



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Eighth Regular Session

12:36 P.M.

TUESDAY, March 4, 2008

The Senate met.

The Senate was called to order by President Risser.

### CALL OF ROLL

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

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.

Absent – None.

Absent with leave – None.

The Senate stood for the prayer which was offered by Reverend David Brandfass from West Middleton Lutheran Church in Verona.

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

### CHIEF CLERK'S ENTRIES

#### AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 251** offered by Senator Lehman.

Senate amendment 1 to **Senate Bill 439** offered by Senator Wirch.

Senate amendment 1 to **Senate Bill 446** offered by Senator Jauch.

#### SENATE ENROLLED PROPOSALS

The Chief Clerk records:

**Senate Bill 136**  
**Senate Bill 292**  
**Senate Bill 297**  
**Senate Bill 301**  
**Senate Bill 310**  
**Senate Bill 366**  
**Senate Bill 393**  
**Senate Bill 431**  
**Senate Bill 473**  
**Senate Bill 485**

#### **Senate Bill 509**

#### **Senate Joint Resolution 87**

Report correctly enrolled on 3–4–2008.

#### BILLS PRESENTED TO THE GOVERNOR

The Chief Clerk records:

#### **Senate Bill 1**

#### **Senate Bill 167**

#### **Senate Bill 279**

Presented to the Governor on 3–4–2008.

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

Read and referred:

#### **Senate Joint Resolution 97**

Relating to: state recognition of the sovereign status of federally recognized American Indian tribes and bands.

By Senators Jauch, Robson, Harsdorf, Plale, Miller, Kreitlow, Vinehout, Coggs, Lehman, Taylor, Wirch, Carpenter, Risser, Breske, Decker, Hansen, Darling and Schultz; cosponsored by Representatives Musser, Soletski, Mursau, Sherman and Grigsby.

To committee on **Senate Organization**.

#### **Senate Joint Resolution 98**

Relating to: commending Mayor Theresa M. Estness on her career and service to the citizens of Wisconsin.

By Senators Sullivan, Taylor, Darling and Roessler; cosponsored by Representatives Cullen, Jeskewitz, Grigsby, Kessler and Albers.

To committee on **Senate Organization**.

Read first time and referred:

#### **Senate Bill 554**

Relating to: exempting certain lifts from the statutes regulating the installation of elevators and similar conveyances, exempting personnel hoists and material hoists from the statutes regulating the installation and operation of elevators and similar conveyances, rules implementing the statutes regulating the installation and operation of elevators and similar conveyances, and delaying the effective date for statutes regulating the installation and operation of elevators and similar conveyances.

By Senator Plale; cosponsored by Representative Kleefisch.

To committee on **Commerce, Utilities and Rail**.

**Senate Bill 555**

Relating to: public notification of the location of sexually violent persons.

By Senators Lazich and Darling; cosponsored by Representatives Kleefisch, Owens and Turner.

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

**Senate Bill 556**

Relating to: the transfer of, and the and residency requirements under, the film production tax credits.

By Senators Plale, Kanavas, Kapanke, Darling, Roessler, Schultz and Hansen; cosponsored by Representatives Strachota, Zepnick, Molepske, Vos, F. Lasee, Sheridan, Berceau, Moulton, Van Roy, Seidel and Hahn.

To committee on **Commerce, Utilities and Rail**.

**Senate Bill 557**

Relating to: state special education aid for the salaries of certain pupil services personnel and granting rule-authority.

By Senators Lehman, Darling, Erpenbach, Olsen, Roessler and Schultz; cosponsored by Representatives Davis, Berceau, Hahn, Molepske and Turner.

To committee on **Education**.

**Senate Bill 558**

Relating to: the definition of plumbing.

By Senator Plale; cosponsored by Representatives Hines, Mursau, A. Ott and Townsend.

To committee on **Commerce, Utilities and Rail**.

**Senate Bill 559**

Relating to: the penalty for failing to stop at the scene of a motor vehicle accident.

By Senator Grothman; cosponsored by Representative Strachota.

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

**Senate Bill 560**

Relating to: to: the amount of sales and use taxes that a retailer may retain for administrative purposes.

