



STATE OF WISCONSIN

Senate Journal

Ninety–Ninth Regular Session

11:45 A.M.

THURSDAY, October 29, 2009

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.

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 127** offered by Senator Risser.

Senate substitute amendment 3 to **Senate Bill 290** offered by Senator Hansen.

Senate amendment 2 to **Senate Bill 324** offered by Senator Taylor.

Senate amendment 1 to **Senate Bill 324** offered by Senator Taylor.

Senate amendment 1 to **Senate Bill 349** offered by Senator Plale.

BILLS PRESENTED TO THE GOVERNOR

The Chief Clerk records:

Senate Bill 369

Presented to the Governor on 10–29–2009.

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read and referred:

Senate Joint Resolution 54

Relating to: commending Mary and Ted Kellner on the occasion of their receiving the Warren P. Knowles Humanitarian Award.

By Senators Darling, Miller, Kanavas and Taylor; cosponsored by Representatives J. Ott, Pasch, Townsend and M. Williams.

To committee on **Senate Organization**.

Read first time and referred:

Senate Bill 374

Relating to: creating a commercial driver license exception for law enforcement officers operating commercial motor vehicles.

By Senators Grothman, Kedzie, Olsen, Darling and Lassa; cosponsored by Representatives Strachota, Suder, Mursau,

Vos, Townsend, Gunderson, LeMahieu, Knodl, Friske, A. Ott, Lothian, Brooks and Bies.

To committee on **Transportation, Tourism, Forestry, and Natural Resources**.

Senate Bill 375

Relating to: the exchange of electronic records contained in the Consolidated Court Automation Program and in the Statewide Automated Child Welfare Information System between the director of state courts and the Department of Children and Families and providing a penalty.

By Senators Sullivan, Taylor, Coggs, Darling and Lehman; cosponsored by Representatives Knodl, Grigsby, Berceau, Danou and Townsend.

To committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing**.

Senate Bill 376

Relating to: fees from retired law enforcement officers seeking to carry concealed weapons and making an appropriation.

By Senators Holperin, Taylor, Hansen, Harsdorf, Darling, Hopper, Schultz, Sullivan, Carpenter, Wirch, Kedzie, Lazich, A. Lasee, Grothman, Kapanke and S. Fitzgerald; cosponsored by Representatives Hraychuck, Friske, Hubler, Jorgensen, Bies, Suder, Nygren, Danou, Montgomery, Kerkman, Sherman, Nerison, Kestell, Turner, Rhoades, Ripp, LeMahieu, Vos, Clark, Pridemore, Vruwink, Mursau, Meyer, Kaufert, Zepnick, Townsend, Van Roy, Honadel, Roth, Smith, Spanbauer, Brooks, Nass, Knodl, Petrowski, Kramer and Ballweg.

To committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing**.

Senate Bill 377

Relating to: carrying concealed weapons by law enforcement officers and by retired law enforcement officers.

By Senators Holperin, Taylor, Hansen, Harsdorf, Darling, Hopper, Schultz, Sullivan, Carpenter, Wirch, Kedzie, Lazich, A. Lasee, Grothman, Kapanke and S. Fitzgerald; cosponsored by Representatives Hraychuck, Friske, Hubler, Jorgensen, Bies, Suder, Nygren, Danou, Montgomery, Kerkman, Sherman, Nerison, Kestell, Turner, Rhoades, Ripp, LeMahieu, Vos, Clark, Pridemore, Vruwink, Mursau, Meyer, Kaufert, Zepnick, Strachota, Townsend, Van Roy, Honadel, Roth, Smith, Spanbauer, Brooks, Nass, Knodl, Petrowski, Kramer and Ballweg.

To committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing**.

Senate Bill 378

Relating to: exempting certain capital expenditures made by a technical college district from the requirement for a referendum.

By Senators Holperin, Taylor, Vinehout and Kreitlow; cosponsored by Representatives Shilling, Danou, Huebsch, Hixson, Soletski, Nerison, Mason, Brooks, Toles, Molepske Jr. and Zepnick.

To committee on **Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection.**

REPORT OF COMMITTEES

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

Assembly Bill 178

Relating to: motor vehicle operating privileges, seizures by courts or law enforcement officers of operator's licenses, and reinstatement of canceled identification cards.

Concurrence.

Ayes, 12 – Senators Miller, Hansen, Taylor, Lehman, Robson and Lassa. Representatives Pocan, Colon, Mason, Shilling, Sherman and Grigsby.

Noes, 4 – Senators Darling and Olsen. Representatives Vos and Montgomery.

