



STATE OF WISCONSIN

Senate Journal

One-Hundredth Regular Session

9:03 A.M.

WEDNESDAY, February 22, 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, 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.

Absent – None – 0.

Absent with leave – Senator Erpenbach – 1.

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

The Senate stood for a moment of silence.

LEAVES OF ABSENCE

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

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 275** offered by Senator Grothman.

Senate amendment 1 to **Senate Bill 477** offered by Senator Lassa.

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read first time and referred:

Senate Bill 503

Relating to: preparing the executive budget bill or bills according to generally accepted accounting principles; prohibiting the executive budget bill or bills from increasing the state's budget deficit; and requiring legislation to reduce the state's budget deficit.

By Senators Lassa, Vinehout and S. Coggs; cosponsored by Representative Berceau.

To joint committee on **Finance**.

Senate Bill 504

Relating to: limiting the authority of a city, village, or town to enact a development moratorium ordinance.

By Senator Lasee; cosponsored by Representatives Steineke, LeMahieu, Stroebel and Jacque.

To committee on **Insurance and Housing**.

Senate Bill 505

Relating to: venue in actions in which the sole defendant is the state, a state board or commission, or certain state officers, employees, or agents.

By Senators Holperin, Lassa and Taylor; cosponsored by Representatives Berceau, Sinicki, Staskunas and Toles.

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

Senate Bill 506

Relating to: management and performance evaluation audits of large programs and large agencies by the Legislative Audit Bureau.

By Senators Lassa, Vinehout, C. Larson, Taylor and Carpenter; cosponsored by Representatives Kramer, Molepske Jr, Bernard Schaber, Jacque, Spanbauer, Sinicki, Berceau, Turner and Ringhand.

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

PETITIONS AND COMMUNICATIONS

State of Wisconsin Office of the Senate President

February 22, 2012

The Honorable, the Senate:

Pursuant to Senate Rule 46 (2)(c), I am writing to inform you that I have directed the following proposal(s) to be withdrawn from committee and rereferred. I have obtained the consent of the appropriate standing committee chairperson and the chairperson of the committee on Senate Organization.

Senate Bill 489, relating to separation of the licensing requirements for barbering and cosmetology, creation of the barbering examining board, and providing a penalty, withdrawn from committee on Labor, Public Safety, and Urban Affairs and rereferred to committee on Financial Institutions and Rural Issues.

Sincerely,
MICHAEL E. ELLIS
Senate President

Pursuant to Senate Rule 17 (5), Representative Ballweg added as a cosponsor of **Senate Joint Resolution 66**.

Pursuant to Senate Rule 17 (5), Representative Ballweg added as a cosponsor of **Senate Bill 498**.

Pursuant to Senate Rule 17 (5), Representative Spanbauer added as a cosponsor of **Senate Bill 497**.

Pursuant to Senate Rule 17 (5), Senator Vinehout added as a coauthor of **Senate Bill 496**.

Pursuant to Senate Rule 17 (5), Senator Lasee added as a coauthor of **Senate Bill 503**.

Pursuant to Senate Rule 17 (5), Representatives Brooks, Staskunas, Nygren, Craig, Danou, Honadel, Pocan and Zepnick added as a cosponsors of **Senate Bill 356**.

LEGISLATIVE REFERENCE BUREAU CORRECTIONS

CORRECTIONS IN:

2011 SENATE BILL 388

Prepared by the Legislative Reference Bureau
(February 21, 2012)

1. Page 4, line 13: delete “out” and substitute “outside”.

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

Senate Clearinghouse Rule 11–036

Relating to firearms records searches.
Submitted by Department of Justice.

Report received from Agency, February 20, 2012.

Referred to committee on **Judiciary, Utilities, Commerce, and Government Operations**, February 22, 2012.

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 56**
- Assembly Bill 118**
- Assembly Bill 209**
- Assembly Bill 216**
- Assembly Bill 291**
- Assembly Bill 384**
- Assembly Bill 395**
- Assembly Bill 397**
- Assembly Bill 419**
- Assembly Bill 427**
- Assembly Bill 485**
- Assembly Bill 486**
- Assembly Bill 529**

Adopted and asks concurrence in:

Assembly Joint Resolution 100

Amended and concurred in as amended:

Senate Bill 338 (Assembly Amendments 1 and 2 Adopted)

Concurred in:

