



STATE OF WISCONSIN

Senate Journal

Ninety–Third Regular Session

10:45 A.M.

WEDNESDAY, November 19, 1997

The Senate met.

The Senate was called to order by Senator Fred Risser.

LEAVES OF ABSENCE

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

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

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

Senators Adelman, Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, A. Lasee, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 31.

Absent – None.

Absent with leave – Senators Jauch and Moen – 2.

The Senate stood a moment of silent meditation.

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

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 360

Relating to: allowing brewers and alcohol beverage wholesalers to contribute money or things of value to or for the benefit of certain festivals held in 2nd class cities.

By Senators Risser, Plache and Rosenzweig; cosponsored by Representatives Green, Grothman, Gunderson, Seratti, Boyle, Meyer and Lorge.

To committee on **Economic Development, Housing and Government Operations.**

Senate Bill 361

Relating to: the administration of drug products and devices by pharmacists, continuing education for pharmacists and granting rule-making authority.

By Senators Decker, Moen, Rude, Clausing, Breske, Roessler, Plache, Wirch, Fitzgerald, Welch, Risser and Burke; cosponsored by Representatives Albers, La Fave, Vander Loop, Freese, J. Lehman, Gronemus, Grothman and Underheim.

To committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs.**

REPORT OF COMMITTEES

The committee on **Labor, Transportation and Financial Institutions** reports and recommends:

Assembly Bill 433

Relating to: disclosures for motor vehicle consumer leases.

Concurrence.

Ayes, 7 – Senators Plache, C. Potter, Moore, Decker, Zien, Darling and Farrow.

Noes, 0 – None.

Senate Bill 308

Relating to: revising the investment securities chapter of the uniform commercial code.

Passage.

Ayes, 7 – Senators Plache, C. Potter, Moore, Decker, Zien, Darling and Farrow.

Noes, 0 – None.

Kimberly Plache
Chairperson

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

Assembly Joint Resolution 83

Relating to: commemorating the life of James D. Selk.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Ellis and Rude.

Noes, 0 – None.

Charles Chvala
Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin Department of Administration

November 18, 1997

The Honorable, The Legislature:

Included with this correspondence, I am submitting the quarterly report of the Department of Administration, Division of Gaming (Gaming), for the three months ending September 30, 1997. As required by s. 562.02(1)(g), Wis. Stats., the attached materials contain pari-mutuel wagering and racing statistical information, as well as the revenues and expenditures for Gaming's Racing, Charitable Gaming and Indian Gaming programs.

If you have any questions or comments regarding this report, please do not hesitate to contact me at (608) 266-1645.

Sincerely,

F. SCOTT SCEPANIAK
Administrator

EXECUTIVE COMMUNICATIONS

**THE STATE OF WISCONSIN
OFFICE OF THE GOVERNOR**

EXECUTIVE ORDER #321

Relating to a Proclamation that the Flag of the United States and the Flag of the State of Wisconsin be Flown at Half-Staff as a Mark of Respect for the Reverend John P. Raynor, S.J., the Late President of Marquette University

WHEREAS, the Reverend John P. Raynor, S.J. served as President of Marquette University from 1965 to 1990; and

WHEREAS, more than half of Marquette University's 96,000 living alumni graduated from the university during Father Raynor's tenure as president; and

WHEREAS, Father Raynor's commitment to excellence in education and unwavering love for the university were an inspiration to all who knew him; and

WHEREAS, Father Raynor's mark on the university will be felt by students and staff for many decades to come; and

WHEREAS, Father Raynor died today at the age of 74 and will be interred on November 18, 1997;

NOW, THEREFORE, I, TOMMY G. THOMPSON, Governor of the State of Wisconsin, by the authority vested in me by federal and state law, do hereby authorize the Reverend Robert A. Wild, S.J., President of Marquette University, to fly the flag of the United States and the flag of the State of Wisconsin at half-staff at all buildings on the campus of Marquette University equipped with such flags beginning forthwith until 10:00 PM CST on November 18, 1997.

IN TESTIMONY WHERE OF, 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 fourteenth day of November in the year one thousand nine hundred and ninety-seven.

TOMMY G. THOMPSON
Governor

BY THE GOVERNOR:
DOUGLAS LA FOLLETTE
Secretary of State

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

KOHLBECK, MARIE B., of Whitelaw, as a member of the Auctioneer Board, to serve for the term ending May 1, 2001.

Read.

NUERNBERG, CHRISTINE, of Mequon, as a member of the Real Estate Board, to serve for the term ending July 1, 2001.

Read.

The question was: Confirmation?

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

Ayes – Senators Adelman, Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, A. Lasee, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 31.

