



STATE OF WISCONSIN

Senate Journal

One-Hundredth Regular Session

11:16 A.M.

THURSDAY, October 20, 2011

The Senate met.

The Senate was called to order by President Ellis.

Ayes, 2 – Senators Cowles and Kedzie.

Noes, 3 – Senators Wanggaard, Wirch and Hansen.

TERRY MOULTON
Chairperson

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

Absent – None.

Absent with leave – None.

The Senate stood for a moment of silence.

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

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

NEWMAN, DAVID, of Unity, 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.

SCHWEITZER, JON, of Black River Falls, 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.

TERRY MOULTON
Chairperson

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 164** offered by Senator Holperin.

Senate amendment 1 to **Senate Bill 185** offered by Senator Erpenbach.

REPORT OF COMMITTEES

The committee on **Energy, Biotechnology, and Consumer Protection** reports and recommends:

Senate Bill 185

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

Passage.

Ayes, 5 – Senators Cowles, Kedzie, Wanggaard, Wirch and Hansen.

Noes, 0 – None.

Senate Bill 58

Relating to: liability of public utility customers for unbilled utility service.

Passage.

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Senator Carpenter added as a coauthor of **Senate Bill 40**.

Pursuant to Senate Rule 17 (5), Senator Lassa added as a cosponsor of **Assembly Bill 64**.

LEGISLATIVE REFERENCE BUREAU CORRECTIONS

CORRECTIONS IN:

SENATE SUBSTITUTE AMENDMENT 1 TO 2011 SENATE BILL 164

Prepared by the Legislative Reference Bureau
(October 19, 2011)

1. Page 3, line 6: delete "as a" and substitute "at a".

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

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

Senate Clearinghouse Rule 11–038

Relating to Wisconsin certified honey and the sale of products represented as honey.

No action taken.

DALE SCHULTZ
Chairperson

Referred to joint committee for review of **Administrative Rules**, pursuant to 227.19(5)(a), Wisconsin Statutes.

The committee on **Natural Resources and Environment** reports and recommends:

Senate Clearinghouse Rule 11–030

Relating to game and hunting, game refuges, miscellaneous fur, fish, game and outdoor recreation, and the use of department properties.

No action taken.

NEAL KEDZIE
Chairperson

Referred to joint committee for review of **Administrative Rules**, pursuant to 227.19(5)(a), Wisconsin Statutes.

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

Senate Bill 40

Relating to: advanced manufacturing skills grants for technical colleges.

Read a second time.

The question was: Adoption of Senate amendment 1 to Senate amendment 1 to **Senate Bill 40**?

Adopted.

The question was: Adoption of Senate amendment 1 to **Senate Bill 40**?

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 40

Read a third time.

The question was: Shall **Senate Bill 40** be passed?

The ayes and noes were required and the vote was: ayes, 32; noes, 1; absent or not voting, 0; as follows:

Ayes – Senators Carpenter, S. Coggs, T. Cullen, Darling, Ellis, Erpenbach, S. Fitzgerald, Galloway, Grothman, Hansen, Harsdorf, Holperin, Jauch, Kedzie, King, C. Larson, Lasee, Lassa, Lazich, Leibham, Miller, Moulton, Olsen, Risser, Schultz, Shilling, Taylor, Vinehout, Vukmir, Wanggaard, Wirch and Zipperer – 32.

Noes – Senator Cowles – 1.

Absent or not voting – None.

Passed.

Senate Bill 49

Relating to: revocation for immoral conduct of a license issued by the Department of Public Instruction.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 49**?

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 49

Read a third time.

The question was: Shall **Senate Bill 49** be passed?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Carpenter, S. Coggs, Cowles, T. Cullen, Darling, Ellis, Erpenbach, S. Fitzgerald, Galloway, Grothman, Hansen, Harsdorf, Holperin, Jauch, Kedzie, King, C. Larson, Lasee, Lassa, Lazich, Leibham, Miller, Moulton, Olsen, Risser, Schultz, Shilling, Taylor, Vinehout, Vukmir, Wanggaard, Wirch and Zipperer – 33.

Noes – None.

Absent or not voting – None.

Passed.

Senate Bill 85

Relating to: theft of certain services and providing a penalty.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 85**?

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 85

Read a third time and passed.

Senate Bill 92

Relating to: prohibiting coverage of abortions through health plans sold through exchanges.

Read a second time.

Senator Miller, with unanimous consent, asked that the Senate stand informal.

The Senate stood informal.

Senator S. Fitzgerald, with unanimous consent, asked that **Senate Bill 92 and Senate Bill 95** be placed at the foot of the 11th order of business on today's calendar.

Placed at the foot of the 11th order of business.

Senate Bill 96

Relating to: motor vehicle dealers.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 96**?

