



STATE OF WISCONSIN

Senate Journal

Ninety–Sixth Regular Session

2:20 P.M.

WEDNESDAY, March 10, 2004

The Senate met.

The Senate was called to order by Senator Alan Lasee.

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

Senators Breske, Brown, Carpenter, Chvala, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lassa, Lazich, Leibham, M. Meyer, Moore, Panzer, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Welch, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for a moment of silent meditation.

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

INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Read and referred:

Senate Resolution 33

Relating to: strongly urging the state not to appropriate any state funds for implementing the No Child Left Behind Act which would not otherwise have been expended for public education under existing state education laws.

By Senators Lassa, Erpenbach, Robson, Moore and Coggs.

To committee on **Education, Ethics and Elections**.

Senate Bill 541

Relating to: wild turkey hunting licenses issued to resident senior citizens.

By Senator Hansen.

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

Senate Bill 542

Relating to: the Volunteer Health Care Provider Program; independent charter schools; the Milwaukee Parental Choice Program; the Student Achievement Guarantee in Education Program; intradistrict transfer aid; granting rule–making authority; and making an appropriation.

By Senators Moore, Robson, Jauch, Carpenter, Coggs, M. Meyer and Erpenbach; cosponsored by Representatives Sinicki, Richards, Cullen, Taylor, J. Lehman, Turner, Young and Zepnick, by request of Governor James E. Doyle.

To committee on **Education, Ethics and Elections**.

Senate Bill 543

Relating to: establishing a Fiscal and Economic Research Center at the University of Wisconsin–Whitewater.

By Senators Plale, Kanavas and Robson; cosponsored by Representative Towns.

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

Senate Bill 544

Relating to: school district human growth and development programs; requiring a hospital to provide to an alleged victim of sexual assault, with consent, information and emergency contraception; requiring the availability, in a hospital, of a practitioner to prescribe contraceptive articles; requiring the availability, in a pharmacy, of a pharmacist to dispense contraceptive articles; and providing a penalty.

By Senators Moore, Risser, Wirch, Carpenter, Plale and Robson; cosponsored by Representatives Berceau, Pocan, Richards, Pope–Roberts, Shilling, Sinicki, Taylor, Vruwink, Hebl, Wasserman, Black, Turner, Miller and Boyle.

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

Senate Bill 545

Relating to: legislative and congressional redistricting.

By Senators Hansen and Harsdorf; cosponsored by Representatives Miller, Berceau and Pocan.

To committee on **Senate Organization**.

Senate Bill 546

Relating to: veterans personal loans and granting rule–making authority

By Senators Breske, Roessler, Wirch, Decker and Hansen; cosponsored by Representatives Petrowski, Musser, Schneider, Turner, Boyle, Krawczyk, Hines, M. Lehman, Suder and McCormick.

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

Senate Bill 547

Relating to: the issuance of municipal special fund obligations to pay unfunded prior service liability contributions under a public employee retirement system or to pay postemployment benefits.

By Senator Darling; cosponsored by Representative Stone.

To committee on **Labor, Small Business Development and Consumer Affairs**.

Senate Bill 548

Relating to: preparing the executive budget bill or bills according to generally accepted accounting principles; prohibiting the executive budget bill or bills from increasing the state's budget deficit; and requiring legislation to reduce the state's budget deficit.

By Senator Lassa; cosponsored by Representatives Nass, Molepske and Gottlieb.

To joint committee on **Finance**.

Senate Bill 549

Relating to: the labeling of dairy products containing certain imported substances.

By Senators Lassa, Decker, Zien, Robson and Hansen; cosponsored by Representatives Molepske, Gronemus, J. Wood, Hahn and Pohan.

To committee on **Agriculture, Financial Institutions and Insurance**.

REPORT OF COMMITTEES

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

Assembly Bill 516

Relating to: an exemption from the requirement to obtain an air pollution construction permit for certain equipment at a nonmetallic mineral processing facility.

Concurrence.

Ayes, 3 – Senators Kedzie, Stepp and Zien.
Noes, 2 – Senators Risser and Wirch.

Neal Kedzie
Chairperson

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

Assembly Bill 533

Relating to: contracts with persons who take depositions.

Concurrence.

Ayes, 5 – Senators Zien, S. Fitzgerald, Stepp, Carpenter and Coggs.

Noes, 0 – None.

