



STATE OF WISCONSIN

Senate Journal

Ninety–Sixth Regular Session

10:00 A.M.

THURSDAY, March 13, 2003

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, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Moore, Panzer, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Welch, Wirch and Zien – 30.

Absent – Senator Meyer – 1.

Absent with leave – None.

The Senate stood for a moment of silent meditation.

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

INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

Senate Joint Resolution 23

Relating to: declaring May 14 Hmong–Lao Appreciation Day.

By Senators Welch, George, Zien, Brown, Harsdorf, Kanavas, Decker, M. Meyer, Carpenter, Hansen, Cowles and Roessler; cosponsored by Representatives Huebsch, Hundertmark, Ladwig, Kreibich, J. Wood, Musser, Petrowski, Vrakas, Plale, Schooff, Krug, Travis, Boyle, Balow, Krawczyk, Bies, Cullen, Plouff and Huber.

To committee on **Senate Organization**.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 71

Relating to: treatment of prescription drug costs, diagnostic testing, and payments under mandated insurance coverage of treatment for nervous and mental disorders and alcoholism and other drug abuse problems, and granting rule–making authority.

By Joint Legislative Council.

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

Senate Bill 72

Relating to: increasing the limits for insurance coverage of nervous or mental health disorders or alcoholism or other drug abuse problems.

By Joint Legislative Council.

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

Senate Bill 73

Relating to: requiring the creation of a task force to develop a plan for the state centers for the developmentally disabled.

By Joint Legislative Council.

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

Senate Bill 74

Relating to: adding legislative members to the Council on Developmental Disabilities; requiring the Council on Developmental Disabilities to report annually to the legislature; expanding eligibility, requiring submission of wavier requests by a specified date, and providing transitional services under a pilot program for long–term care of children with disabilities; requiring the Department of Health and Family Services to develop a plan to administer and fund services for persons with developmental disabilities; and requiring the exercise of rule–making authority.

By Joint Legislative Council.

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

LEAVES OF ABSENCE

Senator Erpenbach, with unanimous consent, asked that Senator M. Meyer be granted a leave of absence for today's session.

Senator Lazich, with unanimous consent, asked that the Senate recess until 11:30 A.M.

10:10 A.M.

RECESS

11:30 A.M.

The Senate reconvened.

Senator A. Lasee in the chair.

The Chair, with unanimous consent, asked that the Senate return to the third order of business.

INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Senate Joint Resolution 24

Relating to: commending the families and friends of those soldiers serving on active duty in the Middle East and praying for the prompt and safe return of their loved ones.

By Senators Welch, Zien, S. Fitzgerald, Darling, Schultz, Kanavas and Stepp; cosponsored by Representatives Nass, Kreibich, Jensen, Kaufert, Hundertmark, Grothman, Suder, Bies, Hines, Hahn, Nischke, Pettis, Jeskewitz, Kestell, Krawczyk, LeMahieu, Van Roy, Seratti and Gielow.

To committee on **Senate Organization**.

ADVICE AND CONSENT OF THE SENATE

Senator Erpenbach, with unanimous consent, asked that all appointments be taken up en masse.

ADAMSKI, PAUL C., of Stevens Point, as a member of the Savings Bank Review Board, to serve for the term ending May 1, 2005.

Read.

FARRAR, DR. LYNDA, of Oregon, 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, 2006.

Read.

JOHNSON, DR. JAMES R., of Waukesha, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 2005.

Read.

MCGREGOR, ELAINE H., of Waukesha, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 2004.

Read.

NILSESTUEN, ROD, of DeForest, as Secretary of the Department of Agriculture, Trade and Consumer Protection, to serve for the term ending at the pleasure of the Governor.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 1; as follows:

Ayes – Senators Breske, Brown, Carpenter, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Moore, Panzer, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Welch, Wirch and Zien – 30.

Noes – None.

Absent or not voting – Senator M. Meyer – 1.

Confirmed.

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

The committee on **Energy and Utilities** reports and recommends:

Senate Clearinghouse Rule 02–115

Relating to electric safety—revision of Volume 1 of the Wisconsin state electrical code.

No action taken.

Robert Cowles
Chairperson

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

Senate Clearinghouse Rule 02–154

Relating to assistance for the purchase of prescription drugs by persons aged 65 and older.

Review period waived.

