

STATE OF WISCONSIN Senate Journal

One-Hundred and First Regular Session

11:07 A.M.

The Senate met.

The Senate was called to order by Senate 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, Cowles, T. Cullen, Darling, Ellis, Erpenbach, Farrow, S. Fitzgerald, Grothman, Gudex, Hansen, Harris, Harsdorf, Jauch, Kedzie, C. Larson, Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Moulton, Olsen, Petrowski, Risser, Schultz, Shilling, Taylor, Tiffany, Vinehout, Vukmir and Wirch - 33.

Absent with leave - None.

The Senate stood and Senator Vukmir led the Senate in the pledge of allegiance to the flag of the United States of America.

The Sentate remained standing for the prayer which was offered by Reverend Tina Koenig Ray of Atonement Lutheran Church in Beloit.

LEAVES OF ABSENCE

Senator Larson, with unanimous consent, asked that Senator Taylor be granted a leave of absence for part of today's session.

Senator Fitzgerald, with unanimous consent, asked that the Senate recess until 12:00 P.M.

11:08 A.M.

RECESS

12:07 P.M.

The Senate reconvened.

Senate President Ellis in the chair.

CHIEF CLERK'S ENTRIES

WEDNESDAY, February 27, 2013

AMENDMENTS OFFERED

Senate Substitute Amendment 3 to **Senate Bill 1** offered by Senators T. Cullen, Miller, Lehman, Shilling, Vinehout, Carpenter, Jauch, Hansen, Lassa, C. Larson, Risser, Wirch, Taylor, Erpenbach and Schultz.

Senate Amendment 7 to Senate Substitute Amendment 2 to **Senate Bill 1** offered by Senators T. Cullen, Miller, Lehman, Shilling, Vinehout, Carpenter, Hansen, Lassa, C. Larson, Risser, Wirch and Erpenbach.

Senate Amendment 8 to Senate Substitute Amendment 2 to **Senate Bill 1** offered by Senators Jauch, Hansen, Lassa, C. Larson, Risser, Wirch, T. Cullen, Miller, Lehman, Shilling, Vinehout, Carpenter and Erpenbach.

Senate Amendment 9 to Senate Substitute Amendment 2 to **Senate Bill 1** offered by Senators Lehman, Shilling, Vinehout, Carpenter, Hansen, Lassa, C. Larson, Risser, Wirch, T. Cullen, Miller and Erpenbach.

Senate Amendment 10 to Senate Substitute Amendment 2 to **Senate Bill 1** offered by Senators T. Cullen, Miller, Lehman, Shilling, Vinehout, Carpenter, Hansen, Jauch, Lassa, C. Larson, Risser, Wirch and Erpenbach.

Senate Amendment 11 to Senate Substitute Amendment 2 to **Senate Bill 1** offered by Senators T. Cullen, Miller, Lehman, Shilling, Vinehout, Carpenter, Hansen, Jauch, Lassa, C. Larson, Risser and Erpenbach.

Senate Amendment 12 to Senate Substitute Amendment 2 to **Senate Bill 1** offered by Senators Jauch, Hansen, Lassa, C. Larson, Risser, Wirch, T. Cullen, Miller, Lehman, Shilling, Vinehout, Carpenter and Erpenbach.

Senate Amendment 13 to Senate Substitute Amendment 2 to **Senate Bill 1** offered by Senators Lehman, Shilling, Vinehout, Carpenter, Hansen, Jauch, Lassa, C. Larson, Risser, Wirch, T. Cullen, Miller and Erpenbach.

Senate Amendment 14 to Senate Substitute Amendment 2 to **Senate Bill 1** offered by Senators Jauch, Hansen, Lassa, C. Larson, Risser, Wirch, T. Cullen, Miller, Lehman, Shilling, Vinehout, Carpenter and Erpenbach.

Senate Amendment 15 to Senate Substitute Amendment 2 to **Senate Bill 1** offered by Senators Jauch, Hansen, Lassa,

C. Larson, Risser, Wirch, T. Cullen, Miller, Lehman, Shilling, Vinehout, Carpenter and Erpenbach.

Senate Amendment 16 to Senate Substitute Amendment 2 to **Senate Bill 1** offered by Senators Jauch, Hansen, Lassa, C. Larson, Risser, Wirch, T. Cullen, Lehman, Shilling, Vinehout, Carpenter and Erpenbach.