Senate Bill 134

Relating to: motor vehicle operating privileges, seizures by courts or law enforcement officers of operator's licenses, and reinstatement of canceled identification cards.

Passage.

Ayes, 12 – Senators Miller, Hansen, Taylor, Lehman, Robson and Lassa. Representatives Pocan, Colon, Mason, Shilling, Sherman and Grigsby.

Noes, 4 – Senators Darling and Olsen. Representatives Vos and Montgomery.

Senate Bill 184

Relating to: licenses and limited X-ray machine operator permits to engage in the practice of radiography, creating a radiography examining board, granting rule-making authority, and requiring the exercise of rule-making authority.

Passage.

Ayes, 15 – Senators Miller, Hansen, Taylor, Lehman, Robson, Lassa, Darling and Olsen. Representatives Pocan, Colon, Mason, Shilling, Sherman, Grigsby and Montgomery.

Noes, 1 – Representative Vos.

Senate Bill 208

Relating to: regulation of persons who sell dogs or operate animal shelters or animal control facilities, granting rule-making authority, making an appropriation, and providing a penalty.

Adoption of Senate Amendment 1 to Senate Substitute Amendment 1.

Ayes, 16 – Senators Miller, Hansen, Taylor, Lehman, Robson, Lassa, Darling and Olsen. Representatives Pocan, Colon, Mason, Shilling, Sherman, Grigsby, Vos and Montgomery.

Noes, 0 – None.

Adoption of Senate Substitute Amendment 1.

Ayes, 16 – Senators Miller, Hansen, Taylor, Lehman, Robson, Lassa, Darling and Olsen. Representatives Pocan, Colon, Mason, Shilling, Sherman, Grigsby, Vos and Montgomery.

Noes, 0 – None.

Passage as amended.

Ayes, 16 – Senators Miller, Hansen, Taylor, Lehman, Robson, Lassa, Darling and Olsen. Representatives Pocan,

Colon, Mason, Shilling, Sherman, Grigsby, Vos and Montgomery.

Noes, 0 – None.

MARK MILLER
Senate Chairperson

The committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing** reports and recommends:

Assembly Bill 387

Relating to: the homestead exemption and increases in the value of the exemption for various property that is exempt from execution.

Concurrence.

Ayes, 4 – Senators Taylor, Sullivan, Erpenbach and Hopper. Noes, 1 – Senator Grothman.

BERCEAU, TERESE, of Madison, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2010.

Confirmation.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

DUEHOLM, ROBERT, of Luck, as a member of the Real Estate Board, to serve for the term ending July 1, 2013.

Confirmation.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

HOLLEY, BILL, of Middleton, as a member of the Prison Industries Board, to serve for the term ending May 1, 2012.

Confirmation.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

MORALES, JOE, of Racine, as a member of the Public Defender Board, to serve for the term ending May 1, 2012.

Confirmation.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

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

Confirmation.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

XIONG, MAI, of Schofield, as a member of the Public Defender Board, to serve for the term ending May 1, 2012.

Confirmation.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

Senate Bill 204

Relating to: prohibiting discrimination in housing because of domestic abuse victim status and providing a penalty.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.
Noes, 0 – None.

Senate Bill 263

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

Introduction and adoption of Senate Amendment 1.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.
Noes, 0 – None.

Passage as amended.

Ayes, 4 – Senators Taylor, Sullivan, Erpenbach and Hopper.
Noes, 1 – Senator Grothman.

Senate Bill 274

Relating to: requiring landlords to change locks.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.
Noes, 0 – None.

Adoption of Senate Amendment 2.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.
Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.
Noes, 0 – None.

LENA TAYLOR
Chairperson

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

Senate Bill 290

Relating to: changes in the regulation of boxing contests, regulating mixed martial arts fighting contests, granting rule-making authority, making an appropriation, and providing a penalty.

Adoption of Senate Substitute Amendment 3.

Ayes, 5 – Senators Coggs, Wirch, Lehman, A. Lasee and Grothman.
Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Coggs, Wirch, Lehman, A. Lasee and Grothman.
Noes, 0 – None.

SPENCER COGGS
Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Office of the Governor

October 29, 2009

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:

Bill Number **Act Number** **Date Approved**
Senate Bill 369 Act 57 October 29, 2009

Respectfully Submitted,
JIM DOYLE
Governor

ADVICE AND CONSENT OF THE SENATE

State of Wisconsin
Office of the Governor

October 9, 2009

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DONOHUE, STEPHEN, of Green Bay, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2010.

