, Bies, Suder, Hahn, Olsen, Seratti, Ainsworth, Townsend, Ott, Hundertmark, Nischke, M. Lehman, Gielow, Owens, McCormick, Gunderson, Kerkman, Loeffelholz, J. Fitzgerald, Van Roy, Vrakas, Freese, Jeskewitz, D. Meyer and Lothian.

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

Senate Bill 29

Relating to: immunity for the use of solid waste for public projects.

By Senators Kedzie, Schultz, Cowles and Roessler; cosponsored by Representatives M. Lehman, Ainsworth, Hines, Jeskewitz, Nass, Ott, Grothman and Albers, by request of Department of Natural Resources.

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

Senate Bill 30

Relating to: membership on the State Fair Park Board.

By Senators Reynolds, Schultz, Welch and Carpenter; cosponsored by Representatives Foti, Vukmir, Staskunas, Ott, M. Lehman, Hahn, Montgomery, Musser, Bies, Olsen, Seratti, J. Lehman, Hines, Lothian, Jeskewitz, Townsend, Ladwig, Albers, Stone, Hundertmark, J. Fitzgerald, Freese, M. Williams, Krawczyk, Petrowski and Cullen.

To committee on **Higher Education and Tourism.**

Senate Bill 31

Relating to: employment discrimination because of temporary absence from work while responding to an emergency call as a volunteer fire fighter, emergency medical technician, first responder, or ambulance driver.

By Senators Chvala, Hansen, Schultz and Erpenbach; cosponsored by Representatives Ainsworth, Berceau, Boyle, Plouff, Hines, Musser, Balow, Colon, Gronemus, Miller, Travis and Cullen.

To committee on **Labor, Small Business Development and Consumer Affairs.**

Senate Bill 32

Relating to: sexual activity involving jail, prison, or community corrections staff or contractors and jail inmates or persons in the custody or under the supervision of the Department of Corrections and providing a penalty.

By Senators S. Fitzgerald, Roessler, Brown, Kanavas, Lazich, Leibham, Kedzie, Reynolds, Risser, Robson and Zien; cosponsored by Representatives Ladwig, Townsend, Wasserman, Ainsworth, Albers, Balow, Bies, Cullen, J. Fitzgerald, Freese, Gielow, Gundrum, Hahn, Hines, Hundertmark, Jeskewitz, Kestell, Krawczyk, Lassa, J. Lehman, M. Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, Montgomery, Nass, Nischke, Ott, Owens, Petrowski, Plale, Plouff, Pocan, Seratti, Shilling, Stone, Suder, Towns, Van Roy, Vrakas, J. Wood, and Pope–Roberts.

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

Senate Bill 33

Relating to: access by law enforcement agencies to photographs on motor vehicle operators licenses and identification cards.

By Senators S. Fitzgerald, Kanavas, A. Lasee, Reynolds, Roessler, Schultz, Stepp and Kedzie; cosponsored by Representatives Wieckert, Friske, Bies, J. Fitzgerald, Gunderson, Gundrum, Hahn, Hines, Hundertmark, Krawczyk, Ladwig, F. Lasee, M. Lehman, McCormick, Ott, Petrowski, Stone, Towns, Van Roy, Vrakas and Townsend.

To committee on **Transportation and Information Infrastructure.**

Senate Bill 34

Relating to: a certain highway improvement project on USH 51 in the city of Madison.

By Senator Erpenbach; cosponsored by Representative Travis.

To committee on **Transportation and Information Infrastructure.**

Senate Bill 35

Relating to: failing to register as a sex offender and providing a penalty.

By Senators Reynolds, Stepp, A. Lasee, Lazich, Kanavas and Hansen; cosponsored by Representatives Gundrum, Gronemus, Ziegelbauer, Stone, Krawczyk, Bies, Ladwig, Grothman, Gielow, Hines, Musser, Nischke, McCormick, Wasserman, J. Fitzgerald, Freese, Suder and Vrakas.

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

Senate Bill 36

Relating to: restrictions on the transmission of unsolicited electronic mail.

By Senators Risser, Schultz, Hansen, Roessler and M. Meyer; cosponsored by Representatives Krug, Black, Gunderson, Cogs, Plouff, A. Williams, Turner and Berceau.

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

REPORT OF COMMITTEES

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

Senate Bill 19

Relating to: the beginning date authorized for the hunting of antlerless deer in October.

No recommendation pursuant to s. 227.19 (6)(b), Wisconsin Statutes.

