



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Eighth Regular Session

12:09 P.M.

TUESDAY, February 19, 2008

The Senate met.

The Senate was called to order by President Risser.

Senator Decker, with unanimous consent, asked that the roll call, prayer, and pledge of the special session be applied to the regular session.

### CALL OF ROLL

Senators Breske, Carpenter, Cogg, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 33.

Absent – None.

Absent with leave – None.

### CHIEF CLERK'S ENTRIES

#### AMENDMENTS OFFERED

Senate amendment 1 to **Assembly Bill 69** offered by Senator Plale.

Senate amendment 1 to **Senate Bill 286** offered by Senator Hansen.

Senate amendment 2 to **Senate Bill 436** offered by Senator Hansen.

Senate amendment 1 to **Senate Bill 480** offered by Senator Lassa.

#### LEGISLATIVE REFERENCE BUREAU CORRECTIONS

#### CORRECTIONS IN:

#### TO 2007 SENATE BILL 462

Prepared by the Legislative Reference Bureau  
(February 18, 2008)

1. Page 4, line 6: delete “(b)” and substitute “(g)”.

### INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS; REFERENCE OF APPOINTMENTS

Read first time and referred:

#### Senate Bill 501

Relating to: the early stage seed and angel investment tax credits, the submission of budget information by the

department of commerce, and allocating funding to the technology commercialization grant and loan program.

By Senators Sullivan, Kanavas, Taylor, Kedzie, Darling and Roessler; cosponsored by Representatives Strachota, Hintz, Shilling, Sinicki, Jeskewitz, Hahn, Musser, Albers, Bies, Vos, Townsend, LeMahieu and Molepske.

To committee on **Veterans and Military Affairs, Biotechnology and Financial Institutions.**

#### Senate Bill 502

Relating to: single trip permits for the movement of oversize mobile homes, manufactured homes, and modular homes.

By Senators Lassa, Cowles, Kedzie, Kreitlow, Lehman, Olsen, Roessler, Schultz and Taylor; cosponsored by Representatives Petrowski, Albers, Ballweg, Bies, Gunderson, Jeskewitz, Kestell, Molepske, Musser, Nass, Nerison, Sheridan, Suder, Vos and Vruwink.

To committee on **Transportation and Tourism.**

#### Senate Bill 503

Relating to: regulating substitutes for ozone–depleting refrigerants used in mobile air conditioners.

By Senator Grothman; cosponsored by Representatives LeMahieu, Kestell, Hahn, Vos, Albers, Gottlieb and Townsend.

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

#### Senate Bill 504

Relating to: supervision of barber or cosmetologist apprentices.

By Senators Taylor and Lassa; cosponsored by Representatives Van Roy, Young, A. Williams, Albers, Bies and Grigsby.

To committee on **Health, Human Services, Insurance, and Job Creation.**

#### Senate Bill 505

Relating to: grants to community action agencies for skills enhancement programs and making an appropriation.

By Senators Lassa, Erpenbach, Hansen, Harsdorf, Miller, Robson, Roessler and Schultz; cosponsored by Representatives Ballweg, Albers, Berceau, Davis, Grigsby, Jeskewitz, Molepske, Seidel, Sheridan, Sinicki, Townsend, A. Williams and Zepnick.

To committee on **Tax Fairness and Family Prosperity.**

#### Senate Bill 506

Relating to: income and franchise tax credits for insulating concrete forms used to construct a building and energy efficient products.

By Senators Leibham, Schultz, Kedzie, A. Lasee and Roessler; cosponsored by Representatives Albers, Gunderson, Hahn, Owens, Townsend and Wood.

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

**Senate Bill 507**

Relating to: technical college attendance under Wisconsin Works.

By Senators Plale, Kanavas, Sullivan and Darling; cosponsored by Representatives Jeskewitz, Grigsby, Sinicki, Hahn, A. Williams, Hintz, Musser, Sheridan and Zepnick.