Ayes, 9 – Senators Roessler, Kanavas, Brown, Welch, Schultz, Robson, Chvala, Jauch and Carpenter.

Noes, 0 – None.

Carol Roessler
Chairperson

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 112

Assembly Bill 113

Assembly Bill 114

Assembly Bill 120

Assembly Bill 123

Assembly Bill 144

MESSAGES FROM THE ASSEMBLY CONSIDERED

Assembly Bill 112

Relating to: the date of the presidential preference primary.

By Representatives Freese, Gunderson, Suder, Bies, Vrakas, Hines, Ladwig, Hahn, Stone, Ott, Hundertmark, Gard, Kestell, Grothman, Albers, Kreibich, Owens, LeMahieu, Musser and Pettis; cosponsored by Senators Welch, S. Fitzgerald and Schultz.

Read first time and referred to committee on **Education, Ethics and Elections**.

Assembly Bill 113

Relating to: public inspection of the records of the canvass of elections for the offices of president and vice president.

By Representatives Freese, Gunderson, Bies, Vrakas, Hines, Ladwig, Hahn, Ott, Hundertmark, Kestell, Albers, Kreibich, Ainsworth and Pettis; cosponsored by Senators Stepp and Schultz.

Read first time and referred to committee on **Education, Ethics and Elections**.

Assembly Bill 114

Relating to: polling hours.

By Representatives Freese, Gunderson, Vrakas, Hines, Ladwig, Stone, Ott, Hundertmark, Gard, Kestell, Albers and Kreibich; cosponsored by Senators Stepp and Kedzie.

Read first time and referred to committee on **Education, Ethics and Elections**.

Assembly Bill 120

Relating to: notice regarding ineligibility to vote.

By Representatives Freese, Gunderson, M. Lehman, Bies, Vrakas, Hines, Ladwig, Hahn, Stone, Ott, Kestell, Albers, Kreibich and F. Lasee; cosponsored by Senators S. Fitzgerald, Stepp and Schultz.

Read first time and referred to committee on **Education, Ethics and Elections**.

Assembly Bill 123

Relating to: financing of election administration costs, creation of an election administration fund, and making an appropriation.

By Representatives Freese, Gunderson, Bies, Vrakas, Hines, Ladwig, Stone, Ott, Hundertmark, Kestell, Albers, Owens, Musser and Ainsworth; cosponsored by Senators S. Fitzgerald, Stepp and Schultz.

Read first time and referred to committee on **Education, Ethics and Elections**.

Assembly Bill 144

Relating to: Indian gaming compacts.

By Representatives J. Fitzgerald, Krawczyk, Kestell, Hundertmark, F. Lasee, Gunderson, M. Williams, D. Meyer, Huebsch, Ladwig, LeMahieu, Suder, Lothian, Nischke, Freese, Vrakas, Underheim, Kreibich, Hahn, Owens, Ainsworth, Jensen, Vukmir, Ott, Jeskewitz, Van Roy, J. Wood, Petrowski, Gundrum and Rhoades; cosponsored by Senators Welch, S. Fitzgerald, Brown, Lazich, Panzer, Roessler, Kanavas, Reynolds, Darling, A. Lasee, Harsdorf, Kedzie, Stepp, Leibham and Zien.

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

CONSIDERATION OF MOTIONS AND RESOLUTIONS

Senate Resolution 4

Relating to: supporting the reauthorization of the existing Community Services Block Grant and its funding to community action agencies.

Read.

Adopted.

SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

Senate Joint Resolution 19

Relating to: celebrating March 25, 2003, as the 182nd Anniversary of Greek Independence.

Read.

Adopted.

Senate Joint Resolution 20

Relating to: proclaiming March as Colorectal Cancer Awareness Month.

Read.

Adopted.

Senate Joint Resolution 22

Relating to: congratulating and commending the University of Wisconsin Men's Basketball Team and Head Coach Bo Ryan on clinching the first outright conference championship since 1947.

Read.

Senate amendment 1 to **Senate Joint Resolution 22** offered by Senators Erpenbach, Breske, Brown, Carpenter, Chvala, Cowles, Darling, Decker, Ellis, S. Fitzgerald, George, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lazich, Moore, Panzer, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Welch, Wirch and Zien.

Senator Erpenbach, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 22**.

The question was: Adoption of Senate amendment 1 to **Senate Joint Resolution 22**?

Adopted.

The question was: Adoption of **Senate Joint Resolution 22**?

