



STATE OF WISCONSIN

Senate Journal

Ninety–Sixth Regular Session

10:00 A.M.

WEDNESDAY, May 28, 2003

The Senate met.

The Senate was called to order by Senator Neal Kedzie.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated **May 22, 2003** :

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

Senate Bill 123

Relating to: consideration of population in determining eligibility for recycling efficiency incentive grants.

No recommendation pursuant to s. 227.19 (6)(b), Wisconsin Statutes.

Neal Kedzie
Chairperson

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

Assembly Bill 41

Relating to: permitting an educational agency to refuse to employ or to terminate from employment an unparoled felon.

Concurrence.

Ayes, 3 – Senators Zien, S. Fitzgerald and Stepp.

Noes, 2 – Senators George and Carpenter.

Assembly Bill 51

Relating to: sexual activity involving jail, prison, or community corrections staff or contractors and jail inmates or persons in the custody or under the supervision of the Department of Corrections and providing a penalty.

Concurrence.

Ayes, 5 – Senators Zien, S. Fitzgerald, Stepp, George and Carpenter.

Noes, 0 – None.

Senate Bill 32

Relating to: sexual activity involving jail, prison, or community corrections staff or contractors and jail inmates or persons in the custody or under the supervision of the Department of Corrections and providing a penalty.

Introduction and adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Zien, S. Fitzgerald, Stepp, George and Carpenter.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Zien, S. Fitzgerald, Stepp, George and Carpenter.

Noes, 0 – None.

Senate Bill 58

Relating to: permitting an educational agency to refuse to employ or to terminate from employment an unparoled felon.

Passage.

Ayes, 3 – Senators Zien, S. Fitzgerald and Stepp.

Noes, 2 – Senators George and Carpenter.

The Chief Clerk makes the following entries dated **May 23, 2003** :

Read first time and referred:

Senate Bill 177

Relating to: mandatory overtime hours worked by health care workers employed by health care facilities and providing penalties.

By Senators Robson, Carpenter, Chvala, Erpenbach, Hansen, Moore, Plale, Risser and Wirch; cosponsored by Representatives Johnsrud, Balow, Berceau, Black, Coggs, Colon, Cullen, Krug, J. Lehman, Miller, Morris, Plouff, Pocan, Pope–Roberts, Richards, Shilling, Sinicki, Staskunas, Taylor, Turner, Van Akkeren, Wasserman, A. Williams and Zepnick.

To committee on **Labor, Small Business Development and Consumer Affairs**.

Senate Bill 178

Relating to: rest and meal periods for employees and providing a penalty.

By Senators Chvala, Wirch, Risser and Hansen; cosponsored by Representatives Miller, Berceau, J. Lehman, Musser, Pocan, Taylor and Morris.

To committee on **Labor, Small Business Development and Consumer Affairs**.

Senate Bill 179

Relating to: magazine subscription refunds and requiring the exercise of rule–making authority.

By Senators Chvala and Carpenter; cosponsored by Representatives Turner and Musser, by request of Harry McCarthy.

To committee on **Labor, Small Business Development and Consumer Affairs**.

Senate Bill 180

Relating to: payments to local governments for public utilities and making an appropriation.

By Senators Brown, Cowles, Panzer, M. Meyer and Plale; cosponsored by Representatives Gottlieb, Jensen, Gielow and Gronemus.

To committee on **Energy and Utilities**.

The Chief Clerk makes the following entries dated **May 23, 2003** :

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

RAATHS, WILLIAM, of Menasha, as a member of the Fox River Navigational System Authority, to serve for the term ending July 1, 2005.

Confirmation.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.

Noes, 0 – None.

Senate Bill 63

Relating to: removing feathers and nonedible parts from upland game birds.

Adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.

Noes, 0 – None.

Passage as amended.

Ayes, 3 – Senators Kedzie, Stepp and Zien.

Noes, 2 – Senators Risser and Wirch.

Neal Kedzie

Chairperson

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

Assembly Bill 74

Relating to: tuition vouchers for students who sound Taps at military honors funerals.

Concurrence.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.

Noes, 0 – None.

Senate Bill 100

Relating to: administrative rule making regarding small businesses, data used by administrative agencies in preparing proposed rules, increasing attorney fees, creating an Internet site for proposed rules, and creating a Small Business Regulatory Review Board.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.

Noes, 0 – None.

Introduction and adoption of Senate Amendment 2.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.

Noes, 0 – None.

Passage as amended.

Ayes, 4 – Senators Brown, Zien, S. Fitzgerald and Breske.

Noes, 1 – Senator Wirch.

Senate Bill 109

Relating to: registration plate decal for recipients of the Purple Heart Medal military honor.

Introduction and adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.

Noes, 0 – None.

Senate Bill 115

Relating to: eliminating termination of the Trauma Advisory Council.

Passage.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.

Noes, 0 – None.

Senate Bill 83

Relating to: nonpayment of certain legislative expenses.

Passage.

Ayes, 4 – Senators Brown, Zien, Wirch and Breske.

Noes, 1 – Senator S. Fitzgerald.

The Chief Clerk makes the following entries dated **May 27, 2003** :

The committee on **Transportation and Information Infrastructure** reports and recommends:

Assembly Bill 61

Relating to: creating a wireless 911 fund; imposing a surcharge on wireless telephone customers; making grants for wireless 911 emergency telephone service; providing an exemption from emergency rule procedures; granting rule-making authority; and making appropriations.

