



STATE OF WISCONSIN

Senate Journal

One-Hundredth Regular Session

1:03 P.M.

WEDNESDAY, May 11, 2011

The Senate met.

The Senate was called to order by President Pro Tempore Leibham.

President Pro Tempore Leibham, with unanimous consent, asked that the roll call, prayer, and pledge of the January 2011 Special Session be applied to the Regular Session.

CALL OF ROLL

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

Senators Carpenter, S. Coggs, Cowles, T. Cullen, Darling, Ellis, Erpenbach, S. Fitzgerald, Galloway, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kapanke, Kedzie, C. Larson, Lasee, Lassa, Lazich, Leibham, Miller, Moulton, Olsen, Risser, Schultz, Taylor, Vinehout, Vukmir, Wanggaard, Wirch and Zipperer – 33.

CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated Tuesday, May 10, 2011.

REPORT OF COMMITTEES

The committee on **Senate Organization** reports:

Referred to, and withdrawn from, the joint committee on **Finance**, pursuant to Senate Rule 41 (1)(e):

Senate Bill 48

Placed the following appointments and proposals on the Senate Calendar of Wednesday, May 11, 2011:

John E. Anderson
Ryan A. Berry
Alberta Darling
Eileen Donohoo
Wesley Elford
Lyndsay N. Knoell
Elizabeth Krizenesky
Dr. Gregory Landry
Laurie McCallum
Richard Meeusen
Michael Mulleady
Brenda Nemec
Carole Ostendorf
Cindy C. Spitz
Jerry Thiel
Wendy Wettengel-Perrigoue

Neil Wiseley
Barbara Yetter
John Yingling
Senate Joint Resolution 26
Senate Joint Resolution 28
Senate Joint Resolution 29
Senate Joint Resolution 30
Assembly Joint Resolution 14
Assembly Joint Resolution 20
Assembly Joint Resolution 29
Assembly Joint Resolution 35
Senate Bill 48
Senate Bill 57

Ayes: 5 – Senators Fitzgerald, Ellis, Grothman, Miller and Hansen.

Noes: 0 – None.

SCOTT FITZGERALD
Chairperson

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read and referred:

Senate Resolution 19

Relating to: public access to the state capitol building.

By Senators Risser, Carpenter, Miller, Erpenbach, C. Larson, Vinehout, Taylor, Jauch, S. Coggs, Wirch, Lassa, T. Cullen, Holperin and Hansen.

To committee on **Senate Organization**.

REPORT OF COMMITTEES

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

BRUINS, WILLIAM, of Waupun, as a member of the Natural Resources Board, to serve for the term ending May 1, 2017.

Confirmation.

Ayes, 7 – Senators Kedzie, Moulton, Wanggaard, Galloway, Wirch, Holperin and C. Larson.

Noes, 0 – None.

HILGENBERG, TERRY, of Shawano, as a member of the Natural Resources Board, to serve for the term ending May 1, 2017.

Confirmation.

Ayes, 7 – Senators Kedzie, Moulton, Wanggaard, Galloway, Wirch, Holperin and C. Larson.

Noes, 0 – None.

KAZMIERSKI, GREGORY, of Mukwonago, as a member of the Natural Resources Board, to serve for the term ending May 1, 2017.

Confirmation.

Ayes, 7 – Senators Kedzie, Moulton, Wanggaard, Galloway, Wirch, Holperin and C. Larson.

Noes, 0 – None.

Senate Bill 75

Relating to: prohibiting the Department of Natural Resources from establishing certain restrictions on hunting antlered deer and regulating the establishment of fall open seasons for hunting deer with firearms.

Passage.

Ayes, 6 – Senators Kedzie, Moulton, Wanggaard, Galloway, Wirch and Holperin.

Noes, 1 – Senator C. Larson.