To committee on **Small Business, Emergency Preparedness, Workforce Development, Technical Colleges and Consumer Protection.**

**Senate Bill 508**

Relating to: increasing fees at technical colleges for collegiate transfer programs.

By Senator Plale; cosponsored by Representatives Jeskewitz, Bies and Gunderson.

To committee on **Small Business, Emergency Preparedness, Workforce Development, Technical Colleges and Consumer Protection.**

**Senate Bill 509**

Relating to: driver education instruction and driver's license examinations.

By Senators Kreitlow, Olsen, Schultz, Kedzie, Cowles, Jauch, Carpenter, Lassa and Taylor; cosponsored by Representatives Moulton, Wood, Petrowski, Kaufert, Zepnick, Smith, Musser, Mursau, Hahn, Lothian, Molepske, LeMahieu, Berceau, Ballweg and Albers.

To committee on **Transportation and Tourism.**

**Senate Bill 510**

Relating to: requiring the combined reporting of corporate income and franchise taxes; supplemental funding for the renewable energy grant and loan program; Wisconsin higher education grants for technical college students; income eligibility for child care subsidies; incentive grants to technical college district boards for training in advanced manufacturing skills; airport development zone and technology zone tax credits; funding for the Department of Transportation; the Regional Transit Authority and commuter rail transit systems; authorizing the Wisconsin Health and Educational Facilities Authority to issue bonds to finance projects related to research facilities; and making an appropriation.

By Senators Kreitlow, Hansen, Breske, Wirch, Coggs, Decker, Erpenbach, Lassa, Lehman, Miller, Plale, Taylor, Robson and Risser; cosponsored by Representatives Smith, Berceau and Gronemus.

To joint committee on **Finance.**

**Senate Bill 511**

Relating to: registration plates for vehicle transporters.

By Senators Plale, Lehman, Grothman and Cowles; cosponsored by Representatives Honadel, Krusick, Stone, Murtha, Lothian, Ballweg, Albers, Townsend and Zepnick.

To committee on **Transportation and Tourism.**

**Senate Bill 512**

Relating to: mandatory overtime hours worked by health care workers employed by health care facilities and providing penalties.

By Senators Robson, Coggs, Lehman, Carpenter, Miller, Hansen and Erpenbach; cosponsored by Representatives Benedict, Zepnick, Van Akkeren, Turner, Boyle, Berceau, Kessler, Pocan, Sheridan, Grigsby, Toles, Richards, Mason, Staskunas, Colon and Hintz.

To committee on **Labor, Elections and Urban Affairs.**

**Senate Bill 513**

Relating to: increasing the fee for a snowmobile trail use sticker.

By Senators Breske, Erpenbach and Cowles; cosponsored by Representatives Musser, Turner, LeMahieu, Vruwink, A. Ott and Nelson.

To committee on **Transportation and Tourism.**

**Senate Bill 514**

Relating to: all-terrain vehicle routes and trails that may be used by operators of lightweight utility vehicles.

By Senator Breske; cosponsored by Representatives Mursau, Boyle and Friske.

To committee on **Transportation and Tourism.**

**Senate Bill 515**

Relating to: voluntary contributions for funding aquatic invasive species grants and making an appropriation.

By Senators Breske, Jauch, Lehman, Roessler, Lassa and Wirch; cosponsored by Representatives Boyle and Vos.

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

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**PETITIONS AND COMMUNICATIONS**

Pursuant to Senate Rule 17 (5), Senator Cowles added as a coauthor of **Senate Bill 273.**

Pursuant to Senate Rule 17 (5), Senator Carpenter added as a coauthor of **Senate Bill 390.**

Pursuant to Senate Rule 17 (5), Senator Lassa added as a cosponsor of **Assembly Bill 100.**

Pursuant to Senate Rule 17 (5), Representatives Ballweg, Hixson, Jorgensen, Lothian, Mursau and Nerison added as a cosponsors of **Senate Bill 500.**

Pursuant to Senate Rule 17 (5), Representative Hintz added as a cosponsor of **Senate Bill 471.**

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**ADVICE AND CONSENT OF THE SENATE**

Senator Decker, with unanimous consent, asked that all appointments except those of Senator Cowles, Senator Hansen, and Richard Raemisch, be taken up en masse.

