



STATE OF WISCONSIN

Senate Journal

Ninety–Eighth Regular Session

11:10 A.M.

THURSDAY, January 31, 2008

The Senate met.

The Senate was called to order by President Risser.

Senator Decker, with unanimous consent, asked that the roll call, prayer, and pledge of the special session be applied to the regular session.

CALL OF ROLL

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

Absent – None.

Absent with leave – Senator Kapanke – 1.

LEAVES OF ABSENCE

Senator S. Fitzgerald, with unanimous consent, asked that Senator Kapanke be granted a leave of absence for today's session.

REPORT OF COMMITTEES

The joint committee on **Finance** reports and recommends:

Senate Bill 37

Relating to: regulation of unsafe children's products, extending the time limit for and providing an exemption from emergency rule procedures, requiring the exercise of rule-making authority, and providing a penalty.

Adoption of Senate Amendment 1.

Ayes, 16 – Senators Miller, Hansen, Taylor, Lehman, Robson, Lassa, Darling and Olsen. Representatives Rhoades, Meyer, Stone, Kestell, Suder, Vos, Pocan and Colon.

Noes, 0 – None.

Introduction and adoption of Senate Amendment 2.

Ayes, 16 – Senators Miller, Hansen, Taylor, Lehman, Robson, Lassa, Darling and Olsen. Representatives Rhoades, Meyer, Stone, Kestell, Suder, Vos, Pocan and Colon.

Noes, 0 – None.

Passage as amended.

Ayes, 14 – Senators Miller, Hansen, Taylor, Lehman, Robson, Lassa, Darling and Olsen. Representatives Rhoades, Meyer, Stone, Kestell, Pocan and Colon.

Noes, 2 – Representatives Suder and Vos.

Senate Bill 99

Relating to: prohibitions against certain telephone and facsimile solicitations, authorizing a private cause of action, and providing a penalty.

Introduction and adoption of Senate Substitute Amendment 1.

Ayes, 15 – Senators Miller, Hansen, Taylor, Lehman, Lassa, Darling and Olsen. Representatives Rhoades, Meyer, Stone, Kestell, Suder, Vos, Pocan and Colon.

Noes, 1 – Senator Robson.

Passage as amended.

Ayes, 16 – Senators Miller, Hansen, Taylor, Lehman, Robson, Lassa, Darling and Olsen. Representatives Rhoades, Meyer, Stone, Kestell, Suder, Vos, Pocan and Colon.

Noes, 0 – None.

Senate Bill 167

Relating to: a state electrical wiring code; regulation of electricians, electrical contractors, and electrical inspectors; inspections of electrical wiring; regulation of electrical wiring; regulation of heating and air conditioning contractors by a county with a population of 500,000 or more; and granting rule-making authority.

Adoption of Senate Amendment 1.

Ayes, 16 – Senators Miller, Hansen, Taylor, Lehman, Robson, Lassa, Darling and Olsen. Representatives Rhoades, Meyer, Stone, Kestell, Suder, Vos, Pocan and Colon.

Noes, 0 – None.

Adoption of Senate Amendment 3.

Ayes, 16 – Senators Miller, Hansen, Taylor, Lehman, Robson, Lassa, Darling and Olsen. Representatives Rhoades, Meyer, Stone, Kestell, Suder, Vos, Pocan and Colon.

Noes, 0 – None.

Passage as amended.

Ayes, 15 – Senators Miller, Hansen, Taylor, Lehman, Robson, Lassa, Darling and Olsen. Representatives Rhoades, Meyer, Stone, Kestell, Suder, Pocan and Colon.

Noes, 1 – Representative Vos.

Senate Bill 194

Relating to: the licensing and regulation of thermal system insulation and fire-stop product mechanics and contractors; creating a thermal system insulation and fire-stop council; requiring the employment of a state inspector; establishing standards for installing, removing, and maintaining thermal system insulation and fire-stop products; requiring the exercise of rule-making authority; and providing a penalty.

Adoption of Senate Substitute Amendment 2.

Ayes, 16 – Senators Miller, Hansen, Taylor, Lehman, Robson, Lassa, Darling and Olsen. Representatives Rhoades, Meyer, Stone, Kestell, Suder, Vos, Pocan and Colon.

