



STATE OF WISCONSIN

Senate Journal

One-Hundredth Regular Session

11:20 A.M.

TUESDAY, January 25, 2011

The Senate met.

The Senate was called to order by President Ellis.

CALL OF ROLL

The roll was called, disclosing the presence of a quorum.

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, Hopper, Jauch, Kapanke, Kedzie, C. Larson, Lasee, Lassa, Lazich, Leibham, Miller, Moulton, Olsen, Risser, Schultz, Taylor, Vinehout, Vukmir, Wanggaard, Wirch and Zipperer – 33.

Absent – None.

Absent with leave – None.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator Taylor led the Senate in the pledge of allegiance to the flag of the United States of America.

CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated **Thursday, January 20, 2011.**

REPORT OF COMMITTEES

The committee on **Senate Organization** reports:

Placed the following appointment on the Senate Calendar of Tuesday, January 25, 2011:

Appointment of DENNIS SMITH

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

Noes: 0 – None.

SCOTT FITZGERALD
Chairperson

The Chief Clerk makes the following entries dated **Friday, January 21, 2011.**

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read and referred:

Senate Joint Resolution 5

Relating to: commemorating the first centennial of the joint committee on finance, and honoring members of the legislature who served on the committee.

By Senators Ellis, S. Fitzgerald, Miller, Darling and Taylor; cosponsored by Representatives J. Fitzgerald, Suder, Barca, Vos and Grigsby.

To committee on **Senate Organization**.

Read first time and referred:

Senate Bill 8

Relating to: conforming the state family and medical leave law to the federal family and medical leave law and granting rule-making authority.

By Senators Olsen, Darling, Grothman and Schultz; cosponsored by Representatives Kestell, Bernier, Spanbauer, Strachota and Stone.

To committee on **Labor, Public Safety, and Urban Affairs**.

Senate Bill 9

Relating to: the dairy and livestock farm investment credits.

By Senators Kapanke, Harsdorf, Hopper, Wanggaard, Moulton and Schultz; cosponsored by Representatives Ripp, Nerison, Tranel, A. Ott, Petrowski, Kestell, Petersen, Radcliffe, Brooks, Tauchen, Spanbauer, Wynn, LeMahieu, Steineke, Williams, Mursau, Ballweg, Jacque, Marklein, Nygren and Strachota.

To committee on **Agriculture, Forestry, and Higher Education**.

Senate Bill 10

Relating to: restoring the treatment of the exclusion of capital gains for individuals and certain other persons that existed before the enactment of **2009 Wisconsin Act 28**, and phasing out the taxation of capital gains.

By Senators Hopper, Darling, Leibham, Vukmir, Galloway, Zipperer, Wanggaard, Kedzie, Ellis, Moulton, Olsen, Lazich and Schultz; cosponsored by Representatives Kuglitsch, Thiesfeldt, Ziegelbauer, Williams, Kaufert, Meyer, Bies, Nygren, Mursau, Spanbauer, Brooks, Knodl, Ripp, Jacque, Rivard, Kapenga, Farrow and Honadel.

To committee on **Public Health, Human Services, and Revenue**.

Senate Bill 11

Relating to: the filing of certain forms related to Tax Incremental Financing District Number 72 in the city of Milwaukee.

By Senators Taylor, S. Cogg and C. Larson; cosponsored by Representatives Fields, E. Cogg, Kessler, Turner, Grigsby, Young and Staskunas.

To committee on **Economic Development and Veterans and Military Affairs.**

Ayes, 5 – Senators Zipperer, Kedzie, Galloway, Risser and Erpenbach.

Noes, 0 – None.

RICH ZIPPERER
Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Office of the Secretary of State

January 21, 2011

The Honorable, the Legislature:

Jt. Resolution #	Act Number	Publication Date
SJR 1	1	Not Published

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read first time and referred:

Senate Bill 12

Relating to: allowing retailers the ability to offer discounts equal to the state and local sales taxes.

By Senators Wanggaard, Lazich and Grothman; cosponsored by Representatives Kooyenga, Spanbauer, Vos, Bies and Kaufert.

To committee on **Workforce Development, Small Business, and Tourism.**

REPORT OF COMMITTEES

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

BRANCEL, BEN, of Endeavor, as Secretary of the Department of Agriculture, Trade and Consumer Protection, to serve for the term ending at the pleasure of the Governor.

Confirmation.

Ayes, 7 – Senators Kapanke, Harsdorf, Kedzie, Moulton, Vinehout, Hansen and Holperin.

Noes, 0 – None.

DAN KAPANKE
Chairperson

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

HUEBSCH, MICHAEL, of West Salem, as Secretary of the Department of Administration, to serve for the term ending at the pleasure of the Governor.

Confirmation.

Ayes, 5 – Senators Zipperer, Kedzie, Galloway, Risser and Erpenbach.

Noes, 0 – None.

JADIN, PAUL, of Green Bay, as Secretary of the Department of Commerce, to serve for the term ending at the pleasure of the Governor.

Confirmation.

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Representative Knilians added as a cosponsor of **Senate Bill 6.**

ADVICE AND CONSENT OF THE SENATE

SMITH, DENNIS, of Springfield, VA, as Secretary of the Department of Health Services, 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, 25; noes, 8; as follows:

Ayes – Senators Cowles, T. Cullen, Darling, Ellis, Erpenbach, S. Fitzgerald, Galloway, Grothman, Harsdorf, Holperin, Hopper, Jauch, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Risser, Schultz, Vinehout, Vukmir, Wanggaard and Zipperer – 25.

Noes – Senators Carpenter, S. Cogg, Hansen, C. Larson, Lassa, Miller, Taylor and Wirch – 8.

Confirmed.

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

Senator S. Fitzgerald, with unanimous consent, asked that **Senate Joint Resolution 5** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Senate Joint Resolution 5

Relating to: commemorating the first centennial of the joint committee on finance, and honoring members of the legislature who served on the committee.

Read.

The question was: Shall **Senate Joint Resolution 5** be adopted?

Adopted.

Senator S. Fitzgerald, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 5.**

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

Senate Joint Resolution 5

Messaged.

ADJOURNMENT

Senator S. Fitzgerald, with unanimous consent, asked that the Senate stand adjourned until Thursday, January 27, 2011.

Adjourned.

11:59 A.M.