



STATE OF WISCONSIN

Senate Journal

Ninety–Sixth Regular Session

12:00 P.M.

WEDNESDAY, February 4, 2004

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, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, 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 Breske led the Senate in the pledge of allegiance to the flag of the United States of America.

The Chief Clerk makes the following entries dated **February 3, 2004** :

CHIEF CLERK'S ENTRIES

Senator Coggs, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Isaac Coggs and Marcia Coggs, both of whom served in the Legislature, in honor of Black History Month.

The select committee on **Job Creation** reports and recommends:

Assembly Bill 729

Relating to: petitions by certain telecommunications utilities regarding unbundled network or service elements.

Introduction and adoption of Senate Substitute Amendment 1.

Ayes, 3 – Senators Kanavas, Stepp and Leibham.

Noes, 2 – Senators Chvala and Jauch.

Concurrence as amended.

Ayes, 3 – Senators Kanavas, Stepp and Leibham.

Noes, 2 – Senators Chvala and Jauch.

Senate Bill 370

Relating to: petitions by certain telecommunications utilities regarding unbundled network or service elements.

Introduction and adoption of Senate Substitute Amendment 1.

Ayes, 3 – Senators Kanavas, Stepp and Leibham.

Noes, 2 – Senators Chvala and Jauch.

Passage as amended.

Ayes, 3 – Senators Kanavas, Stepp and Leibham.

Noes, 2 – Senators Chvala and Jauch.

Ted Kanavas

Senate Chairperson

Cathy Stepp

Senate Chairperson

INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Read and referred:

Senate Joint Resolution 60

Relating to: commending Professor Bryant Browne and the University of Wisconsin–Stevens Point on receipt of a patent for a device used to test gases in groundwater and surface water.

By Senator Lassa; cosponsored by Representatives Molepske, Schneider and Vruwink.

To committee on **Senate Organization**.

Senate Bill 430

Relating to: notice of the open meetings and public records access laws.

By Senator Hansen; cosponsored by Representatives Turner, Berceau, Hines, Seratti and Zepnick.

To committee on **Homeland Security, Veterans and Military Affairs and Government Reform**.

Senate Bill 431

Relating to: the gross earnings tax on car line companies.

By Senators Schultz, Breske, Roessler and Welch; cosponsored by Representatives Lothian, Gronemus, Hahn, Hines, Albers, Krawczyk, Seratti, Ainsworth, Gunderson and Kaufert.

To committee on **Homeland Security, Veterans and Military Affairs and Government Reform**.

Senate Bill 432

Relating to: a sales tax and use tax exemption for energy-efficient motor vehicles.

By Senator Risser; cosponsored by Representatives Freese, Richards, Turner, Miller, J. Wood, J. Lehman, Molepske and Gronemus.

To joint survey committee on **Tax Exemptions**.

Senate Bill 433

Relating to: the time period for service of a responsive pleading.

By Senators Kanavas and Reynolds; cosponsored by Representatives Gielow, Hines, J. Fitzgerald and Vrakas.

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

Senate Bill 434

Relating to: the content of the program of instruction on snowmobile laws and safety.

By Senators Stepp, Kedzie, Breske, S. Fitzgerald, Wirch, Welch, Jauch, Kanavas, Hansen, Schultz, Erpenbach and Roessler; cosponsored by Representatives D. Meyer, M. Williams, Gard, Gronemus, Krawczyk, Travis, Towns, Plouff, LeMahieu, Hebl, Grothman, J. Lehman, Hahn, J. Fitzgerald, Huebsch, Ott, Kerkman, Petrowski, McCormick, Albers, M. Lehman, Bies, Gunderson, Ladwig, Ainsworth, Freese, Kreibich, Powers, Gottlieb, Van Roy, Suder, Hines, Seratti, Friske and Vrakas.

To committee on **Environment and Natural Resources.**

PETITIONS AND COMMUNICATIONS

State of Wisconsin

February 3, 2004

The Honorable, The Senate:

Pursuant to Senate Rule 20(2)(a) and (b) I have appointed Senator Decker to the Joint Committee on Finance and removed Senator Meyer.

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

Sincerely,

SENATOR MARY PANZER
Senate Majority Leader

**State of Wisconsin
Milwaukee Public Schools**

January 30, 2004

The Honorable, The Senate:

Enclosed you will find a copy of the report entitled "High/Scope All-Day Five-Year-Old Kindergarten Program and High/Scope First Grad Program." This report summarizes the projects and the data collected for the 2002-2003 school year.

Each year a report is prepared in response to Sections 119.71, 119.73, and 119.75 of the current state statutes.

