



STATE OF WISCONSIN

Senate Journal

Ninety–Seventh Regular Session

11:00 A.M.

TUESDAY, January 24, 2006

The Senate met.

The Senate was called to order by Senator Alan Lasee.

The roll was called and the following Senators answered to their names:

Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 32.

Absent – Senator Leibham – 1.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator Plale led the Senate in the pledge of allegiance to the flag of the United States of America.

Senator Schultz, with unanimous consent, asked that Senator Leibham be granted a leave of absence for today's session.

CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated Friday, January 20, 2006.

Read first time and referred:

Senate Bill 513

Relating to: increasing aid to Forward Wisconsin, Inc., and making an appropriation.

By Senators Stepp, Plale, Harsdorf, Lassa, Zien and Wirch; cosponsored by Representatives Cullen, Jeskewitz, Turner, Krawczyk, Fields, McCormick, Lehman, Seidel and Molepske.

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

Senate Bill 514

Relating to: providing categorical aid to any school district that is completely surrounded by water.

By Senator A. Lasee; cosponsored by Representative Bies.
To committee on **Education**.

Senate Bill 515

Relating to: certification of woman-owned businesses, providing an exemption from emergency rule procedures, granting rule-making authority, and making an appropriation.

By Senators Roessler, Olsen, Harsdorf, Brown, Darling, Zien, S. Fitzgerald, Kapanke and A. Lasee; cosponsored by

Representatives Strachota, Kaufert, Albers, Ballweg, Gronemus, Ott, Owens, Seidel and Wasserman.

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

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

GASS, ERIC, of Milwaukee, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2006.

Confirmation.

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

Noes, 0 – None.

GREENFIELD, ED, of Green Bay, 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.

HOVEN, ERICA, of Westby, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2009.

Confirmation.

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

Noes, 0 – None.

HOWARD, CAROL, of Shorewood, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2006.

Confirmation.

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

Noes, 0 – None.

SEVERSON, JEANNE, of Cottage Grove, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 2009.

Confirmation.

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

Noes, 0 – None.

WEBER, GREGORY, of Brown Deer, as a member of the Pharmacy 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 395

Relating to: consent for the recovery, processing, or distribution of certain anatomical gifts.

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 420

Relating to: the definition of a group health benefit plan.

Adoption of Senate 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 423

Relating to: prohibiting a person responsible for a child's welfare while the child is being transported in a child care vehicle from leaving the child unattended and providing penalties.

Introduction and 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 441

Relating to: anatomical gifts and the powers and duties of coroners and medical examiners.

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 477

Relating to: licensing midwives, granting rule-making authority, and providing a penalty.

Introduction and adoption of Senate Amendment 1.

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

Noes, 0 – None.

Introduction and adoption of Senate Amendment 2.

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

Noes, 0 – None.

Introduction and adoption of Senate Amendment 3.

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

Noes, 0 – None.

Passage as amended.

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

Noes, 1 – Senator Carpenter.

Assembly Bill 201

Relating to: the compatibility of the offices of coroner or medical examiner, and certain emergency services positions.

Concurrence.

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

Noes, 0 – None.

Assembly Bill 258

Relating to: prescription drug labels.

Concurrence.

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

Noes, 0 – None.

Assembly Bill 485

Relating to: regulating funeral directors and funeral establishments, regulating cremation and funeral advertising, and providing a penalty.

Concurrence.

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

Noes, 0 – None.

Assembly Bill 511

Relating to: sexual abuse of children placed in substitute care and providing a penalty.

Concurrence.

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

Noes, 0 – None.

Assembly Bill 521

Relating to: termination of parental rights and adoption, granting rule-making authority, and providing a penalty.

Concurrence.

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

Noes, 0 – None.

Assembly Bill 618

Relating to: child safety restraint systems, safety belt use requirements in motor vehicles, and providing a penalty.

Concurrence.

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

Noes, 0 – None.

Assembly Bill 826

Relating to: prohibiting a person responsible for a child's welfare while the child is being transported in a child care vehicle from leaving the child unattended and providing penalties.

Concurrence.

