

STATE OF WISCONSIN
Senate Journal
Ninety–Seventh Regular Session

WEDNESDAY, March 23, 2005

The Chief Clerk makes the following entries under the above date.

CHIEF CLERK’S ENTRIES

The Chief Clerk makes the following entries dated Wednesday, March 16, 2005.

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has concurred in:

Senate Joint Resolution 17

The Chief Clerk makes the following entries dated Thursday, March 17, 2005.

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has concurred in:

Senate Bill 3

Senate Joint Resolution 7

Senate Joint Resolution 8

Senate Joint Resolution 12

Senate Joint Resolution 14

Senate Joint Resolution 15

Senate Joint Resolution 16

The Chief Clerk records:

Senate Joint Resolution 17

Report correctly enrolled on March 17, 2005.

The Chief Clerk makes the following entries dated Friday, March 18, 2005.

Read and referred:

Senate Resolution 4

Relating to: calling on the Congress of the United States to reject plans to privatize Social Security by cutting Social Security’s guaranteed benefits and diverting money out of

Social Security into private investment accounts and, further, calling on Congress to commit to repaying to the Social Security Trust Fund the moneys it has taken and spent for other purposes.

By Senators Robson, Hansen, Erpenbach, Miller, Lassa, Carpenter, Taylor and Wirch.

To committee on **State and Federal Relations**.

Read first time and referred:

Senate Bill 123

Relating to: reorganizing and revising chapter 767 of the statutes.

By Joint Legislative Council.

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

Senate Bill 124

Relating to: authorizing a town that has entered into a cooperative boundary agreement to use tax incremental financing.

By Senators Kanavas, Schultz, Stepp and Grothman; cosponsored by Representatives Nischke, Jensen, Kerkman, Hahn, Gielow, Krawczyk, Pridemore, Van Roy, Ainsworth, Bies, Owens, F. Lasee and Gunderson.

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

Senate Bill 125

Relating to: the design of special registration plates associated with persons interested in supporting endangered resources.

By Senator Decker; cosponsored by Representative Seidel.

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

Senate Bill 126

Relating to: changing the requirements for the publication of city and village ordinances.

By Senators Roessler, Brown, A. Lasee, Lassa, Grothman, Reynolds and Kanavas; cosponsored by Representatives Gottlieb, Ainsworth, Berceau, Bies, Gielow, Hahn, Hines, Jeskewitz, Kerkman, Kestell, LeMahieu, Mursau, Nischke, Ott, Owens, Pettis, Gunderson, Kreibich, Molepske, Staskunas, Stone, Pridemore, Seidel, Strachota, Van Roy, Vos and Musser.

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

Senate Bill 127

Relating to: donation of newborn umbilical cord blood.

By Senators Leibham, Lassa, Breske, Reynolds, A. Lasee, Roessler, Lazich, Grothman, Cowles, Kapanke, Stepp and Kedzie; cosponsored by Representatives Wieckert, Pettis, LeMahieu, Nischke, Ainsworth, Hines, Kerkman, Bies, Ott, Petrowski, Owens, Nass, Vrakas, Musser, Gunderson, Davis,

Pridemore, Albers, Kreibich, M. Williams, Kestell, Gronemus, Underheim, Molepske, Krawczyk, Gard, Ballweg, Hahn, Wood, Gottlieb, Strachota, Kleefisch, Mursau and Jeskewitz.

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

Senate Bill 128

Relating to: increasing the limits for insurance coverage of nervous or mental health disorders or alcoholism or other drug abuse problems.

By Senators Hansen, Miller, Risser, Stepp, Wirch and Harsdorf; cosponsored by Representatives Lehman, Benedict, Berceau, Black, Grigsby, Kreibich, Ott, Parisi, Pocan, Pope-Roberts, Shilling, Seidel, Sheridan and Zepnick.

To committee on **Agriculture and Insurance**.

Senate Bill 129

Relating to: transfer of the business employees' skills training grant program to the Technical College System Board, granting rule-making authority, and making an appropriation.