Sincerely,

MICHELLE J. NATE
Chief MPS Financial and Operations Officer
Department of Finance

Referred to committee on **Education, Ethics and Elections.**

**State of Wisconsin
Legislative Audit Bureau**

February 3, 2004

The Honorable, The Legislature:

At your request, we have compiled information on nursing staff issues at the Wisconsin Veterans Home at King, which is operated by the Department of Veterans Affairs (DVA) and provides direct care to approximately 710 veterans. The Veterans Home includes four main residence halls that are separately licensed nursing homes and are regulated by the Department of Health and Family Services.

DVA spent \$18.1 million in fiscal year (FY) 2002-03 on salaries – including overtime costs – and fringe benefits for nursing staff working at the Veterans Home. Overtime payments totaling \$1.2 million represented only 6.5 percent of nursing staff expenditures. However, we found that most nursing staff at the Veterans Home worked more than 80 hours in a two-week pay period we reviewed. In June 2003, 22 of 31 full-time nurse

clinicians, 17 of 31 full-time licensed practical nurses, and 126 of 165 full-time certified nursing assistants worked more than 80 hours. Furthermore, employees in part-time positions defined as 40 hours in a two-week pay period, worked an average of 77 hours.

DVA staff report that significant vacancy rates have led to the extra time required to meet minimum staffing levels for nursing homes under state law. We note that no citations were issued to the Veterans Home in FY 2002-03 because of insufficient staffing. It also has higher staff retention rates than other Wisconsin nursing homes.

DVA has developed several initiatives designed to retain current nursing staff and to recruit additional staff to fill vacancies. While it is still too early to assess the effectiveness of these initiatives, the vacancy rate fell during the first ten months of 2003, particularly for licensed practical nurses and certified nursing assistants. Nevertheless, a competitive labor market for nursing staff remains an obstacle to filling vacancies, and 25.0 percent of nurse clinician positions at the Veterans Home were vacant in October 2003.

I hope you find this information useful. Please contact me if you have additional questions.

Sincerely,

JANICE MUELLER
State Auditor

ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin
Office of the Governor**

January 30, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint VAN GOETHEM, RICK, of Green Bay, 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, 2005.

Sincerely,

JIM DOYLE
Governor

Read and referred to committee on **Labor, Small Business Development and Consumer Affairs.**

Senator Lazich, with unanimous consent, asked that the Senate recess until 3:30 P.M.

12:14 P.M.

RECESS

3:30 P.M.

The Senate reconvened.

Senator A. Lasee in the chair.

QUORUM CALL

The Chair noted the possible lack of a quorum.

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

Senators Breske, Brown, Carpenter, Chvala, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, 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.

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

PRUITT, CHUCK, of Shorewood, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2009.

Read

RICHLIN, BETH, of Stevens Point, as a member of the Board of Regents, to serve for the term ending May 1, 2005.

Read.

The question was: Confirmation?

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, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, 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.

Confirmed.

MESSAGES FROM THE ASSEMBLY

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has adopted and asks concurrence in:

Assembly Bill 14

Assembly Bill 32

Assembly Bill 210

Assembly Bill 247

Assembly Bill 418

Assembly Bill 424

Assembly Bill 443

Assembly Bill 462

Assembly Bill 474

Assembly Bill 533

Assembly Bill 543

Assembly Bill 551

Assembly Bill 560

Assembly Bill 608

Assembly Bill 615

Assembly Bill 678

Assembly Bill 683

Concurred in:

Senate Bill 6

Senate Bill 279

Senate Bill 320

Senate Bill 326

Senate Joint Resolution 49

Senate Joint Resolution 51

Senate Joint Resolution 53

Senate Joint Resolution 54

Senate amendment 1 to **Assembly Bill 323**

Refused to pass notwithstanding the objections of the Governor:

Senate Bill 214

MESSAGES FROM THE ASSEMBLY CONSIDERED

Assembly Bill 14

Relating to: notification to law enforcement of a sexual offender's residence.

By Representatives J. Fitzgerald, Gundrum, Powers, Ainsworth, Albers, Bies, Coggs, Freese, Gielow, Gronemus, Grothman, Gunderson, Hines, Jeskewitz, Kaufert, Krawczyk, Kreibich, LeMahieu, M. Lehman, Musser, Olsen, Ott, Owens, Shilling, Staskunas, Stone, Turner, Underheim, Vukmir, Ward, Vrakas and McCormick; cosponsored by Senators S. Fitzgerald, Leibham, Breske, Kanavas, Kedzie, A. Lasee, Reynolds, Stepp, Roessler and Lazich.

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

Assembly Bill 32

Relating to: designating and marking STH 122 as the Harriet Tubman Memorial Highway.