Noes – None.

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

Confirmed.

MESSAGES FROM THE ASSEMBLY

By Charles Sanders, chief clerk.

Mr. President:

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

Assembly Bill 57

Assembly Bill 150

Assembly Bill 157

Assembly Bill 254

Assembly Bill 329

Assembly Bill 386

Assembly Bill 394

Assembly Bill 478

Assembly Bill 606

Adopted and asks concurrence in:

Assembly Joint Resolution 80

Assembly Joint Resolution 81

Concurred in:

Senate Bill 324

**MESSAGES FROM THE ASSEMBLY
CONSIDERED**

Assembly Bill 57

Relating to: reporting by principals with respect to certain lobbying activities, voluntary registration by certain persons with the ethics board, compilation and use of certain information provided to the ethics board, making an appropriation and providing a penalty.

By Representatives Green and R. Potter; cosponsored by Senators Plache and Farrow.

Read first time and referred to committee on **Judiciary, Campaign Finance Reform and Consumer Affairs**.

Assembly Bill 150

Relating to: electronic filing of certain campaign finance reports with the elections board and making an appropriation.

By Representatives Baldwin, Walker, Ainsworth, Albers, Baumgart, Black, Bock, Boyle, Brandemuehl, Carpenter, Cogg, Cullen, Dobyons, Duff, Freese, Green, Hahn, Hanson, Harsdorf, Hasenohrl, Huber, Hutchison, Johnsrud, Kelso, Kreibich, Kreuser, Krug, La Fave, F. Lasee, J. Lehman, Meyer, Morris-Tatum, Murat, Musser, Notestein, Olsen, Otte, Plale, Plouff, Porter, R. Potter, Reynolds, Riley, Robson, Ryba, Schafer, Schneider, Seratti, Skindrud, Springer, Travis, Turner, Underheim, Vander Loop, Wasserman, R. Young and Ziegelbauer; cosponsored by Senators Adelman, Drzewiecki, Breske, Buettner, Chvala, Clausing, Cowles, Darling, Huelsman, Jauch, Moore, Plache, Risser, Rosenzweig, Rude, Schultz, Welch and Wirch.

Read first time and referred to committee on **Judiciary, Campaign Finance Reform and Consumer Affairs**.

Assembly Bill 157

Relating to: prohibiting insurers from requesting genetic test information from health care providers.

By Representatives Wasserman, Schneider, Urban, Ainsworth, Baldwin, Bock, Carpenter, Cullen, Dobyns, Hahn, Hasenohrl, Huber, Kreuser, Ladwig, La Fave, Murat, Musser, Notestein, Reynolds, Riley, Robson, Ryba, L. Young, Ziegelbauer, Gronemus and Gunderson; cosponsored by Senators Grobschmidt, Buettner and Moen.

Read first time and referred to committee on **Health, Human Services, Aging, Corrections, Veterans and Military Affairs.**

Assembly Bill 254

Relating to: promulgation of emergency rules and the extension of emergency rules by the joint committee for review of administrative rules.

By joint committee for review of Administrative Rules.

Read first time and referred to committee on **Economic Development, Housing and Government Operations.**

Assembly Bill 329

Relating to: excluding agricultural transactions from the Wisconsin Consumer Act.

By Representatives Hoven, Kaufert, Meyer, Plale, Vrakas, Skindrud, La Fave and Ward; cosponsored by Senators Shibilski, Wineke, Zien, Fitzgerald, C. Potter, Rude and Welch.

Read first time and referred to committee on **Agriculture and Environmental Resources.**

Assembly Bill 386

Relating to: law enforcement agency access to photographs of applicants for operators' licenses and identification cards and providing a penalty.

By Representatives La Fave, Schneider, Dobyns, Goetsch, Hanson, Musser, J. Lehman, Brandemuehl, Bock, Ladwig, Ziegelbauer, Walker, Gronemus, Underheim, Ryba, Grothman, Murat, F. Lasee, Hahn, Sykora, Kreuser and Olsen; cosponsored by Senators Wirsch, Huelsman, Farrow and Drzewiecki.

Read first time and referred to committee on **Judiciary, Campaign Finance Reform and Consumer Affairs.**

Assembly Bill 394

Relating to: the composition of county boards of canvassers.

By Representatives M. Lehman, Olsen, Grothman, Ladwig, Musser, Plouff, Albers, Huebsch, Sykora and Vrakas; cosponsored by Senators Roessler and Moen.

Read first time and referred to committee on **Economic Development, Housing and Government Operations.**

Assembly Bill 478

Relating to: publication of foreclosure notices; notices to former owners of tax-deeded property; and recovery of the costs of foreclosure of tax-deeded land.

