



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Ninth Regular Session

11:09 A.M.

TUESDAY, January 19, 2010

The Senate met.

The Senate was called to order by President Risser.

### CALL OF ROLL

The roll was called, disclosing the presence of a quorum.

Pursuant to Senate Rule 15, the official attendance for session was:

Senators Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 33.

Absent – None.

Absent with leave – None.

The Senate stood for the prayer which was offered by Bishop Bruce Burnside from the South Central Synod of Wisconsin, of the Evangelical Lutheran Church in America.

“O God,

We lift before you those whose privilege and burden it is to govern in this state of Wisconsin. May these men and women who hold power understand that it is a trust, to be used not for personal gain, but for the service of the people who have elected them. Drive away any cynicism and discouragement where it impedes the work of this honored body; inspire and fortify the imaginations and good will in this chamber so that principled debate, wise decisions, charitable agendas, fair compromise and just legislation will prevail. And in conflict give resolve, in crisis give bold leadership, in anxiety hope and where spirits are daunted grant soaring wings and strengthened visions.

You have given us this good home on earth as our heritage and entrusted, to us, the care of countryside and townships, cities, villages and neighborhoods; places of recreation, arenas of work, sanctuaries for healing and environments for learning. And you have ordained that among us leaders will arise to protect and provide for the common good of citizens in all these places. We give you thanks for these leaders and ask that your divine counsel will guide them.

You have entrusted fields and watersheds, forests, great lakes, working rivers, lazy streams, the hills and their mirrored valleys to the stewardship of those who preside over them. We give thanks for the diverse natural beauty and plentiful resources of his land. Bless this creation by prudent law and careful lawmakers.

You have called upon the strong to care for the weak, the privileged to support the vulnerable and the powerful to remember the helpless. We pray that the sick and the

unemployed, the poor and the hungry, the neglected, abused, and uneducated, the homeless and the oppressed and all who are easily abandoned will not be forgotten in this room.

Grant now what is right and good for this day in this place and may your blessing reside on these men and women so that at day’s end they may take good rest and find comfort in knowing they have served well.

Amen.”

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

### CHIEF CLERK’S ENTRIES

#### AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 127** offered by Senators Risser, Erpenbach and Taylor.

Senate amendment 1 to **Senate Bill 337** offered by Senator Coggs.

The Chief Clerk makes the following entries dated **Friday, January 15, 2010**.

#### AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 381** offered by Senator Taylor.

Senate amendment 1 to **Senate Bill 408** offered by Senator Jauch.

### REPORT OF COMMITTEES

The joint committee on **Finance** reports and recommends: **Senate Bill 263**

Relating to: criteria for determining indigency for purposes of representation by the State Public Defender and requiring the exercise of rule–making authority.

Adoption of Senate Amendment 1.

Ayes, 14 – Senators Miller, Hansen, Taylor, Lehman, Robson, Lassa and Olsen. Representatives Pocan, Colon, Mason, Shilling, Sherman, Grigsby and Montgomery.

Noes, 0 – None.

Introduction of Senate Amendment 2.

Ayes, 14 – Senators Miller, Hansen, Taylor, Lehman, Robson, Lassa and Olsen. Representatives Pocan, Colon, Mason, Shilling, Sherman, Grigsby and Montgomery.

Noes, 0 – None.

Adoption of Senate Amendment 2.

Ayes, 14 – Senators Miller, Hansen, Taylor, Lehman, Robson, Lassa and Olsen. Representatives Pocan, Colon, Mason, Shilling, Sherman, Grigsby and Montgomery.

Noes, 0 – None.

Passage as amended.

Ayes, 13 – Senators Miller, Hansen, Taylor, Lehman, Robson, Lassa and Olsen. Representatives Pocan, Colon, Mason, Shilling, Sherman and Grigsby.

Noes, 1 – Representative Montgomery.

**Senate Bill 409**

Relating to: a postsecondary education tax credit for businesses; increasing annual limits on angel investment tax credits; awarding grants to the WiSys Technology Foundation, Inc.; business plan competitions and an emerging technology center in the University of Wisconsin System; rural outsourcing grants; requiring the Department of Commerce to award grants to a high-technology business development corporation and grants for converting manufacturing facilities; increasing funding for certain economic development programs; a pilot program providing microloans for the creation of new businesses; increasing funding for certain technical college training program grants; providing an exemption from emergency rule procedures; granting rule-making authority; and making appropriations.