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

Noes, 0 – None.

Assembly Bill 829

Relating to: expanding the Volunteer Health Care Provider Program to include provision of services to students from 4-year-old kindergarten to grade 6 in public elementary

schools, charter schools, and private schools that participate in the Milwaukee Parental Choice Program and expanding the definition of volunteer health care provider.

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.

CAROL ROESSLER
Chairperson

The committee on **Higher Education and Tourism** reports and recommends:

Senate Bill 345

Relating to: the enrollment of the charter school established by the University of Wisconsin–Parkside.

Passage.

Ayes, 4 – Senators Harsdorf, Kapanke, Plale and Leibham.

Noes, 1 – Senator Breske.

Senate Bill 370

Relating to: eligibility of a student enrolled in a 2–year, full–time vocational diploma program at a technical college for an academic excellence higher education scholarship.

Passage.

Ayes, 5 – Senators Harsdorf, Kapanke, Breske, Plale and Leibham.

Noes, 0 – None.

Senate Bill 481

Relating to: the maximum amount of a Wisconsin higher education grant.

Passage.

Ayes, 5 – Senators Harsdorf, Kapanke, Breske, Plale and Leibham.

Noes, 0 – None.

Assembly Bill 55

Relating to: immunity of private campground owners and operators.

Concurrence.

Ayes, 3 – Senators Harsdorf, Kapanke and Leibham.

Noes, 2 – Senators Breske and Plale.

Assembly Bill 387

Relating to: eligibility of a person enrolled in a program that confers a master’s degree in nursing for a loan under the Nursing Student Loan Program.

Concurrence.

Ayes, 5 – Senators Harsdorf, Kapanke, Breske, Plale and Leibham.

Noes, 0 – None.

Assembly Bill 479

Relating to: Golf Wisconsin special distinguishing registration plates associated with the WPGA Junior Foundation and the promotion of golf in this state and making appropriations.

Concurrence.

Ayes, 5 – Senators Harsdorf, Kapanke, Breske, Plale and Leibham.

Noes, 0 – None.

Assembly Bill 698

Relating to: the enrollment of the charter school established by the University of Wisconsin–Parkside.

Concurrence.

Ayes, 4 – Senators Harsdorf, Kapanke, Plale and Leibham.

Noes, 1 – Senator Breske.

Assembly Bill 730

Relating to: independent charter schools established by University of Wisconsin institutions.

Concurrence.

Ayes, 4 – Senators Harsdorf, Kapanke, Plale and Leibham.

Noes, 1 – Senator Breske.

Assembly Bill 805

Relating to: fee remissions at technical colleges for victims of Hurricane Katrina.

Concurrence.

Ayes, 5 – Senators Harsdorf, Kapanke, Breske, Plale and Leibham.

Noes, 0 – None.

SHEILA HARSDORF
Chairperson

State of Wisconsin

January 20, 2006

The Honorable, The Senate:

Pursuant to Senate Rule 46(2)(c), I am writing to direct that **Senate Bill 477** be withdrawn from the committee on **Senate Organization** and rereferred to the joint committee on **Finance**. I have obtained the consent of the appropriate chairperson.

Sincerely,

ALAN LASEE
Senate President

**State of Wisconsin
Office of the Governor**

January 19, 2006

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint RENWICK, SUZETTE, of La Crosse, as a member of the Pharmacy 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**.

Senate Clearinghouse Rule 05–112

Relating to student protection fees paid by schools subject to the approval of the EAB.

Submitted by Educational Approval Board.

Report received from Agency, January 19, 2006.

Referred to committee on **Education**, January 20, 2006.

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 408
Assembly Bill 688
Assembly Bill 712
Assembly Bill 741
Assembly Bill 750
Assembly Bill 828
Assembly Bill 849

Adopted and asks concurrence in:

Assembly Joint Resolution 61
Assembly Joint Resolution 68

Assembly Bill 408

Relating to: interfering with a 911 emergency telephone call and providing a penalty.

