



STATE OF WISCONSIN

Senate Journal

Ninety–Seventh Regular Session

11:30 A.M.

TUESDAY, October 25, 2005

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, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for the prayer which was offered by Senator David Zien.

The Senate remained standing and Senator Grothman 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 Thursday, October 20, 2005.

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

Senate Bill 33

Relating to: entering into the wildlife violator compact.

Adoption of Senate Amendment 1 to Senate Substitute Amendment 1.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Senate Bill 135

Relating to: requiring that personal flotation devices be worn by certain underage persons in certain boats.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Senate Bill 189

Relating to: the transfer of natural resources approvals, preference points, and preference categories and granting rule-making authority.

Adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Senate Bill 196

Relating to: resident hunting approval and fishing license fees paid by a minor child of a Wisconsin resident.

Passage.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Senate Bill 198

Relating to: the assignment of property contaminated by hazardous substances.

Adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Assembly Bill 93

Relating to: using a flashlight while hunting coyotes.

Concurrence.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Assembly Bill 166

Relating to: wildlife damage abatement assistance.

Concurrence.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Assembly Bill 178

Relating to: deferral of the use of certain hunting and trapping approvals by certain members of the armed forces.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirsch and Breske.

Noes, 0 – None.

Concurrence as amended.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirsch and Breske.

Noes, 0 – None.

Assembly Bill 384

Relating to: the transfer of natural resources approvals, preference points, and preference categories and granting rule-making authority.

Concurrence.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirsch and Breske.

Noes, 0 – None.

Assembly Bill 410

Relating to: resident hunting approval and fishing license fees paid by a minor child of a Wisconsin resident.

Concurrence.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirsch and Breske.

Noes, 0 – None.

NEAL KEDZIE
Chairperson

Senate amendment 1 to **Senate Bill 288** offered by Senator Stepp.

Senate amendment 2 to **Senate Bill 288** offered by Senator Stepp.

Senate amendment 3 to **Senate Bill 288** offered by Senator Stepp.

The Chief Clerk makes the following entries dated Friday, October 21, 2005.

Read first time and referred:

Senate Bill 397

Relating to: domestic partnership.

By Senators Risser and Carpenter; cosponsored by Representatives Boyle, Zepnick, Berceau, Black, Turner, Richards and Parisi.

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

Senate Bill 398

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

By Senators Robson, Brown, Risser and Hansen; cosponsored by Representatives Molepske, Kreibich, Berceau, Sheridan, Wasserman, Fields and Benedict, by request of Professional Firefighters of Wisconsin; Brad Liggett, City of Beloit Fire Chief; Larry Grorud, City of Janesville Fire Chief; City of Two Rivers Fire Department; Manitowoc County Tobacco Control Coalition; Association of Local Health

Departments and Boards (WALHDAB); American Heart Association, Greater Midwest Affiliate; and American Lung Association of Wisconsin.

To committee on **Job Creation, Economic Development and Consumer Affairs**.

Senate Bill 399

Relating to: creating a new license issued by municipalities authorizing the retail sale of wine in unopened original containers for consumption off the premises where sold.

By Senators Harsdorf and Grothman; cosponsored by Representatives Townsend, Hines and Ballweg.

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

Senate Bill 400

Relating to: mitigation payment agreements.

By Senators Grothman and Plale; cosponsored by Representatives Gottlieb and Honadel.

To committee on **Energy, Utilities and Information Technology**.

Pursuant to Senate Rule 17 (5), Senator Carpenter added as a coauthor of **Senate Joint Resolution 45** and **Senate Bill 128**.

State of Wisconsin
Office of the Governor

October 17, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint TWEED, STEVEN, of Marshall, 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, 2009.

Sincerely,

JIM DOYLE
Governor

Read and referred to committee on **Job Creation, Economic Development and Consumer Affairs**.

State of Wisconsin
Office of the Governor

October 18, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint FURNESS, IAN, of Fond du Lac, as a member of the Podiatrists Affiliated Credentialing Board, to serve for the term ending July 1, 2009.

