



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Seventh Regular Session

10:00 A.M.

TUESDAY, December 6, 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 Father John Girotti of Holy Family St. Williams in Wittenberg, St. Anthony's in Tigerton, and St. Mary's in Marion.

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

Senator Plale, with unanimous consent, asked that the Senate recess.

10:32 A.M.

### RECESS

11:04 A.M.

The Senate reconvened.

Senator A. Lasee in the chair.

### CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated, Thursday, December 1, 2005.

Read first time and referred:

#### Senate Bill 463

Relating to: investment of funds by the City of Milwaukee Employees' Retirement System.

By Senators Darling and Plale; cosponsored by Representatives Fields, Hahn, Richards, Sinicki, Towns, Townsend, Young, Cullen and Grigsby.

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

The committee on **Housing and Financial Institutions** reports and recommends:

ALTEPETER, CARLA, of Oshkosh, as a member of the Credit Union Review Board, to serve for the term ending May 1, 2010.

Confirmation.

Ayes, 7 – Senators Stepp, Harsdorf, Brown, Reynolds, Plale, Lassa and Coggs.

Noes, 0 – None.

KRUGER, DAVID, of Verona, as a member of the State of Wisconsin Investment Board, to serve for the term ending May 1, 2011.

Confirmation.

Ayes, 7 – Senators Stepp, Harsdorf, Brown, Reynolds, Plale, Lassa and Coggs.

Noes, 0 – None.

LEE, DANIEL, of Waunakee, as a member of the Wisconsin Housing and Economic Development Authority, to serve for the term ending January 1, 2007.

Confirmation.

Ayes, 7 – Senators Stepp, Harsdorf, Brown, Reynolds, Plale, Lassa and Coggs.

Noes, 0 – None.

#### Senate Bill 230

Relating to: prepayment penalties on variable rate residential mortgage loans.

Adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Stepp, Harsdorf, Brown, Reynolds and Plale.

Noes, 2 – Senators Lassa and Coggs.

Passage as amended.

Ayes, 5 – Senators Stepp, Harsdorf, Brown, Reynolds and Plale.

Noes, 2 – Senators Lassa and Coggs.

#### Senate Bill 350

Relating to: displaying political signs in condominiums.

Passage.

Ayes, 7 – Senators Stepp, Harsdorf, Brown, Reynolds, Plale, Lassa and Coggs.

Noes, 0 – None.

#### Senate Bill 353

Relating to: exemption from construction standards for certain load-bearing dimension lumber.

Passage.

Ayes, 7 – Senators Stepp, Harsdorf, Brown, Reynolds, Plale, Lassa and Coggs.

Noes, 0 – None.

**Assembly Bill 456**

Relating to: prepayment penalties on variable rate residential mortgage loans.

Concurrence.

Ayes, 5 – Senators Stepp, Harsdorf, Brown, Reynolds and Plale.

Noes, 2 – Senators Lassa and Coggs.

**Assembly Bill 496**

Relating to: defaults in consumer credit transactions involving motor vehicle consumer leases or credit sales of motor vehicles.

Concurrence.

Ayes, 6 – Senators Stepp, Harsdorf, Brown, Reynolds, Plale and Lassa.

Noes, 1 – Senator Coggs.

**Assembly Bill 593**

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.

Concurrence.

Ayes, 5 – Senators Stepp, Harsdorf, Brown, Plale and Lassa.

Noes, 2 – Senators Reynolds and Coggs.

CATHY STEPP  
Chairperson

Pursuant to Senate Rule 17 (5), Representative Meyer removed as a cosponsor of **Senate Bill 434**.

Pursuant to Senate Rule 17 (5), Senator Roessler added as a coauthor of **Senate Bill 417**.

Senate amendment 1 to **Assembly Bill 202** offered by Senator Brown.

The Chief Clerk makes the following entries dated Friday, December 2, 2005.

The committee on **Agriculture and Insurance** reports and recommends:

**Assembly Bill 544**

Relating to: automatic fire sprinkler systems in certain residence halls and other student residential facilities and granting rule-making authority.

Concurrence.

Ayes, 7 – Senators Kapanke, Kedzie, Brown, Olsen, Erpenbach, Hansen and Miller.

Noes, 0 – None.

DAN KAPANKE  
Chairperson

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

**Senate Bill 411**

Relating to: a school attendance officer's duties.

Passage.

Ayes, 7 – Senators Olsen, Darling, Harsdorf, Grothman, Jauch, Erpenbach and Hansen.

Noes, 0 – None.

**Senate Bill 412**

Relating to: the deadline for school districts to determine, and to notify municipalities of, their tax levies.

Passage.

Ayes, 7 – Senators Olsen, Darling, Harsdorf, Grothman, Jauch, Erpenbach and Hansen.

Noes, 0 – None.

**Assembly Bill 308**

Relating to: establishing a clearinghouse for information about special education transition services and vocational opportunities that are available in each county.

Concurrence.

Ayes, 7 – Senators Olsen, Darling, Harsdorf, Grothman, Jauch, Erpenbach and Hansen.

Noes, 0 – None.

**Assembly Bill 589**

Relating to: providing information about meningococcal disease to parents of pupils in grades 6 to 12.

Concurrence.

Ayes, 7 – Senators Olsen, Darling, Harsdorf, Grothman, Jauch, Erpenbach and Hansen.

Noes, 0 – None.

LUTHER OLSEN  
Chairperson

The committee on **Judiciary, Corrections and Privacy** reports and recommends:

**Senate Bill 161**

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

Passage.

Ayes, 3 – Senators Zien, Roessler and Grothman.

Noes, 2 – Senators Taylor and Risser.

**Senate Bill 215**

Relating to: regulating the minimum price of motor vehicle fuel.

Introduction and adoption of Senate Substitute Amendment 2.

Ayes, 5 – Senators Zien, Roessler, Grothman, Taylor and Risser.

Noes, 0 – None.

Passage as amended.

Ayes, 3 – Senators Zien, Roessler and Grothman.

Noes, 2 – Senators Taylor and Risser.

**Senate Bill 375**

Relating to: liens for metal fabrication tool builders and metal parts manufacturers and destruction of metal fabrication tools.

Passage.

Ayes, 5 – Senators Zien, Roessler, Grothman, Taylor and Risser.

Noes, 0 – None.

**Senate Bill 387**

Relating to: repossession of goods in consumer credit transactions and certain consumer leases.

Introduction and adoption of Senate Substitute Amendment 1.

Ayes, 3 – Senators Zien, Roessler and Grothman.

Noes, 2 – Senators Taylor and Risser.

Passage as amended.

Ayes, 3 – Senators Zien, Roessler and Grothman.  
Noes, 2 – Senators Taylor and Risser.

**Senate Bill 409**

Relating to: the definition of sexual contact and providing penalties.

Passage.

Ayes, 5 – Senators Zien, Roessler, Grothman, Taylor and Risser.

Noes, 0 – None.

**Senate Bill 426**

Relating to: various changes in the unemployment insurance law, authorized positions for the department of justice, making appropriations, and providing penalties.

Passage.

Ayes, 5 – Senators Zien, Roessler, Grothman, Taylor and Risser.

Noes, 0 – None.

**Assembly Bill 264**

Relating to: increasing filing fees for municipal court actions.

Introduction and adoption of Senate Amendment 1.

Ayes, 4 – Senators Zien, Roessler, Grothman and Taylor.  
Noes, 1 – Senator Risser.

Concurrence as amended.

Ayes, 4 – Senators Zien, Roessler, Grothman and Taylor.  
Noes, 1 – Senator Risser.

**Assembly Bill 636**

Relating to: harassment restraining orders.

Concurrence.

Ayes, 5 – Senators Zien, Roessler, Grothman, Taylor and Risser.

Noes, 0 – None.

**Assembly Bill 727**

Relating to: alibi witnesses in criminal cases.

Concurrence.

Ayes, 5 – Senators Zien, Roessler, Grothman, Taylor and Risser.

Noes, 0 – None.

**Assembly Bill 728**

Relating to: intimidating a witness and providing a penalty.

Concurrence.

Ayes, 5 – Senators Zien, Roessler, Grothman, Taylor and Risser.

Noes, 0 – None.

DAVID ZIEN  
Chairperson

The committee on **Labor and Election Process Reform** reports and recommends:

FLYNN, JAMES, of Madison, as a member of the Labor and Industry Review Commission, to serve for the term ending March 1, 2011.

Confirmation.

Ayes, 5 – Senators Reynolds, Lazich, Kanavas, Hansen and Carpenter.

Noes, 0 – None.

MCGOWN, WAYNE, of Madison, as a member of the Circus World Museum Foundation, to serve for the term ending at the pleasure of the Governor.

Confirmation.

Ayes, 5 – Senators Reynolds, Lazich, Kanavas, Hansen and Carpenter.

Noes, 0 – None.

VAN BOGAERT, CYNTHIA, of Brooklyn, as a member of the Employee Trust Funds Board, to serve for the term ending May 1, 2009.

Confirmation.

Ayes, 5 – Senators Reynolds, Lazich, Kanavas, Hansen and Carpenter.

Noes, 0 – None.

**Senate Bill 417**

Relating to: ineligibility of convicted felons for licensure as lobbyists.

Passage.

Ayes, 5 – Senators Reynolds, Lazich, Kanavas, Hansen and Carpenter.

Noes, 0 – None.

THOMAS REYNOLDS  
Chairperson

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

BRIDSON, SUE, of Madison, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2009.

Confirmation.

