



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Seventh Regular Session

12:00 P.M.

TUESDAY, November 1, 2005

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, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, 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 Harsdorf led the Senate in the pledge of allegiance to the flag of the United States of America.

### CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated Friday, October 28, 2005.

The committee on **Education** reports and recommends:

#### Senate Bill 327

Relating to: school and school district performance reports.

Adoption of Senate Amendment 1.

Ayes, 7 – Senators Olsen, Darling, Harsdorf, Grothman, Jauch, Erpenbach and Hansen.

Noes, 0 – None.

Passage as amended.

Ayes, 7 – Senators Olsen, Darling, Harsdorf, Grothman, Jauch, Erpenbach and Hansen.

Noes, 0 – None.

#### Senate Bill 361

Relating to: allowing the use of technologies other than fingerprint cards for background checks related to teacher licensing and changing a statutory reference to reflect the name change of the Wisconsin Council of Religious and Independent Schools (suggested as remedial legislation by the Department of Public Instruction).

Passage.

Ayes, 7 – Senators Olsen, Darling, Harsdorf, Grothman, Jauch, Erpenbach and Hansen.

Noes, 0 – None.

#### Senate Bill 382

Relating to: transportation of public school pupils who live outside the school district in which they are enrolled.

Passage.

Ayes, 7 – Senators Olsen, Darling, Harsdorf, Grothman, Jauch, Erpenbach and Hansen.

Noes, 0 – None.

#### Senate Bill 384

Relating to: counting pupils who attend the Youth Challenge Academy for school district revenue limit purposes.

Passage.

Ayes, 7 – Senators Olsen, Darling, Harsdorf, Grothman, Jauch, Erpenbach and Hansen.

Noes, 0 – None.

LUTHER OLSEN  
Chairperson

The committee on **Higher Education and Tourism** reports and recommends:

ADAMSKI, PAUL, of Stevens Point, as a member of the College Savings Program Board, to serve for the term ending May 1, 2009.

Confirmation.

Ayes, 5 – Senators Harsdorf, Kapanke, Breske, Plale and Leibham.

Noes, 0 – None.

COOK, MARY, of Madison, as a member of the College Savings Program Board, to serve for the term ending May 1, 2007.

Confirmation.

Ayes, 5 – Senators Harsdorf, Kapanke, Breske, Plale and Leibham.

Noes, 0 – None.

GREEN, JERRY, of Black River Falls, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2008.

Confirmation.

Ayes, 5 – Senators Harsdorf, Kapanke, Breske, Plale and Leibham.

Noes, 0 – None.

LANDES, SAMUEL, of Dane, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2008.

Confirmation.

Ayes, 5 – Senators Harsdorf, Kapanke, Breske, Plale and Leibham.

Noes, 0 – None.

LOFTUS, THOMAS, of Sun Prairie, as a member of the Board of Regents of the University of Wisconsin System, for the term ending May 1, 2011.

Confirmation.

Ayes, 5 – Senators Harsdorf, Kapanke, Breske, Plale and Leibham.

Noes, 0 – None.

MALECKI, ANDREW, of Green Bay, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2008.

Confirmation.

Ayes, 5 – Senators Harsdorf, Kapanke, Breske, Plale and Leibham.

Noes, 0 – None.

SHEEHY, PATRICK, of Mequon, as a member of the College Savings Program Board, to serve for the term ending May 1, 2009.

Confirmation.

Ayes, 5 – Senators Harsdorf, Kapanke, Breske, Plale and Leibham.

Noes, 0 – None.

**Senate Bill 38**

Relating to: authorizing a program for tuition gift certificates at the University of Wisconsin System.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Harsdorf, Kapanke, Breske, Plale and Leibham.

Noes, 0 – None.

Adoption of Senate Amendment 2.

Ayes, 5 – Senators Harsdorf, Kapanke, Breske, Plale and Leibham.

Noes, 0 – None.

Adoption of Senate Amendment 3.

Ayes, 5 – Senators Harsdorf, Kapanke, Breske, Plale and Leibham.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Harsdorf, Kapanke, Breske, Plale and Leibham.

Noes, 0 – None.

**Assembly Bill 27**

Relating to: authorizing a program for tuition gift certificates at the University of Wisconsin System.

Concurrence as amended.

Ayes, 5 – Senators Harsdorf, Kapanke, Breske, Plale and Leibham.

Noes, 0 – None.

SHEILA HARSDORF  
Chairperson

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

MOEN, RODNEY, of Whitehall, as a member of the Board of Veterans Affairs, to serve for the term ending May 1, 2011.

Confirmation.

Ayes, 5 – Senators Brown, Zien, Kanavas, Breske and Wirch.

Noes, 0 – None.

RONALD BROWN  
Chairperson

The committee on **Education** reports and recommends:

**Senate Clearinghouse Rule 04-076**

Relating to financial reporting requirements under the Milwaukee Parental Choice Program and affecting small businesses.

No action taken.

LUTHER OLSEN  
Chairperson

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has concurred in:

**Senate Bill 21**  
**Senate Joint Resolution 32**  
**Senate Joint Resolution 43**

The Chief Clerk makes the following entries dated Monday, October 31, 2005.

Read and referred:

**Senate Joint Resolution 48**

Relating to: honoring Ms. Rosa Louise Parks for her lifelong dedication to equal rights for all citizens, for her positive impact on American history, and for the legacy of civil rights that she has left for us to defend.

