

STATE OF WISCONSIN
Senate Journal
Ninety–Seventh Regular Session

WEDNESDAY, April 27, 2005

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

CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated Thursday, April 21, 2005.

Senate amendment 1 to **Senate Bill 140** offered by Senator Roessler.

The Chief Clerk makes the following entries dated Friday, April 22, 2005.

Read first time and referred:

Senate Bill 183

Relating to: increasing the maximum amount of grants to certain organizations that provide support to a manufacturing extension center and making an appropriation.

By Senators Stepp, Kanavas, Harsdorf, Lassa, Zien and Roessler; cosponsored by Representatives Davis, Vos, Kerkman, Petrowski, Krawczyk, McCormick, Gunderson, Hines and Kreibich.

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

Senate Bill 184

Relating to: allowing refunds for claiming the development zones capital investment tax credit, development zones credit, development opportunity zones credit, technology zones credit, and making an appropriation.

By Senators Stepp, Kanavas, Zien and Roessler; cosponsored by Representatives Vos, McCormick, Krawczyk, Kreibich and Freese.

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

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

BARISAS–MATULA, MYLINDA, of Sheboygan, as a member of the Occupational Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2006.

Confirmation.

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

Noes, 0 – None.

STARR, ANN MARIE, of Shorewood, 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.

Confirmation.

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

Noes, 0 – None.

TAYLOR, ANNE, of Milwaukee, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2008.

Confirmation.

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

Noes, 0 – None.

VUE, MAI ZONG, of Madison, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2007.

Confirmation.

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

Noes, 0 – None.

Senate Bill 157

Relating to: the full and equal enjoyment of a public place of accommodation or amusement by a person with a disability who is accompanied by a service animal.

Passage.

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

Noes, 0 – None.

CAROL ROESSLER

Chairperson

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

Senate Bill 140

Relating to: eliminating a penalty for certain early withdrawals from an individual retirement account.

Adoption of Senate Amendment 1.

Ayes, 4 – Senators Kanavas, Zien, Reynolds and Lassa.

Noes, 1 – Senator Decker.

Passage as amended.

Ayes, 4 – Senators Kanavas, Zien, Reynolds and Lassa.

Noes, 1 – Senator Decker.

Senate Bill 29

Relating to: increasing the amount of the individual income tax personal exemption for certain older taxpayers.

Passage.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.

Noes, 0 – None.

Senate Bill 30

Relating to: exempting from taxation retirement plan income received by an individual.

Adoption of Senate Substitute Amendment 1.

Ayes, 4 – Senators Kanavas, Zien, Reynolds and Lassa.
Noes, 1 – Senator Decker.

Passage as amended.

Ayes, 4 – Senators Kanavas, Zien, Reynolds and Lassa.
Noes, 1 – Senator Decker.

Senate Bill 31

Relating to: increasing the amount of the individual income tax subtract modification for social security benefits.

Passage.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.

Noes, 0 – None.

Senate Bill 36

Relating to: increasing the amount of the individual income tax subtract modification for social security benefits.

Passage.

Ayes, 4 – Senators Kanavas, Zien, Reynolds and Lassa.
Noes, 1 – Senator Decker.

Senate Bill 86

Relating to: adopting changes to the Internal Revenue Code for state income and franchise tax purposes.

Passage.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.

Noes, 0 – None.

TED KANAVAS
Chairperson

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

Senate Bill 39

Relating to: school transportation bio–diesel fuel cost assistance and making appropriations.

Adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Senate Bill 41

Relating to: the definition of biodiesel fuel and the labeling, advertising, and promoting of biodiesel fuel and biodiesel fuel blends for sale.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Senate Bill 45

Relating to: operating certain 3–vehicle combinations on the highways.

Passage.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

NEAL KEDZIE
Chairperson

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

Senate Bill 56

Relating to: state contractual service contracting procedures and information and fiscal estimate cost mitigation analyses, granting rule–making authority, and providing an exemption from and extending the time limit for emergency rule procedures.

Adoption of Senate Substitute Amendment 1.

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

Noes, 0 – None.

Passage as amended.

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

Noes, 0 – None.

