



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Seventh Regular Session

1:00 P.M.

WEDNESDAY, July 12, 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, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Wirch and Zien – 29.

Absent – Senators Kapanke, Olsen, Stepp and Taylor – 4.

Absent with leave – None.

Senator Robson, with unanimous consent, asked that a leave of absence be granted to Senator Taylor for the balance of the day's session.

Senator Schultz, with unanimous consent, asked that a leave of absence be granted to Senator's Kapanke, Olsen, and Stepp for the balance of the day's session.

### CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated Thursday, July 6, 2006.

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

#### **Senate Clearinghouse Rule 05–116**

Relating to national emission standards for hazardous air pollutants for industrial, commercial and institutional boilers and process heaters.

No action taken.

#### **Senate Clearinghouse Rule 06–011**

Relating to fishing on the inland, outlying, and boundary waters of Wisconsin.

No action taken.

#### **Senate Clearinghouse Rule 06–012**

Relating to deer and turkey hunting, hunting and trapping techniques, permit and license issuance, dog training, and learn to hunt programs.

No action taken.

#### **Senate Clearinghouse Rule 06–013**

Relating to deer hunting and the control and eradication of chronic wasting disease.

No action taken.

#### **Senate Clearinghouse Rule 06–036**

Relating to the transportation facilities economic assistance and development (TEA) program.

No action taken.

NEAL KEDZIE  
Chairperson

The Chief Clerk makes the following entries dated Monday, July 10, 2006.

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

June 26, 2006

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MULLOOLY, THOMAS, of Wauwatosa, as a member of the Wisconsin Aerospace Authority, to serve for the term ending June 30, 2008.

Sincerely,  
JIM DOYLE  
Governor

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

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

June 26, 2006

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LEE, MARK, of Middleton, as a member of the Wisconsin Aerospace Authority, to serve for the term ending June 30, 2009.

Sincerely,  
JIM DOYLE  
Governor

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

The Chief Clerk makes the following entries dated Tuesday, July 11, 2006.

#### **Senate Clearinghouse Rule 06–064**

Relating to CDL exemptions.  
Submitted by Department of Transportation.  
Report received from Agency, July 11, 2006.  
Referred to committee on **Natural Resources and Transportation**, July 11, 2006.

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

Read first time and referred:

**Senate Bill 734**

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Attorneys Association, Inc., for the 2005–07 biennium, covering employees in the professional legal collective bargaining unit, and authorizing an expenditure of funds.

By joint committee on Employment Relations.

To committee on **Senate Organization**.

**Senate Bill 735**

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Attorneys Association, Inc., for the 2003–05 biennium, covering employees in the professional legal collective bargaining unit, and authorizing an expenditure of funds.

By joint committee on Employment Relations.

To committee on **Senate Organization**.

**Senate Bill 736**

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL–CIO, for the 2005–07 biennium, covering employees in the professional social services collective bargaining unit, and authorizing an expenditure of funds.

By joint committee on Employment Relations.

To committee on **Senate Organization**.

**Senate Bill 737**

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin Professional Employees Council, WFT/AFT, AFL–CIO, for the 2005–07 biennium, covering employees in the professional fiscal and staff services collective bargaining unit, and authorizing an expenditure of funds.

By joint committee on Employment Relations.

To committee on **Senate Organization**.

**REPORT OF COMMITTEES**

The joint committee on **Employment Relations** reports and recommends:

**Senate Bill 734**

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Attorneys Association, Inc., for the 2005–07 biennium, covering employees in the professional legal collective bargaining unit, and authorizing an expenditure of funds.

Introduction.

Ayes, 8 - Senators Lasee, Fitzgerald, Schultz, and Robson; and Representatives Gard, Huebsch, Kaufert, and Kreuser.

Noes, 0 – None.

**Senate Bill 735**

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Attorneys Association, Inc., for the 2003–05 biennium, covering employees in the professional legal collective bargaining unit, and authorizing an expenditure of funds.

