



STATE OF WISCONSIN

Senate Journal

Ninety–Eighth Regular Session

11:35 A.M.

TUESDAY, February 26, 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, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirsch – 33.

Absent – None.

Absent with leave – None.

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 75** offered by Senator Lassa.

Senate substitute amendment 1 to **Senate Bill 75** offered by Senator Lassa.

Senate amendment 3 to **Senate Bill 480** offered by Senator Lassa.

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

Read first time and referred:

Senate Bill 534

Relating to: expungement of misdemeanors.

By Senator Taylor; cosponsored by Representatives Kessler, Grigsby, Pocan, Toles and Fields.

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

Senate Bill 535

Relating to: indoor environmental quality in schools.

By Senators Sullivan, Hansen, Roessler, Harsdorf, Lehman, Taylor and Plale; cosponsored by Representatives Fields, Turner, Boyle, Musser, Sinicki, Grigsby, Cullen, Seidel, Molepske, Davis, Zepnick, Pocan, Sheridan, Staskunas,

Benedict, Pope–Roberts, Berceau, Nelson, Van Akkeren and Soletski.

To committee on **Education**.

Senate Bill 536

Relating to: adding a member to the Council on Veterans Programs.

By Senator Sullivan; cosponsored by Representative Musser.

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

Senate Bill 537

Relating to: judicial discretion in certain John Doe proceedings.

By Senators Taylor, Hansen, Lehman and Erpenbach; cosponsored by Representatives Grigsby and Turner.

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

REPORT OF COMMITTEES

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

GREER, MARTHINA, of Lomira, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 2011.

Confirmation.

Ayes, 5 – Senators Vinehout, Lassa, Plale, Harsdorf and Kapanke.

Noes, 0 – None.

VASQUEZ, JOSE, of Milwaukee, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2009.

Confirmation.

Ayes, 5 – Senators Vinehout, Lassa, Plale, Harsdorf and Kapanke.

Noes, 0 – None.

Senate Bill 425

Relating to: a meat processing facility investment income and franchise tax credit, granting rule–making authority, and making an appropriation.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Vinehout, Lassa, Plale, Harsdorf and Kapanke.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Vinehout, Lassa, Plale, Harsdorf and Kapanke.

Noes, 0 – None.

Senate Bill 445

Relating to: increasing the public contract minimum bid requirements for drainage districts.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Vinehout, Lassa, Plale, Harsdorf and Kapanke.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Vinehout, Lassa, Plale, Harsdorf and Kapanke.

Noes, 0 – None.

Senate Bill 456

Relating to: an addition to the 2007–09 Authorized State Building Program.

Passage.

Ayes, 5 – Senators Vinehout, Lassa, Plale, Harsdorf and Kapanke.

Noes, 0 – None.

Senate Bill 459

Relating to: allowing dairy cooperatives to claim the dairy manufacturing facility investment credit and making an appropriation.

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Vinehout, Lassa, Plale, Harsdorf and Kapanke.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Vinehout, Lassa, Plale, Harsdorf and Kapanke.

Noes, 0 – None.

Senate Bill 500

Relating to: creating an agricultural education and workforce development council and making an appropriation.

Passage.

Ayes, 5 – Senators Vinehout, Lassa, Plale, Harsdorf and Kapanke.

Noes, 0 – None.

Senate Bill 516

Relating to: providing financial aid at the University of Wisconsin–La Crosse.

Passage.

Ayes, 5 – Senators Vinehout, Lassa, Plale, Harsdorf and Kapanke.

Noes, 0 – None.

KATHLEEN VINEHOUT
Chairperson

The committee on **Public Health, Senior Issues, Long Term Care and Privacy** reports and recommends:

Senate Bill 457

Relating to: coverage of long–term care districts under the Wisconsin Retirement System.

Adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Carpenter, Coggs, Kreitlow, Schultz and Cowles.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Carpenter, Coggs, Kreitlow, Schultz and Cowles.

Noes, 0 – None.

TIM CARPENTER
Chairperson

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 425

Relating to: a meat processing facility investment income and franchise tax credit, granting rule–making authority, and making an appropriation.

Senate Bill 459

Relating to: allowing dairy cooperatives to claim the dairy manufacturing facility investment credit and making an appropriation.

Senate Bill 516

Relating to: providing financial aid at the University of Wisconsin–La Crosse.

Assembly Bill 262

Relating to: requirements to successfully complete training on use of an automated external defibrillator, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, and requiring the exercise of rule–making authority.

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

Senate Bill 142

Relating to: requirements to successfully complete training on use of an automated external defibrillator, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, and requiring the exercise of rule–making authority.

Senate Bill 358

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

Senate Bill 418

Relating to: appellate time limits and procedure.

Senate Bill 419

Relating to: appellate procedure.

