



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Eighth Regular Session

11:00 A.M.

TUESDAY, April 24, 2007

The Senate met.

The Senate was called to order by President Risser.

### CALL OF ROLL

The roll was called and the following Senators answered to their names:

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

Absent – None.

Absent with leave – None.

The Senate stood for a moment of silent meditation.

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

### PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Senator Wirch added as a coauthor of **Senate Joint Resolution 37**.

### ADVICE AND CONSENT OF THE SENATE

Senator Robson, with unanimous consent, asked that the reading be dispensed with and that all appointments except that of Dennis Conta, be taken up en masse.

ARNESON, KENNETH, of Oshkosh, as a member of the Nursing Home Administrator Examining Board, to serve for the term ending July 1, 2010.

AZAR, LAUREN, of Madison, as a member of the Public Service Commission, to serve for the term ending March 1, 2013.

BRITTON, MARLA, of Westby, as a member of the Real Estate Appraisers Board, to serve for the term ending May 1, 2011.

GASS, ERIC, of Milwaukee, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2011.

MEYER, TANYA, of Gleason, as a member of the Board on Aging and Long Term Care, to serve for the term ending May 1, 2012.

WICKHEM, REBECCA, of Milwaukee, as a member of the State Fair Park Board, to serve for the term ending May 1, 2011.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

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

Noes – None.

Absent or not voting – None.

Confirmed.

CONTA, DENNIS, of Milwaukee, as a member of the Health Insurance Risk–Sharing Plan Authority, to serve for the term ending May 1, 2010.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

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

Noes – None.

Absent or not voting – None.

Confirmed.

Senator Robson, with unanimous consent, asked that **Senate Joint Resolution 30** be withdrawn and taken up at this time.

### Senate Joint Resolution 30

Relating to: the life and military service of United States Army Pfc. Jon Bailey St. John II.

Adopted by unanimous rising vote.

Senator Robson, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 30**.

Senator Robson, with unanimous consent, asked that **Senate Joint Resolution 41** be withdrawn and taken up at this time.

**Senate Joint Resolution 41**

Relating to: the life and service of Specialist Grant A. Dampier of the United States Army.

Adopted by unanimous rising vote.

Senator Robson, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 41**.

Senator Robson, with unanimous consent, asked that **Senate Joint Resolution 42** be withdrawn and taken up at this time.

**Senate Joint Resolution 42**

Relating to: the life and service of Sergeant Ryan D. Jopek of the Wisconsin Army National Guard.

Adopted by unanimous rising vote.

Senator Robson, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 42**.

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

Messaged.

Senator Robson, with unanimous consent, asked that the Senate recess until 12:15 P.M.

11:15 A.M.

**RECESS**

12:15 P.M.

The Senate reconvened.

President Risser in the chair.

Senator Carpenter, with unanimous consent, asked that the Senate recess until 12:45 P.M.

12:15 P.M.

**RECESS**

12:45 P.M.

The Senate reconvened.

President Risser in the chair.

Senator Carpenter noted the possible lack of a quorum.

The roll was called and a quorum was present.

**MESSAGES FROM THE ASSEMBLY**

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has adopted and asks concurrence in:

- Assembly Joint Resolution 14**
- Assembly Joint Resolution 40**

**Assembly Joint Resolution 42**

Concurred in:

- Senate Joint Resolution 41**
- Senate Joint Resolution 42**

**MESSAGES FROM THE ASSEMBLY  
CONSIDERED**

**Assembly Joint Resolution 14**

Relating to: proclaiming May 18, 19, and 20, 2007, Syttende Mai Weekend.

By Representatives Nerison, Hebl, Musser, Kerkman, Hahn, Vos, Albers, Mursau, Jeskewitz, Meyer, Petrowski, Townsend, Gunderson, Owens and M. Williams; cosponsored by Senators Miller, Kapanke, Olsen, Schultz, Risser, Plale, Lassa, Erpenbach and Hansen.

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

**Assembly Joint Resolution 40**

Relating to: recognizing Alexis Deignan for her selection as Miss Wisconsin Preteen.

By Representative Moulton; cosponsored by Senator Kreitlow.

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

**Assembly Joint Resolution 42**

Relating to: declaring May as Manufacturing Month in Wisconsin.

By Representative Honadel; cosponsored by Senator Plale.

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

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

**Senate Resolution 5**

Relating to: Start! Walking At Work Day.

The question was: Shall **Senate Resolution 5** be adopted?

Adopted.

**Senate Joint Resolution 26**

Relating to: recognizing Alexis Deignan for her selection as Miss Wisconsin Preteen.

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

Adopted.

**Senate Joint Resolution 37**

Relating to: Secretary John A. Scocos.

Senator Robson, with unanimous consent, asked that **Senate Joint Resolution 37** be placed at the foot of the calendar of 4-24-2007.

**Senate Joint Resolution 40**

Relating to: designating April 24 as Wisconsin Day of Remembrance for the Armenian Genocide of 1915 to 1923.

The question was: Shall **Senate Joint Resolution 40** be adopted?

Adopted.

**Senate Joint Resolution 43**

Relating to: urging the president to extend SeniorCare.

Senate amendment 1 to **Senate Joint Resolution 43** offered by Senator S. Fitzgerald.

**POINT OF ORDER**

Senator Robson raised the point of order that Senate amendment 1 to **Senate Joint Resolution 43** was not germane.

