

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Ninth Regular Session

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FRIDAY, February 5, 2010

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

**CHIEF CLERK'S ENTRIES**

**AMENDMENTS OFFERED**

Senate substitute amendment 1 to **Senate Bill 44** offered by Senator Darling.

Senate amendment 1 to **Senate Bill 469** offered by Senator Plale.

**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Bill 284**

**Senate Bill 415**

Report correctly enrolled on 2–5–2010.

The Chief Clerk makes the following entries dated **Thursday, February 4, 2010**.

**REPORT OF COMMITTEES**

The committee on **Senate Organization** reports:

Referred to the joint committee on **Finance**, pursuant to Senate Rule **41 (1)(e)**:

**Senate Bill 439**

Ayes: 5 – Senators Decker, Risser, Hansen, Fitzgerald and Grothman.

Noes: 0 – None.

*RUSS DECKER*  
Chairperson

The committee on **Veterans and Military Affairs, Biotechnology, and Financial Institutions** reports and recommends:

**Senate Bill 439**

Relating to: adopting Internal Revenue Code provisions related to individual retirement accounts and adopting provisions of the Heroes Earnings Assistance and Relief Tax Act of 2008 for state income and franchise tax purposes.

Adoption of Senate Amendment 1.

Ayes, 4 – Senators Sullivan, Carpenter, Leibham and Kanavas.

Noes, 0 – None.

Adoption of Senate Amendment 2.

Ayes, 4 – Senators Sullivan, Carpenter, Leibham and Kanavas.

Noes, 0 – None.

Passage as amended.

Ayes, 4 – Senators Sullivan, Carpenter, Leibham and Kanavas.

Noes, 0 – None.

*JIM SULLIVAN*  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**Senate Petition 1**

A petition by approximately 2,000 residents of the State of Wisconsin and members of the Voces de la Frontera Action in support of driving cards for immigrants.

Introduced by Senator Carpenter.

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

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

February 4, 2010

The Honorable, the Legislature:

As president of the Senate, I am directing that the Joint Survey Committee on Tax Exemptions submit a report, in accordance with Senate Rule **36(2)(c)** and section 13.52(6), Wisconsin Statutes, on **Senate Bill 439**, relating to adopting Internal Revenue Code provisions related to individual retirement accounts and adopting provisions of the Heroes Earnings Assistance and Relief Tax Act of 2008 for state income and franchise tax purposes.

Although the bill does not specifically contain an exemption and much of the bill has no effect on taxes, the bill, in part, effects the computation of taxable income. As a result, to be safe, I am directing the preparation of this report.

Sincerely,  
*FRED A. RISSER*  
Senate President

**LEGISLATIVE REFERENCE BUREAU CORRECTIONS**

**CORRECTIONS IN:**

**SENATE AMENDMENT 1**  
**TO 2009 SENATE BILL 127**

Prepared by the Legislative Reference Bureau  
(February 3, 2010)

1. Page 1, line 7: delete “251.06” and substitute “251.06.”.

**LEGISLATIVE REFERENCE BUREAU CORRECTIONS**

**CORRECTIONS IN:**

**2009 SENATE BILL 481**

Prepared by the Legislative Reference Bureau  
(February 4, 2010)

1. Page 8, line 9: delete “day” and substitute “April 1”.

NOTE: Corrects a typographical error, as shown by the drafting record.

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**REPORT OF COMMITTEES**

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

**Assembly Bill 419**

Relating to: rape shield provisions in civil proceedings, discovery and inspection of victims and witnesses, and victims rights.

Concurrence.

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

Noes, 0 – None.

**Senate Bill 127**

Relating to: notification to the state and certain public agencies regarding a medical malpractice claim and limits on liability.

Adoption of Senate Substitute 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.

*LENA C. TAYLOR*  
Chairperson

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The joint review committee on **Criminal Penalties** reports and recommends:

**Senate Bill 344**

Relating to: making crimes based on gender of victim subject to a penalty enhancer and providing a penalty.

Adoption of Report on **Senate Bill 344**.

Ayes, 8 – Senator Taylor; Representative Parisi; Attorney St. John; Senator Hopper; Attorney Tobin; Representative Kleefisch; Judges Deininger and Bayogren.

Noes, 0 – None.