By Representatives Pettis, Lamb, Ainsworth, Bies, Hahn, Hines, Kaufert, Lothian, McCormick, Mursau, Musser, Sheridan, Townsend and Vruwink; cosponsored by Senators Roessler, Lazich and Coggs.

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

Assembly Bill 688

Relating to: the age at which an adoptee may obtain identifying information about his or her birth parents.

By Representatives Freese, Jeskewitz, Grigsby, Kerkman, Ballweg, Travis, LeMahieu, F. Lasee, Lehman, Wood, Hahn, Hines, Sheridan, Kreibich, Pridemore, Ott and Berceau; cosponsored by Senators Kedzie, Lassa, Darling, Erpenbach, Taylor, Reynolds and Cowles.

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

Assembly Bill 712

Relating to: vehicles transporting human organs for transplantation, medical personnel for human organ harvesting or transplantation purposes, or medical devices or equipment for emergency purposes.

By Representatives Krusick, Stone, Berceau, Boyle, Fields, Gunderson, Hines, Hundertmark, Lehman, McCormick, Musser, Ott, Parisi, Seidel, Staskunas, Townsend, Vos, Vruwink and Petrowski; cosponsored by Senators Darling, A. Lasee, Olsen and Wirch.

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

Assembly Bill 741

Relating to: review of Department of Transportation decisions related to outdoor advertising signs.

By Representatives Friske, Ainsworth, Hahn, Davis, Musser, Albers, Townsend, Krawczyk, Gunderson and Ballweg; cosponsored by Senators Grothman and Reynolds.

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

Assembly Bill 750

Relating to: the assessment of forfeitures by the Department of Commerce for violating certain licensing requirements and granting rule-making authority.

By Representatives Hines, Wasserman, Ott, Turner, Kerkman, Berceau, Grigsby, Hundertmark and Staskunas; cosponsored by Senators Darling, Plale and Hansen.

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

Assembly Bill 828

Relating to: the regulation of optometrists, providing an exemption from emergency rule procedures, and granting rule-making authority.

By Representatives Hundertmark, Underheim, Kestell, Musser, Davis, Krawczyk, Kerkman, Strachota, Pope-Roberts, Towns, Hahn, Wasserman, Ott, Gielow, Nischke, Hebl, Vos, Ainsworth, Hines, Seidel, Nelson, Kreibich and Albers; cosponsored by Senators Brown, Roessler, Darling, Olsen, Robson, Jauch, Erpenbach and Decker.

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

Assembly Bill 849

Relating to: expanding membership eligibility on the board of trustees of a police relief association and a fire fighters relief association.

By Representatives Honadel, Krusick, Albers, Ballweg, Bies, Gunderson, Jeskewitz, Kaufert, Kerkman, Krawczyk, Lehman, Musser, Nelson, Petrowski, Travis, Vos and Zepnick; cosponsored by Senators Zien, Brown, Carpenter, Darling, Grothman, Kanavas, Plale and Wirch.

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

Assembly Joint Resolution 61

Relating to: the life and service of Colonel Herbert M. Smith.

By Representatives Suder, Musser, Nischke, Lothian, Lehman, Krawczyk, Bies, Hahn, Owens, Petrowski, Wood, Kleefisch, Nass, Albers and Hines; cosponsored by Senators Zien, Brown, Grothman, A. Lasee, Kedzie, Kanavas and Cowles.

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

Assembly Joint Resolution 68

Relating to: prohibiting partial vetoes of parts of bill sections (first consideration).

By Representatives Friske, Stone, Gard, Albers, Pridemore, Gundrum, Lothian, Pettis, Ballweg, Strachota, Bies, Ainsworth, J. Fitzgerald, Townsend, Vos, Gunderson, Nerison, Gottlieb, Kestell, Montgomery, Suder, Hahn, Jeskewitz, Moulton, Van Roy, Mursau, Rhoades, Nischke, F. Lasee, Honadel, Wood and Musser; cosponsored by Senators Darling, Grothman, A. Lasee, Zien and Reynolds.

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

Senate amendment 1 to **Senate Bill 242** offered by Senator Darling.

Senate substitute amendment 2 to **Senate Bill 387** offered by Senator Grothman.

