

STATE OF WISCONSIN  
**Senate Journal**  
One–Hundredth Regular Session

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WEDNESDAY, September 14, 2011

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

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**CHIEF CLERK'S ENTRIES**

**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Joint Resolution 37**

**Senate Joint Resolution 39**

Report correctly enrolled on 9–14–2011.

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

Read first time and referred:

**Senate Bill 182**

Relating to: excluding permits and licenses from the definition of real property for property tax purposes.

By Senators Zipperer, Galloway, Grothman, Hansen, Holperin, Lasee, Lazich, Moulton, Olsen, Schultz and Vukmir; cosponsored by Representatives Knodl, August, Brooks, Craig, Endsley, Kerkman, Kestell, Kleefisch, Kooyenga, Krug, LeMahieu, Mursau, Nass, Nygren, A. Ott, Petersen, Rivard, Spanbauer, Steineke, Thiesfeldt, Wynn and Weininger.

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

**Senate Bill 183**

Relating to: the serving and sale of margarine.

By Senators Wanggaard, Grothman and Taylor; cosponsored by Representatives Kooyenga, Spanbauer, Kapenga, Tiffany, Klenke, Bernier, Rivard, Stroebel and Mursau.

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

**Senate Bill 184**

Relating to: the reporting date for the Special Task Force on UW Restructuring and Operational Flexibilities and making an appropriation.

By Senators Harsdorf, Lassa and Taylor; cosponsored by Representatives Strachota and A. Ott.

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

**Senate Bill 185**

Relating to: regulating text messages as telephone solicitations for purposes of the no call list.

By Senators Wanggaard, Carpenter, Wirch, Kedzie, Moulton, Schultz, Taylor and Lassa; cosponsored by Representatives Petryk, Jacque, Pasch, Kestell, J. Ott, Tranel, Strachota, Sinicki, Kapenga, Ripp, C. Taylor, Spanbauer, Bernard Schaber and Endsley.

To committee on **Energy, Biotechnology, and Consumer Protection**.

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**REPORT OF COMMITTEES**

The committee on **Workforce Development, Small Business, and Tourism** reports and recommends:

DITTMAR, BEVERLY, of Eagle River, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2013.

Confirmation.

Ayes, 5 – Senators Moulton, Cowles, Olsen, Holperin and T. Cullen.

Noes, 0 – None.

GREEN, JERRY, of Black River Falls, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2014.

Confirmation.

Ayes, 5 – Senators Moulton, Cowles, Olsen, Holperin and T. Cullen.

Noes, 0 – None.

LANDES, SAMUEL, of Dane, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2014.

Confirmation.

Ayes, 5 – Senators Moulton, Cowles, Olsen, Holperin and T. Cullen.

Noes, 0 – None.

LANG, ROBERT, of Cable, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2014.

Confirmation.

Ayes, 5 – Senators Moulton, Cowles, Olsen, Holperin and T. Cullen.

Noes, 0 – None.

MALECKI, ANDREW, of Green Bay, as a member of the Snowmobile Recreational Council, to serve for the term ending July 1, 2014.

Confirmation.

Ayes, 5 – Senators Moulton, Cowles, Olsen, Holperin and T. Cullen.

Noes, 0 – None.

SOLBERG, TRIG, of Woodruff, as a member of the Wisconsin Historical Board of Curators, to serve for the term ending July 1, 2014.

Confirmation.

Ayes, 5 – Senators Moulton, Cowles, Olsen, Holperin and T. Cullen.

Noes, 0 – None.

VAN SANT, WILLIAM, of Bayfield, as a member of the Wisconsin Historical Society Board of Curators, to serve for the term ending July 1, 2012.

Confirmation.

Ayes, 5 – Senators Moulton, Cowles, Olsen, Holperin and T. Cullen.

Noes, 0 – None.

WENZLER, JAMES, of Oak Creek, as a member of the Auctioneer Board, to serve for the term ending May 1, 2015.

Confirmation.

Ayes, 5 – Senators Moulton, Cowles, Olsen, Holperin and T. Cullen.

Noes, 0 – None.

