



STATE OF WISCONSIN

Senate Journal

Ninety–Sixth Regular Session

9:30 A.M.

THURSDAY, February 26, 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 the prayer which was offered by Reverend Gretchen Lord–Anderson, Associate Pastor at Covenant Presbyterian Church of Madison.

The Senate remained standing and Senator Lazich 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 24, 2004** :

CHIEF CLERK'S ENTRIES

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

Senate Bill 444

Relating to: creating income and franchise tax credits for businesses located in an airport development zone and a loan program for certain construction projects in an airport development zone.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Stepp, Roessler, Brown, Moore and Plale.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Stepp, Roessler, Brown, Moore and Plale.

Noes, 0 – None.

Cathy Stepp
Chairperson

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

Senate Joint Resolution 64

Relating to: declaring May 12, 2004, as Wisconsin Stroke Alert Day.

Adoption.

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

Noes, 0 – None.

Senate Resolution 27

Relating to: declaring February 21, 2004, as James Beckum Day.

Adoption.

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

Noes, 0 – None.

Senate Resolution 28

Relating to: commending the Green Bay Packers on their NFC North Division Championship.

Adoption.

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

Noes, 0 – None.

Senate Resolution 29

Relating to: commemorating the Wisconsin Lao Veterans of America and acknowledging the organization in performing its own proper burial of a Lao veteran.

Adoption.

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

Noes, 0 – None.

Mary Panzer
Chairperson

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

Assembly Bill 159

Relating to: the operation of all–terrain vehicles on highways for the purpose of certain types of access.

Concurrence.

Ayes, 4 – Senators Leibham, Kanavas, Breske and M. Meyer.

Noes, 1 – Senator Kedzie.

Assembly Bill 274

Relating to: golf cart trailers as towed vehicles in 3–vehicle combinations.

Concurrence as amended.

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

Noes, 0 – None.

Assembly Bill 369

Relating to: requiring the Department of Transportation to provide transportation planning and assistance in reviewing the site plan of proposed school construction or enlargement and granting rule-making authority.

Concurrence.

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

Noes, 0 – None.

Assembly Bill 427

Relating to: the display of historical registration plates on special interest vehicles that are 20 or more years old and providing a penalty.

Concurrence.

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

Noes, 0 – None.

Assembly Bill 501

Relating to: the maximum permissible length and width of motor homes and recreational vehicles operated without a permit.

Concurrence.

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

Noes, 0 – None.

Assembly Bill 573

Relating to: the operation of off-road utility vehicles and providing a penalty.

Concurrence.

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

Noes, 0 – None.

Assembly Bill 678

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

Concurrence.

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

Noes, 0 – None.

Senate Bill 350

Relating to: qualifications for endorsements authorizing the operation of a school bus and for operators of certain other motor vehicles transporting pupils, school board contracts for the transportation of pupils, studying the use of video cameras on school buses and the training of operators of school buses and certain other motor vehicles transporting pupils, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures and from rule-making procedures, granting rule-making authority, making an appropriation, and providing penalties.

Passage.

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

Noes, 0 – None.

Senate Bill 354

Relating to: traffic regulations and traffic control devices at railroad crossings, making appropriations, and providing a penalty.

Passage.

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

Noes, 0 – None.

Senate Bill 392

Relating to: the removal by towing services of unregistered, abandoned, or illegally parked vehicles.

Passage.

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

Noes, 0 – None.

Senate Bill 404

Relating to: electronic transactions and records.

Adoption of Senate Amendment 1.

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

Noes, 0 – None.

Adoption of Senate Amendment 2.

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

Noes, 0 – None.

Adoption of Senate Amendment 3.

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.

Senate Bill 414

Relating to: exempting farm truck tractors being operated in intrastate transportation for certain agricultural purposes from vehicle registration.

Passage.

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

Noes, 0 – None.

Senate Bill 415

Relating to: eligibility for the Harbor Assistance Program administered by the Department of Transportation.

Passage.

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

Noes, 0 – None.

Senate Bill 417

Relating to: trailers used to transport livestock.

Passage.

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

Noes, 0 – None.

Senate Bill 419

Relating to: unlicensed motor vehicle dealers, motor vehicle salespersons, and sales finance companies, and providing a penalty.

Passage.

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

Noes, 0 – None.

Senate Bill 420

Relating to: issuance of motor vehicle certificates of title and special distinguishing registration plates that identify the bearer as a member of the national guard.

Passage.

Ayes, 5 – Senators Leibham, Kanavas, Kedzie, Breske and M. Meyer.
Noes, 0 – None.

Senate Bill 423

Relating to: annual or consecutive month permits for vehicles or combinations of vehicles transporting loads near the Wisconsin–Michigan border.

Passage.

Ayes, 5 – Senators Leibham, Kanavas, Kedzie, Breske and M. Meyer.
Noes, 0 – None.

Senate Bill 442

Relating to: permitting third–party testers to administer driving skills tests for certain noncommercial motor vehicle drivers.

Passage.

Ayes, 3 – Senators Leibham, Kanavas and Kedzie.
Noes, 2 – Senators Breske and M. Meyer.

Senate Bill 443

Relating to: motor vehicle buyers, granting rule–making authority, and providing a penalty.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Leibham, Kanavas, Kedzie, Breske and M. Meyer.
Noes, 0 – None.

Introduction and adoption of Senate Amendment 2.

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.

Senate Bill 448

Relating to: issuance of operators’ licenses to persons previously licensed in another state.

Passage.

Ayes, 5 – Senators Leibham, Kanavas, Kedzie, Breske and M. Meyer.
Noes, 0 – None.

Joseph Leibham
Chairperson

The Chief Clerk makes the following entries dated **February 25, 2004** :

Senate Bill 485 was withdrawn from the committee on **Labor, Small Business Development and Consumer Affairs** and referred to the committee on **Agriculture, Financial Institutions and Insurance, pursuant to Senate Rule 46 (2)(c).**

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

Assembly Bill 210

Relating to: reciprocity for alcohol beverages operators’ licenses.

Concurrence.

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

Noes, 0 – None.

