

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

---

WEDNESDAY, November 19, 2003

---

The Chief Clerk makes the following entries dated Tuesday, November 18, 2003.

**Senate Bill 313**

Relating to: administrative rules, guidelines, policies, and hearings; air pollution control; structures, deposits, and other activities in or near navigable waters; notice, hearing, and review procedures related to permits to place structures and materials and to conduct activities in or near navigable waters; nonmetallic mining reclamation financial assurances; strategic energy assessments; partial deregulation of telecommunications services; contributions by electric and gas utilities to the utility public benefits fund; grants for energy conservation and other programs; reciprocal agreements for real estate licenses; comprehensive planning by local governmental units; fees imposed by political subdivisions; the confidentiality of patient health care records; apprentice–to–journeyman job–site ratios; the acquisition of in–state banks and in–state bank holding companies; credit agreements; extending the time limit for emergency rule procedures; and granting rule–making authority.

Withdrawn from committee on Finance and referred to select committee on **Job Creation** pursuant to Senate Rule 46 (2)(c).

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

---

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

Read and referred:

**Senate Resolution 22**

Relating to: proclaiming that the ancient Macedonians were Hellenes and that the inhabitants of the northern province of Greece, Macedonia, are their Hellenic descendants.

By Senators Kanavas, Welch, Robson, S. Fitzgerald and Schultz.

To committee on **Senate Organization**.

**Senate Joint Resolution 51**

Relating to: proclaiming March 30, 2004, as Sauk City Day in Wisconsin.

By Senator Schultz; cosponsored by Representative Freese.

To committee on **Senate Organization**.

**Senate Joint Resolution 52**

Relating to: permitting the powers of sheriffs to be determined in each county (first consideration).

By Senators Cowles and Reynolds; cosponsored by Representatives Krawczyk, Travis, Taylor, Staskunas, Turner, McCormick and F. Lasee.

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

**Senate Bill 319**

Relating to: creating a Manufacturing Competitiveness Grant Program and a Manufacturing Competitiveness Board, providing an exemption from emergency rule procedures, granting rule–making authority, and making appropriations.

By Senators Hansen, Wirch, Lassa and Erpenbach; cosponsored by Representatives Taylor, Turner, Black, Staskunas, J. Lehman, Shilling, Berceau and Albers.

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

**Senate Bill 320**

Relating to: requirements for recommendations made by insurers and insurance intermediaries to senior consumers in annuity transactions; committees of the board of directors of domestic stock and mutual corporations; annuity minimum nonforfeiture amount; merger of town mutual and domestic mutual insurance corporation into a town mutual; the insurance security fund; other miscellaneous changes to the insurance provisions; and granting rule–making authority.

By Senator Schultz; cosponsored by Representative Ladwig, by request of the Office of the Commissioner of Insurance.

To committee on **Agriculture, Financial Institutions and Insurance**.

**Senate Bill 321**

Relating to: appeals of decisions relating to charter schools and requiring the exercise of rule–making authority.

By Senators Darling, Stepp, Lazick, Reynolds, Roessler and A. Lasee; cosponsored by Representatives Jensen, LeMahieu, Ladwig, McCormick, Albers, Hines, Stone, Gunderson, Towns, Gielow and Hundertmark.

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

**Senate Bill 322**

Relating to: the definition of a group health benefit plan.

By Senators Kanavas, Darling, A. Lasee, Reynolds, Roessler, Schultz and Welch; cosponsored by Representatives Gielow, Van Roy, Ainsworth, Albers, Bies, Hahn, Hines, Honadel, Gunderson, Jeskewitz, Kestell, Krawczyk, Ladwig, M. Lehman, Montgomery, Musser, Nischke, Olsen, Ott,

Petrowski, Pettis, Seratti, Stone, Townsend, Underheim, Vrakas and Vukmir.

To committee on **Agriculture, Financial Institutions and Insurance.**

**Senate Bill 323**

Relating to: changing the procedures for the incorporation of cities and villages, creating a board to review incorporation petitions, and changing annexation procedures affected by incorporation petitions.

By Senators Brown, A. Lasee and Schultz; cosponsored by Representatives Huebsch, Albers, Hahn, Hines, Ladwig, Olsen, Owens and Townsend.

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

**Senate Bill 324**

Relating to: the Dry Cleaner Environmental Response Program and the administration of dry cleaning license fees.

By Senators Kedzie, Roessler, Stepp and Leibham; cosponsored by Representatives Johnsrud, Gronemus, Montgomery, Jeskewitz, Hahn, Olsen, Ainsworth, Hines, Vrakas, Petrowski, Krawczyk and Miller.