NEAL KEDZIE
Chairperson

The committee on **Public Health, Human Services, and Revenue** reports and recommends:

LANGENDORF, BRIAN, of Racine, as a member of the Funeral Director Examining Board, to serve for the term ending July 1, 2014.

Confirmation.

Ayes, 5 – Senators Galloway, Lazich, Vukmir, Carpenter and Jauch.

Noes, 0 – None.

PIEHL, KRISTIN, of Kenosha, as a member of the Funeral Directors Examining Board, to serve for the term ending July 1, 2014.

Confirmation.

Ayes, 5 – Senators Galloway, Lazich, Vukmir, Carpenter and Jauch.

Noes, 0 – None.

STENSBERG, DEAN, of Middleton, as a member of the Funeral Directors Examining Board, to serve for the term ending July 1, 2013.

Confirmation.

Ayes, 5 – Senators Galloway, Lazich, Vukmir, Carpenter and Jauch.

Noes, 0 – None.

PAM GALLOWAY
Chairperson

The committee on **Transportation and Elections** reports and recommends:

Senate Bill 41

Relating to: agreements relating to motor carrier liability.

Passage.

Ayes, 5 – Senators Lazich, Leibham, Lasee, Erpenbach and S. Coggs.

Noes, 0 – None.

Senate Bill 61

Relating to: multiple trip permits for overweight vehicles transporting granular roofing material.

Passage.

Ayes, 5 – Senators Lazich, Leibham, Lasee, Erpenbach and S. Coggs.

Noes, 0 – None.

MARY LAZICH
Chairperson

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Senator Hansen added as a coauthor of **Senate Joint Resolution 26**.

Pursuant to Senate Rule 17 (5), Senator Hansen added as a cosponsor of **Assembly Joint Resolution 29**.

Pursuant to Senate Rule 17 (5), Senator Cowles added as a coauthor of **Senate Joint Resolution 30**.

Pursuant to Senate Rule 17 (5), Senator Zipperer added as a cosponsor of **Assembly Joint Resolution 29**.

Pursuant to Senate Rule 17 (5), Senator Vinehout added as a coauthor of **Senate Bill 28**.

ADVICE AND CONSENT OF THE SENATE

State of Wisconsin
Office of the Governor

May 10, 2011

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MAUER, LISA, of Wauwatosa, as a member of the Wisconsin Economic Development Corporation Authority, to serve for the term ending at the pleasure of the Governor.

Respectfully submitted,
SCOTT WALKER
Governor

Read and referred to committee on **Economic Development and Veterans and Military Affairs**.

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 23
Assembly Bill 92
Assembly Bill 94

Adopted and asks concurrence in:

Assembly Joint Resolution 23
Assembly Joint Resolution 38

Concurred in:

Senate Bill 59
Senate Joint Resolution 11

MESSAGES FROM THE ASSEMBLY CONSIDERED

Assembly Bill 23

Relating to: disinfection of municipal water supplies.

By Representatives Severson, Rivard, Ballweg, Bernier, Bies, Jacque, Krug, LeMahieu, Marklein, Mursau, Murtha, Thiesfeldt, Tiffany and Ziegelbauer; cosponsored by Senators

Harsdorf, Galloway, Moulton, Olsen, Schultz, Grothman and Holperin.

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

Assembly Bill 92

Relating to: eliminating the enrollment cap for the Milwaukee Parental Choice Program and extending the program to permit private schools located in Milwaukee County to participate.

By Representatives Honadel and Kapenga.

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

Assembly Bill 94

Relating to: the Milwaukee Parental Choice Program.

By Representatives Marklein, Kestell, Kooyenga, Strachota, Farrow, Petersen, Spanbauer, Klenke, Ripp, August, Knilans, Brooks, Tranel, Vos and Stone; cosponsored by Senators Wanggaard, Darling, Hopper, Lazich and Zipperer.

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

Assembly Joint Resolution 23

Relating to: proclaiming May 13, 14, and 15, 2011, Syttende Mai Weekend.

