



# STATE OF WISCONSIN

# Senate Journal

## January 2011 Special Session

12:24 P.M.

WEDNESDAY, February 2, 2011

The Senate met.

The Senate was called to order by President Ellis.

President Ellis, with unanimous consent, asked that the roll call, prayer and pledge of the Regular Session be applied to the January 2011 Special Session.

### 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 S. Coggs, Cowles, T. Cullen, Darling, Ellis, Erpenbach, S. Fitzgerald, Galloway, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kapanke, Kedzie, C. Larson, Lasee, Lassa, Lazich, Leibham, Miller, Moulton, Olsen, Risser, Schultz, Taylor, Vinehout, Vukmir, Wanggaard and Zipperer – 31.

Absent with Leave – Senators Carpenter and Wirch – 2.

Absent – 0.

### LEAVES OF ABSENCE

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

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

### REPORT OF COMMITTEES

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

#### Senate Bill 5, January 2011 Special Session

Relating to: requiring a supermajority for passage of tax increase legislation.

Passage.

Ayes, 3 – Senators Zipperer, Kedzie and Galloway.

Noes, 2 – Senators Risser and Erpenbach.

**RICH ZIPPERER**  
Chairperson

The committee on **Natural Resources and Environment** reports and recommends:

#### Senate Bill 10, January 2011 Special Session

Relating to: an exemption from water quality standards for wetlands and from certain other regulatory provisions concerning water quality and surface water use that apply to a wetland area in Brown County; and review of certain changes to shoreland, wetland, and floodplain zoning ordinances that apply to a wetland area in Brown County.

Introduction and adoption of Senate Amendment 2.

Ayes, 6 – Senators Kedzie, Moulton, Wanggaard, Galloway, Holperin and C. Larson.

Noes, 1 – Senator Wirch.

Passage as amended.

Ayes, 4 – Senators Kedzie, Moulton, Wanggaard and Galloway.

Noes, 3 – Senators Wirch, Holperin and C. Larson.

**NEAL KEDZIE**  
Chairperson

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

#### Senate Bill 6, January 2011 Special Session

Relating to: creation of an authority, to be known as the Wisconsin Economic Development Corporation, and making appropriations.

Read a second time.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** offered by Senators C. Larson, Taylor and Risser.

Senator Hopper moved that Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** be laid on the table.

#### IN THE CHAIR

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

The question was: Shall Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 11; absent or not voting, 2; as follows:

Ayes – Senators Cowles, T. Cullen, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke,

Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 20.

Noes – Senators S. Coggs, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor and Vinehout – 11.

Absent or not voting – Senators Carpenter and Wirch – 2.  
Tabled.

Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** offered by Senators Taylor, S. Coggs, Lassa, Miller, Risser, T. Cullen, C. Larson and Vinehout.

Senator Hopper moved that Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 12; absent or not voting, 2; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 19.

Noes – Senators S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor and Vinehout – 12.

Absent or not voting – Senators Carpenter and Wirch – 2.  
Tabled.

Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** offered by Senators Taylor, S. Coggs, Lassa, Miller, Risser, T. Cullen, C. Larson, Holperin and Vinehout.

Senator Hopper moved that Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 12; absent or not voting, 2; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 19.

Noes – Senators S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor and Vinehout – 12.

Absent or not voting – Senators Carpenter and Wirch – 2.  
Tabled.

Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** offered by Senator T. Cullen.

Senator Hopper moved that Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** be laid on the table?

Tabled.

Senate amendment 5 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** offered by Senators Lassa, Taylor, Vinehout and Miller.

Senator Hopper moved that Senate amendment 5 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 5 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 11; absent or not voting, 2; as follows:

Ayes – Senators Cowles, T. Cullen, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 20.

Noes – Senators S. Coggs, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor and Vinehout – 11.

Absent or not voting – Senators Carpenter and Wirch – 2.  
Tabled.

Senate amendment 6 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** offered by Senators Lassa, Taylor, Hansen, Miller and Vinehout.

