



STATE OF WISCONSIN

Senate Journal

Ninety–Ninth Regular Session

11:00 A.M.

TUESDAY, October 20, 2009

The Senate met.

The Senate was called to order by President Risser.

CALL OF ROLL

The roll was called, disclosing the presence of a quorum.

Pursuant to Senate Rule 15, the official attendance for session was:

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

Absent –None.

Absent with leave – Senator Vinehout – 1.

The Senate stood for the prayer which was offered by Reverend Alex Thornburg from Westminster Presbyterian Church in Madison.

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

LEAVES OF ABSENCE

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

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 291** offered by Senator Sullivan.

Senate amendment 4 to **Senate Bill 299** offered by Senator Jauch.

The Chief Clerk makes the following entries dated **Monday, October 19, 2009**.

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Senator Hopper added as a coauthor of **Senate Bill 331**.

Pursuant to Senate Rule 17 (5), Representative Lothian withdrawn as a cosponsor of **Senate Bill 66**.

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read and referred:

Senate Joint Resolution 51

Relating to: proclaiming October 2009 as Breast Cancer Awareness Month.

By Senators Erpenbach, Taylor, Decker, Robson, Carpenter, Vinehout, Lehman, Hansen, Wirch, Risser, Lazich, Darling, Olsen, Cowles, Hopper, Schultz, Kedzie and A. Lasee; cosponsored by Representatives Roys, Berceau, Shilling, Hixson, Pasch, Hebl, Hilgenberg, Cullen, Molepske Jr., Soletski, Hraychuck, Bernard Schaber, Parisi, Jorgensen, Hintz, Zepnick, Benedict, Turner, Zigmunt, Mursau, Townsend, A. Ott, Gunderson, Kerkman, Davis, M. Williams, Strachota, Tauchen, Kaufert and Pope–Roberts.

To committee on **Senate Organization**.

Read first time and referred:

Senate Bill 356

Relating to: acreage requirements for areas in which farm–raised deer that may be hunted are kept.

By Senators Lassa, A. Lasee, Taylor and Schultz; cosponsored by Representatives Schneider, Vruwink, Gunderson, Ballweg and Brooks.

To committee on **Agriculture and Higher Education**.

Senate Bill 357

Relating to: awarding grants to school districts for pupil academic achievement, allowing the results of pupil examinations to be used to evaluate teacher performance, and making an appropriation.

By Senators Darling, Lazich and A. Lasee; cosponsored by Representatives Davis, Montgomery, Knodl, Vos, J. Ott, Townsend, Newcomer, Tauchen, Ballweg, Gunderson, Vukmir, Huebsch, LeMahieu, Lothian and Bies.

To committee on **Education**.

Senate Bill 358

Relating to: creating new grounds for discipline of hearing instrument specialists, audiologists, and speech–language pathologists, changing licensing requirements for audiologists, and granting rule–making authority.

By Senators Lehman, Taylor, Olsen and Kedzie; cosponsored by Representatives Zepnick, Turner, Kerkman, Danou, A. Ott, Newcomer and Townsend.

To committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**.

Senate Bill 359

Relating to: directing school boards to provide instruction about the recent history of the Hmong people.

By Senators Lehman, Coggs, Plale, Wirch, Hansen and Taylor; cosponsored by Representatives Soletski, Kessler, Seidel, Turner, Berceau, Black, Fields, Grigsby, Hintz, Shilling, Pocan, Spanbauer and Zepnick.

To committee on **Education**.

Senate Bill 360

Relating to: sale of a parcel of land located in Marinette County to the Wied Trust.

By Senators A. Lasee and Holperin; cosponsored by Representatives Mursau, Montgomery, Zepnick, Meyer, Gunderson, Vruwink, Brooks, Bies and Townsend.

To committee on **Transportation, Tourism, Forestry, and Natural Resources**.

Senate Bill 361

Relating to: the monthly rates that are paid for foster care; the levels of care that a foster home may provide; licensing of kinship care relatives to operate foster homes and, subject to certain exceptions, time limits on the receipt of kinship care payments; and licensing of foster homes across county lines.

By Senators Jauch and Lehman; cosponsored by Representatives Pasch, Turner, Berceau, Seidel and Roys.

To committee on **Children and Families and Workforce Development**.

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Senator Cowles added as a coauthor of **Senate Bill 280**.