By Representatives Hebl, Nerison, Milroy, Hulsey, Knudson, Bewley, Pope–Roberts, Spanbauer, Bernard Schaber, Berceau, Brooks, Steineke and Bernier; cosponsored by Senators Miller, Erpenbach, Hansen, Taylor, Risser, Schultz, Kapanke, Cowles, Darling and Harsdorf.

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

Assembly Joint Resolution 38

Relating to: Stroke Awareness Month 2011.

By Representatives Knodl, Ballweg, Berceau, Brooks, Hebl, Hintz, Jacque, Jorgensen, A. Ott, Petryk, Ripp, Strachota, Wynn and Ziegelbauer; cosponsored by Senators Darling, S. Cogg, Cowles, Kedzie, Lassa, Risser, Schultz and Taylor.

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

ADVICE AND CONSENT OF THE SENATE

Senator Fitzgerald, with unanimous consent, asked that all the appointments be taken up en masse, with the exception of Alberta Darling.

ANDERSON, JOHN E., of Rothschild, as a member of the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board, to serve for the term ending July 1, 2014

BERRY, RYAN A., of Appleton, as a member of the Athletic Trainers Affiliated Credentialing Board, to serve for the term ending July 1, 2013.

DONOHOO, EILEEN, of Wauwatosa, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2014.

ELFORD, WESLEY, of Mayville, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 2014.

KNOELL, LYNDISAY N., of Mt. Pleasant, as a member of the Dentistry Examining Board, to serve for the term ending July 1, 2014.

KRIZENESKY, ELIZABETH, of Neenah, as a member of the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board, to serve for the term ending July 1, 2014.

LANDRY, DR. GREGORY, of Middleton, as a member of the Athletic Trainers Affiliated Credentialing Board, to serve for the term ending July 1, 2012.

MCCALLUM, LAURIE, of Lodi, as a member of the Labor and Industry Review Commission, to serve for the term ending March 1, 2017.

MEEUSEN, RICHARD, of Pewaukee, as a member of the Great Lakes Protection Fund, to serve for the term ending January 9, 2013.

MULLEADY, MICHAEL, of Minocqua, as a member of the Real Estate Board, to serve for the term ending July 1, 2014.

NEMEC, BRENDA, of Pewaukee, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 2014.

OSTENDORE, CAROLE, of West Allis, as a member of the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board, to serve for the term ending July 1, 2014

SPITZA, CINDY C., of Muskego, as a member of the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board, to serve for the term ending July 1, 2014.

THIEL, JERRY, of Chilton, as a member of the Auctioneer Board, to serve for the term ending May 1, 2014.

WETTENGEL–PERRIGOU, WENDY, of De Pere, as a member of the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board to serve for the term ending July 1, 2014.

WISELEY, NEIL, of Mayville, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 2012.

YETTER, BARBARA, of Manitowoc, as a member of the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board, to serve for the term ending July 1, 2014.

YINGLING, JOHN, of Mequon, as a member of the State Fair Park Board, to serve for the term ending May 1, 2015.

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, S. Cogg, Cowles, T. Cullen, Darling, Ellis, Erpenbach, S. Fitzgerald, Galloway, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kapanke, Kedzie, C. Larson, Lasee, Lassa, Lazich, Leibham, Miller, Moulton, Olsen, Risser, Schultz, Taylor, Vinehout, Vukmir, Wanggaard, Wirch and Zipperer – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

DARLING, ALBERTA, of River Hills, as a member of the College Savings Program Board, to serve for the term ending May 1, 2013.

Read.

Senator Darling, with unanimous consent, asked to be excused from voting, pursuant to Senate Rule 73 (1).

