



STATE OF WISCONSIN

Senate Journal

Ninety–Seventh Regular Session

11:00 A.M.

TUESDAY, November 8, 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 Coggs 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, November 4, 2005.

Read and referred:

Senate Joint Resolution 50

Relating to: the life and public service of Gloria Kirking.

By Senators Olsen, A. Lasee, Darling, Kapanke, Miller, Kedzie and Cowles; cosponsored by Representatives Hines, Albers, Hundertmark, Petrowski, Montgomery, Jeskewitz, Krawczyk, McCormick, Underheim, Bies, Gunderson, Owens and Van Roy.

To committee on **Senate Organization**.

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

Senate Bill 393

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

Introduction of Senate Amendment 1.

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

Noes, 0 – None.

Introduction of Senate Amendment 2.

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

Noes, 0 – None.

Introduction of Senate Amendment 1 to Senate Amendment 2.

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

Noes, 0 – None.

Passage.

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

Noes, 3 – Senators Erpenbach, Hansen and Miller.

DAN KAPANKE

Chairperson

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

Senate Bill 122

Relating to: the licensing of motor vehicle salvage dealers.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Senate Bill 178

Relating to: allowing the operation of certain 2–vehicle combinations on certain highways without a permit, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures and from rule–making procedures, and granting rule–making authority.

Passage.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Senate Bill 240

Relating to: special or seasonal weight limitations for certain vehicles transporting agricultural crops.

Passage.

Ayes, 4 – Senators Kedzie, Stepp, Kapanke and Breske.

Noes, 1 – Senator Wirch.

Senate Bill 256

Relating to: traffic regulations and traffic control devices at railroad crossings and providing a penalty.

Passage.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Senate Bill 282

Relating to: special distinguishing registration plates associated with the Wisconsin Women's Health Foundation and making an appropriation.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Adoption of Senate Amendment 2.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Senate Bill 330

Relating to: the annual adjustment of the motor vehicle fuel tax rate and depositing motor vehicle sales and use tax revenues into the transportation fund.

Passage.

Ayes, 1 – Senator Kedzie.

Noes, 4 – Senators Stepp, Kapanke, Wirch and Breske.

Senate Bill 331

Relating to: eliminating the annual adjustment of the motor vehicle fuel tax rate.

Passage.

Ayes, 2 – Senators Kedzie and Stepp.

Noes, 3 – Senators Kapanke, Wirch and Breske.

Senate Bill 332

Relating to: authorizing specific information signs on certain portions of USH 12.

Passage.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Assembly Bill 112

Relating to: motor vehicle registration plates for disabled veterans.

Concurrence.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Assembly Bill 144

Relating to: designating and marking a portion of STH 19 as the Georgia O'Keeffe Memorial Highway.

Concurrence.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Assembly Bill 230

Relating to: the licensing of motor vehicle salvage dealers.

Concurrence.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Assembly Bill 315

Relating to: allowing the operation of certain 2-vehicle combinations on certain highways without a permit, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures and from rule-making procedures, and granting rule-making authority.

Concurrence.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Assembly Bill 510

Relating to: special or seasonal weight limitations for certain vehicles transporting agricultural crops.

Concurrence.

Ayes, 4 – Senators Kedzie, Stepp, Kapanke and Breske.

Noes, 1 – Senator Wirch.

Assembly Bill 512

Relating to: traffic regulations and traffic control devices at railroad crossings and providing a penalty.

Concurrence.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

Assembly Bill 664

Relating to: authorizing specific information signs on certain portions of USH 12.

Concurrence.

Ayes, 5 – Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes, 0 – None.

NEAL KEDZIE

Chairperson

The committee on **Health, Children, Families, Aging and Long Term Care** reports and recommends:

Senate Clearinghouse Rule 05-080

Relating to the selection and monitoring of vendors for the special supplemental food program for women, infants and children (WIC), and affecting small businesses.

No action taken.

CAROL ROESSLER

Chairperson

The Chief Clerk makes the following entries dated Monday, November 7, 2005.

Read first time and referred:

Senate Bill 423

Relating to: prohibiting a person responsible for a child's welfare while the child is being transported in a child care vehicle from leaving the child unattended and providing penalties.