Senate substitute amendment 1 to **Senate Bill 404** offered by Senator Olsen.

Senate amendment 1 to **Senate Bill 433** offered by Senator Kanavas.

The Chief Clerk makes the following entries dated Monday, January 23, 2006.

Read and referred:

Senate Joint Resolution 59

Relating to: recognizing January as Cervical Cancer Awareness Month.

By Senators Taylor, Darling, Miller, Risser, Olsen, Roessler, Cogs, Wirch, Cowles, Lassa, Brown, Hansen and A. Lasee; cosponsored by Representatives Boyle, Musser, M. Williams, Jeskewitz, Krawczyk, Turner, Hundertmark, Townsend, Berceau, A. Williams, Pocan, Albers, Fields, Sheridan, Strachota, McCormick, Lehman, Grigsby, Seidel, Gunderson, Bies and Wasserman.

To committee on **Senate Organization**.

Read first time and referred:

Senate Bill 516

Relating to: continuing education and certification requirements for building contractors and certification of building inspectors.

By Senators Zien, Stepp, Brown, Risser, Olsen, Cowles, Lassa and Roessler; cosponsored by Representatives Suder, Ott, Pettis, Lamb, Loeffelholz, Hundertmark, Owens, Montgomery, Nischke, Krawczyk, Lothian, McCormick, Wieckert, Albers and Huebsch.

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

Senate Bill 517

Relating to: group health care plans offered by health benefit purchasing cooperatives.

By Senators Harsdorf, Cowles, Darling, Decker, Erpenbach, Hansen, Leibham, Miller, Risser and Roessler; cosponsored by Representatives Gielow, Davis, Ott, Nelson, Ainsworth, Albers, Freese, Friske, Gronemus, Gunderson, Hahn, Hines, Hubler, Hundertmark, Jeskewitz, Kaufert, Krawczyk, Kreibich, Loeffelholz, Montgomery, Musser, Nischke, Pettis, Staskunas, Suder, Van Roy, Vos, Vruwink, Gard, Towns and Moulton.

To committee on **Agriculture and Insurance**.

Senate Bill 518

Relating to: various duties of the Department of Revenue, including issuing declaratory judgments, conducting audits and assessments, asserting liability, allowing claims for refunds, awarding the costs of litigation to a prevailing party, imposing penalties related to a taxpayer's negligence, calculating interest on unpaid amounts, and requiring the exercise of rule-making authority.

By Senators Kanavas, Darling, Stepp, Grothman, Schultz, Brown, Olsen and Roessler; cosponsored by Representatives Strachota, Gard, J. Fitzgerald, Huebsch, Jensen, Wood, Hundertmark, Nischke, Mursau, Freese, Lothian, Krawczyk, Montgomery, Lamb, Kreibich, Towns, Gunderson, Ballweg, Loeffelholz, Vos, Albers, LeMahieu, Jeskewitz, F. Lasee, Pettis, McCormick and Musser.

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

Senate Bill 519

Relating to: the evaluation of the Student Achievement Guarantee in Education Program and making an appropriation.

By Senators Olsen and Darling; cosponsored by Representatives Towns, Davis, Kestell, Hundertmark, Townsend, Nischke, Jeskewitz, Montgomery, Kreibich, Ott, Hahn, Ballweg, Vos and Albers.

To committee on **Education**.

Senate Bill 520

Relating to: reporting the number of hours of pupil instruction provided in public schools.

By Senators Olsen and Darling; cosponsored by Representatives Towns, Hines, Nischke, Montgomery, Ballweg, Ott, Kreibich, Hahn and Albers.

To committee on **Education**.

Senate Bill 521

Relating to: the Milwaukee Parental Choice Program.

By Senators Darling, Olsen, Lazich, Stepp, Reynolds, Leibham and Plale; cosponsored by Representatives Vukmir, Fields, Gard, Huebsch, Honadel, Ziegelbauer, Towns, Montgomery, Nischke, Lothian, Wood, Pridemore, Vos, McCormick, Musser, Gielow, Kestell, Strachota, J. Fitzgerald, LeMahieu, Owens, Ott, Hundertmark, Davis, Bies, Kleefisch, Ballweg, Stone, Newcomer, Nass, Kaufert, Gottlieb, Gundrum, Jeskewitz, Gunderson, Moulton and Albers.