Assembly Bill 321

Relating to: the prohibition against underage persons entering or being on any premises operating under an alcohol beverage license.

Concurrence.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.
Noes, 0 – None.

Assembly Bill 443

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

Concurrence.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.
Noes, 0 – None.

Senate Bill 351

Relating to: the size of the county board of supervisors in certain counties.

Introduction and adoption of Senate Amendment 1 to Senate Substitute Amendment 1.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.
Noes, 0 – None.

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.

Ronald Brown
Chairperson

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

Assembly Bill 669

Relating to: making various changes in the worker’s compensation law and granting rule–making authority.

Concurrence.

Ayes, 5 – Senators Reynolds, Kedzie, Zien, Decker and Hansen.
Noes, 0 – None.

MATTSON, LUCRETIA, of Eau Claire, as a member of the Accounting Examining Board, to serve for the term ending July 1, 2007.

Confirmation.

Ayes, 5 – Senators Reynolds, Kedzie, Zien, Decker and Hansen.
Noes, 0 – None.

Thomas Reynolds
Chairperson

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 146

Assembly Bill 211

Assembly Bill 417

Assembly Bill 431
Assembly Bill 442
Assembly Bill 495
Assembly Bill 568
Assembly Bill 650
Assembly Bill 658
Assembly Bill 687
Assembly Bill 695
Assembly Bill 758
Assembly Bill 812

Adopted and asks concurrence in:

Assembly Joint Resolution 68

Amended and concurred in as amended:

Senate Bill 100 Assembly substitute amendment 1

Concurred in:

Senate Bill 247

Assembly Bill 146

Relating to: the payment of personal property taxes.

By Representatives Pettis, Musser, Albers, A. Williams and Seratti; cosponsored by Senator Stepp.

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

Assembly Bill 211

Relating to: a nonstock, nonprofit corporation organized by the Child Abuse and Neglect Prevention Board, the membership of that board, the grant programs administered by that board, and making appropriations.

By Representatives Kestell and Lassa; cosponsored by Senator Wirch.

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

Assembly Bill 417

Relating to: the retainage on public construction contracts.

By Representatives Vrakas, Nischke, Hines, Musser, M. Lehman, Wieckert, Townsend, Gunderson, Plouff, Hahn, Seratti, Suder and Towns; cosponsored by Senators Stepp, Roessler, Cowles and Schultz.

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

Assembly Bill 431

Relating to: a county's tax levy for library services.

By Representatives Gottlieb, Albers, Nass, Hines, Jensen, Gielow, Friske and Grothman; cosponsored by Senator Darling.

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

Assembly Bill 442

Relating to: quorum requirements for a zoning board of appeals or adjustment.

By Representatives Albers, Gronemus and Owens; cosponsored by Senators Schultz and A. Lasee.

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

Assembly Bill 495

Relating to: the sale of surplus county highway land.

By Representatives Ainsworth, Petrowski, Bies, Gunderson, Hahn, Hines, Honadel, Hundertmark, Jensen, Jeskewitz, Ladwig, F. Lasee, M. Lehman, Loeffelholz, Olsen, Owens, Rhoades, Townsend and Van Roy; cosponsored by Senators Breske, Wirch and A. Lasee.

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

Assembly Bill 568

Relating to: service of a summons by certain nonresidents.

By Representatives Gard, Krawczyk, Owens, LeMahieu, F. Lasee and Van Roy; cosponsored by Senator Roessler.

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

Assembly Bill 650

Relating to: the definition of agricultural forest land for property tax purposes.

By Representatives Kestell, Gronemus, M. Lehman, Ott, Gielow, Ward, Towns, Hines, Bies, Petrowski, Suder and Musser; cosponsored by Senators Harsdorf and Welch.

Read first time and referred to committee on **Agriculture, Financial Institutions and Insurance**.

Assembly Bill 658

Relating to: authorizing a city or a village to abolish its police department and contract for law enforcement services with a county.

By Representatives Musser, Ziegelbauer, Ainsworth, Olsen, LeMahieu, Kerkman, Hubler, J. Wood, M. Lehman, Jensen, Gronemus, Hines, Kestell, Seratti, Van Roy, Zepnick, Jeskewitz, Gielow, Ott, Gottlieb, Lothian, Nass, Ward, Pettis, Bies, Freese, Vrakas, Townsend, Hundertmark and Ladwig; cosponsored by Senators Schultz, Jauch, Roessler, Reynolds, Leibham, Brown, Harsdorf, Cowles and M. Meyer.

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

Assembly Bill 687

Relating to: possession of ecstasy and providing penalties.

By Representatives Underheim, Hahn, Olsen, Krawczyk, Petrowski, Hines, Van Roy, Townsend, Lothian, Gunderson and Ott.

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

Assembly Bill 695

Relating to: trailers used to transport livestock.

By Representatives Johnsrud, Hahn, Petrowski, Musser, Albers, Towns, Hines, Townsend, Stone, Freese, Lothian, Ward and Gronemus; cosponsored by Senators Schultz and Welch.

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

Assembly Bill 758

Relating to: the removal by towing services of unregistered, abandoned, or illegally parked vehicles.

By Representatives Ainsworth, Albers, Gunderson, Hahn, Hines, Krawczyk, Ladwig, M. Lehman, LeMahieu, Ott, Owens, Seratti and Townsend; cosponsored by Senators Leibham and Breske.

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

Assembly Bill 812

Relating to: registration of livestock premises and granting rule-making authority.

By Representatives Gronemus, Ott, Vruwink, M. Williams, Molepske, Loeffelholz, Balow, Plouff, Kestell, Hines and Suder; cosponsored by Senators Schultz, Lassa, Brown, Kedzie and Hansen.

Read first time and referred to committee on **Agriculture, Financial Institutions and Insurance.**

Assembly Joint Resolution 68

Relating to: the life and military service of U.S. Army Specialist Robert J. Cook.

By Representative Hebl.

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

INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Read and referred:

Senate Resolution 30

Relating to: review before the payment by the senate of legal fees for senators, senate employees, and senate committees.