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 96

Read a third time.

The question was: Shall **Senate Bill 96** be passed?

The ayes and noes were demanded and the vote was: ayes, 32; noes, 1; absent or not voting, 0; as follows:

Ayes – Senators Carpenter, S. Coggs, Cowles, T. Cullen, Darling, Ellis, Erpenbach, S. Fitzgerald, Galloway, Grothman, Hansen, Harsdorf, Holperin, Jauch, Kedzie, King, C. Larson, Lasee, Lassa, Lazich, Leibham, Miller, Moulton, Olsen, Risser, Schultz, Shilling, Taylor, Vinehout, Wanggaard, Wirch and Zipperer – 32.

Noes – Senator Vukmir – 1.

Absent or not voting – None.

Passed.

Senate Bill 151

Relating to: opportunities to win prizes that are received by employees as compensation from employers.

Read a second time.

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 151

Read a third time and passed.

Senate Bill 199

Relating to: adoption by governmental units of a maintenance program that applies to private sewage systems.

Read a second time.

Senate amendment 1 to **Senate Bill 199** offered by Senator Galloway.

The question was: Adoption of Senate amendment 1 to **Senate Bill 199**?

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 199

Read a third time and passed.

IN THE CHAIR

Pursuant to Senate Rule 2 (1), Senate President Pro Tempore Leibham in the chair.

Senate Bill 222

Relating to: permits for overweight vehicles or vehicle combinations transporting sealed containers or vehicles in international trade.

Read a second time.

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 222

Read a third time.

The question was: Shall **Senate Bill 222** be passed?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Carpenter, S. Coggs, Cowles, T. Cullen, Darling, Ellis, Erpenbach, S. Fitzgerald, Galloway, Grothman, Hansen, Harsdorf, Holperin, Jauch, Kedzie, King, C. Larson, Lasee, Lassa, Lazich, Leibham, Miller, Moulton, Olsen, Risser, Schultz, Shilling, Taylor, Vinehout, Vukmir, Wanggaard, Wirch and Zipperer – 33.

Noes – None.

Absent or not voting – None.

Passed.

Senate Bill 223

Relating to: annual or consecutive month permits for certain overweight vehicles or vehicle combinations transporting agricultural products.

Read a second time.

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 223

Read a third time.

The question was: Shall **Senate Bill 223** be passed?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Carpenter, S. Coggs, Cowles, T. Cullen, Darling, Ellis, Erpenbach, S. Fitzgerald, Galloway, Grothman, Hansen, Harsdorf, Holperin, Jauch, Kedzie, King, C. Larson, Lasee, Lassa, Lazich, Leibham, Miller, Moulton, Olsen, Risser, Schultz, Shilling, Taylor, Vinehout, Vukmir, Wanggaard, Wirch and Zipperer – 33.

Noes – None.

Absent or not voting – None.

Passed.

Senate Bill 228

Relating to: placing, possessing, or transporting a firearm, bow, or crossbow in or on a vehicle or in or on a motorboat.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 228**?

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 228

Read a third time and passed.

President Pro Tempore Leibham, with unanimous consent, moved to the 12th order of business on today's calendar.

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

Assembly Bill 1

Relating to: processing refunds for the jobs tax credit.

Read a second time.

Ordered to a third reading.

Senator S. Fitzgerald, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 1

Read a third time.

The question was: Shall **Assembly Bill 1** be concurred in?

The ayes and noes were demanded and the vote was: ayes, 32; noes, 1; absent or not voting, 0; as follows:

Ayes – Senators Carpenter, S. Coggs, Cowles, T. Cullen, Darling, Ellis, Erpenbach, S. Fitzgerald, Galloway, Grothman, Hansen, Harsdorf, Holperin, Jauch, Kedzie, King, C. Larson, Lasee, Lassa, Lazich, Leibham, Miller, Moulton, Olsen, Schultz, Shilling, Taylor, Vinehout, Vukmir, Wanggaard, Wirch and Zipperer – 32.

Noes – Senator Risser – 1.

Absent or not voting – None.

Concurred in.

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

- Senate Bill 40**
- Senate Bill 49**
- Senate Bill 85**
- Senate Bill 96**
- Senate Bill 151**
- Senate Bill 199**
- Senate Bill 222**
- Senate Bill 223**
- Senate Bill 228**
- Assembly Bill 1**

Messaged.

Assembly Bill 60

Relating to: individuals and officers who may be covered by a county blanket bond.

Read a second time.

Ordered to a third reading.

Senator S. Fitzgerald, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 60

Read a third time and concurred in.

Assembly Bill 64

Relating to: single trip permits for the movement of oversize mobile homes, manufactured homes, and modular homes.

Read a second time.

Ordered to a third reading.

Senator S. Fitzgerald, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 64

Read a third time and concurred in.

