



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Seventh Regular Session

10:00 A.M.

TUESDAY, March 15, 2005

The Senate met.

The Senate was called to order by Chief Clerk Marchant pursuant to Senate Rule 5 (4)(b).

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

### INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Read and referred:

#### Senate Joint Resolution 14

Relating to: declaring October 10, 2005, Brett Favre Day.

By Senators Carpenter, Schultz, Hansen, A. Lasee, Risser, Breske, Roessler, Coggs and Taylor; cosponsored by Representatives Van Roy, Krawczyk, Lehman, Turner, Kreuser, McCormick, Musser, Sheridan, Boyle, Jeskewitz, Seidel, Pridemore, Hebl and Gunderson.

To committee on **Senate Organization**.

#### Senate Joint Resolution 15

Relating to: congratulating and commending the University of Wisconsin–Milwaukee Men's Basketball Team and Head Coach Bruce Pearl on earning their 2nd NCAA Division I Tournament appearance.

By Senators Darling, Plale, Taylor, Coggs, Grothman and Kanavas; cosponsored by Representatives Richards, Wasserman, Gielow, Nischke, Lehman, Ott, Molepske, Hebl, Gunderson, Hahn, Seidel and Toles.

To committee on **Senate Organization**.

Read first time and referred:

#### Senate Bill 112

Relating to: the Uniform Child Custody Jurisdiction and Enforcement Act.

By Joint Legislative Council.

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

#### Senate Bill 113

Relating to: the investment by school districts of funds held in trust to provide post–employment benefits.

By Senators Olsen, Grothman, Harsdorf and Lazich; cosponsored by Representatives Towns, Hahn, Mursau, Hines, Nischke, Townsend, Gielow, Strachota, Musser, Molepske, Hundertmark, Gunderson, Jeskewitz, Albers, Lehman, Petrowski, Kestell, Krawczyk, Ott and Freese.

To committee on **Education**.

#### Senate Bill 114

Relating to: classifying county jailers as protective occupation participants for the purposes of the Wisconsin Retirement System.

By Senators Zien, Schultz, Breske, Jauch, Lassa, Leibham and Risser; cosponsored by Representatives Freese, Gronemus, Albers, Black, Bies, J. Fitzgerald, Gunderson, Hines, Kaufert, Kerkman, Musser, Pettis, Sheridan, Shilling, Suder and Van Akkeren.

To joint survey committee on **Retirement Systems**.

#### Senate Bill 115

Relating to: utility aid payments based on the megawatt capacity of a wind farm.

By Senators A. Lasee, Lassa, Olsen, Erpenbach and Breske; cosponsored by Representatives Bies, Cullen, Gunderson, Hahn, F. Lasee, Townsend, Ainsworth, Musser, Molepske and Ott.

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

#### Senate Bill 116

Relating to: prohibitions against certain telephone solicitations, authorizing a private cause of action, and providing a penalty.

By Senators Erpenbach, Olsen, Risser, Carpenter, Miller, Taylor, Lassa, Breske and Hansen; cosponsored by Representatives Shilling, Black, Pocan, Parisi, Staskunas, Owens, Van Akkeren, Boyle, Sherman, Hebl, Gronemus, Berceau, Pope–Roberts, Hines, Cullen, Gunderson, Benedict, Krusick, Lehman, Sinicki, Grigsby, Jeskewitz, Loeffelholz, Ott, Ainsworth, Sheridan, Travis, Seidel, Molepske, Albers, Petrowski and Pridemore.

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

#### Senate Bill 117

Relating to: late payments of property tax installments and providing penalties.

By Senators Leibham and Reynolds; cosponsored by Representatives Ziegelbauer, Nass, LeMahieu, Pridemore, Kaufert, Molepske, Ainsworth, Black, Boyle, Gielow, Kreibich, Lehman, Musser, Pettis, Towns and Zepnick.

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

#### Senate Bill 118

Relating to: authorizing a city or a village to abolish its police department and contract for law enforcement services with a county.

By Senators Leibham, Lazich, Cowles, Roessler, Lassa, Harsdorf and Grothman; cosponsored by Representatives Musser, Ott, Pettis, Gundrum, Nass, Jensen, LeMahieu, Hines,

Bies, Gunderson, F. Lasee, Vrakas, Wood, Lothian, Berceau, Gottlieb, Kerkman, Jeskewitz, Ward, Zepnick, Nelson, Kestell, Krawczyk, Hubler, Kaufert, Molepske, Wieckert, McCormick and Townsend.