AHERN, TRIPP, of Fond du Lac, as a member of the Lower Fox River Remediation Authority, to serve for the term ending June 30, 2009.

CONWAY, GREGORY, of DePere, as a member of the Lower Fox River Remediation Authority, to serve for the term ending June 30, 2011.

GRAHAM, ALFONSO, of Brookfield, as Chairman of the Parole Commission, to serve for the term ending March 1, 2007.

GRAHAM, ALFONSO, of Brookfield, as Chairman of the Parole Commission, to serve for the term ending March 1, 2009.

SCHILLINGER, PATRICK, of De Pere, as a member of the Lower Fox River Remediation Authority, to serve for the term ending June 30, 2011.

STEGEMAN, DAVID, of Mequon, as a member of the Lower Fox River Remediation Authority, to serve for the term ending June 30, 2009.

WALL, JAMES, of Green Bay, as a member of the Lower Fox River Remediation Authority, to serve for the term ending June 30, 2009.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

COWLES, ROBERT, of Green Bay, as a member of the Lower Fox River Remediation Authority, to serve for the term ending June 30, 2013.

Read.

Senator Cowles, with unanimous consent, asked to be excused from voting on the appointment, pursuant to Senate Rule 73(1).

The question was: Confirmation?

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

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

Noes – None.

Absent or not voting – Senator Cowles – 1.

Confirmed.

HANSEN, DAVE, of Green Bay, as a member of the Lower Fox River Remediation Authority, to serve for the term ending June 30, 2011.

Read.

Senator Hansen, with unanimous consent, asked to be excused from voting on the appointment, pursuant to Senate Rule 73(1).

The question was: Confirmation?

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

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

Noes – None.

Absent or not voting – Senator Hansen – 1.

Confirmed.

RAEMISCH, RICHARD, of Madison, as Secretary of the Department of Corrections, to serve for the term ending at the pleasure of the Governor.

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

Noes – None.

Absent or not voting – None.

Confirmed.

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

Messaged.

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## CONSIDERATION OF MOTIONS, RESOLUTIONS, AND JOINT RESOLUTIONS NOT REQUIRING A THIRD READING

### Senate Joint Resolution 89

Relating to: proclaiming March of every year as Irish–American Heritage Month.

Adopted.

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

### Senate Bill 37

Relating to: regulation of unsafe children's products, extending the time limit for and providing an exemption from emergency rule procedures, requiring the exercise of rule-making authority, and providing a penalty.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 37**?

Adopted.

The question was: Adoption of Senate amendment 2 to **Senate Bill 37**?

Adopted.

Senate amendment 3 to **Senate Bill 37** offered by Senator Lassa.

The question was: Adoption of Senate amendment 3 to **Senate Bill 37**?

Adopted.

Ordered to a third reading.

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

### Senate Bill 37

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 33.

Noes – None.

Absent or not voting – None.

Passed.

### **Senate Bill 99**

Relating to: prohibitions against certain telephone and facsimile solicitations, authorizing a private cause of action, and providing a penalty.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 99**?

Adopted.

Ordered to a third reading.

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

### **Senate Bill 99**

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 33.

Noes – None.

Absent or not voting – None.

Passed.

### **Senate Bill 108**

Relating to: requiring instruction in public schools on the history of organized labor in America and the collective bargaining process.

Read a second time.

Ordered to a third reading.

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

### **Senate Bill 108**

Read a third time.

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

Ayes – Senators Breske, Carpenter, Coggs, Decker, Ellis, Erpenbach, Hansen, Jauch, Kreitlow, Lassa, Lehman, Miller, Plale, Risser, Robson, Sullivan, Taylor, Vinehout and Wirch – 19.

Noes – Senators Cowles, Darling, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Roessler and Schultz – 14.

Absent or not voting – None.