Introduction.

Ayes, 8 - Senators Lasee, Fitzgerald, Schultz, and Robson; and Representatives Gard, Huebsch, Kaufert, and Kreuser.

Noes, 0 – None.

**Senate Bill 736**

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL–CIO, for the 2005–07 biennium, covering employees in the professional social services collective bargaining unit, and authorizing an expenditure of funds.

Introduction.

Ayes, 8 - Senators Lasee, Fitzgerald, Schultz, and Robson; and Representatives Gard, Huebsch, Kaufert, and Kreuser.

Noes, 0 – None.

**Senate Bill 737**

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin Professional Employees Council, WFT/AFT, AFL–CIO, for the 2005–07 biennium, covering employees in the professional fiscal and staff services collective bargaining unit, and authorizing an expenditure of funds.

Introduction.

Ayes, 8 - Senators Lasee, Fitzgerald, Schultz, and Robson; and Representatives Gard, Huebsch, Kaufert, and Kreuser.

Noes, 0 – None.

ALAN LASEE  
Senate Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Ethics Board**

July 11, 2006

The Honorable, The Senate:

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

Carter, Jason	SEIU Wisconsin State Council
Gibson, Robert	SEIU Wisconsin State Council
Harrison, Stephanie	Wisconsin Primary Health Care Association
Korbitz, Adam	State Bar of Wisconsin
Kuehn, Ronald W	Employer Group, The
Luria, Cheryl	Amylin Pharmaceuticals

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 Health and Family Services**

July 6, 2006

The Honorable, The Senate:

Enclosed is the Wisconsin Immunization Program Annual Report as required by s. 252.01(11), Wis. Stats., The State continues to make important progress towards attaining the

goals set forth in Governor Doyle's KidsFirst Initiative and the Healthiest Wisconsin 2010. The national immunization survey conducted by the Centers for Disease Control and Prevention (CDC) indicates that 82.9% of Wisconsin's two-year old children have received their primary vaccination series, compared to 80.9% for the rest of the nation. This past March, at the National Immunization Conference in Atlanta, the CDC recognized Milwaukee County as an urban area in the US that has significantly raised immunization levels for the primary vaccination series in two year old children. Reducing health disparities in minority populations continues to be a high priority issue for this Department and raising immunization levels in children living in Milwaukee County shows progress in that regard.

On December 15, 2005, Governor Doyle announced that parents and guardians will now have direct access to their child's immunization history through the Wisconsin Immunization Registry (WIR). The WIR, a secure online database, electronically tracks any immunizations a child has received, as well as the list of vaccines recommended. Parents and guardians can perform a search for their child's immunization record using first name, last name, date of birth, and either a social security or Medicaid ID number. This registry is an important tool to help doctors, nurses and parents keep track of immunizations, especially when a family moves or changes doctors or health care plans.

Wisconsin is making excellent progress in raising immunization levels. Our collaborative efforts with the public and private sectors throughout the state in implementing the WIR and other initiatives is improving the immunization levels of Wisconsin's children. However, we cannot, and we will not rest on our many successes. We will continue to strive to ensure that our children are safe from vaccine preventable diseases.

Sincerely,

HELENE NELSON  
Secretary

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**MESSAGES FROM THE ASSEMBLY**

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 1227**
- Assembly Bill 1228**
- Assembly Bill 1229**
- Assembly Bill 1230**

Adopted and asks concurrence in:

- Assembly Joint Resolution 107**
- Assembly Joint Resolution 108**
- Assembly Joint Resolution 109**
- Assembly Joint Resolution 110**

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**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 1227**

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Attorneys Association, Inc., for the 2005–07 biennium,

covering employees in the professional legal collective bargaining unit, and authorizing an expenditure of funds.

By joint committee on Employment Relations.

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

**Assembly Bill 1228**

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Attorneys Association, Inc., for the 2003–05 biennium, covering employees in the professional legal collective bargaining unit, and authorizing an expenditure of funds.

