



STATE OF WISCONSIN Senate Journal

One-Hundred and First Regular Session

11:03 A.M.

TUESDAY, May 7, 2013

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, L. Taylor, Tiffany, Vinehout, Vukmir and Wirch - 33.

Absent with leave - None.

The Senate stood for a moment of silent meditation.

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

Pursuant to Senate Rule 17 (6), the Chief Clerk makes the following entries under the above date.

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate Amendment 1 to **Senate Bill 147** offered by Senator S. Fitzgerald.

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Senator Carpenter added as a co-author of **Senate Bill 145**.

Pursuant to Senate Rule 17 (5), Senator Cowles added as a co-sponsor of **Assembly Bill 82**.

Pursuant to Senate Rule 17 (5), Senator Hansen added as a co-author of **Senate Joint Resolution 28**.

Pursuant to Senate Rule 17 (5), Senator Harris added as a co-sponsor of **Assembly Joint Resolution 11**.

Pursuant to Senate Rule 17 (5), Senator Shilling added as a co-author of **Senate Bill 145**.

Pursuant to Senate Rule 17 (5), Senator Vinehout added as a co-sponsor of **Assembly Joint Resolution 11**.

Pursuant to Senate Rule 17 (5), Senator Vinehout added as a co-sponsor of **Assembly Joint Resolution 16**.

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

The committee on **Judiciary and Labor** reports and recommends:

Senate Clearinghouse Rule 12-050

Relating to deceptive advertising.

No action taken on April 29, 2013.

Referred to joint committee for review of **Administrative Rules**, May 7, 2013.

Senate Clearinghouse Rule 13-004

Relating to clarifying how ETF complies with applicable provisions of the Internal Revenue Code.

No action taken on May 3, 2013.

Referred to joint committee for review of **Administrative Rules**, May 7, 2013.

GLENN GROTHMAN

Chairperson

The committee on **Natural Resources** reports and recommends:

Senate Clearinghouse Rule 13-005

Relating to the sport of falconry.

No action taken on May 7, 2013.

Referred to joint committee for review of **Administrative Rules**, May 7, 2013.

NEAL KEDZIE

Chairperson

ADVICE AND CONSENT OF THE SENATE

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

ARIMOND, GEORGE of La Crosse, as a member of the Lower Wisconsin State Riverway Board, to serve for the term ending May 1, 2014.

BIRSCHBACH, ERIC of Verona, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2014.

BROWN, RITCHIE of Black River Falls, as a member of the Lower Wisconsin State Riverway Board, to serve for the term ending May 1, 2015.

CUPP, MARK of Muscodia, as a member of the Land and Water Conservation Board, to serve for the term ending May 1, 2016.

DEKEYSER, JEANETTE of Neenah, as a member of the Waste Facilities Siting Board, to serve for the term ending May 1, 2015

JOHNSON, PHILIP of Winneconne, as a Veterinarian 3 on the Veterinary Examining Board, to serve for the term ending July 1, 2015.

MEEUSEN, MR. RICHARD A. of Pewaukee, as a member of the Great Lakes Protection Fund, to serve for the term ending January 9, 2015.

NICHOLSON, KEVIN of Wauwatosa, as a Congressional District 5 of the Board of Veterans Affairs, to serve for the term ending May 1, 2017.

QUACKENBUSH, WILLIAM of Black River Falls, as a member of the Kickapoo Reserve Management Board, to serve for the term ending May 1, 2014.

RAATHS, WILLIAM of Menasha, as a member of the Fox River Navigational System Authority, to serve for the term ending July 1, 2014.

ROSE, TIMOTHY of Appleton, as a member of the Fox River Navigational System Authority, to serve for the term ending July 1, 2014.

SHAVER, DALE of Waukesha, as a member of the Waste Facilities Siting Board, to serve for the term ending May 1, 2014.

STRAUSS, DEAN of Sheboygan Falls, as a member of the Board of Agriculture, Trade and Consumer Protection, to serve for the term ending May 1, 2019.

VAN DE HEY, RON of Kaukauna, as a member of the Fox River Navigational System Authority, to serve for the term ending July 1, 2014.

VAN ZEELAND, LEE of Appleton, as a member of the Wisconsin Waterways Commission, to serve for the term ending March 1, 2015.

ZIMMER, GARY of Laona, as a Northern Area Representative 3 on the Natural Resources Board, to serve for the term ending May 1, 2019.

