



STATE OF WISCONSIN

Senate Journal

Ninety–Sixth Regular Session

10:00 A.M.

WEDNESDAY, January 28, 2004

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, Chvala, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lassa, Lazich, Leibham, M. Meyer, Moore, Panzer, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Welch, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for the prayer which was offered by Pastor Ken Smith.

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

The Chief Clerk makes the following entries dated **January 27, 2004** :

CHIEF CLERK'S ENTRIES

The select committee on **Job Creation** reports and recommends:

Assembly Bill 733

Relating to: reciprocal agreements for real estate licenses.
Concurrence.

Ayes, 4 – Senators Kanavas, Stepp, Leibham and Jauch.
Noes, 0 – None.

Senate Bill 369

Relating to: reciprocal agreements for real estate licenses.
Passage.

Ayes, 4 – Senators Kanavas, Stepp, Leibham and Jauch.
Noes, 0 – None.

Senate Bill 373

Relating to: credits agreements.
Passage.

Ayes, 3 – Senators Kanavas, Stepp and Leibham.
Noes, 2 – Senators Chvala and Jauch.

Senate Bill 374

Relating to: the acquisition of in–state banks and in–state bank holding companies.

Passage.

Ayes, 5 – Senators Kanavas, Stepp, Leibham, Chvala and Jauch.

Noes, 0 – None.

Senate Bill 375

Relating to: comprehensive planning by local governmental units and fees imposed by political subdivisions.

Introduction and adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Kanavas, Stepp, Leibham, Chvala and Jauch.

Noes, 0 – None.

Passage as amended.

Ayes, 4 – Senators Kanavas, Stepp, Leibham and Jauch.

Noes, 1 – Senator Chvala.

Senate Bill 376

Relating to: nonmetallic mining reclamation financial assurances.

Passage.

Ayes, 3 – Senators Kanavas, Stepp and Leibham.

Noes, 2 – Senators Chvala and Jauch.

Ted Kanavas
Senate Chairperson

Cathy Stepp
Senate Chairperson

INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Read and referred:

Senate Bill 411

Relating to: prohibiting smoking in buildings that are owned or leased by this state and providing a penalty.

By Senator Risser; cosponsored by Representatives Berceau, Ainsworth, J. Lehman, Taylor, Hines, Miller, Gielow and Morris.

To committee on **Health, Children, Families, Aging and Long Term Care**.

Senate Bill 412

Relating to: coverage of the positions of certain members of governing bodies of state and local government retirement systems under codes of ethics for public officials.

By Senators Reynolds and Lazich; cosponsored by Representatives Honadel, Vukmir, Kestell, Ladwig, Gundrum, Ainsworth, Hundertmark, Hines, Albers and Stone.

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

Senate Bill 413

Relating to: regulating the release, possession, storage, transportation, sale, and control of certain invasive nonnative aquatic species, granting rule-making authority, and providing penalties.

By Senators Robson, Schultz, Breske, Chvala, Cowles, Lassa, Risser and Roessler; cosponsored by Representatives Gunderson, Richards, Albers, Berceau, Freese, Gronemus, Hahn, Hebl, Hines, Kestell, Krawczyk, J. Lehman, M. Lehman, Miller, Molepske, Musser, Ott, Plouff, Pocan, Schneider, Van Roy and Vrakas.

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

Senator Lazich, with unanimous consent, asked that the Senate recess until 12:10 P.M..

10:20 A.M.

RECESS

12:10 P.M.

The Senate reconvened.

Senator A. Lasee in the chair.

ADVICE AND CONSENT OF THE SENATE

RILEY, ANTONIO, of Milwaukee, as Executive Director of the Wisconsin Housing and Economic Development Authority, to serve for the term ending February 1, 2005.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 32; noes, 1; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lassa, Lazich, Leibham, M. Meyer, Moore, Panzer, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Welch, Wirsch and Zien – 32.

Noes – Senator Chvala – 1.

Absent or not voting – None.

Confirmed.

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

Senate Clearinghouse Rule 03–102

Relating to high school equivalency diplomas and certificates of general educational development.

Submitted by Department of Public Instruction.

Report received from Agency, January 27, 2004.