By Representatives Bies, Freese, Berceau, Coggs, Gronemus, Gunderson, Jensen, Krawczyk, Miller, McCormick, Olsen, Ott, Owens, Plouff, Seratti, Sinicki, Turner, Van Roy, Young and Morris; cosponsored by Senators Welch, George, Hansen, Kanavas, Kedzie and Roessler.

Read first time and referred to committee on **Transportation and Information Infrastructure.**

Assembly Bill 210

Relating to: reciprocity for alcohol beverages operators' licenses.

By Representatives Pettis, Musser, Seratti, Ladwig, Krawczyk, Gunderson, Hahn, Hines, Plouff, Bies, Albers and Friske.

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

Assembly Bill 247

Relating to: chaperoning pupils on school-sponsored trips.

By Representatives Berceau, Underheim, Stone, Musser, J. Wood, Albers, Boyle, Morris, F. Lasee, J. Lehman, Weber and Miller; cosponsored by Senator Risser.

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

Assembly Bill 418

Relating to: differential pay and accumulation of sick leave and annual leave for certain state employees activated into service in the U.S. armed forces or the U.S. public health service.

By Representatives Musser, Townsend, Boyle, Miller, Nass, Travis, Cullen, Van Akkeren, Ott, Kreibich, LeMahieu,

Krawczyk, Turner, Freese, Hahn, Hines, Owens, J. Fitzgerald and Gunderson; cosponsored by Senators Zien, Wirch, Breske, Roessler, Chvala, Hansen, Erpenbach and Risser, by request of Governor James E. Doyle.

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

Assembly Bill 424

Relating to: control and possession of the head, antlers, or skin of a deer or an elk.

By Representatives Gunderson, Suder, Hahn, Hines, Krawczyk, Musser, Olsen, Ott, Owens and Petrowski; cosponsored by Senators Zien, Schultz, A. Lasee and Lassa.

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

Assembly Bill 443

Relating to: allowing counties to request that certain platted land be vacated.

By Representatives Vrakas, Nischke, Albers, Bies, Grothman, Gunderson, Hines, Jeskewitz, Kestell, Ladwig, LeMahieu, Lothian, Miller, Musser, Ott and Townsend; cosponsored by Senator Kedzie.

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

Assembly Bill 462

Relating to: restrictions on the operation of motor vehicles by persons holding instruction permits or probationary licenses.

By Representatives Petrowski, Olsen, Ladwig, Hines, Jeskewitz, M. Williams, Weber, Hahn, Bies, Ott, J. Lehman, Gunderson and Van Roy; cosponsored by Senator Lassa.

Read first time and referred to committee on **Transportation and Information Infrastructure.**

Assembly Bill 474

Relating to: notice for child abuse, vulnerable adult, and harassment injunctions.

By Representatives Pettis, Hahn, Albers, Van Roy, Coggs, Hundertmark, F. Lasee, Kreibich and Bies; cosponsored by Senator Lassa.

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

Assembly Bill 533

Relating to: contracts with persons who take depositions.

By Representatives Gard, Ainsworth, LeMahieu, Towns, Albers, Rhoades, Freese, Hahn, Nischke, Petrowski, Kestell, Bies, Friske, F. Lasee, J. Wood, Huebsch, Hundertmark, Gunderson, Ott, Lothian, Montgomery, McCormick, Hebl, Ladwig, Cullen, Powers and Staskunas; cosponsored by Senators Leibham, Cowles, Lazich, George and Risser.

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

Assembly Bill 543

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

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

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

Assembly Bill 551

Relating to: subjecting a county development plan to town board approval.

By Representatives Friske, Towns, Lothian, LeMahieu, J. Wood, Loeffelholz, Petrowski, Ainsworth, Gunderson, Seratti, Hundertmark, Hahn, Hines, Musser, Ladwig, F. Lasee and Owens; cosponsored by Senators Kedzie and A. Lasee.

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

Assembly Bill 560

Relating to: use of federal registration numbers required for prescribers of controlled substances and providing a penalty.

By Representatives Vukmir, Underheim, Wasserman, Gielow, Schneider, Hahn, Van Roy, M. Lehman, Owens, Powers, Ainsworth, Huebsch, D. Meyer, Gundrum, Ward, Balow, Suder, Montgomery, Gottlieb, Nass, Cullen, Kreibich, Gronemus, Hundertmark, Petrowski, Pettis, Stone, Hines, Friske, Towns, Bies and Townsend; cosponsored by Senators Kanavas and Darling.

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

Assembly Bill 608

Relating to: making changes to the comprehensive planning statute known as Smart Growth.

