



STATE OF WISCONSIN

Senate Journal

Ninety–Ninth Regular Session

12:16 P.M.

THURSDAY, February 25, 2010

The Senate met.

The Senate was called to order by President Risser.

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, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 33.

Absent – None.

Absent with leave – None.

The Senate stood for the prayer which was offered by Pat Size, from Grace Episcopal Church in Madison, our neighbors on the Capitol Square.

“Hear our prayer, O Holy One, for the members of this session of the State Senate of Wisconsin. We ask that they take counsel together to use the authority and power they have been given with care and humility. We pray for the wisdom to govern with justice and mercy so that our people may live in peace and harmony, without fear or threat. Give them compassionate hearts to make laws that remember the needs of the poor. Do not let them waste time in pettiness or unworkable deliberations but we hope that they make good decisions that may bear fruit for all your people. Endow them with a great vision for our state, the courage to pursue it, the creativity to finance it and the grace to accomplish it with peace and dignity for the common good.

Amen.”

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

CHIEF CLERK’S ENTRIES

AMENDMENTS OFFERED

Senate substitute amendment 2 to **Senate Bill 458** offered by Senator Sullivan.

Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 464** offered by Senator Taylor.

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read and referred:

Senate Joint Resolution 63

Relating to: recognizing Black History Month.

By Senators Taylor and Coggs; cosponsored by Representative Toles.

To committee on **Senate Organization**.

REPORT OF COMMITTEES

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

Senate Bill 431

Relating to: the use of the terms college, university, state, and Wisconsin in the name of a school; the issuing, manufacture, or use of a false academic credential; the false use of a legitimate academic credential; making an appropriation; and providing a penalty.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Vinehout, Kreitlow, Plale, Harsdorf and Kapanke.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Vinehout, Kreitlow, Plale, Harsdorf and Kapanke.

Noes, 0 – None.

KATHLEEN VINEHOUT
Chairperson

The committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing** reports and recommends:

Senate Bill 44

Relating to: adjudications for involuntary commitment, appointment of a guardian of the person, and protective placement or protective services, background checks for the purchase of handguns, and requiring the exercise of rule-making authority.

Adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

Senate Bill 464

Relating to: temporary restraining orders and injunctions.

Introduction and adoption of Senate Amendment 1 to Senate Substitute Amendment 1.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

Introduction and adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators Taylor, Sullivan, Erpenbach, Grothman and Hopper.

Noes, 0 – None.

LENA TAYLOR
Chairperson

The committee on **Senate Organization** reports:

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

Senate Bill 497

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

- Senate Bill 418**
- Senate Bill 431**
- Senate Bill 517**
- Assembly Bill 173**

Placed the following proposals on the Senate Calendar of Tuesday, March 2, 2010:

- Senate Bill 44**
- Senate Bill 418**
- Senate Bill 431**
- Senate Bill 458**
- Senate Bill 464**
- Senate Bill 517**
- Assembly Bill 128**
- Assembly Bill 173**
- Assembly Bill 213**
- Assembly Bill 230**
- Assembly Bill 485**
- Assembly Bill 574**
- Assembly Bill 579**

Ayes: 5 – Senators Decker, Risser, Hansen, Fitzgerald and Grothman.

Noes: 0 – None.

RUSS DECKER
Chairperson

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Senator Miller added as a coauthor of **Senate Bill 478**.

Pursuant to Senate Rule 17 (5), Senator Miller added as a cosponsor of **Assembly Bill 261**.

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

The committee on **Commerce, Utilities, Energy, and Rail** reports and recommends:

Senate Clearinghouse Rule 09–082

Relating to tax credits for angel investments and early stage seed investments, and affecting small businesses.

No action taken.

JEFFREY PLALE
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 14**
 - Assembly Joint Resolution 79**
 - Assembly Joint Resolution 111**
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MESSAGES FROM THE ASSEMBLY CONSIDERED

Assembly Joint Resolution 14

Relating to: the life and public service of Frank H. Urban, M.D.

