



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Sixth Regular Session

11:00 A.M.

TUESDAY, February 24, 2004

The Senate met.

The Senate was called to order by Senator Jon Erpenbach.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

The Chief Clerk makes the following entries dated **February 19, 2004** :

### CHIEF CLERK'S ENTRIES

The joint committee on **Finance** reports and recommends:

#### **Assembly Bill 746**

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

Introduction and adoption of Senate Amendment 1.

Ayes, 15 – Senators S. Fitzgerald, Leibham, Lazich, Harsdorf, Roessler, Decker and Moore. Representatives Kaufert, Huebsch, Ward, Stone, Rhoades, D. Meyer, Krug and Schooff.

Noes, 0 – None.

Concurrence as amended.

Ayes, 13 – Senators S. Fitzgerald, Leibham, Lazich, Harsdorf, Roessler and Moore. Representatives Kaufert, Huebsch, Ward, Stone, Rhoades, D. Meyer and Krug.

Noes, 2 – Senator Decker. Representative Schooff.

#### **Assembly Bill 747**

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

Adoption of Senate Amendment 1.

Ayes, 2 – Senator Decker. Representative Schooff.

Noes, 13 – Senators S. Fitzgerald, Leibham, Lazich, Harsdorf, Roessler and Moore. Representatives Kaufert, Huebsch, Ward, Stone, Rhoades, D. Meyer and Krug.

Concurrence.

Ayes, 13 – Senators S. Fitzgerald, Leibham, Lazich, Harsdorf, Roessler and Moore. Representatives Kaufert, Huebsch, Ward, Stone, Rhoades, D. Meyer and Krug.

Noes, 2 – Senator Decker. Representative Schooff.

#### **Senate Bill 253**

Relating to: independent charter schools established by University of Wisconsin institutions and college campuses.

Introduction and adoption of Senate Substitute Amendment 1.

Ayes, 14 – Senators S. Fitzgerald, Leibham, Lazich, Harsdorf, Roessler and Moore. Representatives Kaufert, Huebsch, Ward, Stone, Rhoades, D. Meyer, Krug and Schooff.

Noes, 1 – Senator Decker.

Passage as amended.

Ayes, 11 – Senators S. Fitzgerald, Leibham, Lazich, Harsdorf and Roessler. Representatives Kaufert, Huebsch, Ward, Stone, Rhoades and D. Meyer.

Noes, 4 – Senators Decker and Moore. Representatives Krug and Schooff.

#### **Senate Bill 388**

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

Passage.

Ayes, 14 – Senators S. Fitzgerald, Leibham, Harsdorf, Roessler, Decker and Moore. Representatives Kaufert, Huebsch, Ward, Stone, Rhoades, D. Meyer, Krug and Schooff.

Noes, 1 – Senator Lazich.

Alberta Darling  
Senate Chairperson

The Chief Clerk makes the following entries dated **February 20, 2004** :

Read and referred:

#### **Senate Bill 474**

Relating to: the 2003–05 Authorized State Building Program and granting bonding authority.

By Senators Roessler and Risser, by request of the Building Commission.

To joint committee on **Finance**.

#### **Senate Bill 475**

Relating to: the regulation of traveling sales crews, requiring the exercise of rule–making authority, and providing penalties.

By Senators Erpenbach, Kanavas, Robson, Carpenter and Hansen; cosponsored by Representatives Schooff, Black, Molepske, Albers, J. Lehman, Townsend, Gunderson, Berceau and Taylor.

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

#### **Senate Bill 476**

Relating to: strategic energy plans regarding electricity, certificates of public convenience and necessity for electric generation and transmission facilities, approval of electric power purchase contracts, and granting rule–making authority.

By Senator Risser; cosponsored by Representatives Black, Miller, Berceau, J. Lehman, Pocan and Boyle.

To committee on **Energy and Utilities**.

**Senate Bill 477**

Relating to: school district revenue limits and levy limits for cities, villages, towns, counties, and technical college districts.

