



STATE OF WISCONSIN

Senate Journal

Ninety–Sixth Regular Session

10:40 A.M.

TUESDAY, February 3, 2004

The Senate met.

The Senate was called to order by Senator Robert Welch.

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 Brian Doxtator Councilmember of the Oneida Tribe.

The Senate remained standing and Senator Reynolds 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 30, 2004** :

CHIEF CLERK'S ENTRIES

The committee on **Economic Development, Job Creation and Housing** reports and recommends:

Assembly Bill 437

Relating to: granting towns limited authority to create tax incremental financing districts.

Concurrence.

Ayes, 4 – Senators Stepp, Roessler, Brown and Plale.

Noes, 1 – Senator Moore.

Cathy Stepp
Chairperson

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

Assembly Bill 518

Relating to: requirements for certification for a chief inspector position.

Concurrence.

Ayes, 7 – Senators Ellis, S. Fitzgerald, Reynolds, Stepp, Jauch, Robson and Hansen.

Noes, 0 – None.

Senate Bill 228

Relating to: use of local governmental resources to promote or defeat a referendum.

Passage.

Ayes, 4 – Senators Ellis, S. Fitzgerald, Reynolds and Stepp.

Noes, 3 – Senators Jauch, Robson and Hansen.

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).

Passage.

Ayes, 7 – Senators Ellis, S. Fitzgerald, Reynolds, Stepp, Jauch, Robson and Hansen.

Noes, 0 – None.

Michael Ellis
Chairperson

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

Assembly Bill 67

Relating to: employment discrimination based on creed; exemption from liability and discipline for health care providers and hospital employees who refuse to participate in sterilization, abortion, assisted suicide, and other procedures on moral or religious grounds; and power of attorney for health care instruments and patient declarations regarding the withholding or withdrawal of life-sustaining procedures or feeding tubes.

Introduction and adoption of Senate Amendment 1.

Ayes, 8 – Senators Roessler, Kanavas, Brown, Welch, Schultz, Robson, Chvala and Carpenter.

Noes, 1 – Senator Jauch.

Introduction and adoption of Senate Amendment 2.

Ayes, 8 – Senators Roessler, Kanavas, Brown, Welch, Schultz, Robson, Chvala and Carpenter.

Noes, 1 – Senator Jauch.

Concurrence as amended.

Ayes, 5 – Senators Roessler, Kanavas, Brown, Welch and Schultz.

Noes, 4 – Senators Robson, Chvala, Jauch and Carpenter.

Senate Bill 200

Relating to: chelation therapy.

Passage.

Ayes, 8 – Senators Roessler, Kanavas, Brown, Welch, Schultz, Robson, Chvala and Carpenter.

Noes, 1 – Senator Jauch.

Senate Bill 225

Relating to: continuing education for dental hygienists.

Introduction and adoption of Senate Amendment 1.

Ayes, 7 – Senators Roessler, Brown, Schultz, Robson, Chvala, Jauch and Carpenter.

Noes, 2 – Senators Kanavas and Welch.

Passage as amended.

Ayes, 9 – Senators Roessler, Kanavas, Brown, Welch, Schultz, Robson, Chvala, Jauch and Carpenter.

Noes, 0 – None.

Senate Bill 255

Relating to: licensing interpreters for the deaf or hard of hearing, granting rule-making authority, and providing a penalty.

Introduction and adoption of Senate Substitute Amendment 1.

Ayes, 9 – Senators Roessler, Kanavas, Brown, Welch, Schultz, Robson, Chvala, Jauch and Carpenter.

Noes, 0 – None.

Passage as amended.

Ayes, 9 – Senators Roessler, Kanavas, Brown, Welch, Schultz, Robson, Chvala, Jauch and Carpenter.

Noes, 0 – None.

Senate Bill 336

Relating to: creating the option to make an anatomical gift as part of a living will.

Introduction and adoption of Senate Amendment 1.

Ayes, 9 – Senators Roessler, Kanavas, Brown, Welch, Schultz, Robson, Chvala, Jauch and Carpenter.

Noes, 0 – None.

Passage as amended.

Ayes, 8 – Senators Roessler, Kanavas, Brown, Welch, Schultz, Robson, Jauch and Carpenter.

Noes, 1 – Senator Chvala.

Senate Bill 388

Relating to: increasing bonding authority for the University of Wisconsin Hospitals and Clinics Authority.

Passage.