By Senators Taylor, Coggs, Robson, Risser, Jauch, Plale, Hansen, Erpenbach, Wirch, Miller, Darling, Olsen, Harsdorf and Brown; cosponsored by Representatives Turner, A. Williams, Lehman, Young, Colon, Toles, Grigsby, Kessler, Fields, Sherman, Boyle, Black, Sinicki, Berceau, Shilling, Pohan, Pope-Roberts, Vruwink, Molepske, Seidel, Parisi, Benedict, Hebl, Sheridan, Jeskewitz, Krawczyk, Gronemus, Lothian, Kerkman, Albers and Staskunas.

To committee on **Senate Organization**.

Read first time and referred:

**Senate Bill 408**

Relating to: a mandatory term of confinement and the maximum term of imprisonment for certain child sex offenses and providing penalties.

By Senators Darling, Zien, A. Lasee, Roessler, Lazich, Lassa, Grothman and Kanavas; cosponsored by Representatives Suder, Honadel, Kleefisch, Van Roy, Jeskewitz, Nischke, J. Fitzgerald, Gronemus, Montgomery, Mursau, Turner, Albers, Lothian, Sheridan, Hines, Wood, McCormick, Gunderson, Lamb, Nass, Pettis, Pridemore, Musser, LeMahieu, Hundertmark, Moulton and Stone.

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

**Senate Bill 409**

Relating to: the definition of sexual contact and providing penalties.

By Senators Darling, Taylor, Lazich, Plale, Roessler, Lassa and A. Lasee; cosponsored by Representatives Kleefisch, Gundrum, Wasserman, Nass, Jensen, Sherman, Lothian, Grigsby, Jeskewitz, Pettis, Hines, Ainsworth, Albers, Gunderson, Musser, Strachota and Nerison.

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

The committee on **Housing and Financial Institutions** reports and recommends:

**Senate Bill 401**

Relating to: duties of real estate brokers and salespersons.

Passage.

Ayes, 7 – Senators Stepp, Harsdorf, Brown, Reynolds, Plale, Lassa and Coggis.

Noes, 0 – None.

CATHY STEPP  
Chairperson

Pursuant to Senate Rule 17 (5), Senator Brown added as a coauthor of **Senate Bill 402**.

Pursuant to Senate Rule 17 (5), Senator Grothman removed as a coauthor of **Senate Bill 226**.

By Patrick E. Fuller, chief clerk.

Mr. President:

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

**Assembly Joint Resolution 48**

**Assembly Joint Resolution 48**

Relating to: life and public service of Bernard C. Ziegler.

By Representative Strachota; cosponsored by Senator Grothman.

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

Senate amendment 1 to **Senate Bill 330** offered by Senator Reynolds.

**CORRECTIONS IN:**

**TO 2005 ASSEMBLY BILL 766**

Prepared by the Legislative Reference Bureau  
(October 28, 2005)

1. Page 4, line 16: delete “renumbered 893.55 (4) (b) 2. and”.
2. Page 4, line 18: delete “2.”.

**INTRODUCTION, FIRST READING AND  
REFERENCE OF PROPOSALS**

Read and referred:

**Senate Joint Resolution 49**

Relating to: recognizing November 10 as Wisconsin ROTC Day in the state of Wisconsin.

By Senators S. Fitzgerald, Breske, Harsdorf, Kapanke, Olsen and Roessler; cosponsored by Representatives Musser, Albers, Bies, J. Fitzgerald, Gundrum, Hahn, Hebl, Hines, Jeskewitz, Krawczyk, F. Lasee, Lehman, Lothian, McCormick,

Montgomery, Nass, Nischke, Ott, Owens, Petrowski, Shilling, Sheridan, Strachota, Suder, Townsend, Vos and M. Williams.

To committee on **Senate Organization**.

Read first time and referred:

**Senate Bill 410**

Relating to: removal of a pupil from class, from any portion of school property, or from a school-sponsored activity.

By Senators Grothman, Hansen, A. Lasee, Roessler and Taylor; cosponsored by Representatives Strachota, Ainsworth, Bies, Cullen, Davis, Gronemus, Gunderson, Gundrum, Hahn, Hines, Lehman, Lothian, Montgomery, Ott, Pocan, Pope-Roberts, Sheridan, Seidel, Sinicki, Suder, Toles and Ziegelbauer.

To committee on **Education**.

**Senate Bill 411**

Relating to: a school attendance officer’s duties.

By Senators Olsen and Roessler; cosponsored by Representatives Towns, Kestell, Nischke, Hundertmark, Lehman, Ott, Lothian, Musser, Albers, Jeskewitz, Bies, McCormick, Strachota, Krawczyk, Nerison, Davis, Petrowski and Gunderson.

To committee on **Education**.

**Senate Bill 412**

Relating to: the deadline for school districts to determine, and to notify municipalities of, their tax levies.

By Senators Olsen, Grothman, Erpenbach and Roessler; cosponsored by Representatives Towns, Kestell, Nischke, Hundertmark, Lehman, Ott, Lothian, Musser, Albers, Jeskewitz, Bies, McCormick, Strachota, Krawczyk, Hines, Petrowski, Nerison, Davis and Gunderson.

To committee on **Education**.

**Senate Bill 413**

Relating to: time for service of court documents in child abuse and harassment injunction cases.

By Senators Darling and A. Lasee; cosponsored by Representatives Stone, Kessler, Hines and Hahn.

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

**Senate Bill 414**

Relating to: fee remission for children and surviving spouses of ambulance drivers, correctional officers, emergency medical services technicians, fire fighters, and law enforcement officers.