Assembly Bill 529

Senate Bill 185

Senate Bill 202

Senate Bill 260

Senate Bill 284

Senate Bill 285

Senate Bill 286

Senate Bill 287

Senate Bill 314

Senate Bill 322

Senate Bill 330

Senate Bill 339

Senate Bill 341

Senate Bill 349

Senate Bill 350

Senate Bill 354

Senate Bill 357

Senate Bill 359

Senate Bill 368

Senate Bill 370

Senate Bill 383

Senate Bill 397

Senate Bill 398

Senate Bill 410

Senate Bill 413

Senate Bill 423

Senate Bill 428

Senate Bill 442

Senate Amendment 2 to Assembly Bill 224

Senate Amendment 1 to Assembly Bill 467

Senate Joint Resolution 17

Senate Joint Resolution 32

Senate Joint Resolution 33

Senate Joint Resolution 57

Senate Joint Resolution 62

MESSAGES FROM THE ASSEMBLY CONSIDERED

Assembly Bill 56

Relating to: retail theft, proof of ownership for flea market sales, and providing penalties.

By Representatives Kleefisch and Danou; cosponsored by Senators Wanggaard and Taylor.

Read first time and referred to committee on **Judiciary, Utilities, Commerce, and Government Operations**.

Assembly Bill 118

Relating to: aiding a felon and providing penalties.

By Representatives Krusick, Bies, Ballweg, Brooks, Jacque, Knudson, A. Ott, J. Ott, Spanbauer, Strachota, Van Roy, Zepnick and Steineke; cosponsored by Senators Olsen, Kedzie and Lassa.

Read first time and referred to committee on **Judiciary, Utilities, Commerce, and Government Operations**.

Assembly Bill 209

Relating to: mandatory minimum sentences for certain child sex offenses.

By Representatives Honadel, Vos, Suder, Brooks, Endsley, Jacque, Mursau, Nygren, Petersen, Petryk, Petrowski, Kapenga and Spanbauer; cosponsored by Senators Darling, Lasee, Olsen and Wanggaard.

Read first time and referred to committee on **Judiciary, Utilities, Commerce, and Government Operations**.

Assembly Bill 216

Relating to: maintenance and removal of vegetation obstructing the view of outdoor advertising signs along highways under the jurisdiction of the Department of Transportation.

By Representatives Honadel, Bies, Brooks, Kestell, LeMahieu, Mursau, Nerison, Nygren, Spanbauer, Staskunas, Stone, Strachota, Tiffany, Van Roy, Vruwink, Weininger and Wynn; cosponsored by Senators Grothman, Darling, Lasee, Moulton, Olsen and Schultz.

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

Assembly Bill 291

Relating to: restrictions on the operation of motor vehicles by persons holding instruction permits or probationary licenses and providing a penalty.

By Representatives Bernier, Petrowski, Kooyenga, Litjens, Petryk, C. Taylor, Van Roy and Wynn; cosponsored by Senators Olsen, Schultz and Lassa.

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

Assembly Bill 384

Relating to: weapons that may be used to hunt certain animals and requirements for establishing open hunting seasons for those animals.

By Representatives Tauchen, Craig, Sinicki, Petryk, Kleefisch, Rivard, Endsley and Spanbauer; cosponsored by Senators Schultz and Taylor.

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

Assembly Bill 395

Relating to: acquisition of land in the Niagara Escarpment corridor.

By Representatives A. Ott, Ziegelbauer, Endsley, LeMahieu, Litjens, Spanbauer and Thiesfeldt; cosponsored by Senators Cowles and Schultz.

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

Assembly Bill 397

Relating to: failing to report the death of a child or to report a missing child, moving the corpse of a child, hiding a corpse to collect public benefits, and providing penalties.

By Representatives Kerkman, Petryk, Pridemore, Endsley, Kleefisch, Spanbauer, Bernier, Petrowski, Bies, Brooks, Clark, E. Coggs, Craig, D. Cullen, Honadel, Jacque, Jorgensen, Kuglitsch, LeMahieu, Mason, Meyer, Mursau, Nass, A. Ott, Petersen, Rivard, Sinicki, Steineke, Strachota, Tranel, Turner, Van Roy, Vos and Vruwink; cosponsored by Senators Lassa, Carpenter, Jauch, Darling, Holperin, C. Larson, Olsen, Schultz, Wanggaard and Wirch.

Read first time and referred to committee on **Judiciary, Utilities, Commerce, and Government Operations**.

Assembly Bill 419

Relating to: interest due on property determined to be abandoned and due to be paid or delivered to the state treasurer.

By Representative Kramer; cosponsored by Senator Grothman.

