

STATE OF WISCONSIN
Senate Journal
One–Hundredth Regular Session

WEDNESDAY, October 26, 2011

The Chief Clerk makes the following entries under the above date.

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 237** offered by Senator Grothman.

Senate amendment 2 to **Senate Bill 237** offered by Senator Grothman.

Senate substitute amendment 1 to **Senate Bill 243** offered by Senator Darling.

REPORT OF COMMITTEES

The committee on **Economic Development and Veterans and Military Affairs** reports and recommends:

Senate Bill 227

Relating to: income and franchise tax credits for insulating concrete forms used to construct a building and energy efficient products.

Adoption of Senate Amendment 1 to Senate Substitute Amendment 1.

Ayes, 7 – Senators Leibham, Darling, Wanggaard, Galloway, Lassa, Taylor and Shilling.
Noes, 0 – None.

Adoption of Senate Substitute Amendment 1.

Ayes, 7 – Senators Leibham, Darling, Wanggaard, Galloway, Lassa, Taylor and Shilling.
Noes, 0 – None.

Passage as amended.

Ayes, 6 – Senators Leibham, Darling, Wanggaard, Lassa, Taylor and Shilling.
Noes, 1 – Senator Galloway.

Senate Bill 242

Relating to: changing the definition of and the applicability of one–family and two–family dwelling rules to a bed and breakfast.

Passage.

Ayes, 7 – Senators Leibham, Darling, Wanggaard, Galloway, Lassa, Taylor and Shilling.
Noes, 0 – None.

ALBRIGHT, ANDREW, of Sun Prairie, 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, 2015.

Confirmation.

Ayes, 7 – Senators Leibham, Darling, Wanggaard, Galloway, Lassa, Taylor and Shilling.

Noes, 0 – None.

PETZOLD, ANDREW, of Mequon, as a member of the Bradley Center Sports and Entertainment Corporation, to serve for the term ending July 1, 2018.

Confirmation.

Ayes, 7 – Senators Leibham, Darling, Wanggaard, Galloway, Lassa, Taylor and Shilling.

Noes, 0 – None.

Assembly Bill 179

Relating to: authorizing the creation of a multijurisdictional tax incremental financing district.

Concurrence.

Ayes, 7 – Senators Leibham, Darling, Wanggaard, Galloway, Lassa, Taylor and Shilling.

Noes, 0 – None.

JOSEPH LEIBHAM
Chairperson

The joint committee on **Finance** reports and recommends:

Senate Bill 215

Relating to: trailer or semitrailer registration.

Adoption of Senate Amendment 1.

Ayes, 14 – Senators Darling, Olsen, Harsdorf, Grothman, Leibham, Taylor and Jauch. Representatives Vos, Meyer, Strachota, LeMahieu, Nygren, Kleefisch and Mason.

Noes, 0 – None.

Passage as amended.

Ayes, 14 – Senators Darling, Olsen, Harsdorf, Grothman, Leibham, Taylor and Jauch. Representatives Vos, Meyer, Strachota, LeMahieu, Nygren, Kleefisch and Mason.

Noes, 0 – None.

Senate Bill 22

Relating to: creating a Charter School Authorizing Board, providing additional charter school authorizers, eliminating the limit on the number of pupils who may attend virtual charter schools, modifying teacher licensure requirements, eliminating the limit on the reduction in general school aid used to fund independent charter schools, covering certain charter school employees under the Group Insurance Board health coverage plan for local government employees, allowing a charter school to elect to participate in the Wisconsin Retirement System, granting rule–making authority, and making an appropriation.

Adoption of Senate Amendment 5 to Senate Substitute Amendment 1.

Ayes, 14 – Senators Darling, Olsen, Harsdorf, Grothman, Leibham, Taylor and Jauch. Representatives Vos, Meyer, Strachota, LeMahieu, Nygren, Kleefisch and Mason.

Noes, 0 – None.

Adoption of Senate Amendment 6 to Senate Substitute Amendment 1.

Ayes, 11 – Senators Darling, Olsen, Harsdorf, Grothman and Leibham. Representatives Vos, Meyer, Strachota, LeMahieu, Nygren and Kleefisch.

Noes, 3 – Senators Taylor and Jauch. Representative Mason.