Introduction of Senate Amendment 1 to Senate Substitute Amendment 1.

Ayes, 13 – Senators Miller, Hansen, Taylor, Lehman, Robson, Lassa and Olsen. Representatives Pocan, Colon, Shilling, Sherman, Grigsby and Montgomery.

Noes, 0 – None.

Adoption of Senate Amendment 1 to Senate Substitute Amendment 1.

Ayes, 13 – Senators Miller, Hansen, Taylor, Lehman, Robson, Lassa and Olsen. Representatives Pocan, Colon, Shilling, Sherman, Grigsby and Montgomery.

Noes, 0 – None.

Adoption of Senate Substitute Amendment 1.

Ayes, 13 – Senators Miller, Hansen, Taylor, Lehman, Robson, Lassa and Olsen. Representatives Pocan, Colon, Shilling, Sherman, Grigsby and Montgomery.

Noes, 0 – None.

Passage as amended.

Ayes, 13 – Senators Miller, Hansen, Taylor, Lehman, Robson, Lassa and Olsen. Representatives Pocan, Colon, Shilling, Sherman, Grigsby and Montgomery.

Noes, 0 – None.

*MARK MILLER*  
Senate Chairperson

**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

January 15, 2010

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint PAUL, EDWARD, of Neenah, as a member of the Wisconsin Technical College System Board, to serve for the term ending May 1, 2011.

Respectfully Submitted,

*JIM DOYLE*  
Governor

Read and referred to committee on **Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection.**

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**REPORT OF COMMITTEES**

The committee on **Commerce, Utilities, Energy, and Rail** reports and recommends:

**Assembly Bill 325**

Relating to: notice of proposed vacation of certain highways.

Concurrence.

Ayes, 7 – Senators Plale, Wirch, Erpenbach, Kreitlow, Cowles, Harsdorf and Kedzie.

Noes, 0 – None.

*JEFFREY PLALE*  
Chairperson

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The committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing** reports and recommends:

**Assembly Bill 400**

Relating to: requiring landlords to change locks.

Concurrence.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

**Assembly Bill 47**

Relating to: prohibiting persons convicted of certain felonies from providing martial arts instruction to minors.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

Concurrence as amended.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

**Senate Bill 365**

Relating to: the Uniform Unsworn Foreign Declarations Act and providing a penalty.

Passage.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

**Senate Bill 395**

Relating to: psychological evaluations for law enforcement officers, providing an exemption from emergency rule procedures, and requiring the exercise of rule-making authority.

Passage.

Ayes, 4 – Senators Taylor, Sullivan, Erpenbach and Hopper.  
Noes, 1 – Senator Grothman.

**Senate Bill 415**

Relating to: requiring carbon monoxide detectors in buildings containing one or two dwelling units.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.  
Noes, 0 – None.

*LENA TAYLOR*  
Chairperson

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## PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Senator Cowles added as a cosponsor of **Assembly Joint Resolution 67**.

Pursuant to Senate Rule 17 (5), Senator Miller added as a coauthor of **Senate Bill 43**.

Pursuant to Senate Rule 17 (5), Senator Sullivan added as a coauthor of **Senate Bill 43**.

Pursuant to Senate Rule 17 (5), Senator Lassa added as a coauthor of **Senate Bill 43**.

Pursuant to Senate Rule 17 (5), Senator Vinehout added as a cosponsor of **Assembly Bill 376**.

Pursuant to Senate Rule 17 (5), Senator Kapanke added as a cosponsor of **Assembly Joint Resolution 83**.

Pursuant to Senate Rule 17 (5), Senator Jauch withdrawn as a coauthor of **Senate Bill 453**.

Pursuant to Senate Rule 17 (5), Representative Nygren added as a cosponsor of **Senate Bill 400**.

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## ADVICE AND CONSENT OF THE SENATE

Senator Decker, with unanimous consent, asked that all the appointments be taken up en masse, with the exception of Jeffrey Moessner.

**DEGENHARDT, DENNIS**, of West Bend, as a member of the Credit Union Review Board, to serve for the term ending May 1, 2014.