By Senators Erpenbach, Lehman, Miller and Risser; cosponsored by Representatives Pocan, Berceau, Gottlieb and Sheridan.

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

**Senate Bill 561**

Relating to: creating a child safety program in the Department of Transportation, driver education instruction, information mailed in connection with motor vehicle operator's license renewal, and requiring the exercise of rule-making authority.

By Senators Hansen, Breske and Carpenter; cosponsored by Representatives Soletski, Nelson, Hahn, Gronemus, Hraychuck, Benedict, Richards, Boyle, Turner and Berceau.

To committee on **Transportation and Tourism**.

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**REPORT OF COMMITTEES**

The committee on **Economic Development** reports and recommends:

**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.

Adoption of Senate Amendment 1.

Ayes, 7 – Senators Lassa, Lehman, Vinehout, Kreitlow, Kanavas, Darling and Roessler.

Noes, 0 – None.

Passage as amended.

Ayes, 4 – Senators Lassa, Lehman, Vinehout and Kreitlow.

Noes, 3 – Senators Kanavas, Darling and Roessler.

*JULIE LASSA*

Chairperson

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

BAGADIA, NIKHIL, of Milwaukee, as a member of the Real Estate Appraisers Board, to serve for the term ending May 1, 2011.

Confirmation.

Ayes, 5 – Senators Taylor, Sullivan, Vinehout, Lazich and Grothman.

Noes, 0 – None.

LEE, KENNETH, of River Falls, as a member of the Real Estate Board, to serve for the term ending July 1, 2011.

Confirmation.

Ayes, 5 – Senators Taylor, Sullivan, Vinehout, Lazich and Grothman.

Noes, 0 – None.

**Senate Bill 278**

Relating to: threatening or committing battery against certain employees of first class cities and providing a penalty.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Taylor, Sullivan, Vinehout, Lazich and Grothman.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Taylor, Sullivan, Vinehout, Lazich and Grothman.

Noes, 0 – None.

**Senate Bill 384**

Relating to: disclosure of juvenile court records to other courts, law enforcement agencies, district attorneys and other prosecutors, and agencies providing services to a juvenile court and providing a penalty.

Passage.

Ayes, 5 – Senators Taylor, Sullivan, Vinehout, Lazich and Grothman.

Noes, 0 – None.

**Senate Bill 461**

Relating to: liability of the state for a violation of the federal Family and Medical Leave Act of 1993, Fair Labor Standards Act, the Age Discrimination in Employment Act of 1967, and Title I of the Americans with Disabilities Act of 1990.

Passage.

Ayes, 3 – Senators Taylor, Sullivan and Vinehout.

Noes, 2 – Senators Lazich and Grothman.

**Senate Bill 497**

Relating to: assistant district attorney positions and making an appropriation.

Passage.

Ayes, 3 – Senators Taylor, Sullivan and Vinehout.  
Noes, 2 – Senators Lazich and Grothman.

*LENA TAYLOR*  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Office of the Senate President**

March 4, 2008

The Honorable, the Senate:

Pursuant to Senate Rule 46 (2)(c), I am writing to inform you that I have directed the following proposal(s) to be withdrawn from committee and rereferred. I have obtained the consent of the appropriate standing committee chairperson and the chairperson of the committee on **Senate Organization**.

**Assembly Bill 485** withdrawn from joint survey committee on **Retirement Systems** and rereferred to committee on **Veterans and Military Affairs, Biotechnology and Financial Institutions**.

Sincerely,  
*FRED A. RISSER*  
Senate President

**State of Wisconsin  
Senate**

March 4, 2008

The Honorable, the Senate:

I am writing to you in my capacity as the chairperson of the Senate Committee on **Health, Human Services, Insurance, and Job Creation**. **Assembly Bill 710** which creates a new crime or revises an existing criminal penalty, was referred to my committee. I am writing to you under s. 13.525 (5) (a), Wis. Stats., to request that the Joint Review Committee on Criminal Penalties prepare a report on the bill under s. 13.525 (5) (b), Wis. Stats.

If you have any questions, please do not hesitate to contact me.

