

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Sixth Regular Session

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WEDNESDAY, October 29, 2003

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The Chief Clerk makes the following entries dated  
**Tuesday, October 28, 2003.**

**CHIEF CLERK’S ENTRIES**

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 29**

**Assembly Bill 125**

**Assembly Bill 157**

**Assembly Bill 165**

**Assembly Bill 183**

**Assembly Bill 190**

**Assembly Bill 267**

**Assembly Bill 279**

**Assembly Bill 346**

**Assembly Bill 354**

**Assembly Bill 390**

**Assembly Bill 423**

**Assembly Bill 475**

**Assembly Bill 494**

**Assembly Bill 523**

**Assembly Bill 548**

Adopted and asks concurrence in:

**Assembly Joint Resolution 48**

Amended and concurred in as amended:

Senate amendment 1 to **Assembly Bill 79** (Assembly  
amendment 1 adopted)

Concurred in:

Senate amendment 1 to **Assembly Bill 98**

**Senate Bill 109**

**Senate Bill 176**

**Senate Bill 235**

**Assembly Bill 29**

Relating to: the establishment of charter schools by county  
boards.

By Representatives Ziegelbauer, Underheim, Gielow,  
Gunderson, Musser, Stone and McCormick; cosponsored by  
Senators Welch, A. Lasee, Reynolds, Roessler and Stepp.

Read first time and referred to committee on **Education,  
Ethics and Elections.**

**Assembly Bill 125**

Relating to: maximum allowable grants under the Private  
Sewage System Replacement or Rehabilitation Grant Program.

By Representatives Gunderson, Albers, Bies, Gronemus,  
Hahn, Ladwig, Loeffelholz, Miller, Musser, Olsen, Ott, Owens,  
Stone and Townsend; cosponsored by Senators Kedzie and  
Stepp.

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

**Assembly Bill 157**

Relating to: crimes affecting the U.S. flag and providing a  
penalty.

By Representatives Pettis, Musser, Krawczyk, Suder,  
Kerkman, Owens, Ladwig, Hahn, Hines, Albers, Ainsworth,  
Freese, Friske, Loeffelholz, Bies, Gunderson, Nass, Vrakas,  
Ott, McCormick, J. Fitzgerald, Townsend and Stone;  
cosponsored by Senators Zien, Kedzie, Stepp, Roessler and A.  
Lasee.

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

**Assembly Bill 165**

Relating to: continuing education for veterinarians and  
veterinary technicians and granting rule–making authority.

By Representatives Hines, Ott, Bies, Plouff, Gronemus,  
Wasserman, Van Roy, J. Lehman, Owens, Gunderson, Seratti,  
Shilling, Vrakas, Kreibich, Freese, Ainsworth, Gielow,  
Berceau, Loeffelholz, Schooff and Jeskewitz; cosponsored by  
Senators Schultz, Kedzie, Stepp, Risser, Hansen, M. Meyer and  
Roessler.

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

**Assembly Bill 183**

Relating to: school district youth options programs, which  
allow pupils to attend an institution of higher education under  
certain circumstances.

By Representatives Towns, Hundertmark, Olsen,  
Gunderson, Krawczyk, LeMahieu, Musser, Hines, J. Lehman,  
Gundrum, Kestell, Ott, Stone, Van Roy, Owens, Staskunas and  
Rhoades; cosponsored by Senators Harsdorf, Stepp and Lazich.

Read first time and referred to committee on **Education,  
Ethics and Elections.**

**Assembly Bill 190**

Relating to: residency of certain election officials.

By Representatives Kerkman, Bies, Coggs, Ladwig, Lassa, J. Lehman, M. Lehman, Miller, Musser, Olsen, Seratti, Staskunas, Stone, Travis, Vrakas and Huber; cosponsored by Senators Wirch and Kedzie.

Read first time and referred to committee on **Education, Ethics and Elections**.

**Assembly Bill 267**

Relating to: administrative rule making regarding small businesses, data used by administrative agencies in preparing proposed rules, increasing attorney fees, creating an Internet site for proposed rules, and creating a Small Business Regulatory Review Board.

