



STATE OF WISCONSIN

Senate Journal

One-Hundred and Second Regular Session

1:24 P.M.

THURSDAY, October 29, 2015

The Senate met.

The Senate was called to order by Senator Fitzgerald.

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 313** offered by Senator Olsen.

Senate Substitute Amendment 1 to **Senate Bill 347** offered by Senator Tiffany.

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read and referred:

Senate Joint Resolution 66

Relating to: recognizing the Order of the Arrow, which is the Boy Scouts of America's National Honor Society, on its 100th Anniversary and the significant leadership and service provided to youth and communities across Wisconsin.

By Senators Lazich, Bewley, Cowles, Darling, Harsdorf, C. Larson, Marklein, Nass, Olsen, Petrowski, Ringhand, Vinehout, Vukmir, Wanggaard and Wirch; cosponsored by Representatives Petryk, Sargent, E. Brooks, Considine, Goyke, Hebl, Horlacher, Kitchens, Knudson, Krug, T. Larson, A. Ott, J. Ott, Petersen, Rohrkaste, Spiros, Tittl, Weatherston and Murphy.

To committee on **Senate Organization**.

Senate Joint Resolution 67

Relating to: proclaiming November 2015 as Adoption Month in Wisconsin.

By Senators LeMahieu, Bewley, Cowles, Marklein, Olsen, Ringhand, Risser, Stroebel and Vinehout; cosponsored by Representatives Tittl, Allen, Bowen, Brandtjen, E. Brooks, Duchow, Goyke, Horlacher, Hutton, Jacque, Kerkman, Kleefisch, Kooyenga, Kremer, Krug, Milroy, Murphy, Novak, Petryk, Rohrkaste, Spreitzer, Subeck, Thiesfeldt and Jorgensen.

To committee on **Senate Organization**.

Read first time and referred:

Senate Bill 349

Relating to: use of tanning facilities by minors.

By Senators Risser and Bewley; cosponsored by Representatives A. Ott, Hintz, Milroy, Subeck and Berceau.

To committee on **Health and Human Services**.

Senate Bill 350

Relating to: a requirement that all employers in this state grant a paid leave of absence on Veterans Day to employees who are veterans.

By Senators Hansen, Wirch, Carpenter, L. Taylor and Ringhand; cosponsored by Representatives Wachs, Hesselbein, Brostoff, Jorgensen, Kolste, Mason, Ohnstad, Pope and Zamarripa.

To committee on **Labor and Government Reform**.

Senate Bill 351

Relating to: the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.

By Senators Risser, Wanggaard, Miller, Olsen, L. Taylor, Ringhand, Cowles, Lassa, Carpenter and Wirch; cosponsored by Representatives Jacque, Kahl, Ballweg, Subeck, Jorgensen, A. Ott, Sinicki, Billings, Johnson and Spreitzer.

To committee on **Judiciary and Public Safety**.

Senate Bill 352

Relating to: paid sick leave.

By Senators Harris Dodd, C. Larson, Lassa, Miller, Risser, L. Taylor and Wirch; cosponsored by Representatives Mason, Sargent, Barnes, Berceau, Bowen, Brostoff, Considine, Genrich, Goyke, Hesselbein, Johnson, Jorgensen, Kessler, Ohnstad, Riemer, Shankland, Sinicki, Subeck, C. Taylor, Young and Zamarripa.

To committee on **Labor and Government Reform**.

Senate Bill 353

Relating to: disclosure of pupil records that are pertinent to addressing a pupil's educational needs to the Department of Children and Families, a county department of human services or social services, or a tribal organization that is legally responsible for the care and protection of the pupil.

By Senators Darling, Wanggaard, Bewley, Gudex, Harsdorf, C. Larson, Lassa, Olsen, Petrowski and L. Taylor; cosponsored by Representatives Ballweg, Genrich, Horlacher, Hutton, Johnson, Kitchens, Knodl, Murphy, A. Ott, Rodriguez, Steffen and Subeck.

To committee on **Health and Human Services**.

Senate Bill 354

Relating to: funding for the Florence Wild Rivers Interpretive Center.

By Senator Tiffany; cosponsored by Representative Swearingen.

