



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Sixth Regular Session

1:20 P.M.

TUESDAY, March 2, 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 a moment of silent meditation.

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

### CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated **February 27, 2004** :

Read and referred:

#### **Senate Bill 505**

Relating to: changes to the room tax law and the creation of destination marketing organizations and tourism committees.

By Senators Harsdorf, Roessler, Zien, Kanavas and Breske; cosponsored by Representatives Pettis, Kestell, Kreibich, Hines, Ladwig, Nass, Townsend, M. Lehman, Montgomery, Nischke, McCormick, D. Meyer and Suder.

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

#### **Senate Bill 506**

Relating to: permitting vehicles that are hauling road building and maintenance materials to exceed weight limits on certain highways.

By Senators Zien and Schultz; cosponsored by Representatives Suder, Hines, Townsend and Albers.

To committee on **Transportation and Information Infrastructure**.

#### **Senate Bill 507**

Relating to: creating an individual and corporate income tax exemption for interest on bonds or notes issued by the Wisconsin Health and Educational Facilities Authority for

purposes related to the purchase of information technology equipment by health facilities.

By Senator Roessler; cosponsored by Representatives Underheim and Musser.

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

#### **Senate Bill 508**

Relating to: minimum wage and overtime pay exemptions for providers of companionship services.

By Senators Cowles, Ellis, A. Lasee, Roessler, Darling and Lazich; cosponsored by Representatives Van Roy, Krawczyk, Grothman, Gunderson, Hines, Gronemus, Montgomery, McCormick, Weber, Gielow, Hahn, Wieckert, Vukmir, Seratti, M. Williams, Ladwig, Jeskewitz, Ott, Suder and Nischke.

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

The committee on **Agriculture, Financial Institutions and Insurance** reports and recommends:

#### **Assembly Bill 812**

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

Concurrence.

Ayes, 5 – Senators Schultz, Brown, Kedzie, Hansen and Lassa.

Noes, 0 – None.

GOMEZ, JORGE A., of Fox Point, as Commissioner of Insurance, to serve for the term ending at the pleasure of the Governor.

Confirmation.

Ayes, 5 – Senators Schultz, Brown, Kedzie, Hansen and Lassa.

Noes, 0 – None.

Dale Schultz  
Chairperson

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

#### **Senate Bill 470**

Relating to: the practice of physical therapist assistants and granting rule-making authority.

Passage.

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

Noes, 0 – None.

**Senate Joint Resolution 65**

Relating to: focusing attention on healthy lifestyles in Wisconsin in 2004.

Adoption.

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

Noes, 0 – None.

Carol Roessler  
Chairperson

The committee on **Higher Education and Tourism** reports and recommends:

**Assembly Bill 209**

Relating to: allowing an individual income tax deduction for certain amounts contributed by a great-grandparent, aunt, or uncle to a college savings account or a college tuition and expenses program.

Concurrence.

Ayes, 4 – Senators Harsdorf, Schultz, Breske and Chvala.

Noes, 1 – Senator Cowles.

**Senate Bill 294**

Relating to: administration of student financial aid programs by the Higher Educational Aids Board and granting rule-making authority (suggested as remedial legislation by the Higher Educational Aids Board).

Passage.

Ayes, 5 – Senators Harsdorf, Schultz, Cowles, Breske and Chvala.

Noes, 0 – None.

Sheila Harsdorf  
Chairperson

**Assembly Bill 771** was withdrawn from the committee on **Homeland Security, Veterans and Military Affairs and Government Reform** and referred to the committee on **Senate Organization pursuant to Senate Rule 46 (2)(c)**.

The Chief Clerk makes the following entries dated **March 1, 2004** :

Read and referred:

**Senate Bill 509**

Relating to: regulating certain consumer mortgage lenders, granting rule-making authority, and providing a penalty.

By Senator Schultz; cosponsored by Representative Montgomery.

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

**Senate Bill 510**

Relating to: requiring an individual who is suspected of child abuse or neglect to be advised of the specific allegations that have been made against him or her and requiring training for persons who investigate or treat child abuse and neglect to include training in the constitutional and other legal rights of a child who is being observed or interviewed in connection with the investigation and the child's family.

By Senator Reynolds; cosponsored by Representatives Musser, Ladwig, Albers, Hines and Petrowski.

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

**Senate Bill 511**

Relating to: the renewal and extensions of business contracts.

By Senators Reynolds, Brown, Lassa, Cowles and Schultz; cosponsored by Representatives Gunderson, Musser, Van Roy, Kestell, Hines, Nass, Plouff, Gronemus and Petrowski.

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

**Senate Bill 512**

Relating to: the property tax exemption for property that is leased as residential housing.

By Senators Roessler and Stepp.

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

**Senate Bill 513**

Relating to: exemption from nonresident tuition at the University of Wisconsin System for certain veterans.

By Senator Brown; cosponsored by Representatives Pettis, Musser and Turner.

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

**Senate Bill 514**

Relating to: the regulation, preservation, and restoration of historic buildings, the supplement to the federal historic rehabilitation tax credit and the state historic rehabilitation tax credit, requiring the certification of downtowns, promoting certain downtown areas in this state, highway projects involving business and downtown areas, the construction of major highway projects involving a bypass, granting rule-making authority, and making appropriations.

