



STATE OF WISCONSIN

Senate Journal

Ninety–Sixth Regular Session

1:00 P.M.

THURSDAY, March 11, 2004

The Senate met.

The Senate was called to order by Senator Alan Lasee.

Senator Panzer, with unanimous consent, asked that the roll, prayer and pledge be dispensed with.

INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Read and referred:

Senate Joint Resolution 69

Relating to: the life and military service of Specialist Bert Hoyer.

By Senators Harsdorf and Brown; cosponsored by Representatives Rhoades and Gronemus.

To committee on **Senate Organization**.

Senate Bill 550

Relating to: alternatives to prosecution and incarceration for persons who commit certain drug–related or alcohol–related offenses, violations of extended supervision, parole, or probation related to the use of alcohol or other drugs or to substance abuse treatment, providing an exemption from emergency rule procedures, requiring the exercise of rule–making authority, and making an appropriation.

By Senators Moore and Coggs; cosponsored by Representatives Turner, Taylor and Young.

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

Senate Bill 551

Relating to: connection of water sources producing water that contains radium 225, radium 228, or gross alpha particle radioactivity to public water systems.

By Senators Lazich, Kanavas, Darling, Roessler, Reynolds and S. Fitzgerald; cosponsored by Representatives Gundrum, Jensen, Gard, Nischke, Hines, Ladwig, Hahn, Musser, Stone, Albers, Gunderson, Petrowski, Vrakas, Gielow, Van Roy, Seratti, M. Lehman, Nass and Olsen.

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

Senate Bill 552

Relating to: grants for after–school care programs and making appropriations.

By Senator Lassa; cosponsored by Representatives Molepske, Sinicki and Turner.

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

Senate Bill 553

Relating to: creating the Dane County Council of Governments and authorizing Dane County to enact a comprehensive zoning ordinance.

By Senator Risser.

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

Senate Bill 554

Relating to: use of renewable resources at certain state facilities.

By Senators Cowles and Risser; cosponsored by Representatives Jensen and Black.

To committee on **Energy and Utilities**.

Senate Bill 555

Relating to: biennial reports concerning state contractual service procurements.

By Senators Lassa and Hansen.

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

Senate Bill 556

Relating to: authorizing the creation of a county park district, authorizing a county park district to levy a property tax, authorizing a county park district to apply for funding from certain programs administered by the Department of Natural Resources, and authorizing a county park district to impose impact fees and issue debt.

By Senator Darling; cosponsored by Representative Stone.

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

REPORT OF COMMITTEES

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

Assembly Bill 152

Relating to: creating a board to investigate and make recommendations regarding inmate deaths.

Introduction and adoption of Senate Substitute Amendment 1.

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

Noes, 0 – None.

Concurrence as amended.

Ayes, 3 – Senators Zien, Carpenter and Coggs.

Noes, 2 – Senators S. Fitzgerald and Stepp.

David Zien
Chairperson

POINT OF ORDER

Senate Resolution 32

Relating to: urging the members of the U.S. Congress from this state, Wisconsin state legislature, executive branch, judicial system, county governments, city governments, village governments, town governments, University of Wisconsin System, Wisconsin technical college system, and public school districts to work on securing more federal funds for the residents of Wisconsin.

Read

Senator Carpenter, with unanimous consent, asked that Senate amendment 1 to **Senate Resolution 32** be withdrawn and returned to author.

Senator Carpenter, with unanimous consent, asked that Senate amendment 2 to **Senate Resolution 32** be withdrawn and returned to author.

The question was: Adoption of Senate amendment 3 to **Senate Resolution 32**?

Adopted.

The question was: Shall **Senate Resolution 32** be adopted?

Adopted.

PETITIONS AND COMMUNICATIONS

State of Wisconsin

March 11, 2004

The Honorable, The Senate:

I respectfully request that my name be added to the following bills: **Assembly Bills 155, 603, 623, 799, 807, 844 and 913.**

Thank you.