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 Carpenter, S. Cogg, Cowles, T. Cullen, Ellis, Erpenbach, S. Fitzgerald, Galloway, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kapanke, Kedzie, C. Larson, Lasee, Lassa, Lazich, Leibham, Miller, Moulton, Olsen, Risser, Schultz, Taylor, Vinehout, Vukmir, Wanggaard, Wirch and Zipperer – 32.

Noes – None.

Absent or not voting – Senator Darling – 1.

Confirmed.

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

Senator S. Fitzgerald, with unanimous consent, asked that **Assembly Joint Resolution 23** and **Assembly Joint Resolution 38** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Assembly Joint Resolution 23

Relating to: proclaiming May 13, 14, and 15, 2011, Syttende Mai Weekend.

Read.

The question was: Shall **Assembly Joint Resolution 23** be concurred in?

Concurred in.

Assembly Joint Resolution 38

Relating to: Stroke Awareness Month 2011.

Read.

The question was: Shall **Assembly Joint Resolution 38** be concurred in?

Concurred in.

Senate Joint Resolution 26

Relating to: honoring municipal clerks and declaring May 1 through 7, 2011, as Municipal Clerks Week.

Read.

The question was: Shall **Senate Joint Resolution 26** be adopted?

Adopted.

Senate Joint Resolution 28

Relating to: honoring pregnancy care centers and proclaiming October 2011 as Pregnancy Care Month.

Read.

Senator S. Fitzgerald, with unanimous consent, asked that **Senate Joint Resolution 28** be placed at the foot of the 10th order of business on today's calendar.

Placed at the foot of the 10th order of business.

Senate Joint Resolution 29

Relating to: Stroke Awareness Month 2011.

Senator S. Fitzgerald, with unanimous consent, asked that **Senate Joint Resolution 29** be laid on the table.

Senate Joint Resolution 30

Relating to: honoring the Wisconsin National Guard 950th Engineer Company.

Read.

The question was: Shall **Senate Joint Resolution 30** be adopted?

Adopted.

Assembly Joint Resolution 14

Relating to: the life and public service of Axel Albert Johnson.

Read.

The question was: Shall **Assembly Joint Resolution 14** be concurred in?

Concurred in.

Assembly Joint Resolution 20

Relating to: commending the University of Wisconsin–Green Bay women's basketball team.

Read.

The question was: Shall **Assembly Joint Resolution 20** be concurred in?

Concurred in.

Assembly Joint Resolution 29

Relating to: commending the Saint Norbert College men's hockey team.

Read.

The question was: Shall **Assembly Joint Resolution 29** be concurred in?

Concurred in.

Assembly Joint Resolution 35

Relating to: recognizing May as Lyme Disease Awareness Month.

Read.

The question was: Shall **Assembly Joint Resolution 35** be concurred in?

Concurred in.

Senate Joint Resolution 28

Relating to: honoring pregnancy care centers and proclaiming October 2011 as Pregnancy Care Month.

Senator S. Fitzgerald, with unanimous consent, asked that **Senate Joint Resolution 28** be placed at the foot of the 11th order of business on today's calendar.

Placed at the foot of the 11th order of business.

SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

Senate Bill 48

Relating to: creating an individual income tax checkoff for the Special Olympics Wisconsin, Inc., and making an appropriation.

Read a second time.

Ordered to a third reading.

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

Senate Bill 48

Read a third time.

IN THE CHAIR

Senate President Ellis in the chair.

President Ellis, with unanimous consent, asked that the Senate recess.

1:21 P.M.

RECESS

1:38 P.M.

The Senate reconvened.

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

The question was: Shall **Senate Bill 48** be passed?

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

Ayes – Senators Carpenter, S. Coggs, Cowles, T. Cullen, Darling, Ellis, Erpenbach, S. Fitzgerald, Galloway, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kapanke, Kedzie, C. Larson, Lasee, Lassa, Lazich, Leibham, Moulton, Olsen, Risser, Schultz, Taylor, Vinehout, Vukmir, Wanggaard, Wirch and Zipperer – 32.

