



STATE OF WISCONSIN

Senate Journal

One-Hundredth Regular Session

11:35 A.M.

TUESDAY, January 24, 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, Erpenbach, 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 – 33.

Absent – None.

Absent with leave – None.

The Senate stood for the prayer which was offered by Pastor Joel Lindsey of Grace Church in Racine.

“God, our Creator, Sustainer and Redeemer, we thank you for your gracious hand that works ceaselessly to bring about the preservation of truth, justice, and peace – all things that this room represents.

Today, God, we recall what Scripture says:

Unless the LORD builds the house,
those who build it labor in vain.

Unless the LORD watches over the city,
the watchman stays awake in vain. (Psalm 127:1)

And you have also told us that to whom much has been given, much shall be required (Luke 12:48).

We look at our state and nation’s past and see that indeed we have been given much, and because you are a God who speaks the truth, we know also that much is required of us as champions of truth, justice, and peace.

So today, God, we ask that you would forgive us where we have failed to act in the interests of others and have instead chosen selfishly.

Lord, where we have lived faithfully and tasted success, would you grant us humility.

God, where we have scratched the surface of progress, would you encourage us and help us press forward.

To all those whom you have entrusted leadership today, give them a vision for what you desire our state and nation to become, and then, Father, the wisdom and fortitude to see it through.

I pray for the Senate, for the Assembly, who are tasked to look the greatest challenges we as human beings can face squarely in the eyes and do something about them.

As a state, we have not solved all the social problems of our time, such as racism, and drug sales, and drug use, and abuse, and violence. And this is because none of us is capable of solving the fundamental problems of sin: human greed, and pride, and selfishness. If we are to address such horrific problems, we need you to give us your insight, your compassion, and certainly your strength. And, God, would you begin with us. Start the process of uprooting greed and pride and selfishness within us.

God, today, remind us that you have shown us what is good because you have shown us yourself, in Holy Scripture and in the person of your Son. Having seen what is good, you have also shown us what is required of us:

To do justly, to love mercy, and to walk humbly with our God.

For all of us, we pray that you would make from the great mash-up of personalities and opinions and experiences that we call the state of Wisconsin, a humble people, seeking your will for our lives and for our great state and nation.

Help us, in these halls, to work as never before to strengthen our families, to solidify a moral foundation for our children.

In other words, O God, make our desire to serve you, and as we serve you we trust that you will lead us in service to others.

All of this we pray in the name of the Father, the Son, and the Holy Spirit. Amen.”

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

CHIEF CLERK’S ENTRIES

AMENDMENTS OFFERED

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 326** offered by Senators Moulton and Kedzie.

Senate amendment 1 to **Senate Bill 381** offered by Senator Lazich.

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read first time and referred:

Senate Bill 397

Relating to: photographs on operator’s licenses.

By Senators Lazich and Taylor; cosponsored by Representatives Petrowski, Endsley, Brooks, Krug and Marklein.

To committee on **Transportation and Elections**.

Senate Bill 398

Relating to: submitting written objections and appearing in person or by telephone at a hearing to review administrative suspension of motor vehicle operating privileges.

By Senators Lazich and Taylor; cosponsored by Representatives Petrowski, Endsley, Brooks, Krug, Marklein, A. Ott and Spanbauer.

To committee on **Transportation and Elections**.

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Senator Wanggaard added as a cosponsor of **Assembly Bill 93**.

Pursuant to Senate Rule 17 (5), Senator Vinehout added as a cosponsor of **Assembly Joint Resolution 2**.

Pursuant to Senate Rule 17 (5), Senator Cowles added as a cosponsor of **Assembly Joint Resolution 2**.

Pursuant to Senate Rule 17 (5), Senator Taylor added as a cosponsor of **Assembly Joint Resolution 2**.

Pursuant to Senate Rule 17 (5), Senator Vinehout added as a cosponsor of **Assembly Joint Resolution 70**.

Pursuant to Senate Rule 17 (5), Senator Moulton added as a coauthor of **Senate Bill 335**.

Pursuant to Senate Rule 17 (5), Senator Vinehout added as a coauthor of **Senate Bill 341**.

Pursuant to Senate Rule 17 (5), Senator Vinehout added as a coauthor of **Senate Bill 356**.

Pursuant to Senate Rule 17 (5), Representative Wynn added as a cosponsor of **Senate Bill 364**.

Pursuant to Senate Rule 17 (5), Senator Taylor added as a coauthor of **Senate Joint Resolution 49**.

Pursuant to Senate Rule 17 (5), Senator Lassa added as a coauthor of **Senate Joint Resolution 52**.

Pursuant to Senate Rule 17 (5), Senator Miller added as a coauthor of **Senate Joint Resolution 55**.

Pursuant to Senate Rule 17 (5), Senator Cowles added as a coauthor of **Senate Joint Resolution 55**.

Pursuant to Senate Rule 17 (5), Senator Taylor added as a coauthor of **Senate Joint Resolution 55**.