By Senators Zien, Darling, A. Lasee, Hansen, Leibham, Carpenter, Roessler, Breske and Decker; cosponsored by Representatives Moulton, Suder, Gronemus, Hahn, Lothian, Ott, Hines, Gunderson, McCormick, Montgomery, Kreibich, Nelson, Vos, Turner, Davis, Krawczyk, Friske, Van Roy, Honadel, Lehman and Kerkman.

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

**Senate Bill 415**

Relating to: the sale and distribution of fermented malt beverages.

By Senators Brown, Kanavas, Robson, Schultz, S. Fitzgerald, Plale, Zien, Breske, Leibham, Ellis, Jauch and Decker; cosponsored by Representatives J. Fitzgerald, Huebsch, Kreuser, Gard, Krawczyk, Musser, Fields, Hahn, Hines, Gronemus, Kreibich, Lothian, Boyle, Montgomery, Nelson, Nerison, Seidel, Stone, Sheridan, Towns, Travis, Van Roy, Zepnick, Kestell, Petrowski, Hundertmark, Moulton and Meyer.

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

**Senate Bill 416**

Relating to: health care coverage.

By Senators Robson, Carpenter, Decker, Erpenbach, Hansen, Lassa, Miller, Plale, Taylor and Wirch; cosponsored by Representatives Seidel, Parisi, Kreuser, Benedict, Berceau, Black, Boyle, Cullen, Fields, Grigsby, Gronemus, Hebl, Kessler, Lehman, Molepske, Musser, Pohan, Pope-Roberts, Sheridan, Sherman, Shilling, Sinicki, Toles, Travis, Turner, Vruwink, Young and Zepnick.

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

**Senate Bill 417**

Relating to: ineligibility of convicted felons for licensure as lobbyists.

By Senator A. Lasee; cosponsored by Representative Bies.  
To committee on **Labor and Election Process Reform.**

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**REPORT OF COMMITTEES**

The committee on **Agriculture and Insurance** reports and recommends:

**Assembly Bill 679**

Relating to: eliminating the exemption from yield tax for certain managed forest land, management plans for designating land as managed forest land, and calculating withdrawal tax for certain managed forest land.

Concurrence.

Ayes, 7 – Senators Kapanke, Kedzie, Brown, Olsen, Erpenbach, Hansen and Miller.

Noes, 0 – None.

**Assembly Bill 764**

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

Concurrence.

Ayes, 4 – Senators Kapanke, Kedzie, Brown and Olsen.

Noes, 3 – Senators Erpenbach, Hansen and Miller.

**Assembly Bill 765**

Relating to: coverage under the injured patients and families compensation fund of medical school graduates engaged in postgraduate training.

Concurrence.

Ayes, 7 – Senators Kapanke, Kedzie, Brown, Olsen, Erpenbach, Hansen and Miller.

Noes, 0 – None.

**Assembly Bill 766**

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

Concurrence.

Ayes, 4 – Senators Kapanke, Kedzie, Brown and Olsen.

Noes, 3 – Senators Erpenbach, Hansen and Miller.

**Assembly Bill 769**

Relating to: requiring actuarial audits of the injured patients and families compensation fund and authorizing the fund's board of governors to organize an insurance corporation.

Concurrence.

Ayes, 7 – Senators Kapanke, Kedzie, Brown, Olsen, Erpenbach, Hansen and Miller.

Noes, 0 – None.

DAN KAPANKE  
Chairperson

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

**Senate Bill 248**

Relating to: aiding a felon and providing penalties.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Zien, Roessler, Grothman, Taylor and Risser.

Noes, 0 – None.

Introduction and adoption of Senate Amendment 2.

Ayes, 5 – Senators Zien, Roessler, Grothman, Taylor and Risser.

Noes, 0 – None.

Passage as amended.

Ayes, 3 – Senators Zien, Roessler and Grothman.

Noes, 2 – Senators Taylor and Risser.

**Assembly Bill 278**

Relating to: liens, public nuisances, witnesses, and liability of shareholders.

Adoption of Senate Amendment 1.

Ayes, 3 – Senators Zien, Roessler and Grothman.

Noes, 2 – Senators Taylor and Risser.

Concurrence as amended.

Ayes, 3 – Senators Zien, Roessler and Grothman.

Noes, 2 – Senators Taylor and Risser.

**Senate Bill 402**

Relating to: actions against manufacturers, distributors, sellers, and promoters of products.

Introduction and adoption of Senate Amendment 1.

Ayes, 3 – Senators Zien, Roessler and Grothman.

Noes, 2 – Senators Taylor and Risser.

Passage as amended.

Ayes, 3 – Senators Zien, Roessler and Grothman.

Noes, 2 – Senators Taylor and Risser.

DAVID ZIEN  
Chairperson

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

SWANSON, DAVID, of Milwaukee, as a member of the Tax Appeals Commission, to serve for the term ending March 1, 2011.

Confirmation.

Ayes, 5 – Senators Brown, Zien, Kanavas, Breske and Wirch.

Noes, 0 – None.

**Senate Bill 276**

Relating to: expanding reimbursements to cities and villages for fire calls on certain highways.

Passage.

Ayes, 5 – Senators Brown, Zien, Kanavas, Breske and Wirch.

Noes, 0 – None.

RONALD BROWN  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Office of the Governor**

November 1, 2005

The Honorable, The Senate:

I am vetoing **Senate Bill 390** in its entirety. This bill directs the Department of Transportation to provide a general obligation bond supported grant of \$1.6 million to the city of Marinette for the construction of a dockwall at the Waupaca Foundry. The bill also waives the requirement that the department reimburse a maximum of 80 percent of the total costs of a project.

