



STATE OF WISCONSIN

Senate Journal

September 2011 Special Session

12:40 P.M.

THURSDAY, October 27, 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, 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, Wirsch and Zipperer – 32.

Absent – None.

Absent with leave – Senator Erpenbach – 1.

The Senate stood for a moment of silence.

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

LEAVE OF ABSENCE

Senator Miller, with unanimous consent, asked that Senator Erpenbach be granted a leave of absence for today's Special and Regular sessions.

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Senator Vinehout added as a coauthor of **Senate Bill 20, September 2011 Special Session**.

Pursuant to Senate Rule 17 (5), Senator Lassa added as a coauthor of **Senate Bill 20, September 2011 Special Session**.

Pursuant to Senate Rule 17 (5), Senator Taylor added as a coauthor of **Senate Bill 20, September 2011 Special Session**.

SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

Senate Bill 12, September 2011 Special Session

Relating to: factors for determining the reasonableness of attorney fees.

Read a second time.

The question was: Adoption of Senate amendment 2 to **Senate Bill 12, September 2011 Special Session**?

Adopted.

Senator S. Fitzgerald, with unanimous consent, asked that **Senate Bill 12, September 2011 Special Session** be placed at the foot of the 11th order of business on today's Special Session calendar.

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

Senate Bill 20, September 2011 Special Session

Relating to: changes to agricultural production loan guarantees administered by the Wisconsin Housing and Economic Development Authority.

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 20, September 2011 Special Session

Read a third time and passed.

Senate Bill 23, September 2011 Special Session

Relating to: various duties of the Department of Revenue, including issuing declaratory judgments, conducting audits and assessments, asserting liability, allowing claims for refunds, awarding the costs of litigation, prohibiting browsing of returns and claims, imposing penalties related to a taxpayer's negligence, requiring the exercise of rule-making authority, and providing a penalty.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 23, September 2011 Special Session**?

Adopted.

Senate amendment 2 to **Senate Bill 23, September 2011 Special Session** offered by Senator Cowles.

The question was: Adoption of Senate amendment 2 to **Senate Bill 23, September 2011 Special Session**?

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 23, September 2011 Special Session

Read a third time.

The question was: Shall **Senate Bill 23, September 2011 Special Session** be passed?

The ayes and noes were required and the vote was: ayes, 17; noes, 15; absent or not voting, 1; 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, Hansen, Holperin, Jauch, King, C. Larson, Lassa, Miller, Risser, Shilling, Taylor, Vinehout and Wirsch – 15.

Absent or not voting – Senator Erpenbach – 1.

Passed.

Senate Bill 12, September 2011 Special Session

Relating to: factors for determining the reasonableness of attorney fees.

Senate amendment 3 to **Senate Bill 12, September 2011 Special Session** offered by Senator Grothman.

Senator Grothman, with unanimous consent, asked that Senate amendment 3 to **Senate Bill 12, September 2011 Special Session** be withdrawn and returned to author.

Senate amendment 4 to **Senate Bill 12, September 2011 Special Session** offered by Senators Risser, Taylor, King, Miller, Hansen and Lassa.

Senator Zipperer moved that Senate amendment 4 to **Senate Bill 12, September 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 4 to **Senate Bill 12, September 2011 Special Session** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; 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, Hansen, Holperin, Jauch, King, C. Larson, Lassa, Miller, Risser, Shilling, Taylor, Vinehout and Wirsch – 15.

Absent or not voting – Senator Erpenbach – 1.

Tabled.

Senate amendment 5 to **Senate Bill 12, September 2011 Special Session** offered by Senators Risser, Taylor, King, Miller, Hansen and Lassa.

Senator Zipperer moved that Senate amendment 5 to **Senate Bill 12, September 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 5 to **Senate Bill 12, September 2011 Special Session** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; 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, Hansen, Holperin, Jauch, King, C. Larson, Lassa, Miller, Risser, Shilling, Taylor, Vinehout and Wirsch – 15.

Absent or not voting – Senator Erpenbach – 1.

Tabled.

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

The Senate stood informal.

Senate amendment 6 to **Senate Bill 12, September 2011 Special Session** offered by Senator Grothman.

The question was: Adoption of Senate amendment 6 to **Senate Bill 12, September 2011 Special Session**?

Adoption Refused.

Ordered to a third reading.

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

Senator Taylor moved reconsideration of the vote by which adoption of Senate amendment 6 to **Senate Bill 12, September 2011 Special Session** failed to be adopted.

The question was: Shall the vote by which Senate amendment 6 to **Senate Bill 12, September 2011 Special Session** failed to be adopted be reconsidered?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 17; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, S. Coggs, T. Cullen, Hansen, Holperin, Jauch, King, C. Larson, Lassa, Miller, Risser, Shilling, Taylor, Vinehout and Wirsch – 15.

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 – Senator Erpenbach – 1.

Motion to reconsider failed.

Senate Bill 12, September 2011 Special Session

Read a third time.

The question was: Shall **Senate Bill 12, September 2011 Special Session** be passed?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; 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, Hansen, Holperin, Jauch, King, C. Larson, Lassa, Miller, Risser, Shilling, Taylor, Vinehout and Wirsch – 15.

Absent or not voting – Senator Erpenbach – 1.

Passed.

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

Senate Bill 12, September 2011 Special Session

Senate Bill 20, September 2011 Special Session

Senate Bill 23, September 2011 Special Session

Messaged.

ADJOURNMENT

Senator S. Fitzgerald, with unanimous consent, asked that the September 2011 Special Session of the Senate adjourn until Tuesday, November 1, 2011.

2:34 P.M.

Adjourned.