



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Eighth Regular Session

3:50 P.M.

THURSDAY, January 17, 2008

The Senate met.

The Senate was called to order by Chief Clerk Marchant, pursuant to Senate Rule 5 (4)(b).

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS; REFERENCE OF APPOINTMENTS

Read first time and referred:

#### Senate Bill 391

Relating to: revoking the voluntary dissolution of a limited liability company (suggested as remedial legislation by the Department of Financial Institutions).

By Law Revision Committee.

To committee on **Veterans and Military Affairs, Biotechnology and Financial Institutions.**

#### Senate Bill 392

Relating to: nonresident tuition exceptions.

By Senators Olsen, Lehman, Roessler and Schultz; cosponsored by Representatives Hines, Musser, Albers, Bies, Boyle, Gunderson, Hahn, Lothian, Owens, Sheridan, Van Roy and M. Williams.

To committee on **Agriculture and Higher Education.**

#### Senate Bill 393

Relating to: background checks for personal care workers.

By Senators Carpenter, Roessler, Schultz, Lassa, Olsen, Lehman, A. Lasee, Plale, Darling, Kreitlow and Coggs; cosponsored by Representatives Rhoades, Albers, Kerkman, Turner, Nerison, Jeskewitz, Ballweg, A. Ott, Gunderson, Musser, A. Williams, Bies, Cullen, Townsend, Mursau, Sinicki, Murtha, Hraychuck, Petrowski and Kleefisch.

To committee on **Public Health, Senior Issues, Long Term Care and Privacy.**

#### Senate Bill 394

Relating to: licensure of dietitians and requiring the exercise of rule-making authority.

By Senators Carpenter, Vinehout, Kreitlow, Schultz, Taylor, Plale and Roessler; cosponsored by Representatives Turner, Nelson, Musser, A. Ott and Seidel, by request of Joan Pleuss.

To committee on **Public Health, Senior Issues, Long Term Care and Privacy.**

#### Senate Bill 395

Relating to: adopting federal law as it relates to an income tax deduction for certain educators and creating an individual income tax deduction for educators who use their own funds to purchase classroom educational supplies.

By Senators Plale, Taylor, Olsen, Darling, Roessler, Kapanke, Leibham, Schultz, Kedzie, Wirch, Hansen, Vinehout, Risser, Lassa and Erpenbach; cosponsored by Representatives Wieckert, Ballweg, Staskunas, Boyle, Gronemus, Parisi, Turner, A. Ott, Smith, Jorgensen, Young, Berceau, Jeskewitz, Fields, Musser, Bies, Friske, Sheridan, Kaufert, Gunderson, Mursau, Mason, Grigsby, Cullen, Vos, Sherman, Seidel, Van Akkeren, Hubler, Shilling, Van Roy, Ziegelbauer, Molepske, Nelson, Kleefisch, Townsend, Schneider, Pope–Roberts and Travis.

To committee on **Education.**

#### Senate Bill 396

Relating to: online courses for elementary and secondary school pupils and granting rule-making authority.

By Senators Lehman, Kreitlow and Taylor; cosponsored by Representatives Pope–Roberts, Sinicki and Turner.

To committee on **Education.**

#### Senate Bill 397

Relating to: the disposal, collection, and recycling of electronic devices, making an appropriation, and providing penalties.

By Senators Miller, Jauch, Lassa, Risser, Lehman, Erpenbach, Taylor and Wirch; cosponsored by Representatives Stone, Sherman, A. Ott, Molepske, Shilling, Zepnick, Black, Berceau, Hebl, Pocan, Boyle, Pope–Roberts, Benedict, Grigsby, Hilgenberg, Schneider and Parisi.

To committee on **Environment and Natural Resources.**

#### Senate Bill 398

Relating to: eliminating certain abortion prohibitions.

By Senators Miller, Risser and Erpenbach; cosponsored by Representatives Berceau, Kreuser, Sinicki, Kessler, Black, Pocan, Pope–Roberts, Seidel, Boyle, Zepnick, Young, Richards, Toles, Sheridan, Parisi, Grigsby, Benedict, Shilling and Turner.

To committee on **Health, Human Services, Insurance, and Job Creation.**

#### Senate Bill 399

Relating to: issuance of retail intoxicating liquor licenses.

By Senators Lassa, Grothman, Lehman and Vinehout; cosponsored by Representatives Molepske, Musser, Vruwink, A. Ott and Albers.

To committee on **Transportation and Tourism.**

**Senate Bill 400**

Relating to: providing notice of abstinence—only education.

By Senators Taylor and Risser; cosponsored by Representatives Grigsby, Benedict, Berceau, Black, Boyle, Fields, Kessler, Parisi, Pocan, Pope–Roberts, Seidel, Sheridan, Sinicki, Soletski, Toles, Turner and Wasserman.

To committee on **Education**.

**Senate Bill 401**

Relating to: the age at which a person who is alleged to have violated a criminal law, a civil law, or a municipal ordinance is subject to circuit court or municipal court rather than juvenile court jurisdiction, imposing a fee on the sale of video games and video gaming devices, and making an appropriation.