This bill is redundant and unnecessary because my administration has already provided nearly \$2 million for the Waupaca Foundry to construct the dockwall, renovate its facilities, and invest in new equipment and training.

My administration is funding this project through Community Development Block Grants and other training grants and tax credits which are intended for a project like this one. The legislation sent to me diverts funds away from the Harbor Assistance

Grant Program, which would only hurt other worthy harbor projects in the area.

Moreover, the project does not meet various requirements of the Harbor Assistance Grant Program, which requires that the Department of Transportation give precedence to projects with high levels of commercial boat traffic. As the foundry does not utilize the Marinette harbor for boat traffic, it would not score well in the application evaluation process. The acceptance of this proposal would both delay approved projects and eliminate the possibility of funding other worthy harbor transportation projects later in the biennium.

In the end, the bill the Legislature sent to me provides less funding and diverts funds away from other nearby communities. Since the project has already been funded, there is no need for this legislation.

Sincerely,

**JIM DOYLE**  
Governor

**State of Wisconsin  
Department of Administration**

October 31, 2005

The Honorable, The Legislature:

This report is transmitted as required by sec. 20.002(11)(f) of the Wisconsin Statutes, (for distribution to the appropriate standing committees under sec. 13.172(3) Stats.), and confirms that the Department of Administration has found it necessary to exercise the “temporary reallocation of balances” authority provided by this section in order to meet payment responsibilities and cover resulting negative balances during the month of September 2005.

On September 6, 2005, the **General Fund** cash balance closed at a negative \$12.1 million. The fund’s negative cash balance continued intermittently until September 22, 2005, when the fund’s cash balance closed at a positive \$3.8 million. The **General Fund** cash balance reached its intramonth low of a negative \$264.9 million on September 19, 2005. The negative balance was due to the difference in the timing of revenues and expenditures.

The General Fund was not in excess of the statutory interfund borrowing limitations and did not exceed the balances of the funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool

and each fund’s share. Therefore, the monthly calculation by the State Controller’s Office will automatically reflect the use of these temporary reallocations of balance authority, and as a result, the funds requiring the use of the authority will effectively bear the interest cost.

Sincerely,

**STEPHEN E. BABLITCH**  
Secretary

Referred to joint committee on **Finance.**

**State of Wisconsin  
Ethics Board**

November 1, 2005

The Honorable, The Senate:

The following lobbyists have been authorized to act on behalf of the organizations set opposite their names.

For more detailed information about these lobbyists and organizations and a complete list of organizations and people authorized to lobby the 2005 session of the legislature, visit the Ethics Board’s web site at <http://ethics.state.wi.us>

Beiriger, Jeffrey J	Wisconsin Insulation Contractors Association
Fonfara, Thomas	Wisconsin Health Information Organization
Foti, Steven	Frederic E. Mohs D/B/A Wisconsin Homeowners for Tax Fairness
Franken, Andrew	National Paint & Coatings Association
Jun, Michelle	Consumers Union of U.S., Inc
Klaetsch, George	Elevator Industry Work Preservation Fund
Kuehn, Ronald W	E & K Land, LLC
McCoshen, William J	American Tissue Services Foundation
McGurk, Russell	Coalition Against Bigger Trucks
Plautz, Jolene	Wisconsin Auto Collision Technicians Assn. Ltd.
Reese, Gina	Musculoskeletal Transplant Foundation
Remsik, Jeffrey	Wisconsin Health Information Organization
Sabo, Scott	American Tissue Services Foundation
Seitz, Robert	Coalition Against Bigger Trucks
Shinstine, Lori	American Tissue Services Foundation
Tanner, Brian	United Council of UW Students

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by organizations that employ lobbyists.

Sincerely,

**R. ROTH JUDD**  
Executive Director

Pursuant to Senate Rule 17 (5), Senator Carpenter added as a coauthor of **Senate Joint Resolution 48**.

Pursuant to Senate Rule 17 (5), Senator A. Lasee added as a coauthor of **Senate Joint Resolution 48**.

Pursuant to Senate Rule 17 (5), Senator Zien added as a coauthor of **Senate Joint Resolution 48**.

Pursuant to Senate Rule 17 (5), Senator Zien added as a coauthor of **Senate Bill 1**.

Pursuant to Senate Rule 17 (5), Senator A. Lasee added as a coauthor of **Senate Bill 221**.

Pursuant to Senate Rule 17 (5), Senator Jauch added as a coauthor of **Senate Bill 1**.

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

Pursuant to Senate Rule 17 (5), Senator Cowles added as a coauthor of **Senate Joint Resolution 48**.

Pursuant to Senate Rule 17 (5), Senator Lassa added as a coauthor of **Senate Bill 341**.

Senator Schultz, with unanimous consent, asked that the reading be dispensed with, and that the appointments be considered en masse.

LUBAR, SHELDON, of Milwaukee, as a member of the Board of Trustees of the Medical College of Wisconsin, for the term ending May 1, 2011.

MOORE, MANIA, of New Richmond, as a member of the Chiropractic Examining Board, to serve for the term ending July 1, 2009.

OKEY, LOUIS, of Cassville, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2010.

PIERCE, DENNIS, of Kenosha, as a member of the Real Estate Board, to serve for the term ending July 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, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

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## ADVICE AND CONSENT OF THE SENATE

State of Wisconsin  
Office of the Governor

October 27, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SERLIN, ERICA, of Madison, as a member of the Psychology Examining Board, to serve for the term ending July 1, 2007.

