



STATE OF WISCONSIN

Senate Journal

Ninety–Seventh Regular Session

11:00 A.M.

WEDNESDAY, March 16, 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, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 32.

Absent – Senator Jauch – 1.

The Senate stood for a moment of silent meditation.

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

CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated Tuesday, March 15, 2005.

Read and referred.

Senate Joint Resolution 16

Relating to: honoring and applauding the 2004–2005 University of Wisconsin–Green Bay women's basketball team and Head Coach Kevin Borseth on another very successful regular season and wishing them the best of luck in the NCAA tournament.

By Senators Hansen and Cowles; cosponsored by Representatives Krawczyk, Nelson and Van Roy.

To committee on **Senate Organization**.

INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Read and referred:

Senate Joint Resolution 17

Relating to: honoring the life and service of Gaylord Nelson.

By Senator Jauch.

To committee on **Senate Organization**.

PETITIONS AND COMMUNICATIONS

State of Wisconsin

March 15, 2005

The Honorable, The Senate:

Pursuant to Senate Rule 46(2)(c), I am writing to direct that **Senate Bill 119** be withdrawn from the committee on **Natural Resources and Transportation** and rereferred to the committee on **Labor and Election Process Reform**. I have obtained the consent of the appropriate chairperson.

Sincerely,

ALAN LASEE

Senate President

ADVICE AND CONSENT OF THE SENATE

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

ADELMAN, ELIZABETH, of Mukwonago, as a member of the State Historical Society Board of Curators, to serve for the term ending July 1, 2007.

BABLITCH, STEVE, of Whitefish Bay, as a member of the State of Wisconsin Investment Board, to serve for the term ending May 1, 2005.

BECHTHOLD, NED, of Elm Grove, as a member of the Bradley Center Sports and Entertainment Corporation, to serve for the term ending July 1, 2011.

BORCA, GREGORY, of Mequon, as a member of the Wisconsin Professional Baseball Park District Board for a term ending July 1, 2005.

CLIFFORD, LINDA, of Madison, as a member of the State Historical Society Board of Curators, to serve for the term ending July 1, 2006.

FERRALL, VICTOR E., of Orfordville, as a member of the State Historical Society Board of Curators, to serve for the term ending July 1, 2005.

GRECO, LISA M., of Brookfield, as a member of the Credit Union Review Board, to serve for the term ending May 1, 2007.

LINS, DEBRA R., of Prairie du Sac, as a member of the Banking Review Board, to serve for the term ending May 1, 2009.

OLSON, JAMES, of Appleton, as a member of the Savings Institutions Review Board, to serve for the term ending May 1, 2009.

WEGENKE, ROLF, of Madison, as a member of the Educational Communications Board, to serve for the term ending May 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, Harsdorf, 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 Jauch – 1.

Confirmed.

SPECIAL ORDERS

Special Order at 11:01 A.M.

Senate Bill 46

Relating to: campaign financing, designations for the Wisconsin election campaign fund by individuals filing state income tax returns, creating a nonrefundable individual income tax credit for contributions to the Public Integrity Endowment, candidate time on public broadcasting television stations and public access channels, statewide voter registration, staffing of the Elections Board, providing exemptions from emergency rule procedures, granting rule-making authority, and providing penalties.

Read a second time.

Senator Brown, with unanimous consent, asked to be added as a coauthor of **Senate Bill 46**.

Senator Kapanke, with unanimous consent, asked to be added as a coauthor of **Senate Bill 46**.

Senator Zien, with unanimous consent, asked to be added as a coauthor of **Senate Bill 46**.

Senator Hansen, with unanimous consent, asked to be added as a coauthor of Senate amendment 1.

Senator Schultz moved that Senate amendment 1 to **Senate Bill 46** be laid on the table.

The question was: Shall Senate amendment 1 to **Senate Bill 46** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; 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 and Zien – 18.

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Stepp, Taylor and Wirch – 15.

Absent or not voting – None.

Tabled.

Senator Kedzie moved that Senate amendment 2 to **Senate Bill 46** be laid on the table.

