



STATE OF WISCONSIN

Senate Journal

One-Hundredth Regular Session

2:43 P.M.

WEDNESDAY, November 2, 2011

The Senate met.

The Senate was called to order by Senator Neal Kedzie.

Senator Kedzie, with unanimous consent, asked that the roll call, prayer and pledge of the September 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, Jauch, Kedzie, King, C. Larson, Lasee, Lassa, Lazich, Leibham, Miller, Moulton, Olsen, Risser, Schultz, Shilling, Taylor, Vinehout, Vukmir, Wanggaard, Wirch and Zipperer – 33.

CHIEF CLERK'S ENTRIES

SENATE ENROLLED PROPOSALS

The Chief Clerk records:

Senate Joint Resolution 28

Report correctly enrolled on 11-2-2011.

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read first time and referred:

Senate Bill 278

Relating to: grants for bicycle and pedestrian facilities and making an appropriation.

By Senators Risser, Hansen and Holperin; cosponsored by Representatives Pocan, Hulsey, Sinicki, Berceau, E. Coggs, Jorgensen, Pasch, Pope-Roberts, Roys, C. Taylor, Turner and Zepnick.

To committee on **Transportation and Elections**.

Senate Bill 279

Relating to: family planning services under the Medical Assistance waiver program.

By Senators Taylor, Erpenbach, C. Larson, Risser and T. Cullen; cosponsored by Representatives Roys, C. Taylor, Berceau, Zamarripa, Seidel, Bernard Schaber, Bewley, Grigsby, Hintz, Kessler, Mason, Pasch, Pope-Roberts, Richards, Ringhand, Sinicki, Vruwink, Hebl, Clark, E. Coggs, Fields, Hulsey, Milroy, Molepske Jr, Pocan and Toles.

To committee on **Insurance and Housing**.

REPORT OF COMMITTEES

The committee on **Labor, Public Safety, and Urban Affairs** reports and recommends:

Senate Bill 207

Relating to: permitting an employer to refuse to employ or to bar or terminate from employment an individual who has been convicted of a felony and who has not been pardoned for that felony and preempting cities, villages, towns, and counties from adopting provisions concerning employment discrimination based on arrest or conviction record that prohibit activity that is allowed under the state fair employment law.

Introduction of Senate Amendment 1.

Ayes, 5 – Senators Wanggaard, Grothman, Lazich, Wirch and King.

Noes, 0 – None.

Adoption of Senate Amendment 1.

Ayes, 3 – Senators Wanggaard, Wirch and King.

Noes, 2 – Senators Grothman and Lazich.

Passage as amended.

Ayes, 4 – Senators Wanggaard, Grothman, Lazich and King.

Noes, 1 – Senator Wirch.

VAN WANGGAARD
Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin Office of the Governor

November 2, 2011

To the Honorable, the Senate:

The following bill(s), originating in the Senate, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
Senate Bill 47	46	November 1, 2011

Respectfully submitted,
SCOTT WALKER
Governor

Pursuant to Senate Rule 17 (5), Senator Leibham withdrawn as a coauthor of **Senate Bill 270**.

Pursuant to Senate Rule 17 (5), Senator Vinehout added as a coauthor of **Senate Bill 196**.

LEGISLATIVE REFERENCE BUREAU CORRECTIONS

CORRECTIONS IN:

2011 SENATE BILL 259

Prepared by the Legislative Reference Bureau
(November 1, 2011)

1. Page 3, line 4: delete "COMPROLLER." and substitute "Comptroller."

**State of Wisconsin
Office of Senator Jon Erpenbach**

October 31, 2011

The Honorable, The Senate:

Pursuant to Senate Rule 75, I am writing to inform you of how I would have voted on the following votes taken on Thursday, October 27, 2011 during my leave of absence:

Special Session:

Passage of September 2011 Special Session Senate Bill 23: NO
Tabling of Senate Amendment 4 to September 2011 Special Session Senate Bill 12: NO

Tabling of Senate Amendment 5 to September 2011 Special Session Senate Bill 12: NO