Senate Bill 473

Relating to: regulating the purchase and sale of scrap metal and other metal items, the determination of property value of scrap metal for a theft conviction, creating a civil cause of action regarding scrap metal, and providing a penalty.

Senate Bill 509

Relating to: driver education instruction and driver’s license examinations.

Senate Bill 513

Relating to: increasing the fee for a snowmobile trail use sticker.

PETITIONS AND COMMUNICATIONS

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

February 26, 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 453 withdrawn from committee on **Economic Development** and rereferred to committee on **Small Business, Emergency Preparedness, Workforce Development, Technical Colleges and Consumer Protection**.

Sincerely,
FRED A. RISSER
Senate President

Pursuant to Senate Rule 17 (5), Senator Roessler added as a coauthor of **Senate Joint Resolution 90**.

Pursuant to Senate Rule 17 (5), Senator Carpenter added as a coauthor of **Senate Bill 292**.

Pursuant to Senate Rule 17 (5), Senator Carpenter added as a coauthor of **Senate Bill 407**.

Pursuant to Senate Rule 17 (5), Senator A. Lasee added as a coauthor of **Senate Bill 124**.

Pursuant to Senate Rule 17 (5), Senator Wirch added as a coauthor of **Senate Bill 292**.

Pursuant to Senate Rule 17 (5), Senator Roessler withdrawn as a coauthor of **Senate Bill 537**.

Pursuant to Senate Rule 17 (5), Representative Strachota withdrawn as a cosponsor of **Senate Bill 499**.

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 377

MESSAGES FROM THE ASSEMBLY CONSIDERED

Assembly Bill 377

Relating to: requiring a hospital to provide to a sexual assault victim information and, upon her request, emergency contraception and providing a penalty.

By Representatives Musser, Pocan, Wood, Kaufert, Richards, Hilgenberg, Hintz, Molepske, Wasserman, Kreuser, Hebl, Soletski, Toles, Benedict, Berceau, Black, Boyle, Grigsby, Hraychuck, Kessler, Parisi, Pope-Roberts, Seidel, Sheridan, Sherman, Shilling, Sinicki, Smith, Travis, Turner, Vruwink, Young and Zepnick; cosponsored by Senators Robson, Taylor, Miller, Plale, Risser, Erpenbach, Lehman, Wirch, Hansen, Jauch, Carpenter, Kreitlow, Coggs, Lassa and Sullivan.

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

ADVICE AND CONSENT OF THE SENATE

Senator Decker, with unanimous consent, asked that all appointments except Jack Fischer, be taken up en masse.

KUEHL, BRUCE, of Menomonie, as a member of the Marriage and Family Therapy Professional Counseling and Social Work Examining Board, to serve for the term ending July 1, 2011.

PIKE, MARY, of Madison, as a member of the Nursing Home Administrator 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, 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.

FISCHER, JACK, of Appleton, as Secretary of the Department of Commerce, to serve for the term ending at the pleasure of the Governor.

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.

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

Senate Resolution 9

Relating to: urging Congress and the President to enact the Sales Tax Fairness and Simplification Act.

Adopted.

Senate Joint Resolution 90

Relating to: commending students, faculty, and staff of the University of Wisconsin System campuses on Undergraduate Research Day.

Adopted.

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

11:48 A.M.

Senator Robson raised the point of order that Senate amendment 1 to **Senate Bill 178** was not germane.

The Chair rules the point of order well taken.

Senator Kapanke appealed the ruling of the Chair.

The question was: Shall the ruling of the Chair stand as the ruling of the Senate?

The ayes and noes were required and the vote was: ayes, 16; noes, 17; absent or not voting, 0; as follows:

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

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Roessler, Schultz, Sullivan and Vinehout – 17.

Absent or not voting – None.

Decision of the Chair does not stand as the judgement of the Senate.

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

1:22 P.M.

RECESS

1:02 P.M.

The Senate reconvened.

President Risser in the chair.

The Chair noted the possible lack of a quorum. The roll was called and a quorum was present.

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

Senate Bill 124

Relating to: notice for child abuse, vulnerable adult, and harassment injunctions.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 124**?

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 124

Read a third time and passed.

Senate Bill 163

Relating to: state procurement of contractual services.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 163**?

Adopted.

The question was: Adoption of Senate amendment 2 to **Senate Bill 163**?

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 163

Read a third time and passed.

Senate Bill 178

Relating to: health insurance coverage of treatment for autism spectrum disorders.

Read a second time.

Senate amendment 1 to **Senate Bill 178** offered by Senator Kapanke.

POINT OF ORDER

RECESS

2:10 P.M.

The Senate reconvened.

President Risser in the chair.

Senator Decker moved that Senate amendment 1 to **Senate Bill 178** be laid on the table.

The question was: Shall Senate amendment 1 to **Senate Bill 178** be laid on the table?