RONALD BROWN
Chairperson

State of Wisconsin

April 21, 2005

The Honorable, The Senate:

Pursuant to Senate Rule 46(2)(c), I am writing to direct that **Senate Bill 56**, and **Assembly Bills 105 and 145** be withdrawn from the committee on **Senate Organization** and rereferred to the committee on **Joint Finance**. I have obtained the consent of the appropriate chairperson.

Sincerely,

ALAN LASEE
Senate President

State of Wisconsin

April 22, 2005

The Honorable, The Senate:

Pursuant to Senate Rule 46(2)(c), I am writing to direct that **Senate Bills 29, 30, 31, 36, 41, 86, and 140** be withdrawn from the committee on **Senate Organization** and rereferred to the committee on **Joint Finance**. I have obtained the consent of the appropriate chairperson.

Sincerely,

ALAN LASEE
Senate President

State of Wisconsin

April 22, 2005

The Honorable, The Legislature:

Please remove my name from the list of co-sponsors of 2005 Senate Bill 87.

Sincerely,

JOHN F. TOWNSEND
State Representative

**State of Wisconsin
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Joint Resolution</u>	<u>Enrolled Number</u>	<u>Publication Date</u>
SJR 11	4	Not Published

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

**State of Wisconsin
Ethics Board**

April 26, 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>

Boyer, Amy	Correctional Medical Services
Cole, Darnell	Milwaukee Area Technical College
Cullen, Lee	Energy Efficiency & Renewables Group (EERG)
Curtin, Wayne	Harley-Davidson Motor Company
Franken, Andrew	Correctional Medical Services
Grabel, John	AFSCME Council 11
Herman, Patricia	Prevent Child Abuse Wisconsin
Kirchner, Gabe	AFT – Wisconsin
Kussow, Michelle	Racine Area Manufacturers and Commerce
O'Connor, Alice	American Association of Neuromuscular & Electrodiagnostic Medicine
Pawlich, Curt	Energy Efficiency & Renewables Group (EERG)
Petak, George	Wisconsin Medical Society
Rogowski, Michael	Wisconsin Medical Society
Scholz, Brandon	Racine Area Manufacturers and Commerce
Springer, Thomas J	Wisconsin Medical Society
Wagner, Burton	Wisconsin Nurses Association

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

**Milwaukee Public Schools
Division of Business Services**

April 22, 2005

The Honorable, The Senate:

According to Wisconsin School Law 121.87 in accordance with 13.172, the Board is required by law to submit the enclosed reports. School Law 121.87 states "...annually by May 1 the board of school directors of the school district operating under ch. 119 shall submit a report to the legislature under s.13.172(2) that specifies the number, percentage, race, sex, grade and attendance area of pupils transferred outside their attendance area without written consent under s.121.85(6)(am)."

Enclosed you will find a report that meet the requirements stated above. The total number of intradistrict students based under the Chapter 220 designation for the school year 2004-2005 equals 17,054. Of that number 901 either did not return a consent form or checked box indicating no consent. Students who have moved during the school year and no longer require parental consent were subtracted from the non-returned figure. The district did not meet the requirement of one hundred percent (100%) parents providing consent.

Sincerely,
MICHAEL TURZA
Director

**State of Wisconsin
Office of the Governor**

April 18, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HARRIS, VERA, of Madison, as a member of the Barbering and Cosmetology Examining Board, 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.**

**State of Wisconsin
Office of the Governor**

April 19, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint NEUBAUER, LISA, of Racine, as a member of the Wisconsin Professional Baseball Park District Board, for the term ending July 1, 2007.

Sincerely,
JIM DOYLE
Governor

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

**State of Wisconsin
Office of the Governor**

April 20, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SPANO, DAVID, of Elm Grove, as a

member of the Wisconsin Professional Baseball Park District Board, for the term ending July 1, 2007.

Sincerely,

JIM DOYLE
Governor

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

**State of Wisconsin
Office of the Governor**

April 19, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SPENCER, ROBERT R., of La Crosse, as a member of the Veterinary Examining Board, for the term ending July 1, 2009.

Sincerely,

JIM DOYLE
Governor

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

Senate Clearinghouse Rule 04–118

Relating to the name of the principles and practice examination for land surveyors.

Submitted by Department of Regulation and Licensing.

Report received from Agency, April 21, 2005.

Referred to committee on **Job Creation, Economic Development and Consumer Affairs**, April 22, 2005.

