



# STATE OF WISCONSIN

# Senate Journal

## One-Hundredth Regular Session

11:17 A.M.

WEDNESDAY, February 2, 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 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 and Zipperer – 31.

Absent with Leave – Senators Carpenter and Wirch – 2.

Absent – 0.

The Senate stood for a moment of silent meditation.

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

### LEAVES OF ABSENCE

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

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

### CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated **Tuesday, February 1, 2011.**

#### AMENDMENTS OFFERED

Senate amendment 3 to **Senate Bill 2** offered by Senators Olsen and Jauch.

### INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read and referred:

#### **Senate Joint Resolution 6**

Relating to: recognizing American Heart Month and Wear Red Day.

By Senators Hopper, Cowles, Darling, Olsen, Schultz, Taylor, Vinehout, Wirch and T. Cullen; cosponsored by Representatives Nygren, Marklein, Bewley, Brooks, E. Coggs, D. Cullen, Hebl, Hulsey, Kerkman, Knodl, A. Ott, Pasch, Roys, Shilling, Spanbauer, Thiesfeldt, Turner, Vruwink and Williams.

To committee on **Senate Organization.**

#### **Senate Joint Resolution 7**

Relating to: commending the Wisconsin Badger football team for an outstanding season and 2011 Rose Bowl bid.

By Senators Risser, Erpenbach, Lazich, Hansen, Hopper, Taylor, Darling, Miller, Harsdorf, Lassa, Schultz, Kedzie, Cowles, S. Coggs and Olsen; cosponsored by Representatives Hulsey, Hebl, D. Cullen, Kerkman, Sinicki, Milroy, Shilling, Zepnick, Thiesfeldt, Ballweg, Pasch, Spanbauer, Rivard, Fields, Young, Mursau, Bies, Kaufert, A. Ott, Krusick, Williams, Jorgensen, Petryk, Pocan, Brooks, Turner, Mason, LeMahieu, Danou, Nygren, Tranel, Toles, Hintz, Barca, Roys and Berceau.

To committee on **Senate Organization.**

Read first time and referred:

#### **Senate Joint Resolution 8**

Relating to: the vote on bills that would increase certain tax rates (first consideration).

By Senators Vukmir, Leibham, Hopper, Lazich and Kedzie; cosponsored by Representatives August, Ziegelbauer, Kramer, Strachota, Vos, Nass, Petersen, Pridemore, Jacque, Farrow, Thiesfeldt, Rivard, LeMahieu, Kerkman and Kleefisch.

To committee on **Judiciary, Utilities, Commerce, and Government Operations.**

#### **Senate Joint Resolution 9**

Relating to: the dissolution of state funds and accounts and prohibiting the state from changing the purpose of any state fund or program revenue appropriation account (first consideration).

By Senators Harsdorf, Olsen, Holperin, Wanggaard, Schultz, Carpenter and Leibham; cosponsored by Representatives Tauchen, Strachota, Jacque, August, Steineke, Pridemore, Kerkman, Kestell, LeMahieu, Nass and Bies.

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

### REPORT OF COMMITTEES

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

ANDERSON, ELOISE, of Sacramento, CA, as Secretary of the Department of Children and Families, to serve for the term ending at the pleasure of the Governor.

Confirmation.

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

Noes, 0 – None.

*PAM GALLOWAY*  
Chairperson

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## INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read first time and referred:

### Senate Bill 14

Relating to: adopting federal bonus depreciation tax provisions for state income and franchise tax purposes.

By Senators Lazich, Grothman, Hopper, Zipperer and Holperin; cosponsored by Representatives Marklein, Ripp, Strachota, Van Roy, Steineke, Brooks, Petrowski, LeMahieu, Jacque, Vos, T. Larson, Spanbauer, Rivard and Bies.

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

### Senate Bill 15

Relating to: collection and analysis of motor vehicle traffic stop information and law enforcement training standards.

By Senators Lazich, Wanggaard, Grothman, Schultz, Leibham, Jauch and Olsen; cosponsored by Representatives Bernier, Jacque, Mursau, Thiesfeldt, Nass, Farrow, Brooks, LeMahieu, Vos, Ziegelbauer, Petersen, Kerkman, Ripp, Kooyenga, Bies, Strachota, Kleefisch, Kestell and Marklein.

To committee on **Transportation and Elections**.

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## REPORT OF COMMITTEES

The committee on **Insurance and Housing** reports and recommends:

### Senate Bill 7

Relating to: automobile insurance coverage limits, permissible policy provisions, and proof of financial responsibility.

Introduction of Senate Amendment 1.

Ayes, 6 – Senators Lasee, Schultz, Olsen, Wanggaard, S. Coggs and C. Larson.

Noes, 0 – None.

Introduction of Senate Amendment 2.

