



STATE OF WISCONSIN

Senate Journal

Ninety–Seventh Regular Session

2:00 P.M.

MONDAY, January 3, 2005

The Senate met.

The Senate was called to order by Senator Alan Lasee.

The Senate stood for the prayer which was offered by Father Culver Carson of St. Barnabas Episcopal Church in Richland Center.

The Senate stood for the National Anthem performed by the Richland Center High School Madrigal, and color presentation by the Wisconsin Army National Guard's 32nd Military Police Company of Milwaukee and Madison.

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.

Remarks of President Lasee

Good afternoon. I would like to welcome all Senators, Senators–elect, staff, and special guests to the Inauguration of the 2005–2006 State Senate.

It is with great pleasure that I call the Wisconsin State Senate to order. Before we get on to the day's business, I would like to take a few minutes to give you some historical context concerning the State Senate.

Together, we make up the 97th State Senate in the history of Wisconsin. The first State Senate convened on June 5, 1848. At that time, 19 men were elected from their respective districts. That first Senate passed legislation providing for the printing of the laws, organizing the judiciary, and establishing the University of Wisconsin (incidentally, that law set tuition at \$20 per year for state residents, but only until such time as the University could admit residents for free). Not surprisingly, that first State Senate also passed a law authorizing the payment of per diems to legislators. The per diem in 1848 was \$2.50 per day the legislator was in attendance. In 1867, legislators were paid \$50 per year, which was increased in 1883 to \$500 for the two–year session.

Since that first Senate convened over 156 years ago, 980 more men and women have served in the State Senate. With today's swearing in, we welcome 5 new members, including our 1,000th member, the Senator–elect from the 4th, Representative Taylor. To get a sense for how many people that is, take a look at the wall in the 3rd floor corridor behind the balcony, which lists the names of all those who have served in this body. Like me and you, they were regular Wisconsinites from all walks of life. It is a good reminder that Wisconsin's citizens have always been willing to come together to solve the problems facing them.

State of Wisconsin Elections Board

December 16, 2004

The Honorable, The Senate:

I am pleased to provide you with a copy of the official canvass of the November 2, 2004 General Election vote for state senator along with the determination by the chairperson of the State Elections Board of the winners.

With this letter, I am delivering the Certificates of Election for the winners to you for distribution.

If the State Elections Board can provide you with further information or assistance, please contact our office.

Sincerely,
KEVIN J. KENNEDY
Executive Director

Statement of Canvass for State Senator

GENERAL ELECTION, November 2, 2004

I, John C. Schober, Chairperson of the State Elections Board, certify that the attached tabular statements, as compiled from the certified returns made to the State Elections Board by the county clerks of the several counties of the state, contain a correct abstract of the total number of votes given for the election of candidates for State Senator at a General Election held in the several towns, wards, villages, and election districts in said counties on the Second day of November, 2004.

I DO, THEREFORE, DETERMINE AND CERTIFY that the following candidates, having each received the greatest number of votes in their respective senatorial districts, are duly elected State Senator:

Senate District

- 2nd District
- 4th District
- 6th District
- 8th District
- 10th District
- 12th District
- 14th District
- 16th District
- 18th District
- 20th District
- 22nd District
- 24th District
- 26th District
- 28th District
- 30th District
- 32nd District

Elected

- Robert L. Cowles
- Lena C. Taylor
- Spencer Coggs
- Alberta Darling
- Sheila Harsdorf
- Roger Breske
- Luther S. Olsen
- Mark Miller
- Carol A. Roessler
- Glenn Grothman
- Robert W. Wirch
- Julie Lassa
- Fred A. Risser
- Mary Lazich
- Dave Hansen
- Dan Kapanke

Done in the City of Brookfield, this 1st day of December, 2004.

JOHN C. SCHOBER

Chairperson, State Elections Board

Remarks of Majority Leader Schultz

Mr. President, Leader Robson, Senators, family, friends and fellow Wisconsinites:

While it's wonderful to have my priest, Father Culver here today offering a blessed prayer, I paused before I approached the dais to offer a politicians prayer which goes like this, "Dear Lord, please make my words sweet and gentle because tomorrow I may have to eat them."

It is indeed a great honor to address you on a day marked with pomp and circumstance before those we hold most dear. It's rare, you see, that we have such a packed house with no disagreements among us. It makes us want to show our best face. And it brings to mind a quote from Henry Cabot Lodge who said to Teddy Roosevelt during the 1902 coal strike, "Isn't there something we can appear to be doing?"

The fact is we are doing something. Something of great importance. For today marks the beginning of five new Wisconsin State Senator's official journeys.