Passed.

### **Senate Bill 126**

Relating to: notification of the state regarding a medical malpractice claim.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 126**?

Adopted.

Ordered to a third reading.

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

### **Senate Bill 126**

Read a third time.

The ayes and noes were required and the vote was: ayes, 28; noes, 5; absent or not voting, 0; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kapanke, Kedzie, Kreitlow, Lassa, Lehman, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 28.

Noes – Senators Darling, Kanavas, A. Lasee, Lazich and Leibham – 5.

Absent or not voting – None.

Passed.

### **Senate Bill 167**

Relating to: a state electrical wiring code; regulation of electricians, electrical contractors, and electrical inspectors; inspections of electrical wiring; regulation of electrical wiring; regulation of heating and air conditioning contractors by a county with a population of 500,000 or more; and granting rule-making authority.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 167**?

Adopted.

The question was: Adoption of Senate amendment 3 to **Senate Bill 167**?

Adopted.

Ordered to a third reading.

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

### **Senate Bill 167**

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 33.

Noes – None.

Absent or not voting – None.

Passed.

**Senate Bill 171**

Relating to: public financing of campaigns for the office of justice of the supreme court, making appropriations, and providing penalties.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 171**

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, Carpenter, Coggs, Darling, Decker, Ellis, Erpenbach, Hansen, Harsdorf, Jauch, Kreitlow, Lassa, Lehman, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 23.

Noes – Senators Cowles, S. Fitzgerald, Grothman, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham and Roessler – 10.

Absent or not voting – None.

Passed.

**Senate Bill 194**

Relating to: the licensing and regulation of thermal system insulation and fire-stop product mechanics and contractors; creating a thermal system insulation and fire-stop council; requiring the employment of a state inspector; establishing standards for installing, removing, and maintaining thermal system insulation and fire-stop products; requiring the exercise of rule-making authority; and providing a penalty.

Read a second time.

The question was: Adoption of Senate substitute amendment 2 to **Senate Bill 194**?

Adopted.

Ordered to a third reading.

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

**Senate Bill 194**

Read a third time.

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

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Jauch, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lehman, Miller, Olsen, Plale, Risser, Robson, Sullivan, Taylor, Vinehout and Wirch – 26.

Noes – Senators Grothman, Harsdorf, Kanavas, Lazich, Leibham, Roessler and Schultz – 7.

Absent or not voting – None.

Passed.

**Senate Bill 223**

Relating to: expanding the area in which a tax incremental district's project costs may be expended.

Read a second time.

Senator Decker, with unanimous consent, asked that **Assembly Bill 409** be withdrawn from the committee on **Economic Development** and taken up at this time.

**Assembly Bill 409**

Relating to: expanding the area in which a tax incremental district's project costs may be expended.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 409**

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 33.

Noes – None.

Absent or not voting – None.

Concurred in.

Senator Decker, with unanimous consent, asked that **Senate Bill 223** be laid on the table.

**Senate Bill 273**

Relating to: the regulation of certain suppliers of liquefied petroleum gas, applicability of the statewide system for notification of the location of transmission facilities, granting rule-making authority, and providing a penalty.

Read a second time.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 273**?

Adopted.

The question was: Adoption of Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 273**?

Adopted.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 273**?

Adopted.

Ordered to a third reading.

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

**Senate Bill 273**

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 33.

Noes – None.

Absent or not voting – None.

Passed.

**Senate Bill 284**

Relating to: open burning of solid waste, illegal storage or disposal of waste tires, and providing a penalty.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 284**?

Adopted.

Ordered to a third reading.

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

**Senate Bill 284**

Read a third time and passed.

**Senate Bill 341**

Relating to: salaries of deputy district attorneys.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 341**

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 33.

Noes – None.

Absent or not voting – None.

Passed.

**Senate Bill 346**

Relating to: products containing mercury and granting rule-making authority.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 346**?

Adopted.

Ordered to a third reading.

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

**Senate Bill 346**

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 3; absent or not voting, 0; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, Lassa, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 30.