To committee on **Sporting Heritage, Mining, and Forestry**.

Senate Bill 355

Relating to: limitations on borrowing by school districts and the use by school districts of resolutions and referenda to authorize bonding for capital projects or increase revenue limits and scheduling of school district referendums to exceed revenue limits.

By Senators Stroebel, Lasee and Kapenga; cosponsored by Representatives Schraa, Jacque, Tittl, Edming, R. Brooks, T. Larson, Knodl, Skowronski, Murphy, Craig, Jarchow, Petersen, Gannon, Sanfelippo, Kremer, Neylon and Brandtjen.

To committee on **Elections and Local Government**.

Senate Bill 356

Relating to: providing additional funding for the Transform Milwaukee Jobs program and the Transitional Jobs program and making an appropriation.

By Senators Harris Dodd, Carpenter, Lassa, Ringhand and L. Taylor; cosponsored by Representatives Riemer, Barnes, Johnson, Goyke, Berceau, Mason, Sinicki, Subeck, Zamarripa, Pope, Spreitzer, Bowen, Wachs and Ohnstad.

To committee on **Health and Human Services**.

Senate Bill 357

Relating to: overtime pay for law enforcement officers employed by amusement or recreational establishments and requiring the exercise of rule-making authority.

By Senators Shilling, Lassa, L. Taylor and Wirch; cosponsored by Representatives Mason, Ohnstad, Pope, Sinicki and C. Taylor.

To committee on **Labor and Government Reform**.

Senate Bill 358

Relating to: prevention specialist-in-training certification.

By Senator Harsdorf; cosponsored by Representatives Jarchow, Allen, Kleefisch, Knodl and Rohrkaste.

To committee on **Health and Human Services**.

Senate Bill 359

Relating to: a trapping mentorship program, restrictions on taking or appropriating a trap or its contents, and requirements for tagging traps.

By Senators Moulton and Harsdorf; cosponsored by Representatives Quinn, Rohrkaste, A. Ott, Horlacher, Petryk, Allen, Knodl, Mason, Tittl, Milroy, Gannon, Edming, Kleefisch, T. Larson, Nerison and Born.

To committee on **Sporting Heritage, Mining, and Forestry**.

Senate Bill 360

Relating to: modifying and repealing various rules promulgated by the Department of Transportation.

By Senators Petrowski and Olsen; cosponsored by Representatives Ripp, Ballweg, Weatherston and Murphy.

To committee on **Transportation and Veterans Affairs**.

Senate Bill 361

Relating to: prohibiting the use of certain trapping devices in state parks.

By Senator Risser; cosponsored by Representatives Sinicki, Sargent, Ohnstad, Wachs, Pope, Berceau and C. Taylor.

To committee on **Sporting Heritage, Mining, and Forestry**.

Senate Bill 362

Relating to: prohibiting hunting in state parks.

By Senator Risser; cosponsored by Representatives Sinicki, Berceau and Pope.

To committee on **Sporting Heritage, Mining, and Forestry**.

Senate Bill 363

Relating to: trespass in university or college buildings while armed with a firearm.

By Senators LeMahieu, Gudex, Kapenga, Nass, Stroebel and Vukmir; cosponsored by Representatives Kremer, Born, Brandtjen, R. Brooks, Craig, Czaja, Edming, Gannon, Horlacher, Jacque, Kleefisch, Knodl, Krug, T. Larson, A. Ott, Sanfelippo, Schraa, Thiesfeldt, Tittl, Weatherston and Hutton.

To committee on **Judiciary and Public Safety**.

Senate Bill 364

Relating to: eliminating the requirement that the Natural Resources Board offer certain land for sale.

By Senators Miller, Lassa, Wirch, C. Larson, Hansen, Risser, Carpenter, Ringhand and Bewley; cosponsored by Representatives Spreitzer, Mason, Kahl, Kessler, Billings, Hesselbein, Hintz, Subeck, Berceau, Goyke, Sinicki, C. Taylor, Ohnstad, Bowen and Johnson.

To committee on **Natural Resources and Energy**.

Senate Bill 365

Relating to: going armed with a dangerous weapon at a college or university and providing a criminal penalty.