Sincerely,  
*JON ERPENBACH*  
Chairperson

Pursuant to Senate Rule 17 (5), Senator Kapanke added as a cosponsor of **Assembly Joint Resolution 94**.

Pursuant to Senate Rule 17 (5), Representative Hilgenberg added as a cosponsor of **Senate Bill 512**.

Pursuant to Senate Rule 17 (5), Senator Hansen added as a coauthor of **Senate Joint Resolution 95**.

Pursuant to Senate Rule 17 (5), Senator Darling added as a coauthor of **Senate Bill 434**.

Pursuant to Senate Rule 17 (5), Senator Carpenter added as a cosponsor of **Assembly Bill 741**.

Pursuant to Senate Rule 17 (5), Senator Hansen added as a coauthor of **Senate Bill 434**.

**ADVICE AND CONSENT OF THE SENATE**

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

ANDERSON, MARCIA, of Verona, as a member of the Board of Veterans Affairs, to serve for the term ending May 1, 2013.

NAYLOR, DANIEL, of Waupaca, as a member of the Board of Veterans Affairs, to serve for the term ending May 1, 2013.

NEUMANN, JUDITH, of Madison, as chair of the Wisconsin Employment Relations Commission, to serve for the term ending March 1, 2013.

Read.

Senator S. Fitzgerald, with unanimous consent, asked that the Senate recess until 1:00 P.M.

12:49 P.M.

**RECESS**

1:04 P.M.

The Senate reconvened.

President Risser in the chair.

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.

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

**Senate Joint Resolution 82**

Relating to: opposing a federal mandate requiring the suspension or revocation of driver's licenses in all circumstances where a person has been convicted of a drug or other controlled substances violation and exercising the state's option to opt out of this federal mandate.

The question was: Shall **Senate Joint Resolution 82** be adopted?

Adopted.

**Senate Joint Resolution 95**

Relating to: the life and public service of Anne Carol Kok.

The question was: Shall **Senate Joint Resolution 95** be adopted?

Adopted.

Senator Decker, with unanimous consent, asked that **Senate Joint Resolution 97** be withdrawn from the committee on **Senate Organization** and taken up.

**Senate Joint Resolution 97**

Relating to: state recognition of the sovereign status of federally recognized American Indian tribes and bands.

The question was: Shall **Senate Joint Resolution 97** be adopted?

Adopted.

**Assembly Joint Resolution 90**

Relating to: proclaiming an annual Wisconsin Water Skiing Appreciation Week.

The question was: Shall **Assembly Joint Resolution 90** be concurred in?

Concurred in.

**Assembly Joint Resolution 94**

Relating to: proclaiming May 16, 17, and 18, 2008, Syttende Mai Weekend.

The question was: Shall **Assembly Joint Resolution 94** be concurred in?

Concurred in.

**Assembly Joint Resolution 95**

Relating to: celebrating March 1, 2008, as St. David's Day.

The question was: Shall **Assembly Joint Resolution 95** be concurred in?

Concurred in.

**Assembly Joint Resolution 102**

Relating to: honoring the Sun Prairie High School Coed Cheerleading Team for winning the 2008 Universal Cheerleading Association's National High School Cheerleading Championship in Orlando, Florida.

The question was: Shall **Assembly Joint Resolution 102** be concurred in?

Concurred in.

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

**Senate Bill 246**

Relating to: mental health professionals who may provide outpatient services for the treatment of nervous and mental conditions and alcoholism and other drug abuse problems or who, under Medical Assistance, may provide psychotherapy and alcohol and other drug abuse services and exempting certain Medical Assistance benefits from physician prescription requirements.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 246**?

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 246**

Read a third time and passed.

**Senate Bill 340**

Relating to: special distinguishing registration plates for certain vehicles owned by members of the national guard.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 340**?

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 340**

Read a third time and passed.

**Senate Bill 391**

Relating to: revoking the voluntary dissolution of a limited liability company (suggested as remedial legislation by the Department of Financial Institutions).

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 391**

Read a third time and passed.

**Senate Bill 409**

Relating to: remote dispensing by pharmacists and authorizing the exercise of rule-making powers.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 409**?

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 409**

Read a third time and passed.

