

# STATE OF WISCONSIN

# Senate Journal

## One-Hundred and First Regular Session

---

FRIDAY, December 20, 2013

---

The Chief Clerk makes the following entries under the above date.

---

### INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read and referred:

#### **Senate Joint Resolution 60**

Relating to: commending Pope Francis.

By Senators Carpenter, Lassa, Lehman, Wirch, T. Cullen and Vinehout; cosponsored by Representatives Mason, Bewley, Wright, Strachota, Kahl, Genrich, Wachs, Kleefisch, Goyke, Hebl, Jacque, Bies, Sinicki and Jorgensen.

To committee on **Senate Organization**.

Read first time and referred:

#### **Senate Bill 451**

Relating to: extended out-of-home care to 21 years of age for children with individualized education programs, providing an exemption from emergency rule procedures, providing an exemption from rule-making procedures, and granting rule-making authority.

By Senators Moulton, Darling and L. Taylor; cosponsored by Representatives Loudenberg, LeMahieu, Kolste, Krug, Petryk and C. Taylor.

To committee on **Education**.

#### **Senate Bill 452**

Relating to: creating an exception to the prohibition against underage persons entering or being on premises operating under a retail alcohol beverage license.

By Senators Olsen, Harsdorf, Cowles, Darling, Erpenbach, Grothman, Gudex, Jauch, Kedzie, Lasee, Lassa, Moulton and Schultz; cosponsored by Representatives Ripp, Bies, Brooks, Clark, Czaja, Danou, Jagler, Jorgensen, Loudenberg, Marklein, Murphy, A. Ott, Pridemore, Ringhand, Spiros, Strachota, Tranel, Wright, Ballweg, Schraa and Billings.

To committee on **Economic Development and Local Government**.

#### **Senate Bill 453**

Relating to: the furnishing of intoxicating liquor taste samples at certain retailer trade association events.

By Senators Olsen, Harsdorf, Cowles, Darling, Erpenbach, Grothman, Gudex, Jauch, Kedzie, Lassa,

Lehman, Moulton and Schultz; cosponsored by Representatives Ripp, Bies, August, Berceau, Clark, Czaja, Danou, Loudenberg, Marklein, Murphy, Nass, Pridemore, Spiros, Strachota, Thiesfeldt, Tranel, Wright, Ballweg and Billings.

To committee on **Economic Development and Local Government**.

#### **Senate Bill 454**

Relating to: short-term tax incremental districts and expenditure of tax increments for relocation of commercial or industrial enterprises.

By Senators Cowles, Gudex, Grothman and Schultz; cosponsored by Representatives Weininger, Ballweg, Bies and Kahl.

To committee on **Economic Development and Local Government**.

#### **Senate Bill 455**

Relating to: disseminating information about a tax incremental district's annual budget and value increment, requiring a political subdivision to evaluate a tax incremental district's performance, increasing the amount that a political subdivision may add to its levy limit upon the dissolution of a tax incremental financing district, and extending the life and expenditure period for certain tax incremental financing districts.

By Senators Cowles and Gudex; cosponsored by Representatives Weininger, Bies, Pridemore, Kahl and Hintz.

To committee on **Economic Development and Local Government**.

#### **Senate Bill 456**

Relating to: expanding the definition of project costs to include certain cash payments with regard to a tax incremental financing district.

By Senators Cowles, Gudex and Schultz; cosponsored by Representatives Weininger, Bies, Ohnstad, Genrich and Kahl.

To committee on **Economic Development and Local Government**.

#### **Senate Bill 457**

Relating to: cooperation of Wisconsin licensed real estate brokers with out-of-state real estate brokers, salespersons, and time-share salespersons, powers of out-of-state brokers, requiring the exercise of rule-making authority, and providing a penalty.

By Senators Olsen, Harsdorf, Schultz, Grothman, Lehman and Lassa; cosponsored by Representatives

Knudson, Kooyenga, Murphy, Steineke, Stroebel, Czaja, Ohnstad, Kahl and Nass.