Assembly Bill 113

Relating to: changing the boundaries of Marquette County and Green Lake County.

Read a second time.

Ordered to a third reading.

Senator S. Fitzgerald, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 113

Read a third time and concurred in.

Senator S. Fitzgerald, with unanimous consent, asked that the Senate recess.

12:12 P.M.

RECESS

1:21 P.M.

The Senate reconvened.

President Ellis in the chair.

Senate Bill 92

Relating to: prohibiting coverage of abortions through health plans sold through exchanges.

IN THE CHAIR

Pursuant to Senate Rule 2 (1), Senate President Pro Tempore Leibham in the chair.

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 92

Senator Vinehout moved that **Senate Bill 92** be referred to the committee on **Senate Organization**.

The question was: Shall **Senate Bill 92** be referred to the committee on **Senate Organization**?

The ayes and noes were demanded and the vote was: ayes, 16; noes, 17; absent or not voting, 0; as follows:

Ayes – Senators Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, King, C. Larson, Lassa, Miller, Risser, Shilling, Taylor, Vinehout and Wirch – 16.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 17.

Absent or not voting – None.

Referral Refused.

The question was: Shall **Senate Bill 92** be passed?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 17.

Noes – Senators Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, King, C. Larson, Lassa, Miller, Risser, Shilling, Taylor, Vinehout and Wirch – 16.

Absent or not voting – None.

Passed.

Senate Bill 95

Relating to: granting high school credit for extracurricular sports; services provided by a special education program; transportation aid paid to school districts; the use of moneys received by a school district from the common school fund; using the results of standardized examinations to evaluate, discharge, suspend, or discipline a teacher or for the nonrenewal of a teacher's contract; the number of teaching days scheduled in the Milwaukee Public Schools; permitting a school district to limit the grades in which to reduce class size under the Student Achievement Guarantee in Education Program; permitting a school board to deny enrollment to a pupil who has been expelled from an out-of-state school or from an independent charter school in this state and permitting an independent charter school to expel a pupil; use of law enforcement records to take disciplinary action against a pupil under a school district's athletic code; and changing the date by which a school district must certify the amount of its property tax levy.

Read a second time.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 95**?

Adopted.

Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 95** offered by Senators Shilling and Taylor.

Senator Olsen moved that Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 95** be laid on the table.

The question was: Shall Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 95** be laid on the table?

Tabled.

Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 95** offered by Senators C. Larson, Vinehout, Taylor, Carpenter, Risser, Miller, Holperin, Lassa, T. Cullen, Hansen, Erpenbach and S. Coggs.

Senator Olsen moved that Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 95** be laid on the table.

The question was: Shall Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 95** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 17.

Noes – Senators Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, King, C. Larson, Lassa, Miller, Risser, Shilling, Taylor, Vinehout and Wirch – 16.

Absent or not voting – None.

Tabled.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 95**?

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 95

Read a third time.

The question was: Shall **Senate Bill 95** be passed?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 17.

Noes – Senators Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, King, C. Larson, Lassa, Miller, Risser, Shilling, Taylor, Vinehout and Wirch – 16.

Absent or not voting – None.

Passed.

Senator Fitzgerald, with unanimous consent, asked that all action be immediately messaged to the Assembly, with the exception of **Senate Bill 92**:

Senate Bill 95

Assembly Bill 60

Assembly Bill 64

Assembly Bill 113

Messaged.

ANNOUNCEMENTS, ADJOURNMENT HONORS, AND REMARKS UNDER SPECIAL PRIVILEGE

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of two Girl Scouts who earned their merit badges yesterday here at the capitol. Rebecca Stichert and Amanda Whiteside advocated for the need for more STEM skills which stands for science, technology, engineering, and math.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Bradford High School football team, which completed a perfect season and will move onto the WIAA playoffs; and the Wilmot High School football team, who also moved onto the playoffs.

Senator King, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Gordon Stettbacher, 68, of North Fond du Lac, who passed away unexpectedly of heart failure, on Friday, October 14, 2011, at St. Agnes Hospital. Gordon took over the family farm at age 12 with his mother, after his father passed away. After their marriage, Gordon and Carole, along with their sons, continued to work the farm. Gordon took great pride in his work and loved being a farmer. Gordon was presently a Supervisor for the Town of Friendship. He was a former member and president of the NFDL School Board, Fond du Lac Babe Ruth Association, NFDL Booster Club, and NFDL Boys Baseball, where he coached for many years. He was also involved in various farming organizations.

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the people of Libya, who fought and sacrificed for the liberty of their country and the basic human rights of all Libyans.

ADJOURNMENT

Senator Darling, with unanimous consent, asked that the Senate stand adjourned until Tuesday, October 25, 2011.

Adjourned.

2:54 P.M.