The question was: Shall Senate amendment 2 to **Senate Bill 46** 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.

Senate amendment 3 to **Senate Bill 46** offered by Senators Robson, Breske, Carpenter and Lassa.

Senator Kedzie moved that Senate amendment 3 to **Senate Bill 46** be laid on the table.

The question was: Shall Senate amendment 3 to **Senate Bill 46** 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.

Senator Jauch, with unanimous consent, asked that the record reflect that he would have voted aye on confirmation of the Executive Appointments.

Senate substitute amendment 1 to **Senate Bill 46** offered by Senator Decker.

Senate amendment 4 to **Senate Bill 46** offered by Senators Robson, Breske, Carpenter and Lassa.

Senate amendment 5 to **Senate Bill 46** offered by Senators Robson, Breske, Carpenter and Lassa.

Senate amendment 6 to **Senate Bill 46** offered by Senator Risser.

Senate amendment 7 to **Senate Bill 46** offered by Senator Jauch.

Senator Decker, with unanimous consent, asked that Senate substitute amendment 1 to **Senate Bill 46** be placed after Senate amendment 7 to **Senate Bill 46**.

Senator Schultz moved that Senate amendment 4 to **Senate Bill 46** be laid on the table.

The question was: Shall Senate amendment 4 to **Senate Bill 46** 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.

Senator Schultz moved that Senate amendment 5 to **Senate Bill 46** be laid on the table.

The question was: Shall Senate amendment 5 to **Senate Bill 46** 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.

Senator Schultz moved that Senate amendment 6 to **Senate Bill 46** be laid on the table.

The question was: Shall Senate amendment 6 to **Senate Bill 46** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 25; noes, 7; absent or not voting, 1; as follows:

Ayes – Senators Breske, Brown, Carpenter, Cowles, Darling, Ellis, Erpenbach, S. Fitzgerald, Grothman, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp and Zien – 25.

Noes – Senators Decker, Hansen, Miller, Risser, Robson, Taylor and Wirch – 7.

Absent or not voting – Senator Coggs – 1.

Tabled.

Senator Jauch, with unanimous consent, asked that Senate amendment 7 to **Senate Bill 46** be laid on the table.

Senator Decker, with unanimous consent, asked that Senate substitute amendment 1 to **Senate Bill 46** be withdrawn and returned to author.

Senate substitute amendment 2 to **Senate Bill 46** offered by Senator Robson.

Senator Schultz moved that Senate substitute amendment 2 to **Senate Bill 46** be laid on the table.

The question was: Shall Senate substitute amendment 2 to **Senate Bill 46** 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, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 19.

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

Absent or not voting – Senator Coggs – 1.

Tabled.

Ordered to a third reading.

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

Senate Bill 46

Read a third time.

Senator Miller moved that **Senate Bill 46** be referred to the committee on **Campaign Finance Reform and Ethics**.

The question was: Shall **Senate Bill 46** be referred to the committee on **Campaign Finance Reform and Ethics**?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 20; absent or not voting, 0; as follows:

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

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

Absent or not voting – None.

Referral Refused.

The question was: Shall **Senate Bill 46** be passed?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 20; absent or not voting, 0; as follows:

Ayes – Senators Brown, Carpenter, Cowles, Darling, Ellis, Harsdorf, Kapanke, A. Lasee, Olsen, Risser, Roessler, Schultz and Zien – 13.

Noes – Senators Breske, Coggs, Decker, Erpenbach, S. Fitzgerald, Grothman, Hansen, Jauch, Kanavas, Kedzie, Lassa, Lazich, Leibham, Miller, Plale, Reynolds, Robson, Stepp, Taylor and Wirch – 20.

Absent or not voting – None.

Refused passage.

Senator Lassa, with unanimous consent, asked to be withdrawn as a coauthor of **Senate Bill 46**.

SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

Senate Joint Resolution 14

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

Read.

Adopted.

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

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

Senator Erpenbach, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 14**.

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.

Read.

Adopted.

Senate Bill 55

Relating to: limits on the designation of enterprise development zones.

Read a second time.