By Representatives Albers, Berceau, Freese, Gunderson, Hines, Jensen, M. Lehman, Musser, Pettis, Powers, Plouff and Olsen; cosponsored by Senators Stepp and Lazich.

Read first time and referred to committee on **Economic Development, Job Creation and Housing.**

Assembly Bill 615

Relating to: operating certain vehicles with a prohibited blood alcohol concentration.

By Representatives Musser, Pettis, Schneider, M. Lehman, Hines, Boyle, F. Lasee, Hahn, Plouff, Grothman, Owens, Gronemus, Seratti and Van Roy; cosponsored by Senators A. Lasee, Breske and Decker.

Read first time and referred to committee on **Transportation and Information Infrastructure.**

Assembly Bill 678

Relating to: the reorganization, modernization, and modification of chapters 80 and 81.

By Joint Legislative Council.

Read first time and referred to committee on **Transportation and Information Infrastructure.**

Assembly Bill 683

Relating to: the selection of one or more financial institutions to serve as vendors of the college savings program and granting rule-making authority.

By Representatives Montgomery, Stone, Ainsworth, Ladwig, Olsen, Schooff, Musser, Bies, Jensen, Hines, F. Lasee, Vrakas, Gottlieb, Weber, Petrowski, Ott, Seratti, Lothian, Suder, Krawczyk, Loeffelholz, Zepnick and Taylor; cosponsored by Senators Reynolds, Robson, Stepp and Schultz.

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

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

Senate Bill 225

Relating to: continuing education for dental hygienists.

Read a second time.

The question was: Adoption of Senate amendment 1 to

Senate Bill 225?

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 225

Read a third time and passed.

Senate Bill 227

Relating to: priorities, completion guidelines, and notices required for health care professional disciplinary cases; identification of health care professionals in possible need of investigation; additional public members for the Medical Examining Board; Authority of the Medical Examining Board to limit credentials and impose forfeitures; reporting requirements for reports submitted to the National Practitioner Data Bank; inclusion of health care professionals who practice alternative forms of health care on panels of health care experts established by the Department of Regulation and Licensing; reports by coroners and medical examiners regarding therapeutic-related deaths; providing an exemption from rule-making procedures; requiring the exercise of rule-making authority; and providing a penalty.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 227?**

Adopted.

Senate amendment 2 to **Senate Bill 227** offered by Senator Roessler.

The question was: Adoption of Senate amendment 2 to **Senate Bill 227?**

Adopted.

Senate amendment 3 to **Senate Bill 227** offered by Senator Roessler.

The question was: Adoption of Senate amendment 3 to **Senate Bill 227?**

Adopted.

Ordered to a third reading.

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

Senator Cowles, with unanimous consent, asked to be added as a coauthor of **Senate Bill 227**.

Senator Darling, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 52**.

Senator Darling, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 279**.

Senator Darling, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 283**.

Senator Kedzie, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 52**.

Senator Kedzie, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 283**.

Senator Welch, with unanimous consent, asked to be added as a coauthor of **Senate Bill 410**.

Senate Bill 227

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, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, 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.

Passed.

Senate Bill 410

Relating to: eligibility for a grant under the fire dues program.

Read a second time.

Senate amendment 1 to **Senate Bill 410** offered by Senator Brown.

The question was: Adoption of Senate amendment 1 to **Senate Bill 410?**

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 410

Read a third time and passed.

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

Assembly Joint Resolution 52

Relating to: calling for concerted action to support, renew, and expand the agricultural economy in Wisconsin.

Read.

Senator Panzer, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 52**.

Senator Panzer, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 283**.

Senator Erpenbach, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 52**.

Senator Stepp, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 52**.

Senator Zien, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 52**.

Senator Zien, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 283**.

Senator Wirch, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 52**.

Senator Wirch, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 283**.

Senator Kanavas, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 52**.

The question was: Shall **Assembly Joint Resolution 52** be concurred in?

Concurred in.

Senator Panzer, with unanimous consent, asked that **Assembly Bill 283** be considered for action at this time.

Assembly Bill 283

Relating to: an income and franchise tax credit for expenses related to operating a dairy farm.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 283**?

Adopted.

Ordered to a third reading.

Senator Leibham, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 283**.

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

Assembly Bill 283

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, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, 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 67

Relating to: employment discrimination based on creed; exemption from liability and discipline for health care providers and hospital employees who refuse to participate in sterilization, abortion, assisted suicide, and other procedures on moral or religious grounds; and power of attorney for health care instruments and patient declarations regarding the withholding or withdrawal of life-sustaining procedures or feeding tubes.

Read a second time.