Senate Amendment 17 to Senate Substitute Amendment 2 to **Senate Bill 1** offered by Senators Lehman, Shilling, Vinehout, Carpenter, Hansen, Jauch, Lassa, C. Larson, Risser, Wirch, T. Cullen, Miller and Erpenbach.

Senate Amendment 18 to Senate Substitute Amendment 2 to **Senate Bill 1** offered by Senator Taylor.

Senate Amendment 19 to Senate Substitute Amendment 2 to **Senate Bill 1** offered by Senator Taylor.

Senate Amendment 1 to Senate Bill 28 offered by Senator Lassa.

Senate Amendment 1 to **Senate Bill 35** offered by Senator Farrow.

Senate Amendment 1 to **Senate Bill 36** offered by Senator Grothman.

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Representative Kapenga added as a co-sponsor of **Senate Bill 22**.

Advice and consent of the Senate

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

ADAMSKI, PAUL of Steven's Point, as a member of the Savings Institutions Review Board, to serve for the term ending May 1, 2017.

AHMED, SYED of Brookfield, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2016.

BARANOWSKI, PHILLIP of Green Lake, as a member of the Wisconsin Technical College System Board, to serve for the term ending May 1, 2017.

BERKOS, DANIEL of Mauston, as a member of the Public Defender Board, to serve for the term ending May 1, 2014.

CHRISTMAN, BLANE of Chippewa Falls, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2017.

COON, DAVID of Brookfield, as a member of the Public Defender Board, to serve for the term ending May 1, 2015.

CRUZ, NATALIE of Hartland, as a member of the Wisconsin Technical College System Board, to serve for the term ending May 1, 2013.

FARMER, DOUGLAS of La Crosse, as a member of the Banking Review Board, to serve for the term ending May 1, 2017.

GRACZ, MICHAEL of Oregon, as a member of the Deferred Compensation Board, to serve for the term ending July 1, 2015.

GRECO, LISA of Brookfield, as a member of the Credit Union Review Board, to serve for the term ending May 1, 2013

HETZER, MARIE of Sun Prairie, as a member of the Real Estate Examining Board, to serve for the term ending July 1, 2016.

HOGAN, JOHN of Rhinelander, as a member of the Public Defender Board, to serve for the term ending May 1, 2014.

HRIBAR, TRACY of Franksville, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2014.

ISENSEE, TRACEY of Black River Falls, as a member of the Prison Industries Board, to serve for the term ending May 1, 2014.

LEVZOW, BECKY of Rio, as a member of the Wisconsin Technical College System Board, to serve for the term ending May 1, 2015.

SZEHNER, JACALYN of Plover, as a member of the Rural Health Development Council, to serve for the term ending July 1, 2013.

WILLETT, STEPHEN of Phillips, as a member of the Wisconsin Technical College System Board, to serve for the term ending May 1, 2017.

WOGGON, COLLEEN of Kendall, as a member of the Credit Union Review Board, to serve for the term ending May 1, 2017.

The question was: Confirmation en masse?

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

Ayes - Senators Carpenter, Cowles, T. Cullen, Darling, Ellis, Erpenbach, Farrow, S. Fitzgerald, Grothman, Gudex, Hansen, Harris, Harsdorf, Jauch, Kedzie, C. Larson, Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Moulton, Olsen, Petrowski, Risser, Schultz, Shilling, Taylor, Tiffany, Vinehout, Vukmir and Wirch - 33.

Noes - None.

Absent or not voting - None.

Confirmed.

WINSTON, WYMAN

Of Madison, as Executive Director of the Wisconsin Housing and Economic Development Authority, to serve for the term ending January 3, 2015.

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, Cowles, T. Cullen, Darling, Ellis, Erpenbach, Farrow, S. Fitzgerald, Grothman, Gudex, Hansen, Harris, Harsdorf, Jauch, Kedzie, C. Larson, Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Moulton, Olsen, Petrowski, Risser, Schultz, Shilling, Taylor, Tiffany, Vinehout, Vukmir and Wirch - 33.

Noes - None.

Absent or not voting - None.

Confirmed.

SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

Senate Bill 1

Relating to: regulation of ferrous metallic mining and related activities, procedures for obtaining approvals from the Department of Natural Resources for the construction of utility facilities, making an appropriation, and providing penalties.

Read a second time.

IN THE CHAIR

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

The chair noted the possible lack of a quorum.

The roll was called and a quorum was present.