Referred to committee on **Education, Ethics and Elections**, January 28, 2004.

Senate Clearinghouse Rule 03–123

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, January 27, 2004.

Referred to committee on **Transportation and Information Infrastructure**, January 28, 2004.

**State of Wisconsin
Revisor of Statutes Bureau**

February 1, 2004

To the Honorable, the Senate:

The following rules have been published:

Clearinghouse Rules	Effective Date(s)
02–129	February 1, 2004
03–003	February 1, 2004
03–010	February 1, 2004
03–025	February 1, 2004
03–033	February 1, 2004
03–056	February 1, 2004
03–057	February 1, 2004
03–062	February 1, 2004
03–072	February 1, 2004
03–073	February 1, 2004
03–084	February 1, 2004

Sincerely,
GARY L. POULSON
Deputy Revisor

MESSAGES FROM THE ASSEMBLY

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 159

Assembly Bill 471

Assembly Bill 525

Assembly Bill 556

Assembly Bill 591

Assembly Bill 619

Assembly Bill 715

Assembly Bill 738

Adopted and asks concurrence in:

Assembly Joint Resolution 64

Amended and concurred in as amended:

Senate Bill 46 Assembly amendment 1 adopted

Concurred in:

Senate Joint Resolution 57

Senate Joint Resolution 58

Senate amendment 1 to **Assembly Bill 120**

**MESSAGES FROM THE ASSEMBLY
CONSIDERED**

Assembly Bill 159

Relating to: the operation of all-terrain vehicles on highways for the purpose of certain types of access.

By Representatives Seratti, Balow, Ainsworth, Albers, Bies, Grothman, Gunderson, Hines, Krawczyk, McCormick, Musser, Ott, Owens, Petrowski, Pettis and Suder; cosponsored by Senators Cowles, Decker, A. Lasee and Stepp.

Read first time and referred to committee on **Transportation and Information Infrastructure**.

Assembly Bill 471

Relating to: procedures that towns and certain cities and villages must follow to be reimbursed for fire calls on highways.

By Representatives LeMahieu, Ladwig, Towns, Kestell, Townsend, M. Lehman, Gard, F. Lasee, Seratti, Grothman, Gunderson, Ainsworth, Coggs, Hundertmark, McCormick, Freese, Ott and Bies; cosponsored by Senators Reynolds, Brown, Darling, Breske, Lazich, Roessler, Leibham and A. Lasee.

Read first time and referred to committee on **Transportation and Information Infrastructure**.

Assembly Bill 525

Relating to: transferring certain alcohol beverage licenses to premises in another municipality within the same county.

By Representatives Petrowski, Friske, Montgomery, Gunderson, Huber, Van Roy, Hundertmark, Ainsworth, M. Lehman, Hahn and Seratti; cosponsored by Senators Kanavas, Zien and Decker.

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

Assembly Bill 556

Relating to: regulating the resale of tickets to entertainment or sporting events.

By Representatives Wasserman, Gunderson, Kaufert, Albers, Grothman, Hahn, Jeskewitz, Musser, Staskunas, Taylor, Van Roy and Zepnick; cosponsored by Senator Hansen.

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

Assembly Bill 591

Relating to: recording and filing documents with the offices of register of deeds and the Department of Financial Institutions.

By Representatives F. Lasee, Kerkman, M. Lehman, Seratti, Hahn, Hundertmark, Ladwig, McCormick, Olsen, Hines, Kestell, Weber, Van Roy, Townsend, Bies, LeMahieu, Gunderson and Vrakas; cosponsored by Senators Cowles, Roessler, Wirch, Lassa and Breske.

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

Assembly Bill 619

Relating to: dissolution of the Racine County children with disabilities education board.

By Representatives Ladwig, Kerkman, Gunderson, J. Lehman and Turner; cosponsored by Senators Stepp, Lazich and Wirch.

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

Assembly Bill 715

Relating to: ordinances in certain counties regarding drug paraphernalia and the possession of marijuana.

By Representatives Honadel, Stone, Taylor, Ladwig, Vrakas, Pettis, Ott, Hines and Cullen; cosponsored by Senators Darling, Lazich and Coggs.

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

Assembly Bill 738

Relating to: stalking.