Noes, 0 – None.

Passage as amended.

Ayes, 15 – Senators Miller, Hansen, Taylor, Lehman, Robson, Lassa, Darling and Olsen. Representatives Rhoades, Meyer, Stone, Kestell, Suder, Pocan and Colon.

Noes, 1 – Representative Vos.

Senate Bill 223

Relating to: expanding the area in which a tax incremental district's project costs may be expended.

Adoption of Senate Amendment 1.

Ayes, 15 – Senators Miller, Hansen, Taylor, Lehman, Robson, Lassa, Darling and Olsen. Representatives Rhoades, Meyer, Stone, Kestell, Vos, Pocan and Colon.

Noes, 0 – None.

Passage as amended.

Ayes, 15 – Senators Miller, Hansen, Taylor, Lehman, Robson, Lassa, Darling and Olsen. Representatives Rhoades, Meyer, Stone, Kestell, Vos, Pocan and Colon.

Noes, 0 – None.

Senate Bill 273

Relating to: the regulation of certain suppliers of liquefied petroleum gas, applicability of the statewide system for notification of the location of transmission facilities, granting rule-making authority, and providing a penalty.

Adoption of Senate Amendment 1 to Senate Substitute Amendment 1.

Ayes, 16 – Senators Miller, Hansen, Taylor, Lehman, Robson, Lassa, Darling and Olsen. Representatives Rhoades, Meyer, Stone, Kestell, Suder, Vos, Pocan and Colon.

Noes, 0 – None.

Adoption of Senate Amendment 2 to Senate Substitute Amendment 1.

Ayes, 16 – Senators Miller, Hansen, Taylor, Lehman, Robson, Lassa, Darling and Olsen. Representatives Rhoades, Meyer, Stone, Kestell, Suder, Vos, Pocan and Colon.

Noes, 0 – None.

Adoption of Senate Substitute Amendment 1.

Ayes, 16 – Senators Miller, Hansen, Taylor, Lehman, Robson, Lassa, Darling and Olsen. Representatives Rhoades, Meyer, Stone, Kestell, Suder, Vos, Pocan and Colon.

Noes, 0 – None.

Passage as amended.

Ayes, 15 – Senators Miller, Hansen, Taylor, Lehman, Robson, Lassa, Darling and Olsen. Representatives Rhoades, Meyer, Stone, Kestell, Suder, Pocan and Colon.

Noes, 1 – Representative Vos.

Senate Bill 341

Relating to: salaries of deputy district attorneys.

Passage.

Ayes, 15 – Senators Miller, Hansen, Taylor, Lehman, Robson, Lassa, Darling and Olsen. Representatives Rhoades, Meyer, Stone, Kestell, Vos, Pocan and Colon.

Noes, 0 – None.

Senate Bill 402

Relating to: expenditure of \$228,792.62 from moneys appropriated to the Department of Administration in payment of a claim against the state to indemnify Georgia Thompson, a state of Wisconsin employee.

Passage.

Ayes, 15 – Senators Miller, Hansen, Taylor, Lehman, Robson, Lassa, Darling and Olsen. Representatives Rhoades, Meyer, Stone, Kestell, Vos, Pocan and Colon.

Noes, 0 – None.

MARK MILLER
Senate Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Office of the Senate President

January 31, 2008

The Honorable, the Senate:

Pursuant to Senate Rule 46 (2)(c), I am writing to inform you that I have directed the following proposal(s) to be withdrawn from committee and rereferred. I have obtained the consent of the appropriate standing committee chairperson and the chairperson of the committee on **Senate Organization**.

Senate Bill 426 withdrawn from committee on **Tax Fairness and Family Prosperity** and rereferred to committee on **Labor, Elections, and Urban Affairs**.

Sincerely,
FRED A. RISSER
Senate President

Pursuant to Senate Rule 17 (5), Senator Olsen withdrawn as a coauthor of **Senate Bill 380**.

Pursuant to Senate Rule 17 (5), Senator Taylor added as a coauthor of **Senate Bill 167**.

Pursuant to Senate Rule 17 (5), Senator Taylor added as a coauthor of **Senate Bill 37**.