The Chair ruled the point of order well taken.

Senator S. Fitzgerald 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 demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; 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, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Roessler and Schultz – 15.

Absent or not voting – None.

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

The question was: Shall **Senate Joint Resolution 43** be adopted?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

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

Noes – None.

Absent or not voting – None.

Adopted.

**Senate Joint Resolution 44**

Relating to: the life and public service of Virginia B. Hart.

The question was: Shall **Senate Joint Resolution 44** be adopted?

Adopted.

**Assembly Joint Resolution 28**

Relating to: the commemoration of The Country Today's 30 years of commitment to covering news stories concerning rural life and agriculture in Wisconsin.

The question was: Shall **Assembly Joint Resolution 28** be concurred in?

Concurred in.

**Assembly Joint Resolution 41**

Relating to: declaring April 2007 Donate Life Month.

The question was: Shall **Assembly Joint Resolution 41** be concurred in?

Concurred in.

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

Messaged.

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

**Senate Bill 7**

Relating to: revisions in terminology that affect mobile homes, manufactured homes, modular homes, manufactured buildings, recreational vehicles, and mobile and manufactured home communities, and changes that apply to monthly fees collected by certain local governmental units.

Read a second time.

Senator Decker, with unanimous consent, asked that **Senate Bill 7** be referred to the joint committee on **Finance**.

Senator Decker, with unanimous consent, asked that the rules be suspended and that **Senate Bill 7** be withdrawn from the joint committee on **Finance** and taken up at this time.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 7**?

Adopted.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 7**?

Adopted.

Ordered to a third reading.

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

**Senate Bill 7**

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

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

Noes – None.

Absent or not voting – None.

Passed.

**Senate Bill 20**

Relating to: special distinguishing registration plates for fire fighters and groups that are military in nature.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 20**

Read a third time and passed.

**Senate Bill 55**

Relating to: designating and marking a bridge across the Wisconsin River in the city of Tomahawk as Veterans Memorial Bridge.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 55**

Read a third time and passed.

**Senate Bill 80**

Relating to: the regulation of traveling sales crews, requiring the exercise of rule-making authority, and providing penalties.

Read a second time.

Senate amendment 2 to **Senate Bill 80** offered by Senator Grothman.

Senator Erpenbach moved rejection of Senate amendment 2 to **Senate Bill 80**.

The question was: Rejection of Senate amendment 2 to **Senate Bill 80**?

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

Ayes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Kreitlow, Lassa, Lehman, Miller, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 20.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham and Olsen – 13.

Absent or not voting – None.

Rejected.

Ordered to a third reading.

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

**Senate Bill 80**

Read a third time.

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

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, Lassa, Lehman, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 28.

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

Absent or not voting – None.

Passed.

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

Messaged.

**Senate Bill 89**

Relating to: marketing agricultural products, a grant program to promote purchase of food produced locally, providing an exemption from emergency rule procedures, granting rule-making authority, and making appropriations.

Read a second time.

Senator Decker, with unanimous consent, asked that **Senate Bill 89** be referred to the joint committee on **Finance**.

**Senate Bill 107**

Relating to: regulation of cable television and video service providers.

Read a second time.

Senator Decker asked unanimous consent that **Senate Bill 107** be referred to the joint committee on **Finance**.

Senator Fitzgerald objected.

Senator Decker moved that **Senate Bill 107** be referred to the joint committee on **Finance**.

The question was: Shall **Senate Bill 107** be referred to the joint committee on **Finance**?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; 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, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Roessler and Schultz – 15.

Absent or not voting – None.

Referred.

**Senate Bill 110**

Relating to: refusal by the Department of Natural Resources to reveal electronic mail addresses of subscribers.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 110**

Read a third time and passed.

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

Messaged.

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

**Assembly Bill 122**

Relating to: the provision of taste samples of fermented malt beverages and wine on certain retail premises.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 122**

Read a third time and concurred in.

**Assembly Bill 123**

Relating to: the frequency of wage payments to volunteer fire fighters.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 123**

Read a third time and concurred in.

**Assembly Bill 206**

Relating to: creating an exception to the prohibition against underage persons entering or being on premises operating under an alcohol beverage license for the Wisconsin Renaissance Faire in Chippewa Falls.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 206**

Read a third time and concurred in.

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

Messaged.

**Senate Joint Resolution 37**

Relating to: Secretary John A. Scocos.

Senate substitute amendment 1 to **Senate Joint Resolution 37** offered by Senators Erpenbach, Risser and Breske.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Joint Resolution 37** offered by Senator Sullivan.

Senate amendment 2 to Senate substitute amendment 1 to **Senate Joint Resolution 37** offered by Senator Roessler.

Senator Roessler, with unanimous consent, asked that Senate amendment 2 to Senate substitute amendment 1 to **Senate Joint Resolution 37** be withdrawn and returned to author.

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**ADJOURNMENT**

Senator Breske moved that the Senate adjourn until Thursday, April 26, 2007.

The question was: Shall the Senate adjourn?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; 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, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Roessler and Schultz – 15.

Absent or not voting – None.

Adjourned.

2:24 P.M.

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**CHIEF CLERK'S ENTRIES**

**Senate Bill 48**

Relating to: expanding types of volunteer health care providers to include pharmacists and pharmacy technicians.

**Senate Bill 63**

Relating to: the provision of taste samples of fermented malt beverages and wine on certain retail premises.

Messaged to Assembly.