By Senators Lassa, Harsdorf, Robson, Plale, Schultz, Risser and Hansen; cosponsored by Representatives Schooff, Shilling, McCormick, Suder, Richards, Berceau, Balow, Huber, J. Lehman, Plouff, Gronemus, Molepske, Musser and Miller.

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

**Senate Bill 515**

Relating to: satisfaction of quality assurance requirements through accreditation.

By Senators Roessler and Darling; cosponsored by Representatives Underheim, Jeskewitz, Gielow and Musser.

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

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

**Senate Bill 503**

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

Passage.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

Neal Kedzie  
Chairperson

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

**Assembly Bill 728**

Relating to: comprehensive planning by local governmental units and fees imposed by political subdivisions.

Concurrence.

Ayes, 3 – Senators Kanavas, Stepp and Leibham.

Noes, 2 – Senators Chvala and Jauch.

Ted Kanavas  
Senate Chairperson  
Cathy Stepp  
Senate Chairperson

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

**Assembly Bill 326**

Relating to: allowing funeral directors and operators of funeral establishments to copy vital records.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Reynolds, Kedzie, Zien, Decker and Hansen.

Noes, 0 – None.

Concurrence as amended.

Ayes, 5 – Senators Reynolds, Kedzie, Zien, Decker and Hansen.

Noes, 0 – None.

Thomas Reynolds  
Chairperson

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

**Assembly Bill 771**

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

Concurrence.

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

Noes, 0 – None.

**Assembly Joint Resolution 54**

Relating to: urging that protections of women's equality be maintained and encouraging all Americans to participate in the celebration of Women's Equality Day on August 26, 2003, the 83rd anniversary of the passage of the Nineteenth Amendment to the U.S. Constitution, which gave women the right to vote.

Concurrence.

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

Noes, 0 – None.

**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.

Adoption.

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

Noes, 0 – None.

Mary Panzer  
Chairperson

**Senate Bill 514** was withdrawn from the committee on **Economic Development, Job Creation and Housing** and referred to the committee on **Higher Education and Tourism pursuant to Senate Rule 46 (2)(c)**.

Senate amendment 1 to **Assembly Bill 755** offered by Senator Kanavas.

Senate amendment 2 to **Assembly Bill 755** offered by Senator Kanavas.

Senate substitute amendment 1 to **Senate Bill 111** offered by Senator Cowles.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 463** offered by Senator Cowles.

The Chief Clerk records:

**Senate Bill 66**

**Senate Bill 247**

Report correctly enrolled on March 1, 2004.

**INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS**

Read and referred:

**Senate Bill 516**

Relating to: a trial jobs plus demonstration project under the Wisconsin Works program.

By Senators Roessler, Darling, Moore, Plale, Robson and Jauch; cosponsored by Representatives Huebsch, Jeskewitz, Zepnick, Gunderson, Miller, Montgomery, Shilling, Sinicki, Taylor and Hahn.

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

**Senate Bill 517**

Relating to: withdrawing land located in the town of Rome in Adams County from the forest cropland program or the managed forest land program and using the land for economic development.

By Senator Lassa; cosponsored by Representative Schneider.

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

**Senate Bill 518**

Relating to: grants to counties for providing alternatives to prosecution and incarceration for persons who abuse alcohol or other drugs and making an appropriation.

By Senators Roessler, Zien, Darling, S. Fitzgerald, Moore and Lassa; cosponsored by Representatives Bies, Friske, Gunderson, Jeskewitz, Taylor, Pocan, Miller, Staskunas, Black and Nischke.

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

**Senate Bill 519**

Relating to: establishing fire safety standards for cigarettes, granting rule-making authority, making an appropriation, and providing a penalty.

By Senators Robson, Brown and Risser; cosponsored by Representatives Miller, Kreibich and Berceau.

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

**Senate Bill 520**

Relating to: the installation of carbon monoxide detectors in certain public buildings, granting rule-making authority, and providing a penalty.

By Senator Wirch; cosponsored by Representatives Berceau, Hines, Hahn, Gunderson and Young, by request of the Hekenberger Family.

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

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## REPORT OF COMMITTEES

The committee on **Agriculture, Financial Institutions and Insurance** reports and recommends:

### Assembly Bill 650

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

Concurrence.

Ayes, 5 – Senators Schultz, Brown, Kedzie, Hansen and Lassa.

Noes, 0 – None.

NEUMAN, CHRISTINE A., of Green Bay, as a member of the Banking Review Board, to serve for the term ending May 1, 2008.

Confirmation.

Ayes, 5 – Senators Schultz, Brown, Kedzie, Hansen and Lassa.

Noes, 0 – None.

### Senate Bill 446

Relating to: vehicle protection product warranties.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Schultz, Brown, Kedzie, Hansen and Lassa.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Schultz, Brown, Kedzie, Hansen and Lassa.

Noes, 0 – None.

### Senate Bill 455

Relating to: financial information required to be provided by milk contractors.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Schultz, Brown, Kedzie, Hansen and Lassa.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Schultz, Brown, Kedzie, Hansen and Lassa.

Noes, 0 – None.

Dale Schultz  
Chairperson

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

### Senate Bill 111

Relating to: the energy efficiency of equipment used in state building projects and certain other projects constructed for the state and granting rule-making authority.

Adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Cowles, Lazich, Leibham, Wirch and M. Meyer.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Cowles, Lazich, Leibham, Wirch and M. Meyer.

Noes, 0 – None.

Robert Cowles  
Chairperson

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

AMBS, TODD, of Madison, as a member of the Great Lakes Protection Fund, to serve for the term ending October 11, 2005.

Confirmation.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

CANEFF, DENNIS M., of Verona, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2006.

Confirmation.

Ayes, 5 – Senators Kedzie, Stepp, Zien, Risser and Wirch.  
Noes, 0 – None.

Neal Kedzie  
Chairperson

**Joint Legislative Audit Committee** The reports and recommends:

### Senate Bill 478

Relating to: major highway projects, southeast Wisconsin freeway rehabilitation projects, and the transportation projects commission.

Introduction of Senate Amendment 1.

Ayes, 9 – Senators Roessler, Darling, Plale and Lassa.  
Representatives Jeskewitz, Kaufert, Kerkman, Cullen and Pocan.

Noes, 0 – None.

Adoption of Senate Amendment 1.

Ayes, 8 – Senators Roessler, Darling, Plale and Lassa.  
Representatives Jeskewitz, Kerkman, Cullen and Pocan.

Noes, 1 – Representative Kaufert.

Passage as amended.

Ayes, 9 – Senators Roessler, Darling, Plale and Lassa.  
Representatives Jeskewitz, Kaufert, Kerkman, Cullen and Pocan.

Noes, 0 – None.

Carol Roessler  
Senate Chairperson

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## PETITIONS AND COMMUNICATIONS

### Senate Petition 1

A petition by 319 residents of the State of Wisconsin in support of encouraging the Department of Transportation to complete the project on Highway 57 from Dyckesville to the intersection with Highway 42.

By Senator A. Lasee.

To committee on **Transportation and Information Infrastructure**.

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## THE STATE OF WISCONSIN OFFICE OF THE GOVERNOR

### EXECUTIVE ORDER #39

*Relating to an Affirmation of the Government-to-Government Relationship Between the State of Wisconsin and Indian Tribal Governments Located Within the State of Wisconsin*

**WHEREAS**, the State of Wisconsin has a unique legal relationship with Indian Tribes, as affirmed and set forth in state and federal law; and

**WHEREAS**, within Wisconsin there are 11 federally recognized Tribes with elected or appointed Tribal governments; and

**WHEREAS**, the State of Wisconsin, a sovereign state within the United States, recognizes the unique status of Indian Tribes and their right to existence, self-government, and self-determination; and

**WHEREAS**, state regulations and other policy statements or actions have an impact on Indian Tribes; and

**WHEREAS**, State and Tribal governments play key roles in serving all of the citizens of the State of Wisconsin and collaboration between Tribes and State agencies will ensure that services are efficiently provided to all citizens, minimize service overlap, preserve natural resources and encourage sustainable economic development;

**NOW, THEREFORE, I, JIM DOYLE**, Governor of the State of Wisconsin by the authority vested in me by the Constitution and the laws of this State, do hereby:

1. Direct cabinet agencies to recognize the unique legal relationship between the State of Wisconsin and Indian Tribes, respect fundamental principles that establish and maintain this relationship and accord Tribal governments the same respect accorded to other governments;
2. Direct cabinet agencies to recognize the unique government-to-government relationship between the State of Wisconsin and Indian Tribes when formulating and implementing policies or programs that directly affect Indian Tribes and their members, and whenever feasible and appropriate, consult the government of the affected Tribe or Tribes regarding state action or proposed action that is anticipated to directly affect an Indian Tribe or its members;
3. In instances where the State of Wisconsin assumes control over formerly federal programs that directly affect Indian Tribes or their members, direct cabinet agencies, when feasible and appropriate, to consider Tribal needs and endeavor to ensure that Tribal interests are taken into account by the cabinet agency administering the formerly federal program and
4. Direct cabinet agencies to work cooperatively to accomplish the goals of this order;
5. General Provisions.
  - a. Nothing in this order shall require cabinet agencies to violate or ignore any laws, rules, directives or other legal requirements or obligations imposed by state or federal law.
  - b. Nothing in this order shall require cabinet agencies to violate or ignore any agreements or compacts between one or more Indian Tribes and the State of Wisconsin or one or more of its agencies.
  - c. If any provision in this order conflicts with any laws, rules, agreements or other legal requirements or obligations imposed by state or federal law, the state or federal law shall control.
  - d. Nothing in this order prohibits or limits any cabinet agency from asserting or pursuing any action or right, or taking any position under state or federal law or any existing agreement in relation to the interests of the State of Wisconsin or any of its state agencies.
  - e. Nothing in this order creates any right, benefit, or trust responsibility, substantive or procedural, enforceable at law by a party against

the State of Wisconsin, its agencies, or any person.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this twenty-seventh day of February in the year two thousand and four.