Pursuant to Senate Rule 17 (5), Senator Taylor added as a coauthor of **Senate Bill 194**.

Pursuant to Senate Rule 17 (5), Senator Miller added as a coauthor of **Senate Bill 434**.

Pursuant to Senate Rule 17 (5), Senator Kedzie added as a coauthor of **Senate Bill 287**.

Pursuant to Senate Rule 17 (5), Senator Kedzie added as a cosponsor of **Assembly Bill 539**.

Pursuant to Senate Rule 17 (5), Senator Darling added as a coauthor of **Senate Bill 287**.

Pursuant to Senate Rule 17 (5), Senator A. Lasee added as a coauthor of **Senate Bill 432**.

Senator Decker, with unanimous consent, asked that **Senate Joint Resolutions 77, 85, 62, 63, 74, 79, 86** and **Assembly Joint Resolution 68** be taken up at this time.

Senate Joint Resolution 77

Relating to: the life and military service of Lance Corporal Andrew Matus of the United States Marine Corps who lost his life during Operation Iraqi Freedom.

Adopted by unanimous rising vote.

Senator Decker, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 77**.

Senate Joint Resolution 85

Relating to: the life and military service of Second Lieutenant Tracy Lynn Alger.

Adopted by unanimous rising vote.

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

Senate Joint Resolution 62

Relating to: the life and service of United States Army Specialist Eric D. Clark, who lost his life during Operation Iraqi Freedom.

Adopted by unanimous rising vote.

Senator Decker, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 62**.

Senate Joint Resolution 63

Relating to: the life and service of Staff Sergeant Robert J. Basham of the Wisconsin Army National Guard, who lost his life during Operation Iraqi Freedom.

Adopted by unanimous rising vote.

Senator Decker, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 63**.

Senate Joint Resolution 74

Relating to: the life and military service of United States Army Captain Christian Skoglund.

Adopted by unanimous rising vote.

Senator Decker, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 74**.

Senate Joint Resolution 79

Relating to: the life and military service of Corporal Matthew Ross Zindars.

Adopted by unanimous rising vote.

Senator Decker, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 79**.

Senate Joint Resolution 86

Relating to: the life and service of Corporal Jason F. Lemke of the United States Army, who lost his life during Operation Iraqi Freedom.

Adopted by unanimous rising vote.

Senator Decker, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 86**.

Assembly Joint Resolution 68

Relating to: the life and military service of Corporal Keith A. Nurnberg of the United States Army, who lost his life during Operation Iraqi Freedom.

Concurred in by unanimous rising vote.

Senator Decker, with unanimous consent, asked that all members of the Senate be added as cosponsors of **Assembly Joint Resolution 68**.

Senator Decker, with unanimous consent, asked that the Senate recess until 1:00 P.M.

11:33 A.M.

RECESS

1:03 P.M.

The Senate reconvened.

President Risser in the chair.

Senator Carpenter, with unanimous consent, asked that the Senate recess until 1:30 P.M.

1:04 P.M.

RECESS

1:33 P.M.

The Senate reconvened.

President Risser in the chair.

ADVICE AND CONSENT OF THE SENATE

OLSEN, DAVID, of Jefferson, as a member of the Funeral Directors Examining Board, to serve for the term ending July 1, 2011.

Read.

The question was: Confirmation?

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

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

Noes – None.

Absent or not voting – Senator Kapanke – 1.

Confirmed.

PEARSE, CHERYL, of La Crosse, as a member of the Barbering and Cosmetology Examining Board to serve for the term ending July 1, 2011

Read.

The question was: Confirmation?

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

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

Noes – None.

Absent or not voting – Senator Kapanke – 1.

Confirmed.

Senate Joint Resolution 81

Relating to: the life and public service of Governor Lee Sherman Dreyfus.

Adopted by unanimous rising vote.

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

Senate Joint Resolution 83

Relating to: the Professional Ambulance Association of Wisconsin.

Adopted.

Senate Joint Resolution 84

Relating to: recognizing February 2008 as American Heart Month and February 1, 2008, as Wear Red For Women Day.

Adopted.

Senate Joint Resolution 87

Relating to: the life and public service of John R. Moses.

Adopted.

