



STATE OF WISCONSIN

Senate Journal

One-Hundredth Regular Session

12:46 P.M.

TUESDAY, February 14, 2012

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, 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 the prayer which was offered by Rev. Melvin Hargrove of Zoe Outreach Ministries in Racine.

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

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read and referred:

Senate Joint Resolution 63

Relating to: appointment of treasurer in Milwaukee county (first consideration).

By Senators Carpenter and Darling; cosponsored by Representatives Kooyenga, Fields, Sinicki, J. Ott and Zepnick.

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

Senate Joint Resolution 64

Relating to: proclaiming March to be Hunger Takes No Holiday Month.

By Senator Jauch; cosponsored by Representative Milroy.
To committee on **Senate Organization**.

Read first time and referred:

Senate Bill 470

Relating to: certain incandescent light bulbs manufactured and sold in this state.

By Senator Grothman; cosponsored by Representatives Krug, August, Brooks, Craig, Jacque, LeMahieu, Marklein, Pridemore, Stroebel and Thiesfeldt.

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

Senate Bill 471

Relating to: training in traumatic brain injury awareness for law enforcement officers, tribal officers, emergency medical technicians, and first responders and granting rule-making authority.

By Senators Hansen, Taylor and Lassa; cosponsored by Representatives Berceau, Pasch, Pocan, Radcliffe, Roys, Spanbauer and Zepnick.

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

Senate Bill 472

Relating to: certain shoreland zoning standards and ordinances that regulate the repair and expansion of nonconforming structures.

By Senators Lasee and King; cosponsored by Representatives Tiffany, Steineke, Murtha, Litjens, Rivard and Jacque.

To committee on **Insurance and Housing**.

Senate Bill 473

Relating to: statute of limitations for first-degree sexual assault, attempted homicide, and attempted first-degree sexual assault.

By Senators Cowles and Lassa; cosponsored by Representatives Steineke, Petryk, Jacque, Severson, Nygren, Wynn, Litjens, Bernard Schaber, Rivard, T. Larson, Tranel, Marklein, A. Ott, Spanbauer, Ziegelbauer, Stroebel, Bernier, Kerkman, Endsley and Bies.

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

Senate Bill 474

Relating to: matching financial records for Medical Assistance eligibility and providing a penalty.

By Senators Galloway, Lasee and Cowles; cosponsored by Representatives Nygren, Ballweg, Bies, Jacque, Kaufert, Knudson, LeMahieu, Marklein, A. Ott, Rivard, Petersen, Severson, Steineke, Strachota, Van Roy, Wynn and Vos.

To committee on **Insurance and Housing**.

Senate Bill 475

Relating to: audits and reports of state savings banks and state savings and loan associations.

By Senators Grothman and Schultz; cosponsored by Representatives LeMahieu, Bies, Stroebel, Tranel, Ballweg, Zepnick and Fields.

To committee on **Financial Institutions and Rural Issues**.

Senate Bill 476

Relating to: changing the date of fire prevention week from the week of October 8 to the week of October 9.

By Senators Grothman, Olsen, Schultz, Taylor and S. Fitzgerald; cosponsored by Representatives Strachota, Thiesfeldt, Marklein, Bies, LeMahieu, A. Ott, Bernier, Sinicki and Clark.

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

Senate Bill 477

Relating to: tax credit programs administered by the Wisconsin Economic Development Corporation.

By Senator Leibham; cosponsored by Representative Williams.

To committee on **Economic Development and Veterans and Military Affairs**.

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Representative Turner added as a cosponsor of **Senate Bill 431**.

Pursuant to Senate Rule 17 (5), Senator Vinehout added as a coauthor of **Senate Bill 468**.

Pursuant to Senate Rule 17 (5), Senator Cowles added as a cosponsor of **Assembly Joint Resolution 97**.

Pursuant to Senate Rule 17 (5), Senator Carpenter added as a coauthor of **Senate Bill 357**.

Pursuant to Senate Rule 17 (5), Senator Carpenter added as a coauthor of **Senate Bill 377**.

Pursuant to Senate Rule 17 (5), Senator Hansen added as a coauthor of **Senate Bill 322**.

Pursuant to Senate Rule 17 (5), Senator Hansen added as a coauthor of **Senate Bill 357**.

Pursuant to Senate Rule 17 (5), Senator Lassa added as a coauthor of **Senate Bill 380**.