David Zien
Chairperson

The committee on **Labor, Small Business Development and Consumer Affairs** reports and recommends:

TRAVER, JON R., of Monona, as a member of the Deferred Compensation Board, to serve for the term ending July 1, 2006.

Confirmation.

Ayes, 5 – Senators Reynolds, Kedzie, Zien, Decker and Hansen.

Noes, 0 – None.

Senate Bill 475

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

Passage.

Ayes, 3 – Senators Kedzie, Decker and Hansen.
Noes, 2 – Senators Reynolds and Zien.

Thomas Reynolds
Chairperson

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

Senate Joint Resolution 68

Relating to: the life and service of Sergeant Eugene A. Uhl III.

Adoption.

Ayes, 5 – Senators Panzer, A. Lasee, Zien, Erpenbach and Hansen.

Noes, 0 – None.

Mary Panzer
Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin

March 10, 2004

The Honorable, The Senate:

Pursuant to Senate Rule 20(2)(a) and (b) I have appointed Senator Roessler to the Joint committee on Finance and removed Senator Harsdorf.

With regard to members of the minority party, appointments are made based on the nominations of that caucus.

Sincerely,

SENATOR MARY PANZER
Senate Majority Leader

Senator Lazich, with unanimous consent, asked that the Senate recess until 8:17 P.M.

2:25 P.M.

RECESS

8:17 P.M.

The Senate reconvened.

Senator A. Lasee in the chair.

QUORUM CALL

The Chair noted the possible lack of a quorum.

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

Senators Breske, Brown, Carpenter, Chvala, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lassa, Lazich, Leibham, M. Meyer, Moore, Panzer, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Welch, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

ADVICE AND CONSENT OF THE SENATE

Senator Panzer, with unanimous consent, asked that all the appointments be taken up en masse with the exception of James Flynn and Robert Glasser.

ALMOND, PATRICIA M., of Madison, as Division Administrator of Merit Recruitment and Selection, Department of Employment Relations, to serve for the term ending March 26, 2004.

Read.

BAUMAN, SUSAN, of Madison, as a Commissioner of the Wisconsin Employment Relations Commission, to serve for the term ending March 1, 2005.

Read.

BINDL, KAREN J., of Sun Prairie, as a member of the Accounting Examining Board, to serve for the term ending July 1, 2006.

Read.

DRURY, MICHAEL H., of Merrill, as a member of the Deferred Compensation Board, to serve for the term ending July 1, 2007.

Read.

MCNAMARA, PATRICK J., of Lancaster, as a member of the Auctioneer Board, to serve for the term ending May 1, 2006.

Read.

NEUMANN, JUDITH, of Newton, Massachusetts, as Chair of the Wisconsin Employment Relations Commission, to serve for the term ending March 1, 2007.

Read.

ODOM, COREY F., of Milwaukee, as a member of the Prison Industries Board, to serve for the term ending May 1, 2006.

Read.

SMITH, BILL G., of Madison, as a member of the Prison Industries Board, to serve for the term ending May 1, 2007.

Read.

The question was: Confirmation?

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

Ayes – Senators Breske, Brown, Carpenter, Chvala, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lassa, Lazich, Leibham, M. Meyer, Moore, Panzer, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

Senator Panzer, with unanimous consent, asked that the appointments of James Flynn and Robert Glaser be taken up together.

FLYNN, JAMES, of Milwaukee, as Commissioner of the Labor and Industry Review Commission, to serve for the term ending March 1, 2005.

Read.

GLASER, ROBERT, of Brown Deer, as a member of the Labor and Industry Review Commission, to serve for the term ending March 1, 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, Brown, Carpenter, Chvala, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lassa, Lazich, Leibham, M. Meyer, Moore, Panzer, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

MESSAGES FROM THE ASSEMBLY

By Patrick E. Fuller, chief clerk.