By Representatives McCormick, Albers, Balow, Bies, J. Fitzgerald, Friske, Gunderson, Hahn, Hines, Hundertmark, Krawczyk, Kreibich, Ladwig, Lassa, Musser, Nischke, Olsen, Ott, Pettis, Plale, Powers, Schooff, Seratti, Staskunas, Stone, Suder, Underheim, Van Roy, Vrakas, Wieckert, J. Wood and Ziegelbauer; cosponsored by Senators Brown, S. Fitzgerald, Kanavas, Lazich, Leibham, Reynolds, Roessler, Schultz, Stepp and Welch.

Read first time and referred to committee on **Labor, Small Business Development and Consumer Affairs**.

**Assembly Bill 279**

Relating to: creating a rebuttable presumption against awarding a parent joint or sole legal custody if the court finds that the parent has engaged in a pattern or serious incident of abuse, requiring a guardian ad litem and a mediator to have training related to domestic violence, and requiring a guardian ad litem to investigate and a mediator to inquire whether a party in an action affecting the family engaged in domestic violence.

By Representatives Berceau, Friske, Ainsworth, Suder, Loeffelholz, Miller, Boyle, J. Lehman, Sinicki, Wasserman, Shilling, Montgomery, Hines, J. Fitzgerald, Van Roy, Ott, Bies, Jensen, Seratti, Vruwink and Richards; cosponsored by Senators Roessler, Risser, Stepp, Wirch, A. Lasee, Breske, Moore and Robson.

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

**Assembly Bill 346**

Relating to: garnishment of the income of a minor.

By Representatives Owens, Van Roy, Jeskewitz, Townsend, Hahn, Ainsworth, Ladwig, Nass, Stone, Hines, Bies and Grothman; cosponsored by Senator Roessler.

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

**Assembly Bill 354**

Relating to: the display of the United States flag by condominium owners.

By Representatives Jensen, Gronemus, Suder, Nischke, Owens, Vukmir, Gard, Pettis, Ladwig, Loeffelholz, Kreibich, Ott, Krawczyk, Freese, Musser, Nass, Seratti, Bies, Van Roy, Vrakas, Petrowski and Albers; cosponsored by Senators Kanavas, Darling, S. Fitzgerald, Reynolds, Cowles, Schultz, A. Lasee and Stepp.

Read first time and referred to committee on **Economic Development, Job Creation and Housing**.

**Assembly Bill 390**

Relating to: housing of county prisoners from border states in Wisconsin county jails.

By Representatives Pettis, Shilling, Huebsch, Gard, Plouff, Weber, Musser, Seratti, Van Roy, Freese, Nass, Hahn, Boyle, Gronemus, Ladwig, LeMahieu, Albers, Bies, McCormick, Petrowski, Vrakas, Grothman, Kreibich and Taylor; cosponsored by Senators A. Lasee, Schultz, Jauch, Hansen, Stepp, Wirch and Roessler.

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

**Assembly Bill 423**

Relating to: liability for damages caused by dogs, court orders to kill a dog, and providing a penalty.

By Representatives Pettis, Hines, A. Williams, Ott and Owens.

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

**Assembly Bill 475**

Relating to: marriage between one man and one woman.

By Representatives Gundrum, W. Wood, Hundertmark, Nischke, J. Fitzgerald, Weber, Albers, Nass, Grothman, M. Lehman, Montgomery, LeMahieu, Ott, Gottlieb, F. Lasee, Kreibich, Kestell, Pettis, Seratti, Suder, Ladwig, Freese, Hines, Gunderson, Krawczyk, Lothian, Huebsch, Friske, Petrowski, Towns, Van Roy, Honadel, Bies, Hahn, Olsen, D. Meyer and Owens; cosponsored by Senators S. Fitzgerald, Leibham, Zien, Stepp, Reynolds, Lazich, Schultz, Kanavas and Roessler.

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

**Assembly Bill 494**

Relating to: tobacco settlement agreement enforcement and providing penalties.

By Representatives Vrakas, Nischke, Jeskewitz, Rhoades, Miller, M. Lehman, Van Roy, Ladwig, Nass, Taylor, Bies and McCormick; cosponsored by Senators S. Fitzgerald, Kedzie, Lassa, Breske and Welch.

