



STATE OF WISCONSIN

Senate Journal

One-Hundredth Regular Session

2:46 P.M.

TUESDAY, November 1, 2011

The Senate met.

The Senate was called to order by Senator S. Fitzgerald.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate amendment 1 to **Assembly Bill 102** offered by Senator Erpenbach.

Senate amendment 2 to **Senate Bill 259** offered by Senators Taylor, Darling and Carpenter.

Senate amendment 3 to **Senate Bill 259** offered by Senators Darling and Taylor.

Senate amendment 4 to **Senate Bill 259** offered by Senators Taylor and Darling.

Senate amendment 5 to **Senate Bill 259** offered by Senators Taylor and Darling.

Senate amendment 1 to **Senate Bill 268** offered by Senator Erpenbach.

Senate amendment 2 to **Senate Bill 268** offered by Senator Erpenbach.

Senate amendment 3 to **Senate Bill 268** offered by Senator Erpenbach.

Senate amendment 1 to **Senate Bill 270** offered by Senator Erpenbach.

Senate amendment 2 to **Senate Bill 270** offered by Senator Erpenbach.

Senate amendment 3 to **Senate Bill 270** offered by Senator Erpenbach.

Senate amendment 1 to **Senate Bill 271** offered by Senator Erpenbach.

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read first time and referred:

Senate Bill 272

Relating to: restoring indexing provisions to the homestead tax credit.

By Senators King, Carpenter, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Miller, Shilling, Taylor, Wirch, Risser and Lassa; cosponsored by Representatives Milroy, Hebl, Mason, Bewley, Berceau, Grigsby, Hulsey,

Jorgensen, Pasch, Pocan, Ringhand, Roys, Sinicki, Staskunas, C. Taylor, Young and Zepnick.

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

Senate Bill 273

Relating to: the Badger Health Benefit Authority, health benefit exchange operation, granting rule-making authority, and providing a penalty.

By Senators Vinehout, Holperin, C. Larson, Taylor and S. Cogg; cosponsored by Representatives Milroy, Staskunas, Berceau, Sinicki, Clark and Zepnick.

To committee on **Health**.

Senate Bill 274

Relating to: regulating sales of plastic bulk merchandise containers to scrap plastic dealers and providing penalties.

By Senators Wanggaard, Olsen, Holperin and Erpenbach; cosponsored by Representatives Endsley, Ballweg, Honadel, Jacque, Kaufert, Kestell, LeMahieu, A. Ott, Ripp and Spanbauer.

To committee on **Natural Resources and Environment**.

Senate Bill 275

Relating to: membership of technical college district boards.

By Senators Grothman, Cowles, Darling, Galloway, Lasee and Lazich; cosponsored by Representatives Honadel, Ballweg, Bies, Craig, Endsley, Kooyenga, LeMahieu, Marklein, Pridemore, Rivard, Spanbauer, Strachota and Thiesfeldt.

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

Senate Bill 276

Relating to: municipal quotas for retail intoxicating liquor licenses.

By Senators Grothman and Lasee; cosponsored by Representatives Rivard, Ballweg, Bies, Hintz, Kooyenga and Spanbauer.

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

Senate Bill 277

Relating to: prohibiting abusive work environments and permitting a person who has been subject to such an environment to bring a civil action.

By Senators S. Cogg and C. Larson; cosponsored by Representatives Roys, E. Cogg, Grigsby, Kessler, Pasch, Pocan, Steinbrink, C. Taylor, Toles, Turner and Zamarripa.

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

REPORT OF COMMITTEES

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

BEERS, STEPHEN, of Fontana, as a member of the Real Estate Examining Board, to serve for the term ending July 1, 2014.

Confirmation.

Ayes, 7 – Senators Lasee, Schultz, Olsen, Wanggaard, Carpenter, S. Cogg and C. Larson.

Noes, 0 – None.

HETZER, MARIE, of Sun Prairie, as a member of the Real Estate Examining Board, to serve for the term ending July 1, 2012.

Confirmation.

Ayes, 7 – Senators Lasee, Schultz, Olsen, Wanggaard, Carpenter, S. Cogg and C. Larson.