Sincerely,

MARY WILLIAMS
State Representative

ADVICE AND CONSENT OF THE SENATE

GASSMAN, ROBERTA, of Madison, as Secretary of the Department of Workforce Development, to serve for the term ending at the pleasure of the Governor.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 28; noes, 4; absent or not voting, 1; as follows:

Ayes – Senators Breske, Brown, Carpenter, Chvala, Coggs, Cowles, Darling, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kedzie, A. Lasee, Lassa, Lazich, M. Meyer, Moore, Panzer, Plale, Reynolds, Risser, Robson, Roessler, Stepp, Wirch and Zien – 28.

Noes – Senators Kanavas, Leibham, Schultz and Welch – 4.

Absent or not voting – Senator Decker – 1.

Confirmed.

HASSETT, SCOTT, of Madison, as Secretary of the Department of Natural Resources, to serve for the term ending at the pleasure of the Governor.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 31; noes, 1; absent or not voting, 1; 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, Schultz, Stepp, Welch, Wirch and Zien – 31.

Noes – Senator Roessler – 1.

Absent or not voting – Senator Decker – 1.

Confirmed.

Senator Panzer, unanimous consent, asked that the appointment of Christine Thomas be withdrawn and taken up.

Senator Panzer, unanimous consent, asked that the appointments of Jeffrey Joerres, William Quackenbush and Cristine Thomas be taken up en masse.

JOERRES, JEFFREY A., of Milwaukee, as a member of the Board of Trustees of the Medical College of Wisconsin, to serve for the term ending May 1, 2008.

Read.

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.

Read.

THOMAS, CHRISTINE, of Plover, as a member of the Natural Resources Board, to serve for the term ending May 1, 2010.

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, 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 – None.

Absent or not voting – Senator Decker – 1.

Confirmed.

MESSAGES FROM THE ASSEMBLY

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has adopted and asks concurrence in:

Assembly Joint Resolution 74

**MESSAGES FROM THE ASSEMBLY
CONSIDERED**

Assembly Joint Resolution 74

Relating to: the life and service of Sergeant Eugene A. Uhl III.

By Representative Molepske; cosponsored by Senator Lassa.

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

Senator Panzer with unanimous consent, asked that the Senate move to the twelfth order of business.

SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS

Senator Panzer with unanimous consent, asked that the **Assembly Bill 84** be considered for action at this time.

Assembly Bill 84

Relating to: the use of a person's social security number in his or her student identification number at a private institution of higher education.

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 84

Read a third time and concurred in.

Senator Panzer with unanimous consent, asked that the **Assembly Bill 530** be considered for action at this time.

Assembly Bill 530

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

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.

LEAVES OF ABSENCE

Senator Chvala, with unanimous consent, asked that Senator Decker be granted a leave of absence for the balance of today's session.

Assembly Bill 530

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 23; noes, 9; absent or not voting, 1; as follows:

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

Noes – Senators Carpenter, Chvala, Coggs, Jauch, Lassa, Moore, Risser, Robson and Wirch – 9.

Absent or not voting – Senator Decker – 1.

Concurred in.

Senator Lassa, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 84**.

Senator Panzer, with unanimous consent, asked that **Assembly Joint Resolution 62** be withdrawn and taken up at this time.

Assembly Joint Resolution 62

Relating to: commending the life of Irvin Favre.

Read.

The question was: Shall **Assembly Joint Resolution 62** be concurred in?

Concurred in.

Senator Panzer, with unanimous consent, asked that **Senate Joint Resolution 59** be withdrawn and taken up at this time.

Senate Joint Resolution 59

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

Read.

Senator Panzer, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 59**.

The question was: Shall **Senate Joint Resolution 59** be adopted?

Adopted.

Senator Panzer, with unanimous consent, asked that **Senate Joint Resolution 69** be withdrawn from the committee on Senate Organization and taken up at this time.