I say official because like all of us, the journey begins long before taking the oath today. For most of us, it begins with a calling to serve our communities.

That's one of the common bonds we share. Whether Republican or Democrat, we all come here to do the best we can to make our state and our communities better.

No doubt there will be times when we disagree, perhaps even vehemently. It's during those times I hope you'll take a breath and recall what unites us.

It's all those doors each of us has knocked on, and met some pretty interesting people. Like the person we all seem to meet who says, "Now come in here and sit down. I've been waiting for you." Or the person who comes up to you at the grocery store as you're buying that last item so you can finally get home to your family and says, "I'm glad I ran into you. I want to tell you how you can fix this budget mess you got down there in Madison. It's real simple."

But the fun doesn't end with campaigns, in fact, as my colleagues will attest, it's only beginning.

As Senators you can look forward to getting up early, perhaps to hold office hours before businesses open, touring an industry, making a noon speech, and meeting with local officials before attending an ag producers twilight meeting later the same night where one of your constituents will look you in the eye and ask, "When are you going to work?," Sometimes the public just doesn't understand the life of a legislator. They don't understand that we are called to be "on" 24/7.

You'll have people tell you to, "get the fat out of government," but they haven't spent the hours upon hours listening to genuine, good, and thoughtful people who come here and express real needs.

You'll be called a lazy good for nothing. And that'll be said by your friends.

One day people will love you, the next day they'll call you two-faced, but as I like to say, if you want a politician that agrees with all of you, then we'll have to have separate meetings.

In this building, glory is fleeting. Our esteemed colleague in the Assembly, State Representative Marlin Schneider likes to say, "Today a peacock, tomorrow a feather duster."

Sometimes you'll feel misunderstood, and unfortunately, sometimes the unflattering things people say about us are earned.

For instance, I recently received an email that suggested legislators are arrogant and order people around. I was shocked and upset. It was 6:30 in the morning, I picked up the phone, got my staff out of bed, told them to immediately fire off an email telling the person I'm not arrogant, and I take offense that they thought so. As the poet Robert Burns once noted, "If only we had the gift to see ourselves as others see us."

It's what keeps us humble. Remembering that we're simply human, and these are things that give us a healthy laugh at ourselves.

But those things the public may not always understand are also the things that unite us. That, and the fact that we each have been given a wonderful privilege.

I'd like to ask each Senator to look at the Senator on your right. That person represents approximately 162,000 hopes. Now look at the Senator on your left. That person represents approximately 162,000 dreams.

Finally, look at the Senator either in front of or behind you. That person represents approximately 162,000 voices of our fellow Wisconsinites. They are the hopes, dreams, and voices of people of all races, colors, creeds and social classes. And you know what, the people they represent aren't all that different from the ones back in your district.

They just want to be given a chance to make a better life and to have the opportunity to succeed and to live their dreams. And you know what else, this is the little secret you'd never hear except on a day like today most of them really don't care whether the person who can help them has an "R" or a "D" after their name.

People of this state are tired of personal political attacks. They are looking to us to provide something better. They're looking to us to give them their voice in this building.

That's the great privilege: to stand in this historic and beautiful chamber and speak on behalf of those we represent. Regardless of where we are from, we have been given a tremendous opportunity and a great privilege, and with that also comes solemn responsibility.

We can blame the press, lobbyists, special interest groups, and whoever else may be in our sights, but at the end of the day it is incumbent solely on us, the 33 Senators in this chamber, to uphold the integrity, maintain the decorum, and produce the results from within this chamber that our constituents should and do expect.

All of us come here as flawed individuals, but together, we are capable of great things. You see whether Democrat or Republican, we are all, first and foremost Wisconsin State Senators. Each Senator deserves and commands the respect of their colleagues not because of who we are, but rather because of whom we represent.

While we've been given a special opportunity, we, ourselves, would do well to stay humble. Remember what Walt Disney had to say when asked how it felt to be a celebrity.

He said, "It feels fine when it helps you get a good seat for a football game. But it never helped me to make a good film or a good shot in a polo game, or command the obedience of my daughter. It doesn't even seem to keep fleas off our dogs, and if being a celebrity won't give one an advantage over a couple of fleas, then I guess there can't be much in being a celebrity after all."

At our best, we should be reflective of the people we represent. A dairy farmer from River Falls, a newspaper publisher and Army Officer from Juneau, a United States Marine and former longshoreman from Eau Claire, a registered nurse from Beloit,

a Firefighter from Eau Claire, and a baseball owner from La Crosse. Well, ok, we can't all be baseball owners. I can tease him a little because the new Senator from the 32nd and I spent a lot of time together this past summer on the campaign trail, but the list goes on.