Pursuant to Senate Rule 17 (5), Senator Miller added as a coauthor of **Senate Bill 380**.

ADVICE AND CONSENT OF THE SENATE

Senator Fitzgerald, with unanimous consent, asked that all the appointments be taken up en masse, with the exception of Jeremy Normington–Slay and Charlie K. Walker.

MICHAEL EBERLE of Middleton, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2014.

MARK MAYER of Menasha, as a member of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term July 1, 2014.

JOHN SHIER of Green Bay, as a member of the Fox River Navigational System Authority, to serve for the term ending July 1, 2014.

Read.

The question was: Confirmation?

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

Ayes – Senators Carpenter, 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 – 32.

Noes – None.

Absent or not voting – Senator S. Coggs – 1.

Confirmed.

Senator Coggs, with unanimous consent, asked to be recorded as voting “Aye” on the question of confirmation of the en masse appointments.

JEREMY NORMINGTON–SLAY of Friendship, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2015.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 31; noes, 1; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, 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 – 31.

Noes – Senator Vukmir – 1.

Absent or not voting – Senator S. Coggs – 1.

Confirmed.

Senator Coggs, with unanimous consent, asked to be recorded as voting “Aye” on the question of confirmation on the appointment of Jeremy Normington–Slay.

CHARLIE K. WALKER of Chippewa Falls, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2014.

Read.

The question was: Confirmation?

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, 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.

Confirmed.

IN THE CHAIR

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

MESSAGES FROM THE ASSEMBLY

Senate Bill 184

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

The question was: Shall Assembly amendment 1 to **Senate Bill 184** be concurred in?

Concurred in.

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

Senate Bill 184

Action Messaged.

SPECIAL ORDERS

Special order of business at 12:01 P.M.

Senate Bill 381

Relating to: county and municipal canvassing procedures, provisional ballot information, the deadline for filing a recount petition, terms of town officers, the date of the annual town meeting, and technical revisions to certain election laws.

The question was: Adoption of Senate amendment 1 to **Senate Bill 381**?

Adopted.

Senate amendment 2 to **Senate Bill 381** offered by Senator Lazich.

The question was: Adoption of Senate amendment 2 to **Senate Bill 381**?

Adopted.

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 381

Read a third time and passed.

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

Senate Bill 381

Messaged.

Special order of business at 12:02 P.M.

Senate Bill 368

Relating to: permits for discharges into wetlands; wetland mitigation; wetland mapping and delineation; fees for permits and other authorizations or determinations by the Department of Natural Resources relating to structures, deposits, and other activities in or near navigable waters; making appropriations; and providing penalties.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 368**?

Adopted.

The question was: Adoption of Senate amendment 10 to **Senate Bill 368**?

Adopted.

The question was: Adoption of Senate amendment 11 to **Senate Bill 368**?

Adopted.

The question was: Adoption of Senate amendment 12 to **Senate Bill 368**?

Adopted.

Senate amendment 13 to **Senate Bill 368** offered by Senators C. Larson, King, Carpenter, T. Cullen, S. Coggs, Wirch, Shilling, Risser, Miller, Vinehout, Taylor, Holperin and Jauch.

Senator Kedzie moved that Senate amendment 13 to **Senate Bill 368** be laid on the table.

The question was: Shall Senate amendment 13 to **Senate Bill 368** 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.

Senate amendment 14 to **Senate Bill 368** offered by Senators C. Larson, King, T. Cullen, S. Coggs, Carpenter, Wirch, Risser, Miller, Vinehout, Taylor, Shilling, Holperin and Jauch.

Senator Kedzie moved that Senate amendment 14 to **Senate Bill 368** be laid on the table.

The question was: Shall Senate amendment 14 to **Senate Bill 368** 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.

Ordered to a third reading.

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

Senator Larson objected.

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

Senate Joint Resolution 57

Relating to: stating the legislature's support for farm work.

The question was: Shall **Senate Joint Resolution 57** be adopted?

Adopted.

Assembly Joint Resolution 57

Relating to: the life and public service of Richard Lyman Cates.

The question was: Shall **Assembly Joint Resolution 57** be concurred in?

Concurred in.

Assembly Joint Resolution 90

Relating to: commending the Kenosha Bradford Red Devils on winning the Wisconsin Interscholastic Athletic Association Division 1 football championship.