Senate Clearinghouse Rule 04–119

Relating to the barrier free design parts of the board's examinations for professional engineers.

Submitted by Department of Regulation and Licensing.

Report received from Agency, April 21, 2005.

Referred to committee on **Job Creation, Economic Development and Consumer Affairs**, April 22, 2005.

Senate Clearinghouse Rule 04–123

Relating to public assistance overpayment collection and affecting small businesses.

Submitted by Department of Workforce Development .

Report received from Agency, April 21, 2005.

Referred to committee on **Veterans, Homeland Security, Military Affairs, Small Business and Government Reform**, April 22, 2005.

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

Read first time and referred:

Senate Bill 185

Relating to: the annual adjustment of the motor vehicle fuel tax rate.

By Senators Reynolds, Zien and Lazich; cosponsored by Representatives F. Lasee, Albers, Hines, Krawczyk, Kreibich and Pridemore.

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

Senate Bill 186

Relating to: providing immunity from civil liability for users, owners, and providers of automatic defibrillators for acts or omissions in rendering emergency care in good faith.

By Senators Leibham, Lassa, Roessler, Olsen, Cowles, A. Lasee, Stepp, Grothman, Erpenbach, Robson, Darling, Brown, Harsdorf and Kedzie; cosponsored by Representatives Wasserman, Montgomery, Gronemus, Ainsworth, Musser, Vos, Gielow, Ott, Townsend, Nass, Kestell, Hahn, Davis, Petrowski, Albers, Vrakas, Van Akkeren, Hines, Lothian, Van Roy, Loeffelholz, F. Lasee, Freese, Berceau, Lehman, Pocan, Pope–Roberts, Pridemore, Sheridan, Staskunas and Turner.

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

Senate Bill 187

Relating to: making a student who has been convicted of possessing, with intent to manufacture, distribute, or deliver, or of manufacturing, distributing, or delivering, a controlled substance or controlled substance analog ineligible for state financial aid and granting rule-making authority.

By Senators Leibham, Roessler, Olsen, Lazich, A. Lasee and Cowles; cosponsored by Representatives Kreibich, Pettis, Suder, Gundrum, Ainsworth, Pridemore, Owens, Vos, Strachota, Krawczyk, Gard, Ott, Nass, Hahn, LeMahieu, Jeskewitz, Davis, Gunderson, Petrowski, Albers, Bies, Van Roy, Hines, Lothian and Lamb.

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

Senate Bill 188

Relating to: failure to pay owners of raw forest products and providing a penalty.

By Senators Lassa and Roessler; cosponsored by Representatives Molepske, Ainsworth, Sheridan, Musser, F. Lasee, Bies, Hines, Jeskewitz, Ott and Gunderson.

To committee on **Agriculture and Insurance.**

Senate Bill 189

Relating to: the transfer of natural resources approvals, preference points, and preference categories and granting rule-making authority.

By Senators Leibham, Decker, A. Lasee, Olsen and Stepp; cosponsored by Representatives Gunderson, Kestell, Ainsworth, Albers, Ballweg, Gard, Gronemus, Hundertmark, Krawczyk, Kreibich, Lamb, F. Lasee, Lothian, McCormick, Meyer, Montgomery, Musser, Ott, Petrowski, Pettis, Pridemore, Suder, Towns, Van Roy, Vos, Vruwink and M. Williams.

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

Senate Bill 190

Relating to: creating a nonrefundable individual income tax credit for certain amounts of taxable social security benefits.

By Senators Kedzie, Darling, Harsdorf, Kanavas, A. Lasee, Lassa, Lazich, Leibham, Roessler and Stepp; cosponsored by Representatives Kerkman, Loeffelholz, Owens, Albers, Bies, Boyle, Davis, Freese, Gielow, Gronemus, Gundrum, Hahn, Hines, Honadel, Hundertmark, Jensen, Jeskewitz, Krawczyk, Kreibich, LeMahieu, Lothian, McCormick, Meyer, Mursau, Musser, Nass, Nischke, Ott, Petrowski, Pettis, Pridemore, Suder, Townsend, Van Roy, Vos, Vrakas and Wood.

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

Senate Bill 191

Relating to: county of placement for persons on supervised release.

By Senators Plale, Carpenter, A. Lasee and Reynolds; cosponsored by Representatives Honadel, Cullen, McCormick, Sinicki, Staskunas, Stone, Vukmir, Zepnick and Pridemore.