Reconsideration of vote on tabling of Senate Amendment 6 to September 2011 Special Session Senate Bill 12: AYE

Passage of September 2011 Special Session Senate Bill 12: NO

Regular Session:

Confirmation of Executive Appointments En Masse: AYE

Tabling of Senate Amendment 1 to Senate Bill 86: NO

Tabling of Senate Amendment 3 to Senate Bill 86: NO

Passage of Senate Bill 89: AYE

Tabling of Senate Amendment 3 to Senate Bill 212: NO

Passage of Senate Bill 212: NO

Passage of Senate Bill 224: AYE

Passage of Senate Bill 241: AYE

Concurrence in Assembly Bill 48: AYE

Concurrence in Assembly Bill 63: AYE

Concurrence in Assembly Bill 179: AYE

Concurrence in Assembly Bill 275: AYE

Please contact me with any questions or concerns.

Sincerely,

JON ERPENBACH

State Senator, 27th Senate District

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 55

Assembly Bill 69

Assembly Bill 144

Assembly Bill 147

Assembly Bill 152

Assembly Bill 224

Assembly Bill 246

Assembly Bill 274

Assembly Bill 301

Assembly Bill 311

Assembly Bill 319

Amended and concurred in as amended:

Senate Bill 116 (Assembly Substitute Amendment 1 Adopted)

Concurred in:

Senate Bill 28

Senate Bill 45

Senate Bill 48

Senate Bill 49

Senate Bill 107

Senate Bill 208

Senate Bill 241

MESSAGES FROM THE ASSEMBLY CONSIDERED

Assembly Bill 55

Relating to: vehicle failure-to-yield violations.

By Representatives Pridemore, Kerkman, Strachota and Spanbauer; cosponsored by Senators Olsen and Lassa.

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

Assembly Bill 69

Relating to: the privilege of self-defense.

By Representatives Kaufert, Mursau, Jacque, LeMahieu, Ziegelbauer, Nass, Kerkman, Williams, Spanbauer, Petryk, Knodl, Petrowski, Kestell, Steineke, August, Litjens, A. Ott, Danou, Tauchen, Krug, Strachota, Ripp, Honadel, Farrow, Thiesfeldt, Van Roy and Ballweg; cosponsored by Senators Wanggaard, Leibham, Holperin, Lazich, Cowles, Olsen, Vukmir, Grothman, Hansen, Galloway, Darling, Harsdorf, Hopper, Taylor, Moulton and Lasee.

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

Assembly Bill 144

Relating to: creating a commission on financial aid consolidation and modernization.

By Joint Legislative Council.

Read first time and referred to committee on **Financial Institutions and Rural Issues.**

Assembly Bill 147

Relating to: inadmissibility of a statement of apology or condolence by a health care provider.

By Representatives Severson, Nygren, Strachota, Kaufert, Bewley, Bies, Brooks, Jacque, Ripp, Spanbauer, Tauchen and Thiesfeldt; cosponsored by Senators Galloway, Cowles, Darling, Holperin, Schultz and Wanggaard.

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

Assembly Bill 152

Relating to: state aid for airport improvement projects.

By Representatives Steineke, Litjens, Petersen, Bernard Schaber, Brooks, Krug and A. Ott; cosponsored by Senators Ellis, Galloway and Schultz.

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

Assembly Bill 224

Relating to: authorizing school boards and libraries to transfer a gift or grant to certain charitable organizations.

By Representatives Kaufert, Hintz, Thiesfeldt, Brooks, Petrowski, Molepske Jr, A. Ott, Strachota, Mursau and Ringhand; cosponsored by Senators Schultz, Taylor, Wanggaard and Lassa.

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

Assembly Bill 246

Relating to: resisting officer while armed with or threatening to use a dangerous weapon.

By Representatives Krug, Jacque, Bernard Schaber, Brooks, Endsley, Kerkman, Ripp, Spanbauer and Zepnick.

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

Assembly Bill 274

Relating to: requiring motorists to yield to railroad track equipment trains at railroad crossings and requiring a railroad to maintain its right-of-way.