By Senator Carpenter.

To committee on **Senate Organization.**

Senate Joint Resolution 66

Relating to: the right of the residents of Wisconsin to adequate, accessible, and affordable health care (first consideration).

By Senators Carpenter and Chvala; cosponsored by Representatives Berceau, Turner and Boyle.

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

Senate Joint Resolution 67

Relating to: commending President Katharine C. Lyall for her many years of dedicated service to the University of Wisconsin System and to the state of Wisconsin.

By Senators Harsdorf, Panzer, Roessler, Erpenbach, Darling, Risser, Lassa, Kanavas, Wirch and Lazich; cosponsored by Representatives Kreibich, Miller, Lothian, Van Roy, Pocan, Krawczyk, Towns, Turner, Travis, Owens, Jeskewitz, Boyle, M. Lehman, Huber, Stone, Vrakas, Berceau, Krug, Hahn, Olsen, Ladwig, Ott, McCormick and Plouff.

To committee on **Senate Organization.**

Senate Bill 495

Relating to: prohibiting pupils who take prohibited substances or engage in certain practices from participating in interscholastic athletics.

By Senators Lassa and Kanavas; cosponsored by Representatives Suder, Gronemus, Berceau, J. Lehman and Kreibich.

To committee on **Education, Ethics and Elections.**

Senate Bill 496

Relating to: use of settlement moneys received by the state for environmental violations for youth education programs

regarding natural resources and granting rule-making authority.

By Senators Stepp, Welch, Erpenbach, Plale, Zien, S. Fitzgerald, Schultz and M. Meyer; cosponsored by Representatives Suder and Kreuser.

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

Senate Bill 497

Relating to: various modifications to housing loan programs and increasing the bonding authority of the Wisconsin Housing and Economic Development Authority.

By Senators Stepp and Moore; cosponsored by Representatives Wieckert and Morris, by request of The Wisconsin Housing and Economic Development Authority.

To committee on **Economic Development, Job Creation and Housing.**

Senate Bill 498

Relating to: the organization and funding of public libraries and public library systems and granting rule-making authority.

By Senator Leibham; cosponsored by Representatives Freese, Gronemus, Gunderson, Hines, Kreibich, J. Lehman, Ott and Bies, by request of the Department of Public Instruction.

To committee on **Education, Ethics and Elections.**

Senate Bill 499

Relating to: various changes to the statutes governing public libraries.

By Senator Leibham; cosponsored by Representatives Freese, Gronemus, Gunderson, Hines, Kreibich, J. Lehman, Ott and Bies, by request of the Department of Public Instruction.

To committee on **Education, Ethics and Elections.**

Senate Bill 500

Relating to: technology development grants for renewable resource projects and creating sales tax and use tax exemptions for the sale of a renewable resource and for tangible personal property powered by a renewable resource.

By Senators Lassa, Wirch and Carpenter; cosponsored by Representatives Plouff, Hebl, Turner, Richards, Taylor, Morris, Krug, Miller, Musser, J. Lehman, Black, Pope-Roberts, Pocan, Berceau, Hubler, Kreuser, Shilling, Vruwink, Boyle, Balow, Zepnick, Sinicki, Sherman, Staskunas and Molepske.

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

Senate Bill 501

Relating to: creating an economic development program website and making an appropriation.

By Senators Lassa, Hansen, Roessler, Carpenter and Wirch; cosponsored by Representatives Van Akkeren, Richards, Turner, Plouff, Taylor, Hebl, Loeffelholz, Krug, Miller, J. Lehman, Shilling, Hubler, Balow and Staskunas.

To committee on **Economic Development, Job Creation and Housing.**

Senate Bill 502

Relating to: requiring a study by the Legislative Audit Bureau.

By Senators Lassa, Carpenter, Hansen and Wirch; cosponsored by Representatives Turner, Richards, Hebl, Taylor, Plouff, Morris, Kreuser, Shilling, Boyle, F. Lasee, Hubler, Pocan, Pope-Roberts, Vruwink, Musser, Miller, Molepske, Balow, Krug, Albers and Staskunas.

To committee on **Economic Development, Job Creation and Housing.**

Senate Bill 503

Relating to: possession of certain white-tailed deer in Walworth County.

By Senator Kedzie; cosponsored by Representative Lothian.

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

Senate Bill 504

Relating to: life insurance and annuity contract exemptions from creditor claims.

By Senator Schultz; cosponsored by Representatives Ladwig, J. Lehman, McCormick, Kerkman, Hundertmark and Albers.

To committee on **Agriculture, Financial Institutions and Insurance**.

PETITIONS AND COMMUNICATIONS

State of Wisconsin

February 25, 2004

The Honorable, The Senate:

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

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

February 25, 2004

The Honorable, The Senate:

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

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

February 25, 2004

The Honorable, The Senate:

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

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

Department of Health and Family Services

February 19, 2004

The Honorable, The Senate:

In 1997 Act 27, the 97-99 Biennial Budget, the Legislature established requirements in state law intended to strengthen protections for children and vulnerable adults in organized care settings. The provisions require, among other things, that designated caregivers conduct background checks on all new and existing staff and bar them from employing anyone who has

committed certain crimes or acts. DHFS and (for certain child care providers) counties and local school boards must perform checks on a provider before issuing a license or other credential. Individuals who have committed prohibited crimes or acts may apply to the Department, counties, or school boards for a waiver of the employment or licensing bans upon evidence of rehabilitation.

Sections 48.685(5g) and 50.065(5g) of the Wisconsin Statutes direct the Department to submit an annual report to the legislature that specifies the number of persons who have sought waivers of employment or licensing bans by requesting to demonstrate that they have been rehabilitated. The report must also specify the number of requests that were approved and the reasons for the success or failure of the request. Attached is the report for 2003.

Questions about this report should be referred to Linda Dawson, Deputy Chief Legal Counsel, at 608-266-0355.

Thank you for distributing this report to members of the Senate.

Sincerely,

HELENE NELSON
Secretary

Senator Lazich, with unanimous consent, asked that the Senate recess until 10:53 A.M.

9:46 A.M.