Adoption of Senate Amendment 8 to Senate Substitute Amendment 1.

Ayes, 12 – Senators Darling, Olsen, Harsdorf, Grothman, Leibham and Zipperer. Representatives Vos, Meyer, Strachota, LeMahieu, Nygren and Kleefisch.

Noes, 3 – Senators Taylor and Jauch. Representative Mason.

Adoption of Senate Amendment 9 to Senate Substitute Amendment 1.

Ayes, 12 – Senators Darling, Olsen, Harsdorf, Grothman, Leibham and Zipperer. Representatives Vos, Meyer, Strachota, LeMahieu, Nygren and Kleefisch.

Noes, 3 – Senators Taylor and Jauch. Representative Mason.

Introduction of Senate Amendment 10 to Senate Substitute Amendment 1.

Ayes, 15 – Senators Darling, Olsen, Harsdorf, Grothman, Leibham, Zipperer, Taylor and Jauch. Representatives Vos, Meyer, Strachota, LeMahieu, Nygren, Kleefisch and Mason.

Noes, 0 – None.

Adoption of Senate Amendment 10 to Senate Substitute Amendment 1.

Ayes, 12 – Senators Darling, Olsen, Harsdorf, Grothman, Leibham and Zipperer. Representatives Vos, Meyer, Strachota, LeMahieu, Nygren and Kleefisch.

Noes, 3 – Senators Taylor and Jauch. Representative Mason.

Adoption of Senate Substitute Amendment 1.

Ayes, 12 – Senators Darling, Olsen, Harsdorf, Grothman, Leibham and Zipperer. Representatives Vos, Meyer, Strachota, LeMahieu, Nygren and Kleefisch.

Noes, 3 – Senators Taylor and Jauch. Representative Mason.

Passage as amended.

Ayes, 12 – Senators Darling, Olsen, Harsdorf, Grothman, Leibham and Zipperer. Representatives Vos, Meyer, Strachota, LeMahieu, Nygren and Kleefisch.

Noes, 3 – Senators Taylor and Jauch. Representative Mason.

ALBERTA DARLING
Senate Chairperson

The committee on **Judiciary, Utilities, Commerce, and Government Operations** reports and recommends:

Senate Bill 202

Relating to: elimination of compensatory and punitive damages for acts of employment discrimination or unfair honesty or genetic testing.

Passage.

Ayes, 3 – Senators Zipperer, Kedzie and Galloway.

Noes, 2 – Senators Risser and Erpenbach.

RICH ZIPPERER
Chairperson

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

Senate Bill 224

Relating to: exception to local levy limits for the village of Shorewood.

Passage.

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

Noes, 0 – None.

PAM GALLOWAY
Chairperson

The joint survey committee on **Tax Exemptions** reports and recommends:

Senate Bill 89

Relating to: the amount of the exemption from income tax withholding requirements for employees of a county fair association.

Adoption of report.

Ayes, 8 – Senator Lasee; Representative Knodl; Senators Zipperer and Carpenter; Representatives Van Roy and Turner; Secretary Chandler; Executive Assistant Means.

Noes, 0 – None.

FRANK LASEE
Senate Chairperson

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 89

Senate Bill 212

Senate Bill 224

Assembly Bill 179

Assembly Bill 275

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

Noes: 0 – None.

Waived the public hearing requirement, pursuant to Senate Rule 18 (1m):

Assembly Bill 63

Assembly Bill 275

Assembly Bill 300

Ayes: 3 – Senators Fitzgerald, Ellis, and Grothman.

Noes: 2 – Senators Miller and Hansen.

Placed the following appointments and proposals on the Senate Calendar of Thursday, October 27, 2011:

Andrew Albright

David Maxwell

Kathleen Nagle

David Newman

Andrew Petzold

Jon Schweitzer

Senate Bill 86

Senate Bill 89
Senate Bill 136
Senate Bill 153
Senate Bill 204
Senate Bill 208
Senate Bill 212
Senate Bill 224
Senate Bill 241
Senate Bill 242
Assembly Joint Resolution 61
Assembly Joint Resolution 68
Assembly Bill 48
Assembly Bill 63
Assembly Bill 81
Assembly Bill 179
Assembly Bill 275
Assembly Bill 300

Ayes: 5 – Senators Fitzgerald, Ellis, Grothman, Miller and Hansen.
 Noes: 0 – None.