In fact, it's 33 members long and includes people from all walks of life, all with wonderfully unique life experiences to share and bring to the table.

We need each of you involved. Involvement was the point driven home in a speech made by Miller Brewing Executive Thomas Koehler. In a recent speech, he used this story:

In ancient times there was a philosopher who had many disciples. One day a cynical young man decided to humiliate him by asking him a question he couldn't possibly answer correctly.

The cynic put a recently hatched chick in the palm of his hand and asked the philosopher, in front of a large audience, whether what he had in his hand was dead or alive. His intention, if the philosopher said 'alive,' was to crush the chick to death and show the master to be wrong. If the philosopher said 'dead,' then he planned to let the chick live, to prove the great man wrong.

In response to the question, the philosopher looked the cynic in the eye, smiled, and calmly replied: "The answer, my son, lies in your hands."

Well, like that young man, the future of our state lies in our hands. Our actions over the next two years will determine whether our state, as we know it today, will continue to be a shining example, or only a memory.

Like all of you, I'm hopeful for the session ahead. The tasks before us are great, but the promises of reform and results are far greater.

Now, allow me to close with a traditional toast, which seems only too appropriate. It says, "Drink not to my past, which is weak and indefensible. Nor to my present which is not above reproach. But let us drink to our futures which, thank God, are immaculate."

Thank you, God bless you, and may God bless Wisconsin.

Remarks of Minority Leader Robson

Good Afternoon, President Lasee, Majority Leader Schultz, distinguished guests, families and friends, staff and Senate colleagues.

I am a public servant. We are all public servants.

I am a nurse. I am a caregiver.

And most of all... I am very proud to say I am a Wisconsinite.

Today at this ceremony we represent the spirit of Wisconsin.

We are the spirit of Wisconsin.

We are all public servants who come from different places and jobs.

We are teachers, farmers, bricklayers and lawyers.

We are small businessmen and women who own restaurants.

We are investment agents and truck drivers.

We are veterans, social workers and homebuilders.

We are factory workers, roofers, radio personalities and cooks.

We are fire chiefs, software executives, health officers and nurses.

This is the background, the diverse talents and occupations, we all bring to the Wisconsin State Senate.

We truly are representative of the great diversity and vibrant spirit of the great state of Wisconsin.

Each Senator represents citizens with different views. Separately we represent a red part of the state or a blue section or some combination, together we represent the whole. We merge these voices in this marketplace of ideas -- the Wisconsin State Senate. We are one people. We are one Senate.

We are leaders. We are peacemakers and problem solvers. Today, to give testimony to the strength of our diversity and bear witness to our shared purpose at this place, in this beautiful Senate Chamber, at this moment in time, January 3, 2005, we mark our place in Wisconsin history.

Today, we inaugurate, among others, our 1,000th Senator...a seminal event. Our 1,000th senator is an African-American woman and the 20th woman ever to serve in Wisconsin's Senate in our 157 years of statehood. We take the same oath of office -- to work together, to respect each other, to find common ground on issues close to the hearts of Wisconsin families. The special energy and commitment we make today will get this job done. And the Wisconsin Senate will shine.

I would like to end with a quote from the inauguration speech of John F. Kennedy on a cold January afternoon. "History will be the final judge of our deeds. Let us go forth to lead the land we love, asking his blessing and his help, but knowing that here on Earth, God's work must truly be our own."

Thank you.

Upon the calling of the newly elected Senators on Monday, January 3, 2005, the following appeared before the Senate, took and subscribed the oath of office which was administered by the Honorable William D. Dyke, Iowa County Circuit Court Judge.

Robert L. Cowles
Spencer Coggs
Sheila Harsdorf
Luther S. Olsen
Carol A. Roessler
Robert W. Wirch
Fred A. Risser
Dave Hansen

Lena C. Taylor
Alberta Darling
Roger Breske
Mark Miller
Glenn Grothman
Julie Lassa
Mary Lazich
Dan Kapanke

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

Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 31.

Absent – None.

Absent with leave – Senators Jauch and Kanavas – 2.

LEAVES OF ABSENCE

Senator Schultz, with unanimous consent, asked that Senator Kanavas be granted a leave of absence for today's session.

Senator Robson, with unanimous consent, asked that Senator Jauch be granted a leave of absence for today's session.

REPORT OF COMMITTEES

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

Senate Resolution 1

Relating to: notifying the assembly and the governor that the 2005–2006 senate is organized.

