



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Seventh Regular Session

10:00 A.M.

THURSDAY, March 10, 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, Cogs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 31.

Absent – None.

Absent with leave – Senators Grothman and Harsdorf – 2.

The Senate stood for the prayer which was offered by Senator Thomas Reynolds.

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

Senator Schultz, with unanimous consent, asked that Senator Grothman be granted a leave of absence for part of today's session.

Senator Schultz, with unanimous consent, asked that Senator Harsdorf be granted a leave of absence for today's session.

### CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated Tuesday, March 8, 2005.

The committee on **Energy, Utilities and Information Technology** reports and recommends:

#### Senate Bill 79

Relating to: specifying the rate-making principles applicable to certain electric generating facilities, providing an exemption from emergency rule procedures, and granting rule-making authority.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Cowles, Leibham, Kapanke, Plale and Wirch.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Cowles, Leibham, Kapanke, Plale and Wirch.

Noes, 0 – None.

ROBERT COWLES  
Chairperson

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 5

Passed and asks concurrence in:

#### Assembly Bill 36

#### Assembly Bill 38

#### Assembly Bill 62

#### Assembly Bill 89

#### Assembly Bill 91

#### Assembly Bill 99

#### Assembly Joint Resolution 5

Relating to: the life and public service of Alex C. Ruffing.

By Representative Kessler.

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

#### Assembly Bill 36

Relating to: classification of jail prisoners for determining prisoner housing assignments, the type of prisoner supervision, and the delivery of services and programs to prisoners.

By Representatives Friske, Bies, Hines, Kerkman, Petrowski, Jeskewitz, Owens, Ballweg, Hundertmark, Musser, Albers, Gunderson, Hahn, Vrakas, Ott and Townsend; cosponsored by Senators Olsen, S. Fitzgerald and Lassa.

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

#### Assembly Bill 38

Relating to: restriction violations by persons holding instruction permits or probationary licenses to operate motor vehicles and providing a penalty.

By Representatives Friske, Gard, Young, Petrowski, Staskunas, Ballweg, Wasserman, Kestell, Gronemus, Rhoades, Jeskewitz, Stone, Vos, Albers, Ott, Van Roy, Ainsworth, Musser, Gunderson, Hahn, Krawczyk, Ward, Hines and Townsend; cosponsored by Senators Olsen, Roessler, A. Lasee, Kedzie, Grothman, Stepp, Lassa, Jauch and Reynolds.

Read first time and referred to committee on **Natural Resources and Transportation**.

#### Assembly Bill 62

Relating to: sentencing discretion of a court and providing a penalty.

By Representatives Gundrum, Ziegelbauer, Gunderson, Vrakas, Nass, Hines, Musser, McCormick, Bies, Townsend,

Ainsworth, Albers, Hahn and Hundertmark; cosponsored by Senators A. Lasee, Olsen and Lassa.

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

**Assembly Bill 89**

Relating to: exclusive municipal court jurisdiction in proceedings against juveniles 12 years of age or over, but under 16 years of age, for municipal traffic ordinance violations.

By Representatives Gundrum, Staskunas, Gunderson and Krawczyk.

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

**Assembly Bill 91**

Relating to: noncompliance with a municipal court order.

By Representatives Gundrum, Bies, Krawczyk, Hines, Stone, Lothian, Albers, Pridemore and Vrakas.

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

**Assembly Bill 99**

Relating to: individuals registered as sex offenders based upon a juvenile delinquency adjudication.

By Representatives Friske, Bies, Gard, Gundrum, Gielow, Gronemus, Kleefisch, Kaufert, Kerkman, Jensen, LeMahieu, Nischke, Montgomery, Ainsworth, Lothian, Musser, Hines, Van Roy, Vos, Owens, Nass, Ott, Lamb, Strachota, Krawczyk, M. Williams, Pettis, Nerison, Moulton and Petrowski; cosponsored by Senators Darling, Kedzie, Roessler, Kanavas and Reynolds.