By Representatives Huebsch, Suder, Owens, Gronemus, Schneider, Seratti, Jeskewitz, Shilling, F. Lasee, Van Roy, Kreibich, Townsend, Rhoades, Montgomery, Berceau, Staskunas, Turner, Weber, Olsen, Ladwig, Albers, Sinicki and Krawczyk; cosponsored by Senators Roessler, Schultz, Moore, Darling, Brown, A. Lasee and Lassa.

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

Assembly Joint Resolution 64

Relating to: celebrating March 1, 2004, as St. David's Day.

By Representatives Owens, Bies, Gronemus, Hahn, Hines, Krug, Ladwig, J. Lehman, McCormick, Taylor, Townsend and Vrakas; cosponsored by Senators Roessler, Hansen, Lazich, Welch and Wirch.

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

Senate Bill 211

Relating to: advertising by intoxicating liquor retailers.

Read.

The question was: Shall Assembly amendment 1 to **Senate Bill 211** be concurred in?

Concurred in.

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

Senate Bill 51

Relating to: authority of a court to suspend a persons operating privilege for violations of ordinances unrelated to the operation of a motor vehicle or for failing to pay a penalty for such a violation.

Read a second time.

Senator Darling, with unanimous consent, asked that **Senate Bill 51** be referred to the Joint Committee on **Finance**.

Senate Bill 87

Relating to: limiting the authority of cities and villages to annex territory and specifying the boundaries for certain annexations.

Read a second time.

Senate substitute amendment 1 to **Senate Bill 87** offered by Senators A. Lasee and Ellis.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 87**?

Adopted.

Ordered to a third reading.

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

Senate Bill 87

Read a third time and passed.

Senate Bill 119

Relating to: payment of litigation expenses of emergency medical services personnel, fire fighters, and law enforcement or correctional officers.

Read a second time.

Ordered to a third reading.

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

Senate Bill 119

Read a third time and passed.

Senate Bill 279

Relating to: qualifications of certain agents of mortgage bankers and mortgage brokers, consumer mortgage brokerage agreements, granting rule-making authority, and providing a penalty.

Read a second time.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 279**?

Adopted.

Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 279** offered by Senator Schultz.

The question was: Adoption of Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 279**?

Adopted.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 279**?

Adopted.

Ordered to a third reading.

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

Senate Bill 279

Read a third time and passed.

Senate Bill 287

Relating to: multiple municipal local health departments in Milwaukee County.

Read a second time.

Ordered to a third reading.

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

Senate Bill 287

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 Breske, Brown, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Panzer, Reynolds, Robson, Roessler, Schultz, Stepp, Welch and Zien – 21.

Noes – Senators Carpenter, Chvala, Coggs, Decker, Erpenbach, Hansen, Lassa, M. Meyer, Moore, Plale, Risser and Wirch – 12.

Absent or not voting – None.

Passed.

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.

Read a second time.

Senate amendment 1 to **Senate Bill 323** offered by Senator Brown.

The question was: Adoption of Senate amendment 1 to **Senate Bill 323**?

Adopted.

Ordered to a third reading.

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

Senate Bill 323

Read a third time and passed.

Senate Bill 343

Relating to: payments to ethanol producers and making an appropriation.

Read a second time.

Senator Darling, with unanimous consent, asked that **Senate Bill 343** be referred to the Joint Committee on **Finance**.

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

Assembly Bill 421

Relating to: assessments, costs, fees, and surcharges.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 421

Read a third time and concurred in.

Assembly Bill 600

Relating to: election administration, voter registration and voting requirements and procedures and granting rule-making authority.

Read a second time.

Senator Panzer, with unanimous consent, asked that **Assembly Bill 600** be placed at the foot of the 12th order of business on the calendar of January 28, 2004.

Assembly Bill 601

Relating to: state contribution towards certain federally financed election administration costs and making appropriations.

Read a second time.

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

Senator Panzer, with unanimous consent, asked that the Senate stand informal until 3:10 P.M.

12:30 P.M.

STOOD INFORMAL

3:10 P.M.

The Senate reconvened.

Senator A. Lasee in the chair.

