



# STATE OF WISCONSIN

# Senate Journal

## January 2011 Special Session

1:02 P.M.

THURSDAY, January 20, 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 stood for a moment of silent meditation.

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

### REPORT OF COMMITTEES

The joint committee on **Finance** reports and recommends:

#### Senate Bill 7, January 2011 Special Session

Relating to: an income and franchise tax credit for small businesses.

Introduction of Senate Amendment 1 to Senate Substitute Amendment 1.

Ayes, 16 – Senators Darling, Olsen, Harsdorf, Grothman, Leibham, Hopper, Taylor and Jauch. Representatives Vos, Meyer, Strachota, LeMahieu, Nygren, Kleefisch, Grigsby and Shilling.

Noes, 0 – None.

Introduction of Senate Amendment 2 to Senate Substitute Amendment 1.

Ayes, 16 – Senators Darling, Olsen, Harsdorf, Grothman, Leibham, Hopper, Taylor and Jauch. Representatives Vos, Meyer, Strachota, LeMahieu, Nygren, Kleefisch, Grigsby and Shilling.

Noes, 0 – None.

Introduction of Senate Amendment 3 to Senate Substitute Amendment 1.

Ayes, 16 – Senators Darling, Olsen, Harsdorf, Grothman, Leibham, Hopper, Taylor and Jauch. Representatives Vos,

Meyer, Strachota, LeMahieu, Nygren, Kleefisch, Grigsby and Shilling.

Noes, 0 – None.

Introduction of Senate Amendment 4 to Senate Substitute Amendment 1.

Ayes, 16 – Senators Darling, Olsen, Harsdorf, Grothman, Leibham, Hopper, Taylor and Jauch. Representatives Vos, Meyer, Strachota, LeMahieu, Nygren, Kleefisch, Grigsby and Shilling.

Noes, 0 – None.

Introduction of Senate Substitute Amendment 1.

Ayes, 16 – Senators Darling, Olsen, Harsdorf, Grothman, Leibham, Hopper, Taylor and Jauch. Representatives Vos, Meyer, Strachota, LeMahieu, Nygren, Kleefisch, Grigsby and Shilling.

Noes, 0 – None.

Adoption of Senate Substitute Amendment 1.

Ayes, 12 – Senators Darling, Olsen, Harsdorf, Grothman, Leibham and Hopper. Representatives Vos, Meyer, Strachota, LeMahieu, Nygren and Kleefisch.

Noes, 4 – Senators Taylor and Jauch. Representatives Grigsby and Shilling.

Introduction of Senate Substitute Amendment 2.

Ayes, 16 – Senators Darling, Olsen, Harsdorf, Grothman, Leibham, Hopper, Taylor and Jauch. Representatives Vos, Meyer, Strachota, LeMahieu, Nygren, Kleefisch, Grigsby and Shilling.

Noes, 0 – None.

Report Passage as amended, with emergency statement (s. 16.47 Wisconsin Statutes).

Ayes, 12 – Senators Darling, Olsen, Harsdorf, Grothman, Leibham and Hopper. Representatives Vos, Meyer, Strachota, LeMahieu, Nygren and Kleefisch.

Noes, 4 – Senators Taylor and Jauch. Representatives Grigsby and Shilling.

**ALBERTA DARLING**  
Senate Chairperson

### PETITIONS AND COMMUNICATIONS

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

January 14, 2011

The Honorable, The Senate:

Special Session Assembly Bill 2 and Senate Bill 2 relate to creating a nonrefundable individual income tax credit for certain amounts relating to health savings accounts.

Special Session Assembly Bill 2 and Senate Bill 2 contain a fiscal note in excess of \$10,000. Accordingly and pursuant to

Wis. Stat. 16.47(2), I consider this bill an emergency bill, and I recommend that its passage be permitted prior to the passage of the budget bill.

Thank you for your attention to this matter.

Sincerely,  
SCOTT WALKER  
Governor

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**State of Wisconsin  
Office of the Governor**

January 14, 2011

The Honorable, The Senate:

**Special Session Assembly Bill 3** and **Senate Bill 3** relate to an income and franchise tax credit for businesses that relocate to this state.