Ayes, 6 – Senators Lasee, Schultz, Olsen, Wanggaard, S. Coggs and C. Larson.

Noes, 0 – None.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Lasee, Schultz, Olsen, Wanggaard and C. Larson.

Noes, 1 – Senator S. Coggs.

Adoption of Senate Amendment 2.

Ayes, 4 – Senators Lasee, Schultz, Olsen and Wanggaard.

Noes, 2 – Senators S. Coggs and C. Larson.

Passage as amended.

Ayes, 4 – Senators Lasee, Schultz, Olsen and Wanggaard.

Noes, 2 – Senators S. Coggs and C. Larson.

*FRANK LASEE*  
Chairperson

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## MESSAGES FROM THE ASSEMBLY

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has adopted and asks concurrence in:

### Assembly Joint Resolution 7

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## MESSAGES FROM THE ASSEMBLY CONSIDERED

### Assembly Joint Resolution 7

Relating to: recognizing American Heart Month and Wear Red Day.

By Representatives Nygren, Marklein, Bewley, Brooks, E. Coggs, D. Cullen, Hebl, Hulsey, Kerkman, Knodl, A. Ott, Pasch, Roys, Shilling, Spanbauer, Thiesfeldt, Turner, Vruwink and Williams; cosponsored by Senators Hopper, Cowles, Darling, Olsen, Schultz, Taylor, Vinehout and Wirch.

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

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## ADVICE AND CONSENT OF THE SENATE

**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.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 2; as follows:

Ayes – Senators 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 and Zipperer – 31.

Noes – None.

Absent or not voting – Senators Carpenter and Wirch – 2.

Confirmed.

**ROSS, DAVE**, of Superior, as Secretary of the Department of Regulation and Licensing, 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, 0; absent or not voting, 2; as follows:

Ayes – Senators 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 and Zipperer – 31.

Noes – None.

Absent or not voting – Senators Carpenter and Wirch – 2.

Confirmed.

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

**Assembly Joint Resolution 4**

Relating to: commending Brent Nicastro on his years of service to the Wisconsin legislature.

Read.

The question was: Shall **Assembly Joint Resolution 4** be concurred in?

Concurred in.

Senator S. Fitzgerald, with unanimous consent, asked that **Senate Joint Resolution 6** be withdrawn from the committee on **Senate Organization** and taken up at this time.

**Senate Joint Resolution 6**

Relating to: recognizing American Heart Month and Wear Red Day.

Read.

The question was: Shall **Senate Joint Resolution 6** be adopted?

Adopted.

Senator Miller, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 6**.

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

**Senate Joint Resolution 6**  
**Assembly Joint Resolution 4**

Messaged.

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

**Senate Bill 2**

Relating to: changes to timing of application process under the open enrollment program.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 2**?

Adopted.

Senator Olsen, with unanimous consent, asked that Senate amendment 1 to Senate amendment 2 to **Senate Bill 2** be withdrawn and returned to author.

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

Adopted.

Senate amendment 3 to Senate amendment 2 to **Senate Bill 2** offered by Senators C. Larson, Taylor, Miller and Risser.

Senator Olsen moved that Senate amendment 3 to Senate amendment 2 to **Senate Bill 2** be laid on the table.

The question was: Shall Senate amendment 3 to Senate amendment 2 to **Senate Bill 2** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 11; absent or not voting, 2; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Holperin, Hopper, Kapanke,

Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 20.

Noes – Senators S. Coggs, T. Cullen, Erpenbach, Hansen, Jauch, C. Larson, Lassa, Miller, Risser, Taylor and Vinehout – 11.

Absent or not voting – Senators Carpenter and Wirch – 2.  
Tabled.

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

Adopted.

The question was: Adoption of Senate amendment 3 to **Senate Bill 2**?

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 2**

Read a third time.

The question was: Shall **Senate Bill 2** be passed?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 11; absent or not voting, 2; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Holperin, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 20.

Noes – Senators S. Coggs, T. Cullen, Erpenbach, Hansen, Jauch, C. Larson, Lassa, Miller, Risser, Taylor and Vinehout – 11.

Absent or not voting – Senators Carpenter and Wirch – 2.  
Passed.

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

**Senate Bill 2**

Messaged.

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Senator S. Fitzgerald, with unanimous consent, asked that **Assembly Joint Resolution 7** be withdrawn from the committee on **Senate Organization** and taken up at this time.

**Assembly Joint Resolution 7**

Relating to: recognizing American Heart Month and Wear Red Day.

The question was: Shall **Assembly Joint Resolution 7** be concurred in?

Concurred in.

Senator Miller, with unanimous consent, asked that all members of the Senate be made cosponsors of **Assembly Joint Resolution 7**.

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

**Assembly Joint Resolution 7**

Messaged.

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**ADJOURNMENT**

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

12:23 P.M.

Adjourned.