JIM DOYLE  
Governor

*BY THE GOVERNOR:*

DOUGLAS LA FOLLETTE  
Secretary of State

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**State of Wisconsin  
Office of the Governor**

February 27, 2004

To the Honorable, the Senate

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
<b>Senate Bill 97</b>	<b>Wisconsin Act 133</b>	February 27, 2004
<b>Senate Bill 375</b>	<b>Wisconsin Act 134</b>	February 27, 2004

Sincerely,  
JIM DOYLE  
Governor

**State of Wisconsin**

March 1, 2004

The Honorable, The Senate:

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

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 26, 2004

The Honorable, The Senate:

I am writing to you to be removed as a cosponsor from a Senate bill. I would like to be removed from:

**Senate Bill 184** – relating to creating a fund to reduce state revenue shortfalls.

Thank you for your time.

Sincerely,  
ROB KREIBICH  
State Representative

**State of Wisconsin  
Department of Workforce Development**

February 23, 2004

The Honorable, The Senate:

Pursuant to s.109.12(2) and (3), Wis. Stats., I hereby submit the Department of Workforce Development's (DWD) 2002 annual report on the administration and enforcement of s. [109.07](#) an s. [109.075](#), Wis. Stats. The report contains three sections. The first section lists all employers in 2003 that notified DWD of business closings and mass layoffs planned in Wisconsin. The



second section of the report lists employers against whom DWD has received business closing or mass layoff notification complaints and the current status or outcome of those complaints. The third section of the report lists employers against whom DWD has received healthcare cessation notification complaints, DWD's actions and the current status or outcome of those complaints.

If you have any questions regarding the information contained in this report please contact Micabil Diaz-Martinez, Administrator of the Equal Rights Division, at (608) 266-0946.

Sincerely,

ROBERTA GASSMAN  
Secretary

**State of Wisconsin  
Legislative Audit Bureau**

February 26, 2004

The Honorable, The Legislature:

We have completed an evaluation of the Department of Natural Resources' (DNR's) air management programs, as requested by the Joint Legislative Audit Committee. DNR administers two separate permitting programs for controlling air pollution at 2,219 stationary facilities in Wisconsin: the operation permit program and the construction permit program. In fiscal year 2002-03, expenditures for all air management programs – including permitting, monitoring, vehicle emissions, and enforcement – totaled \$17.9 million, including \$13.3 million in salaries and fringe benefits for 184.0 full-time equivalent employees.

As our June 30, 2003, DNR had issued operation permits to just over half of the facilities required to obtain them. Although 1,128 permits have been issued since 1995, the number of facilities in the backlog was 1,091. Wisconsin is among the slowest states in the nation to issue operation permits, and it is the slowest among midwestern states. The Legislature recently passed [2003 Wisconsin Act 118](#) to streamline the permitting process and increase the number of permits issued in a timely manner. We have included additional recommendations for streamlining the operation permit process.

Although DNR has generally met statutory and administrative code timeliness standards for issuing construction permits – which are needed for new construction or facility modification – we found 40 construction permits, or 29.2 percent of all pending applications, have been backlogged for at least two years. We recommend changes to streamline the process and issue construction permits in a more timely manner.

We also found numerous examples where program management could be improved, including better emission fee billing, issuing completed permits, obtaining applications from required facilities, issuing renewal permits, inspecting facilities, and consistently following federal and state enforcement policies.

We appreciate the courtesy and cooperation extended to us by DNR staff. The agency's response follows the appendices.

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Ethics Board**

March 2, 2004

The Honorable, The Senate:

The following lobbyists have been authorized to act on behalf of the organizations set opposite their names.

For more detailed information about these lobbyists and organizations and a complete list of organizations and people

authorized to lobby the 2003 session of the legislature, visit the Ethics Board's web site at <http://ethics.state.wi.us>

- Anderson, David **Kolbe & Kolbe Millwork Co., Inc.**
- Anderson, David **Semling–Menke Company, Inc.**
- Bright, Michael **Midwest Airlines**
- Elliott, Brian **Omni Resources, Inc.**
- Essie, Patrick **Wisconsin Ready Mixed Concrete Association**
- Longmire, Erin **Wisconsin Ready Mixed Concrete Association**
- Petak, George **Omni Resources, Inc.**
- Peterson, Craig **March of Dimes Birth Defects Foundation**
- Rogowski, Michael **Omni Resources, Inc.**
- Roys, Lisa **Kolbe & Kolbe Millwork Co., Inc.**
- Roys, Lisa **Semling–Menke Company, Inc.**
- Schumacher, Elizabeth **Meriter Management Services Inc**
- Springer, Thomas J **Omni Resources, Inc.**
- Viohl, Bridget **March of Dimes Birth Defects Foundation**

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by organizations that employ lobbyists.

Sincerely,

R. ROTH JUDD  
Director

Senator Lazich, with unanimous consent, asked that the Senate recess until 4:27 P.M.

1:27 P.M.

**RECESS**

4:27 P.M.

The Senate reconvened.

Senator A. Lasee in the chair.

**QUORUM CALL**

The Chair noticed a 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.

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**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

February 25, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ALTEPETER, CARLA L., of Oshkosh, as a member of the Credit Union Review Board, to serve for the term ending May 1, 2005.

Sincerely,

JIM DOYLE

Governor

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

**State of Wisconsin  
Office of the Governor**

February 24, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint FERRALL, VICTOR E., of Orfordville, as a member of the State Historical Society Board of Curators, to serve for the term ending July 1, 2005.

Sincerely,

JIM DOYLE

Governor

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

**State of Wisconsin  
Office of the Governor**

February 25, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SMITH, BILL G., of Madison, as a member of the Prison Industries Board, to serve for the term ending May 1, 2007.

