



STATE OF WISCONSIN

Senate Journal

Ninety–Seventh Regular Session

10:00 A.M.

WEDNESDAY, May 3, 2006

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 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 Joint Resolution 83

Relating to: calling for changes to the state's public school funding formula to be enacted by July 1, 2007.

By Senators Breske, Carpenter, Taylor, Miller, Decker, Wirch and Robson; cosponsored by Representatives Pope–Roberts, Sherman, Lehman, Toles, Berceau, Black, Fields, Grigsby, Hebl, Kessler, Kreuser, Molepske, Nelson, Pocan, Parisi, Richards, Seidel, Sheridan, Shilling, Sinicki, Van Akkeren, Vruwink, Wasserman, Turner and Zepnick.

To committee on **Education**.

Senate Joint Resolution 84

Relating to: the life and public service of Robert A. Anderson.

By Senators Plale and Carpenter; cosponsored by Representatives Sinicki and Zepnick.

To committee on **Senate Organization**.

Senate Joint Resolution 85

Relating to: commending Senator Fred Risser upon becoming the longest–serving state legislator in the United States of America.

By Senators Schultz and Robson.

To committee on **Senate Organization**.

Senate Joint Resolution 86

Relating to: the December 2006 floorperiod of the 2005–2006 legislative session schedule.

By Senators Schultz and A. Lasee.

To committee on **Senate Organization**.

Read first time and referred:

Senate Bill 722

Relating to: municipal quotas for intoxicating liquor retail licenses.

By Senator Grothman.

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

Senate Bill 723

Relating to: the motor vehicle fuel tax imposed on gasoline that contains at least 85 percent ethanol, prohibiting charging an excessive price for gasoline that contains at least 85 percent ethanol, prohibiting discrimination against a retailer of gasoline that contains at least 85 percent ethanol, granting rule–making authority, and providing a penalty.

By Senators Miller, Erpenbach, Hansen, Robson, Taylor and Wirch; cosponsored by Representatives Freese, Gronemus, Hahn, Hebl, Hines, Owens, Sheridan and Berceau.

To committee on **Agriculture and Insurance**.

REPORT OF COMMITTEES

The select committee on **Taxpayer Protection Amendment** reports and recommends:

Senate Joint Resolution 63

Relating to: creating a revenue limit for the state and local governmental units, depositing excess revenue into an emergency reserve, returning excess revenue to taxpayers, elector approval for exceeding the revenue limit, state and local governmental approval for reducing the revenue limit, allowing local governmental units to raise revenue to compensate for reductions in state aid, requiring the state to reduce its revenue limit in conjunction with reduction in state aid, reimbursing the reasonable costs of imposing state mandates, standing to bring a suit to enforce the revenue limits, and requiring the approval of only one legislature to amend the revenue limit provisions (first consideration).

Adoption.

Ayes, 4 – Senators Grothman, Lazich, A. Lasee and S. Fitzgerald.

Noes, 2 – Senators Risser and Jauch.

GLENN GROTHMAN
Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin

May 3, 2006

The Honorable, The Senate:

Pursuant to Senate Rule 46(2)(c), I am writing to direct that **Assembly Bill 1163** be withdrawn from the committee on **Housing and Financial Institutions** and rereferred to the committee on **Senate Organization**. I have obtained the consent of the appropriate chairperson.

Sincerely,

ALAN LASEE
Senate President

May 3, 2006

The Honorable, The Senate:

Pursuant to Senate Rule 46(2)(c), I am writing to direct that **Assembly Joint Resolution 98** be withdrawn from the committee on **Veterans, Homeland Security, Military Affairs, Small Business and Government Reform** and rereferred to the committee on **Senate Organization**. I have obtained the consent of the appropriate chairperson.

Sincerely,

ALAN LASEE
Senate President

Pursuant to Senate Rule 17 (5), Senator Hansen added as a cosponsor of **Assembly Bill 1087**.