The question was: Shall **Assembly Joint Resolution 90** be concurred in?

Concurred in.

Assembly Joint Resolution 94

Relating to: proclaiming January 2012 as Human Trafficking Awareness and Prevention Month.

The question was: Shall **Assembly Joint Resolution 94** be concurred in?

Concurred in.

Assembly Joint Resolution 97

Relating to: honoring the life and achievements of Donald J. Schneider.

The question was: Shall **Assembly Joint Resolution 97** be concurred in?

Concurred in.

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

Senate Joint Resolution 57

Assembly Joint Resolution 57

Assembly Joint Resolution 90

Assembly Joint Resolution 94

Assembly Joint Resolution 97

Messaged.

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

Senate Bill 87

Relating to: the composition of the State Capitol and Executive Residence Board.

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 87

Read a third time and passed.

Senate Bill 104

Relating to: requiring persons who violate certain restraining orders or injunctions to be monitored by a global positioning system, granting rule-making authority, making an appropriation, and providing a penalty.

Read a second time.

The question was: Adoption of Senate amendment 1 to Senate amendment 3 to **Senate Bill 104**?

Adopted.

The question was: Adoption of Senate amendment 3 to **Senate Bill 104**?

Adopted.

Senate amendment 4 to **Senate Bill 104** offered by Senator Grothman.

The question was: Adoption of Senate amendment 4 to **Senate Bill 104**?

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 104

Read a third time.

The question was: Shall **Senate Bill 104** be passed?

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

Ayes – Senators Carpenter, S. Coggs, Cowles, T. Cullen, Darling, Ellis, Erpenbach, S. Fitzgerald, Galloway, Hansen, Harsdorf, Holperin, Jauch, Kedzie, King, C. Larson, Lasee, Lassa, Lazich, Leibham, Miller, Moulton, Olsen, Risser, Schultz, Shilling, Vinehout, Vukmir, Wanggaard, Wirch and Zipperer – 31.

Noes – Senators Grothman and Taylor – 2.

Absent or not voting – None.

Passed.

Senate Bill 111

Relating to: the regulation of indirect sources of air pollution and the suspension of a rule promulgated by the Department of Natural Resources.

Read.

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 111

Read a third time.

The question was: Shall **Senate Bill 111** be passed?

The ayes and noes were required and the vote was: ayes, 30; noes, 3; 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, Vinehout, Vukmir, Wanggaard and Zipperer – 30.

Noes – Senators Risser, Taylor and Wirch – 3.

Absent or not voting – None.

Passed.

Senate Bill 138

Relating to: the regulation of emissions of hazardous air contaminants associated with agricultural waste and the partial suspension of rules promulgated by the Department of Natural Resources.

Read.

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 138

Read a third time.

The question was: Shall **Senate Bill 138** be passed?

The ayes and noes were demanded and the vote was: ayes, 24; noes, 9; absent or not voting, 0; as follows:

Ayes – Senators Cowles, T. Cullen, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Holperin, Jauch, Kedzie, King, Lasee, Lassa, Lazich, Leibham, Moulton, Olsen, Schultz, Shilling, Vinehout, Vukmir, Wanggaard and Zipperer – 24.

Noes – Senators Carpenter, S. Coggs, Erpenbach, Hansen, C. Larson, Miller, Risser, Taylor and Wirch – 9.

Absent or not voting – None.

Passed.

Senate Bill 260

Relating to: allowing members of a dairy cooperative to claim the dairy manufacturing facility investment credit in the next taxable year.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 260**?

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 260

Read a third time.

The question was: Shall **Senate Bill 260** 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 262

Relating to: a permit exemption for the placement of a pier containing a floating toilet facility in the St. Croix National Scenic Riverway.

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 262

Read a third time and passed.

Senate Bill 269

Relating to: residency of election officials.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 269**?

Adopted.

Ordered to a third reading.

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

Senator Taylor objected.

Senate Bill 271

Relating to: return of absentee ballots and voting in person by electors who have voted by absentee ballot in the same election.

Read a second time.

Senate substitute amendment 1 to **Senate Bill 271** offered by Senator Lazich.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 271**?

Adopted.

Ordered to a third reading.

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

Senator Coggs objected.

Senate Bill 274

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

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 274

Read a third time and passed.

Senate Bill 284

Relating to: affecting various provisions of the statutes to correct errors and reconcile conflicts (Corrections Bill).

