



STATE OF WISCONSIN

Senate Journal

January 2011 Special Session

12:28 P.M.

THURSDAY, February 10, 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 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.

SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

Assembly Bill 8, January 2011 Special Session

Relating to: the authority of a state agency to promulgate rules interpreting the provisions of a statute enforced or administered by the agency and to implement or enforce any standard, requirement, or threshold as a term or condition of a license issued by the state agency; gubernatorial approval of proposed administrative rules; economic impact analyses of proposed rules and emergency rules; and venue in a declaratory judgment action seeking judicial review of the validity of an administrative rule and in an action in which the sole defendant is the state.

Read a second time.

Senator Miller, with unanimous consent, asked that the Senate stand informal.

IN THE CHAIR

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

The question was: Adoption of Senate amendment 1 to **Assembly Bill 8, January 2011 Special Session**?

Adopted.

Senate Amendment 2 to **Assembly Bill 8, January 2011 Special Session** offered by Senator Grothman.

Senator Grothman, with unanimous consent, asked that Senate amendment 2 to **Assembly Bill 8** be withdrawn and returned to author.

Senate amendment 3 to **Assembly Bill 8, January 2011 Special Session** offered by Senators Holperin, Miller, Hansen, Erpenbach, Wirch, Lassa and Carpenter.

Senator Hopper moved that Senate amendment 3 to **Assembly Bill 8, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 3 to **Assembly Bill 8, 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 4 to **Assembly Bill 8, January 2011 Special Session** offered by Senators Holperin, Lassa, Taylor and Hansen.

Senator Hopper moved that Senate amendment 4 to **Assembly Bill 8, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 4 to **Assembly Bill 8, 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 5 to **Assembly Bill 8, January 2011 Special Session** offered by Senators Taylor, Vinehout, Holperin, C. Larson, T. Cullen, Carpenter, Wirch, Risser and Lassa.

Senator Hopper moved that Senate amendment 5 to **Assembly Bill 8, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 5 to **Assembly Bill 8, 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 **Assembly Bill 8, January 2011 Special Session** offered by Senators Taylor, Hansen, Lassa, Miller, Risser, Carpenter, T. Cullen, C. Larson, Holperin and Vinehout.

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

Senator Miller, with unanimous consent, asked that the January 2011 Special Session of the Senate stand adjourned until Tuesday, February 15, 2011.

Senator Hopper objected.

Senator Miller moved that the January 2011 Special Session of the Senate stand adjourned until Tuesday, February 15, 2011.

The question was: Shall the January 2011 Special Session of the Senate stand adjourned until Tuesday, February 10, 2011?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 19; absent or not voting, 0; as follows:

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

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

Absent or not voting – None.

Motion to adjourn failed.

Senator S. Fitzgerald, with unanimous consent, asked that the Senate recess.

2:03 P.M.

RECESS

4:41 P.M.

The Senate reconvened.

President Ellis in the chair.

LEAVES OF ABSENCE

Senator S. Fitzgerald, with unanimous consent, asked that Senator Lasee be granted a leave of absence for balance of today's session.

The question was: Shall Senate amendment 6 to **Assembly Bill 8, 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, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, 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 Lasee – 1.

Tabled.

Senate amendment 7 to **Assembly Bill 8, January 2011 Special Session** offered by Senators Taylor, Vinehout, Carpenter, T. Cullen, Wirch, Risser, Miller, Lassa and Hansen.

Senator Hopper moved that Senate amendment 7 to **Assembly Bill 8, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 7 to **Assembly Bill 8, 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, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, 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 Lasee – 1.

Tabled.

Senate amendment 8 to **Assembly Bill 8, January 2011 Special Session** offered by Senators C. Larson, Holperin, Vinehout, Taylor, Hansen, Lassa, Miller, Risser, Wirch and Carpenter.

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

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

The ayes and noes were demanded and the vote was: ayes, 19; noes, 13; absent or not voting, 1; as follows:

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

Noes – Senators Carpenter, S. Coggs, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 13.

Absent or not voting – Senator Lasee – 1.

Tabled.

Senate amendment 9 to **Assembly Bill 8, January 2011 Special Session** offered by Senators Lassa, Hansen, Miller, Risser, Wirch, Carpenter, T. Cullen, C. Larson, Holperin, Vinehout and Taylor.

Senator Hopper moved that Senate amendment 9 to **Assembly Bill 8, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 9 to **Assembly Bill 8, 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, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, 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 Lasee – 1.