Ayes, 9 – Senators Roessler, Kanavas, Brown, Welch, Schultz, Robson, Chvala, Jauch and Carpenter.

Noes, 0 – None.

Carol Roessler
Chairperson

The committee on **Judiciary, Corrections and Privacy** reports and recommends:

Assembly Bill 273

Relating to: allowing municipal courts to hold refusal hearings.

Concurrence.

Ayes, 5 – Senators Zien, S. Fitzgerald, Stepp, Carpenter and Coggs.

Noes, 0 – None.

Assembly Bill 346

Relating to: garnishment of the income of a minor.

Concurrence.

Ayes, 5 – Senators Zien, S. Fitzgerald, Stepp, Carpenter and Coggs.

Noes, 0 – None.

David Zien
Chairperson

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

Assembly Bill 426

Relating to: the regulation of professional boxing contests.

Concurrence.

Ayes, 5 – Senators Reynolds, Kedzie, Zien, Decker and Hansen.

Noes, 0 – None.

Senate Bill 284

Relating to: a grievance procedure for resolving complaints of employment displacement under the Wisconsin Works program and granting rule-making authority.

Passage.

Ayes, 5 – Senators Reynolds, Kedzie, Zien, Decker and Hansen.

Noes, 0 – None.

Senate Bill 286

Relating to: employment relations under the Municipal Employment Relations Act.

Adoption of Senate Substitute Amendment 1.

Ayes, 3 – Senators Reynolds, Kedzie and Zien.

Noes, 2 – Senators Decker and Hansen.

Passage as amended.

Ayes, 3 – Senators Reynolds, Kedzie and Zien.

Noes, 2 – Senators Decker and Hansen.

Senate Bill 339

Relating to: making various changes in the worker's compensation law and granting rule-making authority.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Reynolds, Kedzie, Zien, Decker and Hansen.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Reynolds, Kedzie, Zien, Decker and Hansen.

Noes, 0 – None.

Senate Bill 344

Relating to: payment of fixed annuity increases under the Wisconsin Retirement System.

Introduction and adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Reynolds, Kedzie, Zien, Decker and Hansen.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Reynolds, Kedzie, Zien, Decker and Hansen.

Noes, 0 – None.

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.

Passage.

Ayes, 5 – Senators Reynolds, Kedzie, Zien, Decker and Hansen.

Noes, 0 – None.

Thomas Reynolds
Chairperson

The Chief Clerk makes the following entries dated **February 2, 2004** :

The committee on **Senate Organization** reports and recommends:

Assembly Bill 746

Relating to: eligibility to attend an independent charter school and payments made to independent charter schools.

Concurrence.

Ayes, 3 – Senators Panzer, A. Lasee and Zien.
Noes, 2 – Senators Erpenbach and Hansen.

Assembly Bill 747

Relating to: eligibility to attend Woodlands School, a charter school located in a 1st class city school district.

Concurrence.

Ayes, 3 – Senators Panzer, A. Lasee and Zien.
Noes, 2 – Senators Erpenbach and Hansen.

Senate Resolution 26

Relating to: recognizing Alexis Deignan for her selection as Miss American Sweetheart.

Adoption.

Ayes, 5 – Senators Panzer, A. Lasee, Zien, Erpenbach and Hansen.

Noes, 0 – None.

Mary Panzer
Chairperson

INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Read and referred:

Senate Resolution 27

Relating to: declaring February 21, 2004, as James Beckum Day.

By Senator Coggs.

To committee on **Senate Organization**.

Senate Joint Resolution 59

Relating to: honoring Congressman Jerry Kleczka for tireless service to Milwaukee.

By Senators Carpenter, Risser, Kanavas, Moore, Robson, M. Meyer, Breske, Plale, Lassa, Wirch, Jauch, Coggs and Decker; cosponsored by Representatives Zepnick, Colon, Krusick, Richards, Van Akkeren, Miller, Boyle, Travis, Lothian, Krug, Gronemus, Berceau, Hahn, Pocan, Kreuser, J. Lehman, Turner, Sinicki, Young, Plouff and Honadel.

To committee on **Senate Organization**.

Senate Bill 418

Relating to: treating property taxes as a deduction to annual household income for purposes of determining eligibility and deductible amounts under the prescription drug assistance program for the elderly.