By Representatives Krusick, Albers, Huber, Musser, Olsen, Seratti, Staskunas, Urban and Ziegelbauer; cosponsored by Senators Burke, Farrow and Roessler.

Read first time and referred to committee on **Economic Development, Housing and Government Operations.**

Assembly Bill 606

Relating to: the application of the business combination and the control share voting restriction provisions of the business corporation law; dry cleaning fees; the regulation of providers

of domestic public commercial mobile radio service; nontarget population members; pregnancy as a preexisting condition; the date by which certain school board resolutions pertaining to the open enrollment programs must be adopted; loans made to school districts by the technology for educational achievement in Wisconsin board; the method for calculating contributions to the universal service fund; use of the universal service fund to make grants to certain school districts for telecommunications access; financial assistance for local recycling programs; funding for a boat landing located on the Wisconsin River in the town of Buena Vista; grants awarded by the environmental education board that are related to forestry; the transportation and sale of fish; reports concerning the environmental cooperation pilot program; funding for air and solid and hazardous waste programs; studies of fish in the Great Lakes; restrictions on the placement of sexually violent persons who are granted supervised release; provision of information necessary for the administration of child support and economic support programs; copayments under the medical assistance program for specialized medical vehicle services; eligibility for child care subsidies under the Wisconsin works program; increased funding for the benefit specialist program for older individuals; the amount that a county having a population of 500,000 or more must contribute for the provision of child welfare services in that county by the department of health and family services; the photographing of a person applying for or receiving kinship care payments, of employees and prospective employees of a person applying for or receiving kinship care payments and of adult residents and prospective adult residents of the home of a person applying for or receiving kinship care payments; criminal history and abuse record searches of persons applying to the department of health and family services for a license, certification or registration to operate certain entities that care for children or adults and of employees, prospective employees, adult residents and prospective adult residents of those entities; eliminating cross-references to the Wisconsin works health plan; the indexing of the mining tax; computing the aviation fuel tax; a sales tax and use tax exemption for samples of medicine and registration for use tax purposes; tax increment sharing for tax incremental financing districts in Oshkosh that contain polluted soil; changing conflict of interest provisions and lottery participation restrictions that affect certain employees of the department of revenue; the department of revenue's expenses to administer the fee on vehicle rentals; the international fuel tax agreement; directing the department of revenue to not adjust individual income tax withholding tables and making a technical adjustment in the calculation of income tax liability by individual nonresidents and part-year residents of this state; weight limitations for vehicles and combinations of vehicles transporting bulk potatoes; specific information signs along STH 172; salary-setting authority of certain state bodies; reserve "Class B" intoxicating liquor licenses; the abolishment of the emergency response board; revocation of probation for failure to pay supervision fees owed to the department of corrections; and making an appropriation.

By committee on Rules.

Read first time and referred to joint committee on **Finance.**

Assembly Joint Resolution 80

Relating to: the distribution of the net proceeds of the state lottery and certain moneys received by the state that are attributable to pari-mutuel on-track betting and bingo (first consideration).

By Representatives M. Lehman, Walker, Goetsch, Wood, Harsdorf, Travis, Kaufert, Black, Ladwig, Huebsch, Hasenohrl, Schafer, Ainsworth, Ryba, Dobyns, Musser, Albers,

Sykora, Skindrud and Hahn; cosponsored by Senators Ellis and Panzer.

Read first time and referred to committee on **Judiciary, Campaign Finance Reform and Consumer Affairs**.

Assembly Joint Resolution 81

Relating to: urging the U.S. secretary of agriculture to immediately change the federal milk pricing system.

By Representatives Sykora, Ott, Zukowski, Skindrud, Harsdorf, Gronemus, Otte, Hahn, Ward, Goetsch, Owens, Albers, Brandemuehl, Grothman, Jensen, Gunderson, Johnsrud, Kreibich, Huebsch, Black, R. Young, Green, Freese, Gard, Walker, Hebl, Dobyms, Turner, Vrakas, Hoven, Plouff, Ladwig, Urban, Hasenohrl, F. Lasee and Lorge; cosponsored by Senators Zien, Clausing, Schultz, Welch, Rude, Jauch, Wineke, A. Lasee, Drzewiecki, Decker, Fitzgerald, Grobschmidt, Farrow and Cowles.

Read and referred to committee on **Agriculture and Environmental Resources**.

Senator Plache, with unanimous consent, asked that the Senate recess until 12:42 P.M..

11:15 P.M.

RECESS

12:42 P.M.

The Senate reconvened.

Senator Risser in the chair.