By Representative Vukmir; cosponsored by Senator Sullivan.

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

Assembly Joint Resolution 79

Relating to: honoring the life of Terry Wise.

By Representative Clark; cosponsored by Senator Olsen.

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

Assembly Joint Resolution 111

Relating to: declaring May 29, 2010, as Wisconsin Canoe Heritage Day.

By Representative Hubler; cosponsored by Senator Jauch.

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

Senator Decker, with unanimous consent, asked that **Senate Joint Resolution 63** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Senate Joint Resolution 63

Relating to: recognizing Black History Month.

Read.

Adopted.

SPECIAL ORDERS

Special Order at 12:05 P.M.

Senate Bill 484

Relating to: the BadgerCare Plus Basic Plan, Benchmark Plan benefits, and making an appropriation.

Read a second time.

Senator S. Fitzgerald moved that **Senate Bill 484** be referred to the committee on **Senate Organization**.

The question was: Shall **Senate Bill 484** be referred to the committee on **Senate Organization**?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 18; absent or not voting, 0; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Hopper, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen and Schultz – 15.

Noes – Senators Carpenter, Coggs, Decker, Erpenbach, Hansen, Holperin, Jauch, Kreitlow, Lassa, Lehman, Miller, Plale, Risser, Robson, Sullivan, Taylor, Vinehout and Wirch – 18.

Absent or not voting – None.

Referral Refused.

The question was: Adoption of Senate amendment 1 to **Senate Bill 484**?

Adopted.

Senator Erpenbach moved that Senate amendment 2 to **Senate Bill 484** be laid on the table.

The question was: Shall Senate amendment 2 to **Senate Bill 484** 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 Carpenter, Coggs, Decker, Erpenbach, Hansen, Holperin, Jauch, Kreitlow, Lassa, Lehman, Miller, Plale, Risser, Robson, Sullivan, Taylor and Wirch – 17.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Hopper, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Schultz and Vinehout – 16.

Absent or not voting – None.

Tabled.

Senator Erpenbach moved that Senate amendment 3 to **Senate Bill 484** be laid on the table.

The question was: Shall Senate amendment 3 to **Senate Bill 484** be laid on the table?

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

Ayes – Senators Coggs, Decker, Erpenbach, Hansen, Holperin, Jauch, Kreitlow, Lassa, Lehman, Miller, Plale, Risser, Robson, Sullivan, Taylor and Wirch – 16.

Noes – Senators Carpenter, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Hopper, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Schultz and Vinehout – 17.

Absent or not voting – None.

Tabling refused.

The question was: Adoption of Senate amendment 3 to **Senate Bill 484**?

The ayes and noes were demanded and the vote was: ayes, 23; noes, 10; absent or not voting, 0; as follows:

Ayes – Senators Carpenter, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Hopper, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lazich, Leibham, Olsen, Plale, Robson, Schultz, Sullivan, Taylor and Vinehout – 23.

Noes – Senators Coggs, Decker, Erpenbach, Hansen, Holperin, Lassa, Lehman, Miller, Risser and Wirch – 10.

Absent or not voting – None.

Adopted.

Senator Erpenbach moved that Senate amendment 4 to **Senate Bill 484** be laid on the table.

The question was: Shall Senate amendment 4 to **Senate Bill 484** 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 Carpenter, Coggs, Decker, Erpenbach, Hansen, Holperin, Jauch, Kreitlow, Lassa, Lehman, Miller, Plale, Risser, Robson, Sullivan, Taylor and Wirch – 17.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Hopper, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Schultz and Vinehout – 16.

Absent or not voting – None.

Tabled.

Senator Sullivan, with unanimous consent, asked that Senate amendments 5, 6, and 7 to **Senate Bill 484** be withdrawn and returned to author.

The question was: Adoption of Senate amendment 8 to **Senate Bill 484**?

Adopted.

Ordered to a third reading.

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

Senate Bill 484

Read a third time.