Respectfully Submitted,
JIM DOYLE
Governor

Read and referred to committee on **Transportation, Tourism, Forestry, and Natural Resources.**

State of Wisconsin
Office of the Governor

October 21, 2009

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SWEENEY, GARY "JOE", of Milwaukee, as a member of the Bradley Center Sports and Entertainment Corporation, to serve for the term ending July 1, 2016.

Respectfully Submitted,
JIM DOYLE
Governor

Read and referred to committee on **Economic Development.**

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 21**
- Assembly Bill 174**
- Assembly Bill 277**
- Assembly Bill 288**
- Assembly Bill 323**
- Assembly Bill 376**
- Assembly Bill 400**
- Assembly Bill 409**
- Assembly Bill 410**
- Assembly Bill 411**
- Assembly Bill 415**
- Assembly Bill 418**
- Assembly Bill 419**

Assembly Bill 483

Assembly Bill 487

Adopted and asks concurrence in:

Assembly Joint Resolution 67

Assembly Joint Resolution 85

Assembly Joint Resolution 88

Assembly Joint Resolution 89

Assembly Joint Resolution 90

Assembly Joint Resolution 91

Concurred in:

Senate Bill 132

Senate Bill 252

Senate Joint Resolution 51

MESSAGES FROM THE ASSEMBLY CONSIDERED

Assembly Bill 250

Relating to: regulation of persons who sell dogs or operate animal shelters or animal control facilities, granting rule-making authority, making an appropriation, and providing a penalty.

By Representatives Smith, Sinicki, Richards, Jorgensen, Dexter, Wood, Bernard Schaber, Pope-Roberts, Berceau, Barca, Pocan, Colon, Mason, Shilling, Sherman, Grigsby, Cullen, Seidel, Staskunas, Molepske Jr., Soletski, Honadel, Steinbrink, Van Roy, Van Akkeren, Pasch, Benedict, Turner, Black, Spanbauer, Zepnick, Schneider, Fields, J. Ott, A. Ott, Hilgenberg, Zigmunt, Young, Parisi, Gottlieb, Hebl, Roys, A. Williams, Montgomery, Hixson, Stone, Bies, Zipperer, Kestell, Davis and Pridemore; cosponsored by Senators Kreitlow, Darling, Taylor, Plale, Carpenter, Sullivan, Holperin, S. Fitzgerald, Risser, Lehman, Cowles, Olsen, A. Lasee, Kanavas, Lassa, Hansen, Wirch, Kapanke, Coggs and Leibham.

Read first time and referred to committee on **Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection**.

Assembly Bill 261

Relating to: soliciting purchases of goods or services using unsolicited checks or money orders and providing a penalty.

By Representatives Bernard Schaber, Pocan, Berceau, Black, Brooks, Clark, Cullen, Dexter, Grigsby, Gunderson, Hebl, Hixson, Kaufert, Kestell, Mason, Molepske Jr., Nass, Milroy, A. Ott, Parisi, Pasch, Pope-Roberts, Petrowski, Richards, Roys, Seidel, Sinicki, Smith, Steinbrink, Toles, Townsend, Van Akkeren, Vos, A. Williams, Zepnick and Zigmunt; cosponsored by Senators Lehman, Carpenter, Hansen, Lassa, Plale, Risser, Schultz, Taylor, Wirch and Coggs.

Read first time and referred to committee on **Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection**.

Assembly Bill 271

Relating to: professional land surveyors, the practice of professional land surveying, surveying land abutting navigable waters, and granting rule-making authority.

By Representatives Clark, Roys, Staskunas, Berceau, Danou, Gunderson, Hubler, Jorgensen, Mason, Milroy, A. Ott, Smith and Zepnick; cosponsored by Senators Risser, Lehman, Cowles, Holperin and Taylor.

Read first time and referred to committee on **Economic Development**.

Assembly Bill 275

Relating to: the Physical Therapists Affiliated Credentialing Board.

By Representatives Bernard Schaber, Berceau, Black, Danou, Davis, Gunderson, Hilgenberg, Kaufert, Mason, Milroy, Molepske Jr., Nerison, Newcomer, A. Ott, Pasch, Richards, Seidel, Soletski, Townsend, Van Roy, M. Williams, Zepnick and Ziegelbauer; cosponsored by Senators Robson, Coggs, Darling, S. Fitzgerald, Holperin and Taylor.

Read first time and referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**.

Assembly Bill 375

Relating to: a property tax exemption for certain nonprofit community theaters.

By Representatives Shilling and Huebsch; cosponsored by Senator Kapanke.

Read first time and referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**.

Assembly Bill 397

Relating to: the definition of plumbing and classifying plumbers to do certain work.