By Senators Erpenbach, Taylor, Vinehout, Breske, Miller and Sullivan; cosponsored by Representatives Friske, Grigsby, Kessler, Jeskewitz, Bies, Boyle, Townsend, Berceau, Sherman, Turner, Sinicki, Ballweg, Seidel, Parisi, A. Williams, Fields, Young, Schneider, Staskunas, Toles and Soletski.

To committee on **Judiciary, Corrections, and Housing**.

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**REPORT OF COMMITTEES**

The committee on **Judiciary, Corrections, and Housing** reports and recommends:

**Senate Bill 103**

Relating to: crimes against children and providing penalties.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Taylor, Sullivan, Vinehout, Lazich and Grothman.

Noes, 0 – None.

Introduction and adoption of Senate Amendment 2.

Ayes, 5 – Senators Taylor, Sullivan, Vinehout, Lazich and Grothman.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Taylor, Sullivan, Vinehout, Lazich and Grothman.

Noes, 0 – None.

**Senate Bill 292**

Relating to: human trafficking and providing a penalty.

Passage.

Ayes, 5 – Senators Taylor, Sullivan, Vinehout, Lazich and Grothman.

Noes, 0 – None.

**Senate Bill 321**

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

Passage.

Ayes, 3 – Senators Taylor, Sullivan and Vinehout.

Noes, 2 – Senators Lazich and Grothman.

**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.

Concurrence.

Ayes, 4 – Senators Taylor, Sullivan, Vinehout and Lazich.

Noes, 1 – Senator Grothman.

**Assembly Bill 224**

Relating to: immunity from liability for a health care provider, health care facility, or employee of a health care provider or health care facility that, in good faith, reports a violation of the law or of a clinical or ethical standard by another health care provider, health care facility, or employee of a health care provider or health care facility.

Concurrence.

Ayes, 5 – Senators Taylor, Sullivan, Vinehout, Lazich and Grothman.

Noes, 0 – None.

*LENA TAYLOR*

Chairperson

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The committee on **Senate Organization** reports:

The following bills were referred to the joint committee on **Finance**, pursuant to Senate Rule 41 (1)(e):

**Senate Bill 238**

Relating to: accessible instructional materials for students with disabilities enrolled in the University of Wisconsin System or the technical college system.

**Senate Bill 283**

Relating to: the care and treatment of persons with Alzheimer’s disease or related dementia in residential care facilities, providing an exemption from emergency rule procedures, and requiring the exercise of rule–making authority.

**Senate Bill 292**

Relating to: human trafficking and providing a penalty.

**Senate Bill 321**

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

**Senate Bill 325**

Relating to: moneys used to reimburse the cost of drugs to treat HIV infections and making appropriations (suggested as remedial legislation by the Department of Health and Family Services).

**Senate Bill 353**

Relating to: collective bargaining process for University of Wisconsin System faculty and academic staff and making appropriations.

**Assembly Bill 502**

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

**Assembly Bill 580**

Relating to: objecting to property tax assessments.

Ayes, 5 – Senators Decker, Risser, Hansen, Fitzgerald and Leibham.

Noes, 0 – None.

The following bills were withdrawn from joint committee on **Finance** and made Available for Scheduling, pursuant to Senate Rule 41 (1)(e):

**Senate Bill 325**

Relating to: moneys used to reimburse the cost of drugs to treat HIV infections and making appropriations (suggested as remedial legislation by the Department of Health and Family Services).

**Assembly Bill 580**

Relating to: objecting to property tax assessments.

Ayes, 5 – Senators Decker, Risser, Hansen, Fitzgerald and Leibham.

Noes, 0 – None.

*RUSS DECKER*  
Chairperson

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Office of the Senate President**

January 17, 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 254** withdrawn from committee on **Senate Organization** and rereferred to joint survey committee on **Tax Exemptions**.

Sincerely,  
*FRED A. RISSER*  
Senate President

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**State of Wisconsin  
Senate**

January 16, 2008

The Honorable, the Senate:

Pursuant to Senate Rule 75, please have the Senate Journal reflect how I would have voted had I been present for the roll call votes taken on Tuesday, January 15, 2008:

- Confirmation of the **Appointments** en masse: Aye
- Passage of **Senate Bill 130**: Aye
- Passage of **Senate Bill 211**: Aye
- Concurrence of **Assembly Bill 181**: Aye
- Concurrence of **Assembly Bill 228**: Aye
- Concurrence of **Assembly Bill 296**: Aye
- Concurrence of **Assembly Bill 454**: Aye

Please contact me if you have any questions pertaining to this matter.

Sincerely,  
*JUDITH B. ROBSON*  
State Senator

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Pursuant to Senate Rule 17 (5), Senator Taylor added as a cosponsor of **Assembly Bill 224**.

Pursuant to Senate Rule 17 (5), Senator Roessler added as a coauthor of **Senate Bill 375**.

Pursuant to Senate Rule 17 (5), Representative Kessler added as a cosponsor of **Senate Bill 388**.