Pursuant to Senate Rule 17 (5), Senator Cowles added as a coauthor of **Senate Bill 288**.

Pursuant to Senate Rule 17 (5), Senator Wirch added as a coauthor of **Senate Bill 80**.

Pursuant to Senate Rule 17 (5), Senator Wirch added as a coauthor of **Senate Bill 87**.

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

Pursuant to Senate Rule 17 (5), Senator Miller added as a coauthor of **Senate Bill 154**.

Pursuant to Senate Rule 17 (5), Senator Miller added as a coauthor of **Senate Bill 163**.

Pursuant to Senate Rule 17 (5), Senator Miller added as a coauthor of **Senate Bill 288**.

Pursuant to Senate Rule 17 (5), Senator Miller added as a coauthor of **Assembly Joint Resolution 72**.

Pursuant to Senate Rule 17 (5), Senator Miller added as a coauthor of **Assembly Joint Resolution 73**.

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

Pursuant to Senate Rule 17 (5), Senator Miller added as a coauthor of **Senate Bill 103**.

Pursuant to Senate Rule 17 (5), Senator Coggs added as a coauthor of **Senate Bill 361**.

Pursuant to Senate Rule 17 (5), Senator Wirch added as a coauthor of **Senate Bill 154**.

Pursuant to Senate Rule 17 (5), Senator Hansen added as a coauthor of **Senate Bill 182**.

Pursuant to Senate Rule 17 (5), Senator Hansen added as a coauthor of **Senate Bill 191**.

Pursuant to Senate Rule 17 (5), Senator Sullivan added as a coauthor of **Senate Bill 191**.

Pursuant to Senate Rule 17 (5), Senator Darling added as a coauthor of **Senate Bill 288**.

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

October 20, 2009

The Honorable, the Senate:

Pursuant to Wisconsin Statute 15.107(11)(b), I am re-appointing Mary Ann Gerrard to the Wisconsin's Women Council.

Please feel free to contact me with any questions.

Most Sincerely,
FRED A. RISSER
Senate President

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

Senate Clearinghouse Rule 09-051

Relating to fishing on the inland, outlying, and boundary waters of Wisconsin.

Submitted by Department of Natural Resources.

Report received from Agency, October 16, 2009.

Referred to committee on **Transportation, Tourism, Forestry, and Natural Resources**, October 20, 2009.

The committee on **Transportation, Tourism, Forestry, and Natural Resources** reports and recommends:

Senate Clearinghouse Rule 09-042

Relating to the 2009 migratory game bird seasons and waterfowl hunting zones.

No action taken.

Senate Clearinghouse Rule 09-049

Relating to the transportation facilities economic assistance and development program, and the transportation infrastructure loan program.

No action taken.

Senate Clearinghouse Rule 09-058

Relating to safety belt medical use exemption.

No action taken.

JIM HOLPERIN
Chairperson

ADVICE AND CONSENT OF THE SENATE

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

ARMSTRONG, STEPHANIE, of De Forest, as a member of the Professional Standards Council for Teachers, to serve for the term ending June 30, 2012.

BACHHUBER, MICHELE, of Marshfield, as a member of the Health Insurance Risk-Sharing Plan Authority, to serve for the term ending May 1, 2012.

BASTING, THOMAS, of Madison, as a member of the Educational Communications Board, to serve for the term ending May 1, 2013.

BRONSTON, CAROLYN, of Wausau, as a member of the Medical Examining Board, to serve for the term ending July 1, 2012.

CHRISTMAN, BLANE, of Ladysmith, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2012.

DALLAS, WILLIAM, of Medford, as a member of the Professional Standards Council, to serve for the term ending June 30, 2011.

EVERSON, DIANE, of Edgerton, as a member of the Educational Communications Board, to serve for the term ending May 1, 2013.

EXO, KAREN, of Portage, as a member of the Professional Standards Council, to serve for the term ending June 30, 2012.

FURNESS, IAN, of Fond du Lac, as a member of the Podiatrists Affiliated Credentialing Board, to serve for the term ending July 1, 2013.

GAIER, JOHN, of Neillsville, as a member of the Professional Standards Council for Teachers, to serve for the term ending June 30, 2012.

HASE, PAULA, of Wausau, as a member of the Professional Standards Council for Teachers, to serve for the term ending June 30, 2012.