**Special Session Assembly Bill 3** and **Senate Bill 3** contain a fiscal note in excess of \$10,000. Accordingly and pursuant to Wis. Stat. 16.47(2), I consider this bill an emergency bill, and I recommend that its passage be permitted prior to the passage of the budget bill.

Thank you for your attention to this matter.

Sincerely,  
SCOTT WALKER  
Governor

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**State of Wisconsin  
Office of the Governor**

January 14, 2011

The Honorable, The Senate:

**Special Session Assembly Bill 4** and **Senate Bill 4** relate to increasing the amount of the credits under the economic development tax credit program.

**Special Session Assembly Bill 4** and **Senate Bill 4** contain a fiscal note in excess of \$10,000. Accordingly and pursuant to Wis. Stat. 16.47(2), I consider this bill an emergency bill, and I recommend that its passage be permitted prior to the passage of the budget bill.

Thank you for your attention to this matter.

Sincerely,  
SCOTT WALKER  
Governor

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**State of Wisconsin  
Office of the Governor**

January 14, 2011

The Honorable, The Senate:

**Special Session Assembly Bill 7** and **Senate Bill 7** relate to an income and franchise tax credit for small businesses.

**Special Session Assembly Bill 7** and **Senate Bill 7** contain a fiscal note in excess of \$10,000. Accordingly and pursuant to Wis. Stat. 16.47(2), I consider this bill an emergency bill, and I recommend that its passage be permitted prior to the passage of the budget bill.

Thank you for your attention to this matter.

Sincerely,  
SCOTT WALKER  
Governor

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

**Senate Bill 2, January 2011 Special Session**

Relating to: creating a nonrefundable individual income tax credit for certain amounts relating to health savings accounts that may be deducted from, or are exempt from, federal income taxes.

Read a second time.

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

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

The ayes and noes were demanded and the vote was: ayes, 20; noes, 13; absent or not voting, 0; 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 Carpenter, S. Coggs, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirsch – 13.

Absent or not voting – None.

Tabled.

Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 2, January 2011 Special Session** offered by Senators Erpenbach and Taylor.

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

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

The ayes and noes were demanded and the vote was: ayes, 20; noes, 13; absent or not voting, 0; 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 Carpenter, S. Coggs, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirsch – 13.

Absent or not voting – None.

Tabled.

Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 2, January 2011 Special Session** offered by Senator Erpenbach.

Senator Darling moved that Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 2, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 2, January 2011 Special Session** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 11; absent or not voting, 0; as follows:

Ayes – Senators Cowles, T. Cullen, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Holperin, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vinehout, Vukmir, Wanggaard and Zipperer – 22.

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

Absent or not voting – None.

Tabled.

Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 2, January 2011 Special Session** offered by Senators Jauch, Erpenbach, Taylor, Carpenter, Holperin, C. Larson, S. Coggs, Wirch, Risser, Miller and Lassa.

Senator Darling moved that Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 2, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 2, 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.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 2, January 2011 Special Session**?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

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

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

Absent or not voting – None.

Adopted.

Senate substitute amendment 2 to **Senate Bill 2, January 2011 Special Session** offered by Senators Miller, Hansen, Taylor, Carpenter and Wirch.

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

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

The ayes and noes were demanded and the vote was: ayes, 20; noes, 13; absent or not voting, 0; 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 Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 13.

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 2, January 2011 Special Session**

Read a third time.

The question was: Shall **Senate Bill 2, January 2011 Special Session** be passed?

The ayes and noes were required and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

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

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

Absent or not voting – None.

Passed.

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

### **Senate Bill 2, January 2011 Special Session**

Messaged.

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

Senator Vukmir, with unanimous consent, asked that when the Senate adjourn, it do so in memory of Waukesha County Sheriff Raymond Klink, who was the longest serving Sheriff in the County. He passed away on January 17th.

Senator Vinehout, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her son Nathan Vinehout Kane, who spent this week in Madison as an intern in her office. Nathan is a Freshman at Alma High School and hopes someday to be a science fiction writer and a chef.

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## **ADJOURNMENT**

Senator S. Fitzgerald, with unanimous consent, asked that the January 2011 Special Session of the Senate stand adjourned until Tuesday, January 25, 2011.

Adjourned.

3:35 P.M.