Noes – Senators Grothman, A. Lasee and Lazich – 3.

Absent or not voting – None.

Passed.

**Senate Bill 350**

Relating to: required judicial findings and orders when a child is placed outside the home, termination of parental rights warnings, mandatory child abuse or neglect reporters, the confidentiality of social services records, changing from child caring institution to residential care center for children and youth the term used to describe a facility operated by a licensed child welfare agency for the care and maintenance of children residing in that facility, changing from day care to child care the term used to describe care and supervision for children for less than 24 hours a day, and renumbering the definition of neglect (suggested as remedial legislation by the Department of Health and Family Services).

Read a second time.

Ordered to a third reading.

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

**Senate Bill 350**

Read a third time and passed.

**Senate Bill 353**

Relating to: collective bargaining process for University of Wisconsin System faculty and academic staff and making appropriations.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 353**?

Adopted.

Ordered to a third reading.

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

**Senate Bill 353**

Read a third time.

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

Ayes – Senators Breske, Carpenter, Coggs, Decker, Ellis, Erpenbach, Hansen, Jauch, Kapanke, Kreitlow, Lassa, Lehman, Miller, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 21.

Noes – Senators Cowles, Darling, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Olsen and Roessler – 12.

Absent or not voting – None.

Passed.

**Senate Bill 368**

Relating to: the operation of certain 3–vehicle combinations on certain highways without a permit (suggested as remedial legislation by the Department of Transportation).

Read a second time.

Ordered to a third reading.

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

**Senate Bill 368**

Read a third time and passed.

**Senate Bill 369**

Relating to: occupational licenses for certain offenders (suggested as remedial legislation by the Department of Transportation).

Read a second time.

Ordered to a third reading.

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

**Senate Bill 369**

Read a third time and passed.

**Senate Bill 370**

Relating to: depositing all revenue from the assessment on licensed beds of nursing homes and intermediate care facilities for the mentally retarded into the Medical Assistance trust fund (suggested as remedial legislation by the Department of Health and Family Services).

Read a second time.

Ordered to a third reading.

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

**Senate Bill 370**

Read a third time and passed.

**Senate Bill 381**

Relating to: rules requiring that certain buildings be superinsulated.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 381**

Read a third time and passed.

**Senate Bill 390**

Relating to: increasing the size of the city of Milwaukee Board of Fire and Police Commissioners, authorizing a panel of the board to decide certain cases, and the adjournment of a trial or investigation relating to charges brought against an officer.

Read a second time.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 390** offered by Senators Carpenter and Lazich.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 390**?

Adopted.

Senator Taylor moved reconsideration of the vote by which Senate amendment 1 to Senate substitute amendment 1 was adopted.

The question was: Shall the vote by which Senate amendment 1 to Senate substitute amendment 1 was adopted be reconsidered?

The ayes and noes were required and the vote was: ayes, 28; noes, 5; absent or not voting, 0; as follows:

Ayes – Senators Breske, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lehman, Leibham, Miller, Olsen, Plale, Risser, Roessler, Schultz, Sullivan, Taylor and Wirch – 28.

Noes – Senators Carpenter, Harsdorf, Lazich, Robson and Vinehout – 5.

Absent or not voting – None.

Reconsidered.

Senator Taylor moved rejection of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 390**.

The question was: Rejection of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 390**?

The ayes and noes were required and the vote was: ayes, 22; noes, 11; absent or not voting, 0; as follows:

Ayes – Senators Breske, Darling, Decker, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lehman, Miller, Olsen, Plale, Robson, Sullivan, Taylor and Wirch – 22.

Noes – Senators Carpenter, Coggs, Cowles, Ellis, Grothman, Lazich, Leibham, Risser, Roessler, Schultz and Vinehout – 11.

Absent or not voting – None.

Rejected.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 390**?

Adopted.

Ordered to a third reading.

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

**Senate Bill 390**

Read a third time and passed.

**Senate Bill 393**

Relating to: background checks for personal care workers.