By Senators Welch, Kanavas, Leibham, Reynolds, Darling and A. Lasee; cosponsored by Representatives Honadel, Suder, LeMahieu, Gard, Gundrum, Freese, Weber, J. Fitzgerald, Pettis, Nass, F. Lasee, Towns, Hines and Vukmir.

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

**Senate Bill 478**

Relating to: major highway projects, southeast Wisconsin freeway rehabilitation projects, and the transportation projects commission.

By Senator Roessler; cosponsored by Representative Jeskewitz.

To **Joint Legislative Audit** Committee.

**Senate Bill 479**

Relating to: lie detector tests of sexual assault victims.

By Senators Lassa, Brown and Kedzie; cosponsored by Representatives Suder, McCormick, Sinicki, Musser, Nischke, Kreibich, Owens, Miller and LeMahieu.

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

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

**Assembly Bill 354**

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

Concurrence.

Ayes, 5 – Senators Stepp, Roessler, Brown, Moore and Plale.

Noes, 0 – None.

**Assembly Bill 370**

Relating to: termination of a tenancy if notice given regarding drug or criminal gang activity.

Concurrence.

Ayes, 5 – Senators Stepp, Roessler, Brown, Moore and Plale.

Noes, 0 – None.

**Assembly Bill 608**

Relating to: making changes to the comprehensive planning statute known as Smart Growth.

Concurrence.

Ayes, 5 – Senators Stepp, Roessler, Brown, Moore and Plale.

Noes, 0 – None.

KRUGER, DAVID, of Madison, as a member of the Wisconsin Housing and Economic Development Authority, to serve for the term ending January 1, 2007.

Confirmation.

Ayes, 5 – Senators Stepp, Roessler, Brown, Moore and Plale.

Noes, 0 – None.

LEVIN, LLOYD, of Milwaukee, as a member of the Real Estate Board, to serve for the term ending July 1, 2007.

Confirmation.

Ayes, 5 – Senators Stepp, Roessler, Brown, Moore and Plale.

Noes, 0 – None.

SVEUM, PETER, of Stoughton, as a member of the Real Estate Board, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 5 – Senators Stepp, Roessler, Brown, Moore and Plale.

Noes, 0 – None.

TLUSTY, WAYNE G., of Rib Lake, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2007.

Confirmation.

Ayes, 5 – Senators Stepp, Roessler, Brown, Moore and Plale.

Noes, 0 – None.

WILSON, WALTER L., of Milwaukee, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 5 – Senators Stepp, Roessler, Brown, Moore and Plale.

Noes, 0 – None.

**Senate Bill 218**

Relating to: the authority of the board of directors of business corporations and corporate committees; corporate shareholder notices and meetings; mergers, conversions, and other business combinations; the transfer of corporate property to certain affiliates; and naming limited partnerships.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Stepp, Roessler, Brown, Moore and Plale.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Stepp, Roessler, Brown, Moore and Plale.

Noes, 0 – None.

**Senate Bill 428**

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

Passage.

Ayes, 5 – Senators Stepp, Roessler, Brown, Moore and Plale.

Noes, 0 – None.

Cathy Stepp  
Chairperson

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

**Senate Bill 265**

Relating to: utility aid payments to a municipality that is contiguous to a site on which an electric generating facility is located.

Passage.

Ayes, 3 – Senators Cowles, Lazich and Leibham.

Noes, 2 – Senators Wirch and M. Meyer.

Robert Cowles  
Chairperson

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

**Assembly Bill 125**

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

Concurrence.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

**Assembly Bill 197**

Relating to: the types of captive animals that may be used in training hound dogs.

Introduction and adoption of Senate Amendment 1.

Ayes, 4 – Senators Kedzie, Stepp, Zien and Wirch.  
Noes, 1 – Senator Risser.

Concurrence as amended.

Ayes, 4 – Senators Kedzie, Stepp, Zien and Wirch.  
Noes, 1 – Senator Risser.