CONSIDERATION OF MOTIONS AND RESOLUTIONS

Senate Resolution 3

Relating to: requesting the attorney general to appear for the state as a party in proceedings related to metallic mineral mining.

Senator Decker, with unanimous consent, asked that **Senate Resolution 3** be placed at the foot of the calendar of November 19, 1997.

SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

Senate Bill 36

Relating to: notice of tort claims against governmental entities.

Read a second time.

Senator Wineke, with unanimous consent, asked that **Assembly Joint Resolution 83** be considered for action at this time.

Assembly Joint Resolution 83

Relating to: commemorating the life of James D. Selk.

Concurred in.

Senate Bill 36

Relating to: notice of tort claims against governmental entities.

Ordered to a third reading.

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

Senator Wineke, with unanimous consent, asked that the action on **Assembly Joint Resolution 83** be immediately messaged to the Assembly.

Senate Bill 36

Read a third time.

The question was: Shall **Senate Bill 36** be passed?

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

Ayes – Senators Adelman, Breske, Burke, Chvala, Clausing, Decker, George, Grobschmidt, Moore, Plache, C. Potter, Risser, Shibilski, Wineke and Wirch – 15.

Noes – Senators Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, A. Lasee, Panzer, Roessler, Rosenzweig, Rude, Schultz, Weeden, Welch and Zien – 16.

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

Refused passage.

Senate Bill 130

Relating to: sale of rabies vaccine and rabies vaccination of dogs.

Read a second time.

Senate amendment 1 to **Senate Bill 130** offered by Senators A. Lasee and Shibilski.

Senate amendment 2 to **Senate Bill 130** offered by Senators A. Lasee, Shibilski and Zien.

Senator Lasee, with unanimous consent, asked that Senate amendment 2 to **Senate Bill 130** be considered for action at this time.

Senator Clausing moved rejection of Senate amendment 2 to **Senate Bill 130**.

The question was: Rejection of Senate amendment 2 to **Senate Bill 130**?

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

Ayes – Senators Adelman, Breske, Burke, Chvala, Clausing, George, Grobschmidt, Huelsman, Moore, Plache, C. Potter, Risser, Roessler, Schultz, Wineke and Wirch – 16.

Noes – Senators Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, A. Lasee, Panzer, Rosenzweig, Rude, Shibilski, Weeden, Welch and Zien – 15.

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

Rejected.

Senator Ellis, with unanimous consent, asked that the Senate recess until 1:39 P.M..

1:21 P.M.

RECESS

1:39 P.M.

The Senate reconvened.

Senator Risser in the chair.

Senator Huelsman moved reconsideration of the vote by which Senate amendment 2 to **Senate Bill 130** was rejected.

Senator Lasee, with unanimous consent, asked that Senate amendment 1 to **Senate Bill 130** be withdrawn and returned to author.

Senate amendment 3 to **Senate Bill 130** offered by Senators A. Lasee and Shibilski.

Senator Lasee, with unanimous consent, asked that Senate amendment 3 to **Senate Bill 130** be withdrawn and returned to author.

Senate amendment 4 to **Senate Bill 130** offered by Senator Shibilski.

Senator Shibilski, with unanimous consent, asked that Senate amendment 4 to **Senate Bill 130** be laid on the table.

The question was: Reconsideration of the vote by which Senate amendment 2 to **Senate Bill 130** was rejected?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 14; absent or not voting, 2; as follows:

Ayes – Senators Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, A. Lasee, Panzer, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch and Zien – 17.

Noes – Senators Adelman, Breske, Burke, Chvala, Clausing, Decker, George, Grobschmidt, Moore, Plache, C. Potter, Risser, Wineke and Wirch – 14.

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

Reconsidered.

Senator Chvala, with unanimous consent, asked that **Senate Bill 130** be referred to committee on **Agriculture and Environmental Resources**.

Senate Bill 148

Relating to: the dollar limits in wrongful death and medical malpractice actions.

Read a second time.

Senate substitute amendment 1 to **Senate Bill 148** offered by Senators C. Potter and Breske.

Senator Huelsman moved that **Senate Bill 148** be referred to the Joint Committee on **Finance**.

Senator Plache, with unanimous consent, asked that the Senate recess until 2:09 P.M..

1:48 P.M.

RECESS

2:09 P.M.

The Senate reconvened.

Senator Risser in the chair.

Senator Clausing, with unanimous consent, asked that **Senate Bill 148** be referred to the committee on **Agriculture and Environmental Resources**.

Senator Ellis objected.

The question was: Shall **Senate Bill 148** be referred to the Joint Committee on **Finance**?