Introduction of Senate Substitute Amendment 1.

Ayes, 5 – Senators Leibham, Kanavas, Kedzie, Breske and M. Meyer.

Noes, 0 – None.

Adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Leibham, Kanavas, Kedzie, Breske and M. Meyer.

Noes, 0 – None.

Concurrence as amended.

Ayes, 5 – Senators Leibham, Kanavas, Kedzie, Breske and M. Meyer.

Noes, 0 – None.

Senate Bill 105

Relating to: mandatory operating privilege suspension for certain firearm offenses and bomb scares.

Passage.

Ayes, 5 – Senators Leibham, Kanavas, Kedzie, Breske and M. Meyer.

Noes, 0 – None.

INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Read and referred:

Senate Joint Resolution 35

Relating to: the life and public service of William R. Moser.

By Senator Plale.

To committee on **Senate Organization**.

Senate Bill 181

Relating to: leaving the scene of an accident and providing a penalty.

By Senators S. Fitzgerald, Darling, Erpenbach, Roessler and Kanavas; cosponsored by Representatives Hines, Friske, Zepnick, McCormick, Kreibich, Ainsworth, Ott, Wasserman, Seratti, Gronemus, Hundertmark, Townsend, Hahn, Nass, Bies, J. Fitzgerald, Turner, Van Roy, Pettis, Suder, Owens and Vrakas.

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

REPORT OF COMMITTEES

The committee on **Transportation and Information Infrastructure** reports and recommends:

Senate Bill 46

Relating to: the designation and marking of certain highways and bridges.

Introduction of Senate Amendment 1.

Ayes, 5 – Senators Leibham, Kanavas, Kedzie, Breske and M. Meyer.

Noes, 0 – None.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Leibham, Kanavas, Kedzie, Breske and M. Meyer.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Leibham, Kanavas, Kedzie, Breske and M. Meyer.

Noes, 0 – None.

Joseph Leibham
Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin

May 23, 2003

The Honorable, The Legislature:

Pursuant to Senator Rule 20(2)(a) and (b) I would like to make the following changes to the standing committees:

Appoint Senator Lassa to the Senate Committee on Agriculture, Financial Institutions and Insurance and remove Senator Robson.

Appoint Senator Plale to the Senate Committee on Economic Development, Job Creation and Housing and remove Senator Meyer.

Appoint Senator Lassa to the Joint Committee on Administrative Rules and remove Senator Carpenter.

Appoint Senator Plale to the Joint Committee on Audit and remove Senator Hansen.

With regard to members of the minority party, appointments are made based on the nominations of that caucus.

Sincerely,

MARY E. PANZER
Senate Majority Leader

State of Wisconsin

May 23, 2003

The Honorable, The Legislature:

Pursuant to Senate Rule 20(2)(a) and (b) I have appointed former Senator Joanne Huelsman and Senator Gary George to the National Conference of Commissioners on Uniform State Laws delegation.

Sincerely,

MARY E. PANZER
Senate Majority Leader

**State of Wisconsin
Ethics Board**

May 27, 2003

To 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 2001 session of the legislature, visit the Ethics Board's web site at <http://ethics.state.wi.us>

- Archiquette, Tana **Oneida Tribe of Indians of Wisconsin**
- Bergersen, Gunnar **Northern Wisconsin Resource Group LLC**
- Bright, Michael **City of Madison**
- Cisco, Molly **Grassroots Empowerment Project**
- Cornelius, Kevin **Oneida Tribe of Indians of Wisconsin**
- Gansner, William **Wisconsin State Attorney's Union**
- Hayes, Brian **Wisconsin State Attorney's Union**
- Huenemann, Mark **Case New Holland Inc**
- Jentz, Robert **Association of Wisconsin Snowmobile Clubs Inc**
- Kilgore, Kathleen **Wisconsin Association of Campground Owners**
- Mc Coshen, William J **American Management Systems**
- Neitzel, Scott **Madison Gas & Electric Company**
- Rogowski, Michael **IBM**
- Rollins, Luke **City of Madison**
- Springer, Thomas J **IBM**
- Swandby, Janet R **Wisconsin Association of Campground Owners**

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
Director

ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin
Office of the Governor**

May 20, 2003

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SMITH, BRENT, of La Crosse, as a member of the Wisconsin Technical College Systems Board, to serve for the term ending May 1, 2005.

Sincerely,

JIM DOYLE
Governor

Read and referred to committee on **Higher Education and Tourism.**

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

Senate Clearinghouse Rule 03–007

Relating to the elderly and disabled transportation capital assistance program.

Submitted by Department of Transportation.

Report received from Agency, May 23, 2003.

Referred to committee on **Transportation and Information Infrastructure**, May 28, 2003.

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

Senate Clearinghouse Rule 03–002

Relating to small cities community development block grants for housing

No action taken.

Cathy Stepp
Chairperson

The committee on **Labor, Small Business Development and Consumer Affairs** reports and recommends:

Senate Clearinghouse Rule 02–149

Relating to a new computer–based examination.

No action taken.

Thomas Reynolds
Chairperson

ADJOURNMENT

Senator Kedzie, with unanimous consent, asked that the Senate adjourn until Thursday, May 29 at 10:00 A.M..

Adjourned.

10:01 A.M.