Sincerely,

JIM DOYLE
Governor

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

**State of Wisconsin
Office of the Governor**

October 18, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BROWN, JEANNE, of Eau Claire, as a member of the Athletic Trainers Affiliated Credentialing Board, to serve for the term ending July 1, 2007.

Sincerely,

JIM DOYLE
Governor

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

Senate Clearinghouse Rule 02-095

Relating to groundwater quality standards.

Submitted by Department of Natural Resources.

Report received from Agency, October 21, 2005.

Referred to committee on **Natural Resources and Transportation**, October 21, 2005.

Senate amendment 1 to **Senate Bill 327** offered by Senator Harsdorf.

The Chief Clerk makes the following entries dated Monday, October 24, 2005.

Read first time and referred:

Senate Bill 401

Relating to: duties of real estate brokers and salespersons.

By Senators Stepp, Schultz, Robson, A. Lasee, Plale, Zien, Olsen, S. Fitzgerald, Jauch, Ellis, Darling and Brown; cosponsored by Representatives Wieckert, Gard, Kreuser, Kestell, Lehman, Albers, Lothian, Hundertmark, Bies, Montgomery, Meyer, F. Lasee, Nischke, Huebsch, Freese, LeMahieu, Vos, Ott, Gunderson, Sheridan, J. Fitzgerald, Zepnick, Musser, Hubler, Fields, Krawczyk, Towns, Nelson, Steinbrink, Davis and Gronemus.

To committee on **Housing and Financial Institutions**.

Senate Bill 402

Relating to: actions against manufacturers, distributors, sellers, and promoters of products.

By Senators Kanavas, Schultz, S. Fitzgerald, Darling, Reynolds, Stepp, Leibham, Grothman, Harsdorf, Kedzie, A. Lasee, Cowles, Olsen and Roessler; cosponsored by Representatives Wieckert, Huebsch, Nischke, Honadel, Jeskewitz, Ott, Stone, Albers, Gunderson, Musser, Lothian, Hahn, Nass, F. Lasee, Bies, Petrowski, Ainsworth and LeMahieu.

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

Senate Bill 403

Relating to: carrying a concealed weapon, possessing or transporting a firearm under certain circumstances, background checks for handgun purchases, photographic identification cards for retired law enforcement officers, requiring the

exercise of rule-making authority, providing an exemption from rule-making authority, and providing penalties.

By Senators Zien, S. Fitzgerald, Breske, Brown, Grothman, Kanavas, Kedzie, A. Lasee, Leibham, Reynolds, Roessler, Schultz and Stepp; cosponsored by Representatives Gunderson, Suder, Pettis, Albers, J. Fitzgerald, Freese, Gundrum, Hahn, Hines, Hundertmark, Kestell, Kleefisch, Krawczyk, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Mursau, Musser, Nass, Nischke, Owens, Petrowski, Pridemore, Schneider, Strachota, Towns, Van Roy, Vos, Vrakas and Jensen.

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

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

BLUM, MARC, of Oshkosh, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2009.

Confirmation.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

MOORE, MANIA, of New Richmond, as a member of the Chiropractic Examining Board, to serve for the term ending July 1, 2009.

Confirmation.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

OKEY, LOUIS, of Cassville, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2010.

Confirmation.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

ROBLEE, PATRICIA, of Oshkosh, as a member of the Dietitians Affiliated Credentialing Board, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

TAYLOR, DALE, of Eau Claire, as a member of the Board on Aging and Long Term Care, to serve for the term ending May 1, 2010.

Confirmation.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

WAIT, HOWARD, of Wisconsin Rapids, as a member of the Barbering and Cosmetology Examining Board, to serve for the term ending July 1, 2008.

Confirmation.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

VIDAILLET, DR. HUMBERTO, of Marshfield, as a member of the UW Hospitals and Clinics Authority and UW Hospitals and Clinics Board, to serve for the term ending July 1, 2007.