Assembly Joint Resolution 66

Relating to: the life and public service of Norbert DeCleene.

Concurred in.

Assembly Joint Resolution 77

Relating to: the life and public service of Richard B. Nowakowski.

Concurred in by unanimous rising vote.

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

Senate Bill 103

Relating to: crimes against children and providing penalties.

Read a second time.

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

Adopted.

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

Adopted.

Senate amendment 3 to **Senate Bill 103** offered by Senator Darling.

The question was: Adoption of Senate amendment 3 to **Senate Bill 103**?

Adopted.

Ordered to a third reading.

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

Senate Bill 103

Read a third time and passed.

Senate Bill 165

Relating to: authorizing the circuit court to order a person who engages in discrimination in employment to pay compensatory and punitive damages and a surcharge, directing the secretary of workforce development to appoint a committee to study wage disparities between men and women and between minority group members and nonminority group members, and making an appropriation.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 165**?

Adopted.

The question was: Adoption of Senate amendment 2 to **Senate Bill 165**?

Adopted.

Ordered to a third reading.

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

Senate Bill 165

Read a third time.

The ayes and noes were required and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Kreitlow, Lassa, Lehman, Miller, Plale, Risser, Robson, Sullivan, Taylor, Vinehout and Wirsch – 18.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Roessler and Schultz – 14.

Absent or not voting – Senator Kapanke – 1.

Passed.

Senate Bill 259

Relating to: prohibiting the use of information in credit reports for issuing or setting premiums for motor vehicle or property insurance.

Read a second time.

Senator Decker, with unanimous consent, asked that **Senate Bill 259** be placed at the foot of the calendar.

Senate Bill 275

Relating to: furnishing or using certain consumer loan information to make solicitations and providing a penalty.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 275**?

Adopted.

The question was: Adoption of Senate amendment 2 to **Senate Bill 275**?

Adopted.

Ordered to a third reading.

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

Senate Bill 275

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

Noes – None.

Absent or not voting – Senator Kapanke – 1.

Passed.

Senate Bill 287

Relating to: allowing a 16-year-old to donate blood with parental consent.

Read a second time.

Senator Decker, with unanimous consent, asked that **Assembly Bill 539** be withdrawn from the committee on **Health, Human Services, Insurance, and Job Creation** and taken up at this time.

Assembly Bill 539

Relating to: allowing a 16-year-old to donate blood with parental consent.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 539

Read a third time and concurred in.

Senator Decker, with unanimous consent, asked that **Senate Bill 287** be laid on the table.

Senate Bill 289

Relating to: the installation of carbon monoxide detectors in certain buildings, providing an exemption from emergency rule procedures, granting rule-making authority, and providing penalties.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 289**?

Adopted.

Ordered to a third reading.

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

Senate Bill 289

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, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, Kreitlow, A. Lasee,

Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 32.

Noes – None.

Absent or not voting – Senator Kapanke – 1.

Passed.

Senate Bill 320

Relating to: refunds of overcharges by commercial mobile radio service providers, actions against commercial mobile radio service providers that fail to make timely refunds, and providing a penalty.

Read a second time.

Senate amendment 1 to **Senate Bill 320** offered by Senators Lassa and Kedzie.

The question was: Adoption of Senate amendment 1 to **Senate Bill 320**?

Adopted.

Ordered to a third reading.

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

Senate Bill 320

Read a third time.

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

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, Hansen, Harsdorf, Jauch, Kedzie, Kreitlow, Lassa, Lazich, Lehman, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 27.

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

Absent or not voting – Senator Kapanke – 1.

Passed.

Senate Bill 324

Relating to: grants to community health centers (suggested as remedial legislation by the Department of Health and Family Services).

Read a second time.

Ordered to a third reading.

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

Senate Bill 324

Read a third time and passed.

Senate Bill 326

Relating to: eliminating reimbursement rate requirements for certain respiratory care services (suggested as remedial legislation by the Department of Health and Family Services).

Read a second time.

Ordered to a third reading.

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

Senate Bill 326

Read a third time and passed.

Senate Bill 366

Relating to: unfunded pension liability financing in populous counties and membership on the pension study committee.

Read a second time.

Ordered to a third reading.