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

**Senate Bill 119**

Relating to: funding for identification cards provided without charge by the Department of Transportation and making appropriations.

By Senators Lazich, Leibham, Reynolds and Darling; cosponsored by Representatives Stone, Jensen, Wood, Krawczyk, Gundrum, Nischke, Hines, Vos, Albers, Pridemore, Hahn, Townsend, LeMahieu, Ainsworth, Freese and Davis.

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

**Senate Bill 120**

Relating to: driving a motor vehicle while using a cellular telephone or other wireless telecommunications device and providing a penalty.

By Senators Stepp, Harsdorf and A. Lasee; cosponsored by Representatives Kerkman, Staskunas, Vos, Ainsworth, Gielow, Turner, Hines, Townsend, Gunderson, Lehman, Boyle, Albers, Jeskewitz and Seidel.

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

**Senate Bill 121**

Relating to: appointment of student members of the Board of Regents of the University of Wisconsin System.

By Senators Harsdorf, Lassa, Olsen and Erpenbach; cosponsored by Representatives Lamb, Kreibich, Moulton, Gronemus, Gielow, Shilling, Vos, Cullen, Musser, Kerkman, Pocan, Krawczyk, Rhoades, Lothian, Black, Van Roy, Towns, Hines, Pridemore, Townsend, Stone, Seidel and Albers.

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

**Senate Bill 122**

Relating to: the licensing of motor vehicle salvage dealers.

By Senators Cowles, Breske, S. Fitzgerald, A. Lasee, Miller and Olsen; cosponsored by Representatives Ainsworth, Albers, Friske, Gronemus, Hahn, Hines, Lamb, F. Lasee, Loeffelholz, Nerison, Ott, Owens, Pettis, Richards, Suder, Towns, Van Roy and Vrakas.

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

**REPORT OF COMMITTEES**

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

SMITH, JOHNNIE, of Sun Prairie, as Administrator of Wisconsin Emergency Management, to serve for the term ending at the pleasure of the Governor.

Confirmation.

Ayes, 5 – Senators Brown, Zien, Kanavas, Breske and Wirch.

Noes, 0 – None.

RONALD BROWN  
Chairperson

**PETITIONS AND COMMUNICATIONS**

Pursuant to Senate Rule 17 (5), Senator Darling added as a coauthor to **Senate Bills 108 and 109.**

Pursuant to Senate Rule 17 (5), Senator Lassa added as a coauthor to **Senate Bill 109.**

Pursuant to Senate Rule 17 (5), Senator Carpenter added as a coauthor to **Senate Bill 109.**

Pursuant to Senate Rule 17 (5), Senator Stepp withdrawn as a coauthor to **Senate Bill 15.**

**State of Wisconsin  
Ethics Board**

March 15, 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>

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|---------------------|--|
| Austin, Royce       | Service Employees International Union Local 150    |
| Babula, Mary        | Wisconsin Early Childhood Association Inc          |
| Blumenfeld, Michael | Adoption Resources of Wisconsin                    |
| Blumenfeld, Michael | Community Health Partnership Inc                   |
| Blumenfeld, Michael | Milwaukee Jewish Federation Inc                    |
| Blumenfeld, Michael | Wisconsin Personal Services Association Inc (WPSA) |
| Boese, Jennifer     | Wisconsin Hospital Association Inc (WHA)           |
| Brooks, Bryan       | Logistics Health Incorporated                      |
| Essie, Patrick      | Wisconsin Hospital Association Inc (WHA)           |
| Handzel Jr, Henry   | Serigraph, Inc.                                    |
| Kammer, Peter       | Wisconsin Hospital Association Inc (WHA)           |
| Kussow, Michelle    | Labor Ready  |
| Leonhart, James     | Wisconsin Early Childhood Association Inc          |
| Mitchell, Brian     | Old Republic Surety Group                          |
| Mitchell, Brian     | Wisconsin Car Rental Alliance                      |
| Mitchell, Brian     | Wisconsin Underground Contractors Association      |
| Palmer, Todd        | Serigraph, Inc.                                    |
| Petak, George       | Logistics Health Incorporated                      |
| Ravn, J. Thomas     | Serigraph, Inc.                                    |
| Rogowski, Michael   | Logistics Health Incorporated                      |
| Scholz, Brandon     | Labor Ready  |
| Springer, Thomas J  | Logistics Health Incorporated                      |
| Stenger, Scott      | Wisconsin Commercial Fisheries Association         |
| Thilly, Roy         | Wisconsin Public Power Inc                         |
| Timko, Debbie       | Service Employees International Union Local 150    |
| Vega, Leonila       | Service Employees International Union Local 150    |