By Senators Coggs, Lassa, Taylor, Erpenbach, Plale, Hansen and Robson; cosponsored by Representatives Grigsby, Sinicki, Toles, Fields, Lothian, Krusick, Sheridan, Bies, Berceau, Ott, A. Williams, Turner, Colon, Staskunas, Hines and McCormick.

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

Senate Bill 424

Relating to: abandoned and unclaimed property.

By Senator Grothman; cosponsored by Representative Suder.

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

The committee on **Job Creation, Economic Development and Consumer Affairs** reports and recommends:

Senate Bill 338

Relating to: the prohibition against a public officer or employee having a private interest in a public contract.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Kanavas, Zien, Reynolds, Lassa and Decker.

Noes, 0 – None.

Passage as amended.

Ayes, 4 – Senators Kanavas, Zien, Lassa and Decker.

Noes, 1 – Senator Reynolds.

TED KANAVAS
Chairperson

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

Senate Bill 186

Relating to: providing immunity from civil liability for users, owners, and providers of automatic defibrillators for acts or omissions in rendering emergency care in good faith.

Passage.

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

Noes, 0 – None.

Senate Bill 386

Relating to: immunity from civil liability for providing safety services related to the inspection and installation of child safety restraint systems in motor vehicles.

Passage.

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

Noes, 0 – None.

DAVID ZIEN
Chairperson

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

Senate Bill 164

Relating to: notice regarding unauthorized acquisition of personal information.

Adoption of Senate Substitute Amendment 3.

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

Noes, 0 – None.

Passage as amended.

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

Noes, 0 – None.

Senate Bill 415

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

Adoption of Senate Amendment 1.

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

Noes, 0 – None.

Passage as amended.

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

Noes, 0 – None.

Assembly Bill 787

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

Concurrence.

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

Noes, 0 – None.

RONALD BROWN
Chairperson

Pursuant to Senate Rule 17 (5), Senator Roessler added as a cosponsor of **Assembly Bill 40**.

Senate amendment 1 to **Senate Bill 150** offered by Senator Brown.

INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Read and referred:

Senate Resolution 10

Relating to: recognizing and honoring the German Marshall Fund and its relationship with the state of Wisconsin.

By Senators Schultz and Robson.

To committee on **Senate Organization**.

Senate Joint Resolution 51

Relating to: life and public service of Harold J. Reckelberg.

By Senator A. Lasee; cosponsored by Representative Bies.

To committee on **Senate Organization**.

Read first time and referred:

Senate Bill 425

Relating to: the authority of the Department of Justice and public nuisance actions.

By Senators Zien, Stepp, Lazich, Reynolds, A. Lasee, Darling, Kedzie, Brown and Grothman; cosponsored by Representatives Suder, Nischke, Pettis, Albers, Hahn, Lothian, F. Lasee, Ainsworth, Hundertmark, Ott, Hines, Ward, Owens, Krawczyk and LeMahieu.

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

Senate Bill 426

Relating to: various changes in the unemployment insurance law, authorized positions for the department of justice, making appropriations, and providing penalties.

By Senator Zien.

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

REPORT OF COMMITTEES

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

Senate Bill 310

Relating to: school policies on bullying.

Adoption of Senate Substitute Amendment 1.

Ayes, 7 – Senators Olsen, Darling, Harsdorf, Grothman, Jauch, Erpenbach and Hansen.
Noes, 0 – None.

Passage as amended.

Ayes, 6 – Senators Olsen, Darling, Harsdorf, Jauch, Erpenbach and Hansen.
Noes, 1 – Senator Grothman.

LUTHER OLSEN
Chairperson

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

Senate Bill 349

Relating to: sexual contact or sexual intercourse involving a 16– or 17–year–old and a person who works or interacts with him or her through the person’s occupation or a volunteer position and providing a penalty.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Zien, Roessler, Grothman, Taylor and Risser.
Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Zien, Roessler, Grothman, Taylor and Risser.
Noes, 0 – None.

Assembly Bill 184

Relating to: a prohibition against using state funds or resources or federal funds to provide or to facilitate the provision of hormonal therapy or sexual reassignment surgery to alter the appearance of a prisoner or forensic patient so that the prisoner or forensic patient appears more like the opposite gender.

Concurrence.