**Senate Bill 410**

Relating to: motor vehicle operating privilege suspensions for controlled substance violations.

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 410**

Read a third time.

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

Ayes – Senators Breske, Carpenter, Coggs, Decker, Ellis, Erpenbach, Grothman, Hansen, Jauch, Kreitlow, Lassa, Lehman, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 22.

Noes – Senators Cowles, Darling, S. Fitzgerald, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham and Roessler – 11.

Absent or not voting – None.

Passed.

#### **Senate Bill 412**

Relating to: payment of judgments in traffic courts and municipal courts by installments and the suspension of operating privileges.

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 412**

Read a third time and passed.

#### **Senate Bill 426**

Relating to: authorizing a city or village to extend the life of a tax incremental district for one year to benefit housing in the city or village.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 426**?

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 426**

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 429**

Relating to: allowing a village meeting specified criteria to exceed its retail liquor license quota by issuing one additional retail license.

Read a second time.

Senator Grothman, with unanimous consent, asked that Senate amendment 1 to **Senate Bill 429** be laid on the table.

Senate amendment 2 to **Senate Bill 429** offered by Senator Grothman.

The question was: Adoption of Senate amendment 2 to **Senate Bill 429**?

Adopted.

Senate amendment 3 to **Senate Bill 429** offered by Senator Plale.

#### **POINT OF ORDER**

Senator Grothman raised the point of order that Senate amendment 3 to **Senate Bill 429** was not germane.

The Chair ruled the point of order well taken.

Senate amendment 4 to **Senate Bill 429** offered by Senator Roessler.

#### **POINT OF ORDER**

Senator Grothman raised the point of order that Senate amendment 4 to **Senate Bill 429** was not germane.

The Chair ruled the point of order well taken.

Ordered to a third reading.

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

#### **Senate Bill 429**

Read a third time and passed.

#### **Senate Bill 434**

Relating to: cleanup and consolidation of Department of Commerce economic development programs, establishing a comprehensive annual reporting requirement, requiring the development of programmatic goals and accountability measures for economic development grants and loans, requiring the exercise of rule-making authority, and making an appropriation.

Read a second time.

Senator Decker, with unanimous consent, asked that **Assembly Bill 741** be withdrawn from the committee on **Commerce, Utilities and Rail** and taken up.

#### **Assembly Bill 741**

Relating to: cleanup and consolidation of Department of Commerce economic development programs, establishing a comprehensive annual reporting requirement, requiring the development of programmatic goals and accountability measures for economic development grants and loans, requiring the exercise of rule-making authority, and making an appropriation.

Senator Miller, with unanimous consent, asked that **Assembly Bill 741** be referred to the joint committee on **Finance**.

Senator Miller, with unanimous consent, asked that the rules be suspended and that **Assembly Bill 741** be withdrawn from the joint committee on **Finance** and taken up at this time.

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 741**

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 434** be laid on the table.

#### **Senate Bill 454**

Relating to: the transportation of invasive species on highways and providing a penalty.

Read a second time.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 454**?

Adopted.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 454**?

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 454**

Read a third time and passed.

#### **Senate Bill 480**

Relating to: changes to economic development tax benefit programs, providing an exemption from emergency rule procedures, and requiring the exercise of rule-making authority.

Read a second time.

Pursuant to Senate Rule 17 (5) Senator Carpenter withdrawn as a coauthor of **Senate Bill 480**.

The question was: Adoption of Senate amendment 1 to **Senate Bill 480**?

Adopted.

Senator Kreitlow, with unanimous consent, asked that Senate amendment 2 to **Senate Bill 480** be withdrawn and returned to author.

The question was: Adoption of Senate amendment 3 to **Senate Bill 480**?

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 480**

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 483**

Relating to: repealing and recreating the Wisconsin Uniform Securities Law, granting rule-making authority, and providing penalties.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 483**?

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 483**

Read a third time and passed.

#### **Senate Bill 487**

Relating to: treatment records and patient health care records.

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 487**

Read a third time and passed.

#### **Senate Bill 517**

Relating to: mortgage bankers, mortgage brokers, and loan originators.

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 517**

Read a third time and passed.