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

Ayes – Senators Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, A. Lasee, Panzer, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke and Zien – 18.

Noes – Senators Adelman, Breske, Burke, Chvala, Clausing, Decker, George, Grobschmidt, Moore, Plache, C. Potter, Risser and Wirch – 13.

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

Referred.

Senate Bill 211

Relating to: exempting certain persons who have committed sex offenses from the sex offender registration requirements.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 211**?

Adopted.

Ordered to a third reading.

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

Senate Bill 211

Read a third time and passed.

Senator Decker, with unanimous consent, asked that **Senate Resolution 3** be referred to committee on **Senate Organization**.

Senate Bill 285

Relating to: the intoxicated boating law; capacity plates on boats; certificate of number, registration and titling requirements for boats; prohibitions against falsifying boat titles and other documentation; prohibitions against operating boats using unsafe methods and in certain locations; boating safety course and certificates; emergency powers of counties over navigable waters; granting rule-making authority; and providing penalties.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 285** be referred to the Joint Committee on **Finance**.

Senator Burke, with unanimous consent, asked that **Senate Bill 285** be withdrawn from the Joint Committee on **Finance** and taken up.

Senator Farrow objected.

Senate Bill 311

Relating to: reserve judge qualifications.

Read a second time.

Ordered to a third reading.

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

Senate Bill 311

Read a third time and passed.

Senate Bill 313

Relating to: restrictions on the sale or giving away of cigarettes or tobacco products.

Read a second time.

Senator Adelman, with unanimous consent, asked that **Senate Bill 313** be considered for action after **Assembly Bill 280** on the calendar of November 19, 1997.

Senate Bill 332

Relating to: requiring the department of health and family services to establish a health care coverage plan for employers in the private sector, creating a private employer health care coverage board and making an appropriation.

Read a second time.

Senator Adelman, with unanimous consent, asked that Senate substitute amendment 1 to **Senate Bill 332** be laid on the table.

Senate amendment 1 to Senate substitute amendment 2 to **Senate Bill 332** offered by Senators Rosenzweig and Adelman.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 2 to **Senate Bill 332**?

Adopted.

The question was: Adoption of Senate substitute amendment 2 to **Senate Bill 332**?

Adopted.

Ordered to a third reading.

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

Senate Bill 332

Read a third time.

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

Ayes – Senators Adelman, Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, A. Lasee, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke, Wirch and Zien – 31.

Noes – None.

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

Passed.

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

Assembly Bill 10

Relating to: eligibility for a social security integrated annuity under the Wisconsin retirement system.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 10

Read a third time and concurred in.

Assembly Bill 11

Relating to: requiring the office of the commissioner of insurance to provide information and technical assistance to employes and former employes who lose health care coverage and requiring information about an employe benefit plan in the notice to the department of industry, labor and job development before a business closing or mass layoff.

Read a second time.

Ordered to a third reading.

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

Senator Drzewiecki, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 11**.

Assembly Bill 11

Read a third time and concurred in.

Assembly Bill 73

Relating to: providing a waiver from requirements relating to meals provided by bed and breakfast establishments.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 73

Read a third time and concurred in.

Senator Chvala, with unanimous consent, asked that the Senate return to the eighth order of business.

MESSAGES FROM THE ASSEMBLY

By Charles Sanders, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has nonconcurred in:

Senate Amendment 2 to **Assembly Bill 532**

Senator Chvala, with unanimous consent, asked that **Assembly Bill 532** be withdrawn and taken up at this time.

Assembly Bill 532

Relating to: the salaries of the executive directors of the elections board and ethics board.

Read.

Senator Chvala moved that the Senate recede from its position on Senate amendment 2 to **Assembly Bill 532**.

The question was: Shall the senate recede from its position on Senate amendment 2 to **Assembly Bill 532**?

The Senate recedes from its position.

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

MESSAGES FROM THE ASSEMBLY

By Charles Sanders, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has concurred in as amended:

Senate Bill 355 Assembly Amendment 1 adopted.

Senator Chvala, with unanimous consent, asked that **Senate Bill 355** be withdrawn and taken up at this time.

Senate Bill 355

Relating to: effective recycling programs, reports by materials recovery facilities, waste reduction and recycling demonstration grants, liability associated with materials reuse programs, requiring studies and granting rule-making authority.

Read.

The question was: Shall Assembly amendment 1 to **Senate Bill 355** be concurred in?

Concurred in.

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

Assembly Bill 96

Relating to: vehicles or vehicle parts having an altered or obliterated vehicle identification number.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 96

Read a third time and concurred in.

Assembly Bill 223

Relating to: eligibility and certification to receive the farmland preservation credit.