By Senators Leibham, Kanavas, Stepp, Zien and Darling; cosponsored by Representatives Davis, Wieckert, Hines, Moulton, Kleefisch, Kerkman, Owens, Vos, Montgomery, Suder, Honadel, Towns, Gronemus, Freese, J. Fitzgerald, Vrakas, Van Roy, Nischke, Gunderson, Albers, Hundertmark, Lamb, Musser, Hahn and LeMahieu.

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

Senate Bill 130

Relating to: increasing the income limit and maximum annual loan amount under a program of the Wisconsin Housing and Economic Development Authority.

By Senators Lassa, Roessler, Hansen, Wirch, Robson and Decker; cosponsored by Representatives Molepske, Ainsworth, Berceau, Vruwink, Sinicki, Boyle, Staskunas, Black, Lehman, Pocan, Sheridan, Friske and Ott.

To committee on **Housing and Financial Institutions**.

Pursuant to Senate Rule 17 (5), Senator Darling added as a coauthor to **Senate Bill 118**.

**State of Wisconsin
Office of the Governor**

March 15, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint STEWART, LINDA, of Milwaukee, as a member of the Wisconsin Housing and Economic Development Authority, for the term ending January 1, 2008.

Sincerely,

JIM DOYLE
Governor

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

Senate Clearinghouse Rule 05-009

Relating to the standards and procedures for the issuance of single and multiple trip oversize and overweight permits.

Submitted by Department of Transportation.

Report received from Agency, March 16, 2005.

Referred to committee on **Natural Resources and Transportation**, March 18, 2005.

The committee on **Judiciary, Corrections and Privacy** reports and recommends:

Senate Clearinghouse Rule 04-083

Relating to operational improvements to the Wisconsin Lottery and the retailer performance program of the lottery, and affecting small businesses.

No action taken.

DAVID ZIEN
Chairperson

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

Senate Clearinghouse Rule 04-141

Relating to military vehicle operator CDL exemption.

No action taken.

NEAL KEDZIE
Chairperson

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 37

Assembly Bill 92

Assembly Bill 125

Assembly Bill 145

Assembly Bill 37

Relating to: an exemption from the witness exclusion rule for a law enforcement investigator designated by the state in criminal and delinquency proceedings.

By Representatives Friske, Albers, Ballweg, Ott, Musser, Gunderson, Hahn, Stone, Townsend, Gronemus and Lehman; cosponsored by Senators Roessler and A. Lasee.

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

Assembly Bill 92

Relating to: evidence of being under the influence of an intoxicant.

By Representatives Gundrum, Molepske, Staskunas, Ziegelbauer, Gielow, Ainsworth, Bies, Hines and Stone; cosponsored by Senators Roessler, Kedzie and Lassa.

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

Assembly Bill 125

Relating to: the dairy investment tax credit.

By Representatives Ott, Nerison, Towns, Davis, Suder, Gard, Hahn, Hines, Ainsworth, Freese, Musser, Nass, Townsend, McCormick, Loeffelholz, F. Lasee, Albers, Van Roy, Gronemus, M. Williams, Lothian, Petrowski, Vrakas, Gunderson, Mursau, Vruwink and Ballweg; cosponsored by Senators Kapanke, Roessler, Brown, Grothman, Kanavas, Leibham, Harsdorf, Lassa, Cowles, Hansen and Kedzie.

Read first time and referred to committee on **Agriculture and Insurance**.

Assembly Bill 145

Relating to: creating an income and franchise tax credit for livestock farm modernization or expansion.

By Representatives Nerison, Gronemus, Ott, Gard, Vruwink, Ainsworth, Towns, Loeffelholz, Suder, Kestell, Albers, Ballweg, Davis, Freese, Gunderson, Hahn, Krawczyk, McCormick, Musser, Hundertmark, Owens, Pettis and Townsend; cosponsored by Senators Kapanke, Erpenbach, A. Lasee and Roessler.

Read first time and referred to committee on **Agriculture and Insurance**.

Senate amendment 1 to **Senate Bill 51** offered by Senator Olsen.

Senate amendment 1 to **Senate Bill 58** offered by Senator Kanavas.

Senate amendment 2 to **Senate Bill 58** offered by Senator Kanavas.

