



STATE OF WISCONSIN

Senate Journal

Ninety–Sixth Regular Session

10:15 A.M.

WEDNESDAY, October 1, 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, Lassa, Lazich, Leibham, M. Meyer, Moore, Panzer, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Welch, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for a moment of silent meditation.

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

CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated **September 30, 2003** :

The committee on **Senate Organization** reports and recommends:

Assembly Joint Resolution 34

Relating to: the life of Marine Sergeant Kirk Allen Straseskie.

Concurrence.

Ayes, 5 – Senators Panzer, A. Lasee, Zien, Erpenbach and Hansen.

Noes, 0 – None.

Assembly Joint Resolution 36

Relating to: the life and military service of Major Mathew E. Schram.

Concurrence.

Ayes, 5 – Senators Panzer, A. Lasee, Zien, Erpenbach and Hansen.

Noes, 0 – None.

Senate Joint Resolution 44

Relating to: the achievement of a Silver Star by Tech. Sergeant William Markham for his service to our country in Afghanistan.

Adoption.

Ayes, 5 – Senators Panzer, A. Lasee, Zien, Erpenbach and Hansen.

Noes, 0 – None.

Senate Resolution 18

Relating to: memorializing Congress to immediately and permanently prohibit any state from imposing a tax on Internet access.

Adoption.

Ayes, 5 – Senators Panzer, A. Lasee, Zien, Erpenbach and Hansen.

Noes, 0 – None.

Mary Panzer
Chairperson

INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Read and referred:

Senate Joint Resolution 45

Relating to: honoring the 4 Wisconsin citizens who lost their lives fighting in Iraq for worldwide freedom.

By Senators Cowles, Brown, Zien, Wirch, Lassa, Kanavas, Lazich, Stepp, Leibham, Roessler, Harsdorf, Reynolds, S. Fitzgerald, Darling, Schultz and A. Lasee; cosponsored by Representatives Pettis, Nass, Hundertmark, Ainsworth, Lothian, Kestell, Towns, Miller, Turner, Plouff, J. Fitzgerald, Albers, Kreuser, Vruwink, Weber, Ladwig, Freese, Van Roy, Powers, Gundrum, Morris, Coggs, Olsen, Nischke, Taylor, D. Meyer, Jeskewitz, Ott, Gunderson, Huber, LeMahieu, McCormick, Vrakas and Krawczyk.

To committee on **Senate Organization**.

Senate Bill 266

Relating to: notice of public meetings held by certain bodies within the University of Wisconsin System.

By Senators Reynolds and Lazich; cosponsored by Representatives Suder, F. Lasee, Jeskewitz, Hines, Freese, Nass, Grothman, Albers, J. Wood, Owens, Bies, Ladwig, Kestell, Hahn and Musser.

To committee on **Higher Education and Tourism**.

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

Senate Clearinghouse Rule 03–056

Relating to rescheduling buprenorphine from a schedule V controlled substance to a schedule III controlled substance under federal law.

Submitted by Department of Regulation and Licensing.

Report received from Agency, September 29, 2003.

Referred to committee on **Health, Children, Families, Aging and Long Term Care**, October 1, 2003.

Senate Clearinghouse Rule 03-057

Relating to the scheduling of a schedule III controlled substance under chapter 961, Stats., the Uniform Controlled Substances Act.

Submitted by Department of Regulation and Licensing.

Report received from Agency, September 30, 2003.

Referred to committee on **Health, Children, Families, Aging and Long Term Care**, October 1, 2003.

Senator Lazich, with unanimous consent, asked that the Senate recess until 11:26 A.M..

10:28 A.M.

RECESS

11:26 A.M.

The Senate reconvened.

Senator A. Lasee in the chair.

CONSIDERATION OF MOTIONS AND RESOLUTIONS

Senator Welch, with unanimous consent, asked to be added as a coauthor of **Senate Bill 63**.

Senator Welch, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 106**.

Senator Welch, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 329**.

Senator Brown, with unanimous consent, asked to be added as a coauthor of **Senate Bill 211**.

Senate Resolution 18

Relating to: memorializing Congress to immediately and permanently prohibit any state from imposing a tax on Internet access.

Read.

Senate amendment 1 to **Senate Resolution 18** offered by Senator Erpenbach.