Read a second time.

Senator Burke, with unanimous consent, asked that **Assembly Bill 223** be referred to the Joint Committee on Finance.

Assembly Bill 243

Relating to: priority of future advances under mortgages.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 243

Read a third time and concurred in.

Assembly Bill 280

Relating to: disclosure of human immunodeficiency virus test results by attending physicians.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 280

Read a third time and concurred in.

Senator Chvala, with unanimous consent, asked that **Senate Joint Resolution 35** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Senate Joint Resolution 35

Relating to: the life and public service of Ruth Radatz.

Adopted.

Senate Bill 313

Relating to: restrictions on the sale or giving away of cigarettes or tobacco products.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 313**?

Adopted.

Senate amendment 2 to **Senate Bill 313** offered by Senator Rude.

The question was: Adoption of Senate amendment 2 to **Senate Bill 313**?

Adopted.

Senate amendment 3 to **Senate Bill 313** offered by Senator Rude.

The question was: Adoption of Senate amendment 3 to **Senate Bill 313**?

Adopted.

Senate amendment 4 to **Senate Bill 313** offered by Senator Shibilski.

Senator Roessler, with unanimous consent, asked that Senate amendment 4 to **Senate Bill 313** be laid on the table.

Senate amendment 5 to **Senate Bill 313** offered by Senator Shibilski.

Senator Adelman moved rejection of Senate amendment 5 to **Senate Bill 313**.

The question was: Rejection of Senate amendment 5 to **Senate Bill 313**?

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

Ayes – Senators Adelman, Burke, Chvala, Clausing, Cowles, Ellis, George, Grobschmidt, Moore, Plache, C. Potter, Risser, Roessler, Rosenzweig and Wirch – 15.

Noes – Senators Breske, Darling, Decker, Drzewiecki, Farrow, Fitzgerald, Huelsman, A. Lasee, Panzer, Rude, Schultz, Shibilski, Weeden, Welch, Wineke and Zien – 16.

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

Rejection refused.

The question was: Adoption of Senate amendment 5 to **Senate Bill 313**?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 17; absent or not voting, 3; as follows:

Ayes – Senators Breske, Decker, Drzewiecki, Farrow, Huelsman, A. Lasee, Rude, Schultz, Shibilski, Weeden, Welch, Wineke and Zien – 13.

Noes – Senators Adelman, Burke, Chvala, Clausing, Cowles, Darling, Ellis, Fitzgerald, George, Grobschmidt, Moore, Plache, C. Potter, Risser, Roessler, Rosenzweig and Wirch – 17.

Absent or not voting – Senators Jauch, Moen and Panzer – 3.

Adoption Refused.

Senate amendment 6 to **Senate Bill 313** offered by Senator Shibilski.

Senate amendment 7 to **Senate Bill 313** offered by Senator Shibilski.

Senate amendment 8 to **Senate Bill 313** offered by Senator Welch.

Senate amendment 9 to **Senate Bill 313** offered by Senator Weeden.

Senate amendment 10 to **Senate Bill 313** offered by Senator Decker.

Senate amendment 11 to **Senate Bill 313** offered by Senator Decker.

Senate amendment 12 to **Senate Bill 313** offered by Senator Shibilski.

Senator Shibilski, with unanimous consent, asked that Senate amendment 6 to **Senate Bill 313** be placed after Senate amendment 12 to **Senate Bill 313**.

Senator Roessler moved rejection of Senate amendment 7 to **Senate Bill 313**.

The question was: Rejection of Senate amendment 7 to **Senate Bill 313**?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 9; absent or not voting, 2; as follows:

Ayes – Senators Adelman, Burke, Chvala, Clausing, Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, A. Lasee, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Weeden and Wineke – 22.

Noes – Senators Breske, Decker, George, Grobschmidt, Schultz, Shibilski, Welch, Wirch and Zien – 9.

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

Rejected.

Senator Roessler moved rejection of Senate amendment 8 to **Senate Bill 313**.

The question was: Rejection of Senate amendment 8 to **Senate Bill 313**?

The ayes and noes were demanded and the vote was: ayes, 12; noes, 19; absent or not voting, 2; as follows:

Ayes – Senators Adelman, Burke, Chvala, Clausing, Cowles, Moore, Plache, Risser, Roessler, Weeden, Wineke and Wirch – 12.

Noes – Senators Breske, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, A. Lasee, Panzer, C. Potter, Rosenzweig, Rude, Schultz, Shibilski, Welch and Zien – 19.

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

Rejection refused.