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

Noes, 0 – None.

HAHN, JOHN, of Elm Grove, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2007.

Confirmation.

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

Noes, 0 – None.

HUNT, RANDALL, of Cross Plains, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2008.

Confirmation.

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

Noes, 0 – None.

MADISON, FREDERICK, of Lodi, as a member of the Lower Wisconsin State Riverway Board, for the term ending May 1, 2007.

Confirmation.

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

Noes, 0 – None.

MADISON, FREDERICK, of Lodi, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, for the term ending July 1, 2008.

Confirmation.

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

Noes, 0 – None.

MODE, WILLIAM, of Neenah, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2009.

Confirmation.

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

Noes, 0 – None.

TROCHLELL, PATRICIA, of Blue Mounds, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2009.

Confirmation.

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

Noes, 0 – None.

WALSH, ROGER E., of Wauwatosa, as a member of the Wisconsin Waterways Commission, to serve for the term ending March 1, 2008.

Confirmation.

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

Noes, 0 – None.

**Senate Bill 158**

Relating to: fishing with a bow and arrow at night.

Introduction and 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 329**

Relating to: the parking of vehicles on highways.

Passage.

Ayes, 4 – Senators Kedzie, Stepp, Kapanke and Wirch.

Noes, 1 – Senator Breske.

**Assembly Bill 128**

Relating to: the removal of fishing shanties or similar shelters.

Concurrence.

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

Noes, 0 – None.

**Assembly Bill 240**

Relating to: the immobilization, impoundment, and disposal of unregistered motor vehicles.

Concurrence.

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

Noes, 0 – None.

**Assembly Bill 299**

Relating to: the effect of county shoreland zoning ordinances in territories annexed by cities, villages, or towns or incorporated as cities, or villages.

Concurrence.

Ayes, 3 – Senators Kedzie, Stepp and Kapanke.

Noes, 2 – Senators Wirch and Breske.

**Assembly Bill 345**

Relating to: acreage requirements for areas in which farm-raised deer that may be hunted are kept and transfers of registration certificates for keeping farm-raised deer.

Concurrence.

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

Noes, 0 – None.

NEAL KEDZIE  
Chairperson

Senate amendment 1 to **Assembly Bill 208** offered by Senator Brown.

The Chief Clerk makes the following entries dated Monday, December 5, 2005.

Read first time and referred:

**Senate Bill 464**

Relating to: authorizing a person to transport an unencased firearm in a motor vehicle under certain circumstances.

By Senators Brown, A. Lasee, Breske, Decker, Grothman and Reynolds; cosponsored by Representatives Gunderson, Suder, Gronemus, Hahn, Hines, Jensen, Krawczyk, F. Lasee, Lothian, Mursau, Musser, Boyle, Nass, Pettis, Petrowski, Van Roy and M. Williams.

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

**Senate Bill 465**

Relating to: postdated checks and checks given for past consideration.

By Senators Kedzie, Olsen and Roessler; cosponsored by Representatives Towns, Kerkman, Vos, Gronemus, Nass, Musser, Jeskewitz, Lothian, Hahn, Gunderson, Van Roy and Ballweg.

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

The joint committee on **Finance** 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, 15 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan.

Noes, 0 – None.

Introduction and adoption of Senate Amendment 2 to Senate Substitute Amendment 1.

Ayes, 14 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan.

Noes, 1 – Senator Decker.

Introduction and adoption of Senate Amendment 3 to Senate Substitute Amendment 1.

Ayes, 15 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan.

Noes, 0 – None.

Adoption of Senate Substitute Amendment 1.

Ayes, 15 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan.

Noes, 0 – None.

Passage as amended.

Ayes, 15 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan.

Noes, 0 – None.

**Senate Bill 103**

Relating to: the income and franchise tax credit for research and research facilities.

Introduction and adoption of Senate Amendment 1 to Senate Substitute Amendment 2.

Ayes, 14 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen and Decker. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan.

Noes, 0 – None.

Adoption of Senate Substitute Amendment 2.

Ayes, 11 – Senators S. Fitzgerald, Lazich, Darling, Leibham and Olsen. Representatives Kaufert, Ward, Jensen, Stone, Rhoades and Meyer.

Noes, 3 – Senators Cowles and Decker. Representative Pocan.

Passage as amended.

Ayes, 11 – Senators S. Fitzgerald, Lazich, Darling, Leibham and Olsen. Representatives Kaufert, Ward, Jensen, Stone, Rhoades and Meyer.

Noes, 3 – Senators Cowles and Decker. Representative Pocan.

**Senate Bill 152**

Relating to: an education tax credit for businesses.

Adoption of Senate Amendment 1.

Ayes, 14 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades and Meyer.

Noes, 1 – Representative Pocan.

Passage as amended.

Ayes, 11 – Senators S. Fitzgerald, Lazich, Darling, Leibham and Olsen. Representatives Kaufert, Ward, Jensen, Stone, Rhoades and Meyer.

Noes, 4 – Senators Cowles, Decker and Taylor. Representative Pocan.

**Senate Bill 175**

Relating to: the 2003–05 Authorized State Building Program.

Adoption of Senate Substitute Amendment 1.

Ayes, 11 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham and Olsen. Representatives Kaufert, Ward, Stone, Rhoades and Meyer.

Noes, 4 – Senators Decker and Taylor. Representatives Jensen and Pocan.

Passage as amended.

Ayes, 11 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham and Olsen. Representatives Kaufert, Ward, Stone, Rhoades and Meyer.

Noes, 4 – Senators Decker and Taylor. Representatives Jensen and Pocan.

**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.

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

Ayes, 14 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen and Decker. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan.

Noes, 0 – None.

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

Ayes, 14 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen and Decker. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan.

Noes, 0 – None.

Introduction and adoption of Senate Amendment 2 to Senate Substitute Amendment 1.

Ayes, 14 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen and Decker. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan.

Noes, 0 – None.

Introduction and adoption of Senate Amendment 3 to Senate Substitute Amendment 1.

Ayes, 14 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen and Decker. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan.

Noes, 0 – None.

Adoption of Senate Substitute Amendment 1.

Ayes, 14 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen and Decker. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan.

Noes, 0 – None.

Introduction and adoption of Senate Substitute Amendment 2.

Ayes, 14 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen and Decker. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan.

Noes, 0 – None.

Passage as amended.

Ayes, 12 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham and Decker. Representatives Kaufert, Ward, Jensen, Stone, Rhoades and Meyer.

Noes, 2 – Senator Olsen. Representative Pocan.

**Senate Bill 451**

Relating to: the Health Insurance Risk-Sharing Plan; creating the Health Insurance Risk-Sharing Plan Authority; a health benefit program for persons eligible for tax credits for payment of premiums; an income and franchise tax credit for Health Insurance Risk-Sharing Plan assessments; and making an appropriation.

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

Ayes, 15 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan.

Noes, 0 – None.

Introduction and adoption of Senate Amendment 2 to Senate Substitute Amendment 1.

Ayes, 15 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan.

Noes, 0 – None.

Adoption of Senate Substitute Amendment 1.

Ayes, 13 – Senators S. Fitzgerald, Lazich, Darling, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades and Meyer.

Noes, 2 – Senator Cowles. Representative Pocan.

Passage as amended.

Ayes, 13 – Senators S. Fitzgerald, Lazich, Darling, Leibham, Olsen, Decker and Taylor. Representatives Kaufert, Ward, Jensen, Stone, Rhoades and Meyer.

Noes, 2 – Senator Cowles. Representative Pocan.

SCOTT FITZGERALD

Senate Chairperson

The committee on **Judiciary, Corrections and Privacy** reports and recommends:

### Senate Joint Resolution 53

Relating to: providing that only a marriage between one man and one woman shall be valid or recognized as a marriage in this state (2nd consideration).

Adoption.

Ayes, 3 – Senators Zien, Roessler and Grothman.

Noes, 2 – Senators Taylor and Risser.

DAVID ZIEN

Chairperson

The committee on **Labor and Election Process Reform** reports and recommends:

### Assembly Bill 627

Relating to: electronic voting system standards.

Introduction and adoption of Senate Amendment 1.

Ayes, 3 – Senators Reynolds, Lazich and Kanavas.

Noes, 2 – Senators Hansen and Carpenter.

Concurrence as amended.

Ayes, 4 – Senators Reynolds, Lazich, Kanavas and Carpenter.

Noes, 1 – Senator Hansen.

THOMAS REYNOLDS

Chairperson

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

### Assembly Bill 762

Relating to: exempting from motor carrier regulations certain vehicle combinations operated in intrastate commerce.

Concurrence.

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

Noes, 0 – None.

NEAL KEDZIE

Chairperson

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

### Senate Bill 281

Relating to: creating an income and franchise tax credit for work provided by community rehabilitation programs and granting rule-making authority.

Rereferred to joint committee on **Finance**, pursuant to Senate Rule 41 (1)(e), by committee on **Senate Organization**.

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

Noes, 0 – None.

### Senate Bill 372

Relating to: a grant for a biomedical technology alliance in southeastern Wisconsin.

Rereferred to joint committee on **Finance**, pursuant to Senate Rule 41 (1)(e), by committee on **Senate Organization**.

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

Noes, 0 – None.

### Assembly Bill 202

Relating to: special distinguishing registration plates for groups that are military in nature and making an appropriation.

Rereferred to joint committee on **Finance**, pursuant to Senate Rule 41 (1)(e), by committee on **Senate Organization**.

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

Noes, 0 – None.