By Representatives Petrowski, Mursau, Brooks, Endsley, Jorgensen, Kaufert, Nerison, A. Ott, Rivard, Sinicki, Spanbauer, Zepnick and Turner; cosponsored by Senators Leibham, Olsen, Hansen and Taylor; by request of Brotherhood of Maintenance of Way Employees Division, IBT.

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

Assembly Bill 301

Relating to: review by the Joint Committee on Finance of the expenditure of certain federal funds by the Department of Natural Resources.

By Representatives Suder, Kapenga, Ripp, Rivard, Krug, Jacque, Thiesfeldt, Stroebel, Spanbauer, Kleefisch, LeMahieu, A. Ott, Mursau, Kestell and Endsley; cosponsored by Senators Moulton, Lasee and Schultz.

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

Assembly Bill 311

Relating to: creating a sporting recruitment and retention council, programs to encourage recruitment of hunters and trappers, restrictions on expenditures under the Warren Knowles-Gaylord Nelson stewardship program, reduced fees for certain first-time hunting and trapping approvals, high school credit under and administration of the hunter and trapper education programs, waiving fishing license requirements for a weekend ice fishing event, and sturgeon spearing license age requirements.

By Representatives Steineke, Rivard, Suder, Bies, Bernier, Endsley, Jacque, Kaufert, Kerkman, Kestell, Kleefisch, Knilans, Krug, LeMahieu, Litjens, Marklein, Meyer, Murtha, Nass, Nygren, A. Ott, Petryk, Severson, Spanbauer, Strachota, Stroebel, Tiffany, Tranel, Williams and Mursau; cosponsored by Senators Galloway and Moulton.

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

Assembly Bill 319

Relating to: reductions in cost of compensation or fringe benefits to municipal employers without modifying an existing

collective bargaining agreement for purposes of **2011 Wisconsin Act 10**.

By Representatives Wynn, Knilans, Marklein and LeMahieu; cosponsored by Senators Darling and Grothman.

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

REPORT OF COMMITTEES

The committee on **Senate Organization** reports:

Placed the following proposals on the Regular Session Senate Calendar of Thursday, November 3, 2012.

Senate Bill 116

Assembly Bill 69

Assembly Bill 274

Assembly Bill 319

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

Noes: 2 – Senators Miller and Hansen.

SCOTT FITZGERALD

Chairperson

Senator Leibham, with unanimous consent, asked that **Assembly Bill 102** be withdrawn from the 12th Order of Business and taken up at this time.

Assembly Bill 102

Relating to: crimes against children committed by certain persons and providing a penalty.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 102**?

Adopted.

Ordered to a third reading.

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

Assembly Bill 102

Read a third time and concurred in as amended.

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

Assembly Bill 102

Messaged.

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 Reginald Newson and Randal Savaglio.

STEPHEN BEERS of Fontana, as a member of the Real Estate Examining Board, to serve for the term ending July 1, 2014.

MARIE HETZER of Sun Prairie, as a member of the Real Estate Examining Board, to serve for the term ending July 1, 2012.

MARY MAAS of Tomah, as a member of the State Fair Park Board, to serve for the term ending May 1, 2016.

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

WILLIAM OEMICHEN of Madison, as a member of the College Savings Program Board, to serve for the term ending May 1, 2015.

DENNIS PIERCE of Kenosha, as a member of the Real Estate Examining Board, to serve for the term ending July 1, 2013.

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

Noes – None.

Absent or not voting – None.

Confirmed.

REGINALD NEWSON of Milwaukee, as Secretary of the Department of Workforce Development, 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, 31; noes, 2; 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, Jauch, Kedzie, King, C. Larson, Lasee, Lazich, Leibham, Miller, Moulton, Olsen, Risser, Schultz, Shilling, Taylor, Vinehout, Vukmir, Wanggaard and Zipperer – 31.

Noes – Senators Lassa and Wirch – 2.

Absent or not voting – None.

Confirmed.

RANDAL SAVAGLIO of Racine, as a member of the Real Estate Examining Board, to serve for the term ending July 1, 2013.