Ayes, 4 – Senators Zien, Roessler, Grothman and Taylor.
Noes, 1 – Senator Risser.

DAVID ZIEN
Chairperson

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

Senate Joint Resolution 21

Relating to: the creation of state funds and accounts and prohibiting the state from changing the purpose of any state fund or program revenue appropriation account (first consideration).

Adoption of Senate Amendment 1.

Ayes, 4 – Senators Brown, Zien, Kanavas and Breske.
Noes, 1 – Senator Wirch.

Adoption as amended.

Ayes, 4 – Senators Brown, Zien, Kanavas and Breske.
Noes, 1 – Senator Wirch.

Senate Bill 43

Relating to: prohibiting the Wisconsin Housing and Economic Development Authority from making, buying, or assuming a home mortgage loan for an individual who does not have a social security number.

Passage.

Ayes, 3 – Senators Brown, Zien and Kanavas.
Noes, 2 – Senators Breske and Wirch.

Senate Bill 182

Relating to: temporary revision of child or family support when payer is on active military duty.

Adoption of Senate Substitute Amendment 2.

Ayes, 5 – Senators Brown, Zien, Kanavas, Breske and Wirch.
Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Brown, Zien, Kanavas, Breske and Wirch.
Noes, 0 – None.

Senate Bill 272

Relating to: the organization and funding of public libraries and public library systems and granting rule–making authority.

Passage.

Ayes, 5 – Senators Brown, Zien, Kanavas, Breske and Wirch.
Noes, 0 – None.

Senate Bill 273

Relating to: various changes to the statutes governing public libraries.

Passage.

Ayes, 5 – Senators Brown, Zien, Kanavas, Breske and Wirch.
Noes, 0 – None.

RONALD BROWN
Chairperson

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Ethics Board**

November 8, 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>

Hoven, Timothy	Invenergy Wind LLC
McCloskey, John	Community Loans of America
McDowell, Kelly	Peter Earle
Petak, George	E.I. du Pont de Nemours & Co.
Reich, Robert	Community Loans of America
Rogowski, Michael	E.I. du Pont de Nemours & Co.
Schimming, Brian	RTI Donor Services
Schreiber, Martin	Peter Earle
Sowell, Linda	Peter Earle
Walsh, Kenneth	Peter Earle
Wornson, Bryon	Pfizer Inc

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 Kedzie added as a coauthor of **Senate Bill 288**.

Pursuant to Senate Rule 17 (5), Senator Darling added as a coauthor of **Senate Bill 41**.

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

Pursuant to Senate Rule 17 (5), Senator Ellis removed as a coauthor of **Senate Bill 396**.

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

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

Pursuant to Senate Rule 17 (5), Senator Darling added as a cosponsor of **Assembly Bill 764**.

Pursuant to Senate Rule 17 (5), Senator Lassa added as a coauthor of **Senate Joint Resolution 49**.

Pursuant to Senate Rule 17 (5), Senator Lassa added as a cosponsor of **Assembly Bill 27**.

Pursuant to Senate Rule 17 (5), Senator Risser added as a coauthor of **Senate Bill 416**.

ADVICE AND CONSENT OF THE SENATE

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

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

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

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

SMITH, BRENT, of La Crosse, as a member of the Wisconsin Technical College System Board, to serve for the term ending May 1, 2011.

TENUTA, RALPH, of Kenosha, as a member of the Banking Review Board, for the term ending May 1, 2010.

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.

SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

Senator Schultz, with unanimous consent, asked that **Senate Resolution 10** be withdrawn from the committee on **Senate Organization** and taken up.

Senate Resolution 10

Relating to: recognizing and honoring the German Marshall Fund and its relationship with the state of Wisconsin.

Read.

Adopted.

Senator Schultz withdrew his motion for reconsideration of the vote by which **Senate Bill 268** failed to pass.

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

Senator Kedzie withdrew his motion for reconsideration of the vote by which **Senate Bill 268** failed to pass.

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

The question was: Shall the vote by which **Senate Bill 268** failed to pass be reconsidered?

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.

Reconsideration prevailed.

Senator Brown, with unanimous consent, asked that **Senate Bill 268** be referred to committee on **Senate Organization**.

Referred.