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

**Assembly Bill 523**

Relating to: repealing certain filing, notice, and bidding requirements related to industrial development revenue bonds.

By Representatives McCormick, Nischke, Staskunas, Hundertmark, Seratti, Hahn, Honadel, Albers, Krawczyk, Friske, Gronemus, Weber, Gielow and Ott; cosponsored by Senators Kanavas, Stepp, Reynolds and Roessler.

Read first time and referred to committee on **Economic Development, Job Creation and Housing**.

**Assembly Bill 548**

Relating to: limiting the amount of bond set by a court in a civil action.

By Representatives Suder, Kreuser, Gard, Pettis, J. Wood, Friske, Shilling, Musser, Ladwig, McCormick, Jeskewitz, Montgomery, Kaufert, Travis, Hundertmark, Balow, Hubler, Petrowski, Hines, Plouff, J. Fitzgerald, Gunderson, Grothman, Richards, Schneider, F. Lasee, Sherman, Colon, Sinicki, Huebsch and Kreibich; cosponsored by Senators Kanavas, Erpenbach, S. Fitzgerald, Schultz, M. Meyer, Plale, Breske, Welch, Decker, Hansen, Reynolds, Leibham, Darling, Wirch, Lassa, Stepp and Zien.

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

**Assembly Joint Resolution 48**

Relating to: the life of Sgt. 1st Class Dan Henry Gabrielson.

By Representative Pettis; cosponsored by Senator Harsdorf.

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

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**Senate Bill 287** was withdrawn from the committee on **Homeland Security, Veterans and Military Affairs and Government Reform** and referred to the committee on **Health, Children, Families, Aging and Long Term Care pursuant to Senate Rule 46 (2)(c)**.

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

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

Read and referred:

**Senate Bill 294**

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).

By Law Revision Committee.

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

**Senate Bill 295**

Relating to: creating a property tax exemption for outdoor theaters.

By Senator A. Lasee; cosponsored by Representatives Bies, Hahn, F. Lasee and McCormick.

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

**Senate Bill 296**

Relating to: the regulation of certain boathouses.

By Senator Leibham; cosponsored by Representative Ziegelbauer.

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

**Senate Bill 297**

Relating to: state government management systems, land information, and state printed publications.

By Senators Kanavas, Welch and Darling; cosponsored by Representatives Huebsch, Jensen, Hines, Albers, LeMahieu, Lothian, Nischke, Bies and Weber.

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

**Senate Bill 298**

Relating to: coverage of certain members of the district boards of local professional baseball park districts and local cultural arts districts under the Code of Ethics for Local Public Officials, applicability of the Code of Ethics for Local Public Officials to certain positions, and filing of statements of economic interests by candidates for joint municipal judgeships (suggested as remedial legislation by the Ethics Board).

By Law Revision Committee.

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

**Senate Bill 299**

Relating to: prohibiting issuance of air pollution control permits for certain ethanol plants.

By Senator Chvala; cosponsored by Representatives Berceau and Taylor.

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

**Senate Bill 300**

Relating to: construction of electric generating facilities and transmission lines, and granting rule-making authority.

By Senators Cowles, Leibham, Stepp, Kanavas, Hansen, Panzer, Erpenbach, Darling and Plale; cosponsored by Representatives Jensen, Steinbrink, J. Fitzgerald, Nischke, Pope-Roberts, Gottlieb, J. Lehman, Nass, Zepnick, Rhoades, Taylor, Weber, Ainsworth, Hundertmark, Hines, Kreibich, McCormick, Musser, Pettis, Stone and Honadel.

To committee on **Energy and Utilities**.

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**REPORT OF COMMITTEES**

The committee on **Education, Ethics and Elections** reports and recommends:

ALLEN, RAY, of Madison, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2004.

Confirmation.

Ayes, 6 – Senators Ellis, S. Fitzgerald, Stepp, Jauch, Robson and Hansen.

Noes, 1 – Senator Reynolds.

Michael Ellis  
Chairperson

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

**Senate Bill 258**

Relating to: suspending the Department of Natural Resources rule related to limits on bridges over wild rivers.

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

**Senate Bill 259**

Relating to: objecting to the Department of Natural Resources' proposed rule regarding the feeding and baiting of deer and permitting deer baiting and feeding in certain circumstances.