Senate Bill 5

Relating to: authorizing the establishment of a program for the suppression of gypsy moths, specifying areas eligible for aerial insecticide treatment for the suppression of gypsy moths, and requiring the exercise of rule-making authority.

No recommendation pursuant to s. 227.19 (6)(b), Wisconsin Statutes.

Neal Kedzie
Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin

February 11, 2003

The Honorable, The Senate:

Pursuant to Senate Rule 20(2)(a) and (b) I have appointed Senator Risser to the Joint Committee on Finance and removed Senator Moore.

With regards to members of the minority party, appointments are made based on the nominations of that caucus.

Sincerely,

MARY E. PANZER

Chair, Committee on Senate Organization

State of Wisconsin

February 12, 2003

The Honorable, The Senate:

Pursuant to Senate Rule 20(2)(a) and (b) I have appointed Senator Meyer to the Joint Committee on Finance and removed Senator Risser.

With regards to members of the minority party, appointments are made based on the nominations of that caucus.

Sincerely,

MARY E. PANZER

Chair, Committee on Senate Organization

State of Wisconsin

Department of Transportation

February 5, 2003

The Honorable, The Senate:

I am pleased to be able to present to you, for distribution to the Wisconsin Senate, the annual evaluation report on the Pretrial Intoxicated Driver Intervention Grant Program. It is also available on the web at <http://www.dot.wisconsin.gov/library/publications/topic/safety.htm>. The program, created by section 86.53 Wis. Stats., was established by the legislature in 1997 with the requirement that the Department study its impact and report on its findings every even-numbered year.

The Pretrial Intoxicated Driver Intervention Program is intended for offenders who are arrested for their second or subsequent OWI (Operating While Intoxicated) offense. Offender participation may be voluntary or court order. It is an intervention model designed to get offenders into counseling, treatment and supervision as soon as possible after the arrest. The program is individual to each community.

As you will see in the report, no community that has begun a program has dropped it. Offenders who successfully completed the program were less likely than non-participants to be re-arrested for subsequent OWI violations. Those who were re-arrested went significantly longer between arrests than non-participants. Currently there are four counties on a waiting list for funding to begin programs.

I commend those people who have dedicated themselves to making this innovative program a success. There are no “silver bullets” in eradicating intoxicated driving, but I feel this effort is a vital piece in the total transportation safety effort.

Sincerely,

FRANK J. BUSALACCHI
Secretary

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

February 7, 2003

The Honorable, The Senate:

In [1997 Act 27](#), the 97-99 Biennial Budget, the Legislature established requirements in state law intended to strengthen protections for children and vulnerable adults in organized care settings. The provisions require, among other things, that designated caregivers conduct background checks on all new and existing staff and bar them from employing anyone who has committed certain crimes or acts. DHFS and (for certain care providers) counties and local school boards must perform checks on a provider before issuing a license or other credential. Individuals who have committed prohibited crimes or acts may apply to the Department, counties, or school boards for a waiver of the employment or licensing bans upon evidence of rehabilitation.

Sections [48.685 \(5g\)](#) and [50.065 \(5g\)](#) of the Wisconsin Statutes direct the department to submit an annual report to the legislature that specifies the number of persons who have sought waivers of employment or licensing bans by requesting to demonstrate that they have been rehabilitated. The report must also specify the number of requests that were approved and the reasons for the success or failure of the requests. Attached is the report for 2002.

Questions about this report should be referred to Linda Dawson, Deputy Chief Legal Counsel, at 608-266-0355.

Thank you for distributing this report to members of the Senate.

Sincerely,

HELENE NELSON
Secretary

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

December 31, 2002

The Honorable, The Legislature:

The Department of Health and Family Services is please to submit to the Governor and the Legislature the *Vital Records Online Study Committee Report of Findings*. Preparation of this report was required under section 9123 (8kk) of [2001 Wisconsin Act 16](#).

This report was prepared by a committee that included the State Registrar, Local Registrars, and other vital records business partners and stakeholders. It recommends guidelines for the development, maintenance and funding of an electronic online vital records system for Wisconsin. The committee’s recommendations were reached after it studied Wisconsin’s vital records business needs at the local and state level, and surveyed other states for best practices, system costs, and measures to prevent identity theft in electronic vital records systems.

As required under Act 16, the report also recommends the vital records fee changes needed to fund the development, implementation and maintenance of the system, and how the fees should be allocated. It also notes the revisions to Wisconsin Statute that would be required to implement the recommended fee changes.

Sincerely,

PHYLLIS J. DUBE
Secretary

**State of Wisconsin
Ethics Board**

February 11, 2003

To the Honorable the Senate:

The following lobbyists have been authorized to act on behalf of the organizations set opposite their names.