Sincerely,

JIM DOYLE  
Governor

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

State of Wisconsin  
Office of the Governor

October 27, 2005

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LEHMAN-BARRY, MARY, of Appleton, as a member of the Cemetery Board, to serve for the term ending July 1, 2006.

Sincerely,

JIM DOYLE  
Governor

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

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

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

### **Senate Clearinghouse Rule 04-058**

Relating to petroleum environmental cleanup fund awards and associated credentials.

No action taken.

NEAL KEDZIE  
Chairperson

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## MESSAGES FROM THE ASSEMBLY

By Patrick E. Fuller, chief clerk.

Mr. President:

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

### **Assembly Joint Resolution 62**

Passed and asks concurrence in:

**Assembly Bill 29**  
**Assembly Bill 55**  
**Assembly Bill 182**  
**Assembly Bill 218**  
**Assembly Bill 461**  
**Assembly Bill 470**

**Assembly Bill 509**  
**Assembly Bill 558**  
**Assembly Bill 619**  
**Assembly Bill 620**  
**Assembly Bill 727**  
**Assembly Bill 728**  
**Assembly Bill 762**

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**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Bill 29**

Relating to: registration of vehicles operated exclusively by volunteer fire departments.

By Representatives Gottlieb, Mursau, Albers, Freese, Hahn, Hines, Jeskewitz, Kerkman, Musser, Nass, Nischke, Ott, Pridemore and Vos; cosponsored by Senators Brown, Kedzie and Lassa.

Read first time and referred to committee on **Natural Resources and Transportation**.

**Assembly Bill 55**

Relating to: immunity of private campground owners and operators.

By Representatives Pettis, Musser, Montgomery, Owens, Bies, Jeskewitz, Albers, Nass, Ott, Hahn and Freese; cosponsored by Senators A. Lasee, Zien and Reynolds.

Read first time and referred to committee on **Higher Education and Tourism**.

**Assembly Bill 182**

Relating to: the duration of the effect of emergency rules.

By Representatives M. Williams, Davis, Lamb, Towns, Krawczyk, Van Roy, Townsend, Gunderson, Hines, Albers, Petrowski, Gronemus, Kestell, Jeskewitz, Suder, Nischke, Musser, Meyer, Owens, Vos and Vrakas; cosponsored by Senators Leibham, Olsen, Reynolds, Kedzie and Lazich.

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

**Assembly Bill 218**

Relating to: castrating a dog, cat, or horse.

By Representatives Hines, Ballweg, Bies, Gronemus, Kerkman, Krawczyk, Kreibich, Lehman and Vrakas.

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

**Assembly Bill 461**

Relating to: requiring legislative approval to locate a gaming establishment on certain lands taken into trust for the benefit of Indian tribes.

By Representatives Gard, Ziegelbauer, Meyer, Petrowski, Gielow, Wood, Bies, Gundrum, Jeskewitz, Kestell, Owens, Vukmir, Gunderson, Towns, Albers, Vos, Ott, J. Fitzgerald, Kleefisch, Huebsch, Jensen and Davis; cosponsored by Senators Lazich, Zien and Grothman.

Read first time and referred to committee on **Judiciary, Corrections and Privacy**.

**Assembly Bill 470**

Relating to: regulating the possession of Asian carp.

By Representative Schneider.

Read first time and referred to committee on **Natural Resources and Transportation**.

**Assembly Bill 509**

Relating to: liability of cities, villages, towns, and counties for damages caused by an insufficiency or want of repair of a highway.

By Representatives Albers, Musser, Ainsworth, Petrowski, Kreibich, Hahn, F. Lasee, Gottlieb, Vos, LeMahieu, Hundertmark, Gunderson, Wieckert, Mursau, Gronemus and Jeskewitz; cosponsored by Senators Breske, Brown, Grothman and Schultz.

Read first time and referred to committee on **Natural Resources and Transportation**.

**Assembly Bill 558**

Relating to: limiting the reasons for which a local government may withhold approval of a permit.

By Representative Albers.

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

**Assembly Bill 619**

Relating to: retail sales of wine by the bottle in restaurants for consumption on and off the premises.

By Representatives Pridemore, Van Roy, Ziegelbauer, Bies, Gronemus, Gunderson, Gundrum, Jensen, Krawczyk, Loeffelholz, Lothian, McCormick, Molepske, Musser, Nerison, Owens, Pocan, Underheim and Vos; cosponsored by Senator A. Lasee.

Read first time and referred to committee on **Job Creation, Economic Development and Consumer Affairs**.

**Assembly Bill 620**

Relating to: requiring notice to persons affected by zoning actions and comprehensive plans that change the allowable use of their property.

By Representatives Albers, Lothian, Ainsworth, Owens and Bies.

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

**Assembly Bill 727**

Relating to: alibi witnesses in criminal cases.

By Representatives Gundrum, Hines, Lothian, Ott, Suder, Owens, Musser, Krawczyk, Hahn, Lehman, Bies, Berceau, Albers, LeMahieu, Van Roy, Lamb, Ballweg and Pettis; cosponsored by Senators Darling and Kedzie.

Read first time and referred to committee on **Judiciary, Corrections and Privacy**.

**Assembly Bill 728**

Relating to: intimidating a witness and providing a penalty.

By Representatives Davis, Albers, Gundrum, Towns, Lamb, Vos, Kleefisch, Strachota, Nischke, Lothian, Hundertmark, Ott, Gunderson, Suder, Nass, LeMahieu, Petrowski, Krawczyk, Pettis, Hines, Kessler, Gronemus, Musser, Ziegelbauer, Vruwink, Sheridan, Molepske and Lehman; cosponsored by Senators Roessler, Darling, A. Lasee and Erpenbach.