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

Neal Kedzie  
Chairperson

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

October 28, 2003

The Honorable, The Senate:

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

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

Sincerely,

SENATOR MARY PANZER  
Senate Majority Leader

**State of Wisconsin  
Department of Public Instruction**

October 8, 2003

The Honorable, The Senate:

I would like to request the following names to be removed as members on the Professional Standards Council for Teachers as their terms have either expired or they have resigned.

**Carmen Coballes-Vega**

**Kevin Hermening**

**Lakeia Jones**

Thank you for your consideration.

Sincerely,

ELIZABETH BURMASTER  
State Superintendent

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**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

October 23, 2003

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LICHT, JANE, of Mc Farland, as a member of the Land Information Board, to serve for the term ending May 1, 2007.

Sincerely,

JIM DOYLE  
Governor

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

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

**Senate Clearinghouse Rule 03-065**

Relating to the boundaries of established parts of intensive forest fire control areas in the Town of Irving, Jackson County.

Submitted by Department of Natural Resources.

Withdrawn by Agency, October 28, 2003.

**Senate Clearinghouse Rule 03-037**

Relating to national emission standards for hazardous air pollutants for facilities that apply surface coatings to large appliances.

Submitted by Department of Natural Resources.

Report received from Agency, October 28, 2003.

Referred to committee on **Environment and Natural Resources**, October 29, 2003.

**Senate Clearinghouse Rule 03-050**

Relating to the regulation of discharges of ammonia to surface waters of the state and relating to other minor corrections to errors in chs. **NR 105** and **106**.

Submitted by Department of Natural Resources.

Report received from Agency, October 28, 2003.

Referred to committee on **Environment and Natural Resources**, October 29, 2003.

**Senate Clearinghouse Rule 03-055**

Relating to the small employer uniform employee application.

Submitted by Insurance Commissioner.

Report received from Agency, October 24, 2003.

Referred to committee on **Agriculture, Financial Institutions and Insurance**, October 29, 2003.

**Senate Clearinghouse Rule 03-063**

Relating to groundwater quality standards for arsenic.

Submitted by Department of Natural Resources.

Report received from Agency, October 28, 2003.

Referred to committee on **Environment and Natural Resources**, October 29, 2003.

**Senate Clearinghouse Rule 03-067**

Relating to arsenic in public water systems.

Submitted by Department of Natural Resources.

Report received from Agency, October 28, 2003.

Referred to committee on **Environment and Natural Resources**, October 29, 2003.

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

**Senate Clearinghouse Rule 03-049**

Relating to the control of emissions of nitrogen oxides.

No action taken.

Neal Kedzie  
Chairperson

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

**Senate Clearinghouse Rule 03-059**

Relating to motor carrier safety requirements.

No action taken.

**Senate Clearinghouse Rule 03-060**

Relating to motor carrier safety regulations.

No action taken.

**Senate Clearinghouse Rule 99-135**

Relating to dealer facilities, records and licenses; and motor vehicle trade practices.

No action taken.

Joseph Leibham  
Chairperson

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**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Bill 29**

**Senate Joint Resolution 26**

**Senate Joint Resoluiton 31**

Report correctly enrolled on October 27, 2003.

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**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Bill 38**

Report correctly enrolled on October 28, 2003.

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**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**SENATE AMENDMENT 1,  
TO 2003 SENATE BILL 170**

Prepared by the Legislative Reference Bureau  
(October 23, 2003)

1. Page 2, line 6: delete that line and substitute:  
"10c. Page 11, line 13: delete lines 13 to 16."

NOTE: New Item 10c. carries out the intent of Item 10. of the amendment. The result of Item 10. of the amendment was that s. [45.43 \(7\) \(c\)](#) no longer contained any striking or scoring.

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**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**SENATE SUBSTITUTE AMENDMENT 1,  
TO 2003 ASSEMBLY BILL 486**

Prepared by the Legislative Reference Bureau  
(October 23, 2003)

1. Page 82, line 25: delete "department" and substitute "commissioner".
2. Page 83, line 3: on lines 3 and 4, delete "department" and substitute "commissioner".
3. Page 83, line 12: on lines 12 and 13, delete "department" and substitute "commissioner".