### Assembly Bill 308

Relating to: establishing a clearinghouse for information about special education transition services and vocational opportunities that are available in each county.

Rereferred to joint committee on **Finance**, pursuant to Senate Rule 41 (1)(e), by committee on **Senate Organization**.

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

Noes, 0 – None.

### Assembly Bill 606

Relating to: an income and franchise tax credit for sales and use taxes paid on the purchase of electricity used in agricultural biotechnology and on the purchase of products used on livestock.

Rereferred to joint committee on **Finance**, pursuant to Senate Rule 41 (1)(e), by committee on **Senate Organization**.

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

Noes, 0 – None.

### Assembly Bill 646

Relating to: an income and franchise tax credit for the sales and use taxes paid on the purchase of tangible personal property used in farming.

Rereferred to joint committee on **Finance**, pursuant to Senate Rule 41 (1)(e), by committee on **Senate Organization**.

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

Noes, 0 – None.

### Senate Bill 426

Relating to: various changes in the unemployment insurance law, authorized positions for the department of justice, making appropriations, and providing penalties.

Rereferred to joint committee on **Finance**, pursuant to Senate Rule 41 (1)(e), by committee on **Senate Organization**.

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

Noes, 0 – None.

### Senate Bill 331

Relating to: eliminating the annual adjustment of the motor vehicle fuel tax rate.

Rereferred to joint committee on **Finance**, pursuant to Senate Rule 41 (1)(e), by committee on **Senate Organization**.

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

Noes, 0 – None.

**Senate Bill 426**

Relating to: various changes in the unemployment insurance law, authorized positions for the department of justice, making appropriations, and providing penalties.

Withdrawn from joint committee on **Finance** and placed on the calendar of 12–6–2005 by committee on **Senate Organization**, pursuant to Senate Rule 41 (1)(e).

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

Noes, 0 – None.

**Senate Bill 331**

Relating to: eliminating the annual adjustment of the motor vehicle fuel tax rate.

Withdrawn from joint committee on **Finance** and placed on the calendar of 12–6–2005 by committee on **Senate Organization**, pursuant to Senate Rule 41 (1)(e).

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

Noes, 0 – None.

Dale Schultz  
Chairperson

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

**Senate Bill 150**

Relating to: making technical and minor substantive changes in the administrative rule-making process.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Brown, Zien, Kanavas, Breske and Wirch.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Brown, Zien, Kanavas, Breske and Wirch.

Noes, 0 – None.

**Senate Bill 414**

Relating to: fee remission for children and surviving spouses of ambulance drivers, correctional officers, emergency medical services technicians, fire fighters, and law enforcement officers.

Passage.

Ayes, 5 – Senators Brown, Zien, Kanavas, Breske and Wirch.

Noes, 0 – None.

**Assembly Bill 202**

Relating to: special distinguishing registration plates for groups that are military in nature and making an appropriation.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Brown, Zien, Kanavas, Breske and Wirch.

Noes, 0 – None.

Concurrence as amended.

Ayes, 5 – Senators Brown, Zien, Kanavas, Breske and Wirch.

Noes, 0 – None.

**Assembly Bill 208**

Relating to: creating rural enterprise development zones and providing tax incentives to qualified businesses in the zones, creating refundable individual income tax credits for income and capital gains derived from the zones, making appropriations, and providing a penalty.

Adoption of Senate Amendment 1.

Ayes, 3 – Senators Brown, Zien and Kanavas.

Noes, 2 – Senators Breske and Wirch.

Concurrence as amended.

Ayes, 3 – Senators Brown, Zien and Kanavas.

Noes, 2 – Senators Breske and Wirch.

**Assembly Bill 307**

Relating to: municipal ordinances regarding drug paraphernalia.

Concurrence.

Ayes, 5 – Senators Brown, Zien, Kanavas, Breske and Wirch.

Noes, 0 – None.

RONALD BROWN  
Chairperson

Pursuant to Senate Rule 17 (5), Representative Ziegelbauer added as a cosponsor of **Senate Bill 331**.

**Senate Clearinghouse Rule 05–095**

Relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Submitted by Department of Transportation.

Report received from Agency, December 2, 2005.

Referred to committee on **Natural Resources and Transportation**, December 5, 2005.

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

Read and referred:

**Senate Joint Resolution 54**

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

By Senators Carpenter, Coggs, Miller, Breske and Risser; cosponsored by Representatives Benedict, Berceau, Boyle, Molepske, Sinicki and Fields.

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

Read first time and referred:

**Senate Bill 466**

Relating to: assistance for veterans affected by depleted uranium.

By Senators Cowles, Brown, Hansen, Wirch, Erpenbach, Miller and Roessler; cosponsored by Representatives Nelson, Musser, Lothian, Black, Boyle, Ainsworth, Pocan, Parisi, Van Akkeren, Bies, Richards, McCormick, Shilling, Seidel, Sheridan, Lehman, Davis, Kreuser, Sinicki, Fields, Vruwink, Molepske, Travis and Kaufert.

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

**Senate Bill 467**

Relating to: well drilling, pump installing, well inspection and abandonment, granting rule-making authority, and providing a penalty.

By Senators Kedzie, Olsen, Risser, Cowles, Stepp and Zien; cosponsored by Representatives Hahn, Kerkman, Ott, LeMahieu, Gunderson, Krawczyk, Nass, Musser and Molepske.

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

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**PETITIONS AND COMMUNICATIONS**

Pursuant to Senate Rule 17 (5), Senator Miller added as a coauthor of **Senate Bill 251**.

Pursuant to Senate Rule 17 (5), Senator Roessler added as a coauthor of **Senate Bill 128**.

Pursuant to Senate Rule 17 (5), Representative Molepske withdrawn as a cosponsor of **Senate Bill 229**.

Pursuant to Senate Rule 17 (5), Senator Zien added as a coauthor of **Senate Joint Resolution 59**.

Pursuant to Senate Rule 17 (5), Senator Lassa added as a coauthor of **Senate Bill 251**.

Pursuant to Senate Rule 17 (5), Senator Lassa added as a coauthor of **Senate Bill 312**.

Pursuant to Senate Rule 17 (5), Senator Lassa added as a cosponsor of **Assembly Bill 627**.

Pursuant to Senate Rule 17 (5), Senator Lasee added as a cosponsor of **Assembly Joint Resolution 65**.

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**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

November 30, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SEVERSON, JEANNE, of Cottage Grove, as a member of the Pharmacy 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**.

**State of Wisconsin  
Office of the Governor**

November 30, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WEBER, GREGORY, of Brown Deer, as a member of the Pharmacy 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**

November 30, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BETTIGA, MICHAEL, of Green Bay, as a member of the Pharmacy Examining 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**.

**State of Wisconsin  
Office of the Governor**

November 30, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SCHROEDER, RYAN, of Delavan, as a member of the Real Estate Board, to serve for the term ending July 1, 2006.

Sincerely,

JIM DOYLE

Governor

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

**State of Wisconsin  
Office of the Governor**

November 30, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LEARY, ROBIN, of Eau Claire, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2009.

Sincerely,

JIM DOYLE

Governor

Read and referred to committee on **Natural Resources and Transportation**.

**State of Wisconsin  
Office of the Governor**

November 30, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DALEY, KATHRYN, of Green Bay, as a member of the Auctioneer Board, to serve for the term ending May 1, 2007.

Sincerely,

JIM DOYLE

Governor

Read and referred to committee on **Labor and Election Process Reform**.

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

ALTEPETER, CARLA, of Oshkosh, as a member of the Credit Union Review Board, to serve for the term ending May 1, 2010.

BROWN, JEANNE, of Eau Claire, as a member of the Athletic Trainers Affiliated Credentialing Board, to serve for the term ending July 1, 2007.

KRUTZA, MICHAEL, of Wausau, as a member of the Board of Agriculture, Trade and Consumer Protection, to serve for the term ending May 1, 2011.

LEHMAN-BARRY, MARY, of Appleton, as a member of the Cemetery Board, to serve for the term ending July 1, 2006.

MADISON, FREDERICK, of Lodi, as a member of the Lower Wisconsin State Riverway Board, for the term ending May 1, 2007.

MCGOWN, WAYNE, of Madison, as a member of the Circus World Museum Foundation, to serve for the term ending at the pleasure of the Governor.

PORTER, E. GLEN, of Elm Grove, as a member of the Cemetery Board, to serve for the term ending July 1, 2008.

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.

SWEENEY, TIMOTHY, of Ripon, as a member of the Auctioneer Board, to serve for the term ending May 1, 2008.

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, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

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

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

#### Senate Clearinghouse Rule 05–053

Relating to an all-terrain vehicle registration exemption.

No action taken.

#### Senate Clearinghouse Rule 05–054

Relating to all-terrain vehicle noise testing procedures.

No action taken.

#### Senate Clearinghouse Rule 05–071

Relating to the implementation and administration of grants for endangered resources.

No action taken.

#### Senate Clearinghouse Rule 05–074

Relating to open seasons for commercial clamming on the Wisconsin–Iowa boundary waters and the Mississippi River portion of the Wisconsin–Minnesota boundary waters.

No action taken.

NEAL KEDZIE  
Chairperson

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### MESSAGES FROM THE ASSEMBLY

By Patrick E. Fuller, chief clerk.