Confirmation.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

Senate Bill 226

Relating to: informed consent for minors for inpatient and outpatient treatment for mental illness and developmental disability, informed consent for the administration to minors of psychotropic medication, and access to records.

Adoption of Senate Amendment 1 to Senate Amendment 1.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

Passage as amended.

Ayes, 3 – Senators Roessler, Darling and Brown.

Noes, 2 – Senators Erpenbach and Carpenter.

Senate Bill 247

Relating to: considering a person's criminal record and evidence of abuse or neglect of a child when modifying custody or physical placement of a child.

Passage.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

Senate Bill 288

Relating to: coverage of certain health care costs in cancer clinical trials.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

Adoption of Senate Amendment 2.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

Senate Bill 313

Relating to: reimbursement for school medical services under the Medical Assistance program.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

Senate Bill 341

Relating to: voter registration for certain victims of domestic abuse, sexual assault, or stalking.

Passage.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

Assembly Bill 436

Relating to: domestic abuse arrests and providing a penalty.

Concurrence.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

Assembly Bill 522

Relating to: considering a person's criminal record and evidence of abuse or neglect of a child when modifying custody or physical placement of a child.

Concurrence.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

CAROL ROESSLER

Chairperson

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

DECICCO, JULIA, 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, 2007.

Confirmation.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.

Noes, 0 – None.

GASPERETTI, THOMAS, 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, 2009.

Confirmation.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.

Noes, 0 – None.

JACKSON, CELIA, of Milwaukee, as Secretary of the Department of Regulation and Licensing to serve for the term expiring at the pleasure of the Governor.

Confirmation.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.

Noes, 0 – None.

NIELSEN, STEVEN, of Luck, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, for the term ending July 1, 2009.

Confirmation.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.

Noes, 0 – None.

PIERCE, DENNIS, of Kenosha, as a member of the Real Estate Board, to serve for the term ending July 1, 2009.

Confirmation.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.

Noes, 0 – None.

SCHNUCK, LAWRENCE, 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, 2009.

Confirmation.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.

Noes, 0 – None.

WIDERSKI, TED, of Cambridge, 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.

Confirmation.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.

Noes, 0 – None.

Senate Bill 94

Relating to: the filing fee for a review of property tax assessments by the Department of Revenue.

Passage.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.

Noes, 0 – None.

Senate Bill 111

Relating to: retained earnings of telecommunications cooperatives.

Passage.

Ayes, 4 – Senators Zien, Reynolds, Lassa and Decker.

Noes, 1 – Senator Kanavas.

Senate Bill 203

Relating to: expanding the sales tax exemption for coin-operated laundry services to include all self-service laundry services.

Passage.

Ayes, 4 – Senators Kanavas, Zien, Reynolds and Lassa.

Noes, 1 – Senator Decker.

Senate Bill 351

Relating to: creating nonrefundable individual income tax credits for amounts contributed to a college savings account or a college tuition and expenses program.

Adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.

Noes, 0 – None.

TED KANAVAS
Chairperson

State of Wisconsin Office of the Governor

October 19, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KRUGER, DAVID, of Verona, as a member of the State of Wisconsin Investment Board, to serve for the term ending May 1, 2011.

Sincerely,

JIM DOYLE
Governor

Read and referred to committee on **Housing and Financial Institutions.**

State of Wisconsin
Office of the Governor

October 19, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BRONSTON, CAROLYN, of Wausau, as a member of the Medical Examining Board, to serve for the term ending July 1, 2008.

Sincerely,

JIM DOYLE
Governor

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

State of Wisconsin Office of the Governor

October 19, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint VUKELICH-AUSTIN, MARTHA, of Madison, as a member of the Medical Examining Board, to serve for the term ending July 1, 2006.

Sincerely,

JIM DOYLE
Governor

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

State of Wisconsin Office of the Governor

October 19, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CROWDER, DON, of Lake Geneva, as a member of the Psychology Examining Board, to serve for the term ending July 1, 2009.