By joint committee on Employment Relations.

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

**Assembly Bill 1229**

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL–CIO, for the 2005–07 biennium, covering employees in the professional social services collective bargaining unit, and authorizing an expenditure of funds.

By joint committee on Employment Relations.

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

**Assembly Bill 1230**

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin Professional Employees Council, WFT/AFT, AFL–CIO, for the 2005–07 biennium, covering employees in the professional fiscal and staff services collective bargaining unit, and authorizing an expenditure of funds.

By joint committee on Employment Relations.

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

**Assembly Joint Resolution 107**

Relating to: the life and military service of Sergeant Travis Van Zoest.

By Representative Hahn.

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

**Assembly Joint Resolution 108**

Relating to: the life and service of Staff Sergeant Nathan Vacho of the United States Army Reserve, who lost his life during Operation Iraqi Freedom.

By Representative M. Williams; cosponsored by Senator Decker.

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

**Assembly Joint Resolution 109**

Relating to: the life and service of Staff Sergeant Patrick Lybert of the United States Army, who lost his life during Operation Enduring Freedom.

By Representative M. Williams; cosponsored by Senator Decker.

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

**Assembly Joint Resolution 110**

Relating to: honoring the life and legacy of Milwaukee Mayor Frank Zeidler.

By Representatives Colon, Turner, Kessler, Zepnick, Nischke, Toles, Jeskewitz, Staskunas, Pocan, Grigsby, Richards, Wasserman, Young and Lehman; cosponsored by Senators Cogs, Lazich, Erpenbach, Carpenter, Risser and Hansen.

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

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

Senator Schultz, with unanimous consent, asked that **Assembly Joint Resolution 107, Assembly Joint Resolution 108, Assembly Joint Resolution 109, Assembly Joint Resolution 110, Assembly Bill 1227, Assembly Bill 1228, Assembly Bill 1229, and Assembly Bill 1230** be withdrawn from the committee on **Senate Organization** and taken up.

**Assembly Joint Resolution 107**

Relating to: the life and military service of Sergeant Travis Van Zoest.

Concurred in by unanimous rising vote.

Senator Schultz, with unanimous consent, asked that all members of the Senate be added as cosponsors of **Assembly Joint Resolution 107**.

**Assembly Joint Resolution 108**

Relating to: the life and service of Staff Sergeant Nathan Vacho of the United States Army Reserve, who lost his life during Operation Iraqi Freedom.

Concurred in by unanimous rising vote.

Senator Schultz, with unanimous consent, asked that all members of the Senate be added as cosponsors of **Assembly Joint Resolution 108**.

**Assembly Joint Resolution 109**

Relating to: the life and service of Staff Sergeant Patrick Lybert of the United States Army, who lost his life during Operation Enduring Freedom.

Concurred in by unanimous rising vote.

Senator Schultz, with unanimous consent, asked that all members of the Senate be added as cosponsors of **Assembly Joint Resolution 109**.

**Assembly Joint Resolution 110**

Relating to: honoring the life and legacy of Milwaukee Mayor Frank Zeidler.

The question was: Shall **Assembly Joint Resolution 110** be concurred in?

Concurred in.

**Assembly Bill 1227**

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Attorneys Association, Inc., for the 2005–07 biennium, covering employees in the professional legal collective bargaining unit, and authorizing an expenditure of funds.

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 1227**

Read a third time.

The ayes and noes were required and the vote was: ayes, 27; noes, 2; absent or not voting, 4; as follows:

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lassa, Leibham, Miller, Plale, Risser, Robson, Roessler, Schultz, Wirch and Zien – 27.

Noes – Senators Lazich and Reynolds – 2.

Absent or not voting – Senators Kapanke, Olsen, Stepp and Taylor – 4.

Concurred in.

**Assembly Bill 1228**

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Attorneys Association, Inc., for the 2003–05 biennium, covering employees in the professional legal collective bargaining unit, and authorizing an expenditure of funds.