The Chief Clerk records:

- Senate Joint Resolution 7**
- Senate Joint Resolution 8**
- Senate Joint Resolution 12**
- Senate Joint Resolution 14**
- Senate Joint Resolution 15**
- Senate Joint Resolution 16**
- Senate Bill 3**
- Senate Bill 27**

Report correctly enrolled on March 18, 2005.

INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Read and referred:

Senate Bill 131

Relating to: the offering of health savings accounts under the state employee health care coverage program.

By Senators Darling, Leibham, Kanavas, Grothman, Brown, A. Lasee and Reynolds; cosponsored by Representatives Strachota, Jensen, Gielow, Jeskewitz, Vos, Ainsworth, Moulton, Wieckert, Kreibich, Nischke, Hines, Hahn, Bies, Pridemore, Albers and Ott.

To joint committee on **Finance**.

Senate Bill 132

Relating to: payment of litigation expenses of emergency medical services personnel, fire fighters, first responders, and law enforcement or correctional officers.

By Senators Kanavas, Kedzie, Stepp, Brown, Roessler and Coggs; cosponsored by Representatives Davis, Montgomery, Hahn, Ainsworth, Bies, Gunderson, Gundrum, Jensen, Townsend, Ott, Vos, Rhoades, Hines, Van Roy, Jeskewitz, Friske, Gronemus and Musser.

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

Senate Bill 133

Relating to: an exemption from the real estate transfer fee for a conveyance between a single member limited liability company and its sole member.

By Senators Kanavas, Cowles and Grothman; cosponsored by Representatives Nischke, Hahn, Kerkman, Hines, Musser, Gunderson and Albers.

To joint survey committee on **Tax Exemptions**.

Senate Bill 134

Relating to: use of and access to digital recordings of a child's statement in certain court and administrative proceedings.

By Senators Jauch, A. Lasee, Roessler, Olsen, Lassa and Coggs; cosponsored by Representatives Kleefisch, Boyle, Gundrum, Gunderson, Hahn, Hines, Lamb, Vos, Davis, Pridemore, Ballweg, Berceau, Jeskewitz, Musser, Albers, Ott, Petrowski, Turner, Pohan, Richards, Lehman, Strachota and Seidel.

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

Senate Bill 135

Relating to: requiring that personal flotation devices be worn by certain underage persons in certain boats.

By Senators Roessler, Cowles, Lassa and Miller; cosponsored by Representatives Freese, Staskunas, Ainsworth, Albers, Berceau, Bies, Black, Hahn, Hines, Jensen, Krawczyk, Lehman, Molepske, Nerison, Ott, Owens, Sheridan, Stone, Townsend and Van Roy.

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

Senate Bill 136

Relating to: creating income and franchise tax credits for businesses located in an airport development zone and a loan program for certain construction projects in an airport development zone.

By Senators Roessler, Brown, Erpenbach and Lassa; cosponsored by Representatives Underheim, Pettis, Nass, McCormick, Gunderson, Hines, Townsend and Zepnick.

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

Senate Bill 137

Relating to: environmental claims under general liability insurance policies, fees related to removal of contaminated material from a navigable water, and making an appropriation.

By Senators Cowles, A. Lasee, Plale and Roessler; cosponsored by Representatives Kaufert, Huebsch, Ott, Hahn, Hundertmark, Hines, Wood, Friske, Turner, Honadel, Musser, Travis, Towns, Van Roy, Krawczyk, Kreibich, Owens, Bies, Zepnick, Young and Albers.

To committee on **Agriculture and Insurance**.

Senate Bill 138

Relating to: voluntary and informed consent for abortions.

By Senators Grothman, Leibham, Cowles, S. Fitzgerald, Zien, Reynolds, Brown, A. Lasee, Lazich, Kanavas, Kedzie, Kapanke, Stepp and Roessler; cosponsored by Representatives Nischke, LeMahieu, Gundrum, Kerkman, Kestell, Kreibich, Ballweg, Loeffelholz, Davis, Krawczyk, Ainsworth, Van Roy, Hines, Jeskewitz, Gottlieb, Bies, M. Williams, Strachota, Honadel, Owens, J. Fitzgerald, Nass, Gunderson, Vrakas, Montgomery, Kleefisch, Hahn, Towns, Underheim, Wieckert, Albers, Ott, Petrowski, Wood, McCormick, Pridemore and Hundertmark.

