



STATE OF WISCONSIN

Senate Journal

Ninety–Seventh Regular Session

10:00 A.M.

TUESDAY, June 21, 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.

CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated Friday, June 17, 2005.

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

Senate Bill 234

Relating to: requiring the conveyance of property to electric utilities and cooperatives for the construction of electric transmission lines.

Adoption of Senate Amendment 1.

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

Noes, 0 – None.

Passage as amended.

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

Noes, 0 – None.

ROBERT COWLES
Chairperson

The committee on **Housing and Financial Institutions** reports and recommends:

Senate Bill 23

Relating to: regulating the manufactured housing industry and manufactured home installations; promoting rehabilitation and recycling of manufactured housing; requiring the exercise of rule-making authority; providing a penalty; and making appropriations.

Adoption of Senate Substitute Amendment 1.

Ayes, 7 – Senators Stepp, Harsdorf, Brown, Reynolds, Plale, Lassa and Coggs.

Noes, 0 – None.

Passage as amended.

Ayes, 6 – Senators Stepp, Harsdorf, Brown, Plale, Lassa and Coggs.

Noes, 1 – Senator Reynolds.

CATHY STEPP
Chairperson

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

Assembly Bill 179

Relating to: being physically in possession of a firearm, bow, or crossbow while hunting captive deer or other captive wild animals.

Concurrence.

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

Noes, 0 – None.

Assembly Bill 277

Relating to: general air pollution control permits, the term of registration air pollution control permits, the effect of a challenge to an emission limitation in an air pollution operation permit, and a report on regulatory barriers affecting manufacturing.

Concurrence.

Ayes, 4 – Senators Kedzie, Stepp, Kapanke and Breske.

Noes, 1 – Senator Wirch.

Senate Bill 207

Relating to: being physically in possession of a firearm, bow, or crossbow while hunting captive deer or other captive wild animals.

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.

NEAL KEDZIE
Chairperson

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

Senate Clearinghouse Rule 04–077

Relating to landfilling of solid waste.

No action taken.

Senate Clearinghouse Rule 05–016

Relating to deer hunting as it relates to the management of chronic wasting disease.

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 54
Assembly Bill 84
Assembly Bill 116
Assembly Bill 117
Assembly Bill 144
Assembly Bill 213
Assembly Bill 214
Assembly Bill 235
Assembly Bill 291
Assembly Bill 293
Assembly Bill 296
Assembly Bill 299
Assembly Bill 309
Assembly Bill 315
Assembly Bill 343
Assembly Bill 385

Adopted and asks concurrence in:

Assembly Joint Resolution 42

Concurred in:

Senate amendment 1 to **Assembly Bill 75**
Senate Bill 2
Senate Bill 55
Senate Bill 225
Senate Joint Resolution 26
Senate Joint Resolution 27
Senate Joint Resolution 28
Senate Joint Resolution 29

Assembly Bill 54

Relating to: notice for child abuse, vulnerable adult, and harassment injunctions.

By Representatives Pettis, Musser and Hines; cosponsored by Senator Lassa.

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

Assembly Bill 84

Relating to: the number of school days required each school term.

By Representatives Towns, Jensen, Hundertmark, Hines, Townsend, Lehman, Gottlieb, Gunderson, Petrowski, Gronemus, Wood, F. Lasee, Kreibich, Friske, Vrakas, Hahn, Jeskewitz, Nischke, Kerkman, Owens, Musser, Van Roy, Gielow, Moulton, Lothian, Vruwink, Vukmir and Mursau; cosponsored by Senators Kedzie, Grothman, Reynolds and Lassa.

Read first time and referred to committee on **Education**.

Assembly Bill 116

Relating to: changing the definition of industrial development project, and limiting the scope of certain projects, under the Industrial Development Law.

By Representatives Mursau, Gard, Ainsworth, Albers, Ballweg, Berceau, Friske, Gunderson, Hahn, Hines, Hundertmark, Jeskewitz, Kerkman, LeMahieu, Ott, Petrowski,

Pridemore, Staskunas and Van Roy; cosponsored by Senators Hansen and Lassa.