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 1228**

Read a third time.

The ayes and noes were required and the vote was: ayes, 27; noes, 2; absent or not voting, 4; as follows:

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Plale, Risser, Robson, Roessler, Schultz, Wirch and Zien – 27.

Noes – Senators Grothman and Reynolds – 2.

Absent or not voting – Senators Kapanke, Olsen, Stepp and Taylor – 4.

Concurred in.

**Assembly Bill 1229**

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL–CIO, for the 2005–07 biennium, covering employees in the professional social services collective bargaining unit, and authorizing an expenditure of funds.

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 1229**

Read a third time.

The ayes and noes were required and the vote was: ayes, 26; noes, 3; absent or not voting, 4; as follows:

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lassa, Leibham,

Miller, Plale, Risser, Robson, Roessler, Schultz, Wirch and Zien – 26.

Noes – Senators Grothman, Lazich and Reynolds – 3.

Absent or not voting – Senators Kapanke, Olsen, Stepp and Taylor – 4.

Concurred in.

### Assembly Bill 1230

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin Professional Employees Council, WFT/AFT, AFL–CIO, for the 2005–07 biennium, covering employees in the professional fiscal and staff services collective bargaining unit, and authorizing an expenditure of funds.

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 1230

Read a third time.

The ayes and noes were required and the vote was: ayes, 26; noes, 3; absent or not voting, 4; as follows:

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lassa, Leibham, Miller, Plale, Risser, Robson, Roessler, Schultz, Wirch and Zien – 26.

Noes – Senators Grothman, Lazich and Reynolds – 3.

Absent or not voting – Senators Kapanke, Olsen, Stepp and Taylor – 4.

Concurred in.

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

Messaged.

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## ANNOUNCEMENTS, ADJOURNMENT HONORS, AND REMARKS UNDER PRIVILEGE

Senator Erpenbach, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Michael Lee Swanson of Oakfield.

Senator Risser, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Tom and Sandi Vandervest of Middleton. Tom recently retired as Principal of Middleton High School after 37 years of teaching. Sandi retired

last January after 21 years of nursing. They are both hard-working, caring people who, most of all, are wonderful parents and grandparents to their three children and six grandchildren.

Senator Coggs, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Milwaukee Mayor Frank P. Zeidler. He was Milwaukee's last socialist mayor, a lover of the city of Milwaukee, a historian and connoisseur of Milwaukee's libraries, and a neighbor of Senator Coggs' for many years.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her granddaughter Alexiah Roessler, born at 10:40 this morning at St. Mary's Hospital. Alexiah weighed in at 6 lbs. 10 oz., and measured 19 inches long. Both Alexiah and proud parents, Tyson and Nikki Roessler, are doing well.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Jennifer and David Stegall on the birth of their first child, Jack Austin Stegall. Jack was born June 24, 2006 at 2:14 P.M. Jack weighed 6 lbs. 14 oz. and measured 20 inches long.

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Tony Mason, who retired on the last day of June from over 30 years of service at the Legislative Fiscal Bureau. Tony is a great representative of the quality of work that those who serve the legislature provide. Tony was a great help to everyone, and his sense of humor and excellent work will be missed.

Senator Brown, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his good friend and former colleague Ed Mishefske.

Senator Hansen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his Granddaughter Elliana Zaidel as she turns one year old on July 18th.

Senator Miller, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his daughter, Chandra Fienen and her husband Mike Fienen who last week returned to live in Madison from their former home in San Francisco via tandem bicycle on a trip totaling 3,200 miles over 8 weeks.

Senator Schultz, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his Chief of Staff John Murray and John's wife Denise. They recently became proud parents of twin boys. Both mother and babies are doing well.

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## ADJOURNMENT

Senator Schultz, with unanimous consent, asked that the Senate adjourn pursuant to **Senate Joint Resolution 1** and **Senate Joint Resolution 86**.

Adjourned.

1:49 P.M.