Senate Joint Resolution 47

Relating to: the life of Reggie Lisowski.

Adopted.

Senate Joint Resolution 49

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

Adopted.

Senate Bill 41

Relating to: the definition of biodiesel fuel and the labeling, advertising, and promoting of biodiesel fuel and biodiesel fuel blends for sale.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 41**?

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 41

Read a third time.

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

Ayes – Senators 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, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 32.

Noes – None.

Absent or not voting – Senator Reynolds – 1.

Passed.

Senate Bill 198

Relating to: the assignment of property contaminated by hazardous substances.

Read a second time.

Senator Schultz, with unanimous consent, asked that **Assembly Bill 464** be withdrawn from the committee on **Natural Resources and Transportation** and taken up.

Assembly Bill 464

Relating to: the assignment of property contaminated by hazardous substances.

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 464

Read a third time and concurred in.

Senate Bill 198

Relating to: the assignment of property contaminated by hazardous substances.

Senator Kedzie, with unanimous consent, asked that **Senate Bill 198** be laid on the table.

Senate Bill 288

Relating to: coverage of certain health care costs in cancer clinical trials.

Read a second time.

Senator Schultz, with unanimous consent, asked that **Senate Bill 288** be placed after **Senate Bill 327** on the calendar.

Senate Bill 327

Relating to: school and school district performance reports.

Read a second time.

Senator Schultz, with unanimous consent, asked that **Assembly Bill 425** be withdrawn from the committee on **Education** and taken up.

Assembly Bill 425

Relating to: school and school district performance reports.

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 425

Read a third time and concurred in.

Senate Bill 327

Relating to: school and school district performance reports.

Senator Schultz, with unanimous consent, asked that **Senate Bill 327** be laid on the table.

Senator Schultz, with unanimous consent, asked that **Senate Bill 288** be placed at the foot of the eleventh order of business.

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).

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 361

Read a third time and passed.

Senate Bill 382

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

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 382

Read a third time and passed.

Senate Bill 384

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

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 384

Read a third time and passed.

Senate Bill 401

Relating to: duties of real estate brokers and salespersons.

Read a second time.

Senator Schultz, with unanimous consent, asked that **Assembly Bill 783** be withdrawn from the committee on **Job**

Creation, Economic Development and Consumer Affairs
and taken up.

Assembly Bill 783

Relating to: duties of real estate brokers and salespersons.

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.

Senator Erpenbach was excused from voting pursuant to Senate Rule 73(1).

Assembly Bill 783

Read a third time and concurred in.

Senate Bill 401

Relating to: duties of real estate brokers and salespersons.

Senator Kedzie, with unanimous consent, asked that **Senate Bill 401** be laid on the table.

Senate Bill 402

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

Read a second time.

Senate amendment 1 to Senate amendment 1 to **Senate Bill 402** offered by Senator Kanavas.

The question was: Adoption of Senate amendment 1 to Senate amendment 1 **Senate Bill 402**?

Adopted.

The question was: Adoption of Senate amendment 1 to **Senate Bill 402**?

Adopted.

Senate amendment 2 to **Senate Bill 402** offered by Senators Plale, Carpenter, Erpenbach, Breske, Taylor, Coggs and Jauch.

Senator Kanavas moved that Senate amendment 2 to **Senate Bill 402** be laid on the table.

The question was: Shall Senate amendment 2 to **Senate Bill 402** 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.

Tabled.

Ordered to a third reading.

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

Senate Bill 402

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, 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.

Passed.

Senate Bill 288

Relating to: coverage of certain health care costs in cancer clinical trials.

Read a second time.

Senate substitute amendment 1 to **Senate Bill 288** offered by Senator Roessler.

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

Adopted.

Ordered to a third reading.

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

Senate Bill 288

Read a third time and passed.

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

Assembly Joint Resolution 48

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

The question was: Shall **Assembly Joint Resolution 48** be concurred in?

Concurred in.

Assembly Bill 27

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

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 27

Read a third time and concurred in.

Assembly Bill 40

Relating to: forfeiture of money derived from a drug crime.

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 40

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, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Roessler, Schultz, Stepp and Zien – 18.

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Reynolds, Risser, Robson, Taylor and Wirch – 15.

Absent or not voting – None.

Concurred in.