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

Assembly Bill 117

Relating to: the color of clothing worn during a firearm deer hunting season.

By Representatives Gunderson, Kestell, Krawczyk, Kreibich, F. Lasee, Lehman, LeMahieu, Petrowski, Stone and Albers; cosponsored by Senators Leibham, A. Lasee and Reynolds.

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

Assembly Bill 144

Relating to: designating and marking a portion of STH 19 as the Georgia O'Keeffe Memorial Highway.

By Representatives Hahn, Hebl, Van Roy, Owens, Lothian, Ballweg, Pope-Roberts, Stone, Hines, Gronemus and Lehman; cosponsored by Senators Miller, Robson, Kanavas and Wirch.

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

Assembly Bill 213

Relating to: termination of parental rights on the grounds of manufacturing methamphetamine with a child of the person whose parental rights are sought to be terminated present.

By Representatives Moulton, Kreibich, Suder, Pettis, Gronemus, Petrowski, Nass, Vos, Musser, Hines, Mursau, Krawczyk, Bies, Van Roy, Hahn, Gunderson, Montgomery, Albers, Townsend, Pridemore and Ott; cosponsored by Senators Harsdorf, Brown, Roessler, Lassa, Olsen and Kanavas.

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

Assembly Bill 214

Relating to: abuse of hazardous substances and providing penalties.

By Representatives Bies, Friske, Albers, Ainsworth, Hines, Hundertmark, Kerkman, Krawczyk, Molepske, Montgomery, Musser, Owens, Ott, Pridemore, Sheridan, Van Roy, Vos and Loeffelholz; cosponsored by Senators A. Lasee, Darling, Lassa, Lazich and Roessler.

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

Assembly Bill 235

Relating to: designating and marking STH 173 as the 173rd Airborne Brigade Highway.

By Representatives Musser, Petrowski, Van Roy, Pettis, Gundrum, Owens, Freese, Hahn, Bies, McCormick, Sheridan, Lehman, Townsend, Gunderson, Nerison, Albers, Pridemore, Lothian and Molepske; cosponsored by Senators Lassa, Stepp, Erpenbach and Decker.

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

Assembly Bill 291

Relating to: termination of a tenancy if notice given regarding drug or criminal gang activity.

By Representatives Wieckert, Hahn, Krawczyk, Zepnick, Musser, Vos, F. Lasee, Gunderson, Bies, Ott, Ballweg, Townsend, McCormick, Vrakas, Molepske, Shilling, Pridemore, Mursau, Hines and Stone; cosponsored by Senators Stepp, Grothman, Olsen, A. Lasee, Lazich and Roessler.

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

Assembly Bill 293

Relating to: authorizing a county to participate in a municipal revenue sharing agreement.

By Representatives Wieckert, Huebsch, Nerison, Shilling, Ainsworth, Ballweg, Gielow, Gunderson, Hahn, Hines, Jeskewitz, LeMahieu, Loeffelholz, Lothian, Molepske, Mursau, Musser, Nass, Ott, Owens, Petrowski, Pridemore, Rhoades, Townsend, Van Roy and Vrakas; cosponsored by Senators Kapanke, Brown, Cowles, A. Lasee, Olsen, Roessler and Wirch.

Read first time and referred to committee on **Veterans, Homeland Security, Military Affairs, Small Business and Government Reform.**

Assembly Bill 296

Relating to: modifying certain restrictions on admissions to, protective placements in, or transfers to intermediate care facilities for the mentally retarded and nursing homes.

By Representatives LeMahieu, Kestell, Vos, Ott, Krawczyk, Pettis, Hundertmark, Lothian, Townsend, Kaufert, Gronemus, Gunderson, Hahn, Gottlieb, Gielow, Albers, Van Akkeren, Nischke and Freese; cosponsored by Senators Roessler, Grothman, Brown, Kapanke, Lazich, Schultz and Olsen.

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

Assembly Bill 299

Relating to: the effect of county shoreland zoning ordinances in territories annexed by cities, villages, or towns or incorporated as cities, or villages.