Mr. President:

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

Assembly Bill 155

Assembly Bill 254

Assembly Bill 351

Assembly Bill 485

Assembly Bill 613

Assembly Bill 628

Assembly Bill 685

Assembly Bill 793

Assembly Bill 833

Assembly Bill 859

Assembly Bill 900

Assembly Bill 913

Assembly Bill 924

Assembly Bill 926

Assembly Bill 932

Adopted and asks concurrence in:

Assembly Joint Resolution 75

Concurred in:

Senate Bill 40

Senate Bill 60

Senate Bill 196

Senate Bill 230

Senate Bill 277

Senate Bill 284

Senate Bill 291

Senate Bill 324

Senate Bill 340

Senate Bill 344

Senate Bill 350

Senate Bill 351

Senate Bill 391

Senate Bill 399

Senate Bill 401

Senate Bill 410

Senate Bill 420

Senate Bill 423

Senate Bill 435

Senate Bill 436

Senate Bill 448

Senate Bill 470

Senate Bill 471

Senate Bill 472

Senate Bill 489

Senate Bill 492

Senate Bill 503

Senate amendment 1 to **Assembly Bill 746**

Amended and concurred in as amended:

Senate Bill 49 Assembly amendment 1 adopted

Senate Bill 75 Assembly amendment 1 adopted

Senate Bill 87 Assembly substitute amendment 1 adopted

Senate Bill 120 Assembly amendment 3 adopted

Senate Bill 155 Assembly amendment 1 adopted

Senate Bill 428 Assembly amendment 1 to Assembly substitute amendment 1 adopted and Assembly substitute amendment 1 adopted

**MESSAGES FROM THE ASSEMBLY
CONSIDERED**

Assembly Bill 155

Relating to: creating an individual income tax exemption for pay received from the federal government by members of a reserve component of the armed forces who serve on active duty.

By Representatives Musser, Loeffelholz, Freese, Lassa, Pettis, Seratti, Turner, J. Fitzgerald, Plouff, McCormick, Hahn, Krawczyk, Suder, Owens, Albers, Bies, Gunderson, Hines and Ainsworth; cosponsored by Senators Schultz, Kedzie, Welch, Stepp and Wirch.

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

Assembly Bill 254

Relating to: revisions and additions to condominium law.

By Joint Legislative Council.

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

Assembly Bill 351

Relating to: creating an individual income tax checkoff for a breast cancer research program, creating a breast cancer research program, requiring the exercise of rule-making authority, and making appropriations.

By Representatives Cullen, Ladwig, Boyle, McCormick, A. Williams, Huber, Sinicki, Wasserman, Shilling and Balow; cosponsored by Senators Schultz, Carpenter, Risser, Wirch and Hansen.

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

Assembly Bill 485

Relating to: expenditure of \$17,568.12 from the general fund in payment of a claim against the state made by Mullins Cheese, Inc.

By Representatives D. Meyer, Petrowski, Suder, Turner, Montgomery, Musser, Ott, Jeskewitz, Albers, Seratti, Hahn and Friske; cosponsored by Senators Welch, Zien and Schultz, by request of Wisconsin Claims Board.

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

Assembly Bill 613

Relating to: setoffs against tax refunds.

By Representatives Stone, Staskunas, Montgomery, Hahn, Nass, Kreibich, Petrowski, Bies, Hundertmark, Owens, Hines, Ott, Van Roy and Albers; cosponsored by Senators Darling and Roessler.

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

Assembly Bill 628

Relating to: creating a property tax exemption for outdoor theaters.

By Representatives Bies, F. Lasee, Hahn and McCormick; cosponsored by Senator A. Lasee.

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

Assembly Bill 685

Relating to: the definition of a group health benefit plan.

By Representatives Gielow, Van Roy, Ainsworth, Albers, Bies, Hahn, Hines, Honadel, Gottlieb, Gunderson, Jeskewitz, Kestell, Krawczyk, Ladwig, M. Lehman, Montgomery, Musser, Nischke, Olsen, Ott, Petrowski, Pettis, Seratti, Stone, Townsend, Underheim, Vrakas and Vukmir; cosponsored by Senators Kanavas, Darling, A. Lasee, Reynolds, Roessler, Schultz and Welch.

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

Assembly Bill 793

Relating to: the imposition of the estate tax on the transfer of property within this state's jurisdiction.

By Representative Montgomery; cosponsored by Senator Schultz.

Read first time and referred to select committee on **Job Creation**.

Assembly Bill 833

Relating to: permitting third-party testers to administer driving skills tests for certain noncommercial motor vehicle drivers.

By Representatives Ainsworth, Kestell, Hines, Montgomery, Albers, Nass, Ott, Hundertmark, Taylor and Townsend; cosponsored by Senators Leibham, Kanavas, Reynolds, A. Lasee and S. Fitzgerald.

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

Assembly Bill 859

Relating to: manufacturing extension center grants and making an appropriation.