Senator Leibham, with unanimous consent, asked that **Senate Resolution 18** be placed at the foot of the 11th order of business on the calendar of October 1, 2003.

SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

Senate Joint Resolution 44

Relating to: the achievement of a Silver Star by Tech. Sergeant William Markham for his service to our country in Afghanistan.

Read.

Adopted.

Senate Bill 6

Relating to: creating a sales tax and use tax exemption for the sale of game birds.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 6**?

Adopted.

Senator Darling, with unanimous consent, asked that **Senate Bill 6** be referred to the Joint Committee on **Finance**.

Senator Darling, with unanimous consent, asked that the rules be suspended and that **Senate Bill 6** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Senator Carpenter objected.

Senator Darling moved that the rules be suspended and that **Senate Bill 6** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Senator Carpenter withdrew his objection.

Senator Darling, with unanimous consent, asked that the rules be suspended and that **Senate Bill 6** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Senate Bill 6

Relating to: creating a sales tax and use tax exemption for the sale of game birds.

Read a second time.

Senator Wirch, with unanimous consent, asked to be added as a coauthor of **Senate Bill 6**.

Senator Roessler, with unanimous consent, asked to be added as a coauthor of **Senate Bill 6**.

Ordered to a third reading.

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

Senate Bill 6

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 31; noes, 2; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lassa, Lazich, Leibham, M. Meyer, Moore, Panzer, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Welch, Wirch and Zien – 31.

Noes – Senators Carpenter and Chvala – 2.

Absent or not voting – None.

Passed.

Senate Bill 63

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

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 63**?

Adopted.

Ordered to a third reading.

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

Senate Bill 63

Read a third time and passed.

Senate Bill 121

Relating to: disposal of oil-absorbent materials.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 121**?

Adopted.

Senate amendment 2 to **Senate Bill 121** offered by Senator Risser.

Senator Harsdorf moved rejection of Senate amendment 2 to **Senate Bill 121**.

The question was: Rejection of Senate amendment 2 to **Senate Bill 121**?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

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

Noes – Senators Carpenter, Chvala, Decker, Erpenbach, George, Hansen, Jauch, Lassa, M. Meyer, Moore, Risser, Robson and Wirch – 13.

Absent or not voting – None.

Rejected.

Ordered to a third reading.

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

Senate Bill 121

Read a third time and passed.

Senate Bill 196

Relating to: authorizing a hospice nurse to make a pronouncement of death.

Read a second time.

Ordered to a third reading.

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

Senator Panzer, with unanimous consent, asked to be added as a coauthor of **Senate Bill 196**.

Senator Hansen, with unanimous consent, asked to be added as a coauthor of **Senate Bill 196**.

Senator Hansen, with unanimous consent, asked to be added as a coauthor of **Senate Bill 243**.

Senator Darling, with unanimous consent, asked to be added as a coauthor of **Senate Bill 196**.

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 196**.

Senator Risser, with unanimous consent, asked to be added as a coauthor of **Senate Bill 196**.

Senate Bill 196

Read a third time and passed.

Senate Bill 201

Relating to: the historic sites operated by the State Historical Society of Wisconsin, the purposes for which the State Historical Society of Wisconsin may contract with the Wisconsin Historical Foundation, Inc., or any other nonprofit corporation, and making an appropriation.

Read a second time.

Senator Darling, with unanimous consent, asked that **Senate Bill 201** be referred to the Joint Committee on **Finance**.

Senate Bill 211

Relating to: advertising by intoxicating liquor retailers.

Read a second time.

Ordered to a third reading.

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

Senate Bill 211

Read a third time and passed.

Senate Bill 230

Relating to: authorizing an employee of a school district, cooperative educational service agency, charter school, private school, the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, the Wisconsin Center for the Blind and Visually Impaired, or a social worker to subject an

individual's blood to a test for the presence of the virus that causes acquired immunodeficiency syndrome.

Read a second time.

Ordered to a third reading.

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

Senate Bill 230

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 30; noes, 3; absent or not voting, 0; as follows:

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

Noes – Senators Carpenter, Erpenbach and Moore – 3.

Absent or not voting – None.

Passed.

Senate Bill 234

Relating to: wholesale motor vehicle dealers.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 234**?