**Assembly Bill 292**

Relating to: granting rule-making authority regarding the transportation, possession, control, storage, or disposal of the carcass of a deer or an elk from a chronic wasting disease eradication zone or a state with confirmed chronic wasting disease.

Concurrence.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

**Assembly Bill 345**

Relating to: designating the first weekend in March Aldo Leopold Weekend.

Concurrence.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

**Assembly Bill 374**

Relating to: using a flashlight while hunting coyotes.

Concurrence.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

**Assembly Bill 396**

Relating to: Clean Water Fund Program financial hardship assistance for the Elcho Sanitary District.

Concurrence.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

**Assembly Bill 424**

Relating to: control and possession of the head, antlers, or skin of a deer or an elk.

Concurrence.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

**Assembly Bill 530**

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

Concurrence.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

**Senate Bill 198**

Relating to: an exemption from requirements for nonmetallic mining reclamation.

Introduction and adoption of Senate Amendment 1.

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

Passage as amended.

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

**Senate Bill 391**

Relating to: age requirement for sturgeon spearing license.

Passage.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

**Senate Bill 407**

Relating to: hunting deer in a chronic wasting disease intensive harvest or heard reduction zone without a deer hunting license, the receipt of a deer hunting license during an open season for hunting deer, and granting rule-making authority.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

**Senate Bill 434**

Relating to: the content of the program of instruction on snowmobile laws and safety.

Passage.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

**Senate Bill 440**

Relating to: public inland lake protection and rehabilitation district meetings, duties of members of the district's board of commissioners, lake monitoring contracts, and granting rule-making authority.

Passage.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

Neal Kedzie  
Chairperson

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**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2003 ASSEMBLY BILL 746**

Prepared by the Legislative Reference Bureau  
(February 18, 2004)

1. Page 3, line 2: delete "(1)." and substitute "(1)".

**CORRECTIONS IN:**

**2003 SENATE BILL 406**

Prepared by the Legislative Reference Bureau  
(February 18, 2004)

1. Page 5, line 6: delete "(rm)" and substitute "(4m)".

**CORRECTIONS IN:**

**2003 SENATE BILL 463**

Prepared by the Legislative Reference Bureau  
(February 18, 2004)

1. Page 4, line 5: delete “mains,” and substitute “mains or of”.
2. Page 6, line 1: delete “(k)” and substitute “(L)”.

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The Chief Clerk makes the following entries dated  
**February 23, 2004** :

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

**Assembly Bill 124**

Relating to: regional emergency response team requirements.

Concurrence.

Ayes, 4 – Senators Brown, Zien, S. Fitzgerald and Wirch.  
Noes, 1 – Senator Breske.

**Assembly Bill 286**

Relating to: the prohibition against underage persons entering or being on any premises operating under an alcohol beverage license.

Concurrence.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.  
Noes, 0 – None.

**Assembly Bill 407**

Relating to: termination of motor vehicle leases by persons in active service in the U.S. armed forces.

Concurrence.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.  
Noes, 0 – None.

**Assembly Bill 410**

Relating to: programs to encourage businesses to support and provide discounts to veterans and members of the reserves and national guard.

Concurrence.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.  
Noes, 0 – None.

**Assembly Bill 418**

Relating to: differential pay and accumulation of sick leave and annual leave for certain state employees activated into service in the U.S. armed forces or the U.S. public health service.

Concurrence.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.  
Noes, 0 – None.

**Assembly Bill 488**

Relating to: the administration of local exposition district taxes.

Concurrence.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.  
Noes, 0 – None.

**Assembly Bill 551**

Relating to: subjecting a county development plan to town board approval.

Concurrence.

Ayes, 4 – Senators Brown, Zien, S. Fitzgerald and Breske.  
Noes, 1 – Senator Wirch.

**Assembly Bill 556**

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

Concurrence.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.  
Noes, 0 – None.

**Senate Bill 203**

Relating to: the sunset of local professional baseball park district sales and use taxes.

Passage.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.  
Noes, 0 – None.