Noes – Senator Miller – 1.

Absent or not voting – None.

Passed.

Senator S. Fitzgerald, with unanimous consent, asked that **Senate Joint Resolution 28** be taken up at this time.

Senate Joint Resolution 28

Relating to: honoring pregnancy care centers and proclaiming October 2011 as Pregnancy Care Month.

Senate substitute amendment 1 to **Senate Joint Resolution 28** offered by Senators C. Larson, T. Cullen, Risser, Wirch, Taylor, Miller, S. Coggs, Lassa and Hansen.

Senator Kapanke moved that Senate substitute amendment 1 to **Senate Joint Resolution 28** be laid on the table.

The question was: Shall Senate substitute amendment 1 to **Senate Joint Resolution 28** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Holperin, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vinehout, Vukmir, Wanggaard and Zipperer – 21.

Noes – Senators Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Jauch, C. Larson, Lassa, Miller, Risser, Taylor and Wirch – 12.

Absent or not voting – None.

Tabled.

The question was: Shall **Senate Joint Resolution 28** be adopted?

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

Ayes – Senators Carpenter, S. Coggs, Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kapanke, Kedzie, Lasee, Lassa, Lazich, Leibham, Moulton, Olsen, Schultz, Taylor, Vinehout, Vukmir, Wanggaard, Wirch and Zipperer – 28.

Noes – Senators T. Cullen, Erpenbach, C. Larson, Miller and Risser – 5.

Absent or not voting – None.

Adopted.

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

Senate Joint Resolution 26

Senate Joint Resolution 28

Senate Joint Resolution 30

Senate Bill 48

Assembly Joint Resolution 14

Assembly Joint Resolution 20

Assembly Joint Resolution 23

Assembly Joint Resolution 29

Assembly Joint Resolution 35

Assembly Joint Resolution 38

Messaged.

Senate Bill 57

Relating to: corrections and sentencing.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 57**?

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

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 19.

Noes – Senators Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 14.

Absent or not voting – None.

Adopted.

Senate amendment 2 to **Senate Bill 57** offered by Senators Taylor, Vinehout, C. Larson, T. Cullen, Risser, Miller and S. Coggs.

Senator Wanggaard moved that Senate amendment 2 to **Senate Bill 57** be laid on the table.

The question was: Shall Senate amendment 2 to **Senate Bill 57** be laid on the table?

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

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 19.

Noes – Senators Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 14.

Absent or not voting – None.

Tabled.

Senate amendment 3 to **Senate Bill 57** offered by Senators Holperin, Hansen, Wirch, Lassa, Vinehout and Miller.

POINT OF ORDER

Senator S. Fitzgerald raised the point of order that Senate amendment 3 to **Senate Bill 57** was not germane under Senate Rule 50 (6)(b)(4).

The Chair ruled the point of order well taken.

Senator Miller 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, 19; noes, 14; absent or not voting, 0; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 19.

Noes – Senators Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 14.

Absent or not voting – None.

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

Senate amendment 4 to **Senate Bill 57** offered by Senators Hansen, Wirch, Lassa, Vinehout and Miller.

POINT OF ORDER

Senator S. Fitzgerald raised the point of order that Senate amendment 4 to **Senate Bill 57** was not germane under Senate Rule 50 (6)(b)(4).

The Chair ruled the point of order well taken.

Senator Miller 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, 19; noes, 14; absent or not voting, 0; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 19.

Noes – Senators Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 14.

Absent or not voting – None.

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

Senator Taylor moved that **Senate Bill 57** be referred to the committee on **Labor, Public Safety, and Urban Affairs**.

The question was: Shall **Senate Bill 57** be referred to the committee on **Labor, Public Safety, and Urban Affairs**?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 20; absent or not voting, 0; as follows:

Ayes – Senators S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 13.

Noes – Senators Carpenter, Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 20.

Absent or not voting – None.

Referral refused.