By Representatives Soletski, Sinicki, Kestell, Mursau, Murtha, Staskunas, Turner, Vruwink and Zigmunt; cosponsored by Senators Plale, Taylor, Lehman, Hansen, Wirch, Holperin, Carpenter and Cowles.

Read first time and referred to committee on **Commerce, Utilities, Energy, and Rail**.

Assembly Bill 417

Relating to: requirements for initial licensure as a veterinarian.

By Representatives Vruwink, Molepske Jr., Berceau, Townsend, Gunderson, A. Ott, Brooks, Tauchen, Jorgensen, Radcliffe, Zepnick, Danou and Mason; cosponsored by Senators Hopper, Olsen and Lassa.

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

Assembly Bill 430

Relating to: making October 10, William D. Hoard Day, a legal holiday.

By Representatives Jorgensen, Vruwink, Zigmunt, Turner, Tauchen, Strachota, Steinbrink, Ripp, A. Ott, Molepske Jr., Hixson, Hilgenberg, Hebl, Garthwaite, Brooks, Berceau and Barca; cosponsored by Senators Vinehout and Taylor.

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

Assembly Bill 459

Relating to: the model academic standards for personal financial literacy.

By Representatives Soletski, Spanbauer, Berceau, Clark, Grigsby, Hraychuck, Jorgensen, Mason, Molepske Jr., Petrowski, Shilling, Turner, Young, Zigmunt and Sinicki; cosponsored by Senators Taylor, Lehman, Hansen and Schultz, by request of The Speaker's Taskforce on Preventing Home Foreclosures.

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

Assembly Bill 471

Relating to: mortgage broker duties and agency relationships.

By Representatives Young, Turner, Hraychuck and Clark; cosponsored by Senator Taylor, by request of The Speaker's Taskforce on Preventing Home Foreclosures.

Read first time and referred to committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.**

Assembly Bill 472

Relating to: certification and licensure of real estate appraisers and requirements for appraisal reports and granting rule-making authority.

By Representatives Zepnick, Young, Fields, Soletski, Jorgensen, Hraychuck, Clark, Dexter, A. Williams, Mason, Sinicki, Richards, Colon, Petrowski and Wood; cosponsored by Senators Plale, Taylor, Lehman and Hansen.

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

Assembly Joint Resolution 67

Relating to: commending MAG Giddings and Lewis on its sesquicentennial.

By Representatives Townsend and Spanbauer; cosponsored by Senator Hopper.

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

Assembly Joint Resolution 85

Relating to: recognizing the work of Wisconsin's coroners and medical examiners.

By Representatives Hixson, Sheridan, Benedict, Jorgensen, Vruwink, Turner, Berceau and Townsend; cosponsored by Senators Robson, Miller, Olsen, Taylor and Schultz.

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

Assembly Joint Resolution 88

Relating to: the life and public service of Jay W. Johnson.

By Representatives Soletski, Zigmunt, Nelson, Van Roy, Bies, Roth, Kaufert, Hebl, Hintz, Van Akkeren, Turner, Barca,

Pope-Roberts, Danou, Molepske Jr., Ziegelbauer, Gunderson, Zepnick, Pasch, Montgomery, Bernard Schaber, Jorgensen, Parisi and Nygren; cosponsored by Senators Hansen, Cowles, A. Lasee, Taylor, Lassa, Lehman, Coggs, Risser, Miller and Erpenbach.

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

Assembly Joint Resolution 89

Relating to: declaring October as Co-op Month.

By Representatives Nerison and Vruwink.

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

Assembly Joint Resolution 90

Relating to: the life and public service of Rev. P. Harvey Stower.

By Representatives Hraychuck, Hubler, Black, Sherman, Milroy, Rhoades, Murtha, Gunderson, Kerkman, Ziegelbauer, Turner, A. Ott, Townsend, Brooks, Krusick, Vruwink, Hintz, Pope-Roberts, Schneider, Shilling, Nelson, Soletski and Young; cosponsored by Senators Harsdorf, Holperin, Jauch, Miller, Vinehout, Carpenter, Taylor, Robson, Lehman, Wirsch, Kreitlow, Erpenbach, Risser, Lazich, Coggs and Cowles.

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

Assembly Joint Resolution 91

Relating to: declaring October to be Adopt a Shelter Pet Month.

By Representatives Dexter, Smith, Berceau, Pasch, Turner, Zigmunt and Steinbrink; cosponsored by Senators Kreitlow, Carpenter and Lehman.

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

ADJOURNMENT

Chief Clerk Marchant, with unanimous consent, asked that the Senate stand adjourned until Tuesday, November 3, 2009.

11:46 A.M.

Adjourned.