Sincerely,

JIM DOYLE
Governor

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

Senate amendment 2 to **Senate Bill 269** offered by Senator Reynolds.

INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Read first time and referred:

Senate Bill 404

Relating to: creating an individual income tax credit for personal property taxes paid on certain mobile homes and on certain attachments to recreational mobile homes.

By Senators Olsen, Roessler, Harsdorf and Lassa; cosponsored by Representatives Towns, Gunderson, Van Roy, Hines, Ainsworth, Petrowski, Kerkman, Wood, Musser, Freese, Townsend, Bies, Ballweg, Vos, Hundertmark and Molepske.

To committee on **Job Creation, Economic Development and Consumer Affairs.**

PETITIONS AND COMMUNICATIONS

State of Wisconsin

October 21, 2005

The Honorable, The Senate:

Pursuant to Senate Rule 46(2)(c), I am writing to direct that **Assembly Bill 208** be withdrawn from the committee on **Job Creation, Economic Development, and Consumer Affairs** and rereferred to the committee on **Veterans, Homeland Security, Military Affairs, Small Business, and Government Reform**. I have obtained the consent of the appropriate chairperson.

Sincerely,

ALAN LASEE

Senate President

Pursuant to Senate Rule 17 (5), Senator Hansen added as a coauthor of **Senate Joint Resolution 43**.

Pursuant to Senate Rule 17 (5), Senator Lassa added as a coauthor of **Senate Joint Resolution 43**.

Pursuant to Senate Rule 17 (5), Senator Lazich added as a coauthor of **Senate Joint Resolution 33**.

Pursuant to Senate Rule 17 (5), Senator Hansen added as a coauthor of **Senate Joint Resolution 45**.

Pursuant to Senate Rule 17 (5), Senator Miller added as a coauthor of **Senate Joint Resolution 45**.

Pursuant to Senate Rule 17 (5), Senator Kedzie added as a coauthor of **Senate Joint Resolution 45**.

Pursuant to Senate Rule 17 (5), Senator A. Lasee added as a cosponsor of **Assembly Bill 684**.

Pursuant to Senate Rule 17 (5), Senator Leibham added as a coauthor of **Senate Bill 401**.

Pursuant to Senate Rule 17 (5), Senator Leibham added as a coauthor of **Senate Joint Resolution 21**.

Pursuant to Senate Rule 17 (5), Senator Leibham added as a cosponsor of **Assembly Bills 783, 728, and 461**.

ADVICE AND CONSENT OF THE SENATE

Senator Schultz, with unanimous consent, asked that the appointment of FARLEY, PAT, of Sun Prairie, as a member of the Prison Industries Board, to serve for the term ending May 1, 2007 be referred to the committee on **Senate Organization**.

Referred.

Senator Schultz, with unanimous consent, asked that the reading be dispensed with and that all appointments be taken up en masse.

BALISTRERI, LYLE, of Wauwatosa, as a member of the Prison Industries Board, to serve for the term ending May 1, 2008.

BRITTON, MARLA, of Westby, as a member of the Real Estate Appraisers Board, to serve for the term ending May 1, 2007.

CARRILLO, JOSE, of Janesville, as a member of the Prison Industries Board, to serve for the term ending May 1, 2006.

DUNKIN, REGINA, of Beloit, as a member of the Public Defender Board, to serve for the term ending May 1, 2007.

HOGAN, JOHN, of Hazelhurst, as a member of the Public Defender Board, to serve for the term ending May 1, 2008.

MOORE, JAMES E., of Kaukauna, as a member of the Prison Industries Board, to serve for the term ending May 1, 2008.

NEVILLE, DALLAS, of Eau Claire, as a member of the Judicial Commission, to serve for the term ending August 1, 2007.

RILEY, ANTONIO, of Milwaukee, as Executive Director of the Wisconsin Housing and Economic Development Authority, to serve for the term ending February 1, 2007.