Tabled.

Senate amendment 10 to **Assembly Bill 8, January 2011 Special Session** offered by Senators Lassa, Hansen, Miller, Risser, Wirch, Carpenter, C. Larson, Holperin, Vinehout and Taylor.

Senator Hopper moved that Senate amendment 10 to **Assembly Bill 8, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 10 to **Assembly Bill 8, January 2011 Special Session** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 13; absent or not voting, 1; as follows:

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

Noes – Senators Carpenter, S. Coggs, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 13.

Absent or not voting – Senator Lasee – 1.

Tabled.

Senate amendment 11 to **Assembly Bill 8, January 2011 Special Session** offered by Senators Jauch, Hansen, Lassa, Miller, Risser, Carpenter, T. Cullen, C. Larson, Holperin, Vinehout and Taylor.

Senator Hopper moved that Senate amendment 11 to **Assembly Bill 8, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 11 to **Assembly Bill 8, 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, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, 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 Lasee – 1.

Tabled.

Senate amendment 12 to **Assembly Bill 8, January 2011 Special Session** offered by Senators Miller, Risser, Wirch, T. Cullen, C. Larson, Holperin, Vinehout, Taylor, Jauch, Hansen, Carpenter and Lassa.

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

5:37 P.M.

RECESS

5:52 P.M.

The Senate reconvened.

President Ellis in the chair.

Senator Hopper moved that Senate amendment 12 to **Assembly Bill 8, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 12 to **Assembly Bill 8, 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, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, 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 Lasee – 1.

Tabled.

Ordered to a third reading.

Senator S. Fitzgerald, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 8, January 2011 Special Session

Read a third time.

The question was: Shall **Assembly Bill 8, January 2011 Special Session** be concurred in as amended?

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

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, 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 Lasee – 1.

Concurred in as amended.

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

Assembly Bill 8, January 2011 Special Session

Messaged.

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

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Mabel Watson Raimey, who was the first African American woman known to have attended law school in Wisconsin and the first African American woman admitted to the Wisconsin bar.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Kenosha public employees: including county nursing home employees; the Water Department workers, who have been out in these freezing cold temperatures fixing waterlines; and the highway workers, who cleaned 23 inches of snow off of our roads last week.

Senator Schultz, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Rick Charles, the President and General Manager of WRJC AM/FM radio in Mauston. On February 15th, Mr. Charles will celebrate his 25th anniversary as the owner of WRJC. Local radio stations are a critical part of life in the Senator's part of the state. For us, it's not just music and entertainment. Local radio tells us when school is late. It lets us know when our neighbors are ill or passed away, and it's a critical means of communication when we're hit with natural disasters or emergencies. In short, locally owned radio stations like WRJC bring our communities together. Rick Charles has made a commitment to WRJC for 25 years, and in doing so, he's also made a commitment to the City of Mauston and greater Juneau County.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her Grandson, Charlie, who turns five today.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the taxpayers of the State of Wisconsin.

Senator Hansen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of all of the state and local public employees. The men and women that Senator Hansen worked with for 20 years, who picked up the garbage, plowed snow and worked after snowstorms. The Senator would also like to adjourn in honor of the police and firefighters, who give their best everyday, risking their lives as evidenced by Arnie Wolfe, who made the ultimate sacrifice fighting a fire.

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Kris Hansen, a teacher for the Maple School District. Kris is a dedicated teacher for the Maple School District. Kris is battling a rare form of cancer and just returned home following her second major surgery. Senator Jauch wishes Kris all the best as she continues her recovery and moves closer to returning to her passion of teaching.

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of of Darienne Ciembronowicz, Joshua and Lucas Walters, and Lacy, Olivia and Hazel Edinger; the spouses and children of the Ashland firefighters who risked their own lives to save the lives of two men who were trapped on the ice near Saxon Harbor during a terrible storm on January 22. These families sacrifice a great deal every day while their spouses risk their lives protecting the public. We owe a debt of gratitude to these families who encourage their spouses to put public safety first and display the heroism that recently saved the lives of two men. Senator Jauch applauds the tremendous resolve of all families of those who set out to protect the public each and every day.

Senator Erpenbach, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his Father, who worked for the Department of Public Instruction, and his Mother, who was a teacher in Waunakee.

ADJOURNMENT

Senator Grothman, with unanimous consent, asked that the January 2011 Special Session of the Senate adjourn until Tuesday, February 15, 2011.

6:49 P.M.

Adjourned.