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

PETITIONS AND COMMUNICATIONS

State of Wisconsin

March 22, 2005

The Honorable, The Senate:

Pursuant to Senate Rule 46(2)(c), I am writing to direct that **Senate Bill 37** and **Senate Bill 103** be withdrawn from the committee on **Job Creation and Economic Development** and referred to the committee on **Joint Finance**. I have obtained the consent of the appropriate chairperson.

Sincerely,

ALAN LASEE
Senate President

State of Wisconsin

March 23, 2005

The Honorable, The Senate:

Pursuant to Senate Rule 46(2)(c), I am writing to direct that **Senate Bill 123** be withdrawn from the committee on **Health, Children, Families, Aging and Long Term Care** and referred to the committee on **Judiciary, Corrections and Privacy**. I have obtained the consent of the appropriate chairperson.

Sincerely,

ALAN LASEE
Senate President

**State of Wisconsin
Department of Administration**

March 15, 2005

The Honorable, The Legislature:

This report is transmitted as required by sec. 20.002(11)(f) of the Wisconsin Statutes, (for distribution to the appropriate standing committees under sec. 13.172(3) Stats.), and confirms that the Department of Administration has found it necessary to exercise the “temporary reallocation of balances” authority provided by this section in order to meet payment responsibilities and cover resulting negative balances during the month of February 2005.

On February 1, 2005, the **Medical Assistance Trust Fund** cash balance closed at its intramonth low of a negative \$190.5 million. The fund’s negative cash balance continued through February 28, 2005, when the fund’s cash balance closed at a negative \$158.7 million. The deficit is due to federal revenues falling short of estimates included in Wisconsin Act 33.

The Medical Assistance Trust Fund shortfall was not in excess of the statutory interfund borrowing limitations and did not exceed the balances of the funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund’s share. Therefore, the monthly calculation by the State Controller’s Office will automatically reflect the use of these temporary reallocations of balance authority, and as a result, the funds requiring the use of the authority will effectively bear the interest cost.

Sincerely,

MARC J. MAROTTA
Secretary

Referred to joint committee on **Finance**.

Pursuant to Senate Rule 17 (5), Senator Lassa added as a coauthor to **Senate Bill 117**.

State of Wisconsin

March 10, 2005

The Honorable, The Senate:

Please withdraw my name as a cosponsor of Senate Bill 15.

Sincerely,

MARK HONADEL
State Representative

**State of Wisconsin
Office of the Governor**

To the Honorable, the Senate:

Please withdraw the nomination of Gerald Kleczka to the Tax Appeals Commission.

Sincerely,

JIM DOYLE
Governor

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

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

Senate Clearinghouse Rule 03–111

Relating to fees for copies of health care records.

Report objection recommended, Ayes 4, Noes 1.

Ayes, 4 – Senators Roessler, Darling, Brown and Carpenter.

Noes, 1 – Senator Erpenbach.

Referred to joint committee for **Review of Administrative Rules**, March 23, 2005.

Senate Clearinghouse Rule 04–093

Relating to restaurants and affecting small businesses.

No action taken.

Senate Clearinghouse Rule 04–096

Relating to retail food establishments.

No action taken.

CAROL ROESSLER
Chairperson

The committee on **Job Creation, Economic Development and Consumer Affairs** reports and recommends:

Senate Clearinghouse Rule 04–108

Relating to technology commercialization programs and affecting small businesses.

No action taken.

Senate Clearinghouse Rule 04–120

Relating to the 2005 edition of the uniform standards of professional appraisal practice (USPAP).

No action taken.

TED KANAVAS
Chairperson

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

Senate Clearinghouse Rule 04–049

Relating to electronic funds transfer.

No action taken.

Senate Clearinghouse Rule 04-116

Relating to the subtraction from income allowed for military pay received by members of a reserve component of the armed forces.

No action taken.

RONALD BROWN
Chairperson

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 37** offered by Senator Leibham.

Senate amendment 1 to **Senate Bill 56** offered by Senator Cowles.

Senate amendment 2 to **Senate Bill 56** offered by Senator Cowles.

Senate amendment 3 to **Senate Bill 56** offered by Senator Cowles.