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

**Senate Bill 325**

Relating to: acreage requirements for areas in which farm-raised deer that may be hunted are kept and fencing of farm-raised deer that are white-tailed deer.

By Senator Decker; cosponsored by Representatives Sherman, Hines, Hahn, Albers and Taylor.

To committee on **Agriculture, Financial Institutions and Insurance.**

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Office of the Governor**

November 18, 2003

To the Honorable, the Senate:

I am vetoing **Senate Bill 214** in its entirety.

Wisconsin is one of the safest states in the country and boasts one of the lowest crime rates nationwide. Violent crime has decreased dramatically in our state in the past decade. We have maintained this low crime rate at the same time we have banned the carrying of concealed weapons.

It is a testament to the people of Wisconsin that our state is not only one of the safest places to live in the country, but also has a proud tradition of responsible gun ownership and use. Wisconsin has long been known for the world class hunting and sport shooting opportunities available to Wisconsin citizens and tourists from other states. Just as our state's ban on concealed weapons has not interfered with these Wisconsin traditions, Wisconsin's gun owners will not be harmed in any way by rejection of this legislation.

Perhaps these traditions are among the reasons why those we most entrust with protecting our safety—our highly trained law enforcement officers—overwhelmingly oppose **Senate Bill 214**. Wisconsin law enforcement agencies agree that allowing under-trained, untested citizens to carry and use concealed weapons will compromise the safety of officers and citizens alike.

The bill itself has serious flaws and is unworkable. First, the bill compromises the safety of our children by lowering penalties for carrying handguns and other dangerous weapons in a school zone or on school grounds. In fact, while the bill has

been extensively amended to exempt certain locations, **Senate Bill 214** allows individuals to carry concealed weapons into most public places: shopping malls, public libraries, public buildings like the State Capitol and city halls, Boys and Girls Clubs, banks, university campuses, movie theaters, concert venues like Alpine Valley, fair grounds like Summerfest and the State Fair, parades, parking lots, farmers markets, and so on.

The bill's exemption for private businesses is highly unworkable. While businesses seeking to ban concealed weapons from their premises must post warning signs at their front doors, people could not be convicted of breaking the law unless they had been "orally and personally" warned that their weapon was not permitted on site. A business owner would actually have to approach each person suspected of carrying a concealed weapon and personally ask that person to leave the premises. Moreover, **Senate Bill 214** creates a significant liability disparity between businesses that allow concealed weapons on their premises and those who wish to restrict them. Under the bill, employers that allow their employees and customers to carry concealed weapons have immunity from liability, but business owners who prohibit concealed weapons from their premises *would not* have immunity under the law.

Second, **Senate Bill 214** would require insufficient training from those seeking to carry and handle concealed lethal weapons. The bill requires only one-time training to carry a handgun and requires no training for tear gas guns, authorized knives, and billy clubs. In contrast, on-going and intensive training is a requirement for law enforcement officers who routinely handle and discharge weapons.

Third, the bill does not adequately prevent concealed weapons from falling into the wrong hands. While proponents argue that only law-abiding citizens would be able to secure a permit to carry a concealed weapon, there are countless examples of violent criminal acts—including homicides—that have been perpetrated by individuals with no prior criminal history. Under **Senate Bill 214**, those individuals would have been able to commit their crimes with a concealed weapon. For example, the Wisconsin Council Against Domestic Violence has found, "When examining Wisconsin's 2000 and 2001 domestic homicide cases, it is evident that the majority of firearm domestic homicide perpetrators would have qualified for a conceal and carry permit."

Fourth, **Senate Bill 214** creates a host of implementation problems, not the least of which is a cumbersome new underfunded state mandate for local law enforcement. **Senate Bill 214** requires the sheriff in each county to issue permits to qualified applicants. This mandate necessitates time-consuming reviews of each and every application and background checks on each and every applicant that seeks to carry a concealed weapon. This mandate is exacerbated by the onerous requirement that the local sheriff's office must act within 30 days on each application. These mandates will mean that, rather than devoting time to pending criminal cases and crime prevention efforts, local law enforcement officials will be forced to spend their time and resources processing expedited applications.

Moreover, at least 65 of 72 sheriffs have already vowed to "opt out" of the requirements of **Senate Bill 214**. If all but a handful of Wisconsin county sheriffs "opted out" of the permitting process, the law would be rendered totally unworkable. Individuals would be forced to travel potentially hundreds of miles to apply for permits and sheriffs in the few participating counties would be required to conduct background checks on thousands of individuals that lived far away.