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

**INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS**

Read first time and referred:

**Senate Bill 108**

Relating to: the purchase of health care coverage through the Group Insurance Board by individuals who are engaged in the business of farming, granting rule-making authority, and making an appropriation.

By Senators Leibham, Decker, A. Lasee, Kapanke, Wirch, Breske, Hansen, Miller, Brown, Taylor, Zien and Lassa; cosponsored by Representatives Towns, Vruwink, Ainsworth, Pettis, Gronemus, M. Williams, Hubler, Musser, Kestell, Suder, Owens, Van Roy, Davis, Hines, Hahn, Freese, Pope-Roberts, Bies, Berceau, Gunderson, Kreibich, Wood, Seidel, Lamb, Petrowski, Nerison, Van Akkeren, Ott, Townsend, Albers and Ballweg.

To committee on **Agriculture and Insurance.**

**Senate Bill 109**

Relating to: expanding the cancer drug repository program to include prescription drugs and supplies for chronic disease and requiring the exercise of rule-making authority.

By Senators Roessler, Stepp, Brown, Cowles, Kanavas, A. Lasee, Lazich, Kedzie and Wirch; cosponsored by Representatives Vukmir, Underheim, Albers, Bies, Gard, Benedict, Gronemus, Gunderson, Hahn, Hines, Hundertmark, Jeskewitz, Kerkman, Lehman, Montgomery, Mursau, Nass, Seidel, Ott, Petrowski, Pettis, Vrakas, Vruwink and M. Williams.

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

**Senate Bill 110**

Relating to: renewable resource requirements for electric utilities and cooperatives.

By Senators Miller, Erpenbach, Lassa, Wirch, Risser and Coggs; cosponsored by Representatives Pope-Roberts, Boyle, Berceau, Pohan, Parisi, Black, Molepske, Seidel, Zepnick and Lehman.

To committee on **Energy, Utilities and Information Technology.**

**Senate Bill 111**

Relating to: retained earnings of telecommunications cooperatives.

By Senators Brown, Erpenbach, Grothman, Harsdorf, Jauch, Kanavas, Olsen and Zien; cosponsored by Representatives Freese, Gronemus, Albers, Gard, Hahn, Hines, Hubler, Kreibich, Loeffelholz, Musser, Nerison, Ott, Petrowski, Schneider, Sherman, Townsend, Vos and Wood.

To committee on **Job Creation, Economic Development and Consumer Affairs.**

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

March 8, 2005

The Honorable, The Senate:

Please remove my name from co-sponsorship of Senate Bill 15, relating to ethanol requirements in automotive gasoline, providing an exemption from emergency rule procedures, granting rule-making authority, and providing a penalty.

Sincerely,

SUZANNE JESKEWITZ

State Representative

**State of Wisconsin  
Ethics Board**

March 8, 2005

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 2005 session of the legislature, visit the Ethics Board's web site at <http://ethics.state.wi.us>

- Blumenfeld, Michael      Community Care Organization Inc
- Blumenfeld, Michael      Community Living Alliance
- Blumenfeld, Michael      Elder Care of Wisconsin, Inc.
- Blumenfeld, Michael      Wisconsin Child Support Enforcement Association
- Cook, Sharon              City of Milwaukee
- Handzel Jr, Henry         Screenprinting and Graphic Imaging Association International
- Hubbard, Gregory         Concerned Auto Recyclers of Wisconsin
- Kinter, Marcia             Screenprinting and Graphic Imaging Association International
- Mitchell, Brian            Mechanical Contractors Association of Wisconsin

Norman, Paul Wisconsin Automobile & Truck  
Dealers Association Inc

Osborne, Patrick Legal Action of Wisconsin, Inc

Oswald Poels, Rose Wisconsin Bankers Association

Palmer, Dian SEIU District 1199W/United  
Professionals for Quality  
Health Care

Palmer, Todd Screenprinting and Graphic  
Imaging Association  
International

Petak, George STV, Incorporated

Sans, Maggie Wal-Mart Stores Inc

Schimming, Brian Georgia-Pacific Corporation

Shaffer, Fred Kimberly-Clark Corporation

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  
Executive Director

**State of Wisconsin  
Department of Health and Family Services**

March 1, 2005

The Honorable, The Senate:

The 1983-85 budget act, [1983 Wisconsin Act 27](#), created the Community Integration Program (CIP) for Residents of State Centers under s. [46.275](#). The intent of this program “is to relocate persons from the state centers for the developmentally disabled into appropriate community settings with the assistance of home and community-based services and with continuity of care. The intent of the program is also to minimize its impact on state employees through redeployment of employees into vacant positions.” [S. 46.275\(5m\)](#) requires the Department to submit a report to the Joint Committee on Finance and to the Chief Clerk of each house of the Legislature describing the program’s impact during the preceding calendar year on state employees, including the Department’s efforts to redeploy employees into vacant positions and the number of employees laid off.

For the period of January 1, 2004 to December 31, 2004, 73 center residents were placed into the community. In state fiscal year 2004, the center budgets were reduced by \$1,423,500 and 27.49 FTE as a result of CIP placements. For the period July 1, 2004 through December 31, 2004, sufficient reductions in the fiscal year 2005 operating budget will be made to reflect reductions for CIP placements.

The Department has continued the significant downsizing of Northern Wisconsin Center (NWC). A total of 20 layoffs under the CIP 1A program occurred in the period January 1-December 31, 2004, all at NWC due to downsizing effort. All other reductions were absorbed through attrition of employees.

Sincerely,

HELENE NELSON  
Secretary

**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

March 1, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BERENS, NICHOLAS, of Antigo, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2007.

Sincerely,  
JIM DOYLE  
Governor

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

**State of Wisconsin  
Office of the Governor**

February 28, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CHWALA, THOMAS, of Lake Mills, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2006.

Sincerely,  
JIM DOYLE  
Governor

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

**State of Wisconsin  
Office of the Governor**

February 28, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DITTMAR, BEVERLY, of Eagle River, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2007.

Sincerely,  
JIM DOYLE  
Governor

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

**State of Wisconsin  
Office of the Governor**

February 24, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KEHL, ALLAN, of Kenosha, as a member of the Wisconsin Technical College System Board, to serve for the term ending May 1, 2011.

Sincerely,  
JIM DOYLE  
Governor

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

**State of Wisconsin  
Office of the Governor**

February 28, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KLECZKA, GERALD, of Middleton, as a member of the Tax Appeals Commission, to serve for the term ending March 1, 2011.

Sincerely,  
JIM DOYLE  
Governor

Read and referred to committee on **Job Creation, Economic Development and Consumer Affairs.**

**State of Wisconsin  
Office of the Governor**

March 1, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KOEPLER, KURT, of Oshkosh, as a member of the Wisconsin Waterways Commission, to serve for the term ending May 1, 2010.

Sincerely,  
JIM DOYLE  
Governor

Read and referred to committee on **Natural Resources and Transportation.**

**State of Wisconsin  
Office of the Governor**

March 3, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LEE, DANIEL, of Waunakee, as a member of the Wisconsin Housing and Economic Development Authority, to serve for the term ending January 1, 2007.

Sincerely,  
JIM DOYLE  
Governor

Read and referred to committee on **Housing and Financial Institutions.**

**State of Wisconsin  
Office of the Governor**

March 1, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SCHWEITZER, JON, of Black River Falls, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2007.

Sincerely,  
JIM DOYLE  
Governor

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

**State of Wisconsin  
Office of the Governor**

February 28, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SENTRY, JAMES, of La Crosse, as a member of the State of Wisconsin Investment Board, to serve for the term ending May 1, 2011.

Sincerely,  
JIM DOYLE  
Governor

Read and referred to committee on **Housing and Financial Institutions.**

**State of Wisconsin  
Office of the Governor**

March 1, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint STOLPMAN, KATHIE, of Milwaukee, as a member of the Council on Domestic Abuse, 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 28, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WILLMAN, MICHAEL, of Merrill, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2007.

Sincerely,  
JIM DOYLE  
Governor

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

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

BUSH, JEANNIE, of La Crosse, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 2006.