By Senators Hansen, Breske, Robson, Lassa, Carpenter, Erpenbach, Chvala, Coggs, Wirch and A. Lasee; cosponsored by Representatives Shilling, Cullen, Hines, Krusick, Kreibich,

Zepnick, Sinicki, M. Lehman, Turner, J. Lehman, Gronemus, Pocan, Miller, Berceau and Gunderson.

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

Senate Bill 419

Relating to: unlicensed motor vehicle dealers, motor vehicle salespersons, and sales finance companies, and providing a penalty.

By Senators Leibham, S. Fitzgerald and Schultz; cosponsored by Representatives Ainsworth, Albers, Gottlieb, Hines, Hundertmark, Jeskewitz, M. Lehman, Montgomery, Musser, Ott, Petrowski and Stone.

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

Senate Bill 420

Relating to: issuance of motor vehicle certificates of title and special distinguishing registration plates that identify the bearer as a member of the national guard.

By Senators Leibham, S. Fitzgerald, Roessler and Schultz; cosponsored by Representatives Ainsworth, Albers, Bies, Freese, Gottlieb, Hahn, Hines, McCormick, Miller, Montgomery, Musser, Ott, Petrowski, Plouff and Turner.

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

Senate Bill 421

Relating to: adopting changes to the Internal Revenue Code for state income and franchise tax purposes.

By Senators Brown, Lassa, Kanavas, Schultz, Stepp, Leibham and Roessler; cosponsored by Representatives Musser, Ainsworth, Freese, Gronemus, Hines, Hundertmark, Kreibich, Nass, Nischke, Petrowski, Pettis, Plouff, Seratti, J. Wood, Gunderson, McCormick, Kaufert and Van Roy.

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

Senate Bill 422

Relating to: creating a procedure for certain taxpayers to defer taxation on certain reinvested capital gains.

By Senators Kanavas, Welch, Reynolds, Leibham and A. Lasee; cosponsored by Representatives Wieckert, Gard, Nischke, Stone, Owens, Pettis, Krawczyk, Nass, Gronemus, Loeffelholz, Hines, Musser, Ott, Kreibich, Ladwig, Bies, Freese, Seratti, Gunderson and Vrakas.

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

Senate Bill 423

Relating to: annual or consecutive month permits for vehicles or combinations of vehicles transporting loads near the Wisconsin–Michigan border.

By Senators Leibham, Jauch, Welch, Zien and Breske; cosponsored by Representatives Sherman, Petrowski, Gard, Friske, J. Wood and Suder.

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

Senate Bill 424

Relating to: the sales tax imposed on services provided by a temporary help company.

By Senators Darling, Kanavas, Schultz, Reynolds and Roessler; cosponsored by Representatives Jensen, Huebsch, Kreibich, Ladwig, Olsen, Hines, F. Lasee, Musser, Albers, Nass, Ainsworth, Stone, Hundertmark, Jeskewitz, J. Wood, McCormick and Gunderson.

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

Senate Bill 425

Relating to: the number of deputy coroners that may be appointed by a coroner.

By Senator Roessler; cosponsored by Representatives Underheim, Olsen, Musser and McCormick.

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

Senate Bill 426

Relating to: the administration of vaccines by persons supervised by a pharmacist.

By Senators S. Fitzgerald, Lassa, Schultz and Reynolds; cosponsored by Representatives Gielow, Hines, Albers, J. Fitzgerald, Krawczyk, McCormick, Hahn, Gunderson, Van Roy and Vrakas.

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

Senate Bill 427

Relating to: creating an individual income tax checkoff for the children's trust fund and making appropriations.

By Senators Roessler, Wirch and Breske; cosponsored by Representatives Kestell, Miller, J. Wood, Vrakas, Berceau, Ott, Molepske, Turner, Krawczyk, Shilling, Sinicki, Musser, Van Roy, Hines, Pope-Roberts, Pocan, Olsen and J. Lehman.

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

Senate Bill 428

Relating to: extending the expenditure period and the life of a tax incremental district in West Bend.

By Senator Panzer; cosponsored by Representative Grothman.

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

Senate Bill 429

Relating to: requiring air filtration for certain wells.

By Senators M. Meyer and Schultz.

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

REPORT OF COMMITTEES

The committee on **Homeland Security, Veterans and Military Affairs and Government Reform** reports and recommends:

Senate Bill 237

Relating to: limiting the reasons for which a local government may withhold approval of a conditional use permit.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.

Noes, 0 – None.

Passage as amended.