By Senators Harris Dodd, Miller and C. Larson; cosponsored by Representatives C. Taylor, Sargent, Berceau, Barnes, Johnson, Sinicki, Billings, Kessler, Brostoff, Subeck, Bowen, Young, Pope and Considine.

To committee on **Judiciary and Public Safety**.

Senate Bill 366

Relating to: threatening to communicate derogatory information.

By Senator Nass; cosponsored by Representatives J. Ott, Born, Kleefisch, Tittl, Mursau, T. Larson, A. Ott, Edming, Ballweg, E. Brooks, Spiros, Doyle and Murphy.

To committee on **Judiciary and Public Safety**.

Senate Bill 367

Relating to: decreasing auditor positions in the Department of Revenue.

By Senator Nass; cosponsored by Representatives Jarchow, August, Brandtjen, E. Brooks, Craig, Edming, Gannon, Hutton, Jacque, Kleefisch, Kooyenga, Kremer, Krug, Rohrkaste, Sanfelippo, Schraa, Skowronski, Tranel, Vorpapel and Macco.

To committee on **Revenue, Financial Institutions, and Rural Issues.**

Senate Bill 368

Relating to: creating a legislative office of inspector general and making appropriations.

By Senator Nass; cosponsored by Representatives Craig, Jarchow, Hutton, Kremer, Sanfelippo and Schraa.

To committee on **Labor and Government Reform.**

Senate Bill 369

Relating to: prohibiting local ordinances, resolutions, and policies that prohibit immigration status inquiries and reports to, and cooperation with, other units of government about the presence of illegal aliens, authorizing certain elective officeholders to commence an enforcement action, and providing a reduction in shared revenue payments.

By Senators Nass, Vukmir and Stroebel; cosponsored by Representatives Spiros, Kremer, Jacque, Gannon, Horlacher, Craig, Tittl, A. Ott, Murphy, Kleefisch, Rohrkaste, Edming, T. Larson and J. Ott.

To committee on **Labor and Government Reform.**

Senate Bill 370

Relating to: health care aid for certain veterans and their family members.

By Senators Erpenbach, Shilling, Wirch, Ringhand, Harris Dodd, L. Taylor, C. Larson, Lassa and Hansen; cosponsored by Representatives Hintz, Kahl, Hesselbein, Johnson, Milroy, Mason, Zamarripa, Murphy, Sinicki, Barnes, Brostoff, Berceau, Shankland, Jorgensen, Pope, Kolste, Considine, Goyke, Hebl, Genrich, Ohnstad, Doyle, Wachs, Bowen, Billings and Subeck.

To committee on **Government Operations and Consumer Protection.**

REPORT OF COMMITTEES

The committee on **Judiciary and Public Safety** reports and recommends:

COON, MR. DAVID, of Brookfield, as a Wisconsin Bar Representative of the Public Defender Board, to serve for the term ending May 1, 2018.

Confirmation.

Ayes: 5 - Senators Wanggaard, Vukmir, Lasee, Risser and L. Taylor.

Noes: 0.

XIONG, MS. MAI N., of Schofield, as a Public Member of the Public Defender Board, to serve for the term ending May 1, 2018.

Confirmation.

Ayes: 5 - Senators Wanggaard, Vukmir, Lasee, Risser and L. Taylor.

Noes: 0.

Senate Bill 248

Relating to: strip searches of certain detained persons.

Senate Amendment 1 introduction.

Ayes: 5 - Senators Wanggaard, Vukmir, Lasee, Risser and L. Taylor.

Noes: 0.

Senate Amendment 2 introduction.

Ayes: 5 - Senators Wanggaard, Vukmir, Lasee, Risser and L. Taylor.

Noes: 0.

Senate Amendment 3 introduction.

Ayes: 5 - Senators Wanggaard, Vukmir, Lasee, Risser and L. Taylor.

Noes: 0.

Senate Amendment 4 introduction.

Ayes: 5 - Senators Wanggaard, Vukmir, Lasee, Risser and L. Taylor.

Noes: 0.

Passage.

Ayes: 3 - Senators Wanggaard, Vukmir and Lasee.