HEYNING, KATY, of Whitewater, as a member of the Professional Standards Council, to serve for the term ending June 30, 2010.

MULLIGAN, THOMAS, of Germantown, as a member of the Professional Standards Council for Teachers, to serve for the term ending June 30, 2012.

PATTERSON, LESLIE, of Greenfield, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2011.

RAMBO, LARRY, of Waukesha, as a member of the Health Insurance Risk-Sharing Plan Authority, to serve for the term ending May 1, 2011.

SEVERSON, DEBORAH, of Eau Claire, as a member of the Health Insurance Risk-Sharing Plan Authority, to serve for the term ending May 1, 2012.

STROEDE, JANE, of Wisconsin Dells, as a member of the Physical Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2013.

THORMAN, MICHELE, of La Crosse, as a member of the Physical Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2011.

TIMMONS, CECELIA, of Madison, as a member of the Cemetery Board, to serve for the term ending July 1, 2012.

SWAIN, KATHERINE, of Beloit, as a member of the Professional Standards Council, to serve for the term ending June 30, 2011.

Read.

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

Noes – None.

Absent or not voting – Senator Vinehout – 1.

Confirmed.

MESSAGES FROM THE ASSEMBLY

Senate Bill 107

Relating to: the sale, disposal, collection, and recycling of electronic devices, granting rule-making authority, making an appropriation, and providing penalties.

The question was: Shall Assembly amendment 3 to **Senate Bill 107** be concurred in?

Concurred in.

The question was: Shall Assembly amendment 4 to **Senate Bill 107** be concurred in?

Concurred in.

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

Senate Joint Resolution 47

Relating to: the second anniversary of WisconsinEye's commencement of broadcast operations.

The question was: Shall **Senate Joint Resolution 47** be adopted?

Adopted.

Assembly Joint Resolution 72

Relating to: the life and public service of Edward Moore Kennedy.

The question was: Shall **Assembly Joint Resolution 72** be concurred in?

Concurred in.

Assembly Joint Resolution 73

Relating to: honoring the life of Francisco Rodriguez.

The question was: Shall **Assembly Joint Resolution 73** be concurred in?

Concurred in.

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

Senate Bill 17

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

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 17**?

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 17

Read a third time.

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

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

Noes – None.

Absent or not voting – Senator Vinehout – 1.

Passed.

Senate Bill 41

Relating to: indoor environmental quality in public and private schools.

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 41

Read a third time.

The ayes and noes were required and the vote was: ayes, 27; noes, 5; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lehman, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor and Wirsch – 27.

Noes – Senators S. Fitzgerald, Grothman, Kanavas, Lazich and Leibham – 5.

Absent or not voting – Senator Vinehout – 1.

Passed.

Senate Bill 73

Relating to: the lifetime limit under the Health Insurance Risk-Sharing Plan.

Read a second time.

Senator Decker, with unanimous consent, asked that **Assembly Bill 111** be withdrawn from the committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue** and taken up at this time.

Assembly Bill 111

Relating to: the lifetime limit under the Health Insurance Risk-Sharing Plan.

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 111

Read a third time and concurred in.

Senator Decker, with unanimous consent, asked that **Senate Bill 73** be laid on the table.

Senate Bill 74

Relating to: health insurance coverage denials for eligibility under the Health Insurance Risk-Sharing Plan.

Read a second time.

Senator Decker, with unanimous consent, asked that **Assembly Bill 112** be withdrawn from the committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue** and taken up at this time.

Assembly Bill 112

Relating to: health insurance coverage denials for eligibility under the Health Insurance Risk-Sharing Plan.

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 112

Read a third time and concurred in.

Senator Decker, with unanimous consent, asked that **Senate Bill 74** be laid on the table.

Senate Bill 80

Relating to: the Volunteer Health Care Provider Program.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 80**?

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 80

Read a third time and passed.

Senate Bill 87

Relating to: increasing the maximum annual loan amount under the property tax deferral loan program of the Wisconsin Housing and Economic Development Authority.

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 87

Read a third time.

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

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

Noes – None.

Absent or not voting – Senator Vinehout – 1.

Passed.

Senate Bill 103

Relating to: restrictions on the operation of motor vehicles by persons using electronic text messaging devices and providing a penalty.

Read a second time.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 103** offered by Senator Decker.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 103**?

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

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

Noes – None.