Read first time and referred to committee on **Judiciary, Utilities, Commerce, and Government Operations**.

Assembly Bill 427

Relating to: the purposes, authority, and responsibilities of the Educational Approval Board and the regulation of schools by that board.

By Representative Nass; cosponsored by Senator Schultz, by request of The Educational Approval Board (EAB).

Read first time and referred to committee on **Education**.

Assembly Bill 485

Relating to: personalized registration plates for vehicles registered by certain veterans with a disability that limits the ability to walk (suggested as remedial legislation by the Department of Transportation).

By Law Revision Committee.

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

Assembly Bill 486

Relating to: the definitions of vehicle and motor vehicle (suggested as remedial legislation by the Department of Transportation).

By Law Revision Committee.

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

Assembly Bill 529

Relating to: licensing of taxicabs by a 1st class city.

By Representatives Farrow, Zamarripa, Young, Stone, D. Cullen, Richards, Fields and Zepnick; cosponsored by Senators Lasee, Taylor and Darling.

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

Assembly Joint Resolution 100

Relating to: accounting and expenditure of state funds and reduction of deficit (first consideration).

By Representatives Kooyenga, Marklein, Kapenga, Klenke, Strachota, Thiesfeldt, Krug, Craig, Honadel, Petersen, Litjens, Nygren, Steineke, Farrow, Kaufert, Rivard, Suder, Knilans, Mursau, Stroebel, Weininger, A. Ott, Jacque, Knudson, Brooks, Ziegelbauer, Kerkman, Van Roy, Spanbauer, Severson, Wynn, Williams, T. Larson, Knodl, Endsley, Loudenbeck and Molepske Jr; cosponsored by Senators Zipperer, Lasee, Leibham, Lazich, Cowles, Schultz, Olsen and Grothman.

Read and referred to committee on **Senate Organization**.

THIRD READING OF JOINT RESOLUTIONS AND BILLS

Senate Bill 306

Relating to: voluntary and informed consent to an abortion, information on domestic abuse services, giving a woman an abortion-inducing drug, repealing criminal sanctions against women who perform or obtain certain abortion procedures, and providing a penalty.

Senate Bill 306

Read a third time.

IN THE CHAIR

Pursuant to Senate Rule 2 (1), Senator Kedzie in the chair.

The question was: Shall **Senate Bill 306** 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 Wirch – 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 306

Messaged.

MOTIONS MAY BE OFFERED

Senator Lassa moved that **Senate Bill 121** be withdrawn from the committee on **Economic Development and Veterans and Military Affairs** and referred to the committee on **Senate Organization**.

**ANNOUNCEMENTS, ADJOURNMENT HONORS,
AND REMARKS UNDER SPECIAL PRIVILEGE**

Senator Harsdorf, with unanimous consent, asked that when the Senate adjourn, it do so in honor and loving memory of Nancy Johnson of Amery, who passed away tragically on Saturday, February 4th. Nancy graduated from Amery High School in 1952 and married Stanley Johnson on July 5th, 1953. Together they owned and operated the Lake Magnor Store until 1986, after which Nancy worked for a greenhouse–nursery in Balsam Lake. Nancy spent the majority of her life doing what

she loved, being a homemaker. Nancy is survived by her loving husband, Stanley, their 5 children and spouses, 12 grandchildren and 6 great grandchildren. Members may know her son Doug Johnson, who is currently serving as the President of the Association of Wisconsin Snowmobile Clubs.

Senator Harsdorf, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Senate Scholars, and specifically Jack Rector and Zachary Lauridsen of Osceola, who completed the Senate Scholar program last week. Jack and Zachary both attend Osceola High School. Last week Jack was honored by being elected Chair of the 2nd group of Senate Scholars. The Senator commends Jack and Zachary and all the Senate Scholars for their participation in the program, and for their continued involvement in our political process. Please join her in wishing them the best in their future endeavors.

Senator Lassa, with unanimous consent, asked that when the Senate adjourn, it do so in memory of Elmer E. Fournier of Park Ridge, who passed away on February 16, 2012. He was very involved in the Park Ridge community and will be sorely missed.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Xten Industries, the 2011 Kenosha Business of the Year.

Senator Hansen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Green Bay Schools Intra–City Council, whose 25 members represent 20,000 students.

ADJOURNMENT

Senator S. Fitzgerald moved that the Senate stand adjourned pursuant to **Senate Joint Resolution 1**.

Adjourned.

10:18 A.M.