Ayes, 4 – Senators Brown, Zien, S. Fitzgerald and Breske.

Noes, 1 – Senator Wirch.

Senate Bill 271

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

Passage.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.

Noes, 0 – None.

Senate Bill 291

Relating to: Legislative Council staff director attendance at certain midwest and national meetings in which the Commission on Uniform State Laws participates (suggested as remedial legislation by the Legislative Council staff).

Passage.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.

Noes, 0 – None.

Senate Bill 297

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

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.

Noes, 0 – None.

Passage as amended.

Ayes, 3 – Senators Brown, Zien and S. Fitzgerald.

Noes, 2 – Senators Wirch and Breske.

Senate Bill 365

Relating to: the cutoff time for receipt of documents for filing and recording with a register of deeds and fees relating to federal tax lien filings.

Passage.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.

Noes, 0 – None.

Senate Bill 405

Relating to: adding additional members to the Council on Veterans Programs.

Passage.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.

Noes, 0 – None.

Senate Bill 410

Relating to: eligibility for a grant under the fire dues program.

Passage.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.

Noes, 0 – None.

Ronald Brown
Chairperson

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Department of Administration**

The Honorable, The Legislature:

Chapter 34, Laws of 1979, requires that when the Department of Administration maintains an office in Washington, D.C., for the purpose of promoting federal/state cooperation, it should submit a report detailing the activities of the office and reporting the status of federal legislation of concern to the Legislature and other state agencies (Wis. Stats. 16.548(2)).

The report for the period October – December 2003 is attached.

Sincerely,

MARC J. MAROTTA
Secretary

ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin
Office of the Governor**

January 23, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BASTING, THOMAS J., of Madison, as a member of the Educational Communications Board, to serve for the term ending May 1, 2005.

Sincerely,
JIM DOYLE
Governor

Read and referred to committee on **Higher Education and Tourism.**

**State of Wisconsin
Office of the Governor**

January 28, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HAGER, ALAN S., of Lena, as a member of the Auctioneer Board, to serve for the term ending May 1, 2005.

Sincerely,
JIM DOYLE
Governor

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

**State of Wisconsin
Office of the Governor**

January 26, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MOORE, JAMES E., of Kaukauna, as a member of the Prison Industries Board, to serve for the term ending May 1, 2004.

Sincerely,
JIM DOYLE
Governor

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

**State of Wisconsin
Office of the Governor**

January 29, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint VANG, ANNIE T., of Madison, as a member of the Wisconsin Technical College System Board, to serve for the term ending May 1, 2005.

Sincerely,
JIM DOYLE
Governor

Read and referred to committee on **Higher Education and Tourism.**

Senator Panzer, with unanimous consent, asked that **Senate Bill 253** be referred to the Joint Committee on **Finance.**

Senator Panzer, with unanimous consent, asked that **Senate Bill 388** be referred to the Joint Committee on **Finance.**

Senator Panzer, with unanimous consent, asked that **Assembly Bill 746** be referred to the Joint Committee on **Finance.**

Senator Panzer, with unanimous consent, asked that **Assembly Bill 747** be referred to the Joint Committee on **Finance.**

Senator Lazich, with unanimous consent, asked that the Senate recess until 3:06 P.M.

10:50 A.M.

RECESS

3:06 P.M.

The Senate reconvened.
Senator A. Lasee in the chair.

QUORUM CALL

The Chair noted the possible lack of a quorum.

The roll was called and the following Senators answered to their names:

Senators Brown, Carpenter, Coggs, Cowles, Darling, Erpenbach, Fitzgerald, Kanavas, Kedzie, A. Lasee, Lassa, Meyer, Panzer, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Wirch and Zien – 21.

Absent – Senators Breske, Chvala, Decker, Ellis, Hansen, Harsdorf, Jauch, Lazich, Leibham, Moore, Plale and Welch – 12.

Absent with leave – None.

Senator Panzer, with unanimous consent, asked that all the appointments be taken up en masse.

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

Read.

BAUMGART, JAMES R., of Sheboygan, as a member of the Land Information Board, to serve for the term ending May 1, 2007.

Read.

CUENE, MARY, of Green Bay, as a member of the Wisconsin Technical College Systems Board, to serve for the term ending May 1, 2007.

Read.

EISELE, DAVID, of Menasha, as a member of the Land Information Board, to serve for the term ending May 1, 2006.

Read.