Senator Hopper moved that Senate amendment 6 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 6 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 12; absent or not voting, 2; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 19.

Noes – Senators S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor and Vinehout – 12.

Absent or not voting – Senators Carpenter and Wirch – 2.  
Tabled.

Senate amendment 7 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** offered by Senators Lassa, Vinehout and Miller.

Senator Hopper moved that Senate amendment 7 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 7 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 11; absent or not voting, 2; as follows:

Ayes – Senators Cowles, T. Cullen, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke,

Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 20.

Noes – Senators S. Coggs, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor and Vinehout – 11.

Absent or not voting – Senators Carpenter and Wirch – 2.  
Tabled.

Senate amendment 8 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** offered by Senators Lassa and Miller.

Senator Hopper moved that Senate amendment 8 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 8 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 11; absent or not voting, 2; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Holperin, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 20.

Noes – Senators S. Coggs, T. Cullen, Erpenbach, Hansen, Jauch, C. Larson, Lassa, Miller, Risser, Taylor and Vinehout – 11.

Absent or not voting – Senators Carpenter and Wirch – 2.  
Tabled.

Senate amendment 9 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** offered by Senators Lassa, Taylor, Vinehout and Miller.

Senator Hopper moved that Senate amendment 9 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 9 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 11; absent or not voting, 2; as follows:

Ayes – Senators Cowles, T. Cullen, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 20.

Noes – Senators S. Coggs, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor and Vinehout – 11.

Absent or not voting – Senators Carpenter and Wirch – 2.  
Tabled.

Senate amendment 10 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** offered by Senators Lassa, Taylor and Miller.

Senator Hopper moved that Senate amendment 10 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 10 to Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 11; absent or not voting, 2; as follows:

Ayes – Senators Cowles, T. Cullen, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 20.

Noes – Senators S. Coggs, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor and Vinehout – 11.

Absent or not voting – Senators Carpenter and Wirch – 2.  
Tabled.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 6, January 2011 Special Session**?

Adopted.

Senate substitute amendment 2 to **Senate Bill 6, January 2011 Special Session** offered by Senators Taylor, Lassa, C. Larson and S. Coggs.

Senator Hopper moved that Senate substitute amendment 2 to **Senate Bill 6, January 2011 Special Session** be laid on the table.

The question was: Shall Senate substitute amendment 2 to **Senate Bill 6, January 2011 Special Session** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 12; absent or not voting, 2; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 19.

Noes – Senators S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor and Vinehout – 12.

Absent or not voting – Senators Carpenter and Wirch – 2.  
Tabled.

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 6, January 2011 Special Session**

Read a third time.

The question was: Shall **Senate Bill 6, January 2011 Special Session** be passed?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 10; absent or not voting, 2; as follows:

Ayes – Senators Cowles, T. Cullen, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Holperin, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 21.

Noes – Senators S. Coggs, Erpenbach, Hansen, Jauch, C. Larson, Lassa, Miller, Risser, Taylor and Vinehout – 10.

Absent or not voting – Senators Carpenter and Wirch – 2.  
Passed.

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IN THE CHAIR

Senate President Ellis in the chair.

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**MOTIONS MAY BE OFFERED**

Senator S. Fitzgerald moved that the rules be suspended and that **Senate Bill 10, January 2011 Special Session** be withdrawn from the committee on **Senate Organization** and taken up.

The question was: Shall the rules be suspended and **Senate Bill 10, January 2011 Special Session** be withdrawn from the committee on **Senate Organization** and taken up?

The ayes and noes were required and the vote was: ayes, 19; noes, 12; absent or not voting, 2; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 19.

Noes – Senators S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor and Vinehout – 12.

Absent or not voting – Senators Carpenter and Wirch – 2.  
Rules suspended.

**Senate Bill 10, January 2011 Special Session**

Relating to: an exemption from water quality standards for wetlands and from certain other regulatory provisions concerning water quality and surface water use that apply to a wetland area in Brown County; and review of certain changes to shoreland, wetland, and floodplain zoning ordinances that apply to a wetland area in Brown County.