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

Ayes – Senators Carpenter, Coggs, Decker, Erpenbach, Hansen, Holperin, Jauch, Kreitlow, Lassa, Lehman, Miller, Plale, Risser, Robson, Sullivan, Taylor and Wirch – 17.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Hopper, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Schultz and Vinehout – 16.

Absent or not voting – None.

Passed.

LEAVES OF ABSENCE

Senator Taylor, with unanimous consent, asked to be granted a leave of absence for the balance of today's session.

SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

Senate Bill 96

Relating to: diversions under a community integration program of Medical Assistance–eligible persons from imminent entry into nursing homes.

Read a second time.

Ordered to a third reading.

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

Senate Bill 96

Read a third time and passed.

Senate Bill 374

Relating to: creating a commercial driver license exception for law enforcement officers operating commercial motor vehicles.

Read a second time.

Ordered to a third reading.

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

Senate Bill 374

Read a third time and passed.

Senate Bill 457

Relating to: the placement of advertising signs in highway rights-of-way and providing a penalty.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 457**?

Adopted.

Ordered to a third reading.

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

Senate Bill 457

Read a third time and passed.

Senate Bill 463

Relating to: extending the expenditure period of Tax Incremental District Number 6 in the city of Sheboygan and requiring the Department of Revenue to certify the tax base of Tax Incremental Financing District Number 18 in the city of Waukesha.

Read a second time.

Ordered to a third reading.

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

Senate Bill 463

Read a third time.

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

Ayes – Senators Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Vinehout and Wirch – 32.

Noes – None.

Absent or not voting – Senator Taylor – 1.

Passed.

Senate Bill 467

Relating to: using an electronic signature on a criminal complaint.

Read a second time.

Ordered to a third reading.

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

Senate Bill 467

Read a third time and passed.

Senate Bill 471

Relating to: health care plans operated by cooperative associations.

Read a second time.

Senate amendment 1 to Senate amendment 1 to **Senate Bill 471** offered by Senator Erpenbach.

The question was: Adoption of Senate amendment 1 to Senate amendment 1 to **Senate Bill 471**?

Adopted.

The question was: Adoption of Senate amendment 1 to **Senate Bill 471**?

Adopted.

Senate amendment 2 to **Senate Bill 471** offered by Senator Erpenbach.

The question was: Adoption of Senate amendment 2 to **Senate Bill 471**?

Adopted.

Ordered to a third reading.

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

Senate Bill 471

Read a third time and passed.

Senate Bill 473

Relating to: modifications to the Uniform Interstate Family Support Act.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 473**?

Adopted.

Ordered to a third reading.

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

Senate Bill 473

Read a third time and passed.

Senate Bill 478

Relating to: orders to commit state prison inmates to a mental health facility.

Read a second time.

Ordered to a third reading.

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

Senate Bill 478

Read a third time.

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

Ayes – Senators Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Vinehout and Wirch – 32.

Noes – None.

Absent or not voting – Senator Taylor – 1.

Passed.

Senator Decker, with unanimous consent, asked that the following bills be taken up en masse and that the clerk dispense with the reading of the titles:

Senate Bill 485

Relating to: displaying the empty weight on the side of certain motor vehicles (suggested as remedial legislation by the Department of Transportation).

Senate Bill 486

Relating to: the liability release exception to the requirement that proof of financial responsibility be provided after a motor vehicle accident (suggested as remedial legislation by the Department of Transportation).

Senate Bill 487

Relating to: motor vehicle occupational licenses issued by the Department of Transportation (suggested as remedial legislation by the Department of Transportation).

Senate Bill 488

Relating to: policies and bonds issued by out-of-state insurers offered as proof of financial responsibility after a motor vehicle accident (suggested as remedial legislation by the Department of Transportation).

Senate Bill 489

Relating to: the requirement that a nonresident provide proof of financial responsibility for the operation of a motor vehicle to reinstate a suspended operating privilege or vehicle registration (suggested as remedial legislation by the Department of Transportation).