By Representatives McCormick, Kaufert, Staskunas, Gunderson, Krawczyk, Albers, Plouff, Hines, Townsend, Hebl, Bies, J. Fitzgerald, Friske, Kreibich, Pettis, Shilling, Van Roy, Ott, Ainsworth, Krug, Weber, Hahn and Nischke; cosponsored by Senators Harsdorf, Schultz, Erpenbach, Roessler, Zien, Kanavas, M. Meyer, Lassa, S. Fitzgerald, Hansen, Risser and Wirch.

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

Assembly Bill 900

Relating to: collecting fees for the assessment of manufacturing property.

By Representatives Loeffelholz and Gard; cosponsored by Senators A. Lasee and Darling.

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

Assembly Bill 913

Relating to: limits under the agricultural production loan guarantee program.

By Representatives Ott, Gronemus, Ainsworth, Towns, Townsend, Musser, Albers, Hines, Freese, Loeffelholz, Ward, Vruwink, Montgomery and Hahn; cosponsored by Senator Schultz.

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

Assembly Bill 924

Relating to: the calculation of municipal aid payments.

By Representative Ott; cosponsored by Senator A. Lasee.

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

Assembly Bill 926

Relating to: regulation of high capacity wells, notification of well construction, groundwater quantity management, granting rule-making authority, and making appropriations.

By committee on Natural Resources.

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

Assembly Bill 932

Relating to: transfer of certain moneys by the Joint Committee on Finance for purposes of election administration.

By Representative Kaufert; cosponsored by Senator Darling.

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

Senator Panzer, with unanimous consent, asked that the Senate return to the 4th order of business.

Assembly Joint Resolution 75

Relating to: honoring Tom Letko for his dedicated service to the Wisconsin State Elections Board and to the people of the State of Wisconsin.

By Representative Ward; cosponsored by Senator S. Fitzgerald.

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

REPORT OF COMMITTEES

The committee on **Agriculture, Financial Institutions and Insurance** reports and recommends:

Assembly Bill 913

Relating to: limits under the agricultural production loan guarantee program.

Concurrence.

Ayes, 5 – Senators Schultz, Brown, Kedzie, Hansen and Lassa.

Noes, 0 – None.

Dale Schultz
Chairperson

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

Assembly Bill 613

Relating to: setoffs against tax refunds.

Concurrence.

Ayes, 5 – Senators Brown, Zien, S. Fitzgerald, Wirch and Breske.

Noes, 0 – None.

Ronald Brown
Chairperson

The select committee on **Job Creation** reports and recommends:

Assembly Bill 793

Relating to: the imposition of the estate tax on the transfer of property within this state's jurisdiction.

Concurrence.

Ayes, 4 – Senators Kanavas, Stepp, Leibham and Jauch.
Noes, 1 – Senator Chvala.

Ted Kanavas
Senate Chairperson

Cathy Stepp
Senate Chairperson

Senator Panzer, with unanimous consent, asked that **Assembly Bill 859** be withdrawn and taken up at this time.

Assembly Bill 859

Relating to: manufacturing extension center grants and making an appropriation.

Read a second time.

Senate amendment 1 to **Assembly Bill 859** offered by Senator Erpenbach.

Senator Carpenter, with unanimous consent, asked to be added as a coauthor of **Senate Bill 516**.

Senator Carpenter, with unanimous consent, asked to be added as a coauthor of **Senate Bill 518**.

Senator Carpenter, with unanimous consent, asked that **Senate Joint Resolution 39** be withdrawn from the committee on **Senate Organization** and taken up.

Senator Welch objected.

Senator Harsdorf moved rejection of Senate amendment 1 to **Assembly Bill 859**.

The question was: Rejection of Senate amendment 1 to **Assembly Bill 859**?

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

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

Noes – Senators Breske, Carpenter, Chvala, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, M. Meyer, Moore, Plale, Risser, Robson and Wirch – 15.

Absent or not voting – None.

Rejected.

Ordered to a third reading.

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

Senator Stepp, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 859**.

Senator Carpenter, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 859**.

Senator Panzer, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 859**.

Senator Zien, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 210**.

Assembly Bill 859

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 31; noes, 2; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Carpenter, Chvala, Coggs, Cowles, Darling, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lassa, Lazich, Leibham, M. Meyer, Panzer, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Welch, Wirch and Zien – 31.