Pursuant to Senate Rule 17 (5), Senator Risser added as a coauthor of **Senate Bill 720**.

Pursuant to Senate Rule 17 (5), Senator Zien added as a cosponsor of **Assembly Bill 1186**.

Pursuant to Senate Rule 17 (5), Senator Darling added as a cosponsor of **Assembly Joint Resolution 75**.

Pursuant to Senate Rule 17 (5), Senator Cowles added as a cosponsor of **Assembly Bill 1182**.

ADVICE AND CONSENT OF THE SENATE

Senator Schultz, with unanimous consent, asked that **Senate Joint Resolution 81** be withdrawn and taken up at this time.

Senate Joint Resolution 81

Relating to: the life and military service of Lance Corporal Adam J. VanAlstine of the United States Marines who lost his life during Operation Iraqi Freedom.

Read.

Adopted by unanimous rising vote.

Senator Schultz, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 81**.

Senator Kedzie, with unanimous consent, asked that **Senate Joint Resolution 81** be immediately messaged to the Assembly.

Messaged.

Senator Schultz, with unanimous consent, asked that **Senate Joint Resolution 82** be withdrawn from the committee on **Senate Organization** and taken up.

Senator Erpenbach, with unanimous consent, asked that a leave of absence be granted to Senator Coggs the remainder of the day's session.

Senate Joint Resolution 82

Relating to: the life and public service of Eric A. Palmisano.
Read.

Adopted by unanimous rising vote.

Senator Schultz, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 82**.

Senator Schultz, with unanimous consent, asked that **Senate Joint Resolution 84** be withdrawn from the committee on **Senate Organization** and taken up.

Senate Joint Resolution 84

Relating to: the life and public service of Robert A. Anderson.

Read.

Adopted.

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

BROWN, SENN, of Madison, as a member of the Kickapoo Reserve Management Board, to serve for the term ending May 1, 2009.

KENNEDY, NANCY, of Mequon, as a member of the Wisconsin Professional Baseball Park District Board, to serve for the term ending July 1, 2007.

WOOD, DARYL, of La Crosse, as a member of the Marriage and Family Therapy Professional Counseling and Social Work Examining Board to serve for the term ending July 1, 2008.

Read.

The question was: Confirmation?

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

Ayes – Senators Breske, Brown, Carpenter, Cowles, Darling, Decker, 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 – 31.

Noes – None.

Absent or not voting – Senators Coggs and Ellis – 2.

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 923
Assembly Bill 1020

Adopted and asks concurrence in:

Assembly Joint Resolution 102

Assembly Joint Resolution 105

Amended and concurred in as amended:

Senate Bill 526

Concurred in:

Senate Bill 424

Senate Bill 551

Senate Bill 575

Senate Bill 616

Senate Bill 629

Senate Bill 651

Senate Bill 696

Senate Bill 699

Senate Bill 700

Senate Bill 701

Senate Bill 702

Senate Bill 703

Senate Bill 704

Senate Bill 705

Senate Bill 706

Senate Bill 707

Senate Bill 708

Senate Bill 709

Senate Bill 710

Senate Bill 711

Senate Bill 712

Senate Bill 713

Senate Bill 714

Senate Joint Resolution 70

**MESSAGES FROM THE ASSEMBLY
CONSIDERED**

Assembly Bill 923

Relating to: warning methods for ice holes in lakes and granting rule-making authority.

By Representative Albers.

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

Assembly Bill 1020

Relating to: the privilege of self-defense.

By Representatives Owens, Albers, Bies, Gunderson, Hahn, Jeskewitz, F. Lasee, Loeffelholz, Mursau, Musser, Nass, Petrowski and Vos; cosponsored by Senators Roessler, Stepp and Reynolds.

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

Assembly Joint Resolution 102

Relating to: proclaiming May 19, 20, and 21, 2006, Syttende Mai Weekend.