Sincerely,

JIM DOYLE

Governor

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

**State of Wisconsin  
Office of the Governor**

February 24, 2004

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SPENCER, ROBERT R., of La Crosse, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 2005.

Sincerely,

JIM DOYLE

Governor

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

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BERKOS, DANIEL, of Mauston, as a member of the Public Defender Board, to serve for the term ending May 1, 2005.

Read.

BRADLEY, MARK, of Wausau, as a member of the Board of Regents, to serve for the term ending May 1, 2010.

Read.

BRENNAN, JAMES, of Milwaukee, as a member of the Public Defender Board, to serve for the term ending May 1, 2004.

Read.

BROWN, RITCHIE J., of Black River Falls, as a member of the Lower Wisconsin State Riverway Board, to serve for the term ending May 1, 2006.

Read.

BROWN, SENN R., of Madison, as a member of the Kickapoo Reserve Management Board, to serve for the term ending May 1, 2006.

Read.

CIHLAR, SANDI M., of Mosinee, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2007.

Read.

ERICKSON, LARRY D., of Hurley, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2006.

Read.

FISH, ALAN, of Madison, as a member of the Great Lakes Protection Fund, to serve for the term ending October 11, 2006.

Read.

HOGAN, JOHN, of Rhinelander, as a member of the Public Defender Board, to serve for the term ending May 1, 2005.

Read.

KRUGER, DAVID, of Madison, as a member of the Wisconsin Housing and Economic Development Authority, to serve for the term ending January 1, 2007.

Read.

LANDES, SAMUEL J., of Dane, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2005.

Read.

LEVIN, LLOYD, of Milwaukee, as a member of the Real Estate Board, to serve for the term ending July 1, 2007.

Read.

MALECKI, ANDREW F., of Green Bay, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2005.

Read.

MILLER, MICHAEL R., of West Bend, as a member of the Judicial Commission, to serve for the term ending August 1, 2005.

Read.

MORALES, JOE, of Racine, as a member of the Public Defender Board, to serve for the term ending May 1, 2006.

Read.

NEVILLE, DALLAS S., of Eau Claire, as a member of the Judicial Commission, to serve for the term ending August 1, 2004.

Read.

PEPPER, PAMELA, of Shorewood, as a member of the Public Defender Board, to serve for the term ending May 1, 2006.

Read.

SVEUM, PETER, of Stoughton, as a member of the Real Estate Board, to serve for the term ending July 1, 2006.

Read.

THORN, ELLEN, of West Salem as a member of the Public Defender Board, to serve for the term ending May 1, 2004.

Read.

TLUSTY, WAYNE G., of Rib Lake, 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, 2007.

Read.

WALSH, DAVID, of Madison, as a member of the Board of Regents, to serve for the term ending May 1, 2008.

Read.

WETTERSTEN, NANCY, of Madison, as a member of the Public Defender Board, to serve for the term ending May 1, 2005.

Read.

WHITE, DONNA JEAN, of Cambria, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2006.

Read.

WILSON, WALTER L., of Milwaukee, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2006.

Read.

XIONG, MAI NENG, of Wausau, as a member of the Public Defender Board, to serve for the term ending May 1, 2006.

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.

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

**State of Wisconsin  
Revisor of Statutes Bureau**

March 1, 2004

To the Honorable, the Senate:

The following rules have been published:

<b>Clearinghouse Rules</b>	<b>Effective Date(s)</b>
<b>99–135</b>	March 1, 2004
<b>02–133</b>	March 1, 2004
<b>03–050</b>	March 1, 2004
<b>03–063</b>	March 1, 2004

**03–080**

March 1, 2004

**03–093**

March 1, 2004

**03–099**

March 1, 2004

Sincerely,  
GARY L. POULSON  
Deputy Revisor

**Senate Clearinghouse Rule 03–090**

Relating to the acceptance of foreign degrees which have been determined to be equivalent to a degree from an accredited school in the United States.

Submitted by Department of Regulation and Licensing.

Report received from Agency, February 27, 2004.

Referred to committee on **Health, Children, Families, Aging and Long Term Care**, March 2, 2004.

**Senate Clearinghouse Rule 04–006**

Relating to the adjustment of thresholds for application of prevailing wage rates and payment and performance assurance requirements.

Submitted by Department of Workforce Development .

Report received from Agency, February 27, 2004.

Referred to committee on **Labor, Small Business Development and Consumer Affairs**, March 2, 2004.

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

**Senate Clearinghouse Rule 03–082**

Relating to minor changes to conform the rules to current practices and to correct oversights and problematic language in the current rules, especially related to the board’s adoption of Part IV of the national exam in lieu of a state–administered exam to demonstrate clinical competence.

Modifications requested, Ayes 9, Noes 0.

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

Noes, 0 – None.

**Senate Clearinghouse Rule 03–096**

relating to the professional service area requirements where the pharmacist is absent.

No action taken.

Carol Roessler  
Chairperson

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

**Senate Clearinghouse Rule 03–075**

Relating to licenses, certifications, and registrations.

No action taken.

Thomas Reynolds  
Chairperson

**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 Joint Resolution 72**



**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Joint Resolution 72**

Relating to: the life and military service of United States Army Staff Sergeant Warren Scott Hansen.