Senate Bill 490

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

Senate Bill 492

Relating to: restoration to competency of a defendant (suggested as remedial legislation by the Department of Health Services).

Read a second time.

Read a third time and passed.

Senate Bill 507

Relating to: changing the fees collected by a register of deeds, the redaction of social security numbers from electronic documents, and changes to the land information program.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 507?**

Adopted.

Ordered to a third reading.

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

Senate Bill 507

Read a third time and passed.

Assembly Bill 261

Relating to: soliciting purchases of goods or services using unsolicited checks or money orders and providing a penalty.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 261

Read a third time and concurred in.

Assembly Bill 375

Relating to: a property tax exemption for certain nonprofit community theaters.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 375

Read a third time.

The ayes and noes were required and the vote was: ayes, 27; noes, 5; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, Coggs, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kanavas, Kapanke, Kreitlow, A. Lasee, Lassa, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Sullivan, Vinehout and Wirch – 27.

Noes – Senators Cowles, Grothman, Kedzie, Lazich and Schultz – 5.

Absent or not voting – Senator Taylor – 1.

Concurred in.

Assembly Bill 471

Relating to: mortgage broker duties and agency relationships.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 471

Read a third time and concurred in.

Senator Decker, with unanimous consent, asked that the following bills be taken up en masse and that the clerk dispense with the reading of the titles:

Assembly Bill 562

Relating to: the master logger certification scholarship grant program (suggested as remedial legislation by the Department of Natural Resources).

Assembly Bill 568

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

Assembly Bill 569

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

Read a second time.

Read a third time and concurred in.

Senator Decker, with unanimous consent, asked that **Assembly Joint Resolution 111** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Assembly Joint Resolution 111

Relating to: declaring May 29, 2010, as Wisconsin Canoe Heritage Day.

The question was: Shall **Assembly Joint Resolution 111** be concurred in?

Concurred in.

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

Senate Joint Resolution 63

Senate Bill 96

Senate Bill 374

Senate Bill 457

Senate Bill 463

Senate Bill 467

Senate Bill 471

Senate Bill 473

Senate Bill 478

Senate Bill 484

Senate Bill 485

Senate Bill 486

Senate Bill 487

Senate Bill 488

Senate Bill 489

Senate Bill 490

Senate Bill 492

Senate Bill 507

Assembly Joint Resolution 111

Assembly Bill 261

Assembly Bill 375

Assembly Bill 471

Assembly Bill 562

Assembly Bill 568

Assembly Bill 569

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 Mary Ellen Close, for her generous \$12,500 donation for a dog park.

Senator Holperin, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the U.S. Women's Hockey Team, which will be "playing for the gold" when they take the ice at the Winter Olympics in Vancouver at 5:30 this evening. The U.S. team will be facing a formidable Canadian team. Fortunately, the Americans will have playing at power forward Jinelle Zaugg-Siergiej – the "Pride of Eagle River." Jinelle developed her hockey skills by playing high school hockey at Northland Pines in Eagle River – on the boys team. She played outstanding hockey in college, skating for the UW Hockey Badgers – on the women's team. The Senator hopes everyone will join him in wishing Team USA "good luck" in tonight's contest.

Senator Cogg, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the birthday of the Senator's first-born child, his daughter, Mariama Linares, "God's Gift" to his family.

Senator Lazich, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Allison Dudek, who won a bronze medal last night as a member of the 3,000 meter relay team. Allison hails from Hales Corners, Wisconsin.

Senator Sullivan, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Kyle Manske, a senior from Wauwatosa East High School, that was recently named one of the top two youth volunteers in Wisconsin for 2010.

Senator Olsen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his fourth wedding anniversary with his wife. It has been the best four years of his life.

Senator Fitzgerald, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Senator Olsen, who is celebrating a birthday.

Senator Miller, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Jessie Vetter, the goalie for the U.S. Women's Olympic Hockey Team.

ADJOURNMENT

Senator Decker, with unanimous consent, asked that the Senate adjourn until Tuesday, March 2, 2010.

3:52 P.M.

Adjourned.