LEGISLATIVE REFERENCE BUREAU CORRECTIONS

CORRECTIONS IN:

2011 SENATE BILL 67

Prepared by the Legislative Reference Bureau
(January 24, 2012)

1. Page 6, line 24: delete “**SECTION 7m**” and substitute “**SECTION 7**”.

2. Page 7, line 7: delete “**SECTION 7**” and substitute “**SECTION 8**”.

ADVICE AND CONSENT OF THE SENATE

Senator Fitzgerald, with unanimous consent, asked that all the appointments be taken up en masse.

NORMAN CUMMINGS of Brookfield, as a member of the State of Wisconsin Investment Board, to serve for the term ending May 1, 2017.

LYNN HARRISON of Elk Mound, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2015.

KEN JOHNSON of Madison, as a member of the Great Lakes Protection Fund, to serve for the term ending January 12, 2012.

KEN JOHNSON of Madison, as a member of the Great Lakes Protection Fund, to serve for the term ending January 12, 2014.

ROBERT KIECKHEFER of Mequon, as a member of the College Savings Program Board, to serve for the term ending May 1, 2015.

BRIAN PRUNTY of Antigo, as a member of the Credit Union Review Board, to serve for the term ending May 1, 2015.

LON ROBERTS of Wausau, as a member of the State of Wisconsin Investment Board, to serve for the term ending May 1, 2017.

JOHN SCHWANTES of Elkhart Lake, as a member of the Wisconsin Technical College System Board, to serve for the term ending May 1, 2017.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Carpenter, S. Coggs, Cowles, T. Cullen, Darling, Ellis, Erpenbach, 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 – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

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

Senate Resolution 22

Relating to: prohibiting waiver of public hearing requirement for bills placed on a calendar.

Senator S. Fitzgerald moved that **Senate Resolution 22** be referred to the committee on **Senate Organization**.

IN THE CHAIR

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

IN THE CHAIR

Senate President Ellis in the chair.

The question was: Shall **Senate Resolution 22** be referred to the committee on **Senate Organization**?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; 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, Erpenbach, Hansen, Holperin, Jauch, King, C. Larson, Lassa, Miller, Risser, Shilling, Taylor, Vinehout and Wirch – 16.

Absent or not voting – None.

Referred.

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

- Senate Bill 288**
- Senate Bill 307**
- Senate Bill 338**
- Assembly Bill 46**
- Assembly Bill 59**
- Assembly Bill 104**
- Assembly Bill 200**
- Assembly Bill 228**

Messaged.

Senate Joint Resolution 49

Relating to: the life and public service of Wayne F. Whittow.

The question was: Shall **Senate Joint Resolution 49** be adopted?

Adopted.

Senate Joint Resolution 52

Relating to: commemorating the achievements and contributions of Western Technical College on the occasion of its centennial.

The question was: Shall **Senate Joint Resolution 52** be adopted?

Adopted.

IN THE CHAIR

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

Senate Joint Resolution 55

Relating to: honoring the 100th anniversary of the Girl Scouts of the United States of America.

The question was: Shall **Senate Joint Resolution 55** be adopted?

Adopted.

Senate Joint Resolution 56

Relating to: expressing the legislature's hope for a speedy recovery for Representative Tamara Grigsby.

The question was: Shall **Senate Joint Resolution 56** be adopted?

Adopted.

Senator Miller, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 56**.

Assembly Joint Resolution 2

Read.

Relating to: the life and public service of Dismas P. Becker.

The question was: Shall **Assembly Joint Resolution 2** be concurred in?

Concurred in by unanimous rising vote.

Senator Miller, with unanimous consent, asked that all members of the Senate be added as cosponsors of **Assembly Joint Resolution 2**.

Assembly Joint Resolution 30

Relating to: the life and public service of John E. McCormick.

Read.

The question was: Shall **Assembly Joint Resolution 30** be concurred in?

Concurred in by unanimous rising vote.

Senator Leibham, with unanimous consent, asked that all members of the Senate be added as cosponsors of **Assembly Joint Resolution 30**.

Assembly Joint Resolution 70

Relating to: recognizing October 6 as German–American Day.

The question was: Adoption of Senate amendment 1 to **Assembly Joint Resolution 70**?

Adopted.

The question was: Shall **Assembly Joint Resolution 70** be concurred in as amended?

Concurred in as amended.

Assembly Joint Resolution 71

Relating to: commending Michael R. Lovell as Chancellor of the University of Wisconsin–Milwaukee.

The question was: Shall **Assembly Joint Resolution 71** be concurred in?

Concurred in.

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

- Senate Joint Resolution 49**
- Senate Joint Resolution 52**
- Senate Joint Resolution 55**
- Senate Joint Resolution 56**
- Assembly Joint Resolution 2**
- Assembly Joint Resolution 30**
- Assembly Joint Resolution 70**
- Assembly Joint Resolution 71**

Messaged.

Senator Lassa, with unanimous consent, asked that the Senate recess.

12:08 P.M.

RECESS

1:09 P.M.

The Senate reconvened.

President Pro Tempore Leibham in the chair.

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

Senate Bill 178

Relating to: differential tuition at certain institutions and colleges of the University of Wisconsin System.