RECESS

10:53 A.M.

The Senate reconvened.

Senator A. Lasee in the chair.

QUORUM CALL

It was brought to the attention of the Chair of 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.

ADVICE AND CONSENT OF THE SENATE

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

BLAKE, MARY B., of Green Bay, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 2007.

Read.

BOECK, JANICE M., of Racine, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 2007.

Read.

BOLDT, THOMAS, of Appleton, as a member of the State of Wisconsin Investment Board, to serve for the term ending May 1, 2009.

Read.

COOK, MARY R., of Madison, as a member of the Medical Examining Board, to serve for the term ending July 1, 2006.

Read.

DAVIS, DANAE, of Milwaukee, as a member of the Board of Regents, to serve for the term ending May 1, 2007.

Read.

GREENLEAF, TERRENCE M., of Whitewater, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2007.

Read.

GUDEMAN, DR. JON E., of Milwaukee, as a member of the Medical Examining Board, to serve for the term ending July 1, 2007.

Read.

HENRICHS, WENDY M., of Rhinelander, as a member of the Chiropractic Examining Board, to serve for the term ending July 1, 2007.

Read.

MURPHY, ROSALIE A., of Lena, as a member of the Funeral Directors Examining Board, to serve for the term ending July 1, 2005.

Read.

MUSSER, GENE, of Middleton, as a member of the Medical Examining Board, to serve for the term ending July 1, 2005.

Read.

OLSEN, DAVID E., of Jefferson, as a member of the Funeral Directors Examining Board, to serve for the term ending July 1, 2007.

Read.

OLSON, DOROTHY, of Appleton, as a member of the Occupational Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2007.

Read.

PALMER, DIAN, of Brookfield, as a member of the University of Wisconsin Hospital and Clinics Authority, to serve for the term ending July 1, 2006.

Read.

PARR, ADA WILLIAMS, of Brown Deer, as a member of the Marriage and Family Therapy Professional Counseling and Social Work Examining Board, to serve for the term ending July 1, 2006.

Read.

REDHAIL, GENE, of Green Bay, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2006.

Read.

ROSENZWEIG, PEGGY, of Wauwatosa, as a member of the Board of Regents, to serve for the term ending May 1, 2007.

Read.

RYAN, CONNIE C., of Madison, as a member of the Funeral Directors Examining Board, to serve for the term ending July 1, 2006.

Read.

SLAUGHTER, GAIL C., of Two Rivers, as a member of the Occupational Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2007.

Read.

SULLIVAN, KATHLEEN L., of Madison, as a member of the Board of Nursing, to serve for the term ending July 1, 2007.

Read.

YOUNGER, JAMES G., of Neenah, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2004.

Read.

The question was: Confirmation?

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

Ayes – Senators Breske, Brown, Carpenter, Chvala, Coggs, Darling, Decker, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, Lassa, Lazich, Leibham, M. Meyer, Moore, Panzer, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Welch, Wirsch and Zien – 30.

Noes – Senators Cowles, Ellis and A. Lasee – 3.

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 passed and asks concurrence in:

Assembly Bill 207

Assembly Bill 436

Assembly Bill 513

Assembly Bill 526

Assembly Bill 545

Assembly Bill 625

Assembly Bill 686

Assembly Bill 688

Assembly Bill 697

Assembly Bill 709

Assembly Bill 755

Assembly Bill 757

Assembly Bill 771

Assembly Bill 830

Assembly Bill 841

Assembly Bill 845

Assembly Bill 909

Adopted and asks concurrence in:

Assembly Joint Resolution 61

Assembly Joint Resolution 67

Assembly Joint Resolution 69

Amended and concurred in as amended:

Senate Bill 287 Assembly substitute amendment 1

Concurred in:

Senate Bill 66

Senate amendments 1 and 2 to **Assembly Bill 600**

MESSAGES FROM THE ASSEMBLY CONSIDERED

Assembly Bill 207

Relating to: banning smoking in and around University of Wisconsin System residence halls and dormitories and providing a penalty.

By Representatives Kreibich, Miller, Schneider, Hines, Ott, Boyle, Kerkman, Huber, J. Lehman, Wasserman, Owens, Ladwig, Ainsworth, Freese, Gunderson, Bies, Townsend, Morris and Vrakas; cosponsored by Senators Roessler, Lazich, Risser, A. Lasee, Schultz and Brown.

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

Assembly Bill 436

Relating to: the sale or donation of state property by the Department of Transportation.

By Representatives Ainsworth, Bies, Freese, Gottlieb, Grothman, Gunderson, Hahn, Hundertmark, Jensen, Johnsrud, Krawczyk, Ladwig, J. Lehman, M. Lehman, Loeffelholz, Lothian, Miller, Nischke, Olsen, Ott, Owens, Seratti, Stone, Townsend, J. Wood and Van Roy; cosponsored by Senators Zien, Stepp and Breske.

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

Assembly Bill 513

Relating to: roadside memorials for traffic accident victims along highways under the jurisdiction of the Department of Transportation.

By Representatives Bies, Ainsworth, Gronemus, Gunderson, Kestell, Kreibich, F. Lasee, Seratti and Suder; cosponsored by Senator A. Lasee.

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

Assembly Bill 526

Relating to: waiver of filing fee if parties stipulate to certain revisions of judgment or order.

By Representatives Albers, Musser, Bies, Hahn, McCormick, F. Lasee, J. Lehman, Seratti and Staskunas; cosponsored by Senators Roessler, A. Lasee and Lassa.

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

Assembly Bill 545

Relating to: falsifying title insurance documents and providing a penalty.

By Representatives Townsend, Hebl, Hahn, Hines, Nass, Albers, Bies, Jeskewitz, Ott, Van Roy, Petrowski, J. Lehman and Hundertmark; cosponsored by Senators Roessler and Lassa.

Read first time and referred to committee on **Agriculture, Financial Institutions and Insurance**.

Assembly Bill 625

Relating to: employment rights of certain employees in the state civil service (suggested as remedial legislation by the Office of Employment Relations).

By Law Revision Committee.