Read.

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

Noes – None.

Absent or not voting – Senator Lasee – 1.

Confirmed.

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

2:54 P.M.

RECESS

4:24 P.M.

The Senate reconvened.

President Ellis in the chair.

MESSAGES FROM THE ASSEMBLY

Senate Bill 109

Relating to: soft tissue injury to a law enforcement officer when resisting or obstructing arrest.

The question was: Shall Assembly amendment 1 to **Senate Bill 109** be concurred in?

Concurred in.

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

Senate Joint Resolution 47

Relating to: proclaiming October 2011 as Farm to School Month.

Read.

The question was: Shall **Senate Joint Resolution 47** be adopted?

Adopted.

Assembly Joint Resolution 59

Relating to: proclaiming Diabetes Awareness Month.

Read.

The question was: Shall **Assembly Joint Resolution 59** be concurred in?

Concurred in.

Assembly Joint Resolution 67

Relating to: National Adoption Month.

Read.

The question was: Shall **Assembly Joint Resolution 67** be concurred in?

Concurred in.

LEAVE OF ABSENCE

Senator Miller, with unanimous consent, asked that Senator Wirch be granted a leave of absence for balance of today's session.

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

Senate Bill 109

Action Messaged.

Senate Joint Resolution 47
Assembly Joint Resolution 59
Assembly Joint Resolution 67
Messaged.

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

Senate Bill 125

Relating to: liability of cities, villages, towns, and counties for damages caused by an insufficiency or want of repair of a highway.

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 125

Read a third time.

The question was: Shall **Senate Bill 125** be passed?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 11; absent or not voting, 1; as follows:

Ayes – Senators S. Coggs, Cowles, T. Cullen, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Holperin, Kedzie, Lasee, Lassa, Lazich, Leibham, Moulton, Olsen, Schultz, Taylor, Wanggaard and Zipperer – 21.

Noes – Senators Carpenter, Erpenbach, Hansen, Jauch, King, C. Larson, Miller, Risser, Shilling, Vinehout and Vukmir – 11.

Absent or not voting – Senator Wirch – 1.

Passed.

Senate Bill 196

Relating to: excluding from the calculation of expenditure restraint payments expenditures made pursuant to a purchasing agreement with a school district.

Read a second time.

The question was: Adoption of Senate amendment 2 to **Senate Bill 196**?

Adopted.

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 196

Read a third time and passed.

Senator Lassa moved that the rules be suspended and that **Senate Bill 120** be withdrawn from the committee on **Financial Institutions and Rural Issues** and taken up at this time.

The question was: Shall the rules be suspended and **Senate Bill 120** be withdrawn from the committee on **Financial Institutions and Rural Issues** and taken up at this time?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 17; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, King, C. Larson, Lassa, Miller, Risser, Shilling, Taylor and Vinehout – 15.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 17.

Absent or not voting – Senator Wirch – 1.

Refused to take up.

Senate Bill 202

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

Read a second time.

Senate substitute amendment 1 to **Senate Bill 202** offered by Senators Taylor, Hansen, Miller, S. Coggs, C. Larson, Holperin and Carpenter.

IN THE CHAIR

Pursuant to Senate Rule 2 (1), Senator Kedzie in the chair.

IN THE CHAIR

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

Senator Grothman moved that Senate substitute amendment 1 to **Senate Bill 202** be laid on the table.

The question was: Shall Senate substitute amendment 1 to **Senate Bill 202** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 17.

Noes – Senators Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, King, C. Larson, Lassa, Miller, Risser, Shilling, Taylor and Vinehout – 15.

Absent or not voting – Senator Wirch – 1.

Tabled.

Ordered to a third reading.

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

Senator Hansen objected.

Senate Bill 215

Relating to: trailer or semitrailer registration.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 215**?

Adopted.

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 215

Read a third time.

The question was: Shall **Senate Bill 215** be passed?

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

Noes – None.

Absent or not voting – Senator Wirch – 1.

Passed.

Senate Bill 217

Relating to: suspension of operating privilege or registration for unsatisfied judgment for damages arising out of a motor vehicle accident.