#### **Senate Bill 519**

Relating to: nonmoving traffic violations involving rented or leased vehicles, providing an exemption from emergency rule procedures, and requiring the exercise of rule-making authority.

Read a second time.

Senate amendment 1 to **Senate Bill 519** offered by Senator Breske.

The question was: Adoption of Senate amendment 1 to **Senate Bill 519**?

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 519**

Read a third time and passed.

**Senate Bill 537**

Relating to: judicial discretion in certain John Doe proceedings.

Read a second time.

Senate substitute amendment 1 to **Senate Bill 537** offered by Senators Kapanke and Roessler.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 537** offered by Senators Kapanke and Roessler.

Senator Decker moved that Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 537** be laid on the table.

The question was: Shall Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 537** be laid on the table?

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.

Tabled.

Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 537** offered by Senator Roessler.

Senator Decker moved that Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 537** be laid on the table.

The question was: Shall Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 537** be laid on the table?

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.

Tabled.

**POINT OF ORDER**

Senator Taylor raised the point of order that Senate substitute amendment 1 to **Senate Bill 537** was not germane.

The Chair ruled the point of order well taken.

Senator Roessler appealed the ruling of the Chair.

The question was: Shall the Decision of the chair stand as the judgement of the Senate?

The ayes and noes were required and the vote was: ayes, 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.

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

Senate amendment 1 to **Senate Bill 537** offered by Senators Taylor and Erpenbach.

The question was: Adoption of Senate amendment 1 to **Senate Bill 537**?

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.

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 537**

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.

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

**Assembly Bill 173**

Relating to: membership of the Council on Mental Health.

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 173**

Read a third time and concurred in.

**Assembly Bill 483**

Relating to: abatement or removal of human health hazards, requirements for certain local health officers, personnel of a local health department, state agency status for certain physicians, community health improvement plans, emergency medical services, requiring the exercise of rule-making authority, and providing penalties.

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 483**

Read a third time and concurred in.

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 Coach Bob Letsch upon the occasion of his 500th win as the basketball coach at Saint Catherine's High School in Racine with a victory last week over WIAA Division 3 opponent Marshall High School. Coach Letsch becomes the 17th prep coach to reach this milestone. He has served as the Angels' coach since he replaced John McGuire another member of the exclusive 500-win club. We offer our congratulations.

Senator Lehman, with unanimous consent, asked that when the Senate adjourn, it do so in honor of gymnast Melissa Miller. Ms. Miller not only won the balance beam and uneven parallel bars events representing the Racine Combined gymnastics team at the WIAA Division 1 state meet in Wisconsin Rapids last Friday. She also took home the state all-around title with a score of 38.2. We congratulate her, all her teammates from Racine, and her coach Tom Auer. Their hard work and competitive spirit are greatly respected by their home community.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her mother's 91st birthday.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her daughter's 36th birthday.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Susan Gollin-Bartscher who died from complications of cancer and also for the School District of Mequon-Thiensville for all the accommodations and compassion they provided Susan through this ordeal.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Brett Favre's retirement.

Senator Lazich, with unanimous consent, asked that when the Senate adjourn, it do so in honor of a 1st place finish at Regionals, a 2nd place finish at State (on a rare "off" day), and several other 1st and 2nd place finishes, last week the Eisenhower Cheerleaders captured a National Championship title! We competed at the AmeriCup National Cheerleading Championships on February 21-23. On the first day of competition we captured the Division 2 National Championship title. That qualified us to move on to the "Grand Championships" where we competed against the top teams in Divisions 1, 2 and 3 against schools from across the country (from California to New Jersey). We surprised even ourselves by taking 1st place - and the Grand Champion title - over all other teams.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Dorothy Wentland who has spent many years coaching CYC cheerleaders in Kenosha, Wisconsin. She has done a wonderful job helping the youth of our community.

Senator Kreitlow, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Eau Claire Memorial boys hockey team for their first state title. And congrats, as well, to coach Andy Skelton and the Chi-Hi girls hockey team for their appearance at state.

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**ADJOURNMENT**

Senator Decker, with unanimous consent, asked that the Senate adjourn until Thursday, March 6, 2008.

3:40 P.M.