By Representatives Nerison, Hebl, Berceau, Hundertmark, Jeskewitz, Kerkman, Lamb, Lehman, Musser, Owens, Sheridan and Turner; cosponsored by Senators Kapanke, Schultz, Miller, A. Lasee and Lazich.

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

Assembly Joint Resolution 105

Relating to: life and public service of George D. McCallum.

By Representative Townsend; cosponsored by Senator Roessler.

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

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

11:36 A.M.

RECESS

11:47 A.M.

The Senate reconvened.

Senator Lasee in the chair.

The Chair, with unanimous consent, ordered a quorum call.

The roll was called and a quorum determined present.

Senate Bill 99

Relating to: the time period for service of a responsive pleading.

The question was: Shall Assembly amendment 1 to **Senate Bill 99** be concurred in?

Concurred in.

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.

The question was: Shall Assembly substitute amendment 2 to **Senate Bill 186** be concurred in?

Concurred in.

Senate Bill 473

Relating to: terms of office of and vacancies in the office of county highway commissioner.

The question was: Shall Assembly substitute amendment 1 to **Senate Bill 473** be concurred in?

Concurred in.

Senator Leibham, with unanimous consent, asked that action on **Senate Bill 186** be immediately messaged to the Assembly.

Messaged.

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

Senate Bill 358

Relating to: sales of consumer goods and services during periods of abnormal economic disruption, requiring the exercise of rule-making authority, and providing a penalty.

Read a second time.

Senate substitute amendment 1 to **Senate Bill 358** offered by Senators Hansen, Robson, Carpenter, Plale, Miller, Wirsch, Lassa, Taylor and Erpenbach.

Senator Kedzie moved that Senate substitute amendment 1 to **Senate Bill 358** be laid on the table.

The question was: Shall Senate substitute amendment 1 to **Senate Bill 358** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes – Senators Breske, Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie,

A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 20.

Noes – Senators Carpenter, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 12.

Absent or not voting – Senator Coggs – 1.

Tabled.

The question was: Adoption of Senate amendment 1 to **Senate Bill 358**?

Adopted.

Senate amendment 2 to **Senate Bill 358** offered by Senator Decker.

Senator Schultz raised the point of order that Senate amendment 2 was not germane.

The Chair ruled the point of order well taken.

Ordered to a third reading.

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

Senate Bill 358

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 31; noes, 1; absent or not voting, 1; as follows:

Ayes – Senators Breske, Brown, Carpenter, 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, Taylor, Wirch and Zien – 31.

Noes – Senator Stepp – 1.

Absent or not voting – Senator Coggs – 1.

Passed.

Senate Bill 626

Relating to: causing property damage, injury, or death while operating a vehicle without a valid driver's license or after suspension or revocation of an operating privilege and providing penalties.

Read a second time.

Senator S. Fitzgerald, with unanimous consent, asked that **Senate Bill 626** be referred to the joint committee on **Finance**.

Senator S. Fitzgerald, with unanimous consent, asked that the rules be suspended and that **Senate Bill 626** be withdrawn from the joint committee on **Finance** and taken up at this time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 626**?

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 626

Read a third time and passed.

Senate Bill 680

Relating to: creating an exception to the local levy limits for amounts assessed by a joint fire department.

Read a second time.

Senator S. Fitzgerald, with unanimous consent, asked that **Senate Bill 680** be referred to the joint committee on **Finance**.

Senator S. Fitzgerald, with unanimous consent, asked that the rules be suspended and that **Senate Bill 680** be withdrawn from the joint committee on **Finance** and taken up at this time.

Ordered to a third reading.

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

Senate Bill 680

Relating to: creating an exception to the local levy limits for amounts assessed by a joint fire department.

Senate Bill 680

Read a third time.

Senator Zien in the chair.

The ayes and noes were required and the vote was: ayes, 28; noes, 3; absent or not voting, 2; as follows:

Ayes – Senators Breske, Brown, Carpenter, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Schultz, Stepp, Taylor, Wirch and Zien – 28.