Read a second time.

Senate substitute amendment 1 to **Senate Bill 10, January 2011 Special Session** offered by Senator C. Larson.

Senator Kedzie moved that Senate substitute amendment 1 to **Senate Bill 10, January 2011 Special Session** be laid on the table.

The question was: Shall Senate substitute amendment 1 to **Senate Bill 10, January 2011 Special Session** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 12; absent or not voting, 2; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 19.

Noes – Senators S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor and Vinehout – 12.

Absent or not voting – Senators Carpenter and Wirch – 2.  
Tabled.

The question was: Adoption of Senate amendment 2 to **Senate Bill 10, January 2011 Special Session**?

Adopted.

Senate amendment 3 to **Senate Bill 10, January 2011 Special Session** offered by Senators C. Larson, Holperin and Risser.

Senator Kedzie moved that Senate amendment 3 to **Senate Bill 10, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 3 to **Senate Bill 10, January 2011 Special Session** be laid on the table?

Tabled.

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 10, January 2011 Special Session**

Read a third time.

The question was: Shall **Senate Bill 10, January 2011 Special Session** be passed?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 11; absent or not voting, 2; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Hansen, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 20.

Noes – Senators S. Coggs, T. Cullen, Erpenbach, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor and Vinehout – 11.

Absent or not voting – Senators Carpenter and Wirch – 2.  
Passed.

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

**Senate Bill 6, January 2011 Special Session**  
**Senate Bill 10, January 2011 Special Session**

Message.

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

Senator Wanggaard, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his friend Richard “Dickie” Beres, who passed away unexpectedly last week. Dickie and Senator Wanggaard knew each other seemingly forever, and he was the type of guy who would give you the shirt off his back. He owned and operated a tow truck business in Racine, and was a member and board member of the Wisconsin Towing Association for over 42 years. He loved cars, and driving those cars in the Fourth of July Parade. It is also fitting that we adjourn in his honor on this day, of all days, when over 21 inches of “White Gold,” as Dickie called it, has fallen on Racine. Senator Wanggaard would also like to adjourn in honor of his wife, Jean Beres, and his children, James Holmes, Cheryl Valente, Daniel Holmes and Lynn Beres Morris, his seven grandchildren and four great-grandchildren, and to let them know that the Senator’s thoughts and prayers, and the thoughts and prayers of the Wisconsin State Senate go out to them on this difficult day.

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Black History Month, and Antonio Riley, a great Wisconsin African American leader.

Senator Hopper, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the resolution we passed today recognizing American Heart Month and Wear Red Day. Senator Hopper would like to adjourn today in honor of the American Heart Association. Heart disease has become the leading cause of death for women and the American Heart

Association has taken the lead to educate our communities about this deadly disease. With their help we hope to reduce deaths related to heart disease by 20 percent over the next ten years. Additionally, this Friday, February 4th is Wear Red Day and Senator Hopper would ask his colleagues to join him in supporting women and the fight against heart disease by wearing the color red. Thanks again, American Heart Association, for all the good work your organization does.

Senator Miller, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the hard working, dedicated public employees that ensured we got here to do our jobs today. Despite the dangerous conditions and closings of most government offices; police, firefighters, snow plow drivers, EMT's and DNR wardens have been on the job to protect us and make travel possible, and also to assist stranded motorists. Despite the closings of most private businesses, the Capitol Police, Building and Grounds, Sergeants Staff, Chief

Clerks Office, Legislative Reference Bureau, LTSB, our staffs and other public employees braved the elements and travel conditions to come to work today. Senator Miller hopes we remember that it is public employees who get the State through beastly blizzards, thirty year floods, tornadoes and other natural disasters.

Senator Coggs, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Black History Month, and the National Black Caucus for State Legislators.

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**ADJOURNMENT**

Senator S. Fitzgerald, with unanimous consent, asked that the January 2011 Special Session of the Senate adjourn until Thursday, February 3, 2011.

3:32 P.M.

Adjourned.