Adopted.

Ordered to a third reading.

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

Senate Bill 234

Read a third time and passed.

Senate Bill 235

Relating to: manufacturers, importers, and distributors of motor vehicles and franchised motor vehicle dealers.

Read a second time.

Senator Kanavas, with unanimous consent, asked that the journal show he would like to be withdrawn as a cosponsor of **Assembly Bill 521**.

Ordered to a third reading.

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

Senate Bill 235

Read a third time and passed.

Senate Bill 243

Relating to: provision of dental and dental hygiene services to Medical Assistance recipients by a volunteer health care provider.

Read a second time.

Senator Wirch, with unanimous consent, asked to be added as a coauthor of **Senate Bill 243**.

Senator Kedzie, with unanimous consent, asked to be added as a coauthor of **Senate Bill 243**.

Senator Panzer, with unanimous consent, asked to be added as a coauthor of **Senate Bill 243**.

Ordered to a third reading.

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

Senate Bill 243

Read a third time and passed.

Senate Bill 248

Relating to: the method of calculating technology zone tax credits and the certification of businesses under the technology zone program.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 248**?

Adopted.

Senator Darling, with unanimous consent, asked that **Senate Bill 248** be referred to the Joint Committee on **Finance**.

Senate Resolution 18

Relating to: memorializing Congress to immediately and permanently prohibit any state from imposing a tax on Internet access.

Read.

The question was: Adoption of Senate amendment 1 to **Senate Resolution 18**?

Adopted.

The question was: Adoption of **Senate Resolution 18**?

Adopted.

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

Assembly Joint Resolution 34

Relating to: the life of Marine Sergeant Kirk Allen Straseskie.

Read.

Senator Panzer, with unanimous consent, asked that all members of the Senate be added as cosponsors of **Assembly Joint Resolution 34**.

Senator Panzer, with unanimous consent, asked that all members of the Senate be added as cosponsors of **Assembly Joint Resolution 36**.

The question was: Shall **Assembly Joint Resolution 34** be concurred in?

Concurred in.

Assembly Joint Resolution 36

Relating to: the life and military service of Major Mathew E. Schram.

Read.

Concurred in.

Assembly Bill 9

Relating to: authorizing the establishment of a program for the suppression of gypsy moths, specifying areas eligible for aerial insecticide treatment for the suppression of gypsy moths, and requiring the exercise of rule-making authority.

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.

Assembly Bill 9

Read a third time and concurred in.

Assembly Bill 71

Relating to: threats to release or disseminate harmful chemical, biological, or radioactive substances 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.

Assembly Bill 71

Read a third time and concurred in.

Assembly Bill 98

Relating to: creating an individual and corporate income tax exemption for interest on bonds or notes issued by the Wisconsin Housing and Economic Development Authority for purposes related to multifamily and elderly housing projects.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 98**?

Adopted.

Senator Plale, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 98**.

Ordered to a third reading.

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

Assembly Bill 98

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Carpenter, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lassa, Lazich, Leibham, M. Meyer, Moore, Panzer, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Concurred in as amended.

Assembly Bill 106

Relating to: bear hunting by certain minors.

Read a second time.

Ordered to a third reading.

Senator Zien, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 106**.

Senator Zien, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 344**.

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

Senator Decker, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 106**.

Assembly Bill 106

Read a third time.

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

Ayes – Senators Breske, Brown, Carpenter, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lassa, Lazich, Leibham, M. Meyer, Moore, Panzer, Plale, Reynolds, Robson, Roessler, Schultz, Stepp, Welch, Wirch and Zien – 32.

Noes – Senator Risser – 1.

Absent or not voting – None.

Concurred in.

Assembly Bill 187

Relating to: the newspaper recycling fee and the recycled content of newsprint used in newspapers.

Read a second time.

Senator Panzer, with unanimous consent, asked that **Assembly Bill 187** be placed at the foot of the calendar of October 1, 2003.

Assembly Bill 329

Relating to: the frequency of local lodge meetings.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 329

Read a third time and concurred in.

Assembly Bill 344

Relating to: requiring certain college students to be vaccinated against or be informed about meningococcal disease.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 344

Read a third time and concurred in.