The question was: Adoption of Senate amendment 8 to **Senate Bill 313**?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 12; absent or not voting, 2; as follows:

Ayes – Senators Breske, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, A. Lasee, Panzer, C. Potter, Rosenzweig, Rude, Schultz, Shibilski, Welch and Zien – 19.

Noes – Senators Adelman, Burke, Chvala, Clausing, Cowles, Moore, Plache, Risser, Roessler, Weeden, Wineke and Wirch – 12.

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

Adopted.

The question was: Adoption of Senate amendment 9 to **Senate Bill 313**?

Adopted.

Senator Decker, with unanimous consent, asked that Senate amendment 10 to **Senate Bill 313** be withdrawn and returned to author.

Senator Decker, with unanimous consent, asked that Senate amendment 11 to **Senate Bill 313** be withdrawn and returned to author.

POINT OF ORDER

Senator Roessler raised the point of order that Senate amendment 12 was not germane.

The Chair rules the point well taken.

Senator Shibilski, with unanimous consent, asked that Senate amendment 6 to **Senate Bill 313** be laid on the table.

Senate amendment 13 to **Senate Bill 313** offered by Senator Wineke.

Senator Adelman moved rejection of Senate amendment 13 to **Senate Bill 313**.

The question was: Rejection of Senate amendment 13 to **Senate Bill 313**?

The ayes and noes were demanded and the vote was: ayes, 11; noes, 20; absent or not voting, 2; as follows:

Ayes – Senators Adelman, Breske, Burke, Chvala, Clausing, Decker, Moore, Plache, Risser, Roessler and Wirch – 11.

Noes – Senators Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, A. Lasee, Panzer, C. Potter, Rosenzweig, Rude, Schultz, Shibilski, Weeden, Welch, Wineke and Zien – 20.

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

Rejection refused.

The question was: Adoption of Senate amendment 13 to **Senate Bill 313**?

Adopted.

Senate amendment 14 to **Senate Bill 313** offered by Senator Wineke.

Senator Wineke, with unanimous consent, asked that Senate amendment 14 to **Senate Bill 313** be laid on the table.

Senate amendment 15 to **Senate Bill 313** offered by Senator Farrow.

Senator Farrow, with unanimous consent, asked that Senate amendment 15 to **Senate Bill 313** be withdrawn and returned to author.

Senate amendment 16 to **Senate Bill 313** offered by Senator Welch.

The question was: Adoption of Senate amendment 16 to **Senate Bill 313**?

Adopted.

Senate amendment 17 to **Senate Bill 313** offered by Senator Welch.

Senator Welch, with unanimous consent, asked that Senate amendment 17 to **Senate Bill 313** be withdrawn and returned to author.

Senate amendment 18 to **Senate Bill 313** offered by Senator Adelman.

The question was: Adoption of Senate amendment 18 to **Senate Bill 313**?

Adopted.

Ordered to a third reading.

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

Senate Bill 313

Read a third time and passed.

Assembly Bill 343

Relating to: required emissions inspections of motor vehicles transferred to surviving spouses.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 343

Read a third time and concurred in.

Assembly Bill 385

Relating to: permitting dentists to perform simple tooth extractions under the volunteer health care provider program.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 385

Read a third time and concurred in.

Assembly Bill 433

Relating to: disclosures for motor vehicle consumer leases.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 433

Read a third time and concurred in.

Senator Chvala, with unanimous consent, asked that the Senate return to the third order of business.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 362

Relating to: the application of the business combination and the control share voting restriction provisions of the business corporation law; dry cleaning fees; nontarget population members; the date by which certain school board resolutions pertaining to the open enrollment programs must be adopted; loans made to school districts by the technology for educational achievement in Wisconsin board; the method for calculating contributions to the universal service fund; use of the universal service fund to make grants to certain school districts for telecommunications access; financial assistance for local recycling programs; funding for a boat landing located on the Wisconsin River in the town of Buena Vista; reports concerning the environmental cooperation pilot program; funding for air and solid and hazardous waste programs; studies of fish in the Great Lakes; eligibility for child care subsidies under the Wisconsin works program; increased funding for the benefit specialist program for older individuals; the amount that a county having a population of 500,000 or more must contribute for the provision of child welfare services in that county by the department of health and family services; the photographing of a person applying for or receiving kinship care payments, of employes and prospective employes of a person applying for or receiving kinship care payments and of adult residents and prospective adult residents of the home of a person applying for or receiving kinship care payments; eliminating cross-references to the Wisconsin works health plan; computing the aviation fuel tax; a sales tax and use tax exemption for samples of medicine and registration for use tax purposes; the international fuel tax agreement; the department of revenue's expenses to administer the fee on vehicle rentals; directing the department of revenue to not adjust individual income tax withholding tables and making a technical adjustment in the calculation of income tax liability by individual nonresidents and part-year residents of this state; the sales of food by institutions of higher learning; salary-setting authority of certain state bodies; reserve "Class B" intoxicating liquor licenses; the abolishment of the emergency response board; revocation of probation for failure to pay supervision fees owed to the department of corrections; and making an appropriation.