Absent or not voting – Senator Vinehout – 1.

Adopted.

Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 103** offered by Senators Olsen, Ellis, Harsdorf, Schultz, Cowles and Hansen.

Senator Decker asked unanimous consent that **Senate Bill 103** be referred to the committee on **Senate Organization**.

Senator Olsen objected.

Senator Olsen, with unanimous consent, asked that Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 103** be withdrawn and returned to author.

Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 103** offered by Senator Carpenter.

Senator Decker asked unanimous consent that **Senate Bill 103** be referred to the committee on **Senate Organization**.

Senator Olsen objected.

Senator Decker asked unanimous consent that **Senate Bill 103** be referred to the committee on **Senate Organization**.

Senator Lasse objected.

Senator Decker moved that **Senate Bill 103** be referred to the committee on **Senate Organization**.

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

12:18 P.M.

RECESS

1:05 P.M.

The Senate reconvened.

Senator Risser in the chair.

MESSAGES FROM THE ASSEMBLY

By Patrick E. Fuller, chief clerk.

Mr. President:

Adopted and asks concurrence in:

- Assembly Joint Resolution 75**
- Assembly Joint Resolution 76**
- Assembly Joint Resolution 78**
- Assembly Joint Resolution 80**
- Assembly Joint Resolution 81**

MESSAGES FROM THE ASSEMBLY CONSIDERED

Assembly Joint Resolution 75

Relating to: the life and public service of John Stanley.

By Representatives Parisi, Vruwink, Berceau, Black, Davis, Hebl, Pocan, Pope–Roberts, Roys and Ripp; cosponsored by Senators Miller, Erpenbach and Risser.

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

Assembly Joint Resolution 76

Relating to: the second anniversary of WisconsinEye’s commencement of broadcast operations.

By Representatives Barca, Pope–Roberts, Pasch, Berceau, Roys, Hilgenberg, Clark, Jorgensen, Sinicki, Turner, Vos, Pocan, Toles, Zepnick and Ballweg; cosponsored by Senators Jauch, Miller, Holperin, Hansen, Schultz, Risser and Darling.

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

Assembly Joint Resolution 78

Relating to: recall of enrolled 2009 Assembly Bill 8.

By Representative Sherman; cosponsored by Senator Jauch.

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

Assembly Joint Resolution 80

Relating to: commemorating the achievements and contributions of the University of Wisconsin–La Crosse on the occasion of its centennial.

By Representatives Shilling, Huebsch, Berceau, Danou, Grigsby, Gunderson, Hebl, Hintz, Hixson, Kerkman, Nerison, A. Ott, Petrowski, Pope–Roberts, Vruwink, M. Williams and Zepnick; cosponsored by Senators Kapanke, Coggs, Cowles, Darling, Kedzie, Miller and Taylor.

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

Assembly Joint Resolution 81

Relating to: commemorating the 100th anniversary of the founding of the Wisconsin Nurses Association.

By Representatives Pasch, Shilling, Cullen, M. Williams, Zigmunt, Hebl, Molepske Jr., Benedict, Berceau, Townsend, Young, A. Ott, Ballweg, Bernard Schaber, Roys, Milroy, Nelson, Petrowski, Seidel, Vukmir, Soletski, Kaufert, Barca and Pope–Roberts; cosponsored by Senators Robson, Sullivan, Darling, Lazich, Wirch, Lassa, Hopper, Taylor, Risser, Vinehout and Lehman.

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

Senator Decker withdrew his motion to refer **Senate Bill 103** to the committee on **Senate Organization**.

Senator Carpenter, with unanimous consent, asked that Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 103** be withdrawn and returned to author.

Senator Olsen, with unanimous consent, asked that Senate amendment 2 to Senate substitute amendment 1 be resubmitted and taken up at this time.

The question was: Adoption of Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 103**?

Adopted.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 103**?

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 103

Read a third time.

The ayes and noes were required and the vote was: ayes, 27; noes, 5; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kanavas, Kapanke, Kreitlow, A. Lasee, Lassa, Lehman, Miller, Olsen, Risser, Robson, Schultz, Sullivan, Taylor and Wirch – 27.

Noes – Senators Grothman, Kedzie, Lazich, Leibham and Plale – 5.

Absent or not voting – Senator Vinehout – 1.

Passed.

Senate Bill 121

Relating to: requiring the Center on Education and Work at the University of Wisconsin–Madison to establish a career conversations program.