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, L. Taylor, Tiffany, Vinehout, Vukmir and Wirch - 33.

Noes - None.

Absent or not voting - None.

Confirmed.

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

Senate Joint Resolution 25

Relating to: the life and public service of Joseph LaPorte.

The question was: Adoption of **Senate Joint Resolution 25?**

Adopted.

Senate Joint Resolution 26

Relating to: commending the University of Wisconsin-Eau Claire men's hockey team on winning the 2012-13 NCAA Division III Championship.

Senator Fitzgerald, with unanimous consent, asked that **Senate Joint Resolution 26** be referred to committee on **Senate Organization**.

Senate Joint Resolution 27

Relating to: proclaiming May 2013 as Mental Health Awareness Month.

The question was: Adoption of **Senate Joint Resolution 27?**

Adopted.

Senate Joint Resolution 28

Relating to: proclaiming May 2013 as Motorcycle Awareness Month.

The question was: Adoption of **Senate Joint Resolution 28?**

Adopted.

Assembly Joint Resolution 11

Relating to: proclaiming women's history month.

Senator Shilling, with unanimous consent, asked that all members of the Senate be added as cosponsors of **Assembly Joint Resolution 11**.

The question was: Concurrence of **Assembly Joint Resolution 11**?

Concurred in.

Assembly Joint Resolution 16

Relating to: recognizing career and technical student organizations.

The question was: Concurrence of **Assembly Joint Resolution 16**?

Concurred in.

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

- Senate Joint Resolution 25**
- Senate Joint Resolution 27**
- Senate Joint Resolution 28**
- Assembly Joint Resolution 11**
- Assembly Joint Resolution 16**

Messaged.

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

Senate Bill 68

Relating to: termination of maintenance upon the payee's or payer's death and notices relating to maintenance.

Read a second time.

Ordered to a third reading.

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

Senate Bill 68

Read a third time and passed.

Senate Bill 75

Relating to: operating certain three-vehicle combinations on highways.

Read a second time.

Ordered to a third reading.

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

Senate Bill 75

Read a third time and passed.

Senate Bill 85

Relating to: increasing the allowable number of project plan amendments, and lengthening the time during which tax increments may be allocated and expenditures for

project costs may be made, for Tax Incremental District Number 3 in the city of Wausau.

Read a second time.

IN THE CHAIR

Senate President Pro Tempore Leibham in the chair.

The question was: Adoption of Senate Amendment 2 to **Senate Bill 85**?

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 85

Read a third time.

The question was: Passage of **Senate Bill 85**?

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, L. Taylor, Tiffany, Vinehout, Vukmir and Wirch - 33.

Noes - None.

Absent or not voting - None.

Passed.

Senate Bill 115

Relating to: telecommunications systems installed on tower sites under the management and control of the Department of Natural Resources and the suspension of portions of a rule of the Department of Natural Resources.

Senator Fitzgerald, with unanimous consent, asked that **Senate Bill 115** be referred to committee on **Natural Resources**.

Senate Bill 135

Relating to: annual or consecutive month permits for vehicles or combinations of vehicles transporting loads near the Wisconsin-Michigan border.

Read a second time.

Ordered to a third reading.

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

Senate Bill 135

Read a third time and passed.

Senate Bill 145

Relating to: penalties for certain traffic offenses committed while sanitation workers are at risk from traffic and providing a penalty.

Read a second time.

Ordered to a third reading.

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

Senate Bill 145

Read a third time.

The question was: Passage of **Senate Bill 145**?

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes - Senators Carpenter, Cowles, T. Cullen, Darling, 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, L. Taylor, Tiffany, Vinehout, Vukmir and Wirch - 32.

Noes - None.

Absent or not voting - Senator Ellis - 1.

Passed.

Senate Bill 162

Relating to: operation of certain existing sport shooting ranges.

Read a second time.

Ordered to a third reading.

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

Senate Bill 162

Read a third time and passed.

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

Senate Bill 68

Senate Bill 75

Senate Bill 85

Senate Bill 135

Senate Bill 145

Senate Bill 162

Messaged.

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

Assembly Bill 82

Relating to: trafficking food stamp program benefits.

Read a second time.

Ordered to a third reading.

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

Senator Taylor moved that **Assembly Bill 82** be referred to Joint Review Committee on **Criminal Penalties**.

