



STATE OF WISCONSIN

Senate Journal

Ninety–Seventh Regular Session

12:01 A.M.

FRIDAY, March 3, 2006

The Senate met.

The Senate was called to order by Senator Lasee.

The Chair, with unanimous consent, asked that the roll call, prayer, and pledge of the previous day's session be applied to today's session.

INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Read first time and referred:

Senate Bill 649

Relating to: payment and repayment of a 1st class city police officer's pay and benefits after suspension or discharge.

By Senators Grothman, Coggs and Taylor; cosponsored by Representatives Toles, Colon, Wasserman, Wood, Richards, A. Williams, Grigsby, Fields, Parisi, Berceau and Jeskewitz.

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

Senate Bill 650

Relating to: registration and treatment records for services for mental illness, developmental disability, alcoholism, or drug dependence, exceptions to confidentiality for treatment records, and a good faith exception to liability for release of records by a record custodian.

By Senator Roessler; cosponsored by Representatives Strachota and Hahn.

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

Senate Bill 651

Relating to: the confidentiality of information entered into the statewide automated child welfare information system.

By Senator Roessler; cosponsored by Representatives Vos and Townsend.

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

Senate Bill 652

Relating to: substances covered by certain criminal statutes relating to the controlled substance pseudoephedrine.

By Senator Harsdorf; cosponsored by Representatives Rhoades and Sherman.

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

Senate Bill 653

Relating to: contracts with entities to operate resource centers and care management organizations under the Family Care Program.

By Senators Roessler, Darling, A. Lasee, Lassa, Wirch and Erpenbach; cosponsored by Representatives Kaufert, Gielow, Kestell, Shilling, Krawczyk, Underheim, LeMahieu, Mursau, Honadel, Ainsworth, Owens, Jeskewitz, Hahn, McCormick, Musser, Kreuser, Vruwink, Sheridan, Seidel, Lehman, Pope–Roberts and Molepske.

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

Senate Bill 654

Relating to: the hunting or possession of deer that are albino or that have entirely white coats and providing a penalty.

By Senators Jauch, Miller, Brown, Harsdorf and Lassa; cosponsored by Representatives Pettis, Gronemus, Musser, Hubler and Ott.

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

Senate Bill 655

Relating to: special joint legislative committee on strengthening Wisconsin's families.

By Senator Schultz; cosponsored by Representatives Loeffelholz, Albers and Freese.

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

PETITIONS AND COMMUNICATIONS

State of Wisconsin

March 3, 2006

The Honorable, The Senate:

Pursuant to Senate Rule 46(2)(c), I am writing to direct that **Assembly Bill 447** be withdrawn from the committee on **Housing and Financial Institutions** and rereferred to the committee on **Veterans, Homeland Security, Affairs, Small Business, and Government Reform**. I have obtained the consent of the appropriate chairperson.

Sincerely,

ALAN LASEE
Senate President

State of Wisconsin
Office of the Secretary of State

To the Honorable, the Senate:

<u>Bill Number</u>	<u>Act Number</u>	<u>Publication Date</u>
Senate Bill 525	Act 114	February 28, 2006

Senate Bill 45	Act 119	March 15, 2006
Senate Bill 322	Act 120	March 15, 2006
Senate Bill 361	Act 121	March 15, 2006
Senate Bill 411	Act 122	March 15, 2006

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin
Office of the Governor**

March 3, 2006

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint STANLEY, TIM, of Monona, as a member of the Cemetery 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.**

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 539**
- Assembly Bill 785**
- Assembly Bill 976**
- Assembly Bill 1072**
- Assembly Bill 1073**
- Assembly Bill 1074**

Adopted and asks concurrence in:

- Assembly Joint Resolution 84**

Amended and concurred in as amended:

- Senate Bill 259**
- Senate Bill 516**
- Senate Joint Resolution 33**

Concurred in:

- Senate Bill 161**
- Senate Bill 221**
- Senate Bill 312**
- Senate Bill 414**
- Senate Bill 495**
- Senate Bill 496**
- Senate Bill 497**
- Senate Bill 511**
- Senate Bill 520**
- Senate Bill 529**
- Senate Bill 577**
- Senate Bill 578**
- Senate Bill 646**

**MESSAGES FROM THE ASSEMBLY
CONSIDERED**

Assembly Bill 539

Relating to: adult protective services and providing penalties.

By Joint Legislative Council.

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

Assembly Bill 785

Relating to: protective placements and protective services, involuntary administration of psychotropic medication, and requiring the exercise of rule-making authority.

By Joint Legislative Council.

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

Assembly Bill 976

Relating to: a loan program for medical students who agree to practice medicine in rural areas, requiring the exercise of rule-making authority, and making an appropriation.

By Representatives Mursau, Rhoades, Ainsworth, Albers, Boyle, Davis, Freese, Gielow, Gronemus, Gunderson, Hahn, Hines, Hundertmark, Jeskewitz, Krawczyk, F. Lasee, LeMahieu, Loeffelholz, McCormick, Meyer, Molepske, Montgomery, Musser, Nischke, Ott, Owens, Petrowski, Pettis, Wood and Van Roy; cosponsored by Senators Roessler, Erpenbach, Hansen and Wirch.