MIRKIN, LESLIE, 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, 2005.

PIKE, MARY, of Middleton, as a member of the Nursing Home Administrator Examining Board, to serve for the term ending July 1, 2007.

PUMPHREY, EVELYN, of Milwaukee, as a member of the Marriage and Family Therapy Professional Counseling and

Social Work Examining Board, to serve for the term ending July 1, 2006.

SCOTT, KAREN, of Madison, as a member of the Real Estate Appraisers Board, to serve for the term ending May 1, 2006.

WALSH, MARY JO, of Mukwonago, 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.

WEIRICH, LISABETH, of Middleton, as a member of the Real Estate Board, to serve for the term ending July 1, 2007.

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, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 32.

Noes – None.

Absent or not voting – Senator Harsdorf – 1.

Confirmed.

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

### Senate Clearinghouse Rule 04–102

Relating to asbestos permit exemption fees and inspection fees and a program for recovering the exact costs of laboratory fees for sample analysis for the asbestos program.

Submitted by Department of Natural Resources.

Report received from Agency, March 10, 2005.

Referred to committee on **Natural Resources and Transportation**, March 10, 2005.

### Senate Clearinghouse Rule 04–112

Relating to live well standards for participants in the bass fishing tournament pilot program established in [2003 Wisconsin Act 249](#).

Submitted by Department of Natural Resources.

Report received from Agency, March 10, 2005.

Referred to committee on **Natural Resources and Transportation**, March 10, 2005.

### Senate Clearinghouse Rule 04–113

Relating to recycling.

Submitted by Department of Natural Resources.

Report received from Agency, March 10, 2005.

Referred to committee on **Natural Resources and Transportation**, March 10, 2005.

### Senate Clearinghouse Rule 05–001

Relating to variance alternatives of alarm systems.

Submitted by Department of Regulation and Licensing.

Report received from Agency, March 8, 2005.

Referred to committee on **Health, Children, Families, Aging and Long Term Care**, March 10, 2005.

### Senate Clearinghouse Rule 05–002

Relating to the veterans assistance program.

Submitted by Department of Veterans Affairs.

Report received from Agency, March 8, 2005.

Referred to committee on **Veterans, Homeland Security, Military Affairs, Small Business and Government Reform**, March 10, 2005.

### Senate Clearinghouse Rule 05–008

Relating to the home improvement loan program and the personal loan program.

Submitted by Department of Veterans Affairs.

Report received from Agency, March 8, 2005.

Referred to committee on **Veterans, Homeland Security, Military Affairs, Small Business and Government Reform**, March 10, 2005.

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

### Senate Clearinghouse Rule 04–061

Relating to reporting of analytical data to the department and the procedure for returning to compliance following an MCL violation of the nitrate, nitrite, or combined nitrate and nitrite standards.

No action taken.

### Senate Clearinghouse Rule 04–101

Relating to the whole effluent toxicity (WET) test methods.

No action taken.

### Senate Clearinghouse Rule 04–111

Relating to trout fishing in Richland and Vernon counties.

No action taken.

NEAL KEDZIE  
Chairperson

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## 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 2**

**Assembly Joint Resolution 6**

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## MESSAGES FROM THE ASSEMBLY CONSIDERED

### Assembly Joint Resolution 2

Relating to: the life and military service of United States Army Staff Sergeant Charles Anthony Kiser.

By Representative Ziegelbauer; cosponsored by Senator Leibham.

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

### Assembly Joint Resolution 6

Relating to: the life of Marine Corps Private First Class Brent Vroman.

By Representative Owens; cosponsored by Senator Roessler.

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

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Senator Schultz, with unanimous consent, asked that **Senate Joint Resolution 3** be withdrawn and taken up at this time.

**Senate Joint Resolution 3**

Relating to: the life and military service of Marine Corporal Robert Warns II.

Read.

Adopted by unanimous rising vote.

Senator Kedzie, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 3**.

Senator Schultz, with unanimous consent, asked that **Senate Joint Resolution 13** be withdrawn and taken up at this time.

