



# STATE OF WISCONSIN

# Senate Journal

## January 2011 Special Session

11:13 A.M.

WEDNESDAY, May 11, 2011

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, Hopper, Jauch, Kapanke, Kedzie, C. Larson, Lasee, Lassa, Lazich, Leibham, Miller, Moulton, Olsen, Risser, Schultz, Taylor, Vinehout, Vukmir, Wanggaard, Wirch and Zipperer – 33.

Absent – None.

Absent with leave – None.

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

The Senate stood for a moment of silent meditation.

### CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated **Tuesday, May 10, 2011.**

#### REPORT OF COMMITTEES

The committee on **Senate Organization** reports:

Referred to, and withdrawn from, the joint committee on **Finance**, pursuant to Senate Rule 41 (1)(e):

#### **Senate Bill 13, January 2011 Special Session**

Placed the following proposal on the Special Session Senate Calendar of Wednesday, May 11, 2011:

#### **Senate Bill 13, January 2011 Special Session**

Ayes: 5 – Senators Fitzgerald, Ellis, Grothman, Miller and Hansen.

Noes: 0 – None.

*SCOTT FITZGERALD*  
Chairperson

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

#### **Senate Bill 13, January 2011 Special Session**

Relating to: regulation of telecommunications utilities and alternative telecommunications utilities; telecommunications provider of last-resort obligations; telecommunications intrastate switched access rates; interconnected voice over Internet protocol service; and use of transmission equipment and property by video service providers.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 13, January 2011 Special Session?**

Adopted.

Senate amendment 5 to **Senate Bill 13, January 2011 Special Session** offered by Senators Erpenbach, Taylor, Vinehout, C. Larson, Carpenter, Risser and Miller.

Senator Zipperer moved that Senate amendment 5 to **Senate Bill 13, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 5 to **Senate Bill 13, January 2011 Special Session** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; 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 Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 14.

Absent or not voting – None.

Tabled.

Senate amendment 6 to **Senate Bill 13, January 2011 Special Session** offered by Senators Vinehout, Taylor, C. Larson, S. Coggs, Risser, Miller and Erpenbach.

Senator Zipperer moved that Senate amendment 6 to **Senate Bill 13, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 6 to **Senate Bill 13, January 2011 Special Session** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; 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 Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 14.

Absent or not voting – None.

Tabled.

---

**IN THE CHAIR**

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

Senate amendment 7 to **Senate Bill 13, January 2011 Special Session** offered by Senators Vinehout, Taylor, C. Larson, Risser, Miller and Erpenbach.

Senator Zipperer moved that Senate amendment 7 to **Senate Bill 13** be laid on the table.

The question was: Shall Senate amendment 7 to **Senate Bill 13, January 2011 Special Session** 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 Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Vukmir, Wanggaard and Zipperer – 17.

Noes – Senators Carpenter, S. Coggs, Cowles, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Schultz, Taylor, Vinehout and Wirch – 16.

Absent or not voting – None.

Tabled.

Senate amendment 8 to **Senate Bill 13, January 2011 Special Session** offered by Senators Vinehout, Taylor, C. Larson, Risser, Miller and Erpenbach.

Senator Zipperer moved that Senate amendment 8 to **Senate Bill 13, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 8 to **Senate Bill 13, January 2011 Special Session** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; 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 Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 14.

Absent or not voting – None.

Tabled.

Senate amendment 9 to **Senate Bill 13, January 2011 Special Session** offered by Senators Vinehout, Taylor, C. Larson, Risser, Miller and Hansen.