Introduction.

Ayes, 5 – Senators Schultz, A. Lasee, Kedzie, Robson and Hansen.

Noes, 0 – None.

DALE SCHULTZ
Chairperson

Considered as privileged and taken up.

Senate Resolution 1

Relating to: notifying the assembly and the governor that the 2005–2006 senate is organized.

Read.

The question was: Shall **Senate Resolution 1** be adopted?

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

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 31.

Noes – None.

Absent or not voting – Senators Jauch and Kanavas – 2.

Adopted.

The President, Alan Lasee, the President Pro Tempore, David Zien, the Chief Clerk, Robert J. Marchant, and the Sergeant-at-Arms, Edward A. Blazel, having been duly elected by the adoption of **Senate Resolution 1**, appeared together before the bar of the Senate, took and subscribed the oath of office which was administered by the Honorable William D. Dyke, Iowa County Circuit Court Judge.

Remarks of President Lasee

I am humbled that you have chosen me to preside over the debates that take place in this chamber. As you may know, there have only been 3 elected Presidents of the Senate: Senators Risser, Rude, and myself. Senators Risser and Rude were fair-minded leaders in this chamber. I am honored to be counted among them.

It is the role of the President of the Senate to ensure that the majority accomplishes its will at all times, but with due respect for the right of all members to express their thoughts and ideas. This session we will get our business done in a timely manner, but I promise to preside over our debates in a fair manner and to do what I can to ensure that all members have an adequate opportunity to speak in debate. Hopefully, we can do our part to uphold the tradition of the Senate as the more reasoned and civil legislative house.

To achieve workable solutions to the problems facing our state, we must have robust debate. Remember, though, that this debate happens not only on the floor of this chamber, but also

in the hallways, offices, and committee rooms of the South wing. It involves legislators, citizens, lobbyists, experts, and many others. And let's be honest. The conversations that go into deciding a Senator's vote usually happen long before a bill gets to the floor. The debates in this chamber are important, but they are only one part of the many discussions that go into arriving at good solutions for the people of Wisconsin.

I encourage you all to take advantage of all of these opportunities to debate legislation with your colleagues. With regard to debates in this chamber, I will do my best to treat everyone fairly. Thank you again for the opportunity to serve as Senate President.

The joint committee on **Legislative Organization** reports and recommends:

Senate Joint Resolution 1

Relating to: the session schedule for the 2005–2006 biennial session period and providing for a limited-business floorperiod to consider bills introduced by the Joint Committee for Review of Administrative Rules.

Introduction.

Ayes, 6 – Senators A. Lasee, Schultz and Kedzie. Representatives Gard, Huebsch and J. Fitzgerald.

Noes, 4 – Senators Robson and Hansen. Representatives Kreuser and Richards.

ALAN LASEE
Senate Chairperson

Considered as privileged and taken up.

Senate Joint Resolution 1

Relating to: the session schedule for the 2005–2006 biennial session period and providing for a limited-business floorperiod to consider bills introduced by the Joint Committee for Review of Administrative Rules.

Read.

Senate amendment 1 to **Senate Joint Resolution 1** offered by Senator Carpenter.

Senator Schultz moved that Senate amendment 1 to **Senate Joint Resolution 1** be laid on the table.

The question was: Shall Senate amendment 1 to **Senate Joint Resolution 1** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 13; absent or not voting, 2; as follows:

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

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 13.

Absent or not voting – Senators Jauch and Kanavas – 2.

Tabled.

Senate amendment 2 to **Senate Joint Resolution 1** offered by Senators Robson and Hansen.

Senator Schultz moved that Senate amendment 2 to **Senate Joint Resolution 1** be laid on the table.

The question was: Shall Senate amendment 2 to **Senate Joint Resolution 1** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 13; absent or not voting, 2; as follows:

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

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 13.

Absent or not voting – Senators Jauch and Kanavas – 2.

Tabled.

The question was: Shall **Senate Joint Resolution 1** be adopted?

The ayes and noes were required and the vote was: ayes, 18; noes, 13; absent or not voting, 2; as follows:

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

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 13.

Absent or not voting – Senators Jauch and Kanavas – 2.

Adopted.