Noes – Senators Cowles, Jauch and Roessler – 3.

Absent or not voting – Senators Coggs and Grothman – 2.

Passed.

Senator Schultz, with unanimous consent, asked for a leave of absence for Senator Grothman for the rest of the day's session.

Assembly Joint Resolution 75

Relating to: the life and public service of Thomas J. Parker.

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

Concurred in.

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

Messaged.

Assembly Bill 414

Relating to: smoking in restaurants and bowling centers and the regulation of smoking by counties, cities, villages, and towns.

Read a second time.

Senator Lasee in the chair.

Senate amendment 1 to Senate substitute amendment 1 to **Assembly Bill 414** offered by Senator Erpenbach.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Assembly Bill 414**?

Adopted.

Senate amendment 2 to Senate substitute amendment 1 to **Assembly Bill 414** offered by Senator Roessler.

Senator S. Fitzgerald raised the point of order that Senate substitute amendment 1 was not germane.

Senator Carpenter moved that **Assembly Bill 414** be referred to the committee on **Health, Children, Families, Aging and Long Term Care**.

The question was: Shall **Assembly Bill 414** be referred to the committee on **Health, Children, Families, Aging and Long Term Care**?

The ayes and noes were required and the vote was: ayes, 12; noes, 18; absent or not voting, 3; as follows:

Ayes – Senators Brown, Carpenter, Cowles, Darling, Ellis, Hansen, Jauch, Miller, Risser, Robson, Roessler and Wirch – 12.

Noes – Senators Breske, Decker, Erpenbach, S. Fitzgerald, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Olsen, Plale, Reynolds, Schultz, Stepp and Taylor – 18.

Absent or not voting – Senators Coggs, Grothman and Zien – 3.

Referral refused.

The Chair ruled the point of order well taken.

Senator S. Fitzgerald raised the point of order that Senate substitute amendment 2 was not germane.

The Chair ruled the point of order well taken.

Senate amendment 1 to **Assembly Bill 414** offered by Senator S. Fitzgerald.

Senator Schultz, with unanimous consent, asked that **Senate Joint Resolution 85** be withdrawn from the committee on **Senate Organization** and taken up.

Senate Joint Resolution 85

Relating to: commending Senator Fred Risser upon becoming the longest-serving state legislator in the United States of America.

Read.

Adopted.

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

3:15 P.M.

RECESS

4:29 P.M.

The Senate reconvened.

Senator Lasee in the chair.

Assembly Bill 414

Relating to: smoking in restaurants and bowling centers and the regulation of smoking by counties, cities, villages, and towns.

Senate amendment 1 to Senate amendment 1 to **Assembly Bill 414** offered by Senator Brown.

The question was: Adoption of Senate amendment 1 to Senate amendment 1 to **Assembly Bill 414**?

Adopted.

Senator Carpenter moved indefinite postponement of **Assembly Bill 414**.

The question was: Shall **Assembly Bill 414** be indefinitely postponed?

The ayes and noes were demanded and the vote was: ayes, 10; noes, 21; absent or not voting, 2; as follows:

Ayes – Senators Carpenter, Cowles, Ellis, Hansen, Jauch, Miller, Risser, Robson, Roessler and Wirch – 10.

Noes – Senators Breske, Brown, Darling, Decker, Erpenbach, S. Fitzgerald, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Olsen, Plale, Reynolds, Schultz, Stepp, Taylor and Zien – 21.

Absent or not voting – Senators Coggs and Grothman – 2.

Refused indefinite postponement.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 414**?

The ayes and noes were demanded and the vote was: ayes, 23; noes, 8; absent or not voting, 2; as follows:

Ayes – Senators Breske, Brown, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp, Taylor and Zien – 23.

Noes – Senators Carpenter, Cowles, Hansen, Jauch, Lassa, Risser, Robson and Wirch – 8.