Absent, 3 – Attorney Ozanne; Sheriffs Mahoney and Gehring.

**Senate Bill 380**

Relating to: the possession of a firearm by a person who has committed a misdemeanor crime of domestic violence and providing a penalty.

Adoption of Report on **Senate Bill 380**.

Ayes, 8 – Senator Taylor; Representative Parisi; Attorney St. John; Senator Hopper; Attorney Tobin; Representative Kleefisch; Judges Deininger and Bayogren.

Noes, 0 – None.

Absent, 3 – Attorney Ozanne; Sheriffs Mahoney and Gehring.

**Senate Bill 381**

Relating to: notice of firearm prohibition when served with notice of an injunction hearing and process for surrendering firearms following the granting of certain injunctions.

Adoption of Report on **Senate Bill 381**.

Ayes, 8 – Senator Taylor; Representative Parisi; Attorney St. John; Senator Hopper; Attorney Tobin; Representative Kleefisch; Judges Deininger and Bayogren.

Noes, 0 – None.

Absent, 3 – Attorney Ozanne; Sheriffs Mahoney and Gehring.

*LENA C. TAYLOR*  
Co-Chairperson

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The committee on **Transportation, Tourism, Forestry, and Natural Resources** reports and recommends:

**Assembly Bill 579**

Relating to: special distinguishing registration plates associated with Marquette University.

Concurrence.

Ayes, 6 – Senators Holperin, Sullivan, Hansen, Leibham, Kedzie and Grothman.

Noes, 0 – None.

**Senate Bill 348**

Relating to: declarations creating marina condominiums and technical corrections to the laws governing marina condominiums.

Passage.

Ayes, 6 – Senators Holperin, Sullivan, Hansen, Leibham, Kedzie and Grothman.

Noes, 0 – None.

**Senate Bill 374**

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

Passage.

Ayes, 6 – Senators Holperin, Sullivan, Hansen, Leibham, Kedzie and Grothman.

Noes, 0 – None.

**Senate Bill 382**

Relating to: use of lamps on vehicles when visibility is limited by climatic conditions and providing a penalty.

Passage.

Ayes, 4 – Senators Holperin, Sullivan, Hansen and Leibham.

Noes, 2 – Senators Kedzie and Grothman.

**Senate Bill 387**

Relating to: special distinguishing registration plates associated with Marquette University.

Passage.

Ayes, 6 – Senators Holperin, Sullivan, Hansen, Leibham, Kedzie and Grothman.

Noes, 0 – None.

**Senate Bill 391**

Relating to: expenditure of \$30,000 from moneys appropriated to the Department of Natural Resources in payment of a claim against the state made by Stillmunkes, Inc.

Passage.

Ayes, 6 – Senators Holperin, Sullivan, Hansen, Leibham, Kedzie and Grothman.

Noes, 0 – None.

**Senate Bill 392**

Relating to: registration of former military vehicles.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Holperin, Sullivan, Hansen, Kedzie and Grothman.

Noes, 1 – Senator Leibham.

Introduction and adoption of Senate Amendment 2.

Ayes, 5 – Senators Holperin, Sullivan, Hansen, Kedzie and Grothman.

Noes, 1 – Senator Leibham.

Passage as amended.

Ayes, 6 – Senators Holperin, Sullivan, Hansen, Leibham, Kedzie and Grothman.

Noes, 0 – None.

**Senate Bill 396**

Relating to: fishing and trolling in boats with electric motors.

Passage.

Ayes, 6 – Senators Holperin, Sullivan, Hansen, Leibham, Kedzie and Grothman.

Noes, 0 – None.

**Senate Bill 400**

Relating to: operation of all-terrain vehicles to remove snow.

Introduction and adoption of Senate Amendment 1.

Ayes, 6 – Senators Holperin, Sullivan, Hansen, Leibham, Kedzie and Grothman.

Noes, 0 – None.

Passage as amended.

Ayes, 6 – Senators Holperin, Sullivan, Hansen, Leibham, Kedzie and Grothman.

Noes, 0 – None.

**Senate Bill 401**

Relating to: requiring the Department of Natural Resources to issue one-day fishing licenses.

Passage.

Ayes, 6 – Senators Holperin, Sullivan, Hansen, Leibham, Kedzie and Grothman.