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

Assembly Bill 1072

Relating to: awards to persons suffering damages as the result of medical malpractice and evidence of compensation for those damages.

By Representatives Gielow, Hahn, Hundertmark, Kerkman, Kreibich, F. Lasee, Newcomer, Nischke, Ott, Towns and Vukmir; cosponsored by Senators S. Fitzgerald, Kedzie, Leibham and Roessler.

Read first time and referred to committee on **Agriculture and Insurance.**

Assembly Bill 1073

Relating to: recovery of noneconomic damages in medical malpractice cases.

By Representatives Gielow, J. Fitzgerald, Wasserman, Ainsworth, Albers, Ballweg, Benedict, Davis, Fields, F. Lasee, Freese, Gottlieb, Gronemus, Gunderson, Hahn, Honadel, Hubler, Hundertmark, Kerkman, Krawczyk, Kreibich, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Montgomery, Musser, Nerison, Newcomer, Nischke, Ott, Pettis, Pridemore, Shilling, Seidel, Sheridan, Stone, Strachota, Suder, Towns, Underheim, Van Roy, Vos, Vruwink, Vukmir, Ward and Ziegelbauer; cosponsored by Senators S. Fitzgerald, Brown, Cowles, Darling, Grothman, Harsdorf, Kapanke, Kedzie, A. Lasee, Leibham, Olsen, Roessler and Zien.

Read first time and referred to committee on **Agriculture and Insurance.**

Assembly Bill 1074

Relating to: recovery of attorney fees in medical malpractice cases.

By Representatives Vos, Vukmir, J. Fitzgerald, Gielow, Lothian, Ainsworth, Musser, Kleefischer, Newcomer, Pridemore, Jeskewitz, Nass, Kerkman, Underheim, F. Lasee, LeMahieu, Ballweg, Owens, Kestell, Hahn and Albers;

cosponsored by Senators S. Fitzgerald, A. Lasee, Reynolds, Kedzie, Roessler, Darling and Leibham.

Read first time and referred to committee on **Agriculture and Insurance**.

Assembly Joint Resolution 84

Relating to: commending the Green Bay Packers and American Family Insurance, along with the help of Deanna Favre, for raising more than \$1,000,000 for 12 charities focused on prevention, treatment, and research of breast cancer.

By Representatives Montgomery and Gard; cosponsored by Senator Cowles.

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

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

Senate Clearinghouse Rule 04-095

Relating to the requirements for administering the office facilities and equipment for safe and effective administration and the applicable standards of care, and to provide for reporting of adverse occurrences related to anesthesia administration.

Submitted by Department of Regulation and Licensing.

Report objection in part by committee on Health, Children, Families, Aging and Long Term Care.

Referred to joint committee for **Review of Administrative Rules**, March 3, 2006.

THIRD READING OF JOINT RESOLUTIONS AND BILLS

Assembly Bill 21

Relating to: computing expense deductions and amortization and depreciation on property used in farming for income and franchise tax purposes.

Read a third time.

The Chair noted the possible lack of a quorum.

The roll was called and a quorum determined present.

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

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

12:08 A.M.

STOOD INFORMAL

12:08 A.M.

The Senate reconvened.

Senator Lasee in the chair.

The question was: Shall **Assembly Bill 21** be concurred in?

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

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

Noes – Senators Breske, Carpenter, Coggs, Cowles, Decker, Ellis, Hansen, Jauch, Miller, Plale, Reynolds, Risser, Taylor and Wirch – 14.

Absent or not voting – Senator Erpenbach – 1.

Concurred in.

Senator Schultz, with unanimous consent, asked that **Assembly Bill 21** be messaged to the Assembly.

Messaged.

Senate Bill 618

Relating to: the Milwaukee Parental Choice Program and the Student Achievement Guarantee in Education Program.

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 19; noes, 13; absent or not voting, 1; as follows:

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

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

Absent or not voting – Senator Erpenbach – 1.

Passed.

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

Messaged.

ADJOURNMENT

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

Adjourned.

12:12 A.M.

AMENDMENTS OFFERED

Senate amendment 1 to **Assembly Bill 788** offered by Senator Stepp.

Senate substitute amendment 2 to **Senate Bill 116** offered by Senator Erpenbach.

Senate amendment 2 to **Senate Bill 530** offered by Senator Roessler.

Senate substitute amendment 1 to **Senate Bill 628** offered by Senator Olsen.

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Bill 164

Senate Bill 323

Senate Bill 324

Senate Bill 382

Senate Bill 448

Senate Bill 463

Senate Bill 482

Senate Bill 584

Senate Bill 646

Senate Joint Resolution 13

Senate Joint Resolution 53

Senate Joint Resolution 67

Senate Joint Resolution 65

Senate Joint Resolution 66

Senate Joint Resolution 64

Senate Joint Resolution 62

Senate Joint Resolution 58

Senate Joint Resolution 34

Report correctly enrolled on March 3, 2006.

**LEGISLATIVE REFERENCE BUREAU
CORRECTIONS**

CORRECTIONS IN:

2005 SENATE BILL 646

Prepared by the Legislative Reference Bureau
(March 2, 2006)

1. Page 2, line 18: delete "BACTERIAL CONTAMINATION."
and substitute "*Bacterial contamination.*".