

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

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WEDNESDAY, November 23, 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 Thursday, November 17, 2005.

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Read first time and referred:

**Senate Bill 444**

Relating to: the duties of a real property lister.

By Senators Harsdorf, A. Lasee and Brown; cosponsored by Representatives Ott, Gronemus, Sherman and Musser.  
To committee on **Housing and Financial Institutions**.

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

KRUTZA, MICHAEL, of Wausau, as a member of the Board of Agriculture, Trade and Consumer Protection, to serve for the term ending May 1, 2011.

Confirmation.

Ayes, 7 – Senators Kapanke, Kedzie, Brown, Olsen, Erpenbach, Hansen and Miller.

Noes, 0 – None.

DAN KAPANKE  
Chairperson

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

BROWN, JEANNE, of Eau Claire, as a member of the Athletic Trainers Affiliated Credentialing Board, to serve for the term ending July 1, 2007.

Confirmation.

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

Noes, 0 – None.

FURNESS, IAN, of Fond du Lac, as a member of the Podiatrists 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.

LEHMAN–BARRY, MARY, of Appleton, as a member of the Cemetery Board, to serve for the term ending July 1, 2006.

Confirmation.

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

Noes, 0 – None.

PORTER, E. GLEN, of Elm Grove, as a member of the Cemetery Board, to serve for the term ending July 1, 2008.

Confirmation.

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

Noes, 0 – None.

SERLIN, ERICA, of Madison, as a member of the Psychology Examining Board, to serve for the term ending July 1, 2007.

Confirmation.

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

Noes, 0 – None.

VUKELICH–AUSTIN, MARTHA, of Madison, as a member of the Medical Examining Board, to serve for the term ending July 1, 2006.

Confirmation.

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

Noes, 0 – None.

**Senate Bill 312**

Relating to: expanding relocations from nursing homes under a community integration program to include persons who are diverted from imminent entry into nursing homes.

Adoption of Senate Substitute Amendment 1.

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

Noes, 0 – None.

Passage as amended.

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

Noes, 0 – None.

**Senate Bill 380**

Relating to: the Barbering and Cosmetology Examining Board.

Passage.

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

Noes, 0 – None.

**Assembly Bill 444**

Relating to: the definition of sexual contact and providing penalties.

Concurrence.

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

Noes, 0 – None.

BRONSTON, CAROLYN, of Wausau, as a member of the Medical Examining Board, 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 **Judiciary, Corrections and Privacy** reports and recommends:

**Assembly Bill 702**

Relating to: sexual contact or sexual intercourse involving a 16- or 17-year-old and a person who works or interacts with him or her through the person's occupation or a volunteer position and providing a penalty.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Zien, Roessler, Grothman, Taylor and Risser.

Noes, 0 – None.

Concurrence as amended.

Ayes, 5 – Senators Zien, Roessler, Grothman, Taylor and Risser.

Noes, 0 – None.

DAVID ZIEN  
Chairperson

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

**Assembly Bill 133**

Relating to: crossing a fire hose that is being used in an emergency situation.

Concurrence.

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

Noes, 0 – None.

RONALD BROWN  
Chairperson

**State of Wisconsin**

November 16, 2005

The Honorable, The Senate:

Pursuant to Senate Rule 46(2)(c), I am writing to direct that **Senate Bill 115** 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

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

**Senate Clearinghouse Rule 05-073**

Relating to Lake Winnebago sturgeon spearing.

No action taken.

NEAL KEDZIE  
Chairperson

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

**Senate Clearinghouse Rule 05-066**

Relating to actuarial opinions and summaries and affecting small businesses.

No action taken.

RONALD BROWN  
Chairperson

The Chief Clerk records:

- Senate Bill 41**
- Senate Bill 121**
- Senate Bill 167**
- Senate Bill 174**
- Senate Bill 294**
- Senate Joint Resolution 47**
- Senate Joint Resolution 48**

Report correctly enrolled on November 17, 2005.

**CORRECTIONS IN:**

**SENATE SUBSTITUTE AMENDMENT 1,  
TO 2005 SENATE BILL 403**

Prepared by the Legislative Reference Bureau  
(November 16, 2005)

1. Page 41, line 14: delete that line and substitute:

“8. A security checkpoint or a place beyond a security checkpoint in an airport, unless the weapon is”.

The Chief Clerk makes the following entries dated Monday, November 21, 2005.