By Representative Hundertmark; cosponsored by Senator Welch.

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

Senator Panzer, with unanimous consent, asked that **Assembly Joint Resolution 72** be withdrawn from the committee on **Senate Organization** and taken up.

**Assembly Joint Resolution 72**

Relating to: the life and military service of United States Army Staff Sergeant Warren Scott Hansen.

Read.

Concurred in.

Senator Carpenter, with unanimous consent, asked to be added as a coauthor of **Senate Bill 490**.

Senator Carpenter, with unanimous consent, asked to be added as a coauthor of **Senate Bill 405**.

Senator Carpenter, with unanimous consent, asked to be added as a coauthor of **Senate Bill 420**.

Senator Carpenter, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 738**.

**Senate Bill 46**

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

Read.

The question was: Shall Assembly amendment 1 to **Senate Bill 46** be concurred in?

Concurred in.

**Senate Bill 100**

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

Read.

The question was: Shall Assembly substitute amendment 1 to **Senate Bill 100** be concurred in?

Concurred in.

**Senate Bill 287**

Relating to: multiple municipal local health departments in Milwaukee County.

Read.

The question was: Shall Assembly substitute amendment 1 to **Senate Bill 287** be concurred in?

Concurred in.

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

**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.

Read.

Adopted.

**Senate Bill 71**

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

Read a second time.

Ordered to a third reading.

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

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 71**.

Senator Wirch, with unanimous consent, asked to be added as a coauthor of **Senate Bill 71**.

Senator Erpenbach, with unanimous consent, asked to be added as a coauthor of **Senate Bill 71**.

Senator Hansen, with unanimous consent, asked to be added as a coauthor of **Senate Bill 71**.

Senator Carpenter, with unanimous consent, asked to be added as a coauthor of **Senate Bill 71**.

Senator Zien, with unanimous consent, asked to be added as a coauthor of **Senate Bill 200**.

Senator Zien, with unanimous consent, asked to be added as a coauthor of **Senate Bill 244**.

Senator Zien, with unanimous consent, asked to be added as a coauthor of **Senate Bill 399**.

Senator Zien, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 423**.

**Senate Bill 71**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 29; noes, 4; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Carpenter, Chvala, Cogg, Darling, Decker, Ellis, Erpenbach, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lassa, Lazich, Leibham, M. Meyer, Moore, Panzer, Plale, Risser, Robson, Roessler, Schultz, Stepp, Wirch and Zien – 29.

Noes – Senators Cowles, S. Fitzgerald, Reynolds and Welch – 4.

Absent or not voting – None.

Passed.

**Senate Bill 120**

Relating to: creating a public health council, reimbursement for quarantine costs, intrastate mutual aid, requiring use of the incident command system in an emergency, exemption from liability during a state of emergency, threats to release or disseminate harmful chemical, biological, or radioactive substances, making appropriations, and providing a penalty.

Read a second time.

The question was: Adoption of Senate amendment 1 to Senate amendment 1 to **Senate Bill 120**?

Adopted.

The question was: Adoption of Senate amendment 2 to Senate amendment 1 to **Senate Bill 120**?

Adopted.

The question was: Adoption of Senate amendment 1 to **Senate Bill 120**?

Adopted.

Senate amendment 2 to **Senate Bill 120** offered by Senator Brown.

The question was: Adoption of Senate amendment 2 to **Senate Bill 120**?

Adopted.

Ordered to a third reading.

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

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 120**.

**Senate Bill 120**

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 2; absent or not voting, 2; as follows:

Ayes – Senators Breske, Brown, Carpenter, Chvala, Coggs, Cowles, Darling, Decker, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lassa, Leibham, M. Meyer, Moore, Panzer, Plale, Risser, Robson, Roessler, Schultz, Stepp, Wirch and Zien – 29.

Noes – Senators Lazich and Reynolds – 2.

Absent or not voting – Senators Ellis and Welch – 2.

Passed.

Senator Panzer, with unanimous consent, asked that **Assembly Bill 738** be considered for action at this time.

**Assembly Bill 738**

Relating to: stalking.

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 738**

Read a third time and concurred in.

**Senate Bill 200**

Relating to: chelation therapy.

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 200**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Chvala, Darling, Ellis, S. Fitzgerald, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Panzer, Reynolds, Robson, Roessler, Schultz, Stepp, Welch and Zien – 21.

Noes – Senators Carpenter, Coggs, Cowles, Decker, Erpenbach, Hansen, Lassa, M. Meyer, Moore, Plale, Risser and Wirch – 12.

Absent or not voting – None.

Passed.

**Senate Bill 218**

Relating to: the authority of the board of directors of business corporations and corporate committees; corporate shareholder notices and meetings; mergers, conversions, and other business combinations; the transfer of corporate property to certain affiliates; and naming limited partnerships.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 218**?

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 218**

Read a third time and passed.

Senator Ellis, with unanimous consent, asked that the journal show he would have voted aye on the passage of **Senate Bill 120**.

**Senate Bill 244**

Relating to: the regulation of drill holes, water quality, and water systems, related licensing and certification, creating the Council on Well Drilling and Pump Installing, granting rule-making authority, making appropriations, and providing penalties.

Read a second time.