To committee on **Education**.

**State of Wisconsin
Office of the Governor**

January 20, 2006

The Honorable, The Senate:

I am vetoing **Senate Bill 403** in its entirety for many of the same reasons that I vetoed a similar concealed carry bill last session.

Wisconsin is one of the safest states in the country and boasts one of the lowest crime rates nationwide. In fact, Wisconsin was ranked in the top ten safest states to live in 2005. It is a testament to the people of Wisconsin that our state is not only one of the safest places to live in the country, but also has a proud tradition of responsible gun ownership and use. Wisconsin has long been known for the world class hunting and sport shooting opportunities available to Wisconsin citizens and tourists from other states. Just as our state's ban on concealed weapons has not interfered with these Wisconsin traditions, Wisconsin's gun owners will not be harmed in any way by rejection of this legislation.

Perhaps these traditions are among the reasons why those we most entrust with protecting our safety—our highly trained law enforcement officers—still overwhelmingly oppose lifting the ban on the carrying of concealed weapons.

SB 403 endangers public safety by allowing individuals to carry concealed weapons into many public places, including shopping malls, banks, movie theaters, numerous government buildings including the State Capitol, fair grounds, concert venues, parades, parking lots, farmers markets, parks, and so on. The bill even allows a person to carry a concealed weapon while consuming alcohol and puts Wisconsin's children at risk by creating a variety of instances in which it would be legal for an individual to carry a concealed weapon within a school zone.

In addition, SB 403 carves out an unjustified new loophole in Wisconsin's open records law to prevent the public from knowing who has concealed weapons. It is absurd that under this bill, hunting and fishing licenses would be subject to open records, but not licenses to carry lethal weapons into shopping malls.

SB 403 even limits law enforcement's ability to access information. Under the bill, a police officer would only be aware of whether or not a person is carrying a concealed weapon for specified purposes related to routine traffic stops. Therefore, police officers responding to a call from a house or business, or following a suspect on foot, will not be aware if any of the people involved have a license for a concealed weapon. In addition, police officers following a suspect who has a warrant out for his or her arrest and who is not breaking any traffic laws will not be able to learn whether or not that person has a license for a concealed weapon. This makes the job of law enforcement increasingly difficult and dangerous.

The bill's exemption for private businesses is also highly unworkable. In order for business owners to prevent anyone carrying a concealed weapon from entering their stores, the bill not only requires businesses to post warning signs at their front doors, but also requires the businesses to "personally and orally" warn that concealed weapons are not permitted on site. A business owner would actually have to approach each and every person suspected of carrying a concealed weapon and personally ask that person to leave the premises. SB 403 also creates a significant liability disparity between businesses that allow concealed weapons on their premises and those who wish to restrict them. Under the bill, employers that allow their employees and customers to carry concealed weapons have immunity from liability, but business owners who prohibit concealed weapons from their premises would not have immunity under the law.

This veto does not result in an absolute ban on the carrying of concealed weapons in one's home or private business, which the Wisconsin Supreme Court has upheld as constitutional, nor does this action eliminate any existing rights of Wisconsin citizens. Instead, this veto seeks to protect the safety of the citizens of Wisconsin, and the police officers working to ensure that safety, by maintaining the balance of responsible gun control designed to keep guns out of the wrong hands, with the right of every citizen to bear arms. I continue to stand with the majority of Wisconsin law enforcement in my belief that lifting the state's 134-year-old ban on the carrying of concealed weapons is neither warranted nor appropriate.

Sincerely,

JIM DOYLE
Governor

Pursuant to Senate Rule 17 (5), Representative Albers added as a cosponsor of **Senate Bill 505**.

**State of Wisconsin
Office of the Governor**

January 23, 2006

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ANDERSON, THEODORE, of New Berlin, as a member of the Cemetery Board, to serve 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**.