STYCZINSKI, ROSHEEN, of Milwaukee, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, for the term ending July 1, 2009.

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, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirsch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

Senate Clearinghouse Rule 05–036

Relating to conduct, examinations, continuing education, and affecting small business.

Submitted by Department of Regulation and Licensing.

Report received from Agency, October 24, 2005.

Referred to committee on **Veterans, Homeland Security, Military Affairs, Small Business and Government Reform**, October 25, 2005.

Senate Clearinghouse Rule 05–078

Relating to prescription records and transfer of prescription order information.

Submitted by Department of Regulation and Licensing.

Report received from Agency, October 24, 2005.

Referred to committee on **Health, Children, Families, Aging and Long Term Care**, October 25, 2005.

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 46

**MESSAGES FROM THE ASSEMBLY
CONSIDERED**

Assembly Joint Resolution 46

Relating to: the life and service of Specialist Kyle M. Hemauer of the Virginia Army National Guard, who lost his life during Operation Enduring Freedom.

By Representative Ott; cosponsored by Senator A. Lasee.
Read and referred to committee on **Senate Organization**.

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

Senator Schultz, with unanimous consent, asked that **Senate Joint Resolution 46** be withdrawn and taken up at this time.

Senate Joint Resolution 46

Relating to: the life and service of United States Army Specialist Eric Poelman, who lost his life during Operation Iraqi Freedom.

Read.

Adopted by unanimous rising vote.

Senator Schultz, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 46**.

Senator Schultz, with unanimous consent, asked that **Senate Joint Resolution 46** be immediately messaged to the Assembly.

Messaged.

Senate Joint Resolution 33

Relating to: prohibiting partial vetoes from creating new sentences (first consideration).

Read a second time.

Ordered to a third reading.

Senator Kedzie, with unanimous consent, asked that the joint resolution be considered for final action at this time.

Senate Joint Resolution 33

Read a third time.

The ayes and noes were required and the vote was: ayes, 23; noes, 10; absent or not voting, 0; as follows:

Ayes – Senators Brown, Carpenter, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Miller, Olsen, Reynolds, Risser, Roessler, Schultz, Stepp, Wirsch and Zien – 23.

Noes – Senators Breske, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Plale, Robson and Taylor – 10.

Absent or not voting – None.

Adopted.

Senate Joint Resolution 43

Relating to: declaring the week of October 31st Child Survival Week in the state of Wisconsin.

Adopted.

Senate Joint Resolution 44

Relating to: designating the state of Wisconsin's maritime museum.

Adopted.

Senate Joint Resolution 45

Relating to: proclaiming the month of October as Breast Cancer Awareness Month.

Adopted.

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

Messaged.

Senate Bill 24

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

Read a second time.

Ordered to a third reading.

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

Senate Bill 24

Read a third time and passed.

Senate Bill 145

Relating to: deferred prosecution agreements for persons charged with issuing a worthless check or other order for payment and allowing a district attorney to collect money owed to others.

Read a second time.

Ordered to a third reading.

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

Senate Bill 145

Read a third time and passed.

Senate Bill 174

Relating to: the use of wine in a religious service in a prison, jail, or house of correction.

Read a second time.

Senate amendment 1 to **Senate Bill 174** offered by Senator Grothman.

The question was: Adoption of Senate amendment 1 to **Senate Bill 174**?

Adopted.

Ordered to a third reading.

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

Senate Bill 174

Read a third time.

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

Ayes – Senators Breske, Brown, Cowles, Darling, Grothman, Hansen, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Plale, Reynolds, Schultz, Stepp and Zien – 18.

Noes – Senators Carpenter, Coggs, Decker, Ellis, Erpenbach, S. Fitzgerald, Harsdorf, Jauch, Lassa, Miller, Risser, Robson, Roessler, Taylor and Wirch – 15.

Absent or not voting – None.

Passed.