By Representatives Gunderson, Albers, Bies, Fields, Gottlieb, Gundrum, Hahn, Hines, Hundertmark, Jensen, Kestell, Krawczyk, Lehman, Montgomery, Moulton, Mursau, Musser, Nischke, Ott, Pettis, Suder, Vos, Vrakas, Wieckert, Ziegelbauer and Zepnick; cosponsored by Senators Kapanke, Lazich, Stepp, Grothman and Lassa.

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

Assembly Bill 309

Relating to: instruction in marriage and parental responsibility.

By Representatives Owens, Ainsworth, Albers, Bies, Gunderson, Hahn, Hines, Hundertmark, Jensen, Krawczyk, Ott, Petrowski, Pettis and Pridemore; cosponsored by Senator Grothman.

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

Assembly Bill 315

Relating to: allowing the operation of certain 2-vehicle combinations on certain highways without a permit, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures and from rule-making procedures, and granting rule-making authority.

By Representatives Petrowski, Sherman, Ainsworth, Albers, Bies, Boyle, Gunderson, Hines, Krawczyk, F. Lasee, Montgomery, Nerison, Pettis, Sheridan and Van Roy; cosponsored by Senators Kedzie, Kapanke, Breske and Stepp.

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

Assembly Bill 343

Relating to: prohibiting the University of Wisconsin System from advertising the availability of, prescribing, and dispensing certain hormonal medication or combination of

medications and prohibiting persons from advertising, prescribing, or dispensing the medication or combination of medications on University of Wisconsin System property.

By Representatives LeMahieu, Kestell, Nass, Van Roy, Kleefisch, Pridemore, Bies, Albers, Strachota, F. Lasee, Owens, Loeffelholz, J. Fitzgerald, Honadel, Gunderson, Gottlieb, Nischke, Vos, Vrakas, Hundertmark, Suder, Ott, Krawczyk, Petrowski, Vukmir, Mursau, Ballweg, Hahn, Gielow, Hines, Jeskewitz, Montgomery and Gundrum; cosponsored by Senators Grothman, Leibham, S. Fitzgerald, Kanavas, Kedzie, Lazich and Reynolds.

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

Assembly Bill 385

Relating to: designation of state agency status for certain health care providers who provide services during a state of emergency related to public health or a state of emergency declared by a city, village, or town.

By Representatives Huebsch, Nerison, Freese, Hines, Vukmir, Davis, Hahn, Musser, Krawczyk, Townsend, Ott, Owens, LeMahieu, Gunderson, Petrowski, Albers, Vrakas and Shilling; cosponsored by Senators Roessler, Kanavas, Grothman and Kapanke.

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

Assembly Joint Resolution 42

Relating to: the life and public service of Vincent R. Mathews.

By Representatives Nischke, Kerkman, Gronemus, Montgomery, M. Williams, Boyle, Jensen, Hines, Townsend, Krawczyk, Vrakas, Hahn, Petrowski, Gunderson, Lothian, Albers, Bies, Jeskewitz, Kleefisch, Ott and Owens; cosponsored by Senators Kanavas, Kedzie, Stepp, Grothman and Lassa.

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

The Chief Clerk records:

**Senate Joint Resolution 3
Senate Bill 193**

Report correctly enrolled on June 17, 2005.

INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Read and referred:

Senate Joint Resolution 30

Relating to: the celebration and commemoration of Agri-View's 30 years of commitment to Wisconsin's agricultural industry.

By Senator Kapanke; cosponsored by Representative Ott. To committee on **Senate Organization.**

Read first time and referred:

Senate Bill 244

Relating to: granting a parent electronic communication with a child.

By Senators Stepp, Grothman and Darling; cosponsored by Representatives Vos, J. Fitzgerald, Gronemus, LeMahieu, Nass, Strachota, McCormick, Ballweg, Ainsworth, Hahn, Nischke, Sheridan, Lehman and Musser.