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

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Secretary of State

December 27, 2004

The Honorable, The Senate:

I, Douglas La Follette, Secretary of State of Wisconsin, do hereby certify that the following proposed amendments to the Constitution of the State of Wisconsin have been approved by the regular session of the 2003-2004 legislature and duly published as required by Section 1 [Article XII of the Constitution](#):

Enrolled Joint Resolution 8 (second consideration)

Enrolled Joint Resolution 12 (first consideration)

Enrolled Joint Resolution 29 (first consideration)

Sincerely,

DOUGLAS LA FOLLETTE
Secretary of State

ANNOUNCEMENTS, ADJOURNMENT HONORS AND REMARKS UNDER SPECIAL PRIVILEGE

Senator Hansen, with unanimous consent, introduced his guests attending the 2005 inaugural; Jane Hansen, Christine and

Brandon Scharer, Don Hansen, Jean Dessart, Brad Dushack, Rich Langan, Mike Hendricks, Steve Dorvinen, Jim Neuens, and Carl Arnoldi.

Senator Kapanke, with unanimous consent, introduced his guests attending the 2005 inaugural; Ruth Kapanke, Mary Benson, Andrew Kapanke, Elizabeth R. Kapanke, Benjamin Kapanke, Elizabeth Gundlach, Tom Kapanke, Charmaine Kapanke, Elizabeth Croteau, Don Roell, Becky Roell, Joseph Bissen, Sheila Bissen, Barry Lenser, Lorin Preston, Winnie Preston, Duane Deml, Ruth Deml, John Perlich, and David Kapanke.

Senator Lasee, with unanimous consent, introduced his guests attending the 2005 inaugural; Jan Lasee, Max and Liz Lasee, and Allie Peters.

Senator Miller, with unanimous consent, introduced his guests attending the 2005 inaugural; Jo Miller, Chandra and Mike Fienen, Keiko, Chance, and Kaiya Veasey, Sterling Miller, Former State Representative Midge Miller, Jeff and Karen Miller, Randy Miller, Katrina Flower, Jamie Kuhn, Miles and Tyler Verana, Noah Seligman, Mayor Paul Fisk (Lodi), Buzz and Kay Davis, Beth Gross, Sara Sanders, and Mary Possin.

Senator Olsen, with unanimous consent, introduced his guests attending the 2005 inaugural; Jennifer Olen, Dan Olsen, Katrina Goskowsky, Chad Wade, Logan Spillner, Mykayla Spillner, Joan Wade, Barb Wade, Paul Wade, Bob Bostelman, and Marge Bostelman.

Senator Plale, with unanimous consent, introduced his guests attending the 2005 inaugural; Don Plale, Jo Plale, Joey Plale, and Jack Plale.

Senator Risser, with unanimous consent, introduced his guests attending the 2005 inaugural; Nancy Risser, Lisa Risser White, Randy White, Clinton White, Adam White, Elizabeth White, Sara Risser, Doug Falck, Warner Risser, Amy Risser, Kara Sailing, and Wes Webendorfer.

Senator Roessler, with unanimous consent, introduced her guests attending the 2005 inaugural; Paul Roessler, Virginia Hayes, Anthony J. "AJ" Hayes, James F. Davis, and Sally M. Davis.

Senator Schultz, with unanimous consent, introduced his guests attending the 2005 inaugural; Mark L. Shepard, Jennifer Shepard, Erik Shepard, Daniel Shepard, Byron Shepard, Agnes Shepard, Rachael Schultz, Katie Schultz, Amanda Schultz, Walter Schultz, and Zach Ott.

Senator Taylor, with unanimous consent, introduced her guests attending the 2005 inaugural; Isaiah Taylor, Lena J. Taylor, Wilbert Taylor, Aaron Cooper, Jacques Taylor, Mr. and Mrs. Johnston, William Aaron Cooper, Richard Spears, Carolyn Nevins, Marie Pittman, Tyrone Blackwell, Pattie Johnson, Mr. and Mrs. Earl Thompson, Martha Love, Stephanie Finley, Ptosha Davis Leflore, Joye Ferguson, Raymond Walls, Michael Harvey, and Dorothy Dunlap.

Senator Wirch, with unanimous consent, introduced his guests attending the 2005 inaugural; Edwin Hancock, Mary Wirch, Julia Wirch, Pat Singer, Walter Wirch, Katie Wirch, and Michael Wirch.

Senate Chief Clerk, Robert J. Marchant, with unanimous consent, introduced his guests attending the 2005 inaugural;

Amy Marchant, Evelyn Marchant, and G. Wayne and Judith Roller.

ADJOURNMENT

Senate Sergeant-at-Arms, Edward A. Blazel, with unanimous consent, introduced his guests attending the 2005 inaugural; Hanna Blazel, Bob and Mary Kay Blazel, and Dale and Dotty Heinecke.

Senator Schultz, with unanimous consent, asked that the Senate adjourn.

Adjourned.

3:19 P.M.