For more detailed information about these lobbyists and organizations and a complete list of organizations and people authorized to lobby the 2001 session of the legislature, visit the Ethics Board’s web site at <http://ethics.state.wi.us>

- | | |
|-----------------------|---|
| Bartkowski, John | Sixteenth Street Community Health Center |
| Bergersen, Gunnar | Timber Producers Association of Michigan & Wisconsin Inc |
| Boyce, Catherine | Blue Cross & Blue Shield United of Wisconsin |
| Bright, Michael | Survivors Network for Those Abused by Priests (SNAP) |
| Broydrick, William | Blue Cross & Blue Shield United of Wisconsin |
| Brozek, Michael | Carl A. Haas Racing Teams Ltd |
| Brozek, Michael | International Snowmobile Manufacturers Association |
| Brozek, Michael | Lexmark International |
| Brozek, Michael | National Marine Manufacturers Association |
| Brozek, Michael | Voices of Wisconsin |
| Cieslewicz, David | 1000 Friends of Wisconsin |
| Condo, Joseph | Calpine |
| Cosgrove, Bonnie | Customers First! Coalition |
| Cruz, Annette | Blue Cross & Blue Shield United of Wisconsin |
| Cruz, Lorenzo | CenturyTel Service Group LLC |
| Driessen, Anthony | Wisconsin Library Association |
| Elliott, Brian | CenturyTel Service Group LLC |
| Essie, Patrick | HLR Service Corporation |
| Essie, Patrick | Wisconsin Onsite Wastewater Recycling Association Inc |
| Fisk, Susan | Out of State Landowners Association |
| Fontana, Angela | Allstate Insurance Company |
| Fountain, Marie | Wisconsin Hunting & Fishing Alliance |
| Froehle, Scott | Gathering Waters Conservancy, Inc. |
| Garvin, John | ATC Management Inc. |
| Geiger, Karen | Blue Cross & Blue Shield United of Wisconsin |
| Gunderson, Dan | Wisconsin Hunting & Fishing Alliance |
| Hall, Linda | Wisconsin Council on Children & Families |
| Hanson, Andrew | Midwest Environmental Advocates, Inc. |
| Hottenroth, Theresa M | Wisconsin Academy of Ophthalmology |

Hottenroth, Theresa M **Wisconsin Chapter of the American College of Emergency Physicians Inc**
 Jentz, Robert **Wisconsin Court Reporters Association**
 Jentz, Robert **Wisconsin State Cranberry Growers Association**
 Krajewski, Thomas **Forest County Potawatomi Community**
 Kuehn, Ronald W **Wisconsin Court Reporters Association**
 Leonhart, James **AT&T Corporation**
 Liebe, Thomas **Plumbers Local 75**
 Linton, Barbara **Lexmark International**
 Linton, Barbara **Voices of Wisconsin**
 Longmire, Erin **HLR Service Corporation**
 Lukovich, Deborah **Wisconsin Paralyzed Veterans of America**
 MacKinnon, Lisa **1000 Friends of Wisconsin**
 Manke, Gary **Wisconsin Automotive Aftermarket Association Inc**
 Manke, Gary **Wisconsin Automotive Parts Association**
 Mc Coshen, William J **Snap-On Incorporated**
 Mc Coshen, William J **Wisconsin Association of Distributors Inc**
 McClenahan, William **Forest County Potawatomi Community**
 McDowell, Kelly **Forest County Potawatomi Community**
 McIntosh, Forbes **FiveStar Quality Care Inc**
 Munyon, Marvin **Family Research Forum**
 Munyon, Marvin **Family Research Institute of Wisconsin Inc**
 Neis, John **Venture Investors LLC**
 Osborne, Patrick **Joint Water Quality Commission of Danbury & St. Croix Chippewa Indians of Wisconsin**
 Paul, Richard **Wisconsin Academy of Ophthalmology**
 Paul, Richard **Wisconsin Chapter of the American College of Emergency Physicians Inc**
 Perkins, Sr., Lloyd **Amalgamated Transit Union Local 998**
 Peshek, Peter **Wisconsin Dells Visitors and Convention Bureau**
 Petak, George **City of Oak Creek**
 Petersen, Eric J **Snap-On Incorporated**
 Petersen, Eric J **Wisconsin Association of Distributors Inc**
 Riske, Laura **Blue Cross & Blue Shield United of Wisconsin**
 Rollins, Luke **Survivors Network for Those Abused by Priests (SNAP)**
 Scanlan, Melissa **Midwest Environmental Advocates, Inc.**
 Schreiber, Martin **Forest County Potawatomi Community**
 Schreiber, Martin **Wisconsin Automatic Fire Sprinkler Coalition**
 Speerschneider, Timm **Onyx Waste Services Inc**
 Speerschneider, Timm **Wisconsin Dells Visitors and Convention Bureau**
 Springer, Thomas J **CenturyTel Service Group LLC**