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

Assembly Bill 686

Relating to: membership of the State Laboratory of Hygiene Board; nonresident tuition exemption for veterans;

and the transfer program at the University of Wisconsin Medical School (suggested as remedial legislation by the Board of Regents of the University of Wisconsin System).

By Law Revision Committee.

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

Assembly Bill 688

Relating to: distributing controlled substances in a place in which a child is present and providing a penalty.

By Representatives Underheim, Ainsworth, Krawczyk, Musser, Petrowski, Hines, Townsend, Lothian, Gunderson and Ott; cosponsored by Senators Darling, A. Lasee and Roessler.

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

Assembly Bill 697

Relating to: the maximum permissible length of single vehicles operated on a highway without an overlength permit.

By Representatives Ainsworth, Albers, Hahn, Ott, Owens and Petrowski; cosponsored by Senator Zien.

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

Assembly Bill 709

Relating to: the confidentiality of pupil records and the exchange of information between a pupil's school, the juvenile justice system, and law enforcement agencies.

By Representatives Hundertmark, Kreibich, Suder, Olsen, Hahn, Jeskewitz, M. Lehman, Musser, Townsend, Ladwig, Ainsworth, Bies, Lothian, LeMahieu, Hines, Seratti, Van Roy, Owens, Krawczyk and Ott; cosponsored by Senator Roessler.

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

Assembly Bill 755

Relating to: electronic transactions and records.

By Representatives Nischke, Ladwig, Olsen, Kerkman, McCormick, Ott, Owens, Jensen, Montgomery and Hahn; cosponsored by Senators Kanavas, Cowles, Risser, S. Fitzgerald and Roessler.

Read first time and referred to committee on **Agriculture, Financial Institutions and Insurance**.

Assembly Bill 757

Relating to: increasing bonding authority for the University of Wisconsin Hospitals and Clinics Authority.

By Representatives Ward, Gard, Kreuser, Turner, Towns, Black, Kaufert, J. Wood, Plouff, Miller, Hahn, J. Lehman, Molepske, Krawczyk, Hines, Huber, Ott, Van Roy, Musser, Vrakas and McCormick; cosponsored by Senators Darling, Panzer, Erpenbach, A. Lasee, Risser and Wirsch.

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

Assembly Bill 771

Relating to: directing the governor to annually proclaim February as African American History and Cultural Heritage Month.

By Representatives Morris and Young; cosponsored by Senators Coggs and Moore.

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

Assembly Bill 830

Relating to: funding for engineering instruction at the University of Wisconsin–Rock County campus and making an appropriation.

By Representatives Towns, W. Wood, Powers, Ward, Gard, Loeffelholz, Musser, J. Wood, Albers, Ott, Hines, McCormick, Gunderson, Freese and Kaufert; cosponsored by Senators Schultz, Kanavas, Welch and Darling.

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

Assembly Bill 841

Relating to: various changes to the regulation of hearing instrument specialists, speech–language pathologists, and audiologists and granting rule–making authority.

By Representatives Underheim, Berceau, Kreibich, Townsend, Vrakas, Albers, Hines, Bies, Wasserman and Ott; cosponsored by Senator Kedzie.

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

Assembly Bill 845

Relating to: establishing a cancer drug repository program and requiring the exercise of rule–making authority.

By Representatives Underheim, Krawczyk, Pettis, M. Lehman, Johnsrud, Kerkman, Vruwink, Kreibich, Montgomery, Miller, Vukmir, Gunderson, Hahn, Hebl, Gielow, Hines, Plouff, Huber, Wieckert, Huebsch, Hundertmark, Bies, Townsend, Nass, Travis and McCormick; cosponsored by Senators Stepp, Roessler, Schultz, Robson, Chvala, Plale, Lassa, Kanavas, Carpenter, Zien, Welch, Coggs, Erpenbach, Brown, Wirch and A. Lasee.

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

Assembly Bill 909

Relating to: refunding public debt that is used to finance tax–supported or self–amortizing facilities, transferring moneys from the general fund to the Medical Assistance trust fund, and making appropriations.

By Representatives Gard and Kaufert; cosponsored by Senators Panzer and Darling.

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

Assembly Joint Resolution 61

Relating to: commending and congratulating Matt Kenseth, his family, and his crew on winning the NASCAR Winston Cup Championship.

By Representatives Ward, Friske, Richards, Gunderson, LeMahieu, Gronemus, Lothian, Boyle, Towns, M. Lehman, Turner, Miller, Montgomery, Musser, Nischke, Ladwig, Suder, Petrowski, Honadel, Pocan, Nass, Albers, Hahn, Kaufert, Olsen, Bies, Ott, Shilling, Jeskewitz, Stone, Vrakas, Townsend and Steinbrink; cosponsored by Senators S. Fitzgerald, Breske, Darling, Chvala, Brown, Hansen, Kanavas, Lazich, Carpenter, Stepp and Roessler.

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

Assembly Joint Resolution 67

Relating to: the life and public service of Marcia P. Coggs.

By Representatives Young, Taylor, Hebl, Boyle, Schneider, Sinicki, Krug, Turner, Morris, Travis, Plouff, Lothian, Gronemus, Pocan, Gunderson, Jeskewitz, Musser, D. Meyer, W. Wood, Hahn, Cullen, Ott, M. Lehman, Black, Zepnick, Albers, Olsen, Berceau, Bies, Van Akkeren, Kaufert, Miller, Toles, Vruwink, Kestell and A. Williams; cosponsored by

Senators Coggs, Moore, Hansen, Carpenter, Robson, Risser, Decker, Kanavas, Chvala, Erpenbach, Plale, Roessler and Lassa.

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

Assembly Joint Resolution 69

Relating to: proclaiming February 27, 2004, Green Bay Day in Wisconsin.

By Representatives Weber, Van Roy, Krawczyk, Gard, Montgomery, F. Lasee and Bies; cosponsored by Senators Cowles, Hansen and A. Lasee.

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

Senator Zien, with unanimous consent, asked to be added as a coauthor of **Senate Bill 428**.

Senator Zien, with unanimous consent, asked to be added as a coauthor of **Senate Bill 471**.