Pursuant to Senate Rule 17 (5), Senator Plale added as a coauthor of **Senate Bill 74**.

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**REFERRALS AND RECEIPT OF COMMITTEE  
REPORTS CONCERNING PROPOSED  
ADMINISTRATIVE RULES**

The committee on **Agriculture and Higher Education** reports and recommends:

**Senate Clearinghouse Rule 07–085**

Relating to voluntary certification of firewood dealers.

No action taken.

*KATHLEEN VINEHOUT*  
Chairperson

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**MESSAGES FROM THE ASSEMBLY CONSIDERED**

**Assembly Bill 51**

Relating to: prohibiting certain computer messages or postings that invite harassment or obscene, lewd, or profane communication and providing a penalty.

By Representatives Friske, Schneider, Bies, Petrowski, J. Ott, Mursau, Ballweg, A. Ott, Nerison, Jeskewitz, Gunderson, Musser, Townsend, Hahn and Albers; cosponsored by Senators Lassa, Darling, Roessler and Lazich.

Read first time and referred to committee on **Judiciary, Corrections, and Housing**.

**Assembly Bill 69**

Relating to: registration requirements for professional engineers.

By Representatives Gottlieb, Kerkman, A. Ott and Townsend; cosponsored by Senator Plale.

Read first time and referred to committee on **Labor, Elections and Urban Affairs**.

**Assembly Bill 96**

Relating to: the possession, release, control, storage, sale, and transportation of fish of an invasive fish species and requiring the exercise of rule-making authority.

By Representatives Schneider, Petrowski, Mursau, Hahn, Benedict, Turner, Van Roy, A. Ott, Kleefisch, Sheridan, Hilgenberg, J. Ott and Sinicki; cosponsored by Senators Lassa, Risser, Wirch, Plale and Schultz.

Read first time and referred to committee on **Environment and Natural Resources**.

**Assembly Bill 259**

Relating to: the acquisition by the Department of Transportation of land for mitigation related to highway projects.

By Representatives Nygren, Hahn, Jeskewitz, Mursau and Van Roy; cosponsored by Senators Hansen and Roessler, by request of City of Oconto.

Read first time and referred to committee on **Transportation and Tourism**.

**Assembly Bill 309**

Relating to: offering and admitting custody studies in accordance with the rules of evidence.

By Representatives Albers, F. Lasee, Hahn and Pridemore; cosponsored by Senator Plale.

Read first time and referred to committee on **Judiciary, Corrections, and Housing**.

**Assembly Bill 338**

Relating to: aiding or harboring a felon.

By Representatives Gundrum, Musser, Hraychuck, Jeskewitz, Berceau, A. Ott, Gunderson, Nass, Albers,

Townsend, Nygren and Krusick; cosponsored by Senators Lassa, Olsen, Darling and Roessler.

Read first time and referred to committee on **Judiciary, Corrections, and Housing**.

**Assembly Bill 410**

Relating to: legislative committee review period of administrative rules and revisor consent regarding technical standards in rules.

By Representatives LeMahieu, Nass, Lothian, Albers, Vos, Hahn and Bies; cosponsored by Senator Grothman.

Read first time and referred to committee on **Ethics Reform and Government Operations**.

**Assembly Bill 446**

Relating to: reimbursement for damages caused by dogs and the use of funds derived from the licensing of dogs.

By Representatives Hines, A. Ott, Albers, Townsend and Musser; cosponsored by Senator Olsen.

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

**Assembly Bill 500**

Relating to: issuance of retail intoxicating liquor licenses.

By Representatives Molepske, Musser, Vruwink, A. Ott, Jeskewitz and Albers; cosponsored by Senators Lassa and Grothman.

Read first time and referred to committee on **Transportation and Tourism**.

**Assembly Bill 582**

Relating to: changing the requirements for the publication of certain actions taken by certain local governments.

By Representatives Gottlieb, LeMahieu, Hixson, Hintz, Turner, Hahn, Lothian, Musser, Sheridan, Bies, Parisi, Steinbrink, Roth, Kerkman, Murtha, Owens, Ballweg, Newcomer, A. Ott, Vos, Honadel, Strachota, Petrowski and Mursau; cosponsored by Senators Lassa, Roessler, Lehman, Schultz, Olsen, Kedzie, Grothman, Breske, Plale, Erpenbach and Cowles.

Read first time and referred to committee on **Ethics Reform and Government Operations**.

**Assembly Bill 625**

Relating to: authorizing a school board to construct or acquire a renewable resource facility.

By Representatives Suder, Bies, Hahn, Kerkman, F. Lasee, Mason, Molepske, Mursau, Musser, Sheridan, Townsend, M. Williams, Wood and Zepnick; cosponsored by Senators Jauch, Cowles, Decker, Erpenbach, Kreitlow, Lehman, Roessler, Schultz, Taylor, Vinehout and Wirch.

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

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**ADJOURNMENT**

Chief Clerk Marchant, with unanimous consent, asked that the Senate adjourn until Tuesday, January 22, 2008.

Adjourned.

3:51 P.M.