Senate Joint Resolution 69

Relating to: the life and military service of Specialist Bert Hoyer.

Read.

Adopted.

Senator Panzer with unanimous consent, asked that **Senate Bill 203** be considered for action at this time.

Senate Bill 203

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

Read a second time.

Senate substitute amendment 1 to **Senate Bill 203** offered by Senators Lazich, Stepp, Carpenter and Reynolds.

Senator Lazich, with unanimous consent, asked that Senate substitute amendment 1 to **Senate Bill 203** be withdrawn and returned to author.

Senate substitute amendment 2 to **Senate Bill 203** offered by Senators Lazich, Stepp, Carpenter, Reynolds, Moore, Wirch and Coggs.

Senate amendment 1 to Senate substitute amendment 2 to **Senate Bill 203** offered by Senators Stepp, Lazich, Carpenter, Reynolds, Moore, Wirch and Coggs.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 2 to **Senate Bill 203**?

Adopted.

The question was: Adoption of Senate substitute amendment 2 to **Senate Bill 203**?

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 203

Read a third time.

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, 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 – None.

Absent or not voting – Senator Decker – 1.

Passed.

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

MOTIONS MAY BE OFFERED

Senator Moore, with unanimous consent, asked that the appointment of Donsia Strong Hill be withdrawn from committee on **Labor, Small Business Development and Consumer Affairs** and taken up.

Senator Panzer objected.

Senator Moore moved that the appointment of Donsia Strong Hill be withdrawn from committee on **Labor, Small Business Development and Consumer Affairs** and taken up.

Senator Panzer moved that the motion to withdraw the appointment of Donsia Strong Hill from committee on **Labor, Small Business Development and Consumer Affairs** and take up, be laid on the table.

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Jolene Anderson as well as the entire South Shore girl's basketball team, who are appearing this week in the Wisconsin state tournament. South Shore has excelled this season with a 23-1 record, averaging 87 points per game. In addition to the outstanding team success, South Shore was led individually by senior Jolene Anderson who averaged 37 points per game. Jolene will attend the University of Wisconsin-Madison on a basketball scholarship next fall, and will leave South Shore as the state's all time leading scorer with 2,815 points in her career. South Shore's team consists of Jessica Johnson, Lettie Jardine, Jolene Anderson, Lydia Tuura, Emily Falter, Jessica Tuura, Amy Pearson and Kim Glau. They are coached by Don Moore.

Senator Kedzie, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his wife Kerrie Kedzie on the occasion of their 25th wedding anniversary.

Senator Harsdorf, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Hudson Boys Hockey Team, which beat number one ranked Superior 2-0 on March 6, to win the WIAA State Championship.

Senator Hansen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of U.W. Green Bay's Girls Basketball Team in the Horizon Conference the tournament champions on their way to the Big Dance - the NCAA Tournament.

Senator Robson, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her son Marc Robson on his birthday March 16.

Senator Robson, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her grandson David McLaughlin on his birthday March 13.

The question was: Shall the motion to withdraw the appointment of Donsia Strong Hill from committee on **Labor, Small Business Development and Consumer Affairs** and take up, be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 13; absent or not voting, 2; 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, Erpenbach, Hansen, Lassa, M. Meyer, Moore, Plale, Risser, Robson and Wirch - 13.

Absent or not voting - Senators Decker and Jauch - 2.

Senator Panzer moved that the Senate adjourn pursuant to **Senate Joint Resolution 1**.

Adjourned.

4:05 P.M.

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Bill 103

Senate Bill 344

Senate Bill 470

Report correctly enrolled on March 11, 2004.

CHIEF CLERK'S REPORT

The Chief Clerk records:

Senate Bill 100

Senate Bill 103

Senate Bill 223

Senate Bill 247

Senate Bill 344

Senate Bill 470

Presented to the Governor on March 11, 2004.