Mr. President:

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

**Assembly Bill 26**  
**Assembly Bill 219**  
**Assembly Bill 248**  
**Assembly Bill 258**  
**Assembly Bill 428**  
**Assembly Bill 429**  
**Assembly Bill 432**  
**Assembly Bill 443**  
**Assembly Bill 485**  
**Assembly Bill 581**  
**Assembly Bill 597**  
**Assembly Bill 746**  
**Assembly Bill 775**  
**Assembly Bill 844**

Adopted and asks concurrence in:

**Assembly Joint Resolution 26**  
**Assembly Joint Resolution 69**

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### MESSAGES FROM THE ASSEMBLY CONSIDERED

#### Assembly Bill 26

Relating to: entering into the wildlife violator compact.

By Representatives Gunderson, Pettis, Suder, Ainsworth, Albers, Bies, Freese, Gronemus, Hahn, Hines, Hundertmark, Kerkman, Kestell, F. Lasee, Lehman, Lothian, Montgomery, Musser, Ott, Townsend, Underheim, Van Roy, Vos, Vruwink and Wood; cosponsored by Senators Leibham, Harsdorf, Cowles, Decker, Grothman, A. Lasee, Lassa, Olsen, Wirch and Roessler.

Read first time and referred to committee on **Natural Resources and Transportation**.

#### Assembly Bill 219

Relating to: lightweight utility vehicles, granting rule-making authority, and providing a penalty.

By Representatives Ainsworth, Gard, Hahn, Hines, Ott, Owens, Petrowski and Molepske; cosponsored by Senator Olsen.

Read first time and referred to committee on **Natural Resources and Transportation**.

#### Assembly Bill 248

Relating to: operation of motorboats by persons who are at least 16 years of age and born after a certain date.

By Representatives Hines, Freese, Townsend, Hundertmark, Black, Ott, Ainsworth, Bies, Berceau, Lehman,

Krawczyk, Van Roy, Owens, Moulton, Jeskewitz and Molepske; cosponsored by Senators Olsen and Miller.

Read first time and referred to committee on **Natural Resources and Transportation**.

**Assembly Bill 258**

Relating to: prescription drug labels.

By Representatives Gielow, Strachota, Ainsworth, Ballweg, Berceau, Bies, Gottlieb, Gronemus, Hahn, Hines, Hundertmark, Kestell, Kreibich, F. Lasee, Lothian, Moulton, Nass, Ott, Pocan, Underheim, Van Roy and Molepske; cosponsored by Senators Roessler and Miller.

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

**Assembly Bill 428**

Relating to: deletion of changes to campaign finance and related laws made by [2001 Wisconsin Act 109](#).

By committee on Campaigns and Elections.

Read first time and referred to committee on **Campaign Finance Reform and Ethics**.

**Assembly Bill 429**

Relating to: deletion of changes to campaign finance and related laws made by [2001 Wisconsin Act 109](#) affecting public information concerning the Wisconsin election campaign fund.

By committee on Campaigns and Elections.

Read first time and referred to committee on **Campaign Finance Reform and Ethics**.

**Assembly Bill 432**

Relating to: service of a summons by certain nonresidents.

By Representatives Gard, Hahn, Gronemus, Rhoades, Kestell, Nischke, Mursau, Musser, Krawczyk, M. Williams, F. Lasee, Bies, Lothian, Van Roy, Hines, Albers and Pridemore; cosponsored by Senator Darling.

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

**Assembly Bill 443**

Relating to: reorganizing, making nonsubstantive editorial changes to, revising and creating titles in, clarifying ambiguous language in, and making minor substantive changes to the Juvenile Justice Code.

By Joint Legislative Council.

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

**Assembly Bill 485**

Relating to: regulating funeral directors and funeral establishments, regulating cremation and funeral advertising, and providing a penalty.

By Representatives Montgomery, Van Roy, Musser, Freese, Kerkman, Hundertmark, Petrowski, Krawczyk, F. Lasee, Lehman, LeMahieu, Loeffelholz, Albers and Pettis; cosponsored by Senators A. Lasee, Lassa and Kanavas.

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

**Assembly Bill 581**

Relating to: licensing, vehicle identification, and record-keeping requirements for wholesale fish dealers and commercial fishers, inspections of wholesale fish dealer and commercial fisher records and premises, commercial fishing boats, periods when a commercial fisher may fish on the waters of Green Bay, the sale and purchase of eggs from certain trout and salmon, commercial fishing approval fees, seizure of

certain fishing devices, access to places used to store or retain wild animals, establishing a commercial fish reporting system, imposing certain surcharges, providing an exemption from emergency rule procedures, extending the time limit for emergency rule procedures, making an appropriation, and providing penalties.

By Representatives Bies, Hines, Kaufert, Krawczyk, McCormick, Ott, Petrowski, Townsend and Van Roy; cosponsored by Senator A. Lasee, by request of Department of Natural Resources.

Read first time and referred to committee on **Natural Resources and Transportation**.

**Assembly Bill 597**

Relating to: remedies in certain actions concerning building code or zoning ordinance violations.

By Representatives Albers, Ainsworth, Townsend, Musser, McCormick, Gronemus and Montgomery; cosponsored by Senators Reynolds and Brown.

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

**Assembly Bill 746**

Relating to: liens for metal fabrication tool builders and metal parts manufacturers and destruction of metal fabrication tools.

By Representatives Jeskewitz, Suder, Hundertmark, Petrowski, Hines, Townsend, Owens, M. Williams, Ainsworth, Kaufert, Friske, Ott and Fields; cosponsored by Senators Darling, A. Lasee, Kanavas, Plale and Stepp.

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

**Assembly Bill 775**

Relating to: fermented malt beverages wholesalers.

By Representatives Pettis, Lamb, Mursau, Musser, Hahn, Albers, Huebsch, Hines and Van Roy; cosponsored by Senators Harsdorf, A. Lasee, Grothman, Lassa and Jauch.

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

**Assembly Bill 844**

Relating to: the Health Insurance Risk-Sharing Plan; creating the Health Insurance Risk-Sharing Plan Authority; a health benefit program for persons eligible for tax credits for payment of premiums; an income and franchise tax credit for Health Insurance Risk-Sharing Plan assessments; and making an appropriation.

By Representatives Nischke, Gielow, Rhoades, Gard, Huebsch, Kreuser, Sheridan, Montgomery, McCormick, Lehman, Ballweg, Moulton, Van Roy, Underheim, Nelson, Stone, Jensen, J. Fitzgerald, Hahn, Gottlieb, Hundertmark, Honadel, Shilling, Krawczyk, Seidel, Sinicki, Boyle, Vruwink and Townsend; cosponsored by Senators Kapanke, Brown, Darling, Schultz, S. Fitzgerald, Taylor, Olsen, Roessler, Jauch, Hansen, Lazich and Plale.

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

**Assembly Joint Resolution 26**

Relating to: commending Ignacio Contreras' courage and determination to overcome the challenges as he faces, most notably his fight against cancer.

By Representative Colon; cosponsored by Senator Carpenter.

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

**Assembly Joint Resolution 69**

Relating to: the life and public service of Dr. H. Rupert Theobald.

By Representatives Gard, Ainsworth, Albers, Ballweg, Berceau, Bies, Black, Boyle, Cullen, Freese, Grigsby, Gronemus, Gunderson, Hahn, Hines, Huebsch, Hundertmark, Jensen, Jeskewitz, Kerkman, Kessler, Krawczyk, Kreibich, Kreuser, Lehman, LeMahieu, McCormick, Molepske, Montgomery, Musser, Nass, Ott, Owens, Pocan, Schneider, Sheridan, Stone, Townsend, Travis, Turner, Underheim, Vos, M. Williams and Young; cosponsored by Senators Risser, Breske, Coggs, Darling, Ellis, Grothman, Hansen, Lazich, Miller and Roessler.

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

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**SPECIAL ORDERS**

Special Order at 9:30 A.M.

**Senate Bill 451**

Relating to: the Health Insurance Risk–Sharing Plan; creating the Health Insurance Risk–Sharing Plan Authority; a health benefit program for persons eligible for tax credits for payment of premiums; an income and franchise tax credit for Health Insurance Risk–Sharing Plan assessments; and making an appropriation.

Read a second time.

Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 451** offered by Senators Miller and Carpenter.

Senator Kapanke, with unanimous consent, asked that Senate substitute amendment 1 to **Senate Bill 451** be laid on the table.

Senator Schultz, with unanimous consent, asked that **Senate Bill 451** be placed after **Senate Bill 175** on the calendar.

Special Order at 9:31 A.M.

**Senate Bill 175**

Relating to: the 2003–05 Authorized State Building Program.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 175**?

Senator Risser raised a point of order that Senate substitute amendment 1 to **Senate Bill 175** was not germane.

The Chair ruled the point of order not well taken.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 175**?

Adopted.

Ordered to a third reading.

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

**Senate Bill 175**

Read a third time.

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

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 20.

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

Absent or not voting – None.

Passed.

Senator Schultz, with unanimous consent, asked that **Senate Bill 175** be immediately messaged to the Assembly.

**Senate Bill 451**

Relating to: the Health Insurance Risk–Sharing Plan; creating the Health Insurance Risk–Sharing Plan Authority; a health benefit program for persons eligible for tax credits for payment of premiums; an income and franchise tax credit for Health Insurance Risk–Sharing Plan assessments; and making an appropriation.

Senate substitute amendment 2 to **Senate Bill 451** offered by Senator Kapanke.

The question was: Adoption of Senate substitute amendment 2 to **Senate Bill 451**?

Adopted.

Ordered to a third reading.

Senator Hansen, with unanimous consent, asked that the Senate return to the amendable stage to reconsider adoption of Senate substitute amendment 2.

