



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Sixth Regular Session

10:30 A.M.

TUESDAY, May 11, 2004

The Senate met.

The Senate was called to order by Senator Alan Lasee.

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

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

Absent – None.

Absent with leave – None.

The Senate stood for the prayer which was offered by Senator Mary Lazich.

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

### INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Read and referred:

#### **Senate Joint Resolution 70**

Relating to: the life and military service of Marine Corporal Jesse Thiry.

By Senator A. Lasee; cosponsored by Representative Bies.

To committee on **Senate Organization**.

#### **Senate Joint Resolution 71**

Relating to: the life and service of Wisconsin Army National Guard Specialist Michelle Witmer.

By Senator Lazich; cosponsored by Representative Gundrum.

To committee on **Senate Organization**.

#### **Senate Joint Resolution 72**

Relating to: the life and military service of Petty Officer 2nd Class Michael C. Anderson.

By Senator Roessler.

To committee on **Senate Organization**.

Senator Panzer, with unanimous consent asked that the members of Michelle Witmer's family, her mother and father John and Lori Witmer, her sisters Rachel and Charity and her brothers Timothy and Mark come forward to the podium. Also

Senator Panzer, with unanimous consent asked that the members of Jesse Thiry's family, his father Randy Thiry, his stepmother Sue Thiry, his fiancée Jamie Johnson, his sisters

Denise and Tricia Thiry and his brothers Travis and Scott Thiry and Ben Brien and his aunt and uncle Ernie and Mary Ellen Fameree, to also please come forward to the podium.

Senator Panzer, with unanimous consent, asked that **Senate Joint Resolution 70** be withdrawn from the committee on **Senate Organization** and taken up.

Senator Panzer, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 70**.

#### **Senate Joint Resolution 70**

Relating to: the life and military service of Marine Corporal Jesse Thiry.

Read.

Adopted by unanimous rising vote.

Senator Panzer, with unanimous consent, asked that **Senate Joint Resolution 71** be withdrawn from the committee on **Senate Organization** and taken up.

Senator Panzer, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 71**.

#### **Senate Joint Resolution 71**

Relating to: the life and service of Wisconsin Army National Guard Specialist Michelle Witmer.

Read.

Adopted by unanimous rising vote.

Senator A. Lasee, with unanimous consent, asked that the Senate stand informal until 11:02 A.M.

11:00 A.M.

### STOOD INFORMAL

11:02 A.M.

The Senate reconvened.

Senator A. Lasee in the chair.

Senator Panzer, with unanimous consent, asked that **Senate Joint Resolution 72** be withdrawn from the committee on **Senate Organization** and taken up.

Senator Panzer, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 72**.

#### **Senate Joint Resolution 72**

Relating to: the life and military service of Petty Officer 2nd Class Michael C. Anderson.

Read.

Adopted by unanimous rising vote.

**Senate Joint Resolution 73**

Relating to: the life and public service of Paul Offner.

Read.

Considered as privileged and taken up.

Senator Panzer, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 73**.

Adopted by unanimous rising vote.

Senator Panzer, with unanimous consent, asked that the Senate recess until 2:05 P.M.

11:16 A.M.

**RECESS**

2:05 P.M.

The Senate reconvened.

Senator A. Lasee in the chair.

**REPORT OF COMMITTEES**

The joint committee on **Employment Relations** reports and recommends:

**Senate Bill 565**

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, for the 2003-05 biennium, covering employees in the professional social services collective bargaining unit, and authorizing an expenditure of funds.

Introduction.

Ayes, 8 – Senators Lasee, Panzer, Darling and Erpenbach; Representatives Gard, Foti, Kaufert and Kreuser.

Noes, 0 – None.

To committee on **Senate Organization**.

Alan Lasee

Senate Chairperson

Senator Panzer, with unanimous consent, asked that **Senate Bill 565** be withdrawn from the committee on **Senate Organization** and taken up at this time.

**Senate Bill 565**

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, for the 2003-05 biennium, covering employees in the professional social services collective bargaining unit, and authorizing an expenditure of funds.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 565**

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 3; 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, M. Meyer, Moore, Panzer, Plale, Risser, Robson, Roessler, Schultz, Stepp, Welch, Wirch and Zien – 30.

Noes – Senators Lazich, Leibham and Reynolds – 3.