Wanta, Richard Wisconsin Underground Contractors Association  
Weiden, Michael Wisconsin Hospital Association Inc (WHA)  
White, Marcus Interfaith Conference of Greater Milwaukee

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  
Office of the Governor**

March 9, 2005  
The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint TAYLOR, ANNE, of Milwaukee, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2008.

Sincerely,  
JIM DOYLE  
Governor

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

**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

March 8, 2005  
The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CARLSON, KAREN, of Frederic, as a member of the Snowmobile Recreation 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**

March 7, 2005  
The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint GEERTSEN, DAVID, of Racine, 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 4, 2005  
The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint QUACKENBUSH, WILLIAM, of Black River Falls, as a member of the Kickapoo Reserve Management Board, to serve for the term ending May 1, 2008.

Sincerely,  
JIM DOYLE  
Governor

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

**State of Wisconsin  
Office of the Governor**

March 9, 2005  
The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint VUE, MAI ZONG, of Madison, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2007.

Sincerely,  
JIM DOYLE  
Governor

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

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

**Senate Clearinghouse Rule 04-103**

Relating to livestock premises registration.  
Submitted by Department of Agriculture, Trade and Consumer Protection.  
Report received from Agency, March 15, 2005.  
Referred to committee on **Agriculture and Insurance,** March 15, 2005.

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

**Senate Clearinghouse Rule 04-062**

Relating to miscellaneous structures in navigable waterways.  
No action taken.

**Senate Clearinghouse Rule 04-063**

Relating to boathouses and fixed houseboats in navigable waterways.  
No action taken.

**Senate Clearinghouse Rule 04-064**

Relating to fish and wildlife habitat structures in navigable waterways.  
No action taken.

**Senate Clearinghouse Rule 04-084**

Relating to the regulation of bridges and culverts in or over navigable waterways.  
No action taken.

**Senate Clearinghouse Rule 04-085**

Relating to regulation of grading on the bank of a navigable waterway.

No action taken.

**Senate Clearinghouse Rule 04-086**

Relating to regulation of construction, dredging, and enlargement of an artificial water body.

No action taken.

**Senate Clearinghouse Rule 04-087**

Relating to dredging in navigable waterways.

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 passed and asks concurrence in:

**Assembly Bill 18**

**Assembly Bill 40**

**Assembly Bill 90**

Concurred in:

**Senate Bill 27**

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**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 18**

Relating to: the use of a flashing or rotating amber light on certain motor trucks.

By Representatives Ainsworth, Albers, Gunderson, Hines, Hundertmark, Mursau, Musser, Ott, Owens, Parisi, Petrowski, Townsend and Van Roy; cosponsored by Senators Olsen, Grothman, A. Lasee, Lassa and Cowles.

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

**Assembly Bill 40**

Relating to: forfeiture of money derived from a drug crime.

By Representatives Bies, Albers, Fields, Gronemus, Gunderson, Gundrum, Hahn, Hines, Jeskewitz, Krawczyk, LeMahieu, Musser, Ott, Owens, Van Roy and Vos; cosponsored by Senators A. Lasee and Kedzie.

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

**Assembly Bill 90**

Relating to: notice of appeal of a municipal court judgment and requesting a jury trial on appeal from that judgement.

By Representatives Gundrum, Cullen, F. Lasee, Gunderson, Staskunas, Hines, Albers and Vrakas.

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

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**ADJOURNMENT**

The Chair, with unanimous consent, asked that the Senate adjourn until Wednesday, March 16, at 11:00 A.M.

Adjourned.

10:01 A.M.

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**AMENDMENTS OFFERED**

Senate amendment 1 to **Senate Bill 41** offered by Senator Cowles.

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**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**2005 ASSEMBLY BILL 90**

Prepared by the Legislative Reference Bureau  
(March 10, 2005)

1. Page 1, line 3: delete "judgement" and substitute "judgment".