**EBERLE, JOSEPH**, of Waukesha, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2013.

**GREENHECK, ANN**, of Lone Rock, as a member of the Wisconsin Technical College System Board, to serve for the term ending May 1, 2015.

**HANSON, STEPHANIE**, of Madison, as a member of the Professional Standards Council for Teachers, to serve for the term ending June 30, 2011.

**LEE, MARK**, of Middleton, as a member of the Wisconsin Aerospace Authority, to serve for the term ending June 30, 2012.

**LINS, DEBRA**, of Sauk City, as a member of the Banking Review Board, to serve for the term ending May 1, 2014.

**MAIN, EDWARD**, of Madison, as a member of the Deferred Compensation Board, to serve for the term ending July 1, 2012.

**NELSON, JOHN**, of Middleton, as a member of the Deferred Compensation Board, to serve for the term ending July 1, 2013.

**POTTER, EDWARD**, of Mt. Pleasant, as a member of the Real Estate Appraisers Board, to serve for the term ending May 1, 2012.

**REDHAIL, GENE**, of Oneida, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2012.

**SWEENEY, GARY "JOE"**, of Milwaukee, as a member of the Bradley Center Sports and Entertainment Corporation, to serve for the term ending July 1, 2016.

**TWEED, STEVEN**, of Monona, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2013.

**WALL, EDWARD**, of Windsor, as Administrator of Wisconsin Emergency Management, to serve for the term ending at the pleasure of the Governor.

**MCCABE, JEFF**, of Kaukauna, as a member of the Professional Standards Council for Teachers, to serve for the term ending June 30, 2012.

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 Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

**MOESSNER, JEFFREY**, of Eau Claire, as a member of the Council on Domestic Abuse, 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, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

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## CONSIDERATION OF MOTIONS, RESOLUTIONS, AND JOINT RESOLUTIONS NOT REQUIRING A THIRD READING

### **Assembly Joint Resolution 67**

Relating to: commending MAG Giddings and Lewis on its sesquicentennial.

The question was: Shall **Assembly Joint Resolution 67** be concurred in?

Concurred in.

**Assembly Joint Resolution 83**

Relating to: the life and public service of Tommy T. Tradewell.

The question was: Shall **Assembly Joint Resolution 83** be concurred in?

Concurred in.

**Assembly Joint Resolution 84**

Relating to: the life and public service of Velma Hamilton.

The question was: Shall **Assembly Joint Resolution 84** be concurred in?

Concurred in.

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

**Assembly Joint Resolution 67**

**Assembly Joint Resolution 83**

**Assembly Joint Resolution 84**

Messaged.

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

**Senate Bill 43**

Relating to: the scope of regulated activity under the campaign finance law.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 43**?

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 43**

Read a third time.

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

Ayes – Senators Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, Hansen, Harsdorf, Holperin, Jauch, Kapanke, Kreitlow, A. Lasee, Lassa, Lehman, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 26.

Noes – Senators S. Fitzgerald, Grothman, Hopper, Kanavas, Kedzie, Lazich and Leibham – 7.

Absent or not voting – None.

Passed.

**Senate Bill 168**

Relating to: supervision of barber or cosmetologist apprentices.

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 168**

Read a third time and passed.

**Senate Bill 203**

Relating to: claims for loss of society and companionship in medical malpractice cases.

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 203**

Read a third time and passed.

**Senate Bill 274**

Relating to: requiring landlords to change locks.

Read a second time.

Senator Decker, with unanimous consent, asked that **Assembly Bill 400** be withdrawn from the committee on **Senate Organization** and taken up at this time.

**Assembly Bill 400**

Relating to: requiring landlords to change locks.

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 400**

Read a third time and concurred in.

Senator Decker, with unanimous consent, asked that **Senate Bill 274** be laid on the table.

**Senate Bill 308**

Relating to: a requirement that an employer permit an employee who is a volunteer fire fighter, emergency medical technician, first responder, or ambulance driver for a volunteer fire department or fire company, a public agency, or a nonprofit corporation to be late for or absent from work if the lateness or absence is due to the employee responding to an emergency that begins before the employee is required to report to work.

Read a second time.