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

Senate Clearinghouse Rule 05-098

Relating to human services internship requirements for a social worker training certificate.

No action taken.

CAROL ROESSLER
Chairperson

Senate amendment 1 to **Senate Bill 325** offered by Senator Stepp.

Senate amendment 2 to **Senate Bill 433** offered by Senator Kanavas.

Senate substitute amendment 1 to **Senate Bill 465** offered by Senator Kedzie.

Senate amendment 1 to **Senate Bill 484** offered by Senator Zien.

The Chief Clerk records:

Senate Bill 68

Senate Joint Resolution 56

Report correctly enrolled on January 23, 2006.

CORRECTIONS IN:

TO 2005 SENATE BILL 104

Prepared by the Legislative Reference Bureau
(January 20, 2006)

1. Page 3, line 7: after "the amount" insert "of".
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REPORT OF COMMITTEES

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

Senate Bill 297

Relating to: the powers of tribal law enforcement officers under state law.

Passage.

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

Noes, 0 – None.

Senate Bill 298

Relating to: cooperative county-tribal law enforcement programs.

Passage.

Ayes, 4 – Senators Zien, Roessler, Taylor and Risser.

Noes, 1 – Senator Grothman.

Senate Bill 319

Relating to: recovery of costs in nonearnings garnishments.

Passage.

Ayes, 4 – Senators Zien, Roessler, Grothman and Taylor.

Noes, 1 – Senator Risser.

Senate Bill 425

Relating to: the authority of the Department of Justice and public nuisance actions.

Passage.

Ayes, 3 – Senators Zien, Roessler and Grothman.

Noes, 2 – Senators Taylor and Risser.

Senate Bill 447

Relating to: punitive damage awards.

Passage.

Ayes, 3 – Senators Zien, Roessler and Grothman.

Noes, 2 – Senators Taylor and Risser.

Senate Bill 501

Relating to: damages for frivolous claims.

Introduction and adoption of Senate Amendment 1.

Ayes, 3 – Senators Zien, Roessler and Grothman.

Noes, 2 – Senators Taylor and Risser.

Passage as amended.

Ayes, 3 – Senators Zien, Roessler and Grothman.

Noes, 2 – Senators Taylor and Risser.

Assembly Bill 188

Relating to: prohibiting certain computer postings that invite harassment or obscene, lewd, or profane communication and providing a penalty.

Concurrence.

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

Noes, 0 – None.

Assembly Bill 251

Relating to: registered sex offenders and photographing persons under the age of 17.

Concurrence.

Ayes, 4 – Senators Zien, Roessler, Grothman and Taylor.

Noes, 1 – Senator Risser.

Assembly Bill 383

Relating to: requiring criminal history background investigations of applicants for certain state government positions.

Concurrence.

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

Noes, 0 – None.

Assembly Bill 594

Relating to: repossession of goods in consumer credit transactions and certain consumer leases.

Introduction and adoption of Senate Substitute Amendment 1.

Ayes, 4 – Senators Zien, Roessler, Grothman and Taylor.

Noes, 1 – Senator Risser.

Concurrence as amended.

Ayes, 3 – Senators Zien, Roessler and Grothman.

Noes, 2 – Senators Taylor and Risser.

Assembly Bill 624

Relating to: payments to the State Public Defender for legal representation.

Concurrence.

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

Noes, 0 – None.

Assembly Bill 657

Relating to: prohibiting the condemnation of property under certain circumstances.

Introduction and adoption of Senate Amendment 1.

Ayes, 4 – Senators Zien, Roessler, Grothman and Taylor.

Noes, 1 – Senator Risser.

Introduction and adoption of Senate Amendment 2.

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

Noes, 0 – None.

Concurrence as amended.

Ayes, 3 – Senators Zien, Roessler and Grothman.

Noes, 2 – Senators Taylor and Risser.

Assembly Bill 717

Relating to: felony murder and amending cross-references to felony murder for the purpose of correcting errors and providing a penalty.

Introduction and adoption of Senate Substitute Amendment 1.

Ayes, 4 – Senators Zien, Roessler, Grothman and Risser.