To committee on **Insurance and Housing**.

**Senate Bill 458**

Relating to: standards for admission into a course offered by a school district of a pupil enrolled in a home-based private educational program.

By Senator Grothman; cosponsored by Representative J. Ott.

To committee on **Education**.

**Senate Bill 459**

Relating to: providing proof of residence when registering to vote.

By Senators Grothman and Lazich; cosponsored by Representatives Born, Schraa, Bernier, Bies, Czaja, Kleefisch, Knodl, Kulp, LeMahieu, Nass, Pridemore, Sanfelippo, Strachota, Stroebel and Thiesfeldt.

To committee on **Elections and Urban Affairs**.

**Senate Bill 460**

Relating to: claims for loss of society and companionship in medical malpractice cases.

By Senators Harris and Hansen; cosponsored by Representatives Richards, Berceau and Zepnick.

To committee on **Judiciary and Labor**.

---

**REPORT OF COMMITTEES**

The committee on **Education** reports and recommends:

**Senate Bill 76**

Relating to: contracts for additional charter schools.

Senate Substitute Amendment 3 adoption.

Ayes: 5 - Senators Olsen, Farrow, Darling, Vukmir and Gudex.

Noes: 2 - Senators Lehman and Harris.

Passage as amended.

Ayes: 5 - Senators Olsen, Farrow, Darling, Vukmir and Gudex.

Noes: 2 - Senators Lehman and Harris.

**Senate Bill 375**

Relating to: the use of an epinephrine auto-injector on school premises or at a school-sponsored activity.

Senate Amendment 1 adoption.

Ayes: 7 - Senators Olsen, Farrow, Darling, Vukmir, Gudex, Lehman and Harris.

Noes: 0.

Passage as amended.

Ayes: 5 - Senators Olsen, Farrow, Darling, Vukmir and Gudex.

Noes: 2 - Senators Lehman and Harris.

**Senate Bill 416**

Relating to: a pupil's possession and use of an epinephrine auto-injector.

Senate Amendment 1 adoption.

Ayes: 7 - Senators Olsen, Farrow, Darling, Vukmir, Gudex, Lehman and Harris.

Noes: 0.

Passage as amended.

Ayes: 7 - Senators Olsen, Farrow, Darling, Vukmir, Gudex, Lehman and Harris.

Noes: 0.

*LUTHER OLSEN*

Chairperson

Committee on Education

---

The committee on **Health and Human Services** reports and recommends:

**ANDERSON-MEGER, JENNIFER**, of La Crosse, as a Professional Advanced Practice representative on the Marriage and Family Therapy Professional Counseling and Social Work Examining Board, to serve for the term ending July 1, 2017.

Confirmation.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

**ARNOLD, EVA**, of Beloit, as a member of the Board on Aging and Long Term Care, to serve for the term ending May 1, 2017.

Confirmation.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

**CONNORS, DR. VICTOR**, of Lodi, as a Optometrist 5 on the Optometry Examining Board, to serve for the term ending July 1, 2017.

Confirmation.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

**DOMINICZAK, LORI**, of Brown Deer, as a Physical Therapist 3 on the Physical Therapy Examining Board, to serve for the term ending July 1, 2017.

Confirmation.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

**FIELDING, KURT**, of Green Bay, as the Athletic Trainer 4 on the Athletic Trainers Affiliated Credentialing Board, to serve for the term ending July 1, 2015.

Confirmation.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

**JOHNSON, BARBARA**, of De Pere, as a Audiologist 1 on the Hearing and Speech Examining Board, to serve for the term ending July 1, 2017.

Confirmation.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

**KRIER, THOMAS**, of Allenton, as a Hearing Instrument Spec 2 on the Hearing and Speech Examining Board, to serve for the term ending July 1, 2017.