Noes – Senators Decker and Moore – 2.

Absent or not voting – None.

Concurred in.

Senator Panzer, with unanimous consent, asked that **Senate Bill 460** be referred to committee on **Senate Organization**.

Senator Panzer, with unanimous consent, asked that **Senate Bill 474** be withdrawn and taken up.

Senator Cowles objected.

SPECIAL ORDERS

Senate Resolution 32

Relating to: urging the members of the U.S. Congress from this state, Wisconsin state legislature, executive branch, judicial system, county governments, city governments, village governments, town governments, University of Wisconsin System, Wisconsin technical college system, and public school districts to work on securing more federal funds for the residents of Wisconsin.

Read.

Senate amendment 1 to **Senate Resolution 32** offered by Senator Carpenter.

Senate amendment 2 to **Senate Resolution 32** offered by Senator Carpenter.

POINT OF ORDER

Senator Welch raised the point of order that Senate amendment 1 to **Senate Resolution 32** was not germane.

The Chair took the point of order under advisement.

Senate Bill 8

Relating to: withholding certain security information from public inspection.

Read.

The question was: Shall Assembly substitute amendment 1 to **Senate Bill 8** be concurred in?

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

Ayes – Senators Breske, Brown, Carpenter, Chvala, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lassa, Lazich, Leibham, M. Meyer, Moore, Panzer, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Concurred in.

Senate Bill 217

Relating to: allowing an individual income tax deduction for certain amounts contributed by a divorced or legally separated parent to his or her child's college savings account or college tuition and expenses program and limiting the deduction that may be claimed by a married person who files separately.

Read a second time.

Senator Darling, with unanimous consent, asked that **Senate Bill 217** be referred to the Joint Committee on **Finance**.

Senate Bill 275

Relating to: the definition of the practice of chiropractic; chiropractic evaluations, treatments, and referrals to physicians; unprofessional conduct by chiropractors; delegations by chiropractors; continuing education for chiropractors; nutritional guidance provided by chiropractors to patients; granting rule-making authority, and providing penalties.

Read a second time.

Senate substitute amendment 2 to **Senate Bill 275** offered by Senator Schultz.

Senator Panzer, with unanimous consent, asked that **Senate Bill 275** be referred to committee on **Senate Organization**.

Senate Bill 322

Relating to: the definition of a group health benefit plan.

Read a second time.

Senator Panzer, with unanimous consent, asked that **Assembly Bill 685** be withdrawn from the committee on **Senate Organization** and taken up.

Senator Erpenbach objected.

Senator Panzer, with unanimous consent, asked that **Senate Bill 322** be placed after **Assembly Bill 263**.

Senator Erpenbach objected.

The Chair, with unanimous consent, asked that the Senate stand informal until 9:47 P.M.

9:45 P.M.

STOOD INFORMAL

9:47 P.M.

The Senate reconvened.

Senator A. Lasee in the chair.

Ordered to a third reading.

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

Senate Bill 322

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 Brown, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Panzer, Reynol ds, Roessler, Schultz, Stepp, Welch and Zien – 18.

Noes – Senators Breske, Carpenter, Chvala, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, M. Meyer, Moore, Plale, Risser, Robson and Wirch – 15.

Absent or not voting – None.

Passed.

Senate Bill 414

Relating to: exempting farm truck tractors being operated in intrastate transportation for certain agricultural purposes from vehicle registration.

Read a second time.

IN THE CHAIR

10:43 P.M.

Senator Welch in the chair.

Senate amendment 1 to **Senate Bill 414** offered by Senator Carpenter.

Senator A. Lasee moved that Senate amendment 1 to **Senate Bill 414** be laid on the table.

The question was: Shall Senate amendment 1 to **Senate Bill 414** be laid on the table?

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

Ayes – Senators Breske, Brown, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lassa, Lazich, Leibham, M. Meyer, Panzer, Reynolds, Roessler, Schultz, Stepp, Welch and Zien – 25.

Noes – Senators Carpenter, Chvala, Coggs, Moore, Plale, Risser, Robson and Wirch – 8.

Absent or not voting – None.

Tabled.

Ordered to a third reading.

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

Senate Bill 414

Read a third time.

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

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lassa, Lazich, Leibham, M. Meyer, Moore, Panzer, Plale, Reynolds, Roessler, Schultz, Stepp, Welch, Wirch and Zien – 30.