**Senate Joint Resolution 13**

Relating to: the life and military service of Marine Sergeant Benjamin C. Edinger.

Read.

Adopted by unanimous rising vote.

Senator Kedzie, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 13**.

Senator Schultz, with unanimous consent, asked that the Senate stand informal.

10:22 A.M.

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**STOOD INFORMAL**

10:36 A.M.

The Senate reconvened.

Senator Schultz, with unanimous consent, asked that **Assembly Joint Resolution 1** be withdrawn and taken up at this time.

**Assembly Joint Resolution 1**

Relating to: the life and military service of United States Marine Lance Corporal Shane K. O'Donnell.

Read.

Concurred in by unanimous rising vote.

Senator Kanavas, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 1**.

Senator Zien, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 1**.

Senator Carpenter, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 1**.

Senator Schultz, with unanimous consent, asked that all members of the Senate be added as cosponsors of **Assembly Joint Resolution 1**.

Senator Schultz, with unanimous consent, asked that **Assembly Joint Resolution 2** be withdrawn from the committee on **Senate Organization** and taken up.

**Assembly Joint Resolution 2**

Relating to: the life and military service of United States Army Staff Sergeant Charles Anthony Kiser.

Read.

Concurred in by unanimous rising vote.

Senator Schultz, with unanimous consent, asked that all members of the Senate be added as cosponsors of **Assembly Joint Resolution 2**.

Senator Schultz, with unanimous consent, asked that **Assembly Joint Resolution 6** be withdrawn from the committee on **Senate Organization** and taken up.

**Assembly Joint Resolution 6**

Relating to: the life of Marine Corps Private First Class Brent Vroman.

Read.

Concurred in by unanimous rising vote.

Senator Schultz, with unanimous consent, asked that all members of the Senate be added as cosponsors of **Assembly Joint Resolution 6**.

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

**Senate Joint Resolution 11**

Relating to: the life and public service of Harold F. Huibregtse.

Read.

Adopted by unanimous rising vote.

Senator Schultz, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 11**.

**Senate Joint Resolution 12**

Relating to: declaring March 2005 American Red Cross Month.

Read.

Adopted.

Senators Taylor and Lassa, with unanimous consent, asked to be made coauthors of **Senate Joint Resolution 12**.

Senator Miller, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 12**.

Senator Carpenter, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 12**.

**Senate Bill 3**

Relating to: creating a property tax exemption for arts and arts education centers.

Read a second time.

Senate amendment 1 to **Senate Bill 3** offered by Senator Carpenter.

Senator Schultz moved that Senate amendment 1 to **Senate Bill 3** be laid on the table.

The question was: Shall Senate amendment 1 to **Senate Bill 3** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 13; absent or not voting, 1; as follows:

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

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

Absent or not voting – Senator Harsdorf – 1.

Tabled.

Ordered to a third reading.

Senator Taylor, with unanimous consent, asked to be added as a coauthor of **Senate Bill 3**.

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

### **Senate Bill 3**

Read a third time.

The ayes and noes were required and the vote was: ayes, 22; noes, 10; absent or not voting, 1; as follows:

Ayes – Senators Brown, Coggs, Cowles, Darling, S. Fitzgerald, Grothman, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 22.

Noes – Senators Breske, Carpenter, Decker, Ellis, Erpenbach, Hansen, Lazich, Miller, Risser and Robson – 10.

Absent or not voting – Senator Harsdorf – 1.

Passed.

Senator Schultz, with unanimous consent, asked that **Senate Joint Resolution 12** be immediately messaged.

### **Senate Bill 79**

Relating to: specifying the rate-making principles applicable to certain electric generating facilities, providing an exemption from emergency rule procedures, and granting rule-making authority.

Senators Brown and A. Lasee, with unanimous consent, asked to be made coauthors of **Senate Bill 79**.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 79**?

Adopted.

Ordered to a third reading.

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

### **Senate Bill 79**

Read a third time.

The ayes and noes were demanded 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, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 32.

Noes – None.