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 121

Read a third time and passed.

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

Senate Bill 107

Action Messaged.

Assembly Joint Resolution 72

Assembly Joint Resolution 73

Senate Joint Resolution 47

Senate Bill 17

Senate Bill 41

Senate Bill 80

Senate Bill 87

Senate Bill 103

Senate Bill 121

Assembly Bill 111

Assembly Bill 112

Messaged.

Senate Bill 154

Relating to: school safety plans, pupil records, and school bullying.

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 154

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 3; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lehman, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor and Wirch – 29.

Noes – Senators Grothman, Lazich and Leibham – 3.

Absent or not voting – Senator Vinehout – 1.

Passed.

Senate Bill 162

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

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 162**?

Adopted.

Senate amendment 2 to **Senate Bill 162** offered by Senators Kreitlow, Decker and Holperin.

The question was: Adoption of Senate amendment 2 to **Senate Bill 162**?

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 162

Read a third time and passed.

Senate Bill 163

Relating to: requiring health insurance coverage of colorectal cancer screening and granting rule-making authority.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 163**?

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 163

Read a third time and passed.

Senate Bill 182

Relating to: statute of limitations for intentional torts.

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 182

Read a third time and passed.

Senate Bill 191

Relating to: podiatrist-patient privilege, immunity exemption for podiatrists providing emergency care at athletic events, allowing podiatrists to determine an illness or injury and complete forms for the purpose of granting assistance to needy veterans, allowing podiatrists to determine disability for the purpose of issuing certain hunting permits, cooperatives organized to provide sickness care, the Podiatrists Affiliated Credentialing Board, allowing podiatrists to certify driver school instructors' physical fitness, allowing Medical Assistance recipients to freely choose among podiatrists, and giving equal weight to certifications of disability by podiatrists for insurance purposes.

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 191

Read a third time and passed.

Senate Bill 198

Relating to: donating drugs and dispensing donated drugs.

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 198

Read a third time and passed.

Senate Bill 224

Relating to: notice of proposed vacation of certain highways.

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 224

Read a third time and passed.

Senator Decker, with unanimous consent, asked that **Assembly Joint Resolution 78** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Assembly Joint Resolution 78

Relating to: recall of enrolled 2009 Assembly Bill 8.

The question was: Shall **Assembly Joint Resolution 78** be concurred in?

Concurred in.

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

Senate Bill 154

Senate Bill 162

Senate Bill 163

Senate Bill 182

Senate Bill 191

Senate Bill 198

Senate Bill 224

Assembly Joint Resolution 78

Messaged.

Senate Bill 252

Relating to: the duty to stop at the scene of, and to report, a motor vehicle accident.

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 252

Read a third time.

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

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

Noes – None.

Absent or not voting – Senator Vinehout – 1.

Passed.

Senate Bill 253

Relating to: traffic control devices used by school safety patrols.

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 253

Read a third time and passed.

Senate Bill 264

Relating to: trespass by operators of snowmobiles, all-terrain vehicles, and other off-road vehicles.

Read a second time.

Senator Decker, with unanimous consent, asked that **Senate Bill 264** be referred to committee on **Senate Organization**.

Referred.

Senate Bill 266

Relating to: creating a Nonmotorized Recreation and Transportation Trails Council.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 266**?

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 266

Read a third time and passed.

Senate Bill 278

Relating to: U-turns on highways and providing a penalty.

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 278

Read a third time and passed.

Senate Bill 280

Relating to: personal liability of officers, directors, and employees of child care providers.

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 280

Read a third time and passed.

Senate Bill 284

Relating to: designating and marking USH 63 as the Gaylord Nelson Highway.

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 284

Read a third time and passed.

Senate Bill 288

Relating to: Indian child welfare.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 288**?

Adopted.

The question was: Adoption of Senate amendment 2 to **Senate Bill 288**?

Adopted.

The question was: Adoption of Senate amendment 3 to **Senate Bill 288**?

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 288

Read a third time.

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

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

Noes – None.

Absent or not voting – Senator Vinehout – 1.

Passed.

Senate Bill 299

Relating to: public disclosure of certain information when child abuse or neglect results in death or serious injury or involves aggravated circumstances or when a child in an out-of-home placement commits suicide or is sexually abused by a caregiver.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 299**?