Senator Schultz, with unanimous consent, asked that **Senate Bill 451** be placed after **Assembly Bill 264** on the calendar.

Special Order at 9:32 A.M.

**Assembly Bill 264**

Relating to: increasing filing fees for municipal court actions.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 264**?

Adopted.

Ordered to a third reading.

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

**Assembly Bill 264**

Read a third time and concurred in as amended.

Senator Kedzie, with unanimous consent, asked that **Assembly Bill 264** be immediately messaged to the Assembly.

**Senate Bill 451**

Relating to: the Health Insurance Risk–Sharing Plan; creating the Health Insurance Risk–Sharing Plan Authority; a health benefit program for persons eligible for tax credits for payment of premiums; an income and franchise tax credit for Health Insurance Risk–Sharing Plan assessments; and making an appropriation.

Senator Kedzie, with unanimous consent, asked that **Senate Bill 451** be placed after **Senate Bill 426** on the calendar.

Special Order at 9:33 A.M.

### **Senate Bill 426**

Relating to: various changes in the unemployment insurance law, authorized positions for the department of justice, making appropriations, and providing penalties.

Read a second time.

Senate amendment 1 to **Senate Bill 426** offered by Senator Reynolds.

Senator Schultz moved that Senate amendment 1 to **Senate Bill 426** be laid on the table.

The question was: Shall Senate amendment 1 to **Senate Bill 426** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 31; noes, 2; 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, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 31.

Noes – Senators Lazich and Reynolds – 2.

Absent or not voting – None.

Tabled.

Ordered to a third reading.

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

### **Senate Bill 426**

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 2; 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, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 31.

Noes – Senators Lazich and Reynolds – 2.

Absent or not voting – None.

Passed.

Senator Schultz, with unanimous consent, asked that **Senate Bill 426** be immediately messaged to the Assembly.

### **Senate Bill 451**

Relating to: the Health Insurance Risk-Sharing Plan; creating the Health Insurance Risk-Sharing Plan Authority; a health benefit program for persons eligible for tax credits for payment of premiums; an income and franchise tax credit for Health Insurance Risk-Sharing Plan assessments; and making an appropriation.

Senate amendment 1 to Senate substitute amendment 2 to **Senate Bill 451** offered by Senators Hansen, Erpenbach, Miller, Taylor, Carpenter, Risser, Robson, Lassa and Roessler.

Senator Schultz moved rejection of Senate amendment 1 to Senate substitute amendment 2 to **Senate Bill 451**.

Senator Zien in the chair.

The question was: Rejection of Senate amendment 1 to Senate substitute amendment 2 to **Senate Bill 451**?

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

Ayes – Senators Cowles, Darling, S. Fitzgerald, Grothman, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Schultz and Zien – 14.

Noes – Senators Breske, Brown, Carpenter, Coggs, Decker, Ellis, Erpenbach, Hansen, Harsdorf, Jauch, Lassa, Miller, Plale, Risser, Robson, Roessler, Stepp, Taylor and Wirch – 19.

Absent or not voting – None.

Rejection refused.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 2 to **Senate Bill 451**?

Adopted.

Senate amendment 2 to Senate substitute amendment 2 to **Senate Bill 451** offered by Senators Miller and Carpenter.

Senate amendment 1 to Senate amendment 2 to Senate substitute amendment 2 to **Senate Bill 451** offered by Senator Carpenter.

Senator Carpenter, with unanimous consent, asked that Senate amendment 1 to Senate amendment 2 to Senate substitute amendment 2 to **Senate Bill 451** be withdrawn and returned to author.

Senator Schultz moved rejection of Senate amendment 2 to Senate substitute amendment 2 to **Senate Bill 451**.

The question was: Rejection of Senate amendment 2 to Senate substitute amendment 2 to **Senate Bill 451**?

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

Ayes – Senators Brown, Darling, Decker, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp and Zien – 21.

Noes – Senators Breske, Carpenter, Coggs, Cowles, Erpenbach, Hansen, Jauch, Miller, Risser, Robson, Taylor and Wirch – 12.

Absent or not voting – None.

Rejected.

The question was: Adoption of Senate substitute amendment 2 to **Senate Bill 451**?

Adopted.

Ordered to a third reading.

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

**Senate Bill 451**

Read a third time.

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

Ayes – Senators Brown, Carpenter, Decker, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kapanke, Kedzie, A. Lasee, Lassa, Leibham, Olsen, Plale, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 20.

Noes – Senators Breske, Coggs, Cowles, Darling, Ellis, Erpenbach, Grothman, Kanavas, Lazich, Miller, Reynolds, Risser and Robson – 13.

Absent or not voting – None.

Passed.

Senator Schultz, with unanimous consent, asked that **Senate Bill 451** be immediately messaged to the Assembly.

Special Order at 9:34 A.M.

**Senate Bill 331**

Relating to: eliminating the annual adjustment of the motor vehicle fuel tax rate.

Read a second time.

Senate amendment 2 to **Senate Bill 331** offered by Senator Carpenter.

Senator Brown, with unanimous consent, asked that the Senate recess until 2:45 P.M.

1:45 P.M.

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**RECESS**

2:45 P.M.

The Senate reconvened.

Senator A. Lasee in the chair.

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**QUORUM CALL**

The Chair noted the possible lack of a quorum.

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.

Senator Decker moved indefinite postponement of **Senate Bill 331**.

Senator S. Fitzgerald, with unanimous consent, asked that the Senate recess.

4:17 P.M.

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**RECESS**

4:50 P.M.

The Senate reconvened.

Senator A. Lasee in the chair.

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**QUORUM CALL**

The Chair noted the possible lack of a quorum.

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.

The question was: Shall **Senate Bill 331** be indefinitely postponed?

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

Ayes – Senators Breske, Decker, Erpenbach, Hansen, Jauch, Kapanke, Lassa, Miller, Risser, Robson, Taylor and Wirch – 12.

Noes – Senators Brown, Carpenter, Coggs, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp and Zien – 21.

Absent or not voting – None.

Refused indefinite postponement.

Senate amendment 3 to **Senate Bill 331** offered by Senators A. Lasee, Lazich, Stepp, Roessler, Harsdorf, Darling, Brown, Cowles, Reynolds, Leibham, Kedzie, Zien, Schultz and Grothman.

Senate amendment 4 to **Senate Bill 331** offered by Senator Carpenter.

Senate amendment 5 to **Senate Bill 331** offered by Senator Lassa.

Senate amendment 6 to **Senate Bill 331** offered by Senator Schultz.

Senator Carpenter, with unanimous consent, asked that Senate amendment 2 to **Senate Bill 331** be placed after Senate amendment 6 to **Senate Bill 331**.

Senator Carpenter, with unanimous consent, asked that Senate amendment 4 to **Senate Bill 331** be placed after Senate amendment 2 to **Senate Bill 331**.

Senator Zien in the Chair.

Senate amendment 1 to Senate amendment 3 to **Senate Bill 331** offered by Senator Miller.

The Chair, with unanimous consent, asked that the Senate stand informal.

5:12 P.M.

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**STOOD INFORMAL**

5:14 P.M.

The Senate reconvened.

Senator Zien in the chair.

Senator Miller, with unanimous consent, asked that Senate amendment 1 to Senate amendment 3 to **Senate Bill 331** be withdrawn and returned to author.

Senator Lasee in the chair.

Senator Jauch, with unanimous consent, asked that the Senate stand informal.

5:22 P.M.

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**STOOD INFORMAL**

5:23 P.M.

The Senate reconvened.

Senator Lasee in the chair.

Senate amendment 2 to Senate amendment 3 to **Senate Bill 331** offered by Senator Jauch.

Senator Kedzie moved rejection of Senate amendment 2 to Senate amendment 3 to **Senate Bill 331**.

The question was: Rejection of Senate amendment 2 to Senate amendment 3 to **Senate Bill 331**?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

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

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

Absent or not voting – Senator Kanavas – 1.

Rejected.

The question was: Adoption of Senate amendment 3 to **Senate Bill 331**?

Adopted.

Senator Lassa, with unanimous consent, asked that Senate amendment 5 to **Senate Bill 331** be placed after Senate amendment 4 to **Senate Bill 331**.

Senate amendment 1 to Senate amendment 6 to **Senate Bill 331** offered by Senator Grothman.

The question was: Adoption of Senate amendment 1 to Senate amendment 6 to **Senate Bill 331**?

Adopted.

The question was: Adoption of Senate amendment 6 to **Senate Bill 331**?

Adopted.

Senator Carpenter, with unanimous consent, asked that Senate amendment 2 to **Senate Bill 331** be laid on the table.

Senator Carpenter, with unanimous consent, asked that Senate amendment 4 to **Senate Bill 331** be laid on the table.

Senator Reynolds moved that Senate amendment 5 to **Senate Bill 331** be laid on the table.

The question was: Shall Senate amendment 5 to **Senate Bill 331** be laid on the table?

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

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp and Zien – 27.

Noes – Senators Lassa, Miller, Risser, Robson, Taylor and Wirch – 6.

Absent or not voting – None.

Tabled.

Senate amendment 7 to **Senate Bill 331** offered by Senator S. Fitzgerald.

Senator S. Fitzgerald, with unanimous consent, asked that Senate amendment 7 to **Senate Bill 331** be withdrawn and returned to author.

Ordered to a third reading.

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

**Senate Bill 331**

Read a third time.

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

Ayes – Senators Carpenter, Coggs, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp and Zien – 20.