Senator Tiffany moved that Senate Substitute Amendment 3 to **Senate Bill 1** be laid on the table.

The question was: Shall Senate Substitute Amendment 3 to **Senate Bill 1** 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 Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Petrowski, Tiffany and Vukmir - 17.

Noes - Senators Carpenter, T. Cullen, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller, Risser, Schultz, Shilling, Taylor, Vinehout and Wirch - 16.

Absent or not voting - None.

Tabled.

Senator Tiffany moved that Senate Amendment 7 to Senate Substitute Amendment 2 to **Senate Bill 1** be laid on the table.

The question was: Shall Senate Amendment 7 to Senate Substitute Amendment 2 to **Senate Bill 1** 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 Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Petrowski, Tiffany and Vukmir - 17.

Noes - Senators Carpenter, T. Cullen, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller, Risser, Schultz, Shilling, Taylor, Vinehout and Wirch - 16. Absent or not voting - None.

Tabled.

IN THE CHAIR

Pursuant to Senate Rule 2 (1), Senator Kedzie in the chair.

Senator Tiffany moved that Senate Amendment 8 to Senate Substitute Amendment 2 to Senate Bill 1 be laid on the table.

The question was: Shall Senate Amendment 8 to Senate Substitute Amendment 2 to **Senate Bill 1** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes - Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Petrowski, Tiffany and Vukmir - 17.

Noes - Senators Carpenter, T. Cullen, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller, Risser, Schultz, Shilling, Vinehout and Wirch - 15.

Absent or not voting - Senator Taylor - 1.

Tabled.

Senator Taylor, with unanimous consent, asked to be recorded as voting "No" on the question of tabling Senate Amendment 8 to Senate Substitute Amendment 2 to **Senate Bill 1**.

Senator Tiffany moved that Senate Amendment 9 to Senate Substitute Amendment 2 to Senate Bill 1 be laid on the table.

The question was: Shall Senate Amendment 9 to Senate Substitute Amendment 2 to **Senate Bill 1** 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 Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Petrowski, Tiffany and Vukmir - 17.

Noes - Senators Carpenter, T. Cullen, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller, Risser, Schultz, Shilling, Taylor, Vinehout and Wirch - 16.

Absent or not voting - None.

Tabled.

Senator Tiffany moved that Senate Amendment 10 to Senate Substitute Amendment 2 to **Senate Bill 1** be laid on the table.

The question was: Shall Senate Amendment 10 to Senate Substitute Amendment 2 to **Senate Bill 1** 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 Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Petrowski, Tiffany and Vukmir - 17.

Noes - Senators Carpenter, T. Cullen, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller, Risser, Schultz, Shilling, Taylor, Vinehout and Wirch - 16.

Absent or not voting - None.

Tabled.

IN THE CHAIR

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

Senator Tiffany moved that Senate Amendment 11 to Senate Substitute Amendment 2 to **Senate Bill 1** be laid on the table.

The question was: Shall Senate Amendment 11 to Senate Substitute Amendment 2 to **Senate Bill 1** 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 Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Petrowski, Tiffany and Vukmir - 17.

Noes - Senators Carpenter, T. Cullen, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller, Risser, Schultz, Shilling, Taylor, Vinehout and Wirch - 16.

Absent or not voting - None.

Tabled.

Senator Tiffany moved that Senate Amendment 12 to Senate Substitute Amendment 2 to **Senate Bill 1** be laid on the table.

The question was: Shall Senate Amendment 12 to Senate Substitute Amendment 2 to **Senate Bill 1** 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 Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Petrowski, Tiffany and Vukmir - 17.

Noes - Senators Carpenter, T. Cullen, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller, Risser, Schultz, Shilling, Taylor, Vinehout and Wirch - 16.

Absent or not voting - None.

Tabled.

Senator Tiffany moved that Senate Amendment 13 to Senate Substitute Amendment 2 to **Senate Bill 1** be laid on the table.

The question was: Shall Senate Amendment 13 to Senate Substitute Amendment 2 to **Senate Bill 1** 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 Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Petrowski, Tiffany and Vukmir - 17.

Noes - Senators Carpenter, T. Cullen, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller, Risser, Schultz, Shilling, Taylor, Vinehout and Wirch - 16.

Absent or not voting - None.

Tabled.

Senator Tiffany moved that Senate Amendment 14 to Senate Substitute Amendment 2 to **Senate Bill 1** be laid on the table.