Adopted.

The question was: Adoption of Senate amendment 2 to **Senate Bill 299**?

Adopted.

The question was: Adoption of Senate amendment 3 to **Senate Bill 299**?

Adopted.

The question was: Adoption of Senate amendment 4 to **Senate Bill 299**?

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 299

Read a third time and passed.

Senate Bill 309

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Association of State Prosecutors for the 2007–09 biennium, covering employees in the assistant district attorneys collective bargaining unit, and authorizing an expenditure of funds.

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 309

Read a third time.

The ayes and noes were required and the vote was: ayes, 28; noes, 4; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, Coggs, Cowles, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lehman, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor and Wirch – 28.

Noes – Senators Darling, Grothman, Lazich and Leibham – 4.

Absent or not voting – Senator Vinehout – 1.

Passed.

Senate Bill 310

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Professional Employees in Research, Statistics, and Analysis, WFT/AFT, AFL–CIO, for the 2007–09 biennium, covering employees in the professional research, statistics, and analysis collective bargaining unit, and authorizing an expenditure of funds.

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 310

Read a third time.

The ayes and noes were required and the vote was: ayes, 26; noes, 6; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, Coggs, Cowles, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kapanke, Kedzie, Kreitlow, Lassa, Lehman, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor and Wirch – 26.

Noes – Senators Darling, Grothman, Kanavas, A. Lasee, Lazich and Leibham – 6.

Absent or not voting – Senator Vinehout – 1.

Passed.

Senate Bill 311

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Teaching Assistants’

Association, AFT, Local 3220, AFL–CIO, for the 2007–09 biennium, covering employees in the program, project, and teaching assistants of the University of Wisconsin–Madison and University of Wisconsin–Extension collective bargaining unit, and authorizing an expenditure of funds.

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 311

Read a third time.

The ayes and noes were required and the vote was: ayes, 26; noes, 6; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, Coggs, Cowles, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kapanke, Kedzie, Kreitlow, Lassa, Lehman, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor and Wirch – 26.

Noes – Senators Darling, Grothman, Kanavas, A. Lasee, Lazich and Leibham – 6.

Absent or not voting – Senator Vinehout – 1.

Passed.

Senator Decker, with unanimous consent, asked that **Assembly Joint Resolution 75** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Assembly Joint Resolution 75

Relating to: the life and public service of John Stanley.

The question was: Shall **Assembly Joint Resolution 75** be concurred in?

Concurred in.

Senator Decker, with unanimous consent, asked that **Assembly Joint Resolution 76** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Assembly Joint Resolution 76

Relating to: the second anniversary of WisconsinEye’s commencement of broadcast operations.

The question was: Shall **Assembly Joint Resolution 76** be concurred in?

Concurred in.

Senator Decker, with unanimous consent, asked that **Assembly Joint Resolution 80** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Assembly Joint Resolution 80

Relating to: commemorating the achievements and contributions of the University of Wisconsin–La Crosse on the occasion of its centennial.

The question was: Shall **Assembly Joint Resolution 80** be concurred in?

Concurred in.

Senator Decker, with unanimous consent, asked that **Assembly Joint Resolution 81** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Assembly Joint Resolution 81

Relating to: commemorating the 100th anniversary of the founding of the Wisconsin Nurses Association.

The question was: Shall **Assembly Joint Resolution 81** be concurred in?

Concurred in.

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

- Senate Bill 252**
- Senate Bill 253**
- Senate Bill 266**
- Senate Bill 278**
- Senate Bill 280**
- Senate Bill 284**
- Senate Bill 288**
- Senate Bill 299**
- Senate Bill 309**
- Senate Bill 310**
- Senate Bill 311**
- Assembly Joint Resolution 75**
- Assembly Joint Resolution 76**
- Assembly Joint Resolution 80**
- Assembly Joint Resolution 81**

Messaged.

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

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of John Gendron of Silver Lake. He won the Milken Educator Award as Principal of Elkhorn Middle School.

Senator Lehman, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Reese Catherine Saaski, the second child of David and Catherine Saaski, a beautiful daughter born October 1st.

Senator Lehman, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Rudy Kuzel, who passed away on October 1st. Rudy was the past leader of UAW Local 72 in Kenosha, who led his union through the shutdown of auto assembly operations in 1988. Rudy was proud to have negotiated a program to help workers with addiction problems, and to have negotiated extended supplemental benefits for workers and a trust fund Chrysler established to help pay for education for their children.