Read first time and referred to committee on **Judiciary, Corrections and Privacy**.

**Assembly Bill 762**

Relating to: exempting from motor carrier regulations certain vehicle combinations operated in intrastate commerce.

By Representatives Nerison, Ainsworth, Petrowski, Hahn, Ott, Lamb, Davis, Gronemus, Vruwink, Albers, M. Williams, Loeffelholz, Towns, Ballweg, Bies, Boyle, Freese, Gunderson,

Gundrum, Hines, Hundertmark, Kestell, Kleefisch, LeMahieu, Musser, Owens, Pettis, Pridemore, Schneider, Townsend, Ward and Wood; cosponsored by Senators Harsdorf, Kapanke, Brown, Olsen, A. Lasee and Grothman.

Read first time and referred to committee on **Natural Resources and Transportation**.

### **Assembly Joint Resolution 62**

Relating to: the life and military service of United States Army Major Christopher J. Splinter.

By Representative Loeffelholz.

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

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

Senator Schultz, with unanimous consent, asked that **Senate Joint Resolution 48** be withdrawn from the committee on **Senate Organization** and taken up.

### **Senate Joint Resolution 48**

Relating to: honoring Ms. Rosa Louise Parks for her lifelong dedication to equal rights for all citizens, for her positive impact on American history, and for the legacy of civil rights that she has left for us to defend.

Adopted.

### **Senate Bill 1**

Relating to: creation of a Government Accountability Board, making appropriations, and providing penalties.

Read a second time.

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

Adopted.

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

Adopted.

The question was: Adoption of Senate amendment 3 to **Senate Bill 1**?

Adopted.

Senate amendment 4 to **Senate Bill 1** offered by Senator Ellis.

The question was: Adoption of Senate amendment 4 to **Senate Bill 1**?

Adopted.

Senate amendment 5 to **Senate Bill 1** offered by Senators Stepp and Ellis.

The question was: Adoption of Senate amendment 5 to **Senate Bill 1**?

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, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman,

Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Adopted.

Senate amendment 6 to **Senate Bill 1** offered by Senators Decker and A. Lasee.

Senator Erpenbach moved that Senate amendment 6 to **Senate Bill 1** be laid on the table.

The question was: Shall Senate amendment 6 to **Senate Bill 1** be laid on the table?

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

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Ellis, Erpenbach, S. Fitzgerald, Harsdorf, Jauch, Kapanke, Kedzie, Leibham, Olsen, Schultz and Zien – 16.

Noes – Senators Darling, Decker, Grothman, Hansen, Kanavas, A. Lasee, Lassa, Lazich, Miller, Plale, Reynolds, Risser, Robson, Roessler, Stepp, Taylor and Wirch – 17.

Absent or not voting – None.

Tabling refused.

Senator Erpenbach moved rejection of Senate amendment 6 to **Senate Bill 1**.

The question was: Rejection of Senate amendment 6 to **Senate Bill 1**?

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

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, Leibham, Olsen, Robson, Schultz and Zien – 19.

Noes – Senators Darling, Decker, Grothman, A. Lasee, Lassa, Lazich, Miller, Plale, Reynolds, Risser, Roessler, Stepp, Taylor and Wirch – 14.

Absent or not voting – None.

Rejected.

Ordered to a third reading.

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

### **Senate Bill 1**

Read a third time.

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

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, Lassa, Lazich, Leibham,



Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Stepp, Wirch and Zien – 28.

Noes – Senators Decker, Grothman, A. Lasee, Reynolds and Taylor – 5.

Absent or not voting – None.

Passed.

### **Senate Bill 5**

Relating to: creation of a Joint Committee on State Mandates and required funding of state mandates.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 5**?

Adopted.

Ordered to a third reading.

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

### **Senate Bill 5**

Read a third time and passed.

### **Senate Bill 132**

Relating to: payment of litigation expenses of emergency medical services personnel, fire fighters, first responders, and law enforcement or correctional officers.

Read a second time.

The question was: Adoption of Senate substitute amendment 2 to **Senate Bill 132**?

Adopted.

Ordered to a third reading.

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

### **Senate Bill 132**

Read a third time and passed.

### **Senate Bill 135**

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 135**?

Adopted.

Ordered to a third reading.

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

### **Senate Bill 135**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 24; noes, 9; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Ellis, S. Fitzgerald, Hansen, Jauch, Kanavas, Kapanke, Kedzie, Lassa, Miller, Olsen, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 24.

Noes – Senators Decker, Erpenbach, Grothman, Harsdorf, A. Lasee, Lazich, Leibham, Plale and Reynolds – 9.

Absent or not voting – None.

Passed.

### **Senate Bill 221**

Relating to: the provision of information regarding shaken baby syndrome and impacted babies to the parents of newborn infants, training regarding shaken baby syndrome and impacted babies for day care providers, and instruction regarding shaken baby syndrome and impacted babies for middle school and high school pupils; and granting rule-making authority.

Read a second time.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 2 to **Senate Bill 221**?

Adopted.

The question was: Adoption of Senate substitute amendment 2 to **Senate Bill 221**?

Adopted.

Ordered to a third reading.

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

### **Senate Bill 221**

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

Noes – None.

Absent or not voting – None.

Passed.

### **Senate Bill 226**

Relating to: informed consent for minors for inpatient and outpatient treatment for mental illness and developmental disability, informed consent for the administration to minors of psychotropic medication, and access to records.