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

Senate Bill 366

Read a third time.

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

Ayes – Senators Breske, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 30.

Noes – Senators Carpenter and Miller – 2.

Absent or not voting – Senator Kapanke – 1.

Passed.

Senate Bill 380

Relating to: the sale of renewable motor vehicle fuels, granting rule-making authority, and providing a penalty.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 380**?

Adopted.

The question was: Adoption of Senate amendment 2 to **Senate Bill 380**?

Adopted.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that **Senate Bill 380** be referred to committee on **Senate Organization**.

Referred.

Senate Bill 403

Relating to: the property tax exemption for low-income housing.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 403**?

Adopted.

Senate amendment 2 to **Senate Bill 403** offered by Senator Taylor.

The question was: Adoption of Senate amendment 2 to **Senate Bill 403**?

Adopted.

Senate amendment 3 to **Senate Bill 403** offered by Senator Lazich.

Senator Lazich, with unanimous consent, asked that Senate amendment 3 to **Senate Bill 403** be withdrawn and returned to author.

Senate amendment 4 to **Senate Bill 403** offered by Senator Lazich.

POINT OF ORDER

Senator Taylor raised the point of order that Senate amendment 4 to **Senate Bill 403** was not germane.

The Chair ruled the point of order well taken.

Senator Lazich appealed the ruling of the Chair.

The question was: Shall the Decision of the chair stand as the judgement of the Senate?

The ayes and noes were required and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Kreitlow, Lassa, Lehman, Miller, Plale, Risser, Robson, Sullivan, Taylor, Vinehout and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Roessler and Schultz – 14.

Absent or not voting – Senator Kapanke – 1.

The Decision of the Chair stands as the judgement of the Senate.

Ordered to a third reading.

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

Senate Bill 403

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

Noes – None.

Absent or not voting – Senator Kapanke – 1.

Passed.

Senator Decker, with unanimous consent, asked that **Senate Bill 402** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Senate Bill 402

Relating to: expenditure of \$228,792.62 from moneys appropriated to the Department of Administration in payment of a claim against the state to indemnify Georgia Thompson, a state of Wisconsin employee.

Read a second time.

Ordered to a third reading.

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

Senate Bill 402

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

Noes – None.

Absent or not voting – Senator Kapanke – 1.

Passed.

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

Messaged.

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

3:08 P.M.

RECESS

4:15 P.M.

The Senate reconvened.

President Risser in the chair.

Senator Decker, with unanimous consent, asked that **Senate Bill 259** be withdrawn and taken up at this time.

Senate Bill 259

Relating to: prohibiting the use of information in credit reports for issuing or setting premiums for motor vehicle or property insurance.

Ordered to a third reading.

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

Senator Leibham asked unanimous consent that **Senate Bill 259** be referred to the committee on **Health, Human Services, Insurance, and Job Creation**.

Senator Decker objected.

Senator Leibham moved that **Senate Bill 259** be referred to the committee on **Health, Human Services, Insurance, and Job Creation**.

The question was: Shall **Senate Bill 259** be referred to the committee on **Health, Human Services, Insurance, and Job Creation**?

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

Ayes – Senators Cowles, Darling, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Olsen and Schultz – 12.

Noes – Senators Breske, Carpenter, Coggs, Decker, Ellis, Erpenbach, Hansen, Jauch, Kreitlow, Lassa, Lehman, Miller,

Plale, Risser, Robson, Roessler, Sullivan, Taylor, Vinehout and Wirch – 20.

Absent or not voting – Senator Kapanke – 1.

Referral Refused.

Senate Bill 259

Read a third time.

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

Ayes – Senators Breske, Carpenter, Coggs, Decker, Ellis, Erpenbach, Hansen, Jauch, Kreitlow, Lehman, Miller, Plale, Risser, Robson, Roessler, Taylor and Wirch – 17.

Noes – Senators Cowles, Darling, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Olsen, Schultz, Sullivan and Vinehout – 15.

Absent or not voting – Senator Kapanke – 1.

Passed.

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

Assembly Bill 8

Relating to: capturing an image of a nude or partially nude person in a locker room, written policies on privacy in locker rooms, and providing a penalty.

Read a second time.