Read a second time.

Senate amendment 1 to **Senate Bill 284** offered by Senators Taylor, Vinehout, Holperin, C. Larson, King, Shilling, T. Cullen, S. Coggs, Wirch, Miller, Lassa, Hansen, Carpenter, Erpenbach, Jauch and Risser.

POINT OF ORDER

Senator Grothman raised the point of order that Senate amendment 1 to **Senate Bill 284** was not germane.

The Chair took the point of order under advisement.

Senator Leibham, with unanimous consent, asked that **Senate Bill 284** be placed at the foot of the 11th order of business on today's calendar.

Senate Bill 285

Relating to: affecting various provisions of the statutes to correct errors and reconcile conflicts (Correction Bill).

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 285

Read a third time and passed.

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

Senate Bill 87

Senate Bill 104

Senate Bill 111

Senate Bill 138

Senate Bill 260

Senate Bill 262

Senate Bill 274

Senate Bill 285

Messaged.

Senate Bill 286

Relating to: revising various provisions of the statutes for the purpose of supplying omissions and eliminating defects (Correction Bill).

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 286

Read a third time and passed.

Senate Bill 287

Relating to: affecting various provisions of the statutes to correct errors and reconcile conflicts (Correction Bill).

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 287

Read a third time and passed.

Senate Bill 321

Relating to: limiting the number of individual income tax checkoffs and combining the breast cancer and prostate cancer checkoffs into a checkoff for cancer research.

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 321

Read a third time.

The question was: Shall **Senate Bill 321** be passed?

The ayes and noes were required and the vote was: ayes, 24; noes, 9; absent or not voting, 0; as follows:

Ayes – Senators S. Coggs, Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Holperin, Jauch, Kedzie, King, Lasee, Lazich, Leibham, Miller, Moulton, Olsen, Schultz, Vinehout, Vukmir, Wanggaard, Wirch and Zipperer – 24.

Noes – Senators Carpenter, T. Cullen, Erpenbach, Hansen, C. Larson, Lassa, Risser, Shilling and Taylor – 9.

Absent or not voting – None.

Passed.

Senate Bill 322

Relating to: overweight permits for vehicles transporting raw forest products.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 322**?

Adopted.

The question was: Adoption of Senate amendment 2 to **Senate Bill 322**?

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 322

Read a third time and passed.

Senate Bill 330

Relating to: limitations on the issuance of a certificate of title for a motor vehicle involved in certain operating while intoxicated offenses, technical changes that affect the period of revocation of a person's operating privilege, vehicle and insurance registration for motor carriers operating in multiple jurisdictions, and vehicle identification numbers assigned by the Department of Transportation (suggested as remedial legislation by the Department of Transportation).

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 330

Read a third time and passed.

Senate Bill 349

Relating to: the confidentiality of information related to exemptions from the requirement to register livestock premises; membership of county land conservation committees; vehicle scale operators; and changing a reporting requirement for pesticide sales (suggested as remedial legislation by the Department of Agriculture, Trade and Consumer Protection).

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 349

Read a third time and passed.

Senate Bill 357

Relating to: applying a service member's military education, training, or other experience for purposes of satisfying certain requirements for a professional credential.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 357**?

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 357

Read a third time and passed.

Senate Bill 359

Relating to: extending the expenditure period for a tax incremental district in the village of Denmark.

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 359

Read a third time.

The question was: Shall **Senate Bill 359** 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 370

Relating to: regulating certain substitutes for ozone-depleting refrigerants.

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 370

Read a third time and passed.

Senate Bill 377

Relating to: changing terminology for those with an intellectual disability.

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 377

Read a third time and passed.

Senate Bill 380

Relating to: removing cap on enrollment of Family Care and other long-term care programs.

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 380

Read a third time.

The question was: Shall **Senate Bill 380** be passed?

The ayes and noes were demanded 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 391

Relating to: the procedure for the administrative dissolution of corporations.

Read a second time.

Senator Grothman, with unanimous consent, asked that Senate amendment 1 to **Senate Bill 391** be withdrawn and returned to author.

The question was: Adoption of Senate amendment 2 to **Senate Bill 391**?

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 391

Read a third time and passed.

Senate Bill 395

Relating to: homemade wine and fermented malt beverages.

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 395

Read a third time.

The question was: Shall **Senate Bill 395** 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, Cowles, T. Cullen, Darling, Ellis, Erpenbach, 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 S. Fitzgerald – 1.