Senate Bill 269

Relating to: various modifications to housing loan programs and loan guarantee programs, increasing the bonding authority of the Wisconsin Housing and Economic Development Authority (WHEDA), and removing limitations on WHEDA's authority to acquire property.

Read a second time.

Senator Kedzie, with unanimous consent, asked that **Senate Bill 269** be moved to the foot of the 12th order of business.

Senate Bill 390

Relating to: a harbor assistance grant for the construction of a dockwall in the city of Marinette.

Read a second time.

Ordered to a third reading.

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

Senate Bill 390

Read a third time.

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

Ayes – Senators Breske, Brown, Darling, Decker, S. Fitzgerald, Grothman, Hansen, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Leibham, Olsen, Roessler, Schultz, Stepp and Zien – 18.

Noes – Senators Carpenter, Coggs, Cowles, Ellis, Erpenbach, Jauch, Lassa, Lazich, Miller, Plale, Reynolds, Risser, Robson, Taylor and Wirch – 15.

Absent or not voting – None.

Passed.

SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS

Assembly Bill 414

Relating to: smoking in restaurants and bowling centers and the regulation of smoking by counties, cities, villages, and towns.

Read a second time.

Senator Schultz, with unanimous consent, asked that **Assembly Bill 414** be placed after **Senate Bill 269** on the calendar.

Assembly Bill 684

Relating to: procedure for the altering of any park entrance at Perrot State Park.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 684

Read a third time.

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

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

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 14.

Absent or not voting – None.

Concurred in.

Senate Bill 269

Relating to: various modifications to housing loan programs and loan guarantee programs, increasing the bonding authority of the Wisconsin Housing and Economic Development Authority (WHEDA), and removing limitations on WHEDA's authority to acquire property.

Senator Kanavas moved that Senate amendment 2 to **Senate Bill 269** be laid on the table.

The question was: Shall Senate amendment 2 to **Senate Bill 269** be laid on the table?

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, Carpenter, Coggs, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, Lassa, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 28.

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

Absent or not voting – None.

Tabled.

Ordered to a third reading.

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

Senate Bill 269

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 1; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 32.

Noes – Senator Reynolds – 1.

Absent or not voting – None.

Passed.

Assembly Bill 414

Relating to: smoking in restaurants and bowling centers and the regulation of smoking by counties, cities, villages, and towns.

Read a second time.

Senator S. Fitzgerald, with unanimous consent, asked that **Assembly Bill 414** be referred to committee on **Senate Organization**.

Referred.

MOTIONS MAY BE OFFERED

Senator Schultz, with unanimous consent, asked that **Assembly Joint Resolution 46** be withdrawn from the committee on **Senate Organization** and taken up.

Assembly Joint Resolution 46

Relating to: the life and service of Specialist Kyle M. Hemauer of the Virginia Army National Guard, who lost his life during Operation Enduring Freedom.

Read.

Concurred in by unanimous rising vote.

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

Messaged

ANNOUNCEMENTS, ADJOURNMENT HONORS, AND REMARKS UNDER SPECIAL PRIVILEGE

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the career and memory of the late Rosa Louise Parks. Rosa Parks was often referred to as the mother of the civil rights movement. Although she was most well known for refusing to give up her seat on a Montgomery bus in 1955, Ms. Parks dedicated her entire life to civil rights reforms and equal treatment of all citizens. In 1943 Rosa Parks was denied the right to register to vote. In 1944 she was denied a second time. In 1945, on her third attempt, she successfully registered to vote. It was then that the need for government protection of civil rights and voting rights became obvious. These victories achieved through generations of struggle are worth protecting. That is why political rhetoric is endured claiming that fraud is condoned when the poll tax is opposed. Similar false claims were made in the 1960's, and history has sided with pioneers like Rosa Parks. Rosa Parks was not just an activist. She was a well respected political veteran.

