

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Seventh Regular Session

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WEDNESDAY, September 7, 2005

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

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**CHIEF CLERK’S ENTRIES**

The Chief Clerk makes the following entries dated Friday, September 2, 2005.

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Read first time and referred:

**Senate Bill 315**

Relating to: retention and testing of evidence that includes biological material, time limits for prosecuting a crime that is related to a sexual assault, law enforcement procedures for using an eyewitness to identify a person suspected of committing a crime, making audio or audio and visual recordings of custodial interrogations, limitations on admitting unrecorded statements into evidence in juvenile delinquency and criminal proceedings, and creating a grant program for digital recording equipment and training for digital recording of custodial interrogations.

By Senators Zien, Coggs, Miller, Harsdorf, Risser, Darling, Hansen, Roessler, Kapanke, S. Fitzgerald and Lazich; cosponsored by Representatives Gundrum, Bies, Staskunas, Colon, Ziegelbauer, Krawczyk, Van Roy, Sheridan, McCormick, Van Akkeren, F. Lasee, Nelson, Hundertmark, Turner, Nischke, Fields, Musser, Molepske, Pettis, Gronemus, Ott, Cullen, Lothian, Kestell, Stone, Albers, Hahn, LeMahieu, Hines, Jensen, M. Williams, Townsend and Kleefisch.

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

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

**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.

Introduction and adoption of Senate Amendment 1.

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

Noes, 0 – None.

Concurrence as amended.

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

Noes, 0 – None.

ALLEN, OKIE, of Eau Claire, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2009.

Confirmation.

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

Noes, 0 – None.

CONWAY, STEVEN, of Athens, as a member of the Chiropractic Examining Board, to serve for the term ending July 1, 2009.

Confirmation.

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

Noes, 0 – None.

DICKINSON, LORELI, of Oconto, as a member of the Nursing Home Administrator Examining Board, to serve for the term ending July 1, 2007.

Confirmation.

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

Noes, 0 – None.

KINAST–PORTER, SUSAN, of Albany, as a member of the Nursing Home Administrator Examining Board to serve for the term ending July 1, 2009.

Confirmation.

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

Noes, 0 – None.

KORABIC, EDWARD, of Shorewood, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2009.

Confirmation.

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

Noes, 0 – None.

KOSHICK, JAMES, of New Berlin, as a member of the Chiropractic Examining Board, to serve for the term ending July 1, 2009.

Confirmation.

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

Noes, 0 – None.

NOSSE, LARRY, of Wauwatosa, as a member of the Physical Therapists Affiliated Credentialing Board to serve for the term ending July 1, 2009.

Confirmation.

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

Noes, 0 – None.

SHROPSHIRE, MARK, of Appleton, as a member of the Physical Therapists Affiliated Credentialing Board to serve for the term ending July 1, 2008.

Confirmation.

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

Noes, 0 – None.

WILKIE, GERALD, of Eau Claire, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2008.

Confirmation.

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

Noes, 0 – None.

CAROL ROESSLER  
Chairperson

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

**Senate Clearinghouse Rule 05–047**

Relating to operation of the health insurance risk-sharing plan (HIRSP).

No action taken.

CAROL ROESSLER  
Chairperson

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

**Senate Clearinghouse Rule 05–005**

Relating to the payment program for damage caused by endangered and threatened species of wildlife and gray wolves to livestock.

Modifications requested, Ayes 5, Noes 0.

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

Noes, 0 – None.

No action taken.

NEAL KEDZIE  
Chairperson

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

**Senate Clearinghouse Rule 04–106**

Relating to changes to chs. NR 406, 407 and 410 for.

No action taken.

**Senate Clearinghouse Rule 04–107**

Relating to implementing general and registration air permit program as required by 2003 Wisconsin Act 118.

No action taken.

**Senate Clearinghouse Rule 05–018**

Relating to revising regulations concerning activities during the salvage and transport of equipment containing refrigerants that damage the atmosphere.

No action taken.

ROBERT COWLES  
Chairperson

**State of Wisconsin  
Revisor of Statutes Bureau**

September 1, 2005

To the Honorable, the Senate:

The following rules have been published:

<u>Clearinghouse Rules</u>	<u>Effective Date(s)</u>
04–038	9–1–2005
04–107	9–1–2005
04–125	9–1–2005
05–001	9–1–2005
05–010	9–1–2005
05–016	9–1–2005
05–021	9–1–2005
05–035	9–1–2005
05–056	9–1–2005

Sincerely,  
GARY L. POULSON  
Deputy Revisor

Senate substitute amendment 2 to **Senate Bill 132** offered by Senator Kanavas.

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

Read and referred:

**Senate Joint Resolution 35**

Relating to: providing for the approval or rejection of gubernatorial vetoes by the people by referendum (first consideration).

By Senators Reynolds and Lazich; cosponsored by Representative Lothian.

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

Read first time and referred:

**Senate Bill 316**

Relating to: disclosure of certain records of elective state public officials under the Wisconsin Retirement System.