*TERRY MOULTON*  
Chairperson

**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin  
Office of the Senate Majority Leader**

September 14, 2011

The Honorable, The Senate:

Pursuant to Senate Rule 20 (2) (a), I am making the following appointments based on nominations submitted by the Minority Leader.

**Senate Standing Committees:**

To the Committee on **Agriculture, Forestry and Higher Education:**

Senator Dave Hansen (should be listed as ranking minority member), Senator Jennifer Shilling and Senator Jessica King; *removing Senator Kathleen Vinehout and Senator Jim Holperin*

To the Committee on **Economic Development and Veterans and Military Affairs:**

Senator Jennifer Shilling; *removing Senator Tim Cullen*

To the Committee on **Education:**

Senator Tim Cullen; *removing Senator Bob Jauch*

To the Committee on **Labor, Public Safety, and Urban Affairs:**

Senator Jessica King; *removing Senator Spencer Coggs*

To the Committee on **Public Health, Human Services and Revenue:**

Senator Jennifer Shilling; *removing Senator Bob Jauch*

Please feel free to contact me with any questions.

Sincerely,  
*SCOTT FITZGERALD*  
Senate Majority Leader

**State of Wisconsin  
Office of the Senate Majority Leader**

September 14, 2011

The Honorable, The Senate:

Pursuant to Section 15.107 (11) (b) Wisconsin Statutes and Senate Rule 20, I am appointing Senator Jennifer Shilling to the Wisconsin Women’s Council.

Please feel free to contact me with any questions.

Sincerely,  
*SCOTT FITZGERALD*  
Senate Majority Leader

**State of Wisconsin  
Office of the Senate Majority Leader**

September 13, 2011

The Honorable, The Senate:

Pursuant to Section 14.017 (4) Wisconsin Statutes and Senate Rule 20, I am appointing Senator Joe Leibham to the Council on Military and State Relations.

Please feel free to contact me with any questions.

Sincerely,  
*SCOTT FITZGERALD*  
Senate Majority Leader

**State of Wisconsin  
Office of the Senate Majority Leader**

September 13, 2011

The Honorable, The Senate:

I am writing to inform you that Senator Pam Galloway has been elected Caucus Chair of the Senate Republican Caucus for the remainder of the 2011–12 legislative session.

Please feel free to contact me with any questions.

Sincerely,  
*SCOTT FITZGERALD*  
Senate Majority Leader

**LEGISLATIVE REFERENCE BUREAU CORRECTIONS**

**CORRECTIONS IN:**

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2011 ASSEMBLY BILL 177**

Prepared by the Legislative Reference Bureau  
(September 14, 2011)

1. Page 8, line 6: delete “days after the department” and substitute “days after the department”.

**State of Wisconsin  
Department of Health Services**

September 1, 2011

The Honorable, The Legislature:

Section 227.485(9) of the Wis. Stats. requires the Department to submit a report concerning decisions and resulting payments of attorney fees and related legal costs. Attorney fees and other legal costs are to be paid whenever the opposing party to an agency’s Chapter 227 hearing prevails and

it is determined the agency's position was not substantially justified. The attached report reflects payments made during SFY 2011.

In addition, under 814.245(10) of the Wis. Stats., the Department is required to report any awards granted to the Department regarding frivolous motions brought against this Department. In SFY 2011, no motions of opposing parties were found to be frivolous. Consequently, the Department has no awards to report.

Sincerely,  
DENNIS G. SMITH  
Secretary

Referred to joint committee on **Finance**.

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**State of Wisconsin  
Government Accountability Board**

September 13, 2011  
The Honorable, The Senate:

The following lobbyists have been authorized to act on behalf of the organizations set opposite their names.

For more detailed information about these lobbyists and organizations and a complete list of organizations and people authorized to lobby the 2011–2012 session of the legislature, visit the Government Accountability Board's web site at <http://gab.wi.gov/>.