SCOTT FITZGERALD
 Chairperson

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Representative Endsley added as a cosponsor of **Senate Joint Resolution 47**.

LEGISLATIVE REFERENCE BUREAU CORRECTIONS

CORRECTIONS IN:

2011 SENATE BILL 259

Prepared by the Legislative Reference Bureau
 (October 26, 2011)

- Page 3, line 4: before “No” insert “(a)”.

State of Wisconsin
Department of Administration

October 15, 2011
 The Honorable, The Legislature:

This report presents statements of fund condition and operations (budgetary basis) of the State of Wisconsin for the fiscal year ended June 30, 2011. This satisfies the requirements of sec. 16.40(3), Wisconsin Statutes. Displayed are major sources of revenues and major categories of expenditures for the General Fund and other funds compared to the prior year.

The General Fund has an undesignated balance of \$85.6 million as of the end of the fiscal year. This is \$680 thousand lower than the balance of \$86.2 million projected in the estimate for the January 31, 2011 Legislative Fiscal Bureau revenue estimates, as modified by 2011 Acts 10, 13 and 27. General-purpose revenue taxes were \$12.912 billion compared to \$12.132 billion in the prior year, an increase of \$780 million or 6.4 percent. Collections increased in fiscal year 2010–11 with individual income and sales tax collections 10.0% and 4.2% more, respectively, than the prior year.

General-purpose revenue expenditures, excluding fund transfers, were \$13.565 billion compared to \$12.824 billion in the prior year, an increase of \$741 million or 5.8 percent.

In fiscal year 2011, the State of Wisconsin continued to devote the major share of state tax collections to assistance to local school districts, municipalities and counties. Local assistance accounted for 56.7 percent of total general purpose revenue spending. Aid payments to individuals and organizations represented 19.4 percent of total general purpose revenue expenditures. The University of Wisconsin accounted for 7.9 percent of total general purpose revenue spending and state operations spending for all other state agencies accounted for 16.0 percent of the total.

The State of Wisconsin expects to publish its comprehensive annual financial report in December of 2011. The report will be prepared under generally accepted accounting principles.

Sincerely,
MICHAEL HUEBSCH
 Secretary

STEPHEN J CENSKY, CPA
 State Controller

State of Wisconsin
Government Accountability Board

October 25, 2011
 The Honorable, The Senate:

The following lobbyists have been authorized to act on behalf of the organizations set opposite their names.

For more detailed information about these lobbyists and organizations and a complete list of organizations and people authorized to lobby the 2011–2012 session of the legislature, visit the Government Accountability Board’s web site at <http://gab.wi.gov/>.

Early–Reinhard, Annie	Wisconsin Physical Therapy Association
Hoven, Timothy	Vestas – American Wind Technology Inc.
Innis, Susan	Vestas – American Wind Technology Inc.
McIntosh, Forbes	Medco Health Solutions, Inc. & Affiliates (formerly Medco Health Solutions, Inc.)
McIntosh, Forbes	National Association of Theatre Owners of Wisconsin & Upper Michigan
Petersen, Eric J	Cellular Dynamics International, Inc.
Riske, Laura	Dominion Resources Services, Inc.
Schoenfeldt, Jeffrey	Medco Health Solutions, Inc. & Affiliates (formerly Medco Health Solutions, Inc.)
Schoenfeldt, Jeffrey	National Association of Theatre Owners of Wisconsin & Upper Michigan
Shepherd, Jeremy	Wisconsin Physical Therapy Association
Stephenson, Sean	American Cancer Society
Syth, Linda	Wisconsin Medical Society
Welch, Robert	The Orthopaedic Surgery Center (TOSC)
Welsh, Michael	Vestas – American Wind Technology Inc.

Also available from the Wisconsin Government Accountability Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by organizations that employ lobbyists.

Sincerely,
KEVIN KENNEDY
Director and General Counsel

ADVICE AND CONSENT OF THE SENATE

State of Wisconsin
Office of the Governor

October 26, 2011

The Honorable, The Senate:

This letter is to remove the following appointment from consideration for confirmation by the Wisconsin Senate:

HAMEDANI, AZITA, of Verona, as a member of the Medical Examining Board, to serve for the term ending July 1, 2013.