The question was: Adoption of Senate amendment 2 to **Senate Bill 308**?

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 308**

Read a third time and passed.

**Senate Bill 321**

Relating to: operation of neighborhood electric vehicles.

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 321**

Read a third time and passed.

**Senate Bill 325**

Relating to: notification to a parent before chaperoning a sex offender.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 325**?

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 325**

Read a third time and passed.

**Senate Bill 332**

Relating to: submitting custody study reports to the parties and offering custody study reports in accordance with the rules of evidence.

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 332**

Read a third time and passed.

**Senate Bill 375**

Relating to: the exchange of electronic records contained in the Consolidated Court Automation Program and in the Statewide Automated Child Welfare Information System between the director of state courts and the Department of Children and Families and providing a penalty.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 375**?

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 375**

Read a third time and passed.

**Senate Bill 424**

Relating to: regulating certain sport shooting ranges.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 424**?

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 424**

Read a third time and passed.

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

**Senate Bill 43**

**Senate Bill 168**

**Senate Bill 203**

**Senate Bill 308**

**Senate Bill 321**

**Senate Bill 325**

**Senate Bill 332**

**Senate Bill 375**

**Senate Bill 424**

**Assembly Bill 400**

Messaged.

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

**Assembly Bill 142**

Relating to: requiring a license to engage in the practice of landscape architecture.

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.

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**IN THE CHAIR**

Pursuant to Senate Rule 2 (1), Senate President Pro Tempore Kreitlow in the chair.

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**Assembly Bill 142**

Read a third time.

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

Ayes – Senators Carpenter, Coggs, Decker, Erpenbach, Hansen, Holperin, Jauch, Kreitlow, Lassa, Lehman, Miller, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 19.

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

Absent or not voting – None.

Concurred in.

**Assembly Bill 177**

Relating to: operating a motor vehicle while suspended, revoked, or disqualified.

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 177**

Read a third time and concurred in.

**Assembly Bill 178**

Relating to: motor vehicle operating privileges, seizures by courts or law enforcement officers of operator's licenses, and reinstatement of canceled identification cards.

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 178**

Read a third time.

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

Ayes – Senators Coggs, Decker, Erpenbach, Grothman, Hansen, Holperin, Jauch, Kedzie, Kreitlow, Lassa, Lehman, Miller, Plale, Risser, Robson, Sullivan, Taylor, Vinehout and Wirch – 19.

Noes – Senators Carpenter, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Hopper, Kanavas, Kapanke, A. Lasee, Lazich, Leibham, Olsen and Schultz – 14.

Absent or not voting – None.

Concurred in.

**Assembly Bill 202**

Relating to: bulk transfers of inventory.

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 202**

Read a third time and concurred in.

**Assembly Bill 323**

Relating to: information provided by a person required to register as a sex offender.

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 323**

Read a third time and concurred in.

**Assembly Bill 376**

Relating to: restitution for misappropriation from a cemetery of certain objects that relate to a veteran.

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 376**

Read a third time and concurred in.

**Assembly Bill 411**

Relating to: the prohibition against making, reproducing, or possessing a nude depiction of a person without the person's consent and the sex offender registry.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 411**?

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 411**

Read a third time and concurred in as amended.

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

**Assembly Bill 142**

**Assembly Bill 177**

**Assembly Bill 178**

**Assembly Bill 202**

**Assembly Bill 323**

**Assembly Bill 376**

**Assembly Bill 411**

Messaged.

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

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the 128 members of Company B of the Wisconsin National Guard's 257th Brigade Support Battalion.

Senator Hopper, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his son, Christopher, who celebrated his 11th birthday a week ago today. Happy birthday, Toph.

Senator Lazich, with unanimous consent, asked that when the Senate adjourn, it do so in memory of Audrey Marie Fischer, the mother of her staffer Kevin Fischer, who passed away on January 11, 2010.

Senator Lazich, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Section Elementary School of Mukwonago, who has been chosen as a Blue Ribbon Finalist.

Senator Lasee, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his relative Fran Lasee, who at 89, just became the oldest living American to bowl a perfect game.

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**ADJOURNMENT**

Senator Decker, with unanimous consent, asked that the Senate adjourn until Thursday, January 21, 2010.

12:18 P.M.

Adjourned.