Senator Darling, with unanimous consent, asked that **Senate Bill 244** be referred to the Joint Committee on **Finance**.

**Senate Bill 271**

Relating to: transferring certain alcohol beverage licenses to premises in another municipality within the same county.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 271**

Read a third time and passed.

**Senate Bill 312**

Relating to: threats to social service workers, juvenile intake workers, or school employees and providing a penalty.

Read a second time.

Senate amendment 1 to **Senate Bill 312** offered by Senator Brown.

The question was: Adoption of Senate amendment 1 to **Senate Bill 312**?

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 312**

Read a third time and passed.

**Senate Bill 351**

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

Read a second time.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 351**?

Adopted.

Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 351** offered by Senator Kanavas.

The question was: Adoption of Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 351**?

Adopted.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 351**?

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 351**

Read a third time and passed.

**Senate Bill 392**

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

Read a second time.

Senator Panzer, with unanimous consent, asked that **Assembly Bill 758** be withdrawn from the committee on **Transportation and Information Infrastructure** and taken up.

**Assembly Bill 758**

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

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 758**

Read a third time and concurred in.

Senator Panzer, with unanimous consent, asked that **Senate Bill 392** be referred to committee on **Senate Organization**.

Senator Panzer, with unanimous consent, asked that **Senate Bill 399** be placed at the foot of the 11th order of business on the calendar of March 2, 2004.

**Senate Bill 407**

Relating to: hunting deer in a chronic wasting disease intensive harvest or heard reduction zone without a deer hunting license, the receipt of a deer hunting license during an open season for hunting deer, and granting rule-making authority.

Read a second time.

Senator Kedzie, with unanimous consent, asked that **Senate Bill 407** be placed at the foot of the 11th order of business on the calendar of March 2, 2004.

**Senate Bill 416**

Relating to: failure to pay for tickets at recreational attractions and providing penalties.

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 416**

Read a third time and passed.

**Senate Bill 423**

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

Read a second time.

Senator Darling, with unanimous consent, asked that **Senate Bill 423** be referred to the Joint Committee on **Finance**.

Senator Darling, with unanimous consent, asked that the rules be suspended and that **Senate Bill 423** 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 423**

Read a third time and passed.

**Senate Bill 426**

Relating to: the administration of vaccines by persons supervised by a pharmacist.

Read a second time.

Senator Darling, with unanimous consent, asked to be added as a coauthor of **Senate Bill 426**.

Ordered to a third reading.

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

**Senate Bill 426**

Read a third time and passed.

**Senate Bill 434**

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

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 434**

Read a third time and passed.

**Senate Bill 440**

Relating to: public inland lake protection and rehabilitation district meetings, duties of members of the district's board of commissioners, lake monitoring contracts, and granting 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.

**Senate Bill 440**

Read a third time and passed.

**Senate Bill 442**

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

Read a second time.

Senator Darling, with unanimous consent, asked that **Senate Bill 442** be referred to the Joint Committee on **Finance**.

**Senate Bill 443**

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

Read a second time.

Senator Darling, with unanimous consent, asked that **Senate Bill 443** be referred to the Joint Committee on **Finance**.

Senator Panzer, with unanimous consent, asked that **Senate Bill 399** be placed at the foot of the calendar of March 2, 2004.

Senator Panzer, with unanimous consent, asked that **Senate Bill 407** be placed at the foot of the calendar of March 2, 2004.

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

**Assembly Joint Resolution 54**

Relating to: urging that protections of women's equality be maintained and encouraging all Americans to participate in the celebration of Women's Equality Day on August 26, 2003, the 83rd anniversary of the passage of the Nineteenth Amendment to the U.S. Constitution, which gave women the right to vote.

Read.

Senator Lassa, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 54**.

Senator Lassa, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 14**.

Senator Panzer, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 54**.

Senator Moore, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 54**.

Senator Moore, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 14**.

Senator Robson, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 54**.

Senator Coggs, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 54**.

Senator Erpenbach, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 54**.

Senator Carpenter, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 54**.

Senator Darling, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 54**.

Senator Zien, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 54**.

Senator Zien, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 14**.

Senator Hansen, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 54**.

Senator Breske, with unanimous consent, asked to be added as a coauthor of **Senate Bill 513**.

Senator Risser, with unanimous consent, asked to be added as a cosponsor of **Assembly Joint Resolution 54**.

Senator Panzer, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 14**.

The question was: Shall **Assembly Joint Resolution 54** be concurred in?

Concurred in.

Senator Reynolds, with unanimous consent, asked that the journal show he would have voted no on the passage of **Senate Bill 200**.

#### **Assembly Bill 14**

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

Read a second time.

Senator Darling, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 14**.

Ordered to a third reading.

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

#### **Assembly Bill 14**

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.

#### **Assembly Bill 423**

Relating to: liability for damages caused by dogs, court orders to kill a dog, and providing a penalty.

Read a second time.

Senator Welch, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 423**.

Senator Welch, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 755**.

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

Ordered to a third reading.

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

#### **Assembly Bill 423**

Read a third time and concurred in.

#### **Assembly Bill 560**

Relating to: use of federal registration numbers required for prescribers of controlled substances 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 560**

Read a third time and concurred in.