Absent or not voting – Senators Coggs and Grothman – 2.

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 414

Relating to: smoking in restaurants and bowling centers and the regulation of smoking by counties, cities, villages, and towns.

Senator Risser moved nonconcurrency in **Assembly Bill 414**.

The question was: Shall **Assembly Bill 414** be nonconcurrent in?

The ayes and noes were required and the vote was: ayes, 17; noes, 14; absent or not voting, 2; as follows:

Ayes – Senators Carpenter, Cowles, Darling, Ellis, Hansen, Harsdorf, Jauch, Kapanke, Lassa, Miller, Olsen, Reynolds, Risser, Robson, Roessler, Taylor and Wirch – 17.

Noes – Senators Breske, Brown, Decker, Erpenbach, S. Fitzgerald, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Plale, Schultz, Stepp and Zien – 14.

Absent or not voting – Senators Coggs and Grothman – 2.

Nonconcurrent in.

Assembly Bill 426

Relating to: the Specialized Transportation Assistance Program.

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 426

Read a third time and concurred in.

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.

Read a second time.

Senator Kedzie, with unanimous consent, asked that **Assembly Bill 461** be placed at the foot of the calendar of May 3, 2006.

Assembly Bill 538

Relating to: setoffs against tax refunds for debts related to property taxes.

Read a second time.

Senator Kedzie, with unanimous consent, asked that **Assembly Bill 538** be referred to the joint committee on **Finance**.

Senator Kedzie, with unanimous consent, asked that the rules be suspended and that **Assembly Bill 538** be withdrawn from the joint committee on **Finance** and taken up at this 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 538

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 1; absent or not voting, 2; as follows:

Ayes – Senators Breske, Brown, Carpenter, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen,

Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 30.

Noes – Senator Reynolds – 1.

Absent or not voting – Senators Coggs and Grothman – 2.

Concurred in.

Assembly Bill 579

Relating to: appointment to limited term and project positions in the state civil service.

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 579

Read a third time and concurred in.

Assembly Bill 675

Relating to: compensation for the reduction in the fair market value of private real property.

Read a second time.

Senator Zien in the chair.

The question was: Adoption of Senate substitute amendment 1 to **Assembly Bill 675**?

The ayes and noes were demanded and the vote was: ayes, 23; noes, 8; absent or not voting, 2; as follows:

Ayes – Senators Brown, Carpenter, Darling, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Reynolds, Risser, Robson, Schultz, Stepp, Taylor and Zien – 23.

Noes – Senators Breske, Cowles, Decker, Ellis, Kedzie, Plale, Roessler and Wirch – 8.

Absent or not voting – Senators Coggs and Grothman – 2.

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 675

Relating to: compensation for the reduction in the fair market value of private real property.

Senator Risser moved nonconcurrency in **Assembly Bill 675**.

The question was: Shall **Assembly Bill 675** be nonconcurrent in?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 10; absent or not voting, 2; as follows:

Ayes – Senators Breske, Carpenter, Cowles, Decker, Ellis, Erpenbach, Hansen, Harsdorf, Jauch, Kapanke, Kedzie, A.

Lasee, Lassa, Miller, Olsen, Plale, Risser, Robson, Roessler, Taylor and Wirch – 21.

Noes – Senators Brown, Darling, S. Fitzgerald, Kanavas, Lazich, Leibham, Reynolds, Schultz, Stepp and Zien – 10.

Absent or not voting – Senators Coggs and Grothman – 2.

Nonconcurrent in.

Assembly Bill 856

Relating to: authorizing the villages of Sister Bay and Ephraim to become premier resort areas.

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 856

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 2; absent or not voting, 2; as follows:

Ayes – Senators Breske, Brown, Carpenter, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 29.

Noes – Senators Kedzie and Reynolds – 2.

Absent or not voting – Senators Coggs and Grothman – 2.