Assembly Bill 167

Relating to: the investment by school districts of funds held in trust to provide post–employment benefits.

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 167

Read a third time and concurred in.

Assembly Bill 385

Relating to: designation of state agency status for certain health care providers who provide services during a state of emergency related to public health or a state of emergency declared by a city, village, or town.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 385**?

Adopted.

Ordered to a third reading.

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

Assembly Bill 385

Read a third time and concurred in.

Assembly Bill 764

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

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 764

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, 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.

Concurred in.

Assembly Bill 766

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

Read a second time.

Senate amendment 1 to **Assembly Bill 766** offered by Senators Miller, Wirch, Erpenbach, Carpenter, Taylor, Coggs and Hansen.

Senator S. Fitzgerald moved rejection of Senate amendment 1 to **Assembly Bill 766**.

Senator Leibham in the Chair.

Senator Kanavas in the Chair

The question was: Rejection of Senate amendment 1 to **Assembly Bill 766**?

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.

Rejected.

Ordered to a third reading.

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

Assembly Bill 766

Read a third time.

Senator A. Lasee in the Chair.

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.

Concurred in.

MOTIONS MAY BE OFFERED

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

2:24 P.M.

RECESS

4:19 P.M.

The Senate reconvened.

Senator A. Lasee in the chair.

QUORUM CALL

The Chair ordered a quorum call.

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.

Senator Risser, with unanimous consent, asked that the prayer and pledge from the Assembly State of the Tribes Address be applied to the Senate.

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

Messaged.

ANNOUNCEMENTS, ADJOURNMENT HONORS, AND REMARKS UNDER SPECIAL PRIVILEGE

Senator Erpenbach, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Mazomanie Elementary School fourth graders and their teachers Kathy Ebert and Cora Gullickson.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Aurora Medical Center surgical desk volunteer Hazel Atkinson. In May, Hazel was given an award for completing 7,000 hours of volunteer service. Senator Wirch would like to commend Hazel on her tremendous contribution to her community.

Senator Plale, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the United States Marine Corps' 229th birthday. Marines have built a legacy of warfighting excellence that has endured throughout our nation's history, a history that continues to be written every day around the globe. The word Marine continues to inspire fear in our enemies, hope for those in need, and trust on the part of our allies. The Marine Corps' warrior spirit and leadership excellence are its hallmarks.

Senator Kapanke, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the birth of a beautiful, healthy girl to Rose Smyrski and Dave Youngquist. Svea Rose was born at 8:34 A.M., November 8, 2005 weighing 9 lbs 1 oz. DNR Warden Youngquist was quoted as saying "She's a keeper." Daughter and mother are in good health and resting comfortably.

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor of brother's twenty-first birthday on November 4.

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor of son, the love of her life, Isaiah Taylor's sixth birthday on November 10.

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her chief of staff Ptosha's grandmother Gracie Greer's birthday on November 11.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Winnebago Lutheran Academy Boys soccer team, Division III runner up at the State Soccer Tournament.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Waupun Girls' Volleyball team, first place winners at the State Volleyball Tournament.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Andrew Wallace, a fallen soldier from Oshkosh, was honored with a posthumous Teacher of the Year Award at the Wisconsin Education Association Council Fall Conference. Andrew Wallace was an educator, mentor, coach, leader, role-model, and friend to all who knew him. He demonstrated what it means to serve one's country, and what it truly means to be a teacher. Wallace, a teacher at Emmeline Cook Elementary School and a teacher and wrestling coach at Oshkosh North High School, was also a Sergeant with the 2nd Battalion, 127th Infantry Regiment based in Appleton. He was deployed to Kuwait and Iraq in June of 2005. He was killed in Iraq on September 26, 2005.

Senator Zien, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Veterans Day on November 11, 2005.

Senator Zien, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the United States Marine Corps' birthday, and Senator Kapanke, a former marine.

ADJOURNMENT

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

Adjourned.

4:26 P.M.

AMENDMENTS OFFERED

Senate amendment 1 to **Assembly Bill 787** offered by Senator Brown.

Senate substitute amendment 1 to **Senate Bill 258** offered by Senator Reynolds.

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Bill 146
Senate Bill 149
Senate Bill 347

Report correctly enrolled on November 8, 2005.