Noes, 0 – None.

MULLEADY, MICHAEL, of Minocqua, as a member of the Real Estate Examining Board, to serve for the term ending July 1, 2014.

Confirmation.

Ayes, 7 – Senators Lasee, Schultz, Olsen, Wanggaard, Carpenter, S. Cogg and C. Larson.

Noes, 0 – None.

PIERCE, DENNIS, of Kenosha, as a member of the Real Estate Examining Board, to serve for the term ending July 1, 2013.

Confirmation.

Ayes, 7 – Senators Lasee, Schultz, Olsen, Wanggaard, Carpenter, S. Cogg and C. Larson.

Noes, 0 – None.

FRANK LASEE
Chairperson

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

SAVAGLIO, RANDAL, of Racine, as a member of the Real Estate Examining Board, to serve for the term ending July 1, 2013.

Confirmation.

Ayes, 6 – Senators Schultz, Olsen, Wanggaard, Carpenter, S. Cogg and C. Larson.

Noes, 0 – None.

DALE SCHULTZ
Vice-Chairperson

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

Assembly Bill 102

Relating to: crimes against children committed by certain persons and providing a penalty.

Adoption of Senate Amendment 1.

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

Noes, 0 – None.

Concurrence as amended.

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

Noes, 0 – None.

Assembly Bill 103

Relating to: receiving a stolen firearm and providing a penalty.

Concurrence.

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

Noes, 0 – None.

Senate Bill 125

Relating to: liability of cities, villages, towns, and counties for damages caused by an insufficiency or want of repair of a highway.

Passage.

Ayes, 3 – Senators Zipperer, Kedzie and Galloway.

Noes, 2 – Senators Risser and Erpenbach.

Senate Bill 217

Relating to: suspension of operating privilege or registration for unsatisfied judgment for damages arising out of a motor vehicle accident.

Passage.

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

Noes, 0 – None.

RICH ZIPPERER
Chairperson

The committee on **Labor, Public Safety, and Urban Affairs** reports and recommends:

Assembly Bill 212

Relating to: throwing or expelling a bodily substance at a public safety worker and providing a penalty.

Concurrence.

Ayes, 4 – Senators Wanggaard, Lazich, Wirch and King.

Noes, 1 – Senator Grothman.

Senate Bill 235

Relating to: age restrictions and safety certificate requirements regarding the operation of an all-terrain vehicle.

Passage.

Ayes, 5 – Senators Wanggaard, Grothman, Lazich, Wirch and King.

Noes, 0 – None.

VAN WANGGAARD
Chairperson

The committee on **Transportation and Elections** reports and recommends:

Assembly Bill 265

Relating to: the definition of bicycle; manual turn signals for bicyclists; lighting of bicycles, motor bicycles, and electric personal assistive mobility devices; overtaking and passing vehicles; the operation of bicycles equipped with metal-studded tires; and moped parking.

Concurrence.

Ayes, 5 – Senators Lazich, Leibham, Lasee, Erpenbach and S. Cogg.

Noes, 0 – None.

Assembly Bill 80

Relating to: operating a motor vehicle without a valid driver's license or after suspension or revocation of an operating privilege and providing penalties.

Concurrence.

Ayes, 4 – Senators Lazich, Leibham, Erpenbach and S. Coggs.

Noes, 1 – Senator Lasee.

Senate Bill 200

Relating to: requiring motorists to yield to railroad track equipment trains at railroad crossings and requiring a railroad to maintain its right-of-way.

Passage.

Ayes, 5 – Senators Lazich, Leibham, Lasee, Erpenbach and S. Coggs.

Noes, 0 – None.

Senate Bill 259

Relating to: creating the office of county comptroller for Milwaukee County.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Lazich, Leibham, Lasee, Erpenbach and S. Coggs.

Noes, 0 – None.

Adoption of Senate Amendment 2.

Ayes, 5 – Senators Lazich, Leibham, Lasee, Erpenbach and S. Coggs.

Noes, 0 – None.

Adoption of Senate Amendment 3.

Ayes, 5 – Senators Lazich, Leibham, Lasee, Erpenbach and S. Coggs.