FIACCO, JOYCE, of Oconomowoc, as a member of the Land Information Board, to serve for the term ending May 1, 2005.

Read.

HURTADO, GEOFFREY, of Milwaukee, as a member of the Wisconsin Housing and Economic Development Authority, to serve for the term ending January 1, 2006.

Read.

LICHT, JANE, of Mc Farland, as a member of the Land Information Board, to serve for the term ending May 1, 2007.

Read.

ROMPORTL, MICHAEL, of Rhineland, as a member of the Land Information Board, to serve for the term ending at the pleasure of the Governor.

Read.

SERVAIS, JAMES G., of Stoddard, as a member of the Land Information Board, to serve for the term ending May 1, 2009.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; 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, M. Meyer, Moore, Panzer, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Welch, Wirch and Zien – 32.

Noes – None.

Absent or not voting – Senator Leibham – 1.

Confirmed.

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

Senate Clearinghouse Rule 03–064

Relating to the exclusion of costs to elevate a nonconforming building or a building with a nonconforming use from the 50% provisions of this paragraph.

Submitted by Department of Natural Resources.

Report received from Agency, February 2, 2004.

Referred to committee on **Environment and Natural Resources**, February 3, 2004.

Senate Clearinghouse Rule 03–079

Relating to the definition of prohibited dual relationships, the elaboration of the prohibition on exploitative relationships, the responsibility of license-holders to cooperate with board investigations, a requirement to maintain records, and violations of board orders.

Submitted by Department of Regulation and Licensing.

Report received from Agency, February 2, 2004.

Referred to committee on **Health, Children, Families, Aging and Long Term Care**, February 3, 2004.

Senate Clearinghouse Rule 03–082

Relating to minor changes to conform the rules to current practices and to correct oversights and problematic language in the current rules, especially related to the board's adoption of Part IV of the national exam in lieu of a state-administered exam to demonstrate clinical competence.

Submitted by Department of Regulation and Licensing.

Report received from Agency, January 30, 2004.

Referred to committee on **Health, Children, Families, Aging and Long Term Care**, February 3, 2004.

Senate Clearinghouse Rule 03–107

Relating to sport fishing for yellow perch in Green Bay and its major tributaries and all other tributary streams, rivers and ditches to Green Bay and to commercial fishing for yellow perch in Green Bay.

Submitted by Department of Natural Resources.

Report received from Agency, February 2, 2004.

Referred to committee on **Environment and Natural Resources**, February 3, 2004.

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

Senate Clearinghouse Rule 03–114

Relating to oversize and overweight permits for vehicles and loads.

No action taken.

Joseph Leibham
Chairperson

CONSIDERATION OF MOTIONS AND RESOLUTIONS

Senate Resolution 26

Relating to: recognizing Alexis Deignan for her selection as Miss American Sweetheart.

Read.

Adopted.

SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

Senate Bill 49

Relating to: evidence of lay and expert witnesses.

Read a second time.

Senate amendment 1 to **Senate Bill 49** offered by Senator Welch.

The question was: Adoption of Senate amendment 1 to **Senate Bill 49**?

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 49

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Panzer, Reynolds, Roessler, Schultz, Stepp, Welch and Zien – 18.

Noes – Senators Breske, Carpenter, Chvala, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, M. Meyer, Moore, Plale, Risser, Robson and Wirch – 15.

Absent or not voting – None.

Passed.

Senate Bill 255

Relating to: licensing interpreters for the deaf or hard of hearing, granting rule-making authority, and providing a penalty.

Read a second time.

Senator Darling, with unanimous consent, asked that **Senate Bill 255** be referred to the Joint Committee on **Finance**.

Senator Darling, with unanimous consent, asked that the rules be suspended and that **Senate Bill 255** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 255**?

Adopted.

Ordered to a third reading.

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

IN THE CHAIR

3:38 P.M.

Senator Welch in the chair.

Senate Bill 255

Read a third time.

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, Chvala, Coggs, Cowles, Darling, 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 – 32.

Noes – Senator Decker – 1.

Absent or not voting – None.

Passed.

Senator Leibham, with unanimous consent, asked that the journal show he would have voted aye on the confirmation of all the appointments under the sixth order of business.

Senate Bill 380

Relating to: reports required to be submitted by the investment board and contracting with outside investment advisors for certain investments.

Read a second time.

Ordered to a third reading.

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

Senate Bill 380

Read a third time and passed.