Senator Zien, with unanimous consent, asked to be added as a coauthor of **Senate Bill 472**.

Senator Wirch, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 64**.

Senator Carpenter, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 272**.

Senator Carpenter, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 589**.

Senator Carpenter, with unanimous consent, asked to be added as a coauthor of **Senate Bill 427**.

Senator Carpenter, with unanimous consent, asked to be added as a coauthor of **Senate Bill 408**.

Senator Darling, with unanimous consent, asked to be added as a coauthor of **Senate Bill 428**.

Senator Darling, with unanimous consent, asked to be added as a coauthor of **Senate Bill 471**.

Senator Darling, with unanimous consent, asked to be added as a coauthor of **Senate Bill 472**.

Senator Kedzie, with unanimous consent, asked to be added as a coauthor of **Senate Bill 289**.

Senator Panzer, with unanimous consent, asked that **Assembly Joint Resolution 69** be withdrawn from the committee on **Senate Organization** and taken up.

Assembly Joint Resolution 69

Relating to: proclaiming February 27, 2004, Green Bay Day in Wisconsin.

Read.

Senator Roessler, with unanimous consent, asked to be added as a coauthor of **Senate Bill 344**.

The question was: Shall **Assembly Joint Resolution 69** be concurred in?

Concurred in.

Senator Panzer, with unanimous consent, asked that **Assembly Bill 909** be withdrawn from the committee on **Senate Organization** and taken up.

Assembly Bill 909

Relating to: refunding public debt that is used to finance tax–supported or self–amortizing facilities, transferring moneys from the general fund to the Medical Assistance trust fund, and making appropriations.

Read a second time.

Senate amendment 1 to **Assembly Bill 909** offered by Senator Risser.

Senator Panzer moved rejection of Senate amendment 1 to **Assembly Bill 909**.

The question was: Rejection of Senate amendment 1 to **Assembly Bill 909**?

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

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

Noes – Senators Breske, Carpenter, Chvala, Decker, Hansen, Jauch, Lassa, M. Meyer, Moore, Plale, 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.

Assembly Bill 909

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 24; noes, 9; absent or not voting, 0; as follows:

Ayes – Senators Breske, Carpenter, Chvala, Coggs, Darling, Decker, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, Lassa, M. Meyer, Moore, Panzer, Plale, Risser, Robson, Roessler, Stepp, Wirch and Zien – 24.

Noes – Senators Brown, Cowles, Ellis, A. Lasee, Lazich, Leibham, Reynolds, Schultz and Welch – 9.

Absent or not voting – None.

Concurred in.

Senator Panzer, with unanimous consent, asked that **Assembly Joint Resolution 67** be withdrawn from the committee on **Senate Organization** and taken up.

Assembly Joint Resolution 67

Relating to: the life and public service of Marcia P. Coggs.
Read.

Senator Panzer, with unanimous consent, asked that all members of the Senate be added as cosponsors of **Assembly Joint Resolution 67**.

The question was: Shall **Assembly Joint Resolution 67** be concurred in?

Concurred in by unanimous rising vote.

Senator Panzer, with unanimous consent, asked that **Assembly Joint Resolution 68** be withdrawn from the committee on **Senate Organization** and taken up.

Assembly Joint Resolution 68

Relating to: the life and military service of U.S. Army Specialist Robert J. Cook.

Read.

The question was: Shall **Assembly Joint Resolution 68** be concurred in?

Concurred in.

CONSIDERATION OF MOTIONS AND RESOLUTIONS

Senate Resolution 27

Relating to: declaring February 21, 2004, as James Beckum Day.

Read.

Adopted.

Senate Resolution 28

Relating to: commending the Green Bay Packers on their NFC North Division Championship.

Read.

Adopted.

Senator Darling, with unanimous consent, asked to be added as a coauthor of **Senate Resolution 28**.

Senate Resolution 29

Relating to: commemorating the Wisconsin Lao Veterans of America and acknowledging the organization in performing its own proper burial of a Lao veteran.

Read.

Senator Darling, with unanimous consent, asked to be added as a coauthor of **Senate Resolution 29**.

Senator Panzer, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Resolution 29**.

Adopted by unanimous rising vote.

SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

Senate Joint Resolution 64

Relating to: declaring May 12, 2004, as Wisconsin Stroke Alert Day.

Read.

Adopted.

Senate Bill 198

Relating to: an exemption from requirements for nonmetallic mining reclamation.

Read a second time.

Senator Panzer, with unanimous consent, asked that **Senate Bill 198** be referred to committee on **Senate Organization**.

Senate Bill 237

Relating to: limiting the reasons for which a local government may withhold approval of a conditional use permit.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 237**?

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 237

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 22; noes, 11; absent or not voting, 0; as follows:

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

Noes – Senators Carpenter, Chvala, Coggs, Decker, Erpenbach, Hansen, Lassa, Moore, Risser, Robson and Wirch – 11.

Absent or not voting – None.

Passed.

Senate Bill 253

Relating to: independent charter schools established by University of Wisconsin institutions and college campuses.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 253**?

Adopted.

Senator Darling, with unanimous consent, asked that **Senate Bill 253** be placed at the foot of the 11th order of business on the calendar of February 26, 2004.

Senator Harsdorf, with unanimous consent, asked to be added as a coauthor of **Senate Bill 457**.

Senator Harsdorf, with unanimous consent, asked to be added as a coauthor of **Senate Bill 444**.

Senator Harsdorf, with unanimous consent, asked to be added as a coauthor of **Senate Bill 452**.

Senate Bill 277

Relating to: intoxicated operation of all-terrain vehicles, registration fees for all-terrain vehicles, nonresident trail passes for all-terrain vehicles, safety training for operating all-terrain vehicles, a study concerning the recreational operation of all-terrain vehicles, noise level requirements for all-terrain vehicles, the formula used for calculating the all-terrain vehicle gas tax payment, granting rule-making authority, making appropriations, and providing penalties.

Read a second time.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 277**?

Adopted.