Read a second time.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 393**?

Adopted.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 393**?

Adopted.

Ordered to a third reading.

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

**Senate Bill 393**

Read a third time and passed.

**Senate Bill 396**

Relating to: online courses for elementary and secondary school pupils and granting rule-making authority.

Senator Decker, with unanimous consent, asked that **Senate Bill 396** be placed at the foot of the calendar.

**Senate Bill 417**

Relating to: increasing the allowable number of project plan amendments for tax incremental district number 2 in the village of Pleasant Prairie.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 417**?

Adopted.

Ordered to a third reading.

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

**Senate Bill 417**

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 33.

Noes – None.

Absent or not voting – None.

Passed.

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

Messaged.

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

**Assembly Bill 100**

Relating to: the requirement that motor vehicles be equipped with safety glass.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 100**

Read a third time and concurred in.

**Assembly Bill 361**

Relating to: child in need of protection or services, jurisdiction over a child whose guardian is unable or needs assistance to care for or provide necessary special treatment or

care for the child, but is unwilling or unable to sign a petition requesting that jurisdiction.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 361**

Read a third time and concurred in.

**Assembly Bill 500**

Relating to: issuance of retail intoxicating liquor licenses.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 500**

Read a third time and concurred in.

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

Messaged.

Senator Decker, with unanimous consent, asked that the Senate recess until 3:30 P.M.

2:50 P.M.

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**RECESS**

3:30 P.M.

The Senate reconvened.

President Risser in the chair.

The Chair noted the possible lack of a quorum. The roll was called and a quorum was present.

**Senate Bill 396**

Relating to: online courses for elementary and secondary school pupils and granting rule-making authority.

Read a second time.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 396** offered by Senators Lehman and Decker.

Senator Roessler moved rejection of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 396**.

The question was: Rejection of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 396**?

Rejection refused.

Senator Ellis moved that Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 396** be laid on the table.

The question was: Shall Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 396** be laid on the table?

The ayes and noes were required and the vote was: ayes, 16; noes, 17; absent or not voting, 0; as follows:

Ayes – Senators Cowles, Darling, Ellis, Erpenbach, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Roessler and Schultz – 16.

Noes – Senators Breske, Carpenter, Coggs, Decker, Hansen, Jauch, Kreitlow, Lassa, Lehman, Miller, Plale, Risser, Robson, Sullivan, Taylor, Vinehout and Wirch – 17.

Absent or not voting – None.

Tabling refused.

Senator S. Fitzgerald moved rejection of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 396**.

The question was: Rejection of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 396**?

The ayes and noes were required and the vote was: ayes, 16; noes, 17; absent or not voting, 0; as follows:

Ayes – Senators Cowles, Darling, Ellis, Erpenbach, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Roessler and Schultz – 16.

Noes – Senators Breske, Carpenter, Coggs, Decker, Hansen, Jauch, Kreitlow, Lassa, Lehman, Miller, Plale, Risser, Robson, Sullivan, Taylor, Vinehout and Wirch – 17.

Absent or not voting – None.

Rejection refused.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 396**?

The ayes and noes were required and the vote was: ayes, 16; noes, 17; absent or not voting, 0; as follows:

Ayes – Senators Breske, Coggs, Decker, Hansen, Jauch, Kreitlow, Lassa, Lehman, Miller, Plale, Risser, Robson, Sullivan, Taylor, Vinehout and Wirch – 16.

Noes – Senators Carpenter, Cowles, Darling, Ellis, Erpenbach, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Roessler and Schultz – 17.

Absent or not voting – None.

Adoption Refused.

Senator Decker asked unanimous consent that **Senate Bill 396** be referred to the committee on **Senate Organization**.

Senator Fitzgerald objected.

Senator Carpenter moved reconsideration of the vote by which Senate amendment 1 to Senate substitute amendment 1 failed to be adopted.

The question was: Shall the vote by which Senate amendment 1 to Senate substitute amendment 1 failed to be adopted be reconsidered?