Sincerely,
SCOTT WALKER
Governor

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 63
Assembly Bill 93
Assembly Bill 104
Assembly Bill 158
Assembly Bill 200
Assembly Bill 212
Assembly Bill 217
Assembly Bill 245
Assembly Bill 263
Assembly Bill 265
Assembly Bill 275
Assembly Bill 290
Assembly Bill 300

Adopted and asks concurrence in:

Assembly Joint Resolution 66
Assembly Joint Resolution 67
Assembly Joint Resolution 69

Amended and concurred in as amended:

Senate Bill 109 (Assembly Amendment 1 Adopted)

Concurred in:

Senate Bill 96
Senate Bill 222
Senate Bill 223
Senate Joint Resolution 28
Assembly Bill 30 (Senate Amendment 1)

MESSAGES FROM THE ASSEMBLY CONSIDERED

Assembly Bill 63

Relating to: closing hours for certain alcohol beverage retailers.

By Representatives Wynn, Thiesfeldt, Krug, Ziegelbauer, Van Roy, LeMahieu and Kaufert; cosponsored by Senators Grothman, Leibham and Cowles.

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

Assembly Bill 93

Relating to: prohibiting purchase of tobacco products on behalf of, or to provide to, a minor and providing penalties.

By Representatives Bies, Krug, Fields, Berceau, Bernard Schaber, Brooks, Bewley, Endsley, Hebl, Honadel, Jacque, Jorgensen, Kerkman, Knilans, A. Ott, Pasch, Richards, Severson, Sinicki, Spanbauer, Strachota, Wynn, Zamarripa and Zepnick; cosponsored by Senators Cowles, Olsen, Holperin and Lassa.

Read first time and referred to committee on **Public Health, Human Services, and Revenue**.

Assembly Bill 104

Relating to: membership of the Natural Resources Board.

By Representatives LeMahieu, Nerison, Meyer, Mursau, Kestell, Vruwink, Petersen, Thiesfeldt, Kerkman, Strachota, J. Ott, Ripp, Jacque, Steineke, Kleefisch, Ballweg, Bernier, Bies, Brooks, Jorgensen, A. Ott and Spanbauer; cosponsored by Senators Kedzie, Moulton, Leibham and Lassa.

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

Assembly Bill 158

Relating to: voting at meetings of the conservation congress.

By Representatives Mursau, Bies, Brooks, Jacque, Kerkman, Kleefisch, LeMahieu, Nygren, A. Ott, Petersen, Spanbauer and Steineke; cosponsored by Senators Moulton, Schultz, Hansen and Holperin.

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

Assembly Bill 200

Relating to: temporary alcohol beverages licenses issued for fairgrounds and eligibility for state aid for fairs.

By Representatives Bernier, Ballweg, Bewley, Bies, Brooks, Endsley, Nerison, A. Ott, Petrowski, Ripp, Spanbauer, Strachota and Tranel; cosponsored by Senators Moulton, Schultz, Holperin, Lasee, Lassa and Taylor.

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

Assembly Bill 212

Relating to: throwing or expelling a bodily substance at a public safety worker and providing a penalty.

By Representatives Honadel, Zepnick, Bies, Brooks, Turner, Kerkman, Spanbauer, Petersen, Marklein, A. Ott, Ripp, Sinicki, Ballweg, Endsley, Steinbrink, Strachota, Mursau and Stroebel; cosponsored by Senators Darling, Kedzie, Lassa, Wanggaard and Schultz.

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

Assembly Bill 217

Relating to: impersonating certain officials and providing a penalty.

By Representatives Bies, Brooks, Kaufert, Kerkman, Kleefisch, LeMahieu, Molepske Jr, Nygren, A. Ott, Petersen, Petryk, Spanbauer, Strachota and Stroebel; cosponsored by

Senators Wanggaard, Carpenter, Lazich, Leibham, Olsen, Schultz and Taylor.

Read first time and referred to committee on **Judiciary, Utilities, Commerce, and Government Operations.**

Assembly Bill 245

Relating to: procurement of prescription drugs by a faculty member at an institution of higher education for the purpose of lawful research, teaching, or testing.