Noes: 2 - Senators Risser and L. Taylor.

Senate Bill 269

Relating to: duty of law enforcement officers to report to the Prescription Drug Monitoring Program controlled-substance violations, opioid-related drug overdoses or deaths, and reports of stolen prescription drugs.

Passage.

Ayes: 5 - Senators Wanggaard, Vukmir, Lasee, Risser and L. Taylor.

Noes: 0.

Senate Bill 323

Relating to: granting victims of certain crimes the right to be accompanied by a victim advocate.

Senate Amendment 1 adoption.

Ayes: 5 - Senators Wanggaard, Vukmir, Lasee, Risser and L. Taylor.

Noes: 0.

Passage as amended.

Ayes: 5 - Senators Wanggaard, Vukmir, Lasee, Risser and L. Taylor.

Noes: 0.

Senate Bill 324

Relating to: neglect of a child and providing criminal penalties.

Senate Amendment 1 adoption.

Ayes: 4 - Senators Wanggaard, Vukmir, Lasee and Risser.

Noes: 1 - Senator L. Taylor.

Passage as amended.

Ayes: 3 - Senators Wanggaard, Vukmir and Lasee.

Noes: 2 - Senators Risser and L. Taylor.

Senate Bill 325

Relating to: repeated acts of physical abuse of the same child and providing a criminal penalty.

Passage.

Ayes: 4 - Senators Wanggaard, Vukmir, Lasee and Risser.

Noes: 1 - Senator L. Taylor.

Senate Bill 334

Relating to: exemptions from certain taxes and other requirements for work performed by persons from outside the state during a state of emergency declared by the governor.

Senate Amendment 1 adoption.

Ayes: 5 - Senators Wanggaard, Vukmir, Lasee, Risser and L. Taylor.

Noes: 0.

Passage as amended.

Ayes: 5 - Senators Wanggaard, Vukmir, Lasee, Risser and L. Taylor.

Noes: 0.

Senate Bill 346

Relating to: publication of certain proposed rules and changes to existing rules.

Passage.

Ayes: 5 - Senators Wanggaard, Vukmir, Lasee, Risser and L. Taylor.

Noes: 0.

VAN WANGGAARD

Chairperson

Committee on Judiciary and Public Safety

The joint survey committee on **Tax Exemptions** reports and recommends:

Senate Bill 227

Relating to: a sales and use tax exemption for building materials that become a part of a facility for a local unit of government or nonprofit organization.

Report of Joint Survey Committee on Tax Exemptions received.

Ayes: 6 - Senators LeMahieu, Tiffany and Carpenter; Representatives August, Swearingen and Hesselbein; Public Members Shaul and Connell; Secretary Chandler.

Noes: 0 - None.

Senate Bill 255

Relating to: sunseting the individual income tax deduction for expense allowances that may be claimed by certain state legislators.

Report of Joint Survey Committee on Tax Exemptions received.

Ayes: 6 - Senators LeMahieu, Tiffany and Carpenter; Representatives August, Swearingen and Hesselbein; Public Members Shaul and Connell; Secretary Chandler.

Noes: 0 - None.

Senate Bill 334

Relating to: exemptions from certain taxes and other requirements for work performed by persons from outside the state during a state of emergency declared by the governor.

Report of Joint Survey Committee on Tax Exemptions received.

Ayes: 6 - Senators LeMahieu, Tiffany and Carpenter; Representatives August, Swearingen and Hesselbein; Public Members Shaul and Connell; Secretary Chandler.

Noes: 0 - None.

DEVIN LEMAHIEU

Senate Chairperson

Joint Survey Committee on Tax Exemptions

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Representative Berceau withdrawn as a co-sponsor of **Senate Bill 326**.

Pursuant to Senate Rule 17 (5), Representative Subeck withdrawn as a co-sponsor of **Senate Bill 326**.

State of Wisconsin Office of the Senate President

October 29, 2015

The Honorable, the Senate:

Pursuant to Senate Rule 46 (2)(c), I am writing to inform you that I have directed the following proposal to be withdrawn from committee and rereferred. I have obtained the consent of the appropriate standing committee chairperson and the chairperson of the committee on Senate Organization.