Read first time and referred:

**Senate Bill 445**

Relating to: prohibiting local governmental restrictions on certain business signs.

By Senators Harsdorf and A. Lasee; cosponsored by Representatives Ott, Hines, Musser, Hahn, Petrowski, LeMahieu, Bies, Wood and Gunderson.

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

**Senate Clearinghouse Rule 04-095**

Relating to the requirements for administering the office facilities and equipment for safe and effective administration and the applicable standards of care, and to provide for reporting of adverse occurrences related to anesthesia administration.

Submitted by Department of Regulation and Licensing.  
Report received from Agency, November 17, 2005.

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

Senate substitute amendment 1 to **Senate Bill 229** offered by Senator Kanavas.

The Chief Clerk makes the following entries dated Tuesday, November 22, 2005.

Read and referred:

**Senate Joint Resolution 53**

Relating to: providing that only a marriage between one man and one woman shall be valid or recognized as a marriage in this state (2nd consideration).

By Senators S. Fitzgerald, Stepp, Roessler, Lazich, Leibham, Kanavas, Schultz, A. Lasee, Reynolds, Grothman and Zien; cosponsored by Representatives Gundrum, Nischke, Krawczyk, Suder, J. Fitzgerald, Towns, Owens, Gard, Huebsch, McCormick, Hundertmark, M. Williams, Van Roy, Bies, LeMahieu, Honadel, Pettis, Nass, Ott, F. Lasee, Hahn, Kestell, Lothian, Hines, Gottlieb, Townsend, Gunderson, Kreibich, Petrowski, Meyer, Jeskewitz, Freese, Vos, Kleefisch, Nerison, Ballweg, Moulton, Kerkman, Loeffelholz, Albers, Mursau, Pridemore and Montgomery.

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

Read first time and referred:

**Senate Bill 446**

Relating to: interfund transfers in state government.

By Senators Darling, Stepp, Grothman, Leibham, Cowles, Roessler and A. Lasee; cosponsored by Representatives Gielow, Jensen, Stone, Bies, Towns, Hahn, Owens, Nass, Musser, Gundrum, Jeskewitz, Ward, Vos, Petrowski and F. Lasee.

To joint committee on **Finance**.

**Senate Bill 447**

Relating to: punitive damage awards.

By Senators Grothman, Schultz, Lazich and Roessler; cosponsored by Representatives Gundrum, Nischke, Musser, Krawczyk, Hahn, Owens, Albers, F. Lasee, Huebsch, Nass, Vos, Bies and Kestell.

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

**Senate Bill 448**

Relating to: contractor's notices, claims against certain contractors and suppliers of dwellings, and providing a penalty.

By Senators Olsen, Stepp, Harsdorf, Schultz, Zien, Kedzie, Lazich, Leibham, Roessler, S. Fitzgerald, Darling, Brown and Kanavas; cosponsored by Representatives Wieckert, Loeffelholz, Shilling, Owens, Musser, Kestell, Jeskewitz, F. Lasee, Montgomery, Gard, Albers, Townsend, Davis, Petrowski, Pettis, Nelson, Kreibich, Ott, Hahn, Suder, Lamb, J. Fitzgerald, Vos, LeMahieu, Gundrum, Rhoades, Gronemus, Vruwink and Huebsch.

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

**Senate Bill 449**

Relating to: creating an income and franchise tax credit for eligible innovation projects and project facilities.

By Senators Kanavas, Plale, Stepp and Roessler; cosponsored by Representatives Vos, Nischke, Owens, Townsend, Gunderson, Hahn and Musser.

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

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

**Assembly Bill 340**

Relating to: lighting and visibility marking requirements for certain agricultural vehicles and agricultural implements operated or towed upon a highway, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, providing an exemption from rule-making procedures, and requiring the exercise of rule-making authority.

Concurrence.

Ayes, 7 – Senators Kapanke, Kedzie, Brown, Olsen, Erpenbach, Hansen and Miller.

Noes, 0 – None.

DAN KAPANKE  
Chairperson

**State of Wisconsin**

November 22, 2005

The Honorable, The Senate:

Pursuant to Senate Rule 46(2)(c), I am writing to direct that **Senate Bill 436** be withdrawn from the committee on **Higher Education and Tourism** and rereferred to the committee on **Veterans, Homeland Security, Military Affairs, Small Business, and Government Reform**. I have obtained the consent of the appropriate chairperson.