Senate substitute amendment 1 to **Assembly Bill 8** offered by Senator Grothman.

Senator Grothman, with unanimous consent, asked that Senate substitute amendment 1 to **Assembly Bill 8** be withdrawn and returned to author.

Senate substitute amendment 2 to **Assembly Bill 8** offered by Senator Grothman.

Senator Decker moved rejection of Senate substitute amendment 2 to **Assembly Bill 8**.

The question was: Rejection of Senate substitute amendment 2 to **Assembly Bill 8**?

The ayes and noes were required and the vote was: ayes, 16; noes, 16; absent or not voting, 1; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Kreitlow, Lassa, Lehman, Miller, Plale, Risser, Sullivan, Taylor, Vinehout and Wirch – 16.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Robson, Roessler and Schultz – 16.

Absent or not voting – Senator Kapanke – 1.

Rejection refused.

The question was: Adoption of Senate substitute amendment 2 to **Assembly Bill 8**?

The ayes and noes were required and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Robson, Roessler, Schultz, Sullivan and Vinehout – 18.

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

Absent or not voting – Senator Kapanke – 1.

Adopted.

Ordered to a third reading.

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

Assembly Bill 8

Read a third time and concurred in as amended.

Assembly Bill 246

Relating to: identification for purposes related to the purchase of alcohol beverages.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 246

Read a third time and concurred in.

Assembly Bill 321

Relating to: designation of state agency status for certain health care facilities that use volunteer providers during a declared state of emergency; declarations of emergencies by counties; immunity from liability for qualified food and emergency household products; creating an interoperability council; and requiring public and private schools to conduct tornado or other hazard drills.

Read a second time.

Senate amendment 2 to **Assembly Bill 321** offered by Senators Wirch, Breske and Hansen.

The question was: Adoption of Senate amendment 2 to **Assembly Bill 321**?

Adopted.

Ordered to a third reading.

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

Assembly Bill 321

Read a third time and concurred in as amended.

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

Messaged.

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

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Mr. Henry Miller. Henry has been a custodian for the Wisconsin State Capitol since August 4th, 1997. He is an exemplary custodian and has proven many times over that he takes great pride in his work. Mr. Miller has been a close friend to my office and staff and we are all grateful for the chance to have been able to get to know him. Today is Henry's last day as a member of the custodial staff. Please join me in thanking Henry for his admirable work and in wishing him the best in all his future endeavors.

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Don Pavel. Don was the director of the Blue Canvas Orchestra, and was also the band's guitar player. Recently, Congressman Dave Obey, who is an excellent musician in his own right, stated that Don Pavel was the best guitar player he had ever heard. Don was a Vietnam war veteran, a member of a helicopter rescue team but it is music that defines Don's passion and life. He had played music since he was 5 years of age and had played with Warren Nelson and Jack Gunderson for 38 years. Don's fingers strummed the guitar but the music came from a place deep within; a reservoir of beauty that only musicians may know and we shall forever appreciate. This weekend the band was to play a gig on Madeline Island and Warren Nelson was adamant that they not cancel the show. He and Don always said, "Even if one of us dies an hour before the show, we still have to play." We will miss him but Don's music will never end. His smile will never fade and the spirit he shared with every note will enrich our lives forever. Don is survived by his dear friend Therene Gazdik, his former wife Sharla Pavel and their two sons Ira and Mason Pavel, and his sister Barb Pavel Jurek. Please also adjourn in their honor as well to share our respect and support during this difficult time.

Senator Robson, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Nadine Gratz, who celebrated her birthday on January 31st and who has served the State of Wisconsin for nearly 20 years.

Senator Robson, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Beloit International Film Festival which is the third largest festival in the country. Thanks to the hard work of chairs: Rod Boudin, Becky Rogers, Ron Nief, Robert Moris, and the hundreds of volunteers.

Senator Plale, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Catholic Schools Week, the hundreds of Catholic schools, instructors, and students around Wisconsin, and the thousands of Catholic schools across the country.

ADJOURNMENT

Senator Decker, with unanimous consent, asked that the Senate adjourn until Tuesday, February 19, 2008, pursuant to **Senate Joint Resolution 1**.

Adjourned.

5:25 P.M.