Springer, Thomas J **Strong Capital Management Inc**
 Stitt, Donald **Strong Capital Management Inc**
 Strand, Lisa **Wisconsin Library Association**
 Strohl, Joseph **Blue Cross & Blue Shield United of Wisconsin**
 Theo, Peter **Murphy Oil USA Inc**
 Walsh, Kenneth **Forest County Potawatomi Community**
 Walsh, Kenneth **Wisconsin Automatic Fire Sprinkler Coalition**

Widder, Theodore C **Allstate Insurance Company**
 Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by organizations that employ lobbyists.

Sincerely,
 R. ROTH JUDD
 Director

ADVICE AND CONSENT OF THE SENATE
State of Wisconsin
Office of the Governor

February 5, 2003

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint GOMEZ, JORGE A., of Fox Point, as Commissioner of Insurance, to serve for the term ending at the pleasure of the Governor.

Sincerely,
 JIM DOYLE
 Governor

Read and referred to committee on **Agriculture, Financial Institutions and Insurance.**

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

Senate Clearinghouse Rule 02-115

Relating to electric safety—revision of Volume 1 of the Wisconsin state electrical code.

Submitted by Public Service Commission.

Report received from Agency, February 7, 2003.

Referred to committee on **Energy and Utilities**, February 12, 2003.

The committee on **Energy and Utilities** reports and recommends:

Senate Clearinghouse Rule 01-077

Relating to municipal regulation of utility rights-of-way.

Modifications requested, Ayes 5, Noes 0.

Ayes, 5 – Senators Cowles, Lazich, Leibham, Wirch and M. Meyer.

Noes, 0 – None.

Robert Cowles
 Chairperson

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

Senate Clearinghouse Rule 02-060

Relating to recycling efficiency incentive grants.

Report objection recommended.

Ayes, 3 – Sentors Kedzie, Zien and Stepp.
Noes, 2 – Senators Risser and Wirch.

Referred to joint committee for **review of Administrative Rules**, February 12, 2003.

Senate Clearinghouse Rule 02-096

Relating to commercial fishing in Lake Superior.

No action taken.

Senate Clearinghouse Rule 02-098

Relating to water safety patrols.

No action taken.

Senate Clearinghouse Rule 02-142

Relating to fishing for walleye and sauger in Escanaba Lake, Vilas County. [Covered in Report on [Clearinghouse Rule 02-014](#).]

No action taken.

Neal Kedzie
Chairperson

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

Senate Clearinghouse Rule 02-112

Relating to the custody and control of sexually violent persons placed at facilities under s.980.065, Stats.

No action taken.

Senate Clearinghouse Rule 02-117

Relating to a birth defect prevention and surveillance system.

No action taken.

Senate Clearinghouse Rule 02-118

Relating to Medicare Supplement insurance policies.

No action taken.

Senate Clearinghouse Rule 02-136

Relating to screening of newborns' blood for congenital and metabolic disorders.

No action taken.

Carol Roessler
Chairperson

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

Senate Clearinghouse Rule 02-126

Relating to participation in the variable division of the trust fund.

No action taken.

Thomas Reynolds
Chairperson

The committee on **Transportation and Information Infrastructure** reports and recommends:

Senate Clearinghouse Rule 02-131

Relating to customer identifying information.

No action taken.

Joseph Leibham
Chairperson

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 15** offered by Senator Brown.

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Bill 1

Report correctly enrolled on February 5, 2003.

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Joint Resolution 4

Senate Joint Resolution 5

Senate Joint Resolution 11

Senate Joint Resolution 13

Report correctly enrolled on February 10, 2003.

**LEGISLATIVE REFERENCE BUREAU
CORRECTIONS**

CORRECTIONS IN:

2003 SENATE BILL 12

Prepared by the Legislative Reference Bureau
(February 12, 2003)

1. Page 23, line 20: delete “created” and substitute “repealed and recreated”.

2. Page 30, line 2: delete “s. 11.06” and substitute “sub.”.

3. Page 30, line 25: delete “s. 11.06” and substitute “sub.”.

4. Page 31, line 19: delete “s. 11.06” and substitute “sub.”.