Ronald Brown  
Chairperson

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**Senate Bill 451** was referred to the joint committee on **Finance** pursuant to Senate Rule 41 (1)(e).

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Senate amendment 1 to **Senate Bill 324** offered by Senator Kedzie.

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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 Joint Resolution 64**

Relating to: declaring May 12, 2004, as Wisconsin Stroke Alert Day.

By Senators Panzer, Erpenbach, Darling, Breske, Carpenter, S. Fitzgerald, Hansen, Kanavas, Lassa, Lazich and Roessler; cosponsored by Representatives Gard, Ainsworth, Boyle, Friske, Gronemus, Gunderson, Hines, Jeskewitz, Kerkman, Kestell, Krawczyk, Kreibich, Ladwig, J. Lehman, Loeffelholz, Lothian, McCormick, Montgomery, Nischke, Pettis, Rhoades, Weber and Hahn.

To committee on **Senate Organization**.

**Senate Joint Resolution 65**

Relating to: focusing attention on healthy lifestyles in Wisconsin in 2004.

By Senators Lazich, Roessler, Robson, Zien, Darling, Cogs, Brown, Kanavas, Schultz and Lassa; cosponsored by Representatives Gielow, Underheim, McCormick, Stone, Hines, Young, Wieckert, Townsend, Molepske, Seratti and Hahn.

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

**Senate Bill 480**

Relating to: refunding public debt that is used to finance tax-supported or self-amortizing facilities and authorizing the secretary of administration to transfer moneys from the general fund to the Medical Assistance trust fund.

By Senators Erpenbach, Moore, Wirch, Jauch, Robson, Risser, Lassa and Coggs.

To joint committee on **Finance**.

**Senate Bill 481**

Relating to: standard for commitment and supervised release of sexually violent persons.

By Senators Darling, Hansen and Lazich; cosponsored by Representatives Stone, Cullen, Montgomery, Owens, Jeskewitz, Gottlieb, LeMahieu, Kreibich and Ott.

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

**Senate Bill 482**

Relating to: health insurance coverage for the governor and members of the legislature, authorizing a statewide referendum, and providing additional funding for prescription drug assistance for the elderly.

By Senator Carpenter.

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

**Senate Bill 483**

Relating to: the sale of lighters and cigarette papers to persons under the age of 18 and providing a penalty.

By Senators Chvala and Hansen; cosponsored by Representatives Berceau and Ainsworth, by request of Angela Shields and the Stoughton High School Student Council.

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

**Senate Bill 484**

Relating to: contracts for services under Medical Assistance.

By Senators Schultz and Lassa; cosponsored by Representatives McCormick, Hines, Ladwig and Hahn.

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

**Senate Bill 485**

Relating to: meetings of the board and members of nonprofit corporations.

By Senator Schultz; cosponsored by Representative Montgomery.

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

**Senate Bill 486**

Relating to: regulation of rental-purchase agreements and granting rule-making authority.

By Senators Brown, Welch, Schultz, M. Meyer, Plale, S. Fitzgerald, Darling and Roessler; cosponsored by Representatives Huebsch, Stone, Gronemus, Montgomery, Olsen, Albers, Vrakas, Kreibich, Gunderson, Musser, J. Fitzgerald, Hines, Petrowski, Hahn, Balow and Freese.

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

**Senate Bill 487**

Relating to: permitting confidential information to be entered into, and accessed from, the statewide automated child welfare information system.

By Senator Roessler; cosponsored by Representative Kestell.

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

**Senate Bill 488**

Relating to: the appointment of a guardian for certain children in need of protection or services, the payment of subsidized guardianship payments to a guardian of a child who meets certain requirements, and making an appropriation.

By Senator Roessler; cosponsored by Representative Kestell.

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

**Senate Bill 489**

Relating to: compensation of fermented malt beverages wholesalers for termination of distribution rights.