Senate Bill 381

Relating to: regulatory examinations of savings banks and savings and loan associations.

Read a second time.

Ordered to a third reading.

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

Senate Bill 381

Read a third time and passed.

SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS

Assembly Bill 131

Relating to: the duration of the effect of emergency rules.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 131

Read a third time and concurred in.

Assembly Bill 169

Relating to: the disclosure of public library records.

Read a second time.

Senate amendment 1 to **Assembly Bill 169** offered by Senator Leibham.

IN THE CHAIR

3:53 P.M.

Senator A. Lasee in the chair.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 169**?

Adopted.

Ordered to a third reading.

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

Assembly Bill 169

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Panzer, Plale, Reynolds, Roessler, Schultz, Stepp, Welch and Zien – 20.

Noes – Senators Carpenter, Chvala, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, M. Meyer, Moore, Risser, Robson and Wirch – 13.

Absent or not voting – None.

Concurred in as amended.

Assembly Bill 183

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

Read a second time.

Senate amendment 1 to **Assembly Bill 183** offered by Senator Decker.

Senator Harsdorf moved rejection of Senate amendment 1 to **Assembly Bill 183**.

The question was: Rejection of Senate amendment 1 to **Assembly Bill 183**?

Rejected.

Senator Darling, with unanimous consent, asked that **Assembly Bill 183** be referred to the Joint Committee on **Finance**.

Senator Darling, with unanimous consent, asked that the rules be suspended and that **Assembly Bill 183** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 183

Read a third time.

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, Chvala, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lassa, Lazich, Leibham, M. Meyer, Panzer, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Welch, Wirch and Zien – 32.

Noes – Senator Moore – 1.

Absent or not voting – None.

Concurred in.

Assembly Bill 195

Relating to: tax warrants and liens on property.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 195

Read a third time and concurred in.

Assembly Bill 202

Relating to: school board contracts for yearbook photographs.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 202

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 32; noes, 1; 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 and Zien – 32.

Noes – Senator Wirch – 1.

Absent or not voting – None.

Concurred in.

Assembly Bill 284

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

Read a second time.

Ordered to a third reading.

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

Assembly Bill 284

Read a third time and concurred in.

Assembly Bill 365

Relating to: authorizing municipal courts to contract with collection agencies and the sharing of collection costs by cities, villages, towns, and counties.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 365

Read a third time and concurred in.

Assembly Bill 390

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

Read a second time.

Senator Harsdorf, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 390**.

Ordered to a third reading.

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

Assembly Bill 390

Read a third time and concurred in.

Assembly Bill 508

Relating to: the income and franchise tax credit for sales tax and use tax paid on fuel and electricity consumed in manufacturing.

Read a second time.

Senate amendment 1 to **Assembly Bill 508** offered by Senators Erpenbach, Carpenter and Moore.

Senator Welch moved rejection of Senate amendment 1 to **Assembly Bill 508**.

The question was: Rejection of Senate amendment 1 to **Assembly Bill 508**?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Panzer, Reynolds, Roessler, Schultz, Stepp, Welch and Zien – 19.

Noes – Senators Carpenter, Chvala, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, M. Meyer, Moore, Plale, Risser, Robson and Wirch – 14.

Absent or not voting – None.

Rejected.

Ordered to a third reading.

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

Senator A. Lasee, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 508**.

Senator Panzer, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 508**.

Assembly Bill 508

Read a third time.

The ayes and noes were required and the vote was: ayes, 23; noes, 10; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Cowles, Darling, Decker, Ellis, S. Fitzgerald, Hansen, Harsdorf, Kanavas, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Panzer, Plale, Reynolds, Roessler, Schultz, Stepp, Welch and Zien – 23.

Noes – Senators Carpenter, Chvala, Coggs, Erpenbach, Jauch, M. Meyer, Moore, Risser, Robson and Wirch – 10.

Absent or not voting – None.

Concurred in.

MOTIONS MAY BE OFFERED

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

Senator Brown, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 283**.

Report correctly enrolled on January 30, 2004.

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

Senator Chvala, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Spc. Robert Cook from Sun Prairie who was killed in an explosion in Afghanistan.

Robert was a 1997 graduate of Sun Prairie High School and had played on the Division I Championship football team in 1995. Robert had plans to become a nurse at the end of his tour. He was loved by his family, and will be greatly missed by family and friends.

