



STATE OF WISCONSIN

Senate Journal

Ninety–Seventh Regular Session

11:00 A.M.

TUESDAY, February 22, 2005

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, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for the prayer which was offered by Senator David Zien.

The Senate remained standing and Senator Risser 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 first time and referred:

Senate Bill 71

Relating to: recovery in cases involving wrongful birth or wrongful life.

By Senators Kedzie, Reynolds, Roessler, Kanavas, Schultz, S. Fitzgerald, Stepp, Cowles, Kapanke, Leibham, Lazich and Grothman; cosponsored by Representatives Hines, Suder, Lothian, Kleefisch, Gundrum, Nischke, Kestell, LeMahieu, Towns, Hahn, Freese, Gielow, Wood, Petrowski, Van Roy, Kreibich, J. Fitzgerald, Nass, Strachota, Pridemore, Ott, Bies, Albers, Gottlieb, Gunderson, Vrakas, Stone, McCormick, Ballweg, Montgomery and Krawczyk.

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

Senate Bill 72

Relating to: prohibiting an organization or affiliate of an organization that engages in abortion–related activities from receiving certain public funds, prohibiting an organization that receives certain public funds from using other public and private funds for abortion–related activities, specifying restrictions on affiliation between certain organizations, changing the types of information that may be provided by organizations that receive the funds, changing requirements

related to the maternal and child health program and family planning services, and requiring audits.

By Senators Leibham, Kanavas, Roessler, Reynolds, Kedzie, Lazich, Cowles, Zien, Grothman, S. Fitzgerald and A. Lasee; cosponsored by Representatives Suder, Kleefisch, Petrowski, Hines, Van Roy, Gundrum, Hahn, Freese, Kerkman, Nass, LeMahieu, Bies, Owens, Hundertmark, Wood, Albers, J. Fitzgerald, Mursau, Pridemore, Ott, Kreibich, Gunderson, Honadel, Nischke, Towns, Kestell, Meyer, Gielow, McCormick, Krawczyk and Loeffelholz.

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

Senate Bill 73

Relating to: creating the option to make an anatomical gift as part of a living will and eliminating the designation of a specific physician to perform transplantation.

By Senators Roessler, Brown, Cowles, Olsen, Miller, Wirch, Robson and Darling; cosponsored by Representatives Hundertmark, Strachota, Ballweg, Krawczyk, Kerkman, Townsend, Lehman, Bies, Van Roy, Hines, Hahn, Gronemus, Musser, Stone, Vruwink, Seidel, Wasserman, Boyle, Berceau, Gielow, Kreibich, Vrakas and Gunderson.

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

Senate Bill 74

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

By Senator Risser; cosponsored by Representatives Jensen, Hines, Pocan, Berceau and Lehman.

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

Senate Bill 75

Relating to: fees charged by notary publics.

By Senators Risser and Taylor; cosponsored by Representative Pocan.

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

Senate Bill 76

Relating to: eligibility for academic excellence higher education scholarships.

By Senators Risser and Erpenbach; cosponsored by Representatives Gronemus, Hahn, Towns and Albers.

To committee on **Higher Education and Tourism**.

Senate Bill 77

Relating to: prohibiting the erection of certain new off–premises outdoor advertising signs along interstate and federal–aid primary highways.

By Senators Risser, Carpenter and Miller; cosponsored by Representatives Black, Boyle, Benedict, Lehman and Pope–Roberts.

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

REPORT OF COMMITTEES

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

BAIER, BRUCE, of Brown Deer, as a member of the Hearing and Speech Examining Board, for the term ending July 1, 2008.

Confirmation.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

EGAN, DAVID, of Kenosha, as a member of the Nursing Home Administrator Examining Board, to serve for the term ending July 1, 2007.

Confirmation.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

OSBORN, SANDRA, of Verona, as a member of the Medical Examining Board, to serve for the term ending July 1, 2008.

Confirmation.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

Senate Bill 22

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

Passage.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

CAROL ROESSLER
Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin

February 21, 2005

The Honorable, The Legislature:

I would like to be added as a co-sponsor to Senate Bill 5, regarding creation of a Joint Committee on State Mandates and required funding of state mandates.

Please contact me if you have any questions, or if I need to fill out additional paperwork regarding this request.

Sincerely,

PAT STRACHOTA
State Representative

Pursuant to Senate Rule 17 (5) Senator Zien was added as a coauthor of **Senate Resolution 3** and **Senate Bill 74**.