The question was: Shall **Assembly Bill 82** be referred to the Joint Review Committee on **Criminal Penalties**?

Referral refused.

Assembly Bill 82

Read a third time.

The question was: Concurrence of **Assembly Bill 82**?

The ayes and noes were demanded and the vote was: ayes, 28; noes, 5; absent or not voting, 0; as follows:

Ayes - Senators Carpenter, Cowles, Darling, Ellis, Erpenbach, Farrow, S. Fitzgerald, Grothman, Gudex, Hansen, Harsdorf, Jauch, Kedzie, C. Larson, Lasee, Lassa, Lazich, Lehman, Leibham, Moulton, Olsen, Petrowski, Schultz, Shilling, Tiffany, Vinehout, Vukmir and Wirch - 28.

Noes - Senators T. Cullen, Harris, Miller, Risser and L. Taylor - 5.

Absent or not voting - None.

Concurred in.

Assembly Bill 109

Relating to: fees for dental services.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 109

Read a third time.

The question was: Concurrence of **Assembly Bill 109**?

The ayes and noes were demanded and the vote was: ayes, 30; noes, 3; absent or not voting, 0; as follows:

Ayes - Senators Carpenter, Cowles, T. Cullen, Darling, Ellis, Erpenbach, S. Fitzgerald, Gudex, Hansen, Harris, Harsdorf, Jauch, Kedzie, C. Larson, Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Moulton, Olsen, Petrowski, Risser, Schultz, Shilling, L. Taylor, Tiffany, Vinehout and Wirch - 30.

Noes - Senators Farrow, Grothman and Vukmir - 3.

Absent or not voting - None.

Concurred in.

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

Assembly Bill 82

Assembly Bill 109

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 Lucille Repka, who died recently. “Lou” was a former Kenosha County employee and a passionate advocate for social justice issues. She will be missed by friends and Bradford church members.

Senator Schultz, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Ozzy Tranel of Cuba City, who passed away over the weekend. He was well known and a well-respected farmer in the area. He was also quite a Brewers fan. Ozzy was the grandfather of Representative Travis Tranel.

Senator Schultz, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Jack Marchant, father of Rob Marchant, former Senate Chief Clerk, who passed away over the weeknd.

Senator Erpenbach, with unanimous consent, asked that when the Senate adjourn, it do so in honor of former Badger running back Ron Dayne, who was elected to the college football hall of fame.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Pat Strachota, whose father-in-law died last week.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her husband Bill, who is celebrating his birthday tomorrow.

Senator Hansen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Trish Waschbisch, who died tragically on Sunday, April 28, 2013. Trish was the interim director of the “Rainbow House”, a domestic abuse shelter in Marinette. She was killed in a domestic abuse incident.

Senator Vinehout, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her staff member, Ben Larson, whose birthday is today. Day after day, Ben works very hard to keep the people of the 31st happy. Senator Vinehout thanks him for his work. The people of the 31st are well served by his exemplary work.

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Lawrence

“Larry” Hardwell, who passed away at the age of 74. Larry was a staff person for Polly Williams and a father of 7 girls and 2 boys. He was also one of the greatest political minds of his time.

Senator Lehman, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Senate Scholars here this week. These young people are to be commended for their commitment to learning as much as they can about Wisconsin state government.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Larry Hardwell and his fantastic leadership both here and in Milwaukee. He was bright, capable political brain.

Senator Lassa, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Cal Thomas of Wisconsin Rapids, who is part of the 2013 Senate Scholar Program. Cal is a student at Lincoln High School who serves on the Student Council and participates in Smart Vote, South Wood County Teen Leadership Program, and the 2013 Badger Boys State.

Senator Lassa, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Tate Kurzka, who was her job shadow today, as well as her mother Kristin Kurzka, both whom are from Greendale.

Senator Lassa, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her husband, John Moe, as they are celebrating their 13th anniversary on May 6th, 2013.

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the young people who came to the Capitol today from the Milwaukee Math and Science Academy. They showed off the robot they built for a robotic competition for the Midwest. Out of 500 competitors, they came in 1st in imagination.

Senator Miller, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Erika Ewelt, Amanda Stillman, Abby Huston, Kat Cady, and Kayt Ray, students from McFarland High School.

ADJOURNMENT

Senator Fitzgerald, with unanimous consent, asked that the Senate stand adjourned until Thursday, May 9, 2013.

Adjourned.

12:17 P.M.