Concurrent in.

Assembly Bill 942

Relating to: child pornography, sexual exploitation of a child, using a computer to facilitate a child sex crime, child sex offenders working with children, making appropriations, and providing penalties.

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 942

Read a third time.

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

Ayes – Senators Breske, Brown, Carpenter, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa,

Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 31.

Noes – None.

Absent or not voting – Senators Coggs and Grothman – 2.

Concurrent in.

Assembly Bill 967

Relating to: maintenance and removal of vegetation obstructing the view of outdoor advertising signs along highways under the jurisdiction of the Department of Transportation and an audit of a program of the Department of Transportation.

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 967

Read a third time.

The ayes and noes were required and the vote was: ayes, 28; noes, 3; absent or not voting, 2; as follows:

Ayes – Senators Breske, Brown, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Olsen, Plale, Reynolds, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 28.

Noes – Senators Carpenter, Miller and Risser – 3.

Absent or not voting – Senators Coggs and Grothman – 2.

Concurrent in.

Senator Schultz, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 85**.

Assembly Bill 1044

Relating to: the membership of the Kickapoo Reserve Management Board.

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 1044

Read a third time and concurred in.

Assembly Bill 1087

Relating to: creating an individual income tax checkoff for prostate cancer research, creating the Prostate Cancer Research Board, creating the prostate cancer research program, and making appropriations.

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 1087

Read a third time.

Senator Lasee in the chair.

The ayes and noes were demanded and the vote was: ayes, 25; noes, 5; absent or not voting, 3; as follows:

Ayes – Senators Breske, Brown, Carpenter, Darling, Decker, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Olsen, Plale, Reynolds, Robson, Roessler, Schultz, Stepp, Taylor and Zien – 25.

Noes – Senators Cowles, Jauch, Miller, Risser and Wirch – 5.

Absent or not voting – Senators Coggs, Ellis and Grothman – 3.

Concurred in.

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

6:26 P.M.

RECESS

6:41 P.M.

The Senate reconvened.

Senator Lasee in the Chair.

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

Messaged.

Assembly Bill 1186

Relating to: unincorporated cooperative associations, granting rule-making authority, and providing a penalty.

Read a second time.

Senator Robson moved a quorum call. There were sufficient seconds.

The roll was called and a quorum determined present.

Senator S. Fitzgerald, with unanimous consent, asked that **Assembly Bill 1186** be referred to the joint committee on **Finance**.

Senator S. Fitzgerald, with unanimous consent, asked that the rules be suspended and that **Assembly Bill 1186** be withdrawn from the joint committee on **Finance** and taken up at this time.

Senate amendment 1 to **Assembly Bill 1186** offered by Senator Leibham.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 1186**?

The ayes and noes were required and the vote was: ayes, 9; noes, 22; absent or not voting, 2; as follows:

Ayes – Senators Darling, S. Fitzgerald, Kanavas, Lazich, Leibham, Miller, Plale, Reynolds and Stepp – 9.

Noes – Senators Breske, Brown, Carpenter, Cowles, Decker, Ellis, Erpenbach, Hansen, Harsdorf, Jauch, Kapanke, Kedzie, A. Lasee, Lassa, Olsen, Risser, Robson, Roessler, Schultz, Taylor, Wirch and Zien – 22.

Absent or not voting – Senators Coggs and Grothman – 2.

Adoption Refused.

Ordered to a third reading.

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

Assembly Bill 1186

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 26; noes, 5; absent or not voting, 2; as follows:

Ayes – Senators Breske, Brown, Carpenter, Cowles, Darling, Decker, Ellis, Erpenbach, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Olsen, Plale, Risser, Robson, Roessler, Schultz, Stepp, Taylor and Zien – 26.

Noes – Senators S. Fitzgerald, Leibham, Miller, Reynolds and Wirch – 5.

Absent or not voting – Senators Coggs and Grothman – 2.

Concurred in.