Pursuant to Senate Rule 17 (5) Senator Hansen was added as a cosponsor of **Assembly Joint Resolution 11**.

Pursuant to Senate Rule 17 (5) Senator Carpenter was added as a coauthor of **Senate Bill 46**.

ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin
Office of the Governor**

February 16, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WELLS, LENARD, of Madison, as Chair of the Parole Commission, to serve for the term ending March 1, 2007.

Sincerely,

JIM DOYLE
Governor

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

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

ALTEPETER, CARLA L., of Oshkosh, as a member of the Credit Union Review Board, to serve for the term ending May 1, 2005.

ALVIN, ERIC, of Madison, as a member of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board, to serve for the term ending July 1, 2008.

BRAAM, QUIRIN E., of New Berlin, as a member of the Credit Union Review Board, to serve for the term ending May 1, 2008.

DEGENHARDT, DENNIS, of Fitchburg, as a member of the Credit Union Review Board, to serve for the term ending May 1, 2009.

FRANKLIN, LAMARR, of Glendale, as a member of the Marriage and Family Therapy Professional Counseling and Social Work Examining Board, to serve for the term ending July 1, 2007.

PUTRA, SUSAN, of Watertown, as a member of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board, to serve for the term ending July 1, 2007.

REINICKE, LISA, of Janesville, as a member of the Podiatrists Affiliated Credentialing Board, to serve for the term ending July 1, 2007.

SCHWALLIE, LINDA, of Green Bay, as a member of the Marriage and Family Therapy Professional Counseling and Social Work Examining Board, to serve for the term ending July 1, 2008.

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, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee,

Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

Senate Clearinghouse Rule 04–093

Relating to restaurants and affecting small businesses.
Submitted by Department of Health and Family Services.
Report received from Agency, February 21, 2005.
Referred to committee on **Health, Children, Families, Aging and Long Term Care**, February 22, 2005.

Senate Clearinghouse Rule 04–096

Relating to retail food establishments.
Submitted by Department of Agriculture, Trade and Consumer Protection.
Report received from Agency, February 21, 2005.
Referred to committee on **Health, Children, Families, Aging and Long Term Care**, February 22, 2005.

CONSIDERATION OF MOTIONS AND RESOLUTIONS

Senate Resolution 3

Relating to: Black History Month and honoring Company F of the 29th USCT.

Read.

The question was: Shall **Senate Resolution 3** be adopted?

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

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Adopted.

SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

Senate Bill 8

Relating to: prohibiting the Department of Public Instruction from selecting pupils for the Milwaukee Parental Choice Program on a random basis.

Read a second time.

Senator Schultz, asked unanimous consent that **Senate Bill 8** be referred to the committee on **Education**.

Senator Robson objected.

Senator Schultz moved that **Senate Bill 8** be referred to the committee on **Education**.

The question was: Shall **Senate Bill 8** be referred to the committee on **Education**?

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

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

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 14.

Absent or not voting – None.

Referred.

Senate Bill 11

Relating to: an overtime pay exemption for providers of companionship services.

Read a second time.

Senator Schultz, with unanimous consent, asked that **Senate Bill 11** be referred to the committee on **Health, Children, Families, Aging and Long Term Care**.

Referred.

Senate Bill 12

Relating to: the state minimum wage.

Read a second time.

Senate substitute amendment 1 to **Senate Bill 12** offered by Senators Hansen and Robson.

Senator Schultz moved that **Senate Bill 12** be referred to the committee on **Labor and Election Process Reform**.

Senator Risser asked unanimous consent that Senate substitute amendment 1 to **Senate Bill 12** be taken up at this time.

Senator Schultz objected.

Senator Risser moved that the rules be suspended and that Senate substitute amendment 1 to **Senate Bill 12** be taken up at this time.

The question was: Shall the rules be suspended and Senate substitute amendment 1 to **Senate Bill 12** be taken up at this time?

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

Ayes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 14.

Noes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 19.

Absent or not voting – None.

Refused.

Senator Kedzie called the question.

The question was: Shall the Senate vote immediately on the current question?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 12; absent or not voting, 2; as follows:

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

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Plale, Risser, Taylor and Wirch – 12.

Absent or not voting – Senators Miller and Robson – 2.

Motion Prevailed.

The question was: Shall **Senate Bill 12** be referred to the committee on **Labor and Election Process Reform**?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 12; absent or not voting, 2; as follows:

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

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Lassa, Plale, Risser, Robson, Taylor and Wirch – 12.

Absent or not voting – Senators Jauch and Miller – 2.