She served on the staff of the honorable Congressman John Conyers from Michigan for over twenty years. In 1996 she was honored with the Presidential Medal of Freedom. Rosa Louise Parks passed away last night at the age of 92. Today, Senator Taylor asked that the Senate adjourn in honor of Rosa Parks and the legacy of civil rights that she left to be defended.

Senator Stepp, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Jennifer P. "Jeffie" Trapp of Silver Lake. Jennifer "Jeffie" Trapp, 59, passed away Monday, October 17, 2005 at St. Luke's Medical Center in Milwaukee. She was the dearly loved wife of twenty-two years to Robert "Bob" Trapp, devoted mother of Alexander and Caithness, and adoring grandmother of Madeleine, Henry and Elisabeth. Jennifer dedicated herself to so many passions, whether it was tending her garden that was admired by all, her fascination with French culture and her affection for the Grand Old Party. Jennifer will not be forgotten, but instead remembered with love and admiration.

Senator Stepp, with unanimous consent, asked that when the Senate adjourn, it do so in honor of United States Army Specialist Eric Poelman, who lost his life during Operation Iraqi Freedom on June 5th, 2005. Eric left behind a loving wife, Senate, and family, some of whom are present with the Senate today for recognition of his service to the country. Eric was laid to rest at Southern Wisconsin Veterans Memorial Cemetery in Union Grove and will be mourned by the residents of Racine County as well as everyone in the great state of Wisconsin.

Senator Kanavas, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the 28th birthday of his staff member Michael Richards.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Salem grade school teacher Michelle Walter, who donated a kidney to co-worker David Treptow. Michelle unselfishly underwent a dangerous surgery and gave a vital organ to help a friend in need. Senator Wirch would like to wish her and David a healthy and speedy recovery.

Senator Plale, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Reggie "The Crusher" Lisowski.

Senator Kapanke, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the La Crosse County Sheriff's Department. They are the first department in Western Wisconsin to be named Department of the Year by the Wisconsin Crime Prevention Practitioners Association. Their programs, such as DARE, GREAT, Child ID, and partnering with the Boys and Girls Clubs of La Crosse have helped to better educate the public and improve the relationships between the department and communities throughout the county.

Senator Kapanke, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Oktoberfest in the Capitol, which will take place on Wednesday, October 26th, sponsored by the La Crosse Area Chamber of Commerce, the La Crosse Area Convention and Visitors Bureau, and the La Crosse Area Development Corporation. Please join a delegation of La Crosse citizens from 5:00 P.M. to 7:00 P.M. at the Inn on the Park to celebrate German heritage with Oktoberfest royalty, bratwurst and polka music.

Senator Brown, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Norman Bryce, a longtime member of both the Dunn and Eau Claire County Republican Parties. In addition to the considerable time he spent on county party activities, Norman served many years on the 3rd District Republican Party resolution committee. He was a firm believer in the principle that a party is defined through its resolutions, and took his responsibility on the committee seriously. Norman spent countless hours each year writing and

rewriting resolutions, which he would respectfully introduce at party conventions and speak of with friendly persuasion. In recognition of his years of service to the Republican Party, Norman was awarded the 3rd District Republican Party's Bovay Award at the State Republican Party Convention on May 6 of this year. In all he did, Norman Bryce served as an excellent role model to everyone around him. He will be deeply missed but fondly remembered by all those whose lives he touched.

Senator Zien, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the birthday of his grandson, Dalton Klukas.

Senator Schultz, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Gloria Kirking, who passed away on October 20th, 2005. Gloria was a wonderful woman and great leader in the State of Wisconsin. She gave generously of her time, talent, and money to her family, community, and Wisconsin, and she will be forever

remembered. Her spirit, her smile, her passion, and her vibrant personality will live on in the people who loved her most, and the people whose lives she touched in her community.

ADJOURNMENT

Senator Schultz, with unanimous consent, asked that the Senate adjourn until Thursday, October 27, at 10:00 A.M.

Adjourned.

1:57 P.M.

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 356** offered by Senator A. Lasee.