Assembly Bill 187

Relating to: the newspaper recycling fee and the recycled content of newsprint used in newspapers.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 187

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 26; noes, 7; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Cowles, Darling, Ellis, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lassa, Lazich, Leibham, M. Meyer, Panzer, Plale, Reynolds, Robson, Roessler, Schultz, Stepp, Welch, Wirch and Zien – 26.

Noes – Senators Carpenter, Chvala, Decker, Erpenbach, George, Moore and Risser – 7.

Absent or not voting – None.

Concurred in.

MOTIONS MAY BE OFFERED

Senator Panzer, with unanimous consent, asked that **Senate Joint Resolution 45** be withdrawn and taken up at this time.

Senate Joint Resolution 45

Relating to: honoring the 4 Wisconsin citizens who lost their lives fighting in Iraq for worldwide freedom.

Read.

Senator Panzer, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 45**.

Senator Jauch, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 45**.

Senator Breske, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 45**.

Senator Carpenter, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 45**.

Senator Chvala, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 45**.

Senator Decker, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 45**.

Senator Ellis, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 45**.

Senator Erpenbach, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 45**.

Senator George, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 45**.

Senator Hansen, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 45**.

Senator Kedzie, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 45**.

Senator M. Meyer, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 45**.

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 45**.

Senator Plale, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 45**.

Senator Risser, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 45**.

Senator Welch, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 45**.

Senate amendment 1 to **Senate Joint Resolution 45** offered by Senator Roessler.

The question was: Adoption of Senate amendment 1 to **Senate Joint Resolution 45**?

Adopted.

Senate amendment 2 to **Senate Joint Resolution 45** offered by Senator Harsdorf.

The question was: Adoption of Senate amendment 2 to **Senate Joint Resolution 45**?

Adopted.

The question was: Adoption of **Senate Joint Resolution 45**?

Adopted.

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

Senator Reynolds, with unanimous consent, would like the journal to show that he would like to be removed as a cosponsor of **Assembly Bill 521**.

ANNOUNCEMENTS, ADJOURNMENT HONORS, AND REMARKS UNDER SPECIAL PRIVILEGE

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Tara Takla Lhatsang born August 1, 2003. She weighed 7 pounds 12 ounces, born to Sherab and Tashi Takla Lhatsang.

Senators Schultz and Risser, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Charles Philip “Chappie” Fox. Chappie guided Circus World Museum from an idea to a world-class institution, owned by the people of the State of Wisconsin. Chappie was born in Milwaukee on May 27, 1913 and he passed away September 12, 2003 in Baraboo.

Chappie was the Executive Director of the Museum from 1960 until 1972, and was instrumental in the Museum's life from its inception. He served on the Board of Directors of Circus World Museum, Inc. when it was founded in 1954 and when it opened to the public on July 1, 1959.

Under Chappie's charm, charisma, and leadership, Circus World achieved the world's finest collection of circus wagons, and it was Chappie who conceived of the Great Circus Parade.

Our thoughts and sympathy are with Chappie's family at this time. In his final days, Chappie told family members, "More than anything, I want the Parade and the Museum to last forever."

Senator Breske, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Benjamin Alexander Blazel's first birthday on September 25, 2003.

Senator Zien, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Alexis (Lexie) Deignan, who turned 9 years old September 30, and is the reigning "Miss Wisconsin Sweetheart." She is from Eau Claire, and she will proudly represent the State of Wisconsin in the Miss American Coed Pageant in Orlando, Florida in November.

Senator Hansen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Scott Podsednik and Richie Sexson.

Scott, Center Fielder for the Milwaukee Brewers, from West, Texas, is a candidate for National League Rookie of the Year honors this year. Scott batted .314, had 43 stolen bases and scored 100 runs and became one of only four players in the history of baseball to bat over .300, steal more than 40 bases and score 100 runs in their rookie season.

Richie played first base in every inning of every game for the Milwaukee Brewers this season and proved himself a true "Iron Man". Richie, from Portland, Oregon, had 124 RBI's, a .272 batting average and 45 home runs.

Thank you to all the Brewers, especially rookie Manager Ned Yost, for a terrific season.

ADJOURNMENT

Senator Panzer, with unanimous consent, asked that the Senate adjourn until Thursday, October 2 at 10:00 A.M..

Adjourned.

1:42 P.M.