By Senators Reynolds, Grothman and Roessler.

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

**Senate Bill 317**

Relating to: collective bargaining rights for program, project, and teaching assistants.

By Senator Reynolds; cosponsored by Representatives Pridemore and Vos.

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

**Senate Bill 318**

Relating to: the definition of sexually violent person, sexually violent person commitment proceedings, criteria for supervised release, battery by certain committed persons, escape from custody by a person who is subject to a sexually violent person commitment proceeding, and providing penalties.

By Joint Legislative Council.

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

**Senate Bill 319**

Relating to: recovery of costs in nonearnings garnishments.

By Senator Ellis; cosponsored by Representative Hahn, by request of Ken Tschantz.

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

**REPORT OF COMMITTEES**

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

**Senate Bill 251**

Relating to: the regulation of traveling sales crews, requiring the exercise of rule-making authority, and providing penalties.

- Introduction and adoption of Senate Amendment 1.
- Ayes, 4 – Senators Kanavas, Zien, Lassa and Decker.
- Noes, 1 – Senator Reynolds.
- Passage as amended.
- Ayes, 3 – Senators Kanavas, Lassa and Decker.
- Noes, 2 – Senators Zien and Reynolds.

TED KANAVAS  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Ethics Board**

September 6, 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>

Beiriger, Jeffrey J	Plumbing Heating Cooling Contractors – Wisconsin
Gaughan, Laura	Sanofi Pasteur
Gordon, Fredrick G.	Arjo Wiggins Appleton Limited
Halbrooks, David	Arjo Wiggins Appleton Limited
Hubbard, Gregory	Wisconsin Association of Homes & Services for the Aging
Leonard, Ramie	Labor Association of Wisconsin Inc
Moghadam, B J	Energy Efficiency & Renewables Group (EERG)
O'Connor, Alice	Cendant Corporation
Tierney, Jodie	Wisconsin Association of Homes & Services for the Aging
Tregoning, Joe	Belmont Bio-Ag LLC

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 Health and Family Services**

September 1, 2005

The Honorable, The Legislature:

Section 227.485(9) of the Wis. Stats. requires the Department to submit a report concerning decisions and resulting payments

of attorney fees and related legal costs. Attorney fees and other legal costs are to be paid whenever the opposing party to an agency's Chapter 227 hearing prevails and it is determined the agency's position was not substantially justified. The attached report reflects a payment made during SFY 2005.

In addition, under 814.245(10) of the Wis. Stats., the Department is required to report any awards granted to the Department regarding frivolous motions brought against this Department. In SFY 2005, no motions of opposing parties were found to be frivolous. Consequently, the Department has no awards to report.

Sincerely,  
HELENE NELSON  
Secretary

Referred to committee on **Health, Children, Families, Aging, and Long-Term Care.**

**THE STATE OF WISCONSIN  
OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER #117**

*Relating to a Proclamation Declaring a State of Emergency under the Emergency Management Assistance Compact and Calling to Active Duty Elements of the Wisconsin National Guard*

**WHEREAS**, Hurricane Katrina has adversely impacted the States of Mississippi and Louisiana causing dangerous and life-threatening conditions and destruction of property for the populations of those states thus requiring assistance with rescue and recovery of personnel in the affected areas, with security for persons and property, and with other aid to the damaged and destroyed areas; and

**WHEREAS**, a request was made by the States of Mississippi and Louisiana for the assistance of other States' National Guard forces under the Emergency Management Assistance Compact (EMAC); and

**WHEREAS**, a response by the Wisconsin National Guard cannot be made under the Emergency Management Assistance Compact, section 166.30 of the Wisconsin Statutes, without a declaration of emergency and an authorization to utilize the Wisconsin National Guard personnel in a State Active Duty Status; and

**WHEREAS**, personnel and resources of the Wisconsin Army National Guard are required and critical for this EMAC response;

**NOW, THEREFORE, I, JIM DOYLE**, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this State, and specifically by Wis. Stats. 166.03(1)(b)1 and 21.11, do hereby:

1. Proclaim that a State of Emergency exists in the States of Mississippi and Louisiana, and that those states have requested assistance from the State of Wisconsin under the provisions of the Emergency Management Assistance Act; and
2. Direct all state agencies of the State of Wisconsin to assist the Wisconsin Department of Military Affairs in responding to this situation; and
3. Call to state active duty such elements of the Wisconsin National Guard as the Adjutant General deems necessary to assist in responding to the Emergency Management Assistance Compact in providing rescue and relief to those affected states; and

4. Authorize the Adjutant General to use personnel called to state active duty pursuant to this order in emergency status.

**IN TESTIMONY WHERE OF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the city of Madison this thirty-first day of August in the year two thousand five.

JIM DOYLE  
Governor

*BY THE GOVERNOR:*

DOUGLAS LA FOLLETTE  
Secretary of State

Pursuant to Senate Rule 17 (5), Senator Carpenter removed as a coauthor of **Senate Bill 268**.

## ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin  
Office of the Governor**

August 31, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint RICE, WILLIAM, of Whitefish Bay, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 2009.

Sincerely,  
JIM DOYLE  
Governor

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

**State of Wisconsin  
Office of the Governor**

August 31, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint RITCHIE, KIRK, of Rhinelander, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2009.

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**

August 31, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BLUM, MARC, of Oshkosh, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2009.

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**

August 30, 2005

The Honorable, The Senate:

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

Sincerely,  
JIM DOYLE  
Governor

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

**State of Wisconsin  
Office of the Governor**

August 30, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WIDERSKI, TED, of Cambridge, 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, 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**

September 1, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WAIT, HOWARD, of Wisconsin Rapids, as a member of the Barbering and Cosmetology 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**.

**State of Wisconsin  
Office of the Governor**

September 2, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JARAMILLO, ADRIANA, of Madison, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2009.

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**

September 1, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CHRISTMAN, BLANE, of Ladysmith, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2006.

Sincerely,

JIM DOYLE  
Governor

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

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

**Senate Clearinghouse Rule 05–061**

Relating to the identification of individual contributors on campaign finance reports  
Submitted by Elections Board.  
Report received from Agency, September 2, 2005.  
Referred to committee on **Labor and Election Process Reform**, September 7, 2005.

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The committee on **Agriculture and Insurance** reports and recommends:

**Senate Clearinghouse Rule 05–023**

Relating to mortgage guaranty insurance.  
No action taken.

**Senate Clearinghouse Rule 05–030**

Relating to the administration of the forest crop law and the managed forest law.  
No action taken.

DAN KAPANKE  
Chairperson

**Motions Under Senate Rule 98 and Joint Rule 7  
for the Month of August 2005**

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Sally A. Acuff, on the occasion of her retirement after 44 years of distinction from the State of Wisconsin Department of Health and Family Services.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Darling, for the Alexian Village of Milwaukee, on the occasion of celebrating 25 years of service in Southeastern Wisconsin.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Jauch, for The AmericInn Lodge and Suites, on the occasion of being named Ashland Area Business of the Year 2005.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Erpenbach, for Max Arthur, on the occasion of 30 years of privately owning and operating the Four Winds Manor and Lodge.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Kevin Berg, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Coggs, for Ms. Lula Chambers, on the occasion of her retirement after 11 years of service with the Community Corrections Employment Program.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Reynolds, for Joseph R. DesChane, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Risser, for John Ewanowski, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Steven Frautschy, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Reynolds, for Daniel J. Gardner, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Roessler, for Bill Gau, on the occasion of his retirement from the Fond du Lac Sheriff's Department after 34 years of dedicated service.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Grothman, for Daniel Henning, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of condolence by the Wisconsin Senate on the motion of Senator Taylor, for the memory of Rose Hodges, on the occasion of her dedication to our community and for her lasting and positive impact on all those who had the privilege of knowing her.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Brown, for Jason T. Johnson, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Fitzgerald, for Robert and Mira Kazmer, on the occasion of celebrating their 50th anniversary shared with family and friends.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Breske, for Landglade County, on the occasion of the community celebrating their 100th centennial celebration.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Carpenter, for the Layton Boulevard West Neighbors, on the occasion of their 10th anniversary celebration.*

*A certificate of condolence by the Wisconsin Senate on the motion of Senator Taylor, for the memory of Armstrong Leflore, Jr. "Junebug", on the occasion of remembering his dedication to family and his community and the positive impact on all those who had the privilege.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Corey Michael Little, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Jauch, for Mellen Manor, on the occasion of celebrating their 20th anniversary.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for Aaron Noltemeyer, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Lasee, for Samuel E. Palmer, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Darling, for Jack Pandl's Original Whitefish Bay Inn, on the occasion of 90 years of service to the people of Wisconsin.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Taylor, for Bishop Earl Parchia, on the occasion of celebrating his 54th pastoral anniversary, 55th wedding anniversary and also his birthday.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Grothman, for Stephan Pepper, on the occasion of earning and attaining the rank of the Gold Medal of Achievement.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Ryan Piaskowski, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Carpenter, for Maria's Pizza—Bonnie Crivello and Mickey Story, on the occasion of their continued hard work and for providing the Milwaukee community and surrounding area with the best pizza made Maria's way.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Reynolds, for Daniel J. Rieland, on the*

*occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Brown, for Ralph and Connie Schram, on the occasion of their outstanding record of volunteer service, leadership and community spirit.*

*A certificate of condolence by the Wisconsin Senate on the motion of Senator Taylor, for the memory of Mother Claretta Simpson, on the occasion of her devotion to freedom, justice, and equality and for the lasting impact she made on my life and so many others in the community.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Fitzgerald, for Jordan D. Stanley, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Kanavas, for Bill Stenavich, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Roessler, for Joshua A. Thone, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Jauch, for the town of Winter, on the occasion of its centennial celebration.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Alexander David Wolf, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Risser, for Jeffrey Wymore, on the occasion of earning and attaining the rank of the Eagle Scout Award.*