Noes – Senators Chvala, Risser and Robson – 3.

Absent or not voting – None.

Passed.

Senate Bill 425

Relating to: the number of deputy coroners that may be appointed by a coroner.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 425**?

Adopted.

Ordered to a third reading.

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

Senate Bill 425

Read a third time and passed.

Senate Bill 439

Relating to: time-share licenses.

Read a second time.

IN THE CHAIR

11:14 P.M.

Senator Leibham in the chair.

Senator Welch, with unanimous consent, asked that Senate amendment 1 to **Senate Bill 439** be withdrawn and returned to author.

The question was: Adoption of Senate amendment 2 to **Senate Bill 439**?

Adopted.

Ordered to a third reading.

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

Senate Bill 439

Read a third time and passed.

Senate Bill 442

Relating to: permitting third-party testers to administer driving skills tests for certain noncommercial motor vehicle drivers.

Read a second time.

IN THE CHAIR

11:18 P.M.

Senator Welch in the chair.

Ordered to a third reading.

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

Senator Carpenter moved that **Senate Bill 442** be referred to the committee on **Transportation and Information Infrastructure**.

The question was: Shall **Senate Bill 442** be referred to the committee on **Transportation and Information Infrastructure**?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 17; absent or not voting, 1; as follows:

Ayes – Senators Breske, Carpenter, Chvala, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, M. Meyer, Moore, Plale, Risser, Robson and Wirch – 15.

Noes – Senators Brown, Cowles, Darling, S. Fitzgerald, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Panzer, Reynolds, Roessler, Schultz, Stepp, Welch and Zien – 17.

Absent or not voting – Senator Ellis – 1.

Referral Refused.

Senator Carpenter moved indefinite postponement of **Senate Bill 442**.

The question was: Shall **Senate Bill 442** be indefinitely postponed?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 17; absent or not voting, 1; as follows:

Ayes – Senators Breske, Carpenter, Chvala, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, M. Meyer, Moore, Plale, Risser, Robson and Wirch – 15.

Noes – Senators Brown, Cowles, Darling, S. Fitzgerald, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Panzer, Reynolds, Roessler, Schultz, Stepp, Welch and Zien – 17.

Absent or not voting – Senator Ellis – 1.

Refused indefinite postponment.

Senate Bill 442

Read a third time.

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

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

Noes – Senators Breske, Carpenter, Chvala, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, M. Meyer, Moore, Plale, Risser, Robson and Wirch – 15.

Absent or not voting – None.

Passed.

Senate Bill 486

Relating to: regulation of rental–purchase agreements and granting rule–making authority.

Read a second time.

Senate amendment 2 to Senate substitute amendment 2 to **Senate Bill 486** offered by Senators Robson, Coggs and Risser.

Senate amendment 3 to Senate substitute amendment 2 to **Senate Bill 486** offered by Senator Robson.

Senate amendment 4 to Senate substitute amendment 2 to **Senate Bill 486** offered by Senator Robson.

Senate amendment 5 to Senate substitute amendment 2 to **Senate Bill 486** offered by Senator Robson.

Senate amendment 6 to Senate substitute amendment 2 to **Senate Bill 486** offered by Senator Robson.

Senate amendment 7 to Senate substitute amendment 2 to **Senate Bill 486** offered by Senator Robson.

Senate amendment 8 to Senate substitute amendment 2 to **Senate Bill 486** offered by Senator Robson.

Senator Panzer, with unanimous consent, asked that **Senate Bill 486** be referred to committee on **Senate Organization**.

Senate Bill 493

Relating to: special distinguishing registration plates associated with the Susan G. Komen Breast Cancer Foundation and making an appropriation.

Read a second time.

Senator Erpenbach, with unanimous consent, asked to be added as a coauthor of **Senate Bill 493**.

Senator Roessler, with unanimous consent, asked to be added as a coauthor of **Senate Bill 493**.

Senator Panzer, with unanimous consent, asked to be added as a coauthor of **Senate Bill 493**.

Senator Darling, with unanimous consent, asked to be added as a coauthor of **Senate Bill 493**.

Senator Zien, with unanimous consent, asked to be added as a coauthor of **Senate Bill 493**.

Senator Hansen, with unanimous consent, asked to be added as a coauthor of **Senate Bill 493**.

Senator Coggs, with unanimous consent, asked to be added as a coauthor of **Senate Bill 493**.