Adopted.

Senate Bill 4

Relating to: possession of methamphetamine and providing a penalty.

Read a second time.

Ordered to a third reading.

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

Senate Bill 4

Read a third time and passed.

Senate Bill 62

Relating to: Indian gaming compacts.

Read a second time.

Senator Panzer, with unanimous consent, asked that **Assembly Bill 144** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Assembly Bill 144

Relating to: Indian gaming compacts.

Read a second time.

Senate substitute amendment 1 to **Assembly Bill 144** offered by Senators Hansen, Decker, Wirch and Carpenter.

Senator Welch moved rejection of Senate substitute amendment 1 to **Assembly Bill 144**.

The question was: Rejection of Senate substitute amendment 1 to **Assembly Bill 144**?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 10; absent or not voting, 1; as follows:

Ayes – Senators Brown, Chvala, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Panzer, Reynolds, Roessler, Schultz, Stepp, Welch and Zien – 20.

Noes – Senators Breske, Carpenter, Decker, Erpenbach, George, Hansen, Moore, Risser, Robson and Wirch – 10.

Absent or not voting – Senator M. Meyer – 1.

Rejected.

Ordered to a third reading.

Senator Panzer, 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 demanded and the vote was: ayes, 22; noes, 8; absent or not voting, 1; as follows:

Ayes – Senators Breske, Brown, Carpenter, Chvala, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Panzer, Reynolds, Roessler, Schultz, Stepp, Welch, Wirch and Zien – 22.

Noes – Senators Decker, Erpenbach, George, Hansen, Jauch, Moore, Risser and Robson – 8.

Absent or not voting – Senator M. Meyer – 1.

Concurred in.

Senator Panzer, with unanimous consent, asked that **Senate Bill 62** be laid on the table.

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

Assembly Joint Resolution 20

Relating to: the lives and tragic deaths of the Columbia space shuttle astronauts.

Read.

Senator Panzer, with unanimous consent, asked that all members of the Senate be added as cosponsors of **Assembly Joint Resolution 20**.

The question was: Shall **Assembly Joint Resolution 20** be concurred in?

Concurred in.

MOTIONS MAY BE OFFERED

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Resolution 4**.

Senator Roessler, with unanimous consent, asked to be added as a coauthor of **Senate Bill 61**.

Senator Darling, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 19**.

Senator Darling, with unanimous consent, asked to be added as a coauthor of **Senate Bill 4**.

Senator Zien, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 19**.

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

Senator Erpenbach, with unanimous consent, asked that when the Senate adjourns, it do so in honor of The Middleton High School Women's basketball team for competing in the WIAA State tournament.

Senator Hansen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Joe Bralick former Mayor of Oconto who passed away from cancer recently.

Senator Hansen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Green Bay Preble Girls High School Basketball team for their participation in the WIAA Division I State tournament.

Senator Brown, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Eau Claire Regis Girls Basketball team, the Lady Ramblers.

The Ramblers, led by their coach Russ Ryan, completed their basketball season with 23 wins and only 2 losses. They defeated another very talented team, the Altoona Railroaders, last Saturday. The Ramblers are now in Madison as first time WIAA Tournament participants. Senator Brown would like to wish them luck and commend their excellence, dedication, and inspiration.

Senator Harsdorf, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Hudson Girls Basketball team for their participation in the WIAA State tournament.

Senator Kanavas, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Waukesha County Circuit Court Judge Marianne Becker. Judge Becker served Waukesha County for 17 years with honor and distinction and was the first woman judge elected in Waukesha County. She was devoted to serving her community, through volunteer work at the Waukesha County D.A.R.E. program, and through her foundation of the Waukesha County Victims' Impact Panel.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the UWM Panthers Men's Basketball team on winning the Horizon League tournament and advancing to the NCAA tournament.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Adams County Sheriff Deputy Michael Shannon, who was killed in the line of duty.

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

ADJOURNMENT

Senator Panzer, with unanimous consent, asked that the Senate adjourn until Tuesday, March 18 at 10:00 A.M..

Adjourned.

12:42 P.M.

**LEGISLATIVE REFERENCE BUREAU
CORRECTIONS**

CORRECTIONS IN:

2003 SENATE BILL 2

Prepared by the Legislative Reference Bureau

(March 12, 2003)

1. Page 13, line 17: delete "973.0165" and substitute "973.0147".