Read a second time.

The question was: Adoption of Senate amendment 1 to Senate amendment 1 to **Senate Bill 226**?

Adopted.

The question was: Adoption of Senate amendment 1 to **Senate Bill 226**?

Adopted.

Ordered to a third reading.

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

**Senate Bill 226**

Read a third time.

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

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

Noes – Senators Breske, Carpenter, Coggs, Erpenbach, Grothman, Hansen, Jauch, Lassa, Miller, Reynolds, Risser, Robson, Taylor and Wirch – 14.

Absent or not voting – None.

Passed.

**Senate Bill 247**

Relating to: considering a person’s criminal record and evidence of abuse or neglect of a child when modifying custody or physical placement of a child.

Read a second time.

Senator Schultz, with unanimous consent, asked that **Assembly Bill 522** be withdrawn from the committee on **Senate Organization** and taken up.

**Assembly Bill 522**

Relating to: considering a person’s criminal record and evidence of abuse or neglect of a child when modifying custody or physical placement of a child.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 522**

Read a third time and concurred in.

Senator Schultz, with unanimous consent, asked that **Senate Bill 247** be laid on the table.

**Senate Bill 268**

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

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 268**?

Adopted.

The question was: Adoption of Senate amendment 1 to Senate amendment 2 to **Senate Bill 268**?

Adopted.

The question was: Adoption of Senate amendment 2 to **Senate Bill 268**?

Adopted.

Senator Zien in the Chair.

Senate amendment 3 to **Senate Bill 268** offered by Senator Grothman.

Senator Robson moved that **Senate Bill 268** be rereferred to the committee on **Senate Organization**.

Senator Kedzie moved that the motion to rerefer **Senate Bill 268** to the committee on **Senate Organization** be laid on the table.

The question was: Shall the motion to rerefer **Senate Bill 268** to the committee on **Senate Organization** be laid on the table?

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

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

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 14.

Absent or not voting – None.

Motion tabled.

Senator Risser raised the point of order that tabling the motion to refer to committee places the proposal in the committee on Senate Organization pursuant to Senate Rule 65 (2).

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**RULING OF THE CHAIR**

The Chair ruled the point of order not well taken. Senate Rule 65 (2) applies only to a motion to table a proposal, and a proposal is a defined term. As defined in Senate Rule 99 (60), a proposal does not include a motion. Thus under Senate Rule 63 (1)(f) a motion to table a motion is proper and does not have the effect of placing the matter in the committee on **Senate Organization**.

Senator Robson moved indefinite postponement of **Senate Bill 268**.

The question was: Shall **Senate Bill 268** be indefinitely postponed?

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

Ayes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Grothman, Hansen, Jauch, Lassa, Lazich, Miller, Plale, Risser, Robson, Taylor and Wirch – 16.

Noes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee,

Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 17.

Absent or not voting – None.

Indefinite postponement refused.

Senator Brown moved that Senate amendment 3 to **Senate Bill 268** be laid on the table.

The question was: Shall Senate amendment 3 to **Senate Bill 268** be laid on the table?

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

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 17.

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Grothman, Hansen, Jauch, Lassa, Lazich, Miller, Plale, Risser, Robson, Taylor and Wirch – 16.

Absent or not voting – None.

Tabled.

Senate amendment 4 to **Senate Bill 268** offered by Senator Grothman.

Senator Brown moved that Senate amendment 4 to **Senate Bill 268** be laid on the table.

The question was: Shall Senate amendment 4 to **Senate Bill 268** be laid on the table?

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

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 17.

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Grothman, Hansen, Jauch, Lassa, Lazich, Miller, Plale, Risser, Robson, Taylor and Wirch – 16.

Absent or not voting – None.

Tabled.

Senate amendment 5 to **Senate Bill 268** offered by Senator Grothman.

Senator Grothman, with unanimous consent, asked that Senate amendment 5 to **Senate Bill 268** be withdrawn and returned to author.

Senator Carpenter moved that **Senate Bill 268** be laid on the table.

The question was: Shall **Senate Bill 268** be laid on the table?

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

Ayes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Grothman, Hansen, Jauch, Lassa, Lazich, Miller, Plale, Risser, Robson, Taylor and Wirch – 16.

Noes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 17.

Absent or not voting – None.

Tabling refused.

Ordered to a third reading.

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

#### **Senate Bill 268**

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

The question was: Shall **Senate Bill 268** be passed?

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

Ayes – Senators Brown, Darling, S. Fitzgerald, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 15.

Noes – Senators Breske, Carpenter, Coggs, Cowles, Decker, Ellis, Erpenbach, Grothman, Hansen, Jauch, Lassa, Lazich, Miller, Plale, Risser, Robson, Taylor and Wirch – 18.

Absent or not voting – None.

Failed to pass.

#### **Senate Bill 341**

Relating to: voter registration for certain victims of domestic abuse, sexual assault, or stalking.

Read a second time.

Ordered to a third reading.

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

#### **Senate Bill 341**

Read a third time and passed.

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

### **Assembly Bill 155**

Relating to: a municipality's and county's ability to eliminate certain nonconforming buildings or premises.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 155**

Read a third time and concurred in.

**Assembly Bill 211**

Relating to: collection of fees, fines, forfeitures, and surcharges by credit or debit card; setoffs against tax refunds; disclosing information obtained by the Department of Transportation to the Department of Revenue; and creation of a fine or forfeiture service fee and a payment plan fee.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 211**

Read a third time and concurred in.