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 217

Read a third time and passed.

Senate Bill 219

Relating to: various changes in the unemployment insurance law, providing a penalty, and making appropriations.

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 219

Read a third time.

The question was: Shall **Senate Bill 219** be passed?

The ayes and noes were required and the vote was: ayes, 29; noes, 3; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, S. Coggs, Cowles, T. Cullen, Darling, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Holperin, Jauch, Kedzie, King, C. Larson, Lasee, Lassa, Lazich, Leibham, Miller, Moulton, Olsen, Risser, Schultz, Shilling, Taylor, Vinehout and Wanggaard – 29.

Noes – Senators Galloway, Vukmir and Zipperer – 3.

Absent or not voting – Senator Wirch – 1.

Passed.

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

Senate Bill 125

Senate Bill 196

Senate Bill 215

Senate Bill 217

Senate Bill 219

Messaged.

Senate Bill 235

Relating to: age restrictions and safety certificate requirements regarding the operation of an all-terrain vehicle.

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 235

Read a third time and passed.

Senate Bill 237

Relating to: providing instruction in human growth and development.

Senator S. Fitzgerald, with unanimous consent, asked that **Senate Bill 237** be moved to the foot of the 11th order of business on today's calendar.

Senate Bill 253

Relating to: the liability of certain persons for environmental contamination on property on which a cleanup has been conducted.

Read a second time.

Senator Darling, with unanimous consent, asked that **Senate Bill 253** be referred to the joint committee on **Finance**.

Referred.

Senator Darling, with unanimous consent, asked that the rules be suspended and that **Senate Bill 253** be withdrawn from the joint committee on **Finance** and taken up at this 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 253

Read a third time.

The question was: Shall **Senate Bill 253** be passed?

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

Noes – None.

Absent or not voting – Senator Wirch – 1.

Passed.

Senator Shilling moved that the rules be suspended and that **Senate Bill 232** be withdrawn from the committee on **Public Health, Human Services, and Revenue** and taken up at this time.

POINT OF ORDER

Senator S. Fitzgerald raised the point of order that the motion to withdraw a bill from committee must be made under the 14th order of business.

Senator Erpenbach asked unanimous consent that the rules be suspended and that **Senate Bill 232** be withdrawn from the

committee on **Public Health, Human Services, and Revenue** and taken up at this time.

Senator Fitzgerald objected.

Senator Erpenbach moved that the rules be suspended and that **Senate Bill 232** be withdrawn from the committee on **Public Health, Human Services, and Revenue** and taken up at this time.

The Chair ruled the point of order well taken, citing a ruling of the Chair from January 25, 2000.

With unanimous consent, the motion to suspend the rules was withdrawn.

Senate Bill 259

Relating to: creating the office of county comptroller for Milwaukee County.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 259**?

Adopted.

The question was: Adoption of Senate amendment 2 to **Senate Bill 259**?

Adopted.

The question was: Adoption of Senate amendment 3 to **Senate Bill 259**?

Adopted.

The question was: Adoption of Senate amendment 4 to **Senate Bill 259**?

Adopted.

The question was: Adoption of Senate amendment 5 to **Senate Bill 259**?

Adopted.

Ordered to a third reading.

Senator Darling asked unanimous consent that the rules be suspended and that the bill be considered for final action at this time.

Senator Carpenter objected.

Senator Darling moved that the rules be suspended and that the bill be considered for final action at this time.

The question was: Shall the rules be suspended?

The ayes and noes were required and the vote was: ayes, 24; noes, 8; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, Cowles, T. Cullen, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Holperin, Jauch, Kedzie, King, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Taylor, Vinehout, Vukmir, Wanggaard and Zipperer – 24.

Noes – Senators S. Coggs, Erpenbach, Hansen, C. Larson, Lassa, Miller, Risser and Shilling – 8.

Absent or not voting – Senator Wirch – 1.

Rules suspended and ordered to a third reading.

Senate Bill 259

Relating to: creating the office of county comptroller for Milwaukee County.