#### **Assembly Bill 651**

Relating to: parental liability for acts of their minor child, recovery of damages for certain criminal actions, increasing the jurisdictional amount in small claims court, garnishment, attorney fees, exemption from execution of accounts, civil actions by collection agencies, earnings garnishment, retail theft, recovery in actions involving worthless checks, and revocation of fish and game approvals for which payment is made by worthless checks.

Read a second time.

Senator Darling, with unanimous consent, asked that **Assembly Bill 651** be referred to the Joint Committee on **Finance**.

Senator Darling, with unanimous consent, asked that the rules be suspended and that **Assembly Bill 651** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

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 651**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 27; noes, 6; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Panzer, Plale, Reynolds, Robson, Roessler, Schultz, Stepp, Welch, Wirch and Zien – 27.

Noes – Senators Carpenter, Chvala, Coggs, M. Meyer, Moore and Risser – 6.

Absent or not voting – None.

Concurred in.

**Assembly Bill 669**

Relating to: making various changes in the worker's compensation law and granting 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 669**

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.

**Assembly Bill 755**

Relating to: electronic transactions and records.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 755**?

Adopted.

The question was: Adoption of Senate amendment 2 to **Assembly Bill 755**?

Adopted.

Ordered to a third reading.

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

**Assembly Bill 755**

Read a third time and concurred in as amended.

**Assembly Bill 771**

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

Read a second time.

Senator Panzer, with unanimous consent, asked that all members of the Senate be added as cosponsors of **Assembly Bill 771**.

Ordered to a third reading.

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

**Assembly Bill 771**

Read a third time and concurred in.

**Senate Bill 399**

Relating to: a certificate of birth resulting in stillbirth.

Read a second time.

Senate amendment 1 to **Senate Bill 399** offered by Senator Robson.

Senator Plale, with unanimous consent, asked to be added as a coauthor of **Senate Bill 399**.

Senator Darling, with unanimous consent, asked that **Senate Bill 399** be referred to the Joint Committee on **Finance**.

Senator Darling, with unanimous consent, asked that the rules be suspended and that **Senate Bill 399** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Read a second time.

Senator Roessler moved rejection of Senate amendment 1 to **Senate Bill 399**.

The question was: Rejection of Senate amendment 1 to **Senate Bill 399**?

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 399**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 28; noes, 5; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Panzer, Plale, Reynolds, Robson, Roessler, Schultz, Stepp, Welch, Wirch and Zien – 28.

Noes – Senators Carpenter, Chvala, M. Meyer, Moore and Risser – 5.

Absent or not voting – None.

Passed.

Senator Panzer, with unanimous consent, asked that **Senate Bill 407** be referred to committee on **Senate Organization**.

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

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**MOTIONS MAY BE OFFERED**

Senator Chvala, with unanimous consent, asked that **Senate Bill 72** be withdrawn from the committee on **Senate Organization** and put on the calendar of March 4, 2004.

Senator Panzer objected.

Senator Chvala moved that **Senate Bill 72** be withdrawn from the committee on **Senate Organization** and put on the calendar of March 4, 2004.

Senator Panzer moved that the motion to withdraw **Senate Bill 72** from committee on **Senate Organization** and place on the calendar of March 4, 2004, be laid on the table.

The question was: Shall the motion to withdraw **Senate Bill 72** from committee on **Senate Organization** and place on the calendar of March 4, 2004, 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.



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

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Carol and Jim Martin of Burlington for the many volunteer hours they provide throughout the year to help out the Chamber of Commerce.

Senator Cogs, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the members of Alpha Kappa Alpha that visited the capitol today.

Senator Kanavas, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his chief of staff Bruce Pfaff who is leaving for a job in the private sector.

Senator Welch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Eric Michael Gumz born February 27, 2004 to Amy Ferris who works on his staff and her husband Mark Gumz.

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**ADJOURNMENT**

Senator Panzer, with unanimous consent, asked that the Senate adjourn until Thursday, at 9:30 A.M..

Adjourned.

6:24 P.M.

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**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Bill 97**

**Senate Bill 375**

Presented to the Governor on February 26, 2004.

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**CHIEF CLERK'S REPORT**

The Chief Clerk records:

**Senate Joint Resolution 48**

**Senate Joint Resolution 49**

**Senate Joint Resolution 53**

**Senate Joint Resolution 54**

**Senate Joint Resolution 57**

**Senate Joint Resolution 58**

Deposited in the office of the Secretary of State on March 1, 2004.

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**AMENDMENTS OFFERED**

Senate substitute amendment 1 to **Senate Bill 302** offered by Senator Kanavas.

Senate substitute amendment 1 to **Senate Bill 486** offered by Senator Brown.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 486** offered by Senator Brown.

Senate amendment 1 to **Senate Bill 514** offered by Senator Lassa.

Senate amendment 2 to **Senate Bill 514** offered by Senator Lassa.

Senate amendment 2 to **Senate Bill 407** offered by Senator Kedzie.

Senate amendment 3 to **Senate Bill 407** offered by Senators Decker, Kedzie, Brown, M. Meyer, Breske, Panzer, Zien, Darling and Hansen.

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**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**SENATE SUBSTITUTE AMENDMENT 1,  
TO 2003 SENATE BILL 394**

Prepared by the Legislative Reference Bureau  
(February 26, 2004)

1. Page 3, line 15: delete "contract" and substitute "contact".