Noes, 0 – None.

**Senate Bill 404**

Relating to: registration of former military vehicles.

Passage.

Ayes, 6 – Senators Holperin, Sullivan, Hansen, Leibham, Kedzie and Grothman.

Noes, 0 – None.

**Senate Bill 408**

Relating to: the exception to the assessment of withdrawal taxes and fees against a landowner who transfers ownership of managed forest land for siting a public safety communications tower.

Passage.

Ayes, 6 – Senators Holperin, Sullivan, Hansen, Leibham, Kedzie and Grothman.

Noes, 0 – None.

**Senate Bill 410**

Relating to: designating and marking a portion of I 43 in the city of Milwaukee as the Jeannetta Simpson–Robinson Memorial Highway.

Adoption of Senate Amendment 1.

Ayes, 6 – Senators Holperin, Sullivan, Hansen, Leibham, Kedzie and Grothman.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Holperin, Sullivan, Hansen, Leibham and Kedzie.

Noes, 1 – Senator Grothman.

**Senate Bill 428**

Relating to: seasonal weight limitations for certain vehicles transporting agricultural crops.

Passage.

Ayes, 6 – Senators Holperin, Sullivan, Hansen, Leibham, Kedzie and Grothman.

Noes, 0 – None.

**Senate Bill 448**

Relating to: a utility terrain vehicle pilot program and making an appropriation.

Passage.

Ayes, 6 – Senators Holperin, Sullivan, Hansen, Leibham, Kedzie and Grothman.

Noes, 0 – None.

*JIM HOLPERIN*  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Office of the Governor**

February 5, 2010

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>
<b>Senate Bill 184</b>	Act 106	February 4, 2010
<b>Senate Bill 290</b>	Act 111	February 4, 2010
<b>Senate Bill 440</b>	Act 112	February 5, 2010

Respectfully Submitted,  
*JIM DOYLE*  
Governor

**State of Wisconsin  
Legislative Reference Bureau**

February 5, 2010

To the Honorable, the Legislature:

The following rules have been published in the January 31, 2010 Wisconsin Administrative [Register No. 649](#):

<u>Clearinghouse Rules</u>	<u>Effective Date(s)</u>
<b>05-058</b>	2-1-2010
<b>09-016</b>	2-1-2010
<b>09-020</b>	2-1-2010
<b>09-038</b>	2-1-2010

Sincerely,  
*BRUCE J. HOESLY*  
Senior Legislative Attorney/Code Editor

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**State of Wisconsin  
Office of Senator Lena C. Taylor**

February 1, 2010

The Honorable, the Senate:

I am writing in my capacity as the chairperson of the Senate committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing** to request that the Joint Review Committee on **Criminal Penalties** prepare a report on on **Senate Bill 341** pursuant to s. [13.525 \(5\) \(b\)](#), Wis. Stats., which creates a new crime or revises an existing criminal penalty.

If you have any questions, please do not hesitate to contact me.

Sincerely,  
*LENA C. TAYLOR*  
Senator, 4th Senate District

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**State of Wisconsin  
Office of Senator Lena C. Taylor**

February 1, 2010

The Honorable, the Senate:

I am writing in my capacity as the chairperson of the Senate committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing** to request that the Joint Review Committee on **Criminal Penalties** prepare a report on

on **Assembly Bill 241** and **Senate Bill 171** pursuant to s. [13.525 \(5\) \(b\)](#), Wis. Stats., which creates a new crime or revises an existing criminal penalty.

If you have any questions, please do not hesitate to contact me.

Sincerely,  
*LENA C. TAYLOR*  
Senator, 4th Senate District

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Pursuant to Senate Rule [17 \(5\)](#), Senator Darling withdrawn as a coauthor of **Senate Bill 466**.

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

The committee on **Transportation, Tourism, Forestry, and Natural Resources** reports and recommends:

**Senate Clearinghouse Rule 09–041**

Relating to the local roads improvement program.

Modifications requested, Ayes 6, Noes 0.

Ayes, 6 – Senators Holperin, Sullivan, Hansen, Leibham, Kedzie and Grothman.

Noes, 0 – None.

*JIM HOLPERIN*  
Chairperson