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

REPORT OF COMMITTEES

The committee on **Labor and Election Process Reform** reports and recommends:

Senate Bill 171

Relating to: the scheduling of referenda to approve school district borrowing or exceed a school district's revenue limit.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Reynolds, Lazich, Kanavas, Hansen and Carpenter.

Noes, 0 – None.

Passage as amended.

Ayes, 3 – Senators Reynolds, Lazich and Kanavas.

Noes, 2 – Senators Hansen and Carpenter.

THOMAS REYNOLDS
Chairperson

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

HAGER, ALAN S., of Lena, as a member of the Auctioneer Board, to serve for the term ending May 1, 2005.

Confirmation.

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

Noes, 0 – None.

HAGER, ALAN, of Lena, as a member of the Auctioneer Board, to serve for the term ending May 1, 2009.

Confirmation.

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

Noes, 0 – None.

NASHOLD, JENNIFER W., of Madison, as a member of the Tax Appeals Commission, to serve for the term ending March 1, 2009.

Confirmation.

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

Noes, 0 – None.

NORMAN, DIANE, of McFarland, as a member of the Tax Appeals Commission, to serve for the term ending March 1, 2007.

Confirmation.

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

Noes, 0 – None.

VAN GOETHEM, RICK, of Green Bay, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2005.

Confirmation.

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

Noes, 0 – None.

RONALD BROWN
Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin

April 26, 2005

The Honorable, The Senate:

Pursuant to Senate Rule 46(2)(c), I am writing to direct that **Senate Bill 128** be withdrawn from the committee on **Agriculture and Insurance** and rereferred to the committee on **Health, Children, Families, Aging and Long Term Care**. I have obtained the consent of the appropriate chairperson.

Sincerely,
ALAN LASEE
Senate President

Pursuant to Senate Rule 17 (5), Senator Brown added as a coauthor to **Senate Bill 29**.

Pursuant to Senate Rule 17 (5), Senator Breske added as a coauthor to **Senate Bill 172**.

ADVICE AND CONSENT OF THE SENATE

State of Wisconsin
Office of the Governor

April 21, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint THORNTON, THOMAS, of Grand View, as a member of the Snowmobile Recreational Council, for the term ending July 1, 2008.

Sincerely,
JIM DOYLE
Governor

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

State of Wisconsin
Office of the Governor

April 21, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint RODRIGUEZ, RACHEL, of Madison, as a member of the Council on Domestic Abuse, 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**.

State of Wisconsin
Office of the Governor

April 21, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KOPPLIN, CHARLES, of Milwaukee, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2009.

Sincerely,
JIM DOYLE
Governor

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

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

Senate Clearinghouse Rule 05-019

Relating to expanding eligibility for harbor assistance program grants to private owners of harbor facilities.

Submitted by Department of Transportation.

Report received from Agency, April 27, 2005.

Referred to committee on **Natural Resources and Transportation**, April 27, 2005.

Senate Clearinghouse Rule 05-021

Relating to filing applications for temporary certificates and examinations.

Submitted by Department of Regulation and Licensing.

Report received from Agency, April 27, 2005.

Referred to committee on **Health, Children, Families, Aging and Long Term Care**, April 27, 2005.

Senate Clearinghouse Rule 04-072

Relating to equal speed of access to toilets at facilities where the public congregates.

Submitted by Department of Commerce.

Report received from Agency, April 25, 2005.

Referred to committee on **Health, Children, Families, Aging and Long Term Care**, April 27, 2005.

Senate Clearinghouse Rule 05-011

Relating to licenses, certifications and registrations and affecting small businesses.

Submitted by Department of Commerce.

Report received from Agency, April 25, 2005.

Referred to committee on **Veterans, Homeland Security, Military Affairs, Small Business and Government Reform**, April 27, 2005.

Senate Clearinghouse Rule 05-024

Relating to the convenience fee for telephone vehicle registration renewal.

Submitted by Department of Transportation.

Report received from Agency, April 25, 2005.

Referred to committee on **Natural Resources and Transportation**, April 27, 2005.

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

Senate Clearinghouse Rule 04-100

Relating to proof of identification.

No action taken.

NEAL KEDZIE

Chairperson

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 127** offered by Senator Leibham.