Beebe, Thomas	Institute for Wisconsin's Future
Conway, Steven	Hennessy Industries, Inc.
Krause, Mark	Funeral Service & Cremation Alliance of Wisconsin
Kussow, Matthew	National Home Service Contract Association
Lucht, Kenneth	Wisconsin & Southern Railroad Company
Moreland, Edward	Harley–Davidson Motor Company
Phillips, Matt	Humana
Phillips, Matt	Property Casualty Insurers Association of America
Phillips, Matt	Takeda Pharmaceuticals America
Phillips, Matt	Tavern League of Wisconsin
Phillips, Matt	Verizon Wireless
Phillips, Matt	Wisconsin Athletic Trainers Association Inc
Phillips, Matt	Wisconsin Commercial Fisheries Association
Riske, Laura	Harley–Davidson Motor Company
Scholz, Brandon	National Home Service Contract Association
Taffora, Raymond	Harley–Davidson Motor Company
Welsh, Michael	NextEra Energy Resources

Also available from the Wisconsin Government Accountability Board are reports identifying the amount and value of time state agencies have spent to affect legislative

action and reports of expenditures for lobbying activities filed by organizations that employ lobbyists.

Sincerely,  
KEVIN KENNEDY  
Director & General Counsel

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**State of Wisconsin  
Department of Natural Resources**

September 14, 2011  
The Honorable, The Legislature:

We at the Department of Natural Resources are pleased to provide you with a copy of our annual Wisconsin Environmental Policy Act (WEPA) report. In fulfillment of Section 1.11 (2)(j) of the state statutes, this document provides information on the numbers of environmental assessments (EAs) and environmental impact statements (EISs) completed by the Department in the past fiscal year.

Questions about the report can be directed to me at 6–0426.

Sincerely,  
JAMES D. PARDEE  
Wisconsin Environmental Policy Act Coordinator

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

The joint committee for review of **Administrative Rules** reports and recommends:

**Senate Clearinghouse Rule 11–013**

Relating to the administration of the forest crop law and managed forest law.

No action taken.

LEAH VUKMIR  
Senate 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 passed and asks concurrence in:

- Assembly Bill 32**
- Assembly Bill 81**
- Assembly Bill 177**
- Assembly Bill 211**

Amended and concurred in as amended:

**Senate Bill 47 (Assembly Amendment 2 adopted)**

Concurred in:

**Senate Bill 115**

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**MESSAGES FROM THE ASSEMBLY CONSIDERED**

**Assembly Bill 32**

Relating to: communications by members of the legislature.

By Representatives Toles, Young, Pasch, E. Coggs, Zepnick, Turner, Berceau, Grigsby, Kessler and Bernard Schaber; cosponsored by Senators Schultz and Taylor.

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

**Assembly Bill 81**

Relating to: special identification cards issued by the Department of Transportation providing parking privileges for persons with physical disabilities and providing a penalty.

By Representatives Krusick, Petrowski, Farrow, Bewley, Brooks, Hulsey, Kaufert, Kestell, Knilans, Kooyenga, Krug, Milroy, Molepske Jr, A. Ott, Pasch, Petryk, Rivard, Sinicki, Spanbauer, Steinbrink, Strachota, Thiesfeldt, Zepnick and Loudenbeck; cosponsored by Senators Hansen, Cowles, S. Coggs, C. Larson, Lassa and Olsen, by request of IndependenceFirst, Disability Rights Wisconsin, Survival Coalition of Wisconsin Disability Organizations, Wisconsin Coalition of Independent Living Centers, Sauk County Disabled Parking Enforcement Council, City of Madison Parking Council for People with Disabilities, Wisconsin Council on Physical Disabilities, Access to Independence, and the Arc–Wisconsin Disability Association.

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

**Assembly Bill 177**

Relating to: procedures for applications and hearings

relating to permits and contracts for structures, deposits, and other activities in or near navigable waters.

By Representatives Steineke, Rivard, Bies, Brooks, Craig, Endsley, Jacque, Kaufert, Krug, Litjens, Petryk, Pridemore, Tiffany, Tranel and Weininger; cosponsored by Senators Lasee and Galloway.

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

**Assembly Bill 211**

Relating to: an income and franchise tax credit for investments in a community development financial institution.

By Representatives Molepske Jr, Williams, Vruwink, Brooks, T. Larson, Spanbauer, Doyle, Bernard Schaber, Berceau, Ringhand, Fields, Bewley, Turner and Pope–Roberts; cosponsored by Senators Lassa and Taylor.

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