Senate Bill 285, relating to: the state civil service and making an appropriation., withdrawn from Committee on **Senate Organization** and rereferred to Joint Committee on **Finance**.

Sincerely,

MARY LAZICH

Senate President

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

Senate Clearinghouse Rule 15-040

Relating to the requirements for entrance to examinations. Submitted by Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors.

Report received from Agency, October 27, 2015.

Referred to committee on **Economic Development and Commerce**, October 29, 2015.

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

Senate Clearinghouse Rule 15-056

Relating to certificate for dental hygienists to administer nitrous oxide inhalation analgesia.

No action taken on October 21, 2015.

Referred to joint committee for review of **Administrative Rules**, October 29, 2015.

Senate Clearinghouse Rule 15-057

Relating to informed consent.

No action taken on October 21, 2015.

Referred to joint committee for review of **Administrative Rules**, October 29, 2015.

LEAH VUKMIR

Chairperson

**MESSAGES FROM THE
ASSEMBLY CONSIDERED**

Assembly Joint Resolution 69

Relating to: reaffirming support for increasing Taiwan's international profile and for strengthening and expanding sister-city and sister-state ties between Wisconsin and Taiwan; and supporting Taiwan's efforts to secure entry to the Trans-Pacific Partnership (TPP) and the signing of the Free Trade Agreement (FTA) and Bilateral Investment Agreement (BIA) with the United States.

By Representatives Murtha, Tranel, Kulp, Allen, Ballweg, Hebl, Kleefisch, Krug, T. Larson, Murphy, Nygren, A. Ott, Petryk, Ripp, Sinicki and Tauchen; cosponsored by Senators Marklein, Cowles, Lasee, Lassa and Vinehout.

Read and referred to committee on **Senate Organization**

Assembly Joint Resolution 72

Relating to: congratulating the 2015 Stars of Life honorees.

By Representatives Tittl, Vorpapel, Allen, Brandtjen, E. Brooks, Hebl, Kessler, Kitchens, Kleefisch, Knodl, Kolste, Krug, Milroy, Murphy, Mursau, A. Ott, Petryk, Pope, Rohrkaste, Sinicki, Spiros, Subeck and C. Taylor; cosponsored by Senators Harsdorf, Cowles, Olsen, Petrowski, Vukmir, Wanggaard, Bewley, Hansen, Lassa, L. Taylor and Wirch.

Read and referred to committee on **Senate Organization**

Assembly Joint Resolution 76

Relating to: proclaiming October 26 to 30, 2015, as Canada Week in Wisconsin, and Tuesday, October 27, 2015, as Canada Day at the state capitol.

By Representatives Vos and Barca; cosponsored by Senators Lazich, S. Fitzgerald and Shilling.

Read and referred to committee on **Senate Organization**

Assembly Bill 142

Relating to: going armed with a switchblade.

By Representatives Bernier, Kleefisch, Edming, Gannon, Horlacher, Kapenga, Kremer, Krug, T. Larson, Mursau,

Murtha, Ripp, Thiesfeldt and Tittl; cosponsored by Senators Moulton, Wanggaard and Harsdorf.

Read first time and referred to committee on **Senate Organization**

Assembly Bill 190

Relating to: continuing education requirements for persons who perform electrical work, licensing and registration requirements for certain experienced electricians, and requiring the exercise of rule-making authority.

By Representatives T. Larson, A. Ott, Ballweg, E. Brooks, Doyle, Edming, Horlacher, Jarchow, Kolste, Krug, Kulp, Meyers and Murtha; cosponsored by Senators Olsen and Ringhand.

Read first time and referred to committee on **Labor and Government Reform**

Assembly Bill 239

Relating to: allowing a pupil's parent or guardian to opt out of certain statewide examinations and providing information about mandatory pupil examinations.

By Representatives Thiesfeldt, Knudson, Gannon, Kremer, Quinn, T. Larson, Neylon, Knodl and Kulp; cosponsored by Senators Stroebel, Nass and Vukmir.

Read first time and referred to committee on **Senate Organization**

Assembly Bill 297

Relating to: copying, making available, and required notices on, certain vital records.