The question was: Shall Senate Amendment 14 to Senate Substitute Amendment 2 to **Senate Bill 1** 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 Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Petrowski, Tiffany and Vukmir - 17.

Noes - Senators Carpenter, T. Cullen, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller, Risser, Schultz, Shilling, Taylor, Vinehout and Wirch - 16.

Absent or not voting - None.

Tabled.

Senator Tiffany moved that Senate Amendment 15 to Senate Substitute Amendment 2 to **Senate Bill 1** be laid on the table.

The question was: Shall Senate Amendment 15 to Senate Substitute Amendment 2 to **Senate Bill 1** 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 Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Petrowski, Tiffany and Vukmir - 17.

Noes - Senators Carpenter, T. Cullen, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller, Risser, Schultz, Shilling, Taylor, Vinehout and Wirch - 16.

Absent or not voting - None.

Tabled.

Senator Tiffany moved that Senate Amendment 16 to Senate Substitute Amendment 2 to **Senate Bill 1** be laid on the table.

The question was: Shall Senate Amendment 16 to Senate Substitute Amendment 2 to **Senate Bill 1** 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 Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Petrowski, Tiffany and Vukmir - 17.

Noes - Senators Carpenter, T. Cullen, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller, Risser, Schultz, Shilling, Taylor, Vinehout and Wirch - 16.

Absent or not voting - None.

Tabled.

Senator Tiffany moved that Senate Amendment 17 to Senate Substitute Amendment 2 to **Senate Bill 1** be laid on the table.

The question was: Shall Senate Amendment 17 to Senate Substitute Amendment 2 to **Senate Bill 1** 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 Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Petrowski, Tiffany and Vukmir - 17.

Noes - Senators Carpenter, T. Cullen, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller, Risser, Schultz, Shilling, Taylor, Vinehout and Wirch - 16.

Absent or not voting - None.

Tabled.

Senator Tiffany moved that Senate Amendment 18 to Senate Substitute Amendment 2 to **Senate Bill 1** be laid on the table.

The question was: Shall Senate Amendment 18 to Senate Substitute Amendment 2 to **Senate Bill 1** 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 Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Petrowski, Tiffany and Vukmir - 17.

Noes - Senators Carpenter, T. Cullen, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller, Risser, Schultz, Shilling, Taylor, Vinehout and Wirch - 16.

Absent or not voting - None.

Tabled.

Senator Tiffany moved that Senate Amendment 19 to Senate Substitute Amendment 2 to **Senate Bill 1** be laid on the table.

The question was: Shall Senate Amendment 19 to Senate Substitute Amendment 2 to **Senate Bill 1** 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 Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Petrowski, Tiffany and Vukmir - 17.

Noes - Senators Carpenter, T. Cullen, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller, Risser, Schultz, Shilling, Taylor, Vinehout and Wirch - 16.

Absent or not voting - None.

Tabled.

The question was: Adoption of Senate Substitute Amendment 2 to **Senate Bill 1**?

Adopted.

Ordered to a third reading.

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

Senate Bill 1

Read a third time.

The question was: Passage of **Senate Bill 1**?

The ayes and noes were required and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes - Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Petrowski, Tiffany and Vukmir - 17.

Noes - Senators Carpenter, T. Cullen, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller,

Risser, Schultz, Shilling, Taylor, Vinehout and Wirch - 16. Absent or not voting - None.

Passed.

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

Senate Bill 1

Messaged.

ANNOUNCEMENTS, ADJOURNMENT HONORS, AND REMARKS UNDER SPECIAL PRIVILEGE

Senator Miller, with unanimous consent, asked that when the Senate adjourn, it do so in appreciation of McFarland High School juniors Catherine Wilson and Kayla Eastland, who job shadowed Senator Miller today as part of their civics class.

Senator Schultz, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Joe Hasler. Senator Schultz would like to thank him for putting in a year and a half worth of work including taking trips at his own expense to learn first-hand about the issue. No one in this building knows more on mining than Joe. Senator Schultz would also like to thank all the other staff members who worked on the mining issue for all of their time and hard work.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Dr. Paul Spottswood, who volunteered to do medical work in Honduras.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the great environmentalist, Aldo Leopold, who loved Wisconsin.

ADJOURNMENT

Senator Fitzgerald moved that the Senate stand adjourned.

Adjourned.

9:00 P.M.