Noes – Senators Breske, Brown, Decker, Erpenbach, Hansen, Jauch, Kapanke, Lassa, Miller, Risser, Robson, Taylor and Wirch – 13.

Absent or not voting – None.

Passed.

Senator Kedzie, with unanimous consent, asked that **Senate Bill 331** be immediately messaged to the Assembly.

**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.

Read a second time.

Senator Zien, with unanimous consent, asked that Senate substitute amendment 1 to **Senate Bill 403** be laid on the table.

Senate amendment 1 to Senate substitute amendment 2 to **Senate Bill 403** offered by Senator Risser.

Senator Zien moved that Senate amendment 1 to Senate substitute amendment 2 to **Senate Bill 403** be laid on the table.

The question was: Shall Senate amendment 1 to Senate substitute amendment 2 to **Senate Bill 403** be laid on the table?

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

Ayes – Senators Breske, Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 20.

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

Absent or not voting – None.

Tabled.

Senate amendment 2 to Senate substitute amendment 2 to **Senate Bill 403** offered by Senator Risser.

Senator Zien moved that Senate amendment 2 to Senate substitute amendment 2 to **Senate Bill 403** be laid on the table.

The question was: Shall Senate amendment 2 to Senate substitute amendment 2 to **Senate Bill 403** be laid on the table?

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

Ayes – Senators Breske, Brown, Coggs, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 21.

Noes – Senators Carpenter, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 12.

Absent or not voting – None.

Tabled.

Senate amendment 3 to Senate substitute amendment 2 to **Senate Bill 403** offered by Senator Risser.

Senator Zien moved that Senate amendment 3 to Senate substitute amendment 2 to **Senate Bill 403** be laid on the table.

The question was: Shall Senate amendment 3 to Senate substitute amendment 2 to **Senate Bill 403** be laid on the table?

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

Ayes – Senators Breske, Brown, Cowles, Darling, Decker, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp, Wirch and Zien – 24.

Noes – Senators Carpenter, Coggs, Erpenbach, Hansen, Jauch, Miller, Risser, Robson and Taylor – 9.

Absent or not voting – None.

Tabled.

Senate amendment 4 to Senate substitute amendment 2 to **Senate Bill 403** offered by Senator Stepp.

Senator Zien moved that Senate amendment 4 to Senate substitute amendment 2 to **Senate Bill 403** be laid on the table.

The question was: Shall Senate amendment 4 to Senate substitute amendment 2 to **Senate Bill 403** be laid on the table?

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

Ayes – Senators Breske, Brown, Carpenter, Cowles, Darling, Decker, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz and Zien – 23.

Noes – Senators Coggs, Erpenbach, Hansen, Jauch, Miller, Risser, Robson, Stepp, Taylor and Wirch – 10.

Absent or not voting – None.

Tabled.

Senate amendment 5 to Senate substitute amendment 2 to **Senate Bill 403** offered by Senator Risser.

Senator Zien moved that Senate amendment 5 to Senate substitute amendment 2 to **Senate Bill 403** be laid on the table.

The question was: Shall Senate amendment 5 to Senate substitute amendment 2 to **Senate Bill 403** be laid on the table?

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

Ayes – Senators Breske, Brown, Cowles, Darling, Decker, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp, Wirch and Zien – 23.

Noes – Senators Carpenter, Coggs, Erpenbach, Hansen, Jauch, Lassa, Miller, Risser, Robson and Taylor – 10.

Absent or not voting – None.

Tabled.

Senate amendment 6 to Senate substitute amendment 2 to **Senate Bill 403** offered by Senators Robson and Erpenbach.

Senator Zien moved that Senate amendment 6 to Senate substitute amendment 2 to **Senate Bill 403** be laid on the table.

The question was: Shall Senate amendment 6 to Senate substitute amendment 2 to **Senate Bill 403** be laid on the table?

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

Ayes – Senators Breske, Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 20.

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

Absent or not voting – None.

Tabled.

Senate amendment 7 to Senate substitute amendment 2 to **Senate Bill 403** offered by Senator Risser.

Senator Risser, with unanimous consent, asked that Senate amendment 7 to Senate substitute amendment 2 to **Senate Bill 403** be withdrawn and returned to author.

Senate amendment 8 to Senate substitute amendment 2 to **Senate Bill 403** offered by Senator Robson.

Senator Zien moved that Senate amendment 8 to Senate substitute amendment 2 to **Senate Bill 403** be laid on the table.

The question was: Shall Senate amendment 8 to Senate substitute amendment 2 to **Senate Bill 403** be laid on the table?

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

Ayes – Senators Breske, Brown, Cowles, Darling, Decker, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp, Wirch and Zien – 24.

Noes – Senators Carpenter, Coggs, Erpenbach, Hansen, Jauch, Miller, Risser, Robson and Taylor – 9.

Absent or not voting – None.

Tabled.

Senate amendment 9 to Senate substitute amendment 2 to **Senate Bill 403** offered by Senators Harsdorf, Darling, Lassa and Zien.

The question was: Adoption of Senate amendment 9 to Senate substitute amendment 2 to **Senate Bill 403**?

Adopted.

The question was: Adoption of Senate substitute amendment 2 to **Senate Bill 403**?

Adopted.

Senate substitute amendment 3 to **Senate Bill 403** offered by Senator Carpenter.

Senate amendment 1 to Senate substitute amendment 3 to **Senate Bill 403** offered by Senator Carpenter.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 3 to **Senate Bill 403**?

Adopted.

Senator Zien moved that Senate substitute amendment 3 to **Senate Bill 403** be laid on the table.

The question was: Shall Senate substitute amendment 3 to **Senate Bill 403** be laid on the table?

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

Ayes – Senators Breske, Brown, Cowles, Darling, Decker, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp, Wirch and Zien – 24.

Noes – Senators Carpenter, Coggs, Erpenbach, Hansen, Jauch, Miller, Risser, Robson and Taylor – 9.

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 403**

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 Breske, Brown, Cowles, Darling, Decker, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Plale, Reynolds, Roessler, Schultz, Stepp, Wirch and Zien – 23.

Noes – Senators Carpenter, Coggs, Erpenbach, Hansen, Jauch, Miller, Olsen, Risser, Robson and Taylor – 10.

Absent or not voting – None.

Passed.

Senator Schultz, with unanimous consent, asked that **Senate Bill 403** be immediately messaged.

Senator Schultz, with unanimous consent, asked that the Senate recess until 9:00 A.M.

8:11 P.M.

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## RECESS

Wednesday, December 7, 2005

9:00 A.M.

The Senate reconvened.

Senator A. Lasee in the chair.

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## QUORUM CALL

The Chair noted the possible lack of a quorum.

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.

Special Order at 9:36 A.M.

### **Senate Joint Resolution 53**

Relating to: providing that only a marriage between one man and one woman shall be valid or recognized as a marriage in this state (2nd consideration).

Read a second time.

Senate substitute amendment 1 to **Senate Joint Resolution 53** offered by Senators Hansen, Decker, Breske, Jauch, Erpenbach, Lassa and Robson.

Senator S. Fitzgerald moved rejection of Senate substitute amendment 1 to **Senate Joint Resolution 53**.

Senator Zien in the chair.

The Chair, with unanimous consent, asked that the Senate stand informal.

11:03 A.M.

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## STOOD INFORMAL

11:04 A.M.

The Senate reconvened.

The question was: Rejection of Senate substitute amendment 1 to **Senate Joint Resolution 53**?

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.

Rejected.

Senate substitute amendment 2 to **Senate Joint Resolution 53** offered by Senator Carpenter.

Senator S. Fitzgerald moved rejection of Senate substitute amendment 2 to **Senate Joint Resolution 53**.

The question was: Rejection of Senate substitute amendment 2 to **Senate Joint Resolution 53**?

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.

Rejected.

Senate substitute amendment 3 to **Senate Joint Resolution 53** offered by Senator Carpenter.

Senator S. Fitzgerald moved rejection of Senate substitute amendment 3 to **Senate Joint Resolution 53**.

The question was: Rejection of Senate substitute amendment 3 to **Senate Joint Resolution 53**?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 13; 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, Wirch and Zien – 20.

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

Absent or not voting – None.

Rejected.

Senate substitute amendment 4 to **Senate Joint Resolution 53** offered by Senator Carpenter.

Senator Carpenter, with unanimous consent, asked that Senate substitute amendment 4 to **Senate Joint Resolution 53** be laid on the table.

Senate substitute amendment 5 to **Senate Joint Resolution 53** offered by Senator Carpenter.

Senator S. Fitzgerald moved rejection of Senate substitute amendment 5 to **Senate Joint Resolution 53**.

The question was: Rejection of Senate substitute amendment 5 to **Senate Joint Resolution 53**?

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.

Rejected.

Senate substitute amendment 6 to **Senate Joint Resolution 53** offered by Senator Carpenter.

Senator S. Fitzgerald moved rejection of Senate substitute amendment 6 to **Senate Joint Resolution 53**.

The question was: Rejection of Senate substitute amendment 6 to **Senate Joint Resolution 53**?

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

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

Noes – Senators Carpenter, Miller, Plale, Risser, Taylor and Wirch – 6.

Absent or not voting – None.

Rejected.

Senate substitute amendment 7 to **Senate Joint Resolution 53** offered by Senator Carpenter.

Senator S. Fitzgerald moved rejection of Senate substitute amendment 7 to **Senate Joint Resolution 53**.

The question was: Rejection of Senate substitute amendment 7 to **Senate Joint Resolution 53**?