Senator Erpenbach moved that **Senate Bill 57** be laid on the table.

The question was: Shall **Senate Bill 57** be laid on the table?

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

Ayes – Senators Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 14.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 19.

Absent or not voting – None.

Tabling refused.

Ordered to a third reading.

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

POINT OF ORDER

Senator Taylor raised the point of order that the bill was not properly before the Senate under Joint Rule 52 and s. 13.525 Wisconsin Statutes.

The Senate stood informal.

The Chair responded to the point of order citing the bill was not properly before the Senate, due to Joint Rule 52 and Wisconsin Statute 13.525. The Chair noted that this point of order deals with the rules that govern the proceedings of the Senate. Joint Rule 52 establishes the rules that govern proceedings, as well as Article IV Section VIII of the Wisconsin Constitution, which grants each house of the legislature sole authority to govern its own proceedings. The Chair is exercising authority delegated to him and the Senate, by the people of Wisconsin, as reflected in the Constitution. After reviewing Joint Rule 52, the Chair finds nothing in the language that requires the notification that was questioned when the point of order was raised. Under Wisconsin Statute 13.525, the activities of the joint review committee on Criminal Penalties are triggered by the Chairperson of the standing committee to which the criminal penalty bill was referred, and under the statute (5), the Chairperson of the standing committee may request that the Joint Review Committee prepare a report. The language of the statute is permissive, but not mandatory. The Chairman of the standing committee chose not to request a report, and the statute permits the committees in both houses to move forward with the legislation. Upon reviewing the argument on the two points that were raised, the Chair ruled the point of order not well taken.

Senator Taylor 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, 19; noes, 14; absent or not voting, 0; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 19.

Noes – Senators Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 14.

Absent or not voting – None.

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

Senate Bill 57

Read a third time.

The question was: Shall **Senate Bill 57** be passed?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 11; absent or not voting, 0; as follows:

Ayes – Senators Carpenter, Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Hansen, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lassa, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 22.

Noes – Senators S. Coggs, T. Cullen, Erpenbach, Holperin, Jauch, C. Larson, Miller, Risser, Taylor, Vinehout and Wirch – 11.

Absent or not voting – None.

Passed.

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

Senate Bill 57

Messaged.

**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 Pam De Vuyst of Kenosha.

Senator Vinehout, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her Senate Scholar Andrew Peterson. Andrew is a senior at Osseo–Fairchild High School, and it's Andrew's 18th birthday today. Happy Birthday, Andrew!

Senator Wanggaard, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Racine Unified School District Suzuki Strings, which recently performed in the Capitol Rotunda. These exceptional students, who attend Stephen Bull Fine Arts Elementary and Jefferson Lighthouse Elementary, are an extraordinarily talented group of students, and the Senator is proud that they joined us at the Capitol for such a wonderful performance.

Senator Schultz, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Dr. Nancy Ness, who passed away last week much too young, at the age of 60, due to a rare form of bone marrow disease. Dr. Ness was from Mauston, in Juneau County, and was first introduced to Senator Schultz by another good friend Dr. Jerry Kempthorne. Like Dr. Kempthorne, Dr. Ness was the embodiment of a rural physician. She not only cared for her patients she cared about her patients and indeed her community. Nancy and her husband, Dr. Keith Ness, were and are the archetype of whole health. Dr. Ness was an integral part of the founding, design, building and management of the Mile Bluff Clinic in Mauston. She keenly understood the need for quality, accessible and affordable health care in the rural areas of our state. While Dr. Ness' time with us was far too short, her legacy and her impact on bettering people's lives will endure long into the future. On behalf of this body, Senator Schultz would like to extend our deepest condolences to the family of Dr. Nancy Ness.

ADJOURNMENT

Senator S. Fitzgerald, with unanimous consent, asked that the Senate stand adjourned until Thursday, May 12, 2011 at 10:00 A.M.

Adjourned.

4:14 P.M.