By Representatives Ballweg, Berceau, Bowen, E. Brooks, Brostoff, Doyle, Genrich, Heaton, Jacque, Ohnstad, A. Ott, Quinn, Sinicki and Thiesfeldt; cosponsored by Senators Hansen, Bewley, Ringhand, Stroebel and Vinehout.

Read first time and referred to committee on **Health and Human Services**

Assembly Bill 308

Relating to: providing an exemption from civil liability for forcibly entering a vehicle under certain circumstances.

By Representatives Ohnstad, Kerkman, Sinicki, Stuck, Steffen, Milroy, Berceau, Hesselbein, Jorgensen, Bowen, Kolste, Kahl, Spiros, Zepnick, Subeck, Quinn, Pope, Billings, Thiesfeldt and Spreitzer; cosponsored by Senators Wirch, Olsen and Lassa.

Read first time and referred to committee on **Senate Organization**

Assembly Bill 322

Relating to: highway parking of motor vehicles owned by carsharing organizations.

By Representatives August, Ripp, Spiros, Mason, Rohrkaste, Macco, Murphy, Heaton, Kahl, Weatherston, Knodl, Krug, Swearingen, Vorpapel and Thiesfeldt; cosponsored by Senators Petrowski, Lassa and Hansen.

Read first time and referred to committee on **Senate Organization**

Assembly Bill 324

Relating to: modifying an exception to the prohibition against underage persons being present on premises operating under an alcohol beverage license issued to a specified licensee in Chippewa Falls.

By Representatives T. Larson and Bernier; cosponsored by Senator Moulton.

Read first time and referred to committee on **Senate Organization**

Assembly Bill 347

Relating to: battery and threats to a judge, a prosecutor, a public defender, or a law enforcement officer and providing a criminal penalty.

By Representatives Kerkman and Horlacher.

Read first time and referred to committee on **Judiciary and Public Safety**

Assembly Bill 362

Relating to: multiple county health departments.

By Representatives R. Brooks, Knodl, Born, Brandtjen, Edming, Gannon, Horlacher, Hutton, Jarchow, Kremer, J. Ott, Rohrkaste, Steffen and Thiesfeldt; cosponsored by Senators Stroebel and Cowles.

Read first time and referred to committee on **Senate Organization**

Assembly Bill 373

Relating to: the state civil service and making an appropriation.

By Representatives Steineke, Rohrkaste, Allen, August, Born, Brandtjen, R. Brooks, Craig, Czaja, Edming, Gannon, Hutton, Jagler, Jarchow, Katsma, Kleefisch, Knodl, Knudson, Kooyenga, Kremer, Kuglitsch, Loudenbeck, Murphy, Murtha, Nygren, J. Ott, Sanfelippo, Skowronski, Thiesfeldt, Tittl, Vorpapel and Weatherston; cosponsored by

Senators Roth, Wanggaard, Darling, S. Fitzgerald, Kapenga, Lasee, Lazich, LeMahieu, Nass, Stroebel and Vukmir.

Read first time and referred to joint committee on **Finance**

Assembly Bill 394

Relating to: review of proposed changes to public employee group health insurance programs.

By Representatives Nygren, Czaja, Loudenbeck, Kooyenga, Knudson, Knodl, Rodriguez, Allen, Bernier, Jagler, Katsma, Kleefisch, T. Larson, Murphy, Murtha, Nerison, Novak, Petryk, Quinn, Rohrkaste, Swearingen, Tauchen, Thiesfeldt, A. Ott, Ripp, Weatherston, Barca, Doyle, Hintz, Kahl and C. Taylor; cosponsored by Senators Darling, S. Fitzgerald, Lazich, Gudex, Vukmir, Harsdorf, Wanggaard, Olsen, Marklein, Tiffany, Cowles, Lasee, LeMahieu, Moulton, Roth, Petrowski, Shilling, Hansen, Lassa, Vinehout, Erpenbach, Harris Dodd and C. Larson.

Read first time and referred to committee on **Senate Organization**

ADJOURNMENT

Senator Fitzgerald, with unanimous consent, asked that the Senate stand adjourned until Monday, November 2, 2015.

Adjourned.

1:25 P.M.