Senator S. Fitzgerald, with unanimous consent, asked that **Senate Bill 178** be referred to committee on **Senate Organization**.

Referred.

Senate Bill 315

Relating to: use of law enforcement or juvenile court records to take disciplinary action against a pupil under a school district's athletic code.

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 315

Read a third time and passed.

Senate Bill 335

Relating to: authorizing a school board to grant a vocational high school diploma.

Read a second time.

The question was: Adoption of Senate amendment 2 to **Senate Bill 335**?

Adopted.

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 335

Read a third time and passed.

Senate Bill 339

Relating to: noncompetitive appointment of certain disabled veterans to classified positions in the state civil service system.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 339**?

Adopted.

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 339

Read a third time and passed.

Senate Bill 341

Relating to: open doors on authorized emergency vehicles.

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 341

Read a third time and passed.

Senate Bill 348

Relating to: eliminating an obsolete reference governing pilot payments to Second Chance Partnership to establish a work-based learning program; changing the name of the Division for Libraries, Technology, and Community Learning, the name of the Reference and Loan Library, and the name of the Division for Learning Support, Equity and Advocacy; participation in a public library system; and the appropriation to the Department of Public Instruction for children-at-risk programs (suggested as remedial legislation by the Department of Public Instruction).

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 348

Read a third time.

The question was: Shall **Senate Bill 348** be passed?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Carpenter, S. Coggs, Cowles, T. Cullen, Darling, Ellis, Erpenbach, 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 – 33.

Noes – None.

Absent or not voting – None.

Passed.

Senate Bill 353

Relating to: the use of seclusion and physical restraint on pupils in public schools.

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 353

Read a third time and passed.

Senate Bill 356

Relating to: the authority of credit unions to make donations and grants.

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 356

Read a third time and passed.

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

Senate Bill 315

Senate Bill 335

Senate Bill 339

Senate Bill 341

Senate Bill 348

Senate Bill 353

Senate Bill 356

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 Patricia Johnson, who recently lost her battle with cancer. Her entire life was devoted to education. She was a teacher and head of the private liberal arts school, Armitage Academy. She was also on the Gateway board of directors. She also worked for restorative justice throughout the Kenosha area. She was a true force in our community.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Greta Hansen, who started a movement in the early 1980's when she saw concerns in the community surrounding hunger in Kenosha. She helped start a soup kitchen, which served hot meals 7 days a week. We thank Greta Hansen for all her efforts to feed the hungry in Kenosha.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in memory of Laura Kaeppler, who is from Kenosha and is also Miss America 2012. Her worthy cause is fighting for the children of parents who have committed felonies.

Senator Shilling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Western Technical College, in recognition of their centennial anniversary. Western Technical College President Lee Rasch, Vice President Mike Pieper, and Western District Board Members Ed Lukasek & Dennis Treu will be present in the gallery today as guests of her office.

Senator Shilling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Girl Scouts of the United States of America, its founder Juliette Gordon Low, and the creation of Troop 1912 featuring members of the state legislature. The character, courage, and confidence of today's young women will help to strengthen tomorrow's leaders.

Senator King, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Girl Scouts of the United States of America.

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Matthew Firch, who, the Senator is proud to say, is a Senate Scholar from her district. Matthew is a senior at Wauwatosa West High School. He is a lifelong Catholic and Democrat, and plans to attend Marquette University in the fall, where he will study political science and theology. The Senator hopes that Matthew has enjoyed his experiences here at the Capitol, and she has no doubt that he has, been and will continue to be, an outstanding representative of the 4th Senate District.

Senator Wanggaard, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Jeanette Morelan and Andrew Plebanek, two high school students who are participating in Senate Scholars this week.

Senator Lazich, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Staff Sgt. Mary Ann Buchholtz of East Troy. Staff Sgt. Buchholtz was recently named the Air National Guard Outstanding Chaplain Assistant. Staff Sgt. Buchholtz has served wounded soldiers during three deployments at Landstuhl Regional Medical Center in Germany during the last two years.

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Mercer High School student and Senate Scholar Danielle Miheve. Danielle is the fourth student representing the very small, but caring school district in Wisconsin in the Senate Scholar Program. Senator Jauch also thanks former Senate Chief Clerk Rob Marchant for his leadership in establishing this youth citizenship program. Senator Jauch can think of no program more associated with encouraging students to understand their role as citizens, to become citizen leaders, and to learn more about the practical aspects of this very important process. The Senate Scholar students add a light to this very difficult process. They are bright, energetic, they bring hope, they are enthusiastic, and we can feed off that energy that each and every one of them shares about a better tomorrow. We are all grateful for their participation in the program.

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Ashley Birkholz, who lost her husband Craig Birkholz last spring after, in his last act as an officer, was killed responding to a call to a fallen law enforcement official who needed help.

Senator Erpenbach, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Green Bay Packers.

ADJOURNMENT

Senator Kedzie, with unanimous consent, asked that the Senate stand adjourned until Wednesday, January 25, 2012 at 6:30 P.M.

Adjourned.

2:26 P.M.