Absent or not voting – None.

Passed.

**PETITIONS AND COMMUNICATIONS**

Senator Panzer, with unanimous consent, asked that **Senate Bill 17** be laid on the table.

Senator Panzer, with unanimous consent, asked that **Senate Bill 44** be laid on the table.

Senator Panzer, with unanimous consent, asked that **Senate Bill 261** be laid on the table.

Senator Panzer, with unanimous consent, asked that **Senate Bill 8** be laid on the table.

Senator Panzer, with unanimous consent, asked that **Senate Bill 40** be laid on the table.

Senator Panzer, with unanimous consent, asked that **Senate Bill 49** be laid on the table.

Senator Panzer, with unanimous consent, asked that **Senate Bill 63** be laid on the table.

Senator Panzer, with unanimous consent, asked that **Senate Bill 64** be laid on the table.

Senator Panzer, with unanimous consent, asked that **Senate Bill 206** be laid on the table.

Senator Panzer, with unanimous consent, asked that **Senate Bill 218** be laid on the table.

Senator Panzer, with unanimous consent, asked that **Senate Bill 252** be laid on the table.

Senator Panzer, with unanimous consent, asked that **Senate Bill 253** be laid on the table.

Senator Panzer, with unanimous consent, asked that **Senate Bill 322** be laid on the table.

Senator Panzer, with unanimous consent, asked that **Senate Bill 351** be laid on the table.

Senator Panzer, with unanimous consent, asked that **Senate Bill 384** be laid on the table.

Senator Panzer, with unanimous consent, asked that **Senate Bill 451** be laid on the table.

Senator Panzer, with unanimous consent, asked that **Senate Bill 484** be laid on the table.

Senator Panzer, with unanimous consent, asked that **Senate Bill 508** be laid on the table.

**Committee on Senate Organization**

May 11, 2004

In accordance with Joint Rule 81 (2), it is moved that the Senate Committee on Organization authorize the extension of the May 11-12, 2004 veto review floorperiod until adjourned, and continues to limit the extended floorperiod to those matters permitted under Joint Rule 82(1).

**Senate Organization**

Ayes: (3) Senators Panzer, Lasee and Zien  
Noes: (2) Senators Erpenbach and Hansen

**Assembly Organization**

Ayes: (5) Representatives Gard, Foti, Hundertmark, Freese and Vrakas  
Noes: (3) Representatives Kreuser, Richards and Turner

**State of Wisconsin  
Ethics Board**

May 11, 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>

Lamb, Jordan **Arjo Wiggins Appleton Limited**

Moody, Dave **Wyeth–Ayerst Laboratories, a Division of American Home Products**

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**

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

CANEFF, DENNIS M., of Verona, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2006.

Read.

STARK, ROBERT J., of Appleton, as a member of the Fox River Navigational System Authority, to serve for the term ending July 1, 2005.

Read.

STOWER, HARVEY, of Amery, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2004.

Read.

STOWER, HARVEY, of Amery, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2008.

Read.

THORNTON, THOMAS J., of Grand View, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2005.

Read.

TRAVER, JON R., of Monona, as a member of the Deferred Compensation Board, to serve for the term ending July 1, 2006.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

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

Noes – None.

Absent or not voting – None.

Confirmed.

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

**Senate Bill 557**

Relating to: repealing, consolidating, renumbering, amending, and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities, and obsolete provisions, reconciling conflicts, and repelling unintended repeals (Revisor's Correction Bill).

Read a second time.

Ordered to a third reading.

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

**Senate Bill 557**

Read a third time and passed.

**Senate Bill 558**

Relating to: repealing, consolidating, renumbering, amending, and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities, and obsolete provisions, reconciling conflicts, and repelling unintended repeals (Revisor's Correction Bill).

Read a second time.

Ordered to a third reading.

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

**Senate Bill 558**

Read a third time and passed.

**Senate Bill 559**

Relating to: revising various provisions of the statutes for the purpose of correcting errors and supplying omissions (Revisor's Correction Bill).

Read a second time.

Ordered to a third reading.

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

**Senate Bill 559**

Read a third time and passed.