The bill does not provide adequate resources to the state and local government that would be required to process the permits. The proposed funding is insufficient to cover most of the

anticipated costs, estimated by the Department of Justice to be \$3.7 million for local governments and \$1.18 million for DOJ in the first year alone. The bill does not identify funding sources to assist the court system, the district attorneys, and the sheriffs to address the staffing required to process the huge amounts of paper work required by this bill.

In a time of budget deficits, position cuts, and increasing property tax pressures, it is irresponsible to add these new burdens on local law enforcement agencies. Rather than devoting their time to pending criminal cases and crime prevention efforts that have kept Wisconsin one of the safest states in the country, law enforcement agents would be forced to spend their limited time and resources processing expedited gun applications.

Fifth, and finally, this bill carves out a new loophole in Wisconsin's open records law to prevent the public from knowing who has concealed weapons. It is just absurd that under this bill, hunting and fishing licenses would be subject to open records, but not permits to carry lethal weapons into shopping malls.

The bill even limits access to information by the police. For example, before approaching a car on a routine traffic stop, officers will have access to a person's driving record, but not whether that person has a concealed weapon.

This veto does not result in an absolute ban on the carrying of concealed weapons in one's home or private business, nor does this action eliminate any rights of Wisconsin citizens. The Wisconsin Supreme Court recently held in State v. Hamdan that, while the carrying of a concealed weapon in one's home or privately-owned business is constitutional, the current law prohibiting the carrying of concealed weapons in other places is reasonable. The Court stated "...Wisconsin's prohibition on the carrying of concealed weapons is, as a general matter, a reasonable exercise of the police power...and serves many valuable purposes in promoting public safety."

**Senate Bill 214** is a fundamentally flawed piece of legislation. I join the majority of Wisconsin law enforcement in my belief that lifting the state's 133-year-old ban on the carrying of concealed weapons is neither warranted nor appropriate.

Sincerely,

JIM DOYLE  
Governor

**State of Wisconsin  
Office of the Governor**

November 17, 2003

The Honorable, The Senate:

This letter is to rescind the nomination of Dr. Jeffrey M. Wilder that was made September 23, 2003 for the Chiropractic Examining Board.

Sincerely,

JIM DOYLE  
Governor

**State of Wisconsin  
Department of Public Instruction**

November 10, 2003

The Honorable, The Senate:

Pursuant to s. 15.377(8), Wis. Stats., enclosed please find a list of nominees to the Professional Standards Council for Teachers. These individuals were selected based upon organizational recommendations as prescribed in statute. Your confirmation of the appointees is requested.

Sincerely,

ELIZABETH BURMASTER  
State Superintendent

BARNETT, JEFFREY, , Jeffrey, of Whitewater, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2004.

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

CHAMPEAU, RYAN, of Waukesha, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2006.

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

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

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

FOSTER, CONNIE, of River Falls, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2005.

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

GOSS, GLORIA, of Brookfield, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2005.

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

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

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

JERABEK, LEAH, of Milwaukee, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2005.

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

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

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

OPPERMAN, DIANE, , Diane, of Iola, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2006.

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

OTT, MARLENE, , Marlene, of Greendale, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2005.

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

SMITH-GROSS, MURIEL, of Milwaukee, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2006.

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

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

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

**Gathering Waters Conservancy**

November 1, 2003

The Honorable, The Senate:

It is my pleasure to share with you a report on Gathering Waters Conservancy's activities and accomplishments for fiscal Year 2003. This report is being submitted in accordance with the statutory requirements of s. 23.0955(2)(b)5. Gathering Waters Conservancy has had an extremely successful year, thanks to the ongoing support of the state legislature and the Department of Natural Resources.

There are now over 50 land trusts in the state. Together these organizations have permanently protected over 125,000 acres in communities across Wisconsin. Land Trusts in Wisconsin have a combined membership of 45,000 individuals and thousands of local volunteers; they have raised millions of dollars to protect critical lands that benefit the public; and they work with private landowners every day to promote stewardship and protection of our natural resources.

We look forward to continuing to work with the Department and the state legislature to achieve our mutual conservation goals. Please do not hesitate to contact me for additional information. I have also attached Gathering Waters Conservancy's annual and financial reports for FY 2003 for your review.

Sincerely,

VICKI ELKIN  
Executive Director

**State of Wisconsin  
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Reso- lution or Resolu- tion Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
<b>Senate Bill 109</b>	Wisconsin Act 71	November 25, 2003
<b>Senate Bill 122</b>	Wisconsin Act 75	November 26, 2003
<b>Senate Bill 234</b>	Wisconsin Act 76	November 26, 2003
<b>Senate Bill 235</b>	Wisconsin Act 77	November 26, 2003

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**University of Wisconsin – Parkside**

November 7, 2003

The Honorable, The Senate:

Attached please find the report pursuant to Chapter 118.40(2r)(f). This report has been prepared by the Charter School Office on behalf of Chancellor Keating and is submitted to your office pursuant to s. 13.172(2).