Senator Plale, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his Uncle Jack, who recently passed away from lung cancer in Arizona.

Senator Plale, with unanimous consent, asked that when the Senate adjourn, it do so in honor of former Public Service Commission Chair Joe Mettner. Joe is survived by his wife, his two beautiful daughters, and another on the way. He was taken too soon and will be missed.

Senator Carpenter, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Edna Frorath Brown, who will be celebrating her 105th birthday on October 29, 2009. A woman of great presence and dignity, Edna bowled until age 85 and drove her car until age 99. She continues

membership in the Greenfield Golden Agers Club and is a devoted member of Divine Peace Lutheran Church for more than 30 years. Possessing still a focused in mind and memory, Edna now resides with her son and daughter-in-law in Milwaukee.

Senator Hansen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Analeigh Nativity Zaidel, born October 12, 2009 to parents Paul and Kathy Zaidel.

Senator Hopper, with unanimous consent, asked that when the Senate adjourn, it do so in honor of a dear friend, Peter Valentine Popp, Sr., who passed away earlier this month while traveling with his wife in Hungary. Senator Hopper fortunately had the opportunity to see Peter shortly before he died and will forever remember him as a loving husband to his wife, Patricia, and a devoted father to his children. In retirement, Peter was active in our community by participating in groups such as the Elks Club, Rotary Club, and the LKP Catfish Club, a group he founded. He also enjoyed a round or two at South Hills Country Club. Peter was loved and respected by all who knew him and he will be missed.

Senator Hopper, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the State Representative from the 52nd Assembly District, John Townsend. Representative Townsend announced yesterday that he will not be running for reelection to the State Assembly. Senator Hopper has only served with John in the legislature for a few months, but John's dedication to our constituents, our state, and our country is unmistakable. After he completes this term he will have accumulated 47 years of public service, which includes time served in the U.S. Navy and Navy Reserves, the Fond du Lac City Council, and the Wisconsin State Assembly. The Senator wishes John the best in his retirement, and hopes he enjoys time with his family and many friends who have supported him throughout the years.

Senator Lazich, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Alyson Dudek, of Hales Corners, who has qualified for the 2010 U.S. Olympic Short Track Speed skating Team. The 2010 Olympics will be in February, in Vancouver, Canada.

Senator Lazich, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Greendale High School Marching Band, who under the direction of Tom Reifenberg, scored a fifth consecutive Class AA victory this weekend in the Wisconsin State Music Association Marching Band Championship in Whitewater this past weekend.

Senator Lassa, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her niece, Reese Marie Lassa, who was born early in the morning on October 17th.

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Superior native, Oliver Williamson. Oliver Williamson was awarded the Nobel Prize in Economics on October 12, 2009 for his work in economic governance. It is an extraordinary recognition for an extraordinarily gifted man who has committed himself to business and economic issues since leaving his home town of Superior, WI in the early 1950s. He still comes back to Wisconsin for two months of every summer and spends time on with his family at their cabin Lake Nebagamon. Oliver Williamson began his education at Superior Central High School and continued on to study at a long line of respected

higher educational institutions, receiving his undergraduate degree from Massachusetts Institute of Technology, his Masters in Business Administration from Stanford University, and his Doctorate in Economics from Carnegie–Mellon University. We have much to be proud of in our state, and Oliver Wilson, Nobel Laureate, is one more example.

Senator Kanavas, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his son Nick Kanavas, a terrific kid; in recognition of his 15th birthday.

Senator Kanavas, with unanimous consent, asked that when the Senate adjourn, it do so in honor of a member of his staff, Ms. Valerie Cass of Whitefish Bay, Wisconsin; in recognition of her birthday.

Senator Miller, with unanimous consent, asked that when

the Senate adjourn, it do so in honor of Mary Louise Syman, the first woman elected to Chair the Dane County Board of Supervisors.

Senator Erpenbach, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Frances Sutor, who lost her life sleeping in her home when a drunk driver crashed through her bedroom wall. Frances is the inspiration for “Fran’s Law” – Senate Bill 252 that we passed today.

ADJOURNMENT

Senator Decker, with unanimous consent, asked that the Senate adjourn until Thursday, October 22, 2009.

3:05 P.M.

Adjourned.