By Senators S. Fitzgerald, Darling, Zien, Brown, Welch, Kanavas, Leibham, Robson, Wirch, Plale and Decker; cosponsored by Representatives J. Fitzgerald, Musser, Gard, Stone, Nass, Van Roy, Gunderson, Johnsrud, Kreuser, Hundertmark, Hebl, J. Lehman, Steinbrink, Townsend, Weber, Towns, Suder, Petrowski, Nischke, Montgomery, Gronemus, Hines, Schooff, Kreibich, D. Meyer, Friske and Black.

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

**Senate Bill 490**

Relating to: sexual assault of a child and providing a penalty.

By Senators Lazich, Darling, A. Lasee, Kanavas and Kedzie; cosponsored by Representatives Stone, Honadel, McCormick, Hines, Nass, J. Wood, Gronemus, Pettis, Ladwig, Musser and Jeskewitz.

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

**Senate Bill 491**

Relating to: the requirement that motor vehicles be equipped with safety glass.

By Senator Lassa; cosponsored by Representative Schneider.

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

**Senate Bill 492**

Relating to: regulating the investments of personal representatives, trustees, conservators, and guardians of the estate.

By Senators Schultz and Risser; cosponsored by Representatives Grothman and Cullen.

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

**Senate Bill 493**

Relating to: special distinguishing registration plates associated with the Susan G. Komen Breast Cancer Foundation and making an appropriation.

By Senators Plale, Chvala, Wirch and Lassa; cosponsored by Representatives Sinicki, Balow, Berceau, Krawczyk, Lothian, McCormick, Morris, Nischke and Turner.

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

## REPORT OF COMMITTEES

The joint committee for **review of Administrative Rules** reports and recommends:

### Senate Bill 494

Relating to: Department of Transportation rules relating to land subdivisions abutting state trunk highways and connecting highways.

Introduction.

Ayes, 7 – Senators Leibham, Welch, Lazich and Robson; Representatives Grothman, Seratti and Gunderson.

Noes, 3 – Senator Coggs; Representatives Black and Hebl.

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

Joseph Leibham  
Senate Chairperson

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

BROWN, RITCHIE J., of Black River Falls, as a member of the Lower Wisconsin State Riverway Board, to serve for the term ending May 1, 2006.

Confirmation.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

BROWN, SENN R., of Madison, as a member of the Kickapoo Reserve Management Board, to serve for the term ending May 1, 2006.

Confirmation.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

CIHLAR, SANDI M., of Mosinee, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2007.

Confirmation.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

ERICKSON, LARRY D., of Hurley, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

FISH, ALAN, of Madison, as a member of the Great Lakes Protection Fund, to serve for the term ending October 11, 2006.

Confirmation.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

GREEN, JERRY D., of Black River Falls, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2005.

Confirmation.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

LANDES, SAMUEL J., of Dane, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2005.

Confirmation.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.

Noes, 0 – None.

MALECKI, ANDREW F., of Green Bay, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2005.

Confirmation.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

QUACKENBUSH, WILLIAM L., of Black River Falls, as a member of the Kickapoo Reserve Management Board, to serve for the term ending May 1, 2005.

Confirmation.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

WHITE, DONNA JEAN, of Cambria, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

### Senate Bill 244

Relating to: the regulation of drill holes, water quality, and water systems, related licensing and certification, creating the Council on Well Drilling and Pump Installing, granting rule-making authority, making appropriations, and providing penalties.

Adoption of Senate Amendment 1.

Ayes, 4 – Senators Kedzie, Stepp, Zien and Risser.  
Noes, 1 – Senator Wirch.

Passage as amended.

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

### Senate Bill 324

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

Introduction and adoption of Senate Amendment 2.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

### Senate Bill 394

Relating to: information about real property purchased with stewardship money and public access to that property.

Introduction and adoption of Senate Substitute Amendment 1.

Ayes, 4 – Senators Kedzie, Stepp, Zien and Wirch.  
Noes, 1 – Senator Risser.

Passage as amended.

Ayes, 4 – Senators Kedzie, Stepp, Zien and Wirch.  
Noes, 1 – Senator Risser.

### Senate Bill 471

Relating to: brownfield revolving loan programs and making appropriations.