**Assembly Bill 648**

Relating to: retention and testing of evidence that includes biological material, time limits for prosecuting a crime that is related to a sexual assault, law enforcement procedures for using an eyewitness to identify a person suspected of committing a crime, making audio or audio and visual recordings of custodial interrogations, limitations on admitting unrecorded statements into evidence in juvenile delinquency and criminal proceedings, and creating a grant program for digital recording equipment and training for digital recording of custodial interrogations.

Read a second time.

Senate amendment 1 to **Assembly Bill 648** offered by Senators Decker and Zien.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 648**?

Adopted.

Ordered to a third reading.

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

**Assembly Bill 648**

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

Noes – None.

Absent or not voting – None.

Concurred in.

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**MOTIONS MAY BE OFFERED**

Senator S. Fitzgerald, with unanimous consent, asked that the rules be suspended and that **Senate Bill 347** be withdrawn from the joint committee on **Finance** and taken up.

**Senate Bill 347**

Relating to: expanding eligibility for the veterans and surviving spouses property tax credit.

Read a second time.

2:41 P.M.

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**STOOD INFORMAL**

2:54 P.M.

The Senate reconvened.

Senator A. Lasee in the Chair.

Senate amendment 1 to **Senate Bill 347** offered by Senator Lazich.

Senator S. Fitzgerald moved that Senate amendment 1 to **Senate Bill 347** be laid on the table.

The question was: Shall Senate amendment 1 to **Senate Bill 347** be laid on the table?

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

Ayes – Senators Breske, Brown, Carpenter, Coggs, Darling, Decker, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, Lassa, Leibham, Olsen, Plale, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 26.

Noes – Senators Cowles, Ellis, A. Lasee, Lazich, Miller, Reynolds and Risser – 7.

Absent or not voting – None.

Tabled.

Ordered to a third reading.

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

**Senate Bill 347**

Read a third time.

The ayes and noes were required and the vote was: ayes, 27; noes, 6; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Carpenter, Coggs, Darling, Decker, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, Lassa, Leibham, Miller, Olsen, Plale, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 27.

Noes – Senators Cowles, Ellis, A. Lasee, Lazich, Reynolds and Risser – 6.

Absent or not voting – None.

Passed.

Senator Schultz moved reconsideration of the vote by which **Senate Bill 268** failed to pass.

Senator Kedzie raised the point of order that the motion for reconsideration was not properly made.

The Chair took the point of order under advisement.

Senator Schultz, 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 Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of St. Joseph High School senior Zach McFall, who won his second WIAA Division 3 State Cross Country Meet championship with a 5,000 meter time of 16 minutes, 26 seconds, on Saturday, October 29, 2005.

Senator Lazich, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Greendale High School Marching Band under the direction of Tom Reifenburg for earning the 2005 Class AA Wisconsin School Music Association High School Band Championship, and earning awards for best musical presentation, best visual presentation, and best percussion.

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the faculty, administrators, students, and parents in the Butternut School District, which recently was honored as a national Blue Ribbon School. This prestigious national award recognizes schools that have met rigorous federal standards. This award follows their recent recognition as a Wisconsin New School of Promise, which honors schools that have achieved a high level of success in spite of fiscal challenges and a high population of low income students.

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Butternut 8th graders who attended the Eighth Grade Day at the Capitol. Jamie Lynch, Jess Meier, Devon Furtak, Beth Michalski, Candy Darnell, Britney Case, Logan Lille, Nick Glaeser, Alyis Herbst, and Dan Hill, along with their two chaperones, Jim Babler and Maxine Kleinsteinber, came to Madison to see the world of state government firsthand and to meet with officials from the legislative, judicial, and executive branches of the State of Wisconsin.

Senator Kedzie, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his grandmother Peggy Bemowski's 94th birthday.

Senator Robson, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the students from

Whitewater who attended the 8th grade day at the Capitol. These students got to spend the day learning about state government. Senator Robson hopes they were inspired to become active participants in democracy, and that some of them will choose to run for an office some day.

Senator Hansen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his mother, Clare Hansen, as she celebrates her 90th birthday on Thursday, November 3.

Senator Hansen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his wife Jane on the occasion of their 34th wedding anniversary Sunday, November 6th.

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the MATC political science students at the Capitol for Student's Day to learn about state government.

Senator Schultz, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Donovan Nelson of Boscobel, who passed away recently. Donovan was a pioneer in the cable industry and a small businessman who cast an enormous shadow over the region when it came to helping young entrepreneurs by personally providing funds when banks would not. He encouraged many others and gave to many charitable causes. Donovan was a good friend and someone who was deeply loved and revered in his community. He will be missed.

Senator Lasee, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Harold J. Reckelberg who was born in Montpelier on March 29, 1927, and died in Luxemburg on October 26, 2005, at the age of 78, due to a tragic farming accident. Harold believed in service to his community, where he served as the District Clerk of the McKinley School District, supervisor for the Town of Luxemburg, and then chairman for the Town of Luxemburg, as well as chairman of the Luxemburg Community Fire & Rescue Association. He was appointed to the Kewaunee County Board, elected chairman of the County Board, and served as chairman of the Wisconsin Counties Association. He was a wonderful man and he will be missed greatly.

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### ADJOURNMENT

Senator Schultz, with unanimous consent, asked that the Senate adjourn until Thursday, November 3, 2005 at 10:00 A.M.

Adjourned.

3:24 P.M.

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### AMENDMENTS OFFERED

Senate substitute amendment 3 to **Senate Bill 164** offered by Senator Kanavas.

Senate amendment 1 to **Senate Bill 372** offered by Senator Kanavas.