The ayes and noes were demanded and the vote was: ayes, 26; noes, 7; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Robson, Roessler, Schultz, Stepp and Zien – 26.

Noes – Senators Carpenter, Lassa, Miller, Plale, Risser, Taylor and Wirch – 7.

Absent or not voting – None.

Rejected.

Senate substitute amendment 8 to **Senate Joint Resolution 53** offered by Senator Carpenter.

Senator S. Fitzgerald moved rejection of Senate substitute amendment 8 to **Senate Joint Resolution 53**.

The question was: Rejection of Senate substitute amendment 8 to **Senate Joint Resolution 53**?

The ayes and noes were demanded and the vote was: ayes, 25; noes, 8; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Cowles, Darling, Decker, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Olsen, Plale, Reynolds, Risser, Roessler, Schultz, Stepp, Wirch and Zien – 25.

Noes – Senators Carpenter, Coggs, Erpenbach, Hansen, Jauch, Miller, Robson and Taylor – 8.

Absent or not voting – None.

Rejected.

Senate substitute amendment 9 to **Senate Joint Resolution 53** offered by Senator Carpenter.

Senator Carpenter, with unanimous consent, asked that Senate substitute amendment 9 to **Senate Joint Resolution 53** be laid on the table.

Senate substitute amendment 10 to **Senate Joint Resolution 53** offered by Senator Carpenter.

Senator S. Fitzgerald moved rejection of Senate substitute amendment 10 to **Senate Joint Resolution 53**.

The question was: Rejection of Senate substitute amendment 10 to **Senate Joint Resolution 53**?

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

Ayes – Senators Breske, Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp and Zien – 21.

Noes – Senators Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Risser, Robson, Taylor and Wirch – 12.

Absent or not voting – None.

Rejected.

Senate substitute amendment 11 to **Senate Joint Resolution 53** offered by Senator Carpenter.

Senator S. Fitzgerald moved rejection of Senate substitute amendment 11 to **Senate Joint Resolution 53**.

The question was: Rejection of Senate substitute amendment 11 to **Senate Joint Resolution 53**?

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

Ayes – Senators Breske, Brown, Cowles, Darling, Decker, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 21.

Noes – Senators Carpenter, Coggs, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 12.

Absent or not voting – None.

Rejected.

Senate substitute amendment 12 to **Senate Joint Resolution 53** offered by Senator Carpenter.

Senator S. Fitzgerald moved rejection of Senate substitute amendment 12 to **Senate Joint Resolution 53**.

The question was: Rejection of Senate substitute amendment 12 to **Senate Joint Resolution 53**?

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

Ayes – Senators Breske, Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 20.

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

Absent or not voting – None.

Rejected.

Senate substitute amendment 13 to **Senate Joint Resolution 53** offered by Senator Carpenter.

Senator Lasee in the chair.

Senator S. Fitzgerald moved rejection of Senate substitute amendment 13 to **Senate Joint Resolution 53**.

The question was: Rejection of Senate substitute amendment 13 to **Senate Joint Resolution 53**?

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.

Rejected.

Senate substitute amendment 14 to **Senate Joint Resolution 53** offered by Senator Carpenter.

Senator S. Fitzgerald moved rejection of Senate substitute amendment 14 to **Senate Joint Resolution 53**.

The question was: Rejection of Senate substitute amendment 14 to **Senate Joint Resolution 53**?

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

Ayes – Senators Breske, Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 20.

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

Absent or not voting – None.

Rejected.

Senate substitute amendment 15 to **Senate Joint Resolution 53** offered by Senator Carpenter.

Senator S. Fitzgerald moved rejection of Senate substitute amendment 15 to **Senate Joint Resolution 53**.

The question was: Rejection of Senate substitute amendment 15 to **Senate Joint Resolution 53**?

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

Ayes – Senators Breske, Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 20.

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

Absent or not voting – None.

Rejected.

Senate substitute amendment 16 to **Senate Joint Resolution 53** offered by Senator Carpenter.

Senator S. Fitzgerald moved rejection of Senate substitute amendment 16 to **Senate Joint Resolution 53**.

The question was: Rejection of Senate substitute amendment 16 to **Senate Joint Resolution 53**?

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

Ayes – Senators Breske, Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 20.

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

Absent or not voting – None.

Rejected.

Senate substitute amendment 17 to **Senate Joint Resolution 53** offered by Senator Carpenter.

Senator S. Fitzgerald moved rejection of Senate substitute amendment 17 to **Senate Joint Resolution 53**.

The question was: Rejection of Senate substitute amendment 17 to **Senate Joint Resolution 53**?

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

Ayes – Senators Breske, Brown, Cowles, Darling, Decker, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 21.

Noes – Senators Carpenter, Coggs, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 12.

Absent or not voting – None.

Rejected.

Senate amendment 1 to **Senate Joint Resolution 53** offered by Senator Carpenter.

Senator S. Fitzgerald moved rejection of Senate amendment 1 to **Senate Joint Resolution 53**.

The question was: Rejection of Senate amendment 1 to **Senate Joint Resolution 53**?

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.

Rejected.

Senate amendment 2 to **Senate Joint Resolution 53** offered by Senator Carpenter.

Senator S. Fitzgerald moved rejection of Senate amendment 2 to **Senate Joint Resolution 53**.

The question was: Rejection of Senate amendment 2 to **Senate Joint Resolution 53**?

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

Ayes – Senators Brown, Cowles, Darling, Decker, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 20.

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

Absent or not voting – None.

Rejected.

Senate amendment 3 to **Senate Joint Resolution 53** offered by Senator Carpenter.

Senator Carpenter, with unanimous consent, asked that Senate amendment 3 to **Senate Joint Resolution 53** be withdrawn and returned to author.

Senate amendment 4 to **Senate Joint Resolution 53** offered by Senator Plale.

Senator S. Fitzgerald moved rejection of Senate amendment 4 to **Senate Joint Resolution 53**.

The question was: Rejection of Senate amendment 4 to **Senate Joint Resolution 53**?

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

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

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

Absent or not voting – None.

Rejected.

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 53**

Read a third time.

Senator Leibham in the chair.

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.

Adopted.

Senator Carpenter moved that the Senate adjourn.

Senator Carpenter, with unanimous consent, withdrew the motion to adjourn.

Senator Kedzie, with unanimous consent, asked that **Senate Joint Resolution 53** be immediately messaged.

Senator Plale, with unanimous consent, asked that the Senate recess until 3:26 P.M.

1:41 P.M.

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**RECESS**

3:26 P.M.

The Senate reconvened.

Senator A. Lasee in the chair.

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**QUORUM CALL**

The Chair noted the possible lack of a quorum.

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.

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

**Senate Bill 251**

Relating to: the regulation of traveling sales crews, requiring the exercise of rule-making authority, and providing penalties.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 251**?

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 251**

Read a third time and passed.

**Senate Bill 312**

Relating to: expanding relocations from nursing homes under a community integration program to include persons who are diverted from imminent entry into nursing homes.

Read a second time.

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

Adopted.

Ordered to a third reading.

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

**Senate Bill 312**

Read a third time and passed.

**Senate Bill 329**

Relating to: the parking of vehicles on highways.

Read a second time.

Senate amendment 1 to **Senate Bill 329** offered by Senator Darling.

The question was: Adoption of Senate amendment 1 to **Senate Bill 329**?

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 329**

Read a third time and passed.

**Senate Bill 353**

Relating to: exemption from construction standards for certain load-bearing dimension lumber.

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 353**

Read a third time and passed.

**Senate Bill 417**

Relating to: ineligibility of convicted felons for licensure as lobbyists.

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 417**

Read a third time and passed.

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

**Assembly Joint Resolution 59**

Relating to: the life and public service of Lance Cpl. Daniel Wyatt.

The question was: Shall **Assembly Joint Resolution 59** be concurred in?

Concurred in.

**Assembly Joint Resolution 65**

Relating to: the life and public service of Lyman F. Anderson.

The question was: Shall **Assembly Joint Resolution 65** be concurred in?

Concurred in.

**Assembly Joint Resolution 66**

Relating to: recognizing Robert Lang on his service to Big Brother Big Sisters.

The question was: Shall **Assembly Joint Resolution 66** be concurred in?

Concurred in.

Senator Jauch, with unanimous consent, asked that all members of the Senate be added as cosponsors of **Assembly Joint Resolution 66**.

**Assembly Bill 59**

Relating to: actions against forestry operations and granting rule-making authority.

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 59**

Read a third time and concurred in.

**Assembly Bill 103**

Relating to: disclosure of facsimile transmission numbers.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 103**

Read a third time and concurred in.

**Assembly Bill 113**

Relating to: licensure and record-keeping requirements for pawnbrokers and secondhand article and jewelry dealers.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 113**

Read a third time and concurred in.

**Assembly Bill 184**

Relating to: a prohibition against using state funds or resources or federal funds to provide or to facilitate the provision of hormonal therapy or sexual reassignment surgery to alter the appearance of a prisoner or forensic patient so that the prisoner or forensic patient appears more like the opposite gender.

Read a second time.

Senator Robson, with unanimous consent, asked that **Assembly Bill 184** be placed after **Assembly Bill 762** on the calendar.

**Assembly Bill 498**

Relating to: an income tax and franchise tax credit for property taxes paid on property owned by Goodwill Industries.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 498**?

Adopted.

Ordered to a third reading.

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

**Assembly Bill 498**

Read a third time.

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

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Robson, Roessler, Schultz, Stepp, Taylor and Wirch – 29.

Noes – Senators Grothman and Reynolds – 2.