Passage.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

**Senate Bill 472**

Relating to: making private insurance available to facilitate environmental cleanups.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

Neal Kedzie  
Chairperson

The joint committee on **Finance** reports and recommends:

**Senate Bill 277**

Relating to: intoxicated operation of all-terrain vehicles, registration fees for all-terrain vehicles, nonresident trail passes for all-terrain vehicles, safety training for operating all-terrain vehicles, a study concerning the recreational operation of all-terrain vehicles, noise level requirements for all-terrain vehicles, the formula used for calculating the all-terrain vehicle gas tax payment, granting rule-making authority, making appropriations, and providing penalties.

Introduction and adoption of Senate Substitute Amendment 2.

Ayes, 15 – Senators S. Fitzgerald, Leibham, Lazich, Harsdorf, Roessler, Decker and Moore. Representatives Kaufert, Huebsch, Ward, Stone, Rhoades, D. Meyer, Krug and Schooff.

Noes, 0 – None.

Passage as amended.

Ayes, 15 – Senators S. Fitzgerald, Leibham, Lazich, Harsdorf, Roessler, Decker and Moore. Representatives Kaufert, Huebsch, Ward, Stone, Rhoades, D. Meyer, Krug and Schooff.

Noes, 0 – None.

Alberta Darling  
Senate Chairperson

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

**Assembly Bill 244**

Relating to: guardians ad litem, parent education, and parenting plans in actions affecting the family.

Concurrence.

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

Noes, 2 – Senators Kanavas and Schultz.

**Senate Bill 426**

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

Passage.

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

Noes, 1 – Senator Carpenter.

**Senate Bill 435**

Relating to: waiver of a requirement under hemophilia treatment program to apply for other coverage.

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 294**

Relating to: using digital recordings of a child's testimony.

Concurrence.

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

Noes, 0 – None.

**Assembly Bill 651**

Relating to: parental liability for acts of their minor child, recovery of damages for certain criminal actions, increasing the jurisdictional amount in small claims court, garnishment, attorney fees, exemption from execution of accounts, civil actions by collection agencies, earnings garnishment, retail theft, recovery in actions involving worthless checks, and revocation of fish and game approvals for which payment is made by worthless checks.

Concurrence.

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

Noes, 2 – Senators Carpenter and Coggs.

BERKOS, DANIEL, of Mauston, as a member of the Public Defender Board, to serve for the term ending May 1, 2005.

Confirmation.

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

Noes, 0 – None.

BRENNAN, JAMES, of Milwaukee, as a member of the Public Defender Board, to serve for the term ending May 1, 2004.

Confirmation.

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

Noes, 0 – None.

HOGAN, JOHN, of Rhinelander, as a member of the Public Defender Board, to serve for the term ending May 1, 2005.

Confirmation.

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

Noes, 0 – None.

MILLER, MICHAEL R., of West Bend, as a member of the Judicial Commission, to serve for the term ending August 1, 2005.

Confirmation.

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

Noes, 0 – None.

MORALES, JOE, of Racine, as a member of the Public Defender Board, to serve for the term ending May 1, 2006.

Confirmation.

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

Noes, 0 – None.

NEVILLE, DALLAS S., of Eau Claire, as a member of the Judicial Commission, to serve for the term ending August 1, 2004.

Confirmation.

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

Noes, 0 – None.

PEPPER, PAMELA, of Shorewood, as a member of the Public Defender Board, to serve for the term ending May 1, 2006.

Confirmation.

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

Noes, 0 – None.

THORN, ELLEN, of West Salem as a member of the Public Defender Board, to serve for the term ending May 1, 2004.

Confirmation.

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

Noes, 0 – None.

WETTERSTEN, NANCY, of Madison, as a member of the Public Defender Board, to serve for the term ending May 1, 2005.

Confirmation.

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

Noes, 0 – None.

XIONG, MAI NENG, of Wausau, as a member of the Public Defender Board, to serve for the term ending May 1, 2006.