Senator Reynolds, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Dr. Frederick J. Carpenter who practices at Columbia Hospital and Dr. Richard H. Strassburger who practices at St. Luke's Hospital both of Wauwatosa who both have been inducted into the State Medical Society's 50 Year Club.

Senator Welch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of a great man from Redgranite, Anthony "Toni" Santucci, who passed away recently.

Senator Risser, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Senator Erpenbach's 43 birthday last Wednesday, January 28.

Senator Zien, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Gordy Sill of Eau Claire, a dear friend of many senators present, who survived a number of beach landings in the Pacific Islands during World War II.

Senator Zien, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Citizen Soldiers for whom the Bridges and Highways of Honor were to be addressed in the Assembly today. Those honored were firefighters, law enforcement and civilian citizen soldiers, many of whom were here today.

Senator Panzer, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Mike Boerger's father who passed away today.

ADJOURNMENT

Senator Panzer, with unanimous consent, asked that the Senate adjourn until Wednesday, at 12:00 P.M..

Adjourned.

6:01 P.M.

CHIEF CLERK'S REPORT

The Chief Clerk records:

Senate Bill 252

Presented to the Governor on February 3, 2004.

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Bill 211

Report correctly enrolled on January 30, 2004.

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Joint Resolution 58

AMENDMENTS OFFERED

Senate amendment 1 to **Assembly Bill 747** offered by Senator Decker.

Senate amendment 1 to **Senate Bill 253** offered by Senator Decker.

**MOTIONS UNDER SENATE RULE 98 AND
JOINT RULE 7**

for the Month of January 2004

A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Dennis Anderson, on the occasion of his 23 years of service with the village of East Troy Police Department.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Schultz, for Linda Adrian, on the occasion of her retirement after 40 years of outstanding service to the Grant County residents.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Helen Pecor Barcome, on the occasion of celebrating her 100th Birthday.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Decker, for Derrick Barrett, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for the Brookfield Central Marching Band, on the occasion of being selected to march in the 2004 New Years Day Parade in London.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for Michael Buczek, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Cousins Subs, Inc., on the occasion of being named the Wisconsin Restaurant Association's Business of the Year for 2003.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lazich, for Culver's Restaurant of Oak Creek, on the occasion of receiving the 2003 Southeastern Chamber United in Business Small Market Pride in Premises Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Jo Hawkins Donovan, on the occasion of earning the Professional Dimensions Sacagawea Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Brown, for Robert Erickson, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Schultz, for John and Doreen Gatto, on the occasion of the birth of their daughter Grace Elizabeth Gatto.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Erpenbach, for Timothy Nathaniel Gobel, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Cowles, for Good Shepherd Services, on the occasion of receiving the prestigious Wisconsin Forward Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Geoffrey Gueldenzopf, on the

occasion of earning attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Lasee, for Brian T. Hawley, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lazich, for Innovative Health and Fitness, on the occasion of receiving the 2003 Southeastern Chamber United in Business Large Market Pride in Premises Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for William E. Jenneman, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Decker, for Luke Johansen, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Alexander Earl George Kox, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Kanavas, for Robert Kraemer, on the occasion of being named 2003 Person of the Year.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Lazich, for Mid–America Steel Drum Company of Oak Creek, on the occasion of being named the 2003 Business of the Year by the Southeastern Chamber United in Business.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Jayme Ann Nagle, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of condolence by the Wisconsin Senate on the motion of Senator Erpenbach, for the family and friends of Janet M. Ninneman, on the occasion of extending our sympathy for their loss.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Schultz, for David Pamperin, on the

occasion of his retirement after years of service with the Wisconsin Historical Society.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Harsdorf, for Rance Retherford, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Ellis, for Matthew Stadtmueller, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for Linda Stephenson, on the occasion of earning the Professional Dimensions Sacagawea Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Chvala, for Helen Struckmeyer, on the occasion of celebrating her 90th Birthday shared with family and friends.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Reynolds, for Paul Taylor, on the occasion of receiving the esteemed honor of being named a Rhodes Scholar.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Ellis, for James J. Theys, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Coggs, for Mr. Thomas Toth, on the occasion of celebrating his Birthday.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for the UW–Green Bay Women’s Volleyball Team, on the occasion of a remarkable season and making their first NCAA tournament appearance in the 20 year history of the program.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Jared Allen Van Dyke, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Lasee, for Andrew James Vander Linden, on the occasion of earning and attaining the rank of the Eagle Scout Award.