Referred.

Senator Risser moved that the Senate stand adjourned until 2:00 P.M.

The question was: Shall the Senate stand adjourned until 2:00 P.M.?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 18; absent or not voting, 1; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Kapanke, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 14.

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

Absent or not voting – Senator Jauch – 1.

Refused.

Senator Plale, with unanimous consent, asked that the Senate stand in recess.

12:20 P.M.

RECESS

1:22 P.M.

The Senate reconvened.

Senator A. Lasee in the chair.

SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS

Assembly Joint Resolution 11

Relating to: celebrating March 1, 2005, as St. David's Day.
Read.

The question was: Shall **Assembly Joint Resolution 11** be concurred in?

Concurred in.

Assembly Bill 58

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

Read a second time.

Senate amendment 1 to **Assembly Bill 58** offered by Senators Decker, Wirch, Erpenbach, Lassa, Carpenter, Breske, Jauch, Robson, Plale, Hansen and Taylor.

Senator Schultz moved that Senate amendment 1 to **Assembly Bill 58** be laid on the table.

The question was: Shall Senate amendment 1 to **Assembly Bill 58** be laid on the table?

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

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

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 14.

Absent or not voting – None.

Tabled.

Ordered to a third reading.

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

Assembly Bill 58

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 Brown, Carpenter, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 20.

Noes – Senators Breske, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 13.

Absent or not voting – None.

Concurred in.

Assembly Bill 102

Relating to: decreasing an appropriation of general purpose revenues for the Badger Care health care program; increasing an appropriation of general purpose revenues for prescription drug assistance; increasing an appropriation of general purpose revenues for Medical Assistance; transferring moneys from the general fund to the Medical Assistance trust fund; required general fund statutory balance; and making an appropriation.

Read a second time.

Senate amendment 1 to **Assembly Bill 102** offered by Senator Carpenter.

Senator Schultz moved that Senate amendment 1 to **Assembly Bill 102** be laid on the table.

The question was: Shall Senate amendment 1 to **Assembly Bill 102** be laid on the table?

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

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

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 14.

Absent or not voting – None.

Tabled.

Ordered to a third reading.

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

Assembly Bill 102

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

Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Wirch and Zien – 32.

Noes – None.

Absent or not voting – Senator Taylor – 1.

Concurred in.

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

MOTIONS MAY BE OFFERED

Senator Schultz, with unanimous consent, asked that **Senate Bill 42** be withdrawn from the committee on **Senate Organization** and referred to the committee on **Labor and Election Process Reform**.

Senator Carpenter asked unanimous consent that **Senate Bill 12** be withdrawn from the committee on **Labor and Election Process Reform** and taken up.

Senator Schultz objected.

Senator Carpenter asked unanimous consent that **Senate Bill 12** be made a special order at 10:00 A.M. on Tuesday, March 8, 2005.

Senator Schultz objected.

Senator Taylor, with unanimous consent, asked that the record reflect she would have voted aye on question of concurrence in **Assembly Bill 102**.

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

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Fondy Blades Synchronized Skating Team. The Fondy Blades hold a rigorous practice schedule, and coordinate up to 20 skaters on the ice at one time. In July, the junior team was named by U.S. Figure Skating as a reserve team to the U.S.A. in its international envelope system.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Burlington High School teacher Dave Kreutz, the only teacher to receive a 2005 Business Friends of Education award from the state Department of Public Instruction. Kreutz was honored for his entrepreneurial approach to science instruction through his BHS Chemicals class. Students develop, manufacture, market, and sell products in the community, the proceeds of which provide for student scholarships.

Senator Coggs, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Black History month, and in doing so recognize Redonna Rodgers, founder of the Center for Teaching Entrepreneurship.

Senator Erpenbach, with unanimous consent, asked that when the Senate adjourn, it do so in honor of all the good people whom he had the honor of working with at the Land's End Call Center in Cross Plains who found out that their jobs will end in June. The Senator will miss working with them, and working for a great Wisconsin company.

ADJOURNMENT

Senator Schultz, with unanimous consent, asked that the Senate adjourn until Thursday, February 24 at 10:00 A.M.

Adjourned.

2:40 P.M.

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Joint Resolution 2

Report correctly enrolled on February 18, 2005.

CHIEF CLERK'S REPORT

The Chief Clerk records:

Senate Joint Resolution 1

Deposited in the office of the Secretary of State on February 18, 2005.

Senate Joint Resolution 2

Deposited in the office of the Secretary of State on February 21, 2005.