Senator Lassa asked unanimous consent that the Senate recess.

Senator S. Fitzgerald objected.

Senator S. Fitzgerald, with unanimous consent, asked the the Senate stand informal.

The Senate stood informal.

IN THE CHAIR

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

The Chair noted the possible lack of a quorum.

The roll was called and a quorum was present.

The question was: Shall **Senate Bill 259** be passed?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 10; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, T. Cullen, Darling, Ellis, Erpenbach, S. Fitzgerald, Grothman, Harsdorf, Holperin, Jauch, King, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Shilling, Taylor, Vinehout, Wanggaard and Zipperer – 22.

Noes – Senators S. Coggs, Cowles, Galloway, Hansen, Kedzie, C. Larson, Lassa, Miller, Risser and Vukmir – 10.

Absent or not voting – Senator Wirch – 1.

Passed.

Senate Bill 267

Relating to: the method of reporting election returns by municipalities.

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 267

Read a third time and passed.

Senate Bill 237

Relating to: providing instruction in human growth and development.

Senator S. Fitzgerald, with unanimous consent, asked that **Senate Bill 237** be placed at the foot of today's calendar.

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

Assembly Bill 80

Relating to: operating a motor vehicle without a valid driver's license or after suspension or revocation of an operating privilege and providing penalties.

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.

Assembly Bill 80

Read a third time and concurred in.

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

Senate Bill 235
Senate Bill 253
Senate Bill 259
Senate Bill 267
Assembly Bill 80

Messaged.

Assembly Bill 103

Relating to: receiving a stolen firearm and providing a penalty.

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.

Assembly Bill 103

Read a third time.

The question was: Shall **Assembly Bill 103** be concurred in?

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

Noes – None.

Absent or not voting – Senator Wirch – 1.

Concurred in.

Assembly Bill 212

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

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.

Assembly Bill 212

Read a third time.

The question was: Shall **Assembly Bill 212** be concurred in?

The ayes and noes were required and the vote was: ayes, 29; noes, 3; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, S. Coggs, Cowles, Darling, Ellis, Erpenbach, S. Fitzgerald, Galloway, Grothman, Hansen, Harsdorf, Holperin, Jauch, Kedzie, King, C. Larson, Lasee, Lassa, Lazich, Leibham, Miller, Moulton, Olsen, Schultz, Shilling, Vinehout, Vukmir, Wanggaard and Zipperer – 29.

Noes – Senators T. Cullen, Risser and Taylor – 3.

Absent or not voting – Senator Wirch – 1.

Concurred in.

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

Assembly Bill 103
Assembly Bill 212

Messaged.

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.

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.

Assembly Bill 245

Read a third time and concurred in.

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.

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.

Assembly Bill 265

Read a third time and concurred in.

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

Assembly Bill 245
Assembly Bill 265

Messaged.

Assembly Bill 273

Relating to: the loan program for property taxes imposed as a result of an error in equalized value 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.

Assembly Bill 273

Read a third time.

The question was: Shall **Assembly Bill 273** be concurred in?

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

Noes – None.

Absent or not voting – Senator Wirch – 1.

Concurred in.

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

Assembly Bill 273

Messaged.

Senate Bill 237

Relating to: providing instruction in human growth and development.

Read a second time.

The question was: Adoption of Senate amendment 7 to **Senate Bill 237**?

The ayes and noes were demanded and the vote was: ayes, 25; noes, 7; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, S. Coggs, Cowles, T. Cullen, Darling, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Holperin, Jauch, Kedzie, King, C. Larson, Lasee, Lassa, Miller, Olsen, Risser, Schultz, Shilling, Taylor, Vinehout and Vukmir – 25.

Noes – Senators Galloway, Grothman, Lazich, Leibham, Moulton, Wanggaard and Zipperer – 7.

Absent or not voting – Senator Wirch – 1.

Adopted.

Senate amendment 8 to **Senate Bill 237** offered by Senators Grothman and T. Cullen.

The question was: Adoption of Senate amendment 8 to **Senate Bill 237**?

Adopted.