Confirmation.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

**LANCASTER, DR. SHANYN C.**, of Milwaukee, as a Doctor on the Athletic Trainers Affiliated Credentialing Board, to serve for the term ending July 1, 2016.

Confirmation.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

**LARSON, SCOTT**, of Onalaska, as a Hearing Instrument Spec 1 on the Hearing and Speech Examining Board, to serve for the term ending July 1, 2017.

Confirmation.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

**LINDSEY, CHARLES V.**, of Sun Prairie, as a Professional Counselor 3 on the Marriage and Family Therapy Professional Counseling and Social Work Examining Board, to serve for the term ending July 1, 2016.

Confirmation.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

**MEYER, TANYA**, of Gleason, as a member of the Board on Aging and Long Term Care, to serve for the term ending May 1, 2017.

Confirmation.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

**MICHAELIS, MARLA**, of Jefferson, as a Funeral Director/Embalmer 3 on the Funeral Directors Examining Board, to serve for the term ending July 1, 2017.

Confirmation.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

**PHILLIPS, DR. MICHAEL**, of Oconomowoc, as a Doctor-Medicine 9 on the Medical Examining Board, to serve for the term ending July 1, 2017.

Confirmation.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

**PIETZ, DR. WENDY**, of Milwaukee, as a Dentist 2 on the Dentistry Examining Board, to serve for the term ending July 1, 2017.

Confirmation.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

**SCHULZ, DR. ROBERT**, of Appleton, as Optometrist 1 on the Optometry Examining Board, to serve for the term ending July 1, 2016.

Confirmation.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

**SCHULZ-STANGL, RENEE**, of Marshfield, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2014.

Confirmation.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

**SIPPEL, SUSAN**, of Manitowoc, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2014.

Confirmation.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

**STENSBERG, DEAN**, of Middleton, as a member of the Funeral Directors Examining Board, to serve for the term ending July 1, 2017.

Confirmation.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

**UNDERBAKKE, GAIL**, of Madison, as a member of the Dietitians Affiliated Credentialing Board, to serve for the term ending July 1, 2015.

Confirmation.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

**VERGAMINI, GREGORY**, of Superior, as a Athletic Trainer 1 of the Athletic Trainers Affiliated Credentialing Board, to serve for the term ending July 1, 2016.

Confirmation.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

**Assembly Bill 17**

Relating to: the restoration of information from an original birth certificate after adoption.

Concurrence.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

**Senate Bill 245**

Relating to: applications for public assistance programs, offenses in public assistance programs, granting rule-making authority, and providing a penalty.

Senate Amendment 1 adoption.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

Passage as amended.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

**Senate Bill 272**

Relating to: the restoration of information from an original birth certificate after adoption.

Senate Amendment 1 adoption.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

Passage as amended.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

**Senate Bill 311**

Relating to: a dental hygienist's administration of nitrous oxide inhalation analgesia and practice of dental hygiene.

Passage.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

**Senate Bill 345**

Relating to: the authority and responsibilities of the Department of Safety and Professional Services and the various boards under that department, the membership of the Cosmetology Examining Board, professional licensure of pharmacists, the Pharmacy Examining Board's operation of the prescription drug monitoring program, authorizing the construction, installation, alteration, operation, and inspection of elevators and other similar conveyances, and licensing requirements for elevator mechanics, inspectors, and contractors.

Senate Amendment 1 adoption.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

Senate Amendment 2 adoption.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

Passage as amended.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

**Senate Bill 391**

Relating to: allowing health care providers licensed outside the state to participate in and requirements on nonprofit agencies in the volunteer health care provider program.

Passage.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

**Senate Bill 395**

Relating to: cosmetologist training hours and exemption of makeup artists from barbering and cosmetology licensure requirements.

Senate Amendment 1 adoption.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

Passage as amended.

Ayes: 5 - Senators Vukmir, Moulton, Lazich, Erpenbach and Carpenter.

Noes: 0.