Absent or not voting – None.

Passed.

Senate Bill 402

Relating to: the waiver of requirements related to the discharge of water pollution for certain research projects.

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 402

Read a third time and passed.

Senator Taylor, with unanimous consent, asked to remove the objection on considering **Senate Bill 269** for final action.

Senate Bill 269

Relating to: residency of election officials.

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

Senate Bill 269

Read a third time.

The question was: Shall **Senate Bill 269** 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 Coggs, with unanimous consent, asked to remove the objection on considering **Senate Bill 271** for final action.

Senate Bill 271

Relating to: return of absentee ballots and voting in person by electors who have voted by absentee ballot in the same election.

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

Senate Bill 271

Read a third time.

The question was: Shall **Senate Bill 271** 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 413

Relating to: calculation of creditable military service and treatment of differential wage payments for benefits purposes for participants in the Wisconsin Retirement System.

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 413

Read a third time and passed.

Senate Bill 416

Relating to: adopting amendments to the Uniform Commercial Code Article 9, relating to secured transactions, recommended by the National Conference of Commissioners on Uniform State Laws.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 416**?

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 416

Read a third time and passed.

Senate Bill 284

Relating to: affecting various provisions of the statutes to correct errors and reconcile conflicts (Corrections Bill).

RULING ON POINT OF ORDER

The Chair ruled the point of order raised by Senate Grothman that Senate amendment 1 to **Senate Bill 284** was not germane well taken.

Senator Erpenbach appealed the ruling of the chair.

The question was: Shall the Decision of the Chair stand as the judgement of the Senate?

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.

The Decision of the Chair stands as the judgement of the Senate.

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 284

Read a third time and passed.

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

- Senate Bill 269**
- Senate Bill 271**
- Senate Bill 284**
- Senate Bill 286**
- Senate Bill 287**
- Senate Bill 321**
- Senate Bill 322**
- Senate Bill 330**
- Senate Bill 349**
- Senate Bill 357**
- Senate Bill 359**
- Senate Bill 370**
- Senate Bill 377**
- Senate Bill 380**
- Senate Bill 391**
- Senate Bill 395**
- Senate Bill 402**
- Senate Bill 413**
- Senate Bill 416**

Messaged.

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

Assembly Bill 93

Relating to: prohibiting purchase of tobacco products on behalf of, or to provide to, a minor and providing penalties.

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 93

Read a third time and concurred in.

Assembly Bill 149

Relating to: false reporting of an emergency and providing a penalty.

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 149

Read a third time and concurred in.

Assembly Bill 224

Relating to: authorizing school boards and libraries to transfer a gift or grant to certain charitable organizations.

Read a second time.

The question was: Adoption of Senate amendment 2 to **Assembly Bill 224?**

Adopted.

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 224

Read a third time and concurred in as amended.

Assembly Bill 229

Relating to: repealing a prohibition on certain nonessential uses of natural gas.

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 229

Read a third time and concurred in.

Assembly Bill 269

Relating to: prohibitions against contacting certain persons and providing penalties.

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 269

Read a third time and passed.

Assembly Bill 290

Relating to: the manufacture of wine and fermented malt beverages not offered for sale.

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 290

Read a third time.

The question was: Shall **Assembly Bill 290** be concurred in?

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.

Concurred in.

Assembly Bill 467

Relating to: consideration of certain greenhouse gas emissions in determining requirements applicable to a stationary source of air pollution.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 467**?

Adopted.

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 467

Read a third time.

The question was: Shall **Assembly Bill 467** be concurred in as amended?

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.

Concurred in as amended.

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

Assembly Bill 93
Assembly Bill 149
Assembly Bill 224
Assembly Bill 229
Assembly Bill 269
Assembly Bill 290
Assembly Bill 467

Messaged.

MOTIONS MAY BE OFFERED

Senator Risser moved that **Senate Bill 233** be withdrawn from the committee on **Labor, Public Safety, and Urban Affairs** and referred to the committee on **Senate Organization**.

ADJOURNMENT

Senator S. Fitzgerald moved that the Senate stand adjourned until Wednesday, February 15, 2012 at 12:01 A.M.

The question was: Shall the Senate stand adjourned until Wednesday, February 15, 2012 at 12:01 A.M.?

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.

Adjourned.

4:45 P.M.