Confirmation.

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

Noes, 0 – None.

**Senate Bill 364**

Relating to: appellate procedure.

Passage.

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

Noes, 0 – None.

**Senate Bill 416**

Relating to: failure to pay for tickets at recreational attractions and providing penalties.

Passage.

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

Noes, 0 – None.

**Senate Bill 70**

Relating to: notification of the state regarding a medical malpractice claim.

Passage.

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

Noes, 0 – None.

David Zien  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Office of the Governor**

February 18, 2004

The Honorable, The Senate:

This letter is to rescind the nomination of Doug Bradley that was made July 2, 2003 for the Board of Veterans Affairs.

Sincerely,

JIM DOYLE  
Governor

**State of Wisconsin  
Office of the Governor**

February 20, 2004

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
<b>Senate Bill 305</b>	<b>Wisconsin Act 126</b>	February 20, 2004
<b>Senate Bill 306</b>	<b>Wisconsin Act 127</b>	February 20, 2004
<b>Senate Bill 6</b>	<b>Wisconsin Act 128</b>	February 20, 2004

Sincerely,

JIM DOYLE  
Governor

**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 305</b>	Wisconsin Act 126	March 5, 2004
<b>Senate Bill 306</b>	Wisconsin Act 127	March 5, 2004
<b>Senate Bill 6</b>	Wisconsin Act 128	March 5, 2004

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin**

February 23, 2004

The Honorable, The Senate:

I respectfully request that my name be added as a cosponsor to Senate Bill 452, relating to establishing a cancer drug repository program.

Sincerely,

ALBERTA DARLING  
State Senator

**State of Wisconsin  
The Child Abuse and Neglect Prevention Board**

February 23, 2004

The Honorable, The Senate:

We are pleased to share our 2001-2003 biennial report. The Child Abuse and Neglect Prevention (CANP) Board is Wisconsin's lead organization in promoting awareness, developing materials, and funding and assisting child abuse and neglect prevention programs.

As you look through the enclosed report, you'll notice that the Children's Trust Fund efficiently uses our existing resources to



prevent child abuse and neglect in Wisconsin, and more resources are urgently needed. For example, last year we received 82 applications statewide for family support grants and we only had the resources to fund 15.

We will see a major reduction in the incidence and costs of child abuse and neglect only when we are able to fund prevention at a higher level. Also, we need to increase our investment in prevention to keep the high costs associated with intervention and treatment from rising even further.

We have introduced Senate Bill 427 – a tax check-off for child abuse and neglect prevention. The CANP Board’s bi-partisan legislative members – Senator Carol Roessler, Senator Bob Wirth, Representative Steve Kestell, and Representative Mark Miller – wrote Senate Bill 427, which passed the Senate Committee on Health, Children, Families, Aging and Long Term Care on February 12.

We believe a tax check-off is a way to increase this state’s investment in prevention during these times of limited public resources. Our cost analysis (see pages 12, 14 and 15 of the biennial report) points out that in 2001 Wisconsin spent \$789 million in repairing the damage done to children from abuse and neglect and only 1% of that amount – \$8.07 million – on prevention. Studies show, however, that prevention yields a payback of about \$7 for every \$1 invested.

Seventeen other states have tax check-offs for preventing child abuse and neglect. Wisconsin has tax check-offs for the Green Bay Packers and endangered species. Senate Bill 427 creates a voluntary check-off for our endangered children.

We appreciate your continued commitment to helping us keep Wisconsin’s children safe and families strong.

Sincerely,

MARY ANNE SNYDER  
Executive Director

**State of Wisconsin  
Investment Board**

February 9, 2004

The Honorable, The Senate:

I have enclosed a copy of both the Annual Report and the Schedule of Investments for fiscal year 2003. The report contains Independent Auditor’s Reports, prepared by the Legislative Audit Bureau, for the funds under management, which include the Fixed and Variable Trust Funds of the Wisconsin Retirement System, the State Investment Fund and various smaller funds.