Noes, 1 – Senator Taylor.

Concurrence as amended.

Ayes, 4 – Senators Zien, Roessler, Grothman and Risser.

Noes, 1 – Senator Taylor.

DAVID ZIEN

Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin

January 24, 2006

The Honorable, The Senate:

Pursuant to Senate Rule 46(2)(b), I am writing to direct that **Clearinghouse Rule 05-112** be withdrawn from the committee on **Education** and rereferred to the committee on **Higher Education, and Tourism**. I have obtained the consent of the appropriate chairperson.

Sincerely,

ALAN LASEE

Senate President

**State of Wisconsin
Ethics Board**

January 24, 2006

The Honorable, The Senate:

The following lobbyists have been authorized to act on behalf of the organizations set opposite their names.

Eggleston, Casey
Hansen, Joan
Henningsen, Ellen

Nature Conservancy, The
Americans For Prosperity
Coalition of Wisconsin Aging
Groups Inc

Oulahan, Dennis

Milwaukee Teachers Education
Association

Seitz, Robert
Semmann, Timothy

Wisconsin Utility Investors Inc
Wisconsin Builders Association

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>

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**

January 18, 2006

The Honorable, The Legislature:

Section 165.90 of the Wisconsin Statutes requires the Department of Justice to report on the performance of cooperative county-tribal law enforcement programs receiving aid under this section. This letter constitutes our report.

This marks the eighteenth year that the Department has awarded grants for cooperative county-tribal law enforcement programs. The statutes require counties and tribes to develop joint program plans. The department requires plans to include resolutions of support for the plan adopted by county boards and tribal governing bodies, to signify cooperation and mutual commitment.

This program pays for a variety of law enforcement services to Native American communities across Wisconsin. Grants have been used for the costs of patrol, investigation, crime prevention, K-9 units, information technology, law enforcement training, alternatives to drug abuse and gang involvement, diversity training, cultural awareness education, family programs and emergency equipment. An increasing number of grants are awarded to programs that include tribal police departments, while most generally help pay for services provided by county sheriffs to Native American reservations and communities.

The amount appropriated for this program in state fiscal year 2006 was \$708,400, and amount that has not been increased since 1995. Grant moneys come from Indian gaming receipts as appropriated in the biennial budget. For calendar year 2006, the department issued 18 awards totaling \$708,400. These awards were in the following amounts:

<u>County</u>	<u>Tribes</u>	<u>2006 Award</u>
Ashland	Bad River Chippewa	\$53,760
Barron	St. Croix Chippewa	\$20,280
Bayfield	Red Cliff Chippewa	\$61,015
Brown	Oneida Nation	\$27,303
Forest	Potawatomi	\$42,865
Forest	Sokaogon Chippewa	\$34,953
Jackson	Ho Chunk Nation	\$32,523
Juneau	Ho Chunk Nation	\$37,827
Menominee	Menominee	\$55,619
Monroe	Ho Chunk Nation	\$24,024
Outagamie	Oneida Nation	\$26,712
Polk	St. Croix Chippewa	\$21,965
Sauk	Ho Chunk Nation	\$26,026
Sawyer	Lac Courte Orilles Chippewa	\$81,189
Shawano	Ho Chunk Nation	\$19,871
Shawano	Stockbridge-Munsee Mohican	\$55,976
Vilas	Lac du Flambeau Chippewa	\$66,419
Wood	Ho Chunk Nation	\$20,073
Total		\$708,400

The Department of Justice's County-Tribal Law Enforcement Grant Program continues to help local law enforcement provide needed services in Native American communities. In addition, this program helps a cooperative atmosphere and positive relationship between law enforcement and tribal governments and communities. I am pleased to share information regarding this important program with you.

Sincerely,

PEGGY A. LAUTENSCHLAGER
Attorney General

Pursuant to Senate Rule 17 (5), Senator Zien added as a coauthor of **Senate Bill 464**.

Pursuant to Senate Rule 17 (5), Senator Zien added as a coauthor of **Senate Bill 299**.