Absent or not voting – Senators Risser and Zien – 2.

Concurred in.

Senator Roessler, with unanimous consent, asked that she, Senator Risser, and Senator Plale be granted a leave of absence for part of today's session.

#### **Assembly Bill 544**

Relating to: automatic fire sprinkler systems in certain residence halls and other student residential facilities and granting rule-making authority.

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 544**

Read a third time and concurred in.

#### **Assembly Bill 593**

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.

Ordered to a third reading.

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

#### **Assembly Bill 593**

Read a third time and concurred in.

#### **Assembly Bill 627**

Relating to: electronic voting system standards.

Read a second time.

Senator Reynolds, with unanimous consent, asked that Senate amendment 1 to **Assembly Bill 627** be withdrawn and returned to author.

Ordered to a third reading.

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

#### **Assembly Bill 627**

Read a third time and concurred in.

#### **Assembly Bill 635**

Relating to: participation by certain persons who buy potatoes in the Agriculture Producer Security Program and granting rule-making authority.

Read a second time.

Ordered to a third reading.

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

#### **Assembly Bill 635**

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 1; absent or not voting, 3; 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, Olsen, Plale, Reynolds, Robson, Schultz, Stepp, Taylor and Wirch – 29.

Noes – Senator Miller – 1.

Absent or not voting – Senators Risser, Roessler and Zien – 3.

Concurred in.

#### **Assembly Bill 762**

Relating to: exempting from motor carrier regulations certain vehicle combinations operated in intrastate commerce.

Read a second time.

Ordered to a third reading.

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

#### **Assembly Bill 762**

Read a third time and concurred in.

#### **Assembly Bill 184**

Relating to: a prohibition against using state funds or resources or federal funds to provide or to facilitate the provision of hormonal therapy or sexual reassignment surgery to alter the appearance of a prisoner or forensic patient so that the prisoner or forensic patient appears more like the opposite gender.

Senate amendment 1 to **Assembly Bill 184** offered by Senator Risser.

Senator Kanavas moved that Senate amendment 1 to **Assembly Bill 184** be laid on the table.

The question was: Shall Senate amendment 1 to **Assembly Bill 184** be laid on the table

Tabled.

Ordered to a third reading.

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

#### **Assembly Bill 184**

Read a third time and concurred in.

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

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### MOTIONS MAY BE OFFERED

Senator Schultz, with unanimous consent, asked that **Assembly Bill 844** be withdrawn from the committee on **Senate Organization** and taken up.

#### **Assembly Bill 844**

Relating to: the Health Insurance Risk-Sharing Plan; creating the Health Insurance Risk-Sharing Plan Authority; a health benefit program for persons eligible for tax credits for payment of premiums; an income and franchise tax credit for Health Insurance Risk-Sharing Plan assessments; and making an appropriation.

Read a second time.

Senate amendment 1 to **Assembly Bill 844** offered by Senators Robson, Hansen, Wirch and Miller.

Senator Risser, with unanimous consent, asked that the Journal reflect that he would have voted aye on concurrence in **Assembly Bill 498**.

Senator Kapanke moved rejection of Senate amendment 1 to **Assembly Bill 844**.

The question was: Rejection of Senate amendment 1 to **Assembly Bill 844**?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

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

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

Absent or not voting – Senator Roessler – 1.

Rejected.

Ordered to a third reading.

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

Senator Zien, with unanimous consent, asked that the Journal reflect that he would have voted aye on **Assembly Bill 498**.

#### **Assembly Bill 844**

Read a third time.

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

Ayes – Senators Breske, Brown, Carpenter, Coggs, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Olsen, Plale, Roessler, Schultz, Stepp, Taylor and Zien – 27.

Noes – Senators Cowles, Miller, Reynolds, Risser, Robson and Wirch – 6.

Absent or not voting – None.

Concurred in.

Senator Schultz, with unanimous consent, asked that **Assembly Bill 844** be immediately messaged to the Assembly.

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

#### **Assembly Joint Resolution 69**

Relating to: the life and public service of Dr. H. Rupert Theobald.

Senator Risser, with unanimous consent, asked that all members of the Senate be added as cosponsors of **Assembly Joint Resolution 69**.

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

Concurred in.

Senator Schultz, with unanimous consent, asked that **Assembly Joint Resolution 69** be immediately messaged to the Assembly.

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

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his staff member Sarah Lundquist Nuutinen, her husband, Aaron Nuutinen, and their new daughter Estelle Mary Nuutinen. Estelle was born on November 17 and will be three weeks old tomorrow. Mother and baby are doing well.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her son William Darling who recently became engaged to Nancy Anders.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his insurance agent, Peter Braun, who recently sold his business to David Insurance, and will be retiring at the end of this year. Peter began working in his father's agency around 1964, and has been working in the business ever since. Senator Wirch would like to wish Peter a happy retirement.

Senator Kapanke, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the men and women who lost their lives on December 7, 1941 at Pearl Harbor.

Senator Schultz, with unanimous consent, asked that when the Senate adjourn, it do so in honor of former LRB Director Dr. Rupert H. Theobald and that the following remarks of former Assembly Speaker Tom Loftus at Dr. Theobald's funeral be spread upon the Journal:

My condolences to the family of Dr. Rupert Theobald, and my thanks to you on behalf of generations of grateful legislators for sharing him with us.

On my first trip to Berlin in 1985, it was then usually referred to a divided Berlin, one of my hosts was the caretaker of the Reichstag. He watched over the building, keeping it not as a museum but as the parliament in waiting for the day of reunification. The chamber was there with all the seats, the

podium, the press gallery, waiting for the return of the deputies. In 1933, the Nazis came to power and the same year the Reichstag was set on fire. It was not rebuilt. The burned out shell of the building remained. A prominent reminder on the skyline of the impotence and failure of democracy as a way to govern. The Berlin of the shattered parliament was the one Rupert grew up in and the one he left when he came to Wisconsin in 1950.

When Rupert arrived, Joe McCarthy was in the United States Senate and Walter Kohler had just defeated a young Carl Thompson in the Governor's race. Joe would go and Carl went on to a long and admirable service in the State Senate. Rupert would have been keenly aware of all of this as he came here to learn to be a journalist. The Legislature was lucky Rupert ended up at the Legislative Reference Bureau. Because there are elections does not mean there is a democracy. Because there is a Legislature or parliament does not mean there is a democracy. When those elected get to office they have to find there an institution that itself is democratic. That is the trick of it all. The LRB was and is the democratic center that holds the Wisconsin's Legislature.

I am witness here to tell you that democracy in the Legislature weakened considerably about three in the morning when trying to pass a budget bill. It is this hour that popular will collides with unpopular individual liberties, even unpopular individuals. This is when I would walk to the LRB and into Rupert's office to talk about what could be done, what could not be done, and what should not be done. Rupert was the keeper of the precedent, the gatekeeper for the Constitution, and the alter ego for the leader.

And as a legislative leader your ego is so big you are shocked to learn there is someone to counsel you. That knows you well, and knew those that came before. He sees you as not there, but passing through, and that you owe considerable respect to those who tended the democratic garden before you, and you need to leave it without weeds and thorny bushes. So all this was the gift of Rupert.

But it was also that democracy is of institutions and they are not self-perpetuating. They are only as good as the men and women who have them in their temporary care.

So thank you Dr. Theobald.

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## ADJOURNMENT

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

Adjourned.

4:18 P.M.

### ***Motions Under Senate Rule 98 and Joint Rule 7 for the Month of November 2005***

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Lasee, for The Ariens Company, on the occasion of producing their two millionth Sno-Thro.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Cowles, for Ashwaubenon Jaguars High School Football team, on the occasion of winning the 2005 WIAA Division 2 State Championship.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Steven Baur, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Grothman, for Adam Bazelak, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Grothman, for Matthew Braunschweig, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Taylor, for Wanda Busey, on the occasion of her nomination for the Presidential Award of Excellence in Mathematics and Science.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Matthew James Coughlin, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Kanavas, for Matthew Dykehouse, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Lazich, for Jonathan Egan, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Schultz, for Catherine Farrey on the occasion of her retirement from state service after 30 years of distinguished service.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Roessler, for Tom Galecki, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Cowles, for Andy Hopfensperger, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Decker, for Derek Johnson, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Coggs, for Reverend Doctor Samuel C. Jones, on the occasion of his retirement after many years of dedicated service to Galilee Missionary Baptist Church.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Cowles, for Nick Machesney, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Kanavas, for Bryan McManus, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Erpenbach, for the Middleton High School, on the occasion of being recognized by the United States Department of Education with the No Child Left Behind Blue Ribbon Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Grothman, for Matthew Muelling, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Reynolds, for Matthew S. Olsen, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Radloff's Cheese, Inc., on the occasion of their many years of contributions to the dairy industry and cheesemaking in Wisconsin.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Harsdorf, for the River Falls High School Marching Wildcats, on the occasion of winning the Overall Performance in the state competition.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Hansen, for the family and friends of Roger C. Sachs, on the occasion of his remarkable life.*

*A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Kanavas, for Daniel Scott, on the occasion of earning and attaining the rank of the Eagle Scout Award.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for the York Memorial Lutheran Church, on the occasion of celebrating its 150th anniversary.*

*A certificate of congratulations by the Wisconsin Senate on the motion of Senator Schultz, for Schmitt Woodland Hills Retirement Community, on the occasion of celebrating 40 years of providing quality care and service.*

*A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Dustin James Venske, on the occasion of earning and attaining the rank of the Eagle Scout Award.*