Sincerely,

SANDY DREW  
Legislative & Beneficiary Liaison

**State of Wisconsin  
Ethics Board**

February 24, 2004

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>

Chandler, Richard	<b>Midwest Airlines</b>
Fonfara, Thomas	<b>eBay, Inc.</b>
Hamm, Don	<b>National Farmers Organization</b>
Kussow, Michelle	<b>Marshfield Clinic</b>

Scholz, Brandon	<b>Marshfield Clinic</b>
Selkowe, Victoria	<b>Economic Justice Institute, Inc.</b>
Skornicka, Carol	<b>Midwest Airlines</b>
Stein, Bradley	<b>United States Cellular Corporation</b>
Taffora, Raymond	<b>Midwest Airlines</b>
Winters, Amy	<b>RISE (Responsible Industry for a Sound Environment)</b>

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

Sincerely,

R. ROTH JUDD  
Director

**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

February 18, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BARISAS–MATULA, MYLINDA, of Sheboygan, as a member of the Occupational Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2006.

Sincerely,

JIM DOYLE  
Governor

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

**State of Wisconsin  
Office of the Governor**

February 18, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MCKERNAN–ACE, DEBORAH, of Stoughton, as a member of the Occupational Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2006.

Sincerely,

JIM DOYLE  
Governor

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

**State of Wisconsin  
Office of the Governor**

February 12, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint NAGEL, JUDY, of De Pere, as a member of the Artistic Endowment Foundation, to serve for the term ending May 1, 2007.

Sincerely,

JIM DOYLE  
Governor

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

**State of Wisconsin  
Office of the Governor**

February 20, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint PICKETT, DEBRA M., of Darlington, as a member of the Prison Industries Board, to serve for the term ending May 1, 2007.

Sincerely,

JIM DOYLE  
Governor

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

**State of Wisconsin  
Office of the Governor**

February 17, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint REINICKE, LISA, of Janesville, as a member of the Podiatrists Affiliated Credentialing Board, to serve for the term ending July 1, 2007.

Sincerely,

JIM DOYLE  
Governor

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

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

**Senate Clearinghouse Rule 03-086**

Relating to rules concerning the time period covered by a strategic energy assessment.

Submitted by Public Service Commission.

Report received from Agency, February 23, 2004.

Referred to committee on **Energy and Utilities**, February 24, 2004.

The committee on **Agriculture, Financial Institutions and Insurance** reports and recommends:

**Senate Clearinghouse Rule 03-076**

Relating to pesticide product restrictions.

No action taken.

Dale Schultz  
Chairperson

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

**Senate Clearinghouse Rule 03-116**

Relating to school bus equipment standards.

No action taken.

**Senate Clearinghouse Rule 03-117**

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

No action taken.

Joseph Leibham  
Chairperson

**Senate Resolution 29** withdrawn from the committee on **Homeland Security, Veterans and Military Affairs and Government Reform** and referred to the committee on **Senate Organization**, pursuant to **Senate Rule 46 (2)(c)**.

**ADJOURNMENT**

Senator Erpenbach, with unanimous consent, asked that the Senate adjourn until Thursday, at 9:30 A.M..

Adjourned.

11:01 A.M.

**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Bill 6**

**Senate Bill 305**

**Senate Bill 306**

Presented to the Governor on February 18, 2004.

**AMENDMENTS OFFERED**

Senate amendment 2 to Senate amendment 1 to **Senate Bill 120** offered by Senator Brown.

Senate amendment 1 to **Senate Bill 363** offered by Senator Moore.

Senate amendment 2 to **Senate Bill 427** offered by Senator Roessler.

Senate substitute amendment 1 to **Senate Bill 463** offered by Senator Cowles.

**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**SENATE AMENDMENT 1,  
TO 2003 ASSEMBLY BILL 746**

Prepared by the Legislative Reference Bureau  
(February 20, 2004)

**3.** Page 1, line 1: delete the material beginning with "Assembly" and ending with "Amendment" on line 2 and substitute "assembly substitute amendment".