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

Senate Bill 245

Relating to: indexing the living wage to the change in the consumer price index, providing an exemption from emergency rule procedures, providing an exemption from rule-making procedures, and granting rule-making authority.

By Senators Carpenter, Lassa, Robson, Risser, Erpenbach and Hansen; cosponsored by Representatives Zepnick, Sheridan, Sinicki, Berceau, Black, Turner, Young, Parisi, Lehman, Pope-Roberts, Grigsby, Travis, Shilling, Kreuser, Seidel and Pocan.

To committee on **Labor and Election Process Reform.**

Senate Bill 246

Relating to: imposing court costs in cases involving motor vehicle seat belt violations.

By Senators Leibham and Roessler; cosponsored by Representatives Ainsworth, Kerkman, Lothian, Owens, LeMahieu, Ott and Townsend.

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

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Ethics Board**

June 21, 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>

Balcerzak, John A	Milwaukee Police Association
Elias, Nathan	Enough!
Feldmeier, David K	Milwaukee Police Association
Franken, Andrew	Wisconsin Council of Religious and Independent Schools
Langenohl, Tony	Enough!
Welch, Robert	Enough!
Welch, Robert	Wisconsin Corn Growers Association
Zweck, Brad	Wausau Insurance (a member of the Liberty Mutual

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 Administration**

June 17, 2005

The Honorable, The Legislature:

As required by s. 14.065, and on behalf of the Governor, I am transmitting a recommended modification to the Stripper XX Oil Overcharge Plan, and requesting the Joint Committee on Finance consider this modification at their next s. 13.10, Wis. Stats., meeting.

The modification is to the Ethanol Refueling Infrastructure program, which was allocated \$230,000 of Stripper XX monies. The oil overcharge monies were for the development, installation and promotion of an E-85 refueling infrastructure in southeastern Wisconsin. E-85 is a mixture of 85 percent ethanol and 15 percent gasoline.

I am proposing that the program be modified so that the remaining unspent oil overcharge monies (\$77,495), along with approximately \$22,605 of matching monies from the Wisconsin Corn Growers can be used to fund E-85 infrastructure development and installation throughout Wisconsin. This will allow the monies to be used most effectively in responding to the statewide demand for E-85 refueling facilities.

I appreciate your support in helping Wisconsin increase its use of a home grown renewable energy resource. If you have any questions or need additional details regarding the proposed program modification, please contact Kimberly R. Walker, Administrator for the Division of Energy, at 261-6357.

Sincerely,

GINA FRANK-REECE
Deputy Secretary

ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin
Office of the Governor**

June 15, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HUNT, RANDALL, of Cross Plains, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2008.

Sincerely,

JIM DOYLE
Governor

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

**State of Wisconsin
Office of the Governor**

June 15, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint GREEN, JERRY, of Black River Falls, as a member of the Snowmobile Recreational Council, to serve 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**

June 15, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MALECKI, ANDREW, of Green Bay,

as a member of the Snowmobile Recreational Council, to serve 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**

June 14, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SWANSON, DAVID, of Milwaukee, 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 **Veterans, Homeland Security, Military Affairs, Small Business and Government Reform.**

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

Senate Clearinghouse Rule 05-028

Relating to annual patients compensation fund and mediation fund fees for the fiscal year beginning July 1, 2005.

Submitted by Insurance Commissioner.

Report received from Agency, June 20, 2005.

Referred to committee on **Health, Children, Families, Aging and Long Term Care**, June 21, 2005.

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

Senate Clearinghouse Rule 05-010

Relating to electrical construction and affecting small businesses.

No action taken.

RONALD BROWN
Chairperson

ADJOURNMENT

The Chair, with unanimous consent, asked that the Senate adjourn until Thursday, June 23 at 10:00 A.M.

Adjourned.

10:01 A.M.

AMENDMENTS OFFERED

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 33** offered by Senator Leibham.

Senate amendment 1 to **Senate Bill 153** offered by Senator Breske.

Senate amendment 1 to **Senate Bill 165** offered by Senator Kedzie.

Senate substitute amendment 1 to **Senate Bill 221** offered by Senator Lassa.