Senator Darling, with unanimous consent, asked to be added as a coauthor of **Senate Bill 55**.

Ordered to a third reading.

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

Senate Bill 55

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 30; noes, 3; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Olsen, Plale, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 30.

Noes – Senators Grothman, Miller and Reynolds – 3.

Absent or not voting – None.

Passed.

SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS

Assembly Joint Resolution 21

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

The question was: Shall **Assembly Joint Resolution 21** be concurred in?

Senator Kanavas, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 21**.

Senator Breske and Zien, with unanimous consent, asked to be made cosponsors of **Assembly Joint Resolution 21**.

Concurred in.

Senator Jauch, with unanimous consent, asked that **Senate Joint Resolution 17** be withdrawn from the committee on **Senate Organization** and taken up.

Senate Joint Resolution 17

Relating to: honoring the life and service of Gaylord Nelson.

Read.

Adopted.

Senator Erpenbach, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 17**.

Senator Kedzie, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 17**.

Senator Kedzie, with unanimous consent, asked that **Senate Joint Resolution 16** be withdrawn from the committee on **Senate Organization** and taken up.

Senate Joint Resolution 16

Relating to: honoring and applauding the 2004–2005 University of Wisconsin–Green Bay women’s basketball team and Head Coach Kevin Borseth on another very successful regular season and wishing them the best of luck in the NCAA tournament.

Read.

Adopted.

Senator Kanavas, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 16**.

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

Messaged

ANNOUNCEMENTS, ADJOURNMENT HONORS, AND REMARKS UNDER SPECIAL PRIVILEGE

Senator Lassa, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her sister Katie Lassa, who will celebrate her 20th birthday on March 18.

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

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the 50th anniversary of John (Jack) and Beverly Busse, 37 year residents of Kenosha.

Senator Plale, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Jack Plale on the occasion of his 8th birthday on March 21.

Senator Cowles, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the DePere High School Girls Basketball Team that claimed the Division I State Basketball Championship this past weekend. This is the second time the DePere Redbirds have won the Girls Basketball State Title. The last time was 22 years ago, in 1983. Congratulations DePere.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her daughter, Elizabeth Winklejohn, on her 34th birthday today.

Senator Fitzgerald, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Jefferson High School Girls Basketball Team, the Lady Eagles, which won the school's first basketball State Championship, winning the Wisconsin Interscholastic Athletic Association Division II title. They scored 46 to 29 over Green Bay Notre Dame. The Lady Eagles were led to victory by their coaches, Dena Smith, Steve Rogers, Paul Ganser, and Mike Prosser. Congratulations to the Lady Eagles who brought their school its second state title, and its first in basketball. The team includes seniors Jen Zastrow, Vicki Ruiz, Laura Turley, Leslie McGrath, Erin Frank, and Caitlin Gibson; juniors Nicole Bleecker and Bridge Unger; and sophomores Amber Hemp, Laura Wollet, and Lin Zastrow.

Senator Olsen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Justin B. Shank. Justin, the 16 year old son of Jeff and Judy Shank in Markesan, was

tragically killed last week in an auto accident while driving to his home. Justin was an excellent student and a fine young man in the Green Lake School District. His middle school principal referred to him as a leader in and out of the classroom. He was involved in the math team, chess club, academic bowl, band, and football.

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor Gaylord Nelson and his family; his wife, Carrie Lee; his son, Happy; his daughter, Tia; and his son, Jeffrey, as the 35th anniversary of Earth Day approaches in April. Gaylord has selflessly committed himself to an extraordinary life serving the public and has set the standards in leadership and responsibility not only for the generation of 35 years ago, but also for this generation and many yet to come. Gaylord has always believed in making a difference in people's lives. He is dearly loved and he is deeply appreciated. Gaylord Nelson is owed the thanks of the people, as is his family for sharing him. Wisconsin is most grateful.

ADJOURNMENT

Senator Schultz, with unanimous consent, asked that the Senate adjourn until Tuesday April 5, 2005 pursuant to Senate Joint Resolution 1.

Adjourned.

1:40 P.M.

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 30** offered by Senator Kedzie.