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.

Senator Lazich moved that Senate amendment 2 to **Assembly Bill 461** be laid on the table.

The question was: Shall Senate amendment 2 to **Assembly Bill 461** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 28; noes, 3; absent or not voting, 2; as follows:

Ayes – Senators Breske, Carpenter, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Stepp, Taylor and Zien – 28.

Noes – Senators Brown, Schultz and Wirch – 3.

Absent or not voting – Senators Coggs and Grothman – 2.

Tabled.

Senate amendment 3 to **Assembly Bill 461** offered by Senator Schultz.

Senate amendment 4 to **Assembly Bill 461** offered by Senator Stepp.

Senator Schultz, with unanimous consent, asked that Senate amendment 3 to **Assembly Bill 461** be placed after Senate amendment 4 to **Assembly Bill 461**.

Senator Lazich moved that Senate amendment 4 to **Assembly Bill 461** be laid on the table.

The question was: Shall Senate amendment 4 to **Assembly Bill 461** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 25; noes, 5; absent or not voting, 3; as follows:

Ayes – Senators Breske, Brown, Carpenter, Cowles, Darling, Decker, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Risser, Roessler, Taylor and Zien – 25.

Noes – Senators Ellis, Robson, Schultz, Stepp and Wirch – 5.

Absent or not voting – Senators Coggs, Grothman and Reynolds – 3.

Tabled.

Senator Schultz, with unanimous consent, asked that Senate amendment 3 to **Assembly Bill 461** be withdrawn and returned to author.

Ordered to a third reading.

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

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.

Senator Risser moved nonconcurrency in **Assembly Bill 461**.

The question was: Shall **Assembly Bill 461** be nonconcurrent in?

The ayes and noes were demanded and the vote was: ayes, 10; noes, 21; absent or not voting, 2; as follows:

Ayes – Senators Breske, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Risser, Robson and Wirch – 10.

Noes – Senators Brown, Carpenter, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp, Taylor and Zien – 21.

Absent or not voting – Senators Coggs and Grothman – 2.

Refused nonconcurrency.

The question was: Shall **Assembly Bill 461** be concurred in?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 10; absent or not voting, 2; as follows:

Ayes – Senators Brown, Carpenter, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp, Taylor and Zien – 21.

Noes – Senators Breske, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Risser, Robson and Wirch – 10.

Absent or not voting – Senators Coggs and Grothman – 2.

Concurred in.

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

Messaged.

MOTIONS MAY BE OFFERED

Senator Robson asked unanimous consent that **Senate Bill 166** be withdrawn from the committee on **Health, Children, Families, Aging and Long Term Care** and taken up at this time.

Senator Schultz objected.

Senator Risser moved that **Senate Bill 166** be withdrawn from the committee on **Health, Children, Families, Aging and Long Term Care** and referred to the committee on **Senate Organization**.

The question was: Shall **Senate Bill 166** be withdrawn from the committee on **Health, Children, Families, Aging and Long Term Care** and referred to the committee on **Senate Organization**?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 18; absent or not voting, 2; as follows:

Ayes – Senators Breske, Carpenter, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor, and Wirch - 13.

Noes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp, and Zien - 18.

Absent or not voting – Senators Coggs and Grothman – 2.
Referral refused.

ADJOURNMENT

Senator Schultz moved that the Senate adjourn.

Adjourned.

7:41 P.M.

AMENDMENTS OFFERED

Senate substitute amendment 2 to **Assembly Bill 414** offered by Senator Roessler.

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Bill 699
Senate Bill 700
Senate Bill 701
Senate Bill 702
Senate Bill 703
Senate Bill 704
Senate Bill 705
Senate Bill 706
Senate Bill 707
Senate Bill 708
Senate Bill 709
Senate Bill 710
Senate Bill 711
Senate Bill 712
Senate Bill 713
Senate Bill 714

Report correctly enrolled on May 3, 2006.