Senator Harsdorf, with unanimous consent, asked that Senate substitute amendment 1 to **Senate Bill 277** be laid on the table.

The question was: Adoption of Senate substitute amendment 2 to **Senate Bill 277**?

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 277

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 289

Relating to: civil liability exemption for claims resulting from weight gain and obesity.

Read a second time.

Senator Panzer, with unanimous consent, asked that **Senate Bill 289** be referred to committee on **Senate Organization**.

Senate Bill 291

Relating to: Legislative Council staff director attendance at certain midwest and national meetings in which the Commission on Uniform State Laws participates (suggested as remedial legislation by the Legislative Council staff).

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 291

Read a third time and passed.

Senate Bill 324

Relating to: the Dry Cleaner Environmental Response Program and the administration of dry cleaning license fees.

Read a second time.

Senator Kedzie, with unanimous consent, asked that Senate amendment 1 to **Senate Bill 324** be withdrawn and returned to author.

The question was: Adoption of Senate amendment 2 to **Senate Bill 324**?

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 324

Read a third time and passed.

Senate Bill 336

Relating to: creating the option to make an anatomical gift as part of a living will.

Read a second time.

Senate amendment 1 to Senate amendment 1 to **Senate Bill 336** offered by Senator Roessler.

The question was: Adoption of Senate amendment 1 to Senate amendment 1 to **Senate Bill 336**?

Adopted.

The question was: Adoption of Senate amendment 1 to **Senate Bill 336**?

Adopted.

Senate amendment 2 to **Senate Bill 336** offered by Senator Chvala.

Senator Kedzie, with unanimous consent, asked to be added as a coauthor of **Senate Bill 336**.

Senator Roessler moved rejection of Senate amendment 2 to **Senate Bill 336**.

The question was: Rejection of Senate amendment 2 to **Senate Bill 336**?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 13; absent or not voting, 1; as follows:

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

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

Absent or not voting – Senator Welch – 1.

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 336

Read a third time and passed.

Senate Bill 344

Relating to: payment of fixed annuity increases under the Wisconsin Retirement System.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 344**?

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 344

Read a third time and passed.

Senate Bill 350

Relating to: qualifications for endorsements authorizing the operation of a school bus and for operators of certain other motor vehicles transporting pupils, school board contracts for the transportation of pupils, studying the use of video cameras on school buses and the training of operators of school buses and certain other motor vehicles transporting pupils, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures and from rule-making procedures, granting rule-making authority, making an appropriation, and providing penalties.

Read a second time.

Senator Darling, with unanimous consent, asked that **Senate Bill 350** be referred to the Joint Committee on **Finance**.

Senator Darling, with unanimous consent, asked that the rules be suspended and that **Senate Bill 350** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

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 350

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 365

Relating to: the cutoff time for receipt of documents for filing and recording with a register of deeds and fees relating to federal tax lien filings.

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 365

Read a third time and passed.

Senate Bill 388

Relating to: increasing bonding authority for the University of Wisconsin Hospitals and Clinics Authority.

Read a second time.

Senator Panzer, with unanimous consent, asked that **Assembly Bill 757** be withdrawn from the committee on **Senate Organization** and taken up.

Assembly Bill 757

Relating to: increasing bonding authority for the University of Wisconsin Hospitals and Clinics Authority.

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 757

Read a third time.

The ayes and noes were required and the vote was: ayes, 27; noes, 5; absent or not voting, 1; as follows:

Ayes – Senators Breske, Brown, Carpenter, Chvala, Coggs, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, Lassa, M. Meyer, Moore, Panzer, Plale, Risser, Robson, Roessler, Stepp, Welch, Wirch and Zien – 27.

Noes – Senators Cowles, A. Lasee, Lazich, Leibham and Reynolds – 5.

Absent or not voting – Senator Schultz – 1.

Concurred in.

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

Senator Panzer, with unanimous consent, asked that **Senate Bill 388** be referred to committee on **Senate Organization**.

Senate Bill 391

Relating to: age requirement for sturgeon spearing license.

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 391

Read a third time and passed.

Senate Bill 408

Relating to: creating a nonrefundable individual income tax credit for certain adoption expenses.

Read a second time.

Senator Darling, with unanimous consent, asked that **Senate Bill 408** be referred to the Joint Committee on **Finance**.

Senator Panzer, with unanimous consent, asked that **Senate Bill 428** be placed at the foot of the 11th order of business on the calendar of February 26, 2004.

Senate Bill 444

Relating to: creating income and franchise tax credits for businesses located in an airport development zone and a loan program for certain construction projects in an airport development zone.

Read a second time.

Senator Darling, with unanimous consent, asked that **Senate Bill 444** be referred to the Joint Committee on **Finance**.

Senate Bill 452

Relating to: establishing a cancer drug repository program and requiring the exercise of rule-making authority.

Read a second time.

Senator Panzer, with unanimous consent, asked that **Assembly Bill 845** be withdrawn from the committee on **Senate Organization** and taken up.

Assembly Bill 845

Relating to: establishing a cancer drug repository program and requiring the exercise of rule-making authority.

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 845

Read a third time and concurred in.

Senator Panzer, with unanimous consent, asked that **Senate Bill 452** be referred to committee on **Senate Organization**.

Senate Bill 471

Relating to: brownfield revolving loan programs and making appropriations.

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 471

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 472

Relating to: making private insurance available to facilitate environmental cleanups.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 472**?

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 472

Read a third time and passed.

Senate Bill 253

Relating to: independent charter schools established by University of Wisconsin institutions and college campuses.

Read a second time.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 253** offered by Senator Decker.

POINT OF ORDER

Senator Moore raised the point of order that Senate amendment 1 to Senate substitute amendment 1 was not germane.

The Chair rules the point of order well taken.

Senator Decker appealed the ruling of the Chair.

The question was: Shall the Decision of the chair stand as the judgement of the Senate?

The ayes and noes were required and the vote was: ayes, 16; noes, 15; absent or not voting, 2; as follows:

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Panzer, Reynolds, Roessler, Stepp, Welch and Zien – 16.

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

Absent or not voting – Senators Harsdorf and Schultz – 2.