Absent or not voting – Senator Harsdorf – 1.

Passed.

Senator Darling, with unanimous consent, asked to be added as a coauthor of **Senate Bill 79**.

### **Senate Bill 83**

Relating to: technical changes to the tax incremental financing law.

Read a second time.

Senate amendment 1 to **Senate Bill 83** offered by Senator Stepp.

The question was: Adoption of Senate amendment 1 to **Senate Bill 83**?

Adopted.

Senate amendment 2 to **Senate Bill 83** offered by Senators Stepp, Lassa and Plale.

The question was: Adoption of Senate amendment 2 to **Senate Bill 83**?

Adopted.

Ordered to a third reading.

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

### **Senate Bill 83**

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

Noes – None.

Absent or not voting – Senator Harsdorf – 1.

Passed.

Senator Schultz, with unanimous consent, asked that the Senate return to the 8th order of business.

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## **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 18**  
**Assembly Joint Resolution 21**

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**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Joint Resolution 18**

Relating to: declaring March 10, 2005, Tibet Day.

By Representatives Parisi, Black, Pope-Roberts, Seidel, Pocan, Berceau, Davis, Bies, Hebl and Lehman; cosponsored by Senator Miller.

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

**Assembly Joint Resolution 21**

Relating to: declaring March 20 to 26, 2005, as Veterans of Foreign Wars National Home for Children Awareness Week.

By Representatives Hubler, Musser, Suder, Sheridan, Travis, Gronemus, Lehman, Gunderson, Hines, Jeskewitz, Hahn, Grigsby, Sinicki, Seidel, Nass, Shilling, Huebsch and Molepske; cosponsored by Senators Brown, Wirch, Lazich and Grothman.

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

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Senator Schultz, with unanimous consent, asked that **Assembly Joint Resolution 18** be withdrawn from the committee on **Senate Organization** and taken up.

**Assembly Joint Resolution 18**

Relating to: declaring March 10, 2005, Tibet Day.

Read.

Concurred in.

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**Assembly Joint Resolution 14**

Relating to: the military service of Pvt. 1st Class James Anagnostopoulos.

Read.

Concurred in.

Senator Kanavas, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 14**.

Senator Zien, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 14**.

Senator Carpenter, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 14**.

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

Messaged.

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**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 Wisconsin's fallen heroes who gave their lives that all Americans may live theirs in greater safety.

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Superior Boys and Girls Hockey teams, who both won state titles last week. The Superior Boys team, which won the championship game in overtime by beating Arrowhead High School by a score of 2-1, is coached by Jason Kalin. The Superior Girls team, which defeated Onalaska High School by a score of 3-0 in the championship game, is coached by Scott VanDamme. The boys roster includes: Brian Dalbec, Sean Graskey, Tim Smith, Cole Lundgren, Adam Hammerbeck, Brandon Bukowski, Jake Williams, Nate Hendry, Josh Seifert, Ryan LeBard, Luke Mertz, Ryan Smith, Brett Olson, Brian Pierpont, Steve Murray, Mike Sislo, Adam Sauter, Ian Mattson, Ben Buchs, Chris Dahlin, and Jim Gotham. The girls roster includes: Heather LeBard, Amber Abreu, Megan Murphy, Kalli Kucharyski, Ashley Martin, Alicia Cummings, Erica VanDamme, Candace Zatko, Taylor VanDamme, Kacey VanDamme, Dana Swanson, Nikki Klobuchar, Ashlee Olson, Amanda LeBard, Anna Pettingill, Alyssa Uotinen, Janine Seifert, Jena Engelking, and Shelby Mihalik.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Natalie Troha, who has been chosen to receive the Susan B. Anthony Award. The award is given annually to a woman who believes in equity and exemplifies this philosophy in her work or volunteer efforts, gives of herself that other women might learn, grow, advance, and succeed, provides the inspiration of leadership, and resides in Kenosha County. Troha was the driving force behind two major fund-raisers for the Boys and Girls Club and was named the club's Volunteer of the Year in 2000. She also volunteers at Holy Rosary Catholic Church.