Sincerely,  
ALAN LASEE  
Senate President

**State of Wisconsin**  
**Office of the Governor**

November 18, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint GREENFIELD, ED, of Green Bay, as a member of the Cemetery 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**.

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

Read first time and referred:

**Senate Bill 450**

Relating to: construction liens, requirements for securing payment for work on publicly financed projects, and providing a penalty.

By Senators Zien, Brown, Grothman, Roessler and A. Lasee; cosponsored by Representatives Moulton, Townsend, Van Roy, Vos and Hines.

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

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**  
**Ethics Board**

November 22, 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	Tool, Die & Machining Association Of Wisconsin
Brooks, Bryan	Professional Ambulance Association of Wisconsin, Inc.
Carr, John	Schering-Plough External Affairs, Inc.
Fassbender, Robert I	Tool, Die & Machining Association Of Wisconsin
Perry, Therese	City of Milwaukee
Petak, George	Professional Ambulance Association of Wisconsin, Inc.
Rogowski, Michael	Professional Ambulance Association of Wisconsin, Inc.
Springer, Thomas J	Professional Ambulance Association of Wisconsin, Inc.

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 Justice**

November 15, 2005

The Honorable, The Legislature:

I am very pleased to present the 2003-2005 Biennial Report of the Wisconsin Department of Justice (DOJ). Since January 2003 it has been my privilege to represent the people of Wisconsin as Attorney General. The Department of Justice is working successfully with local Wisconsin law enforcement to help make our communities safer, and protect the rights of all our citizens through our thorough enforcement of law.

As the state's legal representative, we work everyday to ensure that Wisconsin's laws are upheld on behalf of all our citizens, and violators are prosecuted. As law enforcement officers we provide support and training to Wisconsin's first responders against crime. We also investigate and solve crimes involving distribution of illegal drugs, the exploitation of children over the internet, and consumers scams. I am proud that in two short years we were able to not only initiate Wisconsin's Amber Alert Program, to reunite abducted children with their families, but make it one of the most state-of-the-art programs in the nation. We addressed legal fees issues in the caucus scandal, making sure guilty parties will not have their legal bills paid for at taxpayer expense. As an innovative outgrowth of this effort, and to address a real need, we created a new Public Integrity Unit at DOJ to assure the public rights to public records and open meetings, as well as address criminal allegations against public office holders.

We also set forth a new initiative to fight against elder financial abuse, one of the fastest growing crimes. A task force was

assembled to seek better ways to prevent crimes in which the financial assets of elderly people are stolen from them, all too often from a supposedly trusted caregiver. We also opened a new Crime Lab in Madison, the first such expansion in a generation, to meet increasing demand for crime lab resources. Our analysts now have more room in a state-of-the-art facility, to help law enforcement throughout Wisconsin in solving crimes, exonerating innocent persons, and processing critical evidence for trial.

Fast ID—the latest in instant fingerprint identification—debuted in several Wisconsin communities in the past two years. Connecting local law enforcement to DOJ's vast fingerprint database has resulted in numerous success stories—and the instant apprehension of wanted offenders attempting to hide their true identities.

DOJ continues to take an aggressive stance on behalf of Wisconsin's environment. We stepped in to demand the Metropolitan Milwaukee Sewerage District work with the state Department of Natural Resources to prevent dumping waste into Lake Michigan and other waters. We sued the federal government over its plans to roll back air quality standards.

We also enforced Wisconsin's popular No-Call law, went to court on behalf of workers' right to be paid when plants close down, filed an historic lawsuit to require truth in pricing information for the costs of prescription drugs and called for contraceptive equity in health plans to name just some of the Department's many accomplishments.

I look forward to working with you, with our partners in local law enforcement, and with the dedicated professionals who are helping every day to make Wisconsin stronger, safer and more secure.

Sincerely,

PEGGY A. LAUTENSCHLAGER  
Attorney General

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

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

**Senate Clearinghouse Rule 05-064**

Relating to cleaning methods for historic buildings.

No action taken.

TED KANAVAS  
Chairperson

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**AMENDMENTS OFFERED**

Senate amendment 1 to **Senate Bill 152** offered by Senator Darling.

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**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Joint Resolution 48**

Deposited in the office of the Secretary of State on November 23, 2005.