The Decision of the Chair stands as the judgement of the Senate.

Ordered to a third reading.

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

Senate Bill 253

Read a third time.

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

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

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

Absent or not voting – None.

Passed.

Senator Panzer, with unanimous consent, asked that **Senate Bill 428** be placed after **Assembly Bill 619** on the calendar of February 26, 2004.

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

Assembly Bill 345

Relating to: designating the first weekend in March Aldo Leopold Weekend.

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 345

Read a third time and concurred in.

Assembly Bill 352

Relating to: circumstances under which a prisoner may be permitted to leave a jail.

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 352

Read a third time and concurred in.

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.

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 418

Read a third time.

The ayes and noes were demanded 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.

Assembly Bill 518

Relating to: requirements for certification for a chief inspector position.

Read a second time.

Senator Welch, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 418**.

Senator Carpenter, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 418**.

Senator Moore, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 418**.

Senator Panzer, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 418**.

Senator Darling, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 418**.

Senator Panzer, with unanimous consent, asked that all members of the Senate be added as cosponsors of **Assembly Bill 418**.

Ordered to a third reading.

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

Assembly Bill 518

Read a third time and concurred in.

Assembly Bill 570

Relating to: removal of a shopping cart and providing a penalty.

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 570

Read a third time and concurred in.

Senator Panzer, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 570**.

Senator Moore, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 352**.

Senator Moore, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 845**.

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 471**.

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 472**.

Senator Brown, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 570**.

Senator Erpenbach, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 59**.

Senator Lassa, with unanimous consent, asked to be added as a coauthor of **Senate Bill 408**.

Assembly Bill 619

Relating to: dissolution of the Racine County children with disabilities education board.

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 619

Read a third time and concurred in.

Senator Panzer, with unanimous consent, asked that **Senate Bill 428** be placed after **Assembly Bill 747** on the calendar of February 26, 2004.

Assembly Bill 746

Relating to: eligibility to attend an independent charter school and payments made to independent charter schools.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 746**?

Adopted.

Ordered to a third reading.

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

Assembly Bill 746

Read a third time.

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

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

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

Absent or not voting – None.

Concurred in as amended.

Assembly Bill 747

Relating to: eligibility to attend Woodlands School, a charter school located in a 1st class city school district.

Read a second time.

Senator Decker, with unanimous consent, asked that Senate amendment 1 to **Assembly Bill 747** be withdrawn and returned to author.

Senate amendment 2 to **Assembly Bill 747** offered by Senators Moore, Coggs and Carpenter.

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

Senator Darling moved rejection of Senate amendment 2 to **Assembly Bill 747**.

The question was: Rejection of Senate amendment 2 to **Assembly Bill 747**?

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, Decker, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Panzer, Reynolds, Roessler, Stepp, Welch and Zien – 18.

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

Absent or not voting – None.

Rejected.

Ordered to a third reading.

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

Assembly Bill 747

Read a third time.

The ayes and noes were required and the vote was: ayes, 22; noes, 11; absent or not voting, 0; as follows:

Ayes – Senators Brown, Carpenter, Coggs, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, M. Meyer, Moore, Panzer, Plale, Reynolds, Roessler, Stepp, Welch and Zien – 22.

Noes – Senators Breske, Chvala, Decker, Erpenbach, Hansen, Jauch, Lassa, Risser, Robson, Schultz and Wirch – 11.

Absent or not voting – None.

Concurred in.

Senate Bill 428

Relating to: extending the expenditure period and the life of a tax incremental district in West Bend.

Read a second time.

Senate substitute amendment 1 to **Senate Bill 428** offered by Senators Stepp and Panzer.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 428**?

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 428

Read a third time and passed.

MOTIONS MAY BE OFFERED

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

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 Stacy Guerin, his niece, who is in the Army Reserve, at the rank E2, in the 961st from the Silver Spring Base in Milwaukee, WI, and also in honor of the members of her unit who have been called to service in Iraq.

Senator Carpenter, with unanimous consent, asked that when the Senate adjourn, it do so in honor of U.S. Representative Tammy Baldwin, on the happy occasion of her birthday this February.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Beth Portilia for her excellent work for Kenosha County as an Economic Support Specialist.

Senator Harsdorf, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Prescott High School dance team, which won the state championship on February 7th.

Senator Harsdorf, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Grantsburg High

School boys' basketball team, who won their conference for the first time in 46 years this year.

Senator Harsdorf, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the UW–River Falls Men's Basketball team, who won the regular season WIAC championship with a 20–6 record. The Falcons beat the UW–Eau Claire in the quarterfinals of the WIAC tournament on Tuesday night and they play the UW–Platteville tonight in the semifinals.

Senator Welch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of David Piechowski from Redgranite who set the new World Record for biggest Sturgeon ever caught.

Senator Coggs, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Mariama Coggs, his daughter, whose birthday was yesterday.

Senator Hansen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Nichole Frye, U. S. Army Reservist from the town of Little River killed in Iraq, whose funeral was today in Lena.

Senator Reynolds, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Medical College of Wisconsin, which has been a vibrant part of Wisconsin's educational community since 1893. The Medical College of Wisconsin has recently been named one of the top places in the country to work for non-tenured life scientists.

Senator Moore, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Anthony Caceres on becoming the Medical Director at Sinai Samaritan Hospital in Milwaukee.

Senator Panzer, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Carl Edquist for his being honored by Cedarburg for his civic vitality

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Erin Allers on her 25 birthday.

ADJOURNMENT

Senator Panzer, with unanimous consent, asked that the Senate adjourn until Tuesday, at 11:00 A.M..

Adjourned.

2:55 P.M.

AMENDMENTS OFFERED

Senate amendment 2 to **Senate Bill 439** offered by Senator Welch.

LEGISLATIVE REFERENCE BUREAU CORRECTIONS

CORRECTIONS IN:

**SENATE AMENDMENT 1,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2003 SENATE BILL 351**

Prepared by the Legislative Reference Bureau
(February 25, 2004)

1. Page 1, line 4: delete "line 2:" and substitute "line 3:".