Noes, 0 – None.

Passage as amended.

Ayes, 4 – Senators Lazich, Leibham, Lasee and Erpenbach.

Noes, 1 – Senator S. Coggs.

Senate Bill 267

Relating to: the method of reporting election returns by municipalities.

Passage.

Ayes, 5 – Senators Lazich, Leibham, Lasee, Erpenbach and S. Coggs.

Noes, 0 – None.

MARY LAZICH

Chairperson

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

MAAS, MARY, of Tomah, as a member of the State Fair Park Board, to serve for the term ending May 1, 2016.

Confirmation.

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

Noes, 0 – None.

NEWSON, REGINALD, of Milwaukee, as Secretary of the Department of Workforce Development, to serve for the term ending at the pleasure of the Governor.

Confirmation.

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

Noes, 0 – None.

TERRY MOULTON

Chairperson

The committee on **Senate Organization** reports:

Referred to, and withdrawn from, the joint committee on **Finance**, pursuant to Senate Rule 41 (1)(e):

Assembly Bill 103

Assembly Bill 212

Ayes: 3 – Senators Fitzgerald, Ellis, and Grothman.

Noes: 2 – Senators Miller and Hansen.

Waived the public hearing requirement, pursuant to Senate Rule 18 (1m):

Assembly Bill 245

Ayes: 3 – Senators Fitzgerald, Ellis, and Grothman.

Noes: 2 – Senators Miller and Hansen.

Placed the following appointments and proposals on the Senate Calendar of Wednesday, November 2, 2011:

Stephen Beers

Marie Hetzer

Mary Maas

Michael Mulleady

Reginald Newson

William Oemichen

Dennis Pierce

Randal Savaglio

Senate Joint Resolution 47

Senate Bill 109

Senate Bill 125

Senate Bill 196

Senate Bill 202

Senate Bill 215

Senate Bill 217

Senate Bill 219

Senate Bill 235

Senate Bill 237

Senate Bill 253

Senate Bill 259

Senate Bill 267

Assembly Joint Resolution 59

Assembly Joint Resolution 67

Assembly Bill 80

Assembly Bill 102

Assembly Bill 103

Assembly Bill 212

Assembly Bill 245

Assembly Bill 265

Assembly Bill 273

Ayes: 3 – Senators Fitzgerald, Ellis, and Grothman.

Noes: 2 – Senators Miller and Hansen.

SCOTT FITZGERALD

Chairperson

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 59
Assembly Joint Resolution 70

Concurred in:

Senate Joint Resolution 46

Assembly Joint Resolution 59

Relating to: proclaiming Diabetes Awareness Month.

By Representatives Toles, Kerkman, Roys, Hebl, Young, Pasch, Williams, Thiesfeldt, E. Coggs, Pope–Roberts, Jorgensen, Mason, A. Ott, Marklein, Mursau, Turner, Hintz, Spanbauer, Berceau, Grigsby, Ringhand, Bewley, C. Taylor, Endsley and Kaufert; cosponsored by Senators Hansen, Olsen, Risser, Taylor, S. Coggs, Vinehout and Schultz.

Read and referred to committee on Senate Organization.

Assembly Joint Resolution 70

Relating to: recognizing October 6 as German–American

Day.

By Representatives Kessler, Thiesfeldt, Jorgensen, Kerkman, D. Cullen, Spanbauer, Zepnick, Pridemore, Sinicki, Krug, Turner, Marklein, A. Ott, Hebl, Clark, Seidel, Barca, Molepske Jr, Toles, Vruwink, Hintz, Danou, Hulsey, E. Coggs, Bewley, Zamarripa, C. Taylor, Grigsby, Bernard Schaber, Radcliffe, Staskunas, Berceau, Richards and Milroy; cosponsored by Senators Risser, C. Larson, Hansen and Taylor.

Read and referred to committee on Senate Organization.

ADJOURNMENT

Senator S. Fitzgerald, with unanimous consent, asked that the Senate stand adjourned until Wednesday, November 2, 2011 at 12:00 P.M.

Adjourned.

2:47 P.M.