Senator Carpenter, with unanimous consent, asked to receive excused absences for a list of days on which he missed votes, and to have the journal reflect how he would have voted had he been present:

**February 22, 2011**

Confirmation of Eloise Anderson: AYE

Adoption of SJR 12: AYE

Adoption of SA 1 to SB 9: NO

Passage of SB 9: NO

Deny leave of absence for Senator from 3rd: NO

**February 23, 2011**

Adoption of SJR 7: AYE

Passage of SB 15: AYE

**February 24, 2011**

Concurrence of January 2011 Special Session AJR 1: NO

Adoption of SJR 13: AYE

Adoption of SSA 1 to SB 6: AYE

**February 25, 2011**

Confirmation of Wyman Winston: AYE

Adoption of SJR 11: AYE

Concurrence of AJR 13: AYE

Passage of SB 11: AYE

Passage of SB 21: AYE

**March 2, 2011**

Confirmation of Stephanie Klett: AYE

Confirmation of Cathy Stepp: AYE

Adoption of SR 3: NO

Deny leaves of absences for Senators from the 3rd and 24th: NO

**March 3, 2011**

Adoption of January 2011 Special Session SR 1: NO

Confirmation of Manuel Perez: AYE

Concurrence of AJR 5: AYE

Passage of SB 23: NO

**March 8, 2011**

Confirmation of Mark Gottlieb: NO

**March 9, 2011**

Adoption of SRs 4–17 en masse: NO

Passage of SB 12: AYE

Adoption of Conference Report on January 2011 Special Session AB 11: NO

---

Senator Zipperer moved that Senate amendment 9 to **Senate Bill 13, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 9 to **Senate Bill 13, January 2011 Special Session** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; 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 Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 14.

Absent or not voting – None.

Tabled.

Senate amendment 10 to **Senate Bill 13, January 2011 Special Session** offered by Senators Vinehout, Taylor, C. Larson, S. Coggs, Risser, Miller, Hansen and Erpenbach.

Senator Zipperer moved that Senate amendment 10 to **Senate Bill 13, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 10 to **Senate Bill 13, January 2011 Special Session** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; 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 Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 14.

Absent or not voting – None.

Tabled.

Senate amendment 11 to **Senate Bill 13, January 2011 Special Session** offered by Senators Vinehout, Taylor, C. Larson, S. Coggs, Risser, Miller, Hansen and Erpenbach.

Senator Zipperer moved that Senate amendment 11 to **Senate Bill 13** be laid on the table.

The question was: Shall Senate amendment 11 to **Senate Bill 13, January 2011 Special Session** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; 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 Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 14.

Absent or not voting – None.

Tabled.

Senate amendment 12 to **Senate Bill 13, January 2011 Special Session** offered by Senators Vinehout, Taylor, C. Larson, S. Coggs, Carpenter, Risser, Miller, Hansen and Erpenbach.

Senator Zipperer moved that Senate amendment 12 to **Senate Bill 13, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 12 to **Senate Bill 13, January 2011 Special Session** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes – Senators Cowles, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 18.

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

Absent or not voting – Senator Darling – 1.

Tabled.

Senate amendment 13 to **Senate Bill 13, January 2011 Special Session** offered by Senators Hansen, Taylor, Vinehout, C. Larson, T. Cullen, S. Coggs, Carpenter, Risser, Miller and Erpenbach.

Senator Zipperer moved that Senate amendment 13 to **Senate Bill 13, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 13 to **Senate Bill 13, January 2011 Special Session** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; 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 Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 14.

Absent or not voting – None.

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 13, January 2011 Special Session**

Read a third time.

The question was: Shall **Senate Bill 13, January 2011 Special Session** be passed?

The ayes and noes were required and the vote was: ayes, 25; noes, 8; absent or not voting, 0; as follows:

Ayes – Senators Cowles, T. Cullen, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Hansen, Harsdorf, Holperin, Hopper, Kapanke, Kedzie, Lasee, Lassa, Lazich, Leibham, Moulton, Olsen, Schultz, Taylor, Vukmir, Wanggaard, Wirch and Zipperer – 25.

Noes – Senators Carpenter, S. Coggs, Erpenbach, Jauch, C. Larson, Miller, Risser and Vinehout – 8.

Absent or not voting – None.

Passed.

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

**Senate Bill 13, January 2011 Special Session**

Messaged.

---

**ADJOURNMENT**

Senator S. Fitzgerald, with unanimous consent, asked that the January 2011 Special Session of the Senate adjourn until Thursday, May 12, 2011 at 10:00 A.M.

1:02 P.M.

Adjourned.