*LEAH VUKMIR*

Chairperson

Committee on Health and Human Services

---

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

The committee on **Education** reports and recommends:

**Senate Clearinghouse Rule 13-084**

Relating to grants for preschool through grade 5 programs.

No action taken on December 20, 2013.

Referred to joint committee for review of **Administrative Rules**, December 20, 2013.

**Senate Clearinghouse Rule 13-085**

Relating to grants for STEM programs.

No action taken on December 20, 2013.

Referred to joint committee for review of **Administrative Rules**, December 20, 2013.

**Senate Clearinghouse Rule 13-087**

Relating to grants for nursing services.

No action taken on December 20, 2013.

Referred to joint committee for review of **Administrative Rules**, December 20, 2013.

**Senate Clearinghouse Rule 13-088**

Relating to the definition of immoral conduct.

No action taken on December 20, 2013.

Referred to joint committee for review of **Administrative Rules**, December 20, 2013.

*LUTHER OLSEN*

Chairperson

---

**ADVICE AND CONSENT OF THE SENATE**

**State of Wisconsin  
Office of the Governor**

December 20, 2013

The Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint PERRY ARMSTRONG, of Madison, as a Public Member 2 on the Wisconsin Housing and Economic Development Authority, to serve for the term ending January 1, 2018.

Respectfully Submitted,

*SCOTT WALKER*

Governor

Read and referred to committee on **Insurance and Housing**.

**State of Wisconsin  
Office of the Governor**

December 20, 2013

The Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BRUCE BOWDEN, of Dodgeville, as a Land Surveyor 3 on the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2014.

Respectfully Submitted,

*SCOTT WALKER*

Governor

Read and referred to committee on **Economic Development and Local Government**.

**State of Wisconsin  
Office of the Governor**

December 20, 2013

The Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KELLY BROWN, of Waukesha, as a Public Member 2 on the Chiropractic Examining Board, to serve for the term ending July 1, 2016.

Respectfully Submitted,

*SCOTT WALKER*

Governor

Read and referred to committee on **Health and Human Services**.

**State of Wisconsin  
Office of the Governor**

December 20, 2013

The Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KRISTINE COTHARN, of Fitchburg, as a Professional Engineer 3 on the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2017.

Respectfully Submitted,

*SCOTT WALKER*

Governor

Read and referred to committee on **Economic Development and Local Government**.

**State of Wisconsin  
Office of the Governor**

December 20, 2013

The Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BEVERLY A. DITTMAR, of Eagle River, as a Northern Area rep 8 on the Snowmobile Recreational Council, to serve for the term ending July 1, 2016.

Respectfully Submitted,

*SCOTT WALKER*

Governor

Read and referred to committee on **Agriculture, Small Business, and Tourism**.

**State of Wisconsin  
Office of the Governor**

December 20, 2013

The Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BRADLEY GUSE, of Arpin, as a public member 4 on the Wisconsin Housing and Economic Development Authority, to serve for the term ending January 1, 2018.

Respectfully Submitted,  
*SCOTT WALKER*  
Governor

Read and referred to committee on **Insurance and Housing**.

**State of Wisconsin  
Office of the Governor**

December 20, 2013

The Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint GARY HILGENDORF, of Tomahawk, as a Northern Area rep 6 on the Snowmobile Recreational Council, to serve for the term ending July 1, 2016.

Respectfully Submitted,  
*SCOTT WALKER*  
Governor

Read and referred to committee on **Agriculture, Small Business, and Tourism**.

**State of Wisconsin  
Office of the Governor**

December 20, 2013

The Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MICHAEL HOLDEN, of Sheboygan Falls, as a Southern Area Rep 7 on the Snowmobile Recreational Council, to serve for the term ending July 1, 2016.

Respectfully Submitted,  
*SCOTT WALKER*  
Governor

Read and referred to committee on **Agriculture, Small Business, and Tourism**.

**State of Wisconsin  
Office of the Governor**

December 20, 2013

The Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JAMES JACKSON, of Waukesha, as a Private Business/Ind Rep 2 on the Prison Industries Board, to serve for the term ending May 1, 2015.