By Representatives J. Ott, Stone, Strachota, Spanbauer, Brooks, Pridemore, A. Ott and Kooyenga; cosponsored by Senators Darling, Kedzie and Grothman.

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

Assembly Bill 263

Relating to: costs associated with providing false information to a law enforcement officer.

By Representatives Knodl, Krug, Bies, Brooks, Jacque, Kerkman, Kuglitsch, Marklein, Mursau, Rivard, Sinicki, Strachota and Stroebel; cosponsored by Senators Darling, Galloway, Lassa, Schultz and Wanggaard.

Read first time and referred to committee on **Judiciary, Utilities, Commerce, and Government Operations.**

Assembly Bill 265

Relating to: the definition of bicycle; manual turn signals for bicyclists; lighting of bicycles, motor bicycles, and electric personal assistive mobility devices; overtaking and passing vehicles; the operation of bicycles equipped with metal-studded tires; and moped parking.

By Representatives Ripp, A. Ott, C. Taylor, Sinicki, Pocan, Ballweg, Bernier, Jorgensen, Spanbauer, Petrowski, Strachota, Vruwink, Roys, Zepnick, Tranel, Mursau, Stone, Brooks and Steinbrink; cosponsored by Senators Holperin, Grothman and Taylor.

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

Assembly Bill 275

Relating to: authorizing the Board of Commissioners of Public Lands to make revenue obligation trust fund loans to certain municipalities, authorizing the Board of Commissioners of Public Lands to make certain investments, application requirements for certain state trust fund loans, persons authorized to execute certificates of indebtedness, and collection procedures for outstanding state trust fund loans.

By Representatives Brooks, Hulsey, Marklein, Pocan, Knilans, Bewley, Krug, Mason, A. Ott, Turner, Jacque, Ripp

and Clark; cosponsored by Senators Schultz, Holperin and Taylor.

Read first time and referred to committee on **Senate Organization.** Referred to joint committee on **Finance** by committee on **Senate Organization**, pursuant to Senate Rule 41 (1)(e), Ayes 5, Noes 0.

Assembly Bill 290

Relating to: the manufacture of wine and fermented malt beverages not offered for sale.

By Representatives Kooyenga, Mursau, Spanbauer, Rivard, A. Ott, C. Taylor, Brooks and Berceau; cosponsored by Senators Zipperer, Galloway and Schultz.

Read first time and referred to committee on **Energy, Biotechnology, and Consumer Protection.**

Assembly Bill 300

Relating to: registration plates for dealers, distributors, manufacturers, and transporters of motor vehicles.

By Representatives A. Ott, Bies, Doyle, Endsley, Jacque, Jorgensen, Kaufert, Kerkman, Kestell, Knilans, Marklein, Molepske Jr, Petrowski, Steineke, Thiesfeldt, Tranel, Turner, Vos, Weininger and Clark; cosponsored by Senators Olsen, Carpenter, Cowles, T. Cullen, Galloway, Hansen, Holperin, Lazich, Leibham, Schultz and Taylor.

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

Assembly Joint Resolution 66

Relating to: Pregnancy and Infant Loss Awareness Month.

By Representatives Milroy, Pasch, Ballweg, Barca, Bewley, Hebl, Hintz, Jacque, Jorgensen, Kaufert, Kerkman, Mason, Ringhand, Sinicki, Spanbauer and Bernard Schaber; cosponsored by Senators Lassa, Miller and Vinehout.

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

Assembly Joint Resolution 67

Relating to: National Adoption Month.

By Representatives Kerkman, Bernier, Stone, Bies, Brooks, E. Cogg, Craig, Endsley, Grigsby, Jacque, Jorgensen, LeMahieu, Marklein, Mason, Molepske Jr, A. Ott, Petryk, Pocan, Pridemore, Ripp, Spanbauer, Steinbrink, Strachota, Stroebel, Thiesfeldt, Tranel, Vos, Zepnick and Ziegelbauer; cosponsored by Senators Lazich, Carpenter, Grothman, Holperin, Olsen, Risser, Taylor, Vinehout and Wanggaard.

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

Assembly Joint Resolution 69

Relating to: declaring October 2011 as Co-op Month.

By Representatives Nerison, Ripp and Vruwink; cosponsored by Senator Schultz.

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