



# STATE OF WISCONSIN

# Senate Journal

## One-Hundredth Regular Session

11:35 A.M.

THURSDAY, March 3, 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 January 2011 Special Session be applied to the Regular 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 Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 19.

Absent – Senators Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 14.

### INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read and referred:

#### Senate Resolution 4

Relating to: imposing penalties and costs on Senator Tim Carpenter for being absent without leave.

By Senator S. Fitzgerald.

To committee on **Senate Organization**.

#### Senate Resolution 5

Relating to: imposing penalties and costs on Senator Spencer Coggs for being absent without leave.

By Senator S. Fitzgerald.

To committee on **Senate Organization**.

#### Senate Resolution 6

Relating to: imposing penalties and costs on Senator Tim Cullen for being absent without leave.

By Senator S. Fitzgerald.

To committee on **Senate Organization**.

#### Senate Resolution 7

Relating to: imposing penalties and costs on Senator Jon Erpenbach for being absent without leave.

By Senator S. Fitzgerald.

To committee on **Senate Organization**.

#### Senate Resolution 8

Relating to: imposing penalties and costs on Senator Dave Hansen for being absent without leave.

By Senator S. Fitzgerald.

To committee on **Senate Organization**.

#### Senate Resolution 9

Relating to: imposing penalties and costs on Senator Jim Holperin for being absent without leave.

By Senator S. Fitzgerald.

To committee on **Senate Organization**.

#### Senate Resolution 10

Relating to: imposing penalties and costs on Senator Robert Jauch for being absent without leave.

By Senator S. Fitzgerald.

To committee on **Senate Organization**.

#### Senate Resolution 11

Relating to: imposing penalties and costs on Senator Julie Lassa for being absent without leave.

By Senator S. Fitzgerald.

To committee on **Senate Organization**.

#### Senate Resolution 12

Relating to: imposing penalties and costs on Senator Chris Larson for being absent without leave.

By Senator S. Fitzgerald.

To committee on **Senate Organization**.

#### Senate Resolution 13

Relating to: imposing penalties and costs on Senator Mark Miller for being absent without leave.

By Senator S. Fitzgerald.

To committee on **Senate Organization**.

#### Senate Resolution 14

Relating to: imposing penalties and costs on Senator Fred Risser for being absent without leave.

By Senator S. Fitzgerald.

To committee on **Senate Organization**.

#### Senate Resolution 15

Relating to: imposing penalties and costs on Senator Lena Taylor for being absent without leave.

By Senator S. Fitzgerald.

To committee on **Senate Organization**.

#### Senate Resolution 16

Relating to: imposing penalties and costs on Senator Kathleen Vinehout for being absent without leave.

By Senator S. Fitzgerald.

To committee on **Senate Organization**.

#### Senate Resolution 17

Relating to: imposing penalties and costs on Senator Robert Wirch for being absent without leave.

By Senator S. Fitzgerald.  
To committee on **Senate Organization**.

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## REPORT OF COMMITTEES

The committee on **Senate Organization** reports:

Placed the following proposals on the Senate Calendar of Friday, March 4, 2011:

**Senate Resolution 4**  
**Senate Resolution 5**  
**Senate Resolution 6**  
**Senate Resolution 7**  
**Senate Resolution 8**  
**Senate Resolution 9**  
**Senate Resolution 10**  
**Senate Resolution 11**  
**Senate Resolution 12**  
**Senate Resolution 13**  
**Senate Resolution 14**  
**Senate Resolution 15**  
**Senate Resolution 16**  
**Senate Resolution 17**

Ayes: 3 – Senators Fitzgerald, Ellis and Grothman.  
Noes: 0 – None.

*SCOTT FITZGERALD*  
Chairperson

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## ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin**  
**Office of the Governor**

February 25, 2011

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint OSTENDORF, CAROLE, of West Allis, as a member of the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board, to serve for the term ending July 1, 2014

Respectfully submitted,  
*SCOTT WALKER*  
Governor

Read and referred to committee on **Health**.

**State of Wisconsin**  
**Office of the Governor**

March 1, 2011

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint RASMUSSEN, CHARLOTTE, of Stanley, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 2015.

Respectfully submitted,  
*SCOTT WALKER*  
Governor

Read and referred to committee on **Health**.

**PEREZ, MANUEL**, of Milwaukee, as Secretary of the Department of Workforce Development, to serve for the term ending at the pleasure of the Governor.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 19; noes, 0; absent or not voting, 14; 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 – None.

Absent or not voting – Senators Carpenter, S. Cogg, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 14.

Confirmed.

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

### **Assembly Joint Resolution 5**

Relating to: commending Reince Priebus on his election as chairman of the Republican National Committee.

Read.

The question was: Shall **Assembly Joint Resolution 5** be concurred in?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 0; absent or not voting, 14; 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 – None.

Absent or not voting – Senators Carpenter, S. Cogg, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 14.

Concurred in.

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

### **Senate Bill 23**

Relating to: preemption of city, village, town, or county ordinances requiring employers to provide employees with leave from employment to deal with family, medical, or health issues.

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 23**

Read a third time.

The question was: Shall **Senate Bill 23** be passed?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 0; absent or not voting, 14; 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 – None.

Absent or not voting – Senators Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 14.

Passed.

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

**Senate Bill 23**

**Assembly Joint Resolution 5**

Messaged.

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

Senator Wanggaard, with unanimous consent, asked that when the Senate adjourn, it do so in memory of Frank Buckles, the last living United States WWI veteran, who passed away Sunday. Frank Buckles enlisted in the Army on August 14th, 1917, at the age of 16. He served in the ambulance service, choosing this form of service because it was the fastest route to serving his country. Frank also served in the Second World War in Manila. He was taken prisoner when the Japanese invaded, and spent three years as a prisoner of war before being rescued. Frank's passing marks a final phase in the transition of the experience of WWI into history. Upon this occasion, Senator Wanggaard would like to honor Frank Buckles, all the men and women who served our country in WWI, and all the men and women who serve in the United States military today.

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**ADJOURNMENT**

Senator S. Fitzgerald, with unanimous consent, asked that the Senate stand adjourned until Friday, March 4, 2011 at 10:00 A.M.

Adjourned.

11:40 A.M.