Assembly Bill 601

Relating to: state contribution towards certain federally financed election administration costs and making appropriations.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 601

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, Chvala, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald,

Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lassa, Lazich, Leibham, M. Meyer, Moore, Panzer, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Concurred in.

Assembly Bill 600

Relating to: election administration, voter registration and voting requirements and procedures and granting rule-making authority.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 600**?

Adopted.

Senate amendment 2 to **Assembly Bill 600** offered by Senators Darling and Welch.

The question was: Adoption of Senate amendment 2 to **Assembly Bill 600**?

Adopted.

Ordered to a third reading.

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

Assembly Bill 600

Read a third time and concurred in as amended.

MOTIONS MAY BE OFFERED

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

Senator Panzer, with unanimous consent, asked that **Senate Bill 227** be withdrawn from the joint committee on **Finance** and referred to the committee on **Senate Organization**.

ANNOUNCEMENTS, ADJOURNMENT HONORS, AND REMARKS UNDER SPECIAL PRIVILEGE

Senator Moore, with unanimous consent, asked that when the Senate adjourn, it do so in honor of U.S. Representative Jerry Kleczka, Congressman from the 4th, and congratulate him on his retirement.

Senator Schultz, with unanimous consent, asked that when the Senate adjourn today it do so in honor of his friend, and a true friend to Wisconsin's environment and outdoor heritage, Tryge Solberg. Tryge announced yesterday that he would be stepping down as the Chairman of the Natural Resources Board.

President and owner of T.A. Solberg Company, Inc. Tryge, a resident of Minoqua, was appointed to the Board in February of 1991, and has been continually reappointed. He served the Board as Vice-Chair from May 1993 to February of 1997 and has been the Chair since February 1997.

Tryge is a recognized business leader, avid hunter, angler and conservationist. Those lifelong experiences served him well on the Board. His leadership ability was tested many times as he guided the Board through such controversial issues as the reorganization and Chronic Wasting Disease to name a couple.

Thank you for your many years of service Tryge. Wisconsin will miss your wise counsel and leadership.

Senator Carpenter, with unanimous consent, asked that when the Senate adjourns today it would adjourn in honor of long time State Representative, State Senator, and U.S. Congressman Jerry Kleczka, his long time friend and mentor. Without his support, Senator Carpenter would not have made it to the State Senate. Upon Congressman Kleczka's recent announcement of his retirement, Senator Carpenter offers his heartfelt thanks to Congressman Jerry Kleczka for his tireless years of selfless public service to Milwaukee. Jerry is responsible for Senator Carpenter's opportunity to enter South Side Milwaukee politics: Jerry's succeeding of Clement Zablocki to the 4th Congressional District ultimately led to the opening of the Assembly seat in the 9th State Assembly District. It was the winning of that Assembly seat which started Senator Carpenter's political career in 1984. Congressman Kleczka's service to all of Milwaukee will be remembered with honor.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her Uncle John Sheleski who passed away Monday, January 26, 2004.

Uncle John was a proud graduate of Menasha High School, a distinguished World War II Veteran, a loving, and serving role model for his nieces and nephews and was deeply loved and appreciated by his wife Lilas and his nieces and nephews.

Senator Reynolds, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Paul Taylor who was just named as a Rhodes Scholar.

Senator Brown, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the representatives from the Chippewa Valley.

On January 28th and January 29th, representatives from the Chippewa Valley will be in Madison to talk about issues important to western Wisconsin. We hope you will take time out of your schedule to listen to their legislative concerns and ideas.

The "I-94 Corridor" in western Wisconsin is one of the fastest-growing areas of the state and the Chippewa Valley Rally will be an excellent opportunity to meet area leaders in education, government, and industry. Efforts to attract new businesses in western Wisconsin benefit the entire state.

It is our pleasure to invite you to the Tenth Annual Chippewa Valley Rally reception on Wednesday, January 28, 2004 at the Concourse Hotel in Madison. The reception begins at 5 p.m.

Hope to see you there!

Senator Hansen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his Aunt Elva Kreuser, who was buried today.

ADJOURNMENT

Senator Panzer, with unanimous consent, asked that the Senate adjourn until Thursday, at 10:00 A.M..

Adjourned.

3:50 P.M.

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 347** offered by Senator Darling.