Pursuant to Senate Rule 17 (5), Senator Zien added as a cosponsor of **Assembly Bill 345**.

Pursuant to Senate Rule 17 (5), Senator Darling added as a cosponsor of **Assembly Bill 144**.

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

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

Senate Clearinghouse Rule 05-085

Relating to sport fishing for yellow perch in Green Bay and its major tributaries and all other tributary streams, rivers and ditches to Green Bay, and to commercial fishing for yellow perch in zone 1 (Green Bay).

No action taken.

Senate Clearinghouse Rule 05-088

Relating to establishing hunter education fees.

No action taken.

NEAL KEDZIE
Chairperson

**SECOND READING AND AMENDMENTS
OF SENATE JOINT RESOLUTIONS AND
SENATE BILLS**

Senate Bill 299

Relating to: conservation wardens employed by the Great Lakes Indian Fish and Wildlife Commission.

Read a second time.

Ordered to a third reading.

Senator Schultz, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 299

Read a third time and passed.

Senate Bill 375

Relating to: liens for metal fabrication tool builders and metal parts manufacturers and destruction of metal fabrication tools.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 375**?

Adopted.

Ordered to a third reading.

Senator Schultz, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 375

Read a third time and passed.

Senate Bill 409

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

Read a second time.

Ordered to a third reading.

Senator Schultz, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 409

Read a third time and passed.

Senate Bill 411

Relating to: a school attendance officer's duties.

Read a second time.

Ordered to a third reading.

Senator Schultz, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 411

Read a third time and passed.

Senate Bill 464

Relating to: authorizing a person to transport an unencased firearm in a motor vehicle under certain circumstances.

Read a second time.

Ordered to a third reading.

Senator Schultz, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 464

Read a third time and passed.

Senate Bill 485

Relating to: exempting from motor carrier regulations certain vehicle combinations operated in intrastate commerce.

Read a second time.

Ordered to a third reading.

Senator Kedzie, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 485

Read a third time and passed.

**SECOND READING AND AMENDMENTS
OF ASSEMBLY JOINT RESOLUTIONS AND
ASSEMBLY BILLS**

Assembly Bill 116

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

Read a second time.

Ordered to a third reading.

Senator Schultz, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 116

Read a third time and concurred in.

Assembly Bill 133

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

Read a second time.

Ordered to a third reading.

Senator Schultz, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 133

Read a third time and concurred in.

Assembly Bill 144

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

Read a second time.

Ordered to a third reading.

Senator Schultz, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 144

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 32.

Noes – None.

Absent or not voting – Senator Leibham – 1.

Concurred in.

Assembly Bill 240

Relating to: the immobilization, impoundment, and disposal of unregistered motor vehicles.

Read a second time.

Ordered to a third reading.

Senator Schultz, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 240

Read a third time and concurred in.

Assembly Bill 345

Relating to: acreage requirements for areas in which farm-raised deer that may be hunted are kept and transfers of registration certificates for keeping farm-raised deer.

Read a second time.

Ordered to a third reading.

Senator Schultz, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 345

Read a third time and concurred in.

Assembly Bill 728

Relating to: intimidating a witness and providing a penalty.

Read a second time.

Ordered to a third reading.

Senator Kedzie, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 728

Read a third time and concurred in.

MOTIONS MAY BE OFFERED

Senator Kedzie, with unanimous consent, asked that all action be immediately messaged to the Assembly.

Messaged.

**ANNOUNCEMENTS, ADJOURNMENT
HONORS, AND REMARKS UNDER
SPECIAL PRIVILEGE**

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Carmine and Giuseppina

Savaglio who celebrated their 60th wedding anniversary on January 1. The Savaglios have lived in Kenosha for 43 years and attribute their lasting relationship to love, understanding, and family.

ADJOURNMENT

Senator Kedzie, with unanimous consent, asked that the Senate adjourn until Thursday, January 26.

Adjourned.

11:24 A.M.

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 505** offered by Senator Brown.

CHIEF CLERK'S REPORT

The Chief Clerk records:

Senate Joint Resolution 56

Deposited in the office of the Secretary of State on January 24, 2006.