The ayes and noes were required and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Decker, Hansen, Jauch, Kreitlow, Lassa, Lehman, Miller, Plale, Risser, Robson, Sullivan, Taylor, Vinehout and Wirch – 17.

Noes – Senators Cowles, Darling, Ellis, Erpenbach, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Roessler and Schultz – 16.

Absent or not voting – None.

Reconsidered.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 396**?

The ayes and noes were required and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Decker, Hansen, Jauch, Kreitlow, Lassa, Lehman, Miller, Plale, Risser, Robson, Sullivan, Taylor, Vinehout and Wirch – 17.

Noes – Senators Cowles, Darling, Ellis, Erpenbach, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Roessler and Schultz – 16.

Absent or not voting – None.

Adopted.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 396**?

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

Ayes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Kreitlow, Lassa, Lehman, Miller, Plale, Risser, Robson, Sullivan, Taylor, Vinehout and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Roessler and Schultz – 15.

Absent or not voting – None.

Adopted.

Ordered to a third reading.

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

### **Senate Bill 396**

Read a third time.

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

Ayes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Kreitlow, Lassa, Lehman, Miller, Plale, Risser, Robson, Sullivan, Taylor, Vinehout and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Roessler and Schultz – 15.

Absent or not voting – None.

Passed.

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

Messaged.

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

Senator Lehman, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Walter M. Stenavich, upon his retirement from the Wisconsin Board of Veterans Affairs where he served from 2001–2007. He served as chairman January 2004 – January 2005. Wally and his wife Ann have been wonderful, community-minded citizens of Racine. We wish them well in retirement.

Senator Lassa, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Eloise M. Hawley who passed away on February 5, 2008. She will be deeply missed by all her family and friends.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Wilson Shierk, Pat Mangi, Kim Emer, Julie Kmiec, Tina Rende, Eddie Strzelecki, Christina Fast, Jenny Ferguson, Judy Gregory, Sandy Rende, Peter Emer, Ellan Albrecht, Ryan Ferguson, Joe Kmiec, and Roland Gregory from Kenosha who traveled to the Dominican Republic and provided eyeglasses to 560 people, gave eye exams and cataract surgery.

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Joe McClain as we celebrate Black History month. Mr. McClain, a Wisconsin Resident, is one of the many unsung heroes of the civil rights movement. As a member of the Commandoes, McClain escorted Vel Phillips, who was elected as the first woman and first African-American to the Milwaukee Common Council, safely getting her to council meetings, community marches and safely home each night as she and Father Groppi fought for open housing in Milwaukee. He did this without fear for his own safety in the tumultuous and racially charged atmosphere of the 1960's.

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Andrew Douglas. Mr. Douglas, a Wisconsin educator, was instrumental in the fight for free lunch being offered in the public school system, fought for open transfers, adequate books, and necessary school repairs to facilities attended by Milwaukee's school children, and worked for school integration policies that were the least disruptive to the children of his district. Douglas would come to be known as such an influential leader, that he was eventually named Wisconsin's 1st Black Principal of the Year, going on to consult with school districts around the country and culminating with a Milwaukee Public School being named in his honor. I'd also like to adjourn in the memory of Andrew

Douglas and his untold and selfless acts to assist the civil rights movement, children of Milwaukee and the education of this country's children.

Senator Coggs, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Black History Month, and as we debated education today, I would hope that we would adjourn in honor of Thurgood Marshall. Thurgood Marshall was the lead NAACP attorney who argued the United States Supreme Court case "Brown vs. the Board of Education." He won that decision because he knew that in education, "separate, but equal" could never be equal. That appearance before the U.S. Supreme Court was a warm up for what was to transpire later. Thurgood Marshall eventually became the 1st African-American to sit on the U.S. Supreme Court. So when we adjourn, I would hope we adjourn in honor of Thurgood Marshall.

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## ADJOURNMENT

Senator Decker, with unanimous consent, asked that the Senate adjourn until Thursday, February 19, 2008.

Adjourned.

5:43 P.M.