Senator Carpenter, with unanimous consent, asked to be added as a coauthor of **Senate Bill 493**.

Senator Jauch, with unanimous consent, asked to be added as a coauthor of **Senate Bill 493**.

Senator Robson, with unanimous consent, asked to be added as a coauthor of **Senate Bill 493**.

Senator Darling, with unanimous consent, asked that **Senate Bill 493** be referred to the Joint Committee on **Finance**.

Senator Darling, with unanimous consent, asked that the rules be suspended and that **Senate Bill 493** be withdrawn from the Joint Committee on **Finance** and taken up at this time.

Read a second time.

Senate amendment 1 to **Senate Bill 493** offered by Senators Plale and Leibham.

The question was: Adoption of Senate amendment 1 to **Senate Bill 493**?

Adopted.

Ordered to a third reading.

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

Senate Bill 493

Read a third time and passed.

Senate Bill 508

Relating to: minimum wage and overtime pay exemptions for providers of companionship services.

Read a second time.

IN THE CHAIR

11:46 P.M.

Senator A. Lasee in the chair.

Senate amendment 2 to **Senate Bill 508** offered by Senators Carpenter, Robson, Erpenbach, Wirch, Hansen, Moore, Meyer, Coggs and Lassa.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 508** offered by Senator Carpenter.

Senator Cowles moved rejection of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 508**.

QUORUM CALL

Senator Erpenbach brought the attention of the Chair to the possible lack of a quorum.

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

Senators Breske, Brown, Carpenter, Chvala, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Kanavas, Kedzie, A. Lasee, Lassa, Lazich, Leibham, M. Meyer, Moore, Panzer, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Welch, Wirch and Zien – 32.

Absent – Senator Jauch – 1.

Absent with leave – None.

The question was: Rejection of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 508**?

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

Ayes – Senators Breske, Brown, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Panzer, Reynolds, Roessler, Schultz, Stepp, Welch and Zien – 19.

Noes – Senators Carpenter, Chvala, Coggs, Decker, Erpenbach, Hansen, Lassa, M. Meyer, Moore, Plale, Risser, Robson and Wirch – 13.

Absent or not voting – Senator Jauch – 1.

Rejected.

Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 508** offered by Senator Carpenter.

Senator Cowles moved rejection of Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 508**.

The question was: Rejection of Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 508**?

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

Ayes – Senators Breske, Brown, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Panzer, Reynolds, Roessler, Schultz, Stepp, Welch and Zien – 19.

Noes – Senators Carpenter, Chvala, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, M. Meyer, Moore, Plale, Risser, Robson and Wirch – 14.

Absent or not voting – None.

Rejected.

Senator Carpenter moved that **Senate Bill 508** be referred to the committee on **Health, Children, Families, Aging and Long Term Care**.

Senator Jauch, with unanimous consent, asked that the journal show he would have voted no on rejection of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 508**.

The question was: Shall **Senate Bill 508** be referred to the committee on **Health, Children, Families, Aging and Long Term Care**?

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

Ayes – Senators Carpenter, Chvala, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, M. Meyer, Moore, Plale, Risser, Robson and Wirch – 14.

Noes – Senators Breske, Brown, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Panzer, Reynolds, Roessler, Schultz, Stepp, Welch and Zien – 19.

Absent or not voting – None.

Referral Refused.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 508**?

Adopted.

Ordered to a third reading.

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

Senate Bill 508

Read a third time.

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

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

Noes – Senators Carpenter, Chvala, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, M. Meyer, Moore, Risser, Robson and Wirch – 13.

Absent or not voting – None.

Passed.

Senator Breske, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 944**.

Senator Lassa, with unanimous consent, asked to be added as a coauthor of **Senate Bill 516**.

Senator Lassa, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 200**.

Senator Welch, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 210**.

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

Senator Panzer, with unanimous consent, asked that the Senate recess until 3:25 P.M. March 12, 2004.

1:05 A.M.

RECESS

3:25 P.M. March 12, 2004

The Senate reconvened.

Senator A. Lasee in the chair.

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

3:26 P.M. March 12, 2004

AMENDMENTS OFFERED

Senate amendment 3 to **Senate Resolution 32** offered by Senators Lassa, Robson, Coggs, Moore, Breske, Risser, Chvala, Decker, Wirch, Erpenbach, Carpenter, Plale and M. Meyer.