By Senator Burke.

To joint committee on **Finance**.

Senator Burke, with unanimous consent, asked that **Senate Bill 362** be withdrawn from the Joint Committee on **Finance** and taken up.

Senate Bill 362

Relating to: the application of the business combination and the control share voting restriction provisions of the business corporation law; dry cleaning fees; nontarget population members; the date by which certain school board resolutions pertaining to the open enrollment programs must be adopted; loans made to school districts by the technology for educational achievement in Wisconsin board; the method for calculating contributions to the universal service fund; use of the universal service fund to make grants to certain school districts for telecommunications access; financial assistance for local recycling programs; funding for a boat landing located on the Wisconsin River in the town of Buena Vista; reports concerning the environmental cooperation pilot program; funding for air and solid and hazardous waste programs; studies of fish in the

Great Lakes; eligibility for child care subsidies under the Wisconsin works program; increased funding for the benefit specialist program for older individuals; the amount that a county having a population of 500,000 or more must contribute for the provision of child welfare services in that county by the department of health and family services; the photographing of a person applying for or receiving kinship care payments, of employes and prospective employes of a person applying for or receiving kinship care payments and of adult residents and prospective adult residents of the home of a person applying for or receiving kinship care payments; eliminating cross-references to the Wisconsin works health plan; computing the aviation fuel tax; a sales tax and use tax exemption for samples of medicine and registration for use tax purposes; the international fuel tax agreement; the department of revenue's expenses to administer the fee on vehicle rentals; directing the department of revenue to not adjust individual income tax withholding tables and making a technical adjustment in the calculation of income tax liability by individual nonresidents and part-year residents of this state; the sales of food by institutions of higher learning; salary-setting authority of certain state bodies; reserve "Class B" intoxicating liquor licenses; the abolishment of the emergency response board; revocation of probation for failure to pay supervision fees owed to the department of corrections; and making an appropriation.

Read a second time.

Senate amendment 1 to **Senate Bill 362** offered by Senator Wineke.

Senator George, with unanimous consent, asked that the Senate recess until 6:00 P.M.

5:15 P.M.

RECESS

6:00 P.M.

The Senate reconvened.

Senator Risser in the chair.

Senator Wineke, with unanimous consent, asked that Senate amendment 1 to **Senate Bill 362** be laid on the table.

Senate amendment 2 to **Senate Bill 362** offered by Senator George.

POINT OF ORDER

Senator Chvala raised the point of order that Senate amendment 2 was not germane.

The Chair rules the point well taken.

Senator George appeals 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, 22; noes, 8; absent or not voting, 3; as follows:

Ayes – Senators Adelman, Breske, Burke, Chvala, Clausung, Cowles, Decker, Drzewiecki, Ellis, Farrow, Grobschmidt, Huelsman, A. Lasee, Panzer, Plache, C. Potter, Risser, Roessler, Rude, Shibilski, Wineke and Wirch – 22.

Noes – Senators Darling, Fitzgerald, George, Moore, Rosenzweig, Schultz, Welch and Zien – 8.

Absent or not voting – Senators Jauch, Moen and Weeden – 3.

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

Ordered to a third reading.

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

Senate Bill 362

Read a third time.

The ayes and noes were required and the vote was: ayes, 27; noes, 3; absent or not voting, 3; as follows:

Ayes – Senators Adelman, Breske, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, Grobschmidt, Huelsman, A. Lasee, Moore, Panzer, Plache, C. Potter, Risser, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Wirch and Zien – 27.

Noes – Senators George, Welch and Wineke – 3.

Absent or not voting – Senators Jauch, Moen and Weeden – 3.

Passed.

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

ADJOURNMENT

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Thursday, November 20 at 10:00 A.M..

Adjourned.

6:32 P.M.

AMENDMENTS OFFERED

Senate amendment 1 to Senate amendment 1 to **Senate Bill 285** offered by Senator Shibilski.

Senate amendment 2 to **Senate Bill 285** offered by Senators Zien and Panzer.

Senate amendment 3 to **Senate Bill 285** offered by Senator Cowles.

Senate amendment 4 to **Senate Bill 285** offered by Senator Shibilski.

Senate amendment 5 to **Senate Bill 285** offered by Senators Wineke and Welch.