Senate amendment 9 to **Senate Bill 237** offered by Senators Vinehout, Holperin, C. Larson, King, Shilling, T. Cullen, S. Coggs, Risser, Miller, Hansen, Erpenbach and Taylor.

Senator Lazich moved that Senate amendment 9 to **Senate Bill 237** be laid on the table.

The question was: Shall Senate amendment 9 to **Senate Bill 237** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 17.

Noes – Senators Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, King, C. Larson, Lassa, Miller, Risser, Shilling, Taylor and Vinehout – 15.

Absent or not voting – Senator Wirch – 1.

Tabled.

Senate amendment 10 to **Senate Bill 237** offered by Senator Lazich.

The question was: Adoption of Senate amendment 10 to **Senate Bill 237**?

Adopted.

Senate amendment 11 to **Senate Bill 237** offered by Senators C. Larson, Holperin, Vinehout, Taylor, Miller, Risser, S. Coggs, T. Cullen, Shilling, King and Erpenbach.

Senator Lazich moved that Senate amendment 11 to **Senate Bill 237** be laid on the table.

The question was: Shall Senate amendment 11 to **Senate Bill 237** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 17.

Noes – Senators Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, King, C. Larson, Lassa, Miller, Risser, Shilling, Taylor and Vinehout – 15.

Absent or not voting – Senator Wirch – 1.

Tabled.

Senate amendment 12 to **Senate Bill 237** offered by Senators C. Larson, Holperin, Vinehout, Taylor, Miller, Risser, Carpenter, S. Coggs, T. Cullen, Shilling, King and Erpenbach.

The question was: Adoption of Senate amendment 12 to **Senate Bill 237**?

Adopted.

Senate amendment 13 to **Senate Bill 237** offered by Senators C. Larson and Erpenbach.

Senator Lazich moved that Senate amendment 13 to **Senate Bill 237** be laid on the table.

The question was: Adoption of Senate amendment 13 to **Senate Bill 237**?

Tabled.

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 237

Read a third time.

The question was: Shall **Senate Bill 237** be passed?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 17.

Noes – Senators Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, King, C. Larson, Lassa, Miller, Risser, Shilling, Taylor and Vinehout – 15.

Absent or not voting – Senator Wirch – 1.

Passed.

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

Senate Bill 237

Messaged.

MOTIONS MAY BE OFFERED

Senator Shilling moved that the rules be suspended and that **Senate Bill 232** be withdrawn from the committee on **Public Health, Human Services, and Revenue** and taken up at this time.

IN THE CHAIR

President Ellis in the chair.

POINT OF ORDER

Senator Miller raised the point of order that the motion that **Senate Bill 232** be withdrawn from the committee on **Public Health, Human Services, and Revenue** and taken up is debatable.

The Chair ruled the point of order not well taken, because a motion to withdraw from committee and take up immediately requires a suspension of the rules and is therefore not debatable, pursuant to Senate Rule 68.

The question was: Shall the rules be suspended and **Senate Bill 232** be withdrawn from the committee on **Public Health, Human Services, and Revenue** and taken up at this time?

The ayes and noes were required and the vote was: ayes, 15; noes, 17; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, King, C. Larson, Lassa, Miller, Risser, Shilling, Taylor and Vinehout – 15.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 17.

Absent or not voting – Senator Wirch – 1.

Refused to take up.

ANNOUNCEMENTS, ADJOURNMENT HONORS, AND REMARKS UNDER SPECIAL PRIVILEGE

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Darin Renner, Fiscal Analyst at the Legislative Fiscal Bureau, who passed away yesterday.

Senator Carpenter, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his constituent Greendale Police Chief Robert Dams (Ret.). The passage of AB 80 today is the culmination of his hard work, inspired by the tragic and terrible death of his son, Nick. The bill would not have passed were it not for the passion and time he has brought to the issue of making sure that the tragedy that befell his son and his family never happens to others.

ADJOURNMENT

Senator S. Fitzgerald, with unanimous consent, asked that the Senate stand adjourned until Thursday, November 3, 2011.

Adjourned.

7:55 P.M.