**Senate Bill 560**

Relating to: amending s. 35.18 (1) of the statutes to eliminate the requirement that the revisor print a list of numerical cross-references in the statutes to other parts of the statutes in each biennial issue of the Wisconsin Statutes (Revisor's Revision Bill).

Read a second time.

Ordered to a third reading.

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

**Senate Bill 560**

Read a third time and passed.

**Senate Bill 561**

Relating to: amending and revising under section 10.53 of the statutes various provisions of sections 10.62 to 10.82 of the statutes for the purpose of correcting conflicts between the listings in sections 10.62 to 10.82 of the statutes and the substantive statutes to which those sections refer (Revisor's Correction Bill).

Read a second time.

Ordered to a third reading.

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

**Senate Bill 561**

Read a third time and passed.

**Senate Bill 562**

Relating to: amending and revising sections 961.41 (2) (bm) and 961.41 (2) (cm) of the statutes for the purpose of reconciling conflicts and supplying omissions. (Revisor's Correction Bill).

Read a second time.

Ordered to a third reading.

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

**Senate Bill 562**

Read a third time and passed.

**Senate Bill 563**

Relating to: repealing, consolidating, renumbering, amending, and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities, and obsolete provisions, reconciling conflicts, and repelling unintended repeals (Revisor's Correction Bill).

Read a second time.

Ordered to a third reading.

Senator Lazich, with unanimous consent, asked that the Senate stand informal until 2:25 P.M.

2:23 P.M.

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**STOOD INFORMAL**

2:25 P.M.

The Senate reconvened.

Senator A. Lasee in the chair.

Senator Panzer, with unanimous consent, asked that **Senate Bill 563** be laid on the table.

**Senate Bill 564**

Relating to: repealing, consolidating, renumbering, amending, and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities, and obsolete provisions, reconciling conflicts, and repelling unintended repeals (Revisor's Correction Bill).

Read a second time.

Ordered to a third reading.

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

**Senate Bill 564**

Read a third time and passed.

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**MOTIONS MAY BE OFFERED**

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

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

Senator Risser, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Leslie Travis of his staff who will be retiring after 28 years.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Marine Lance Corporal Daniel J. Holm of Kenosha, who was seriously injured in Iraq recently when the Humvee he was driving was hit by a roadside bomb. The twenty year old Marine is the son of Carl and Teresa Vrba of Kenosha.

Senator Chvala, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Tara Vasby on her 31st birthday.

Senator Plale, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the marriage of Katy Venskus and Bill Keeton on May 21, 2004.

Senator Leibham, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Jamie Aulik, a member of the Senate Sergeant's Staff. Jamie is a 2002 graduate from Marquette University and also a member of the Manitowoc Army Reserves 88th Regimental Support Command and serves as nuclear, biological and chemical weapons specialist. Jamie was promoted to Sergeant before arriving in Iraq, and was stationed in Baghdad for a year as a member of the 79th Quartermaster Company out of Ohio. Sergeant Aulik served with distinction and received an Army commendation medal for meritorious service.

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the 724th Battalion who just returned from Iraq.

Senator Lazich, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Army National Guard Specialist Michelle Witmer who gave her life in defense of freedom. I would also adjourn in honor of her family, mother and father, Lori and John Witmer, her sisters and brothers, Rachel, Charity, Timothy and Mark and convey our deepest sympathies for their loss.

Senator Panzer, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Marine Corporal Jesse Thiry who gave the ultimate sacrifice in defense of the principles and freedoms we are allowed. We would also convey our sympathies and thanks to his family.

Senator Panzer, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Petty Officer 2nd Class Michael C. Anderson. His duty to country led to the ultimate sacrifice in its defense. We convey our deepest sympathies for their loss to his wife, Karen, daughter Brandi, and his mother Sylvia.

Senator Panzer, with unanimous consent, asked that when the Senate adjourn, it do so in honor of former Senator Paul Offner.

Senator Panzer, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Assistant Chief Clerk Donna J. Doyle on her retirement and for her many years of dedicated service to the Senate.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of all the families of soldiers serving in the armed services and the sacrifices they make each day. Especially for those families that have lost sons and daughters, brothers and sisters. We vow not to forget them nor the principles that they lost their lives for.

Senator Robson, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her granddaughter Jessica Lee McLaughlin on her birthday May 18.

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**ADJOURNMENT**

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

Adjourned.

2:35 P.M