Should you have questions or need additional information you can contact me at UW-Parkside at 414-595-2491 or you can email me at [paulh@uwm.edu](mailto:paulh@uwm.edu). Note that I am only part-time and email works best for contacting me.

Individuals wishing more information about the school directly can feel free to contact the following individual:

Milton Thompson, Exc. Director  
21st Century Preparatory School  
1220 Mound Avenue  
Racine, WI 53404

Sincerely,

PAUL A. HAUBRICH, Ph.D  
Charter School Consultant

**State of Wisconsin  
Department of Administration**

October 30, 2003

The Honorable, The Legislature:

This report is transmitted as required by sec. 20.002(11)(f) of the Wisconsin Statutes, (for distribution to the appropriate standing committees under sec. 13.172(3) Stats.), and confirms that the Department of Administration has found it necessary to exercise the "temporary reallocation of balances" authority provided by this section in order to meet payment responsibilities and cover resulting negative balances during the month of September 2003.

On September 1, 2003, the **General Fund** cash balance closed at a negative \$400.5 million. The negative balance continued until September 22, 2003, when the fund cash balance closed at a positive \$137.4 million. The General Fund closed at an intramonth low of a negative \$654.8 million on September 15, 2003.

On September 25, 2003, the **Agricultural Chemical Cleanup Fund** cash balance closed at its monthly low of a negative \$125.0 thousand. This negative balance continued through September 30, 2003, when the balance closed at a negative \$125.0 thousand. The negative balance was due to the difference in the timing of revenues and expenditures.

The General Fund and the Agricultural Chemical Cleanup Fund shortfalls were not in excess of the statutory interfund borrowing limitation and did not exceed the balances of the funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund's share. Therefore, the monthly calculation by the State Controller's Office will automatically reflect the use of these temporary reallocations of balance authority, and as a result, the funds requiring the use of the authority will effectively bear the interest cost.

Sincerely,

MARC J. MAROTTA  
Secretary

Referred to the joint committee on **Finance.**

**State of Wisconsin  
Ethics Board**

November 18, 2003

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 2003 session of the legislature, visit the Ethics Board's web site at <http://ethics.state.wi.us>

- Hiniker, Stephen J **1000 Friends of Wisconsin**
- Judge, Richard **Philip Morris Incorporated by its service company Altria Corporate Services Inc**
- Kinnard, Kari **Mothers Against Drunk Driving**
- Steelman, Lisa **Novartis Pharmaceuticals Corporation**
- Tyre, Scott **Philip Morris Incorporated by its service company Altria Corporate Services Inc**



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

November 17, 2003

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MALECKI, ANDREW F., of Green Bay, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2005.

Sincerely,  
JIM DOYLE  
Governor

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

State of Wisconsin  
Office of the Governor

November 13, 2003

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MILLER, MICHAEL R., of West Bend, as a member of the Judicial Commission, to serve for the term ending August 1, 2004.

Sincerely,  
JIM DOYLE  
Governor

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

State of Wisconsin  
Office of the Governor

November 11, 2003

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint THORNTON, THOMAS J., of Grand View, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2005.

Sincerely,  
JIM DOYLE  
Governor

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

---

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

### Senate Clearinghouse Rule 03-093

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

Submitted by Department of Transportation.

Report received from Agency, November 18, 2003.

Referred to committee on **Transportation and Information Infrastructure**, November 19, 2003.

---

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

### Senate Clearinghouse Rule 03-010

Relating to voluntarily relinquishing custody of a newborn who is 72 hours old or younger.

No action taken.

### Senate Clearinghouse Rule 03-025

Relating to definitions, grounds for discipline and minor, and technical changes.

No action taken.

### Senate Clearinghouse Rule 03-056

Relating to rescheduling buprenorphine from a schedule V controlled substance to a schedule III controlled substance under federal law.

No action taken.

Carol Roessler  
Chairperson

---

## SENATE ENROLLED PROPOSALS

The Chief Clerk records:

**Senate Bill 170**

**Senate Bill 205**

**Senate Bill 243**

**Senate Bill 300**

Report correctly enrolled on November 19, 2003.

---

## CHIEF CLERK'S REPORT

The Chief Clerk records:

**Senate Bill 176**

Presented to the Governor on November 19, 2003.

---

## AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 244** offered by Senator Kedzie.