Respectfully Submitted,  
*SCOTT WALKER*  
Governor

Read and referred to committee on **Judiciary and Labor**.

**State of Wisconsin  
Office of the Governor**

December 20, 2013

The Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JEFFREY MACKEY, of Middleton, as a Chiropractor 3 on the Chiropractic Examining Board, to serve for the term ending July 1, 2017.

Respectfully Submitted,  
*SCOTT WALKER*  
Governor

Read and referred to committee on **Health and Human Services**.

**State of Wisconsin  
Office of the Governor**

December 20, 2013

The Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DIANE DOMMER MARTIN, of Cedar Grove, as a Veterinarian 5 on the Veterinary Examining Board, to serve for the term ending July 1, 2017.

Respectfully Submitted,  
*SCOTT WALKER*  
Governor

Read and referred to committee on **Agriculture, Small Business, and Tourism**.

**State of Wisconsin  
Office of the Governor**

December 20, 2013

The Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint STEVE MORAN, of Tomahawk, as a Northern Area rep 3 on the Snowmobile Recreational Council, to serve for the term ending July 1, 2016.

Respectfully Submitted,  
*SCOTT WALKER*  
Governor

Read and referred to committee on **Agriculture, Small Business, and Tourism**.

**State of Wisconsin  
Office of the Governor**

December 20, 2013

The Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint THOMAS MURPHY, of De Pere, as a Public Member on the Physical Therapy Examining Board, to serve for the term ending July 1, 2017.

Respectfully Submitted,  
*SCOTT WALKER*  
Governor

Read and referred to committee on **Health and Human Services**.

**State of Wisconsin  
Office of the Governor**

December 20, 2013

The Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LAURA O'BRIEN, of Cottage Grove, as a occupational therapist 2 on the Occupational Therapists Affiliated Credentialing Board, to serve for the term ending July 1, 2015.

Respectfully Submitted,  
*SCOTT WALKER*  
Governor

Read and referred to committee on **Health and Human Services**.

**State of Wisconsin  
Office of the Governor**

December 20, 2013

The Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SARAH OLSON, of Readstown, as a Physical Therapist Assistant on the Physical Therapy Examining Board, to serve for the term ending July 1, 2017.

Respectfully Submitted,  
*SCOTT WALKER*  
Governor

Read and referred to committee on **Health and Human Services**.

**State of Wisconsin  
Office of the Governor**

December 20, 2013

The Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KARA SCHURMAN, of Lac du Flambeau, as a Domestic Abuse Knowledge 8 on the Council on Domestic Abuse, to serve for the term ending July 1, 2016.

Respectfully Submitted,  
*SCOTT WALKER*  
Governor

Read and referred to committee on **Health and Human Services**.

**State of Wisconsin  
Office of the Governor**

December 20, 2013

The Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint GORDON SVENDSEN, of Union Grove, as a Certified Residential Appraiser on the Real Estate Appraisers Board, to serve for the term ending May 1, 2014.

Respectfully Submitted,  
*SCOTT WALKER*  
Governor

Read and referred to committee on **Insurance and Housing**.

**State of Wisconsin  
Office of the Governor**

December 20, 2013

The Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DANIEL TIMMERMAN, of Kieler, as a Northern Area rep 2 on the Snowmobile Recreational Council, to serve for the term ending July 1, 2016.

Respectfully Submitted,  
*SCOTT WALKER*  
Governor

Read and referred to committee on **Agriculture, Small Business, and Tourism**.

**State of Wisconsin  
Office of the Governor**

December 20, 2013

The Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint LEONARD YOAP, of Peshtigo, as a Professional Member 2 on the Auctioneer Board, to serve for the term ending May 1, 2014.

Respectfully Submitted,  
*SCOTT WALKER*  
Governor

Read and referred to committee on **Agriculture, Small Business, and Tourism**.