Senate amendment 3 to **Assembly Bill 67** offered by Senator Reynolds.

Senator Reynolds, with unanimous consent, asked that Senate amendment 3 to **Assembly Bill 67** be withdrawn and returned to author.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 67**?

Adopted.

The question was: Adoption of Senate amendment 2 to **Assembly Bill 67**?

Adopted.

Senate amendment 4 to **Assembly Bill 67** offered by Senators Moore, Risser, Robson, Wirch, Chvala, Coggs, Lassa and Erpenbach.

Senate amendment 5 to **Assembly Bill 67** offered by Senators Moore, M. Meyer, Carpenter, Robson, Chvala, Coggs, Risser, Lassa and Erpenbach.

Senator Moore, with unanimous consent, asked that Senate amendment 4 to **Assembly Bill 67** be placed after Senate amendment 5 to **Assembly Bill 67**.

Senator Chvala, with unanimous consent, asked to be added as a coauthor of **Senate Bill 434**.

Senator Roessler moved rejection of Senate amendment 5 to **Assembly Bill 67**.

The question was: Rejection of Senate amendment 5 to **Assembly Bill 67**?

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, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, M. Meyer, Moore, Risser, Robson and Wirch – 13.

Absent or not voting – None.

Rejected.

Senate amendment 1 to Senate amendment 4 to **Assembly Bill 67** offered by Senator Moore.

The question was: Adoption of Senate amendment 1 to Senate amendment 4 to **Assembly Bill 67**?

Adopted.

Senator Roessler moved rejection of Senate amendment 4 to **Assembly Bill 67**.

The question was: Rejection of Senate amendment 4 to **Assembly Bill 67**?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Panzer, Reynolds, Roessler, Schultz, Stepp, Welch and Zien – 19.

Noes – Senators Carpenter, Chvala, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, M. Meyer, Moore, Plale, Risser, Robson and Wirch – 14.

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.

Assembly Bill 67

Read a third time.

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, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, M. Meyer, Moore, Risser, Robson and Wirch – 13.

Absent or not voting – None.

Concurred in as amended.

Assembly Bill 279

Relating to: creating a rebuttable presumption against awarding a parent joint or sole legal custody if the court finds that the parent has engaged in a pattern or serious incident of abuse, requiring a guardian ad litem and a mediator to have training related to domestic violence, and requiring a guardian ad litem to investigate and a mediator to inquire whether a party in an action affecting the family engaged in domestic violence.

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 279

Read a third time and concurred in.

MOTIONS MAY BE OFFERED

Senator Lassa, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 279**.

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

Senator Robson moved that **Senate Joint Resolution 46** be withdrawn from the committee on **Health, Children, Families, Aging and Long Term Care**.

Senator Panzer moved tabling of the motion to withdraw **Senate Joint Resolution 46** from the committee on **Health, Children, Families, Aging and Long Term Care**.

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 46**.

Senator Brown, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 46**.

Senator Hansen, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 46**.

Senator Coggs, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 46**.

Senator Wirch, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 46**.

The question was: Shall the motion to withdraw **Senate Joint Resolution 46** from the committee on **Health, Children, Families, Aging and Long Term Care** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Panzer, Reynolds, Roessler, Schultz, Stepp, Welch and Zien – 18.

Noes – Senators Breske, Carpenter, Chvala, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, M. Meyer, Moore, Plale, Risser, Robson and Wirch – 15.

Absent or not voting – None.

Tabled.

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

Senator Carpenter, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Marvin Vogel of Greenfield, Wisconsin, who despite age and poor health, tirelessly works on behalf of Wisconsin veterans, to make sure they and their families receive what was promised to them by the government.

Senator Moore, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Wisconsin State Assembly who upheld the Governor's veto on **Senate Bill 214**.

Senator Coggs, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Lucian Palmer, the first African-American legislator in Wisconsin, in honor of Black History Month.

ADJOURNMENT

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

Adjourned.

6:46 P.M.

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Joint Resolution 57

Report correctly enrolled on February 4, 2004.

**LEGISLATIVE REFERENCE BUREAU
CORRECTIONS**

CORRECTIONS IN:

2003 SENATE BILL 407

Prepared by the Legislative Reference Bureau
(February 3, 2004)

1. Page 1, line 4: delete "heard" and substitute "herd".

CORRECTIONS IN:

2003 SENATE BILL 410

Prepared by the Legislative Reference Bureau
(February 3, 2004)

1. Page 1, line 2: after "program" insert "and requiring the exercise of rule-making authority".

NOTE: This correction is made under Joint Rule **56 (3) (c)** in order to make the relating clause comply with Joint Rule **52 (1) (d) 1**.