Senator Lazich, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the two high school seniors shadowing her today, Laura Wesdell and Elise Bruder. The Senator hoped that this experience will further their aspirations to become involved in politics.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of 8th district staffer Connie Schulze who recently became a mother to a brand new baby boy. John J. "Jake" Schulze III was born on Friday, March 4th, 2005. He weighed in at 7 pounds 15 ounces. Connie and her husband John Schulze are doing very well. The Senator wished Connie the best of luck and hoped she enjoys motherhood.

Senator Coggs, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the birthday of Ms. Johnnie Mae Rhodes, President of the New Hampton Gardens Tenant Council, elder in the community, mentor to many, and the Senator's adoptive mother.

Senator Kedzie, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Kerrie Kedzie, the Senator's wife. Today is the 26th anniversary of the wedding of Senator and Mrs. Kedzie. One year ago, on the 25th anniversary of the marriage, the Senator spent the day on the Senate floor during a twenty-four hour marathon floor session and was unable to celebrate with his wife. Senator Kedzie hoped that this year the couple will celebrate the occasion together.

Senator Leibham, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the life and public service of Harold F. Huibregtse, a former member of this distinguished body and a lifelong resident, 97 years, of Sheboygan County.

Senator Leibham, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the life and military service of the United States Army Staff Sergeant Charles Anthony Kiser of Cleveland, Wisconsin and his family.

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Riverside University High School Girls Basketball Team for making it to the State Championship competition, and Turquoise McCain for her perseverance in times of challenge, for her, her family, and her team.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Bill Ward, who retired recently from the Milwaukee Police Association. Bill served his community faithfully for 37 years as both a police officer and a union officer. A line in a recent resolution authored by his colleagues at the MPA summed up Bill's career perfectly. It reads: "Therefore, be it resolved, the members of the Milwaukee Police Association will miss Bill and his 31 years of dedication, his compassion for fellow officers, his deep sense of honor, integrity, and ethical conduct, the Executive Board, Steward's Organization, and the Milwaukee Police Association members will forever be in debt to Bill Ward." The Senator offered her congratulations to Bill and wished him the best of luck in retirement.

Senator Schultz, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Senator from the 33rd. Senator Kanavas was named by Government Technology Magazine as one of the Top 25 Doers, Dreamers, and Drivers in America. The list was compiled to show that change in government is possible, despite the age-old belief that institutional barriers impede government reform. Using technology, these 25 men and women broke bureaucratic inertia to better serve the public. The magazine said of the Senator from the 33rd, "Senator Ted Kanavas, who spent 12 years in the software industry before being elected to the Wisconsin Senate in 2001, uses his experience and knowledge to reshape Wisconsin's IT landscape. Kanavas is committed to creating a more streamlined statewide IT infrastructure and pivoting that into a healthy fiscal policy." Senator Schultz wished to

congratulate the Senator from the 33rd on his national recognition.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Fondy Blades Synchronized Skating team from Fond du Lac, Wisconsin. The Fondy Blades participated in an international skating event in Nottingham, England at the beginning of March. Out of 16 teams from 7 different nations, they earned a bronze medal in the competition.

Senator Reynolds, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the West Allis Police Department. Sometimes success comes from being in the right place at the right time. The Senator commended the officers involved for acting on their suspicions and risking their lives in order to solve the mystery of the brutal murder of the family of U.S. District Judge Joan Humphrey Lefkow in Chicago. Without the quick thinking and bravery of the West Allis Police Department, this murderer might still be at large and a threat to other innocent people. Through everyday actions like this, the people of West Allis are kept safe, and for that, everyone thanks the West Allis Police Department.

Senator Lasee, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the De Pere Girls High School Basketball Team, which is playing in the WIAA State Girls Basketball Tournament today at 1:15 P.M. The Senator congratulated them on their season thus far and wished them luck at State.

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## ADJOURNMENT

Senator Schultz, with unanimous consent, asked that the Senate adjourn until Tuesday, March 15, at 10:00 A.M.

Adjourned.

11:43 A.M.