Tabled.

Senate amendment 2 to **Senate Bill 178** offered by Senator Kapanke.

Senator Robson moved rejection of Senate amendment 2 to **Senate Bill 178**.

The question was: Rejection of Senate amendment 2 to **Senate Bill 178**?

The ayes and noes were required 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.

Rejected.

Senate amendment 3 to **Senate Bill 178** offered by Senators Robson and Decker.

The question was: Adoption of Senate amendment 3 to **Senate Bill 178**?

Adopted.

Senator Grothman moved reconsideration of the vote by which Senate amendment 1 to **Senate Bill 178** was laid on the table.

The question was: Shall the vote by which Senate amendment 1 to **Senate Bill 178** was laid on the table be reconsidered?

The ayes and noes were required and the vote was: ayes, 15; noes, 18; absent or not voting, 0; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Roessler and Schultz – 15.

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

Absent or not voting – None.

Refused to reconsider vote by which Senate amendment 1 to **Senate Bill 178** was laid on the table.

Ordered to a third reading.

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

Senate Bill 178

Read a third time.

The ayes and noes were required and the vote was: ayes, 25; noes, 8; absent or not voting, 0; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, Hansen, Harsdorf, Jauch, Kapanke, Kreitlow, Lassa, Lehman, Miller, Olsen, Plale, Risser, Robson, Roessler, Sullivan, Taylor, Vinehout and Wirch – 25.

Noes – Senators S. Fitzgerald, Grothman, Kanavas, Kedzie, A. Lasee, Lazich, Leibham and Schultz – 8.

Absent or not voting – None.

Passed.

Senate Bill 292

Relating to: human trafficking and providing a penalty.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 292**?

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 292

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 314

Relating to: accumulating vacation leave for the purpose of termination or sabbatical leave for state employees (suggested as remedial legislation by the Office of State Employment Relations).

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 314

Read a third time and passed.

Senate Bill 315

Relating to: disciplinary actions against credential holders (suggested as remedial legislation by the Department of Regulation and Licensing).

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 315

Read a third time and passed.

Senate Bill 316

Relating to: the residential facilities council (suggested as remedial legislation by the Department of Commerce).

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 316

Read a third time and passed.

Senate Bill 317

Relating to: eliminating the Petroleum Storage Environmental Cleanup Council (suggested as remedial legislation by the Department of Commerce).

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 317

Read a third time and passed.

Senate Bill 318

Relating to: duties of the director of the Office of State Employment Relations (suggested as remedial legislation by the Office of State Employment Relations).

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 318

Read a third time and passed.

Senate Bill 335

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

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 335

Read a third time and passed.

Senate Bill 359

Relating to: religious or charitable gifts from candidates.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 359**?

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 359

Read a third time and passed.

Senate Bill 372

Relating to: the University of Wisconsin Hospitals and Clinics Board and the University of Wisconsin Hospitals and Clinics Authority.

Read a second time.

Senator Decker, with unanimous consent, asked that **Assembly Bill 646** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Assembly Bill 646

Relating to: the University of Wisconsin Hospitals and Clinics Board and the University of Wisconsin Hospitals and Clinics Authority.

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 646

Read a third time and concurred in.

Senator Decker, with unanimous consent, asked that **Senate Bill 372** be laid on the table.

Senate Bill 376

Relating to: reconciling outdated Internal Revenue Code references with changes made by [2007 Wisconsin Act 20](#) (Correction Bill).

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 376

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 377

Relating to: renumbering the appropriation accounts for the Board for People with Developmental Disabilities (suggested as remedial legislation by the Department of Administration).

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 377

Read a third time and passed.

Senate Bill 406

Relating to: parenting plans in actions affecting the family.

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 406

Read a third time and passed.

Senate Bill 407

Relating to: a municipal court judgment regarding community service work.

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 407

Read a third time and passed.

Senate Bill 420

Relating to: appellate procedure regarding commitments of persons found not guilty by reason of mental disease or defect and commitments of sexually violent persons.

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 420

Read a third time and passed.

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 Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Senator Ellis' birthday.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Senator Olsen's birthday.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Allen Martin who passed away recently. He was a native of Kenosha who was married to his wife Helen for 52 years. His son Larry has worked for the State of Wisconsin for many years.

Senator Coggs, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the birthday of his daughter, Mariama Ayoka Coggs-Linares on February 25.

Senator Lehman, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the 2008 Senate Scholar Program and especially Ashley Jacobs, Marcus Moreno, and Brian Casey who are residents of his district and are participating in this week's Senate Scholar Program.

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Senate Scholar Program and the importance of investing in our young people.

ADJOURNMENT

Senator Decker, with unanimous consent, asked that the Senate adjourn until Thursday, February 28, 2008.

Adjourned.

3:35 P.M.