



# STATE OF WISCONSIN Senate Journal

One-Hundred and Second Regular Session

11:15 A.M.

TUESDAY, January 12, 2016

The Senate met.

The Senate was called to order by Senate President Lazich.

## 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 Bewley, Carpenter, Cowles, Darling, Erpenbach, S. Fitzgerald, Gudex, Hansen, Harris Dodd, Harsdorf, Kapenga, C. Larson, Lasee, Lassa, Lazich, LeMahieu, Marklein, Miller, Moulton, Nass, Olsen, Petrowski, Ringhand, Risser, Roth, Shilling, Stroebel, L. Taylor, Tiffany, Vinehout, Wanggaard and Wirch - 32.

Absent with leave - Senator Vukmir - 1.

The Senate stood for a moment of silent meditation.

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

## LEAVES OF ABSENCE

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

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 2 to **Senate Bill 322** offered by Senator Wanggaard.

Senate Amendment 1 to **Senate Bill 338** offered by Senator Moulton.

Senate Amendment 1 to **Senate Bill 339** offered by Senator Marklein.

Senate Amendment 1 to **Senate Bill 434** offered by Senator Tiffany.

Senate Amendment 1 to **Senate Bill 463** offered by Senator Stroebel.

Senate Amendment 2 to **Senate Bill 474** offered by Senator Petrowski.

## INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read first time and referred:

### **Senate Bill 549**

Relating to: agricultural loan guarantee programs administered by the Wisconsin Housing and Economic Development Authority.

By Senators Moulton, Harsdorf, Harris Dodd, LeMahieu, Olsen, Petrowski, Shilling, L. Taylor, Vinehout and Marklein; cosponsored by Representatives Nerison, Novak, Ballweg, Loudenbeck, Quinn and Ripp.

To committee on **Agriculture, Small Business, and Tourism**.

### **Senate Bill 550**

Relating to: special registration plates associated with certain professional basketball teams and making an appropriation.

By Senators LeMahieu, Harris Dodd, Gudex, C. Larson, Lassa, Lazich, Stroebel, Tiffany and L. Taylor; cosponsored by Representatives Tittl, Allen, Barnes, Hintz, Jarchow, Kahl, Ohnstad, A. Ott, Rohrkaste, Sinicki, Steffen, Vorpapel and Zamarripa.

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

### **Senate Bill 551**

Relating to: Agricultural Producer Security Council members, expenses for inspection and certification of grain, the American Society for Testing and Materials, service of process for the Department of Agriculture, Trade and Consumer Protection, eliminating a reporting requirement for local ordinances relating to pesticides, and making an appropriation (suggested as remedial legislation by the Department of Agriculture, Trade and Consumer Protection).

By **Law Revision Committee**

To committee on **Senate Organization**.

### **Senate Bill 552**

Relating to: appointing a guardian ad litem in certain cases where a paternity action is barred by a statute of limitations (suggested as remedial legislation by the Department of Children and Families).

By **Law Revision Committee**  
To committee on **Senate Organization**.

**Senate Bill 553**

Relating to: remedial legislation affecting the Wisconsin Retirement System and the Department of Employee Trust Funds (suggested as remedial legislation by the Department of Employee Trust Funds).

By **Law Revision Committee**  
To committee on **Senate Organization**.

**Senate Bill 554**

Relating to: volunteer health care provider program, changing reference to residential treatment programs, and eliminating a grammatical error in the Well-Woman Program provision on specialized training for rural colposcopic examinations (suggested as remedial legislation by the Department of Health Services).

By **Law Revision Committee**  
To committee on **Senate Organization**.

**Senate Bill 555**

Relating to: the mileage reimbursement rate for travel expenses of national guard members on state active duty (suggested as remedial legislation by the Department of Military Affairs).

By **Law Revision Committee**  
To committee on **Senate Organization**.

**Senate Bill 556**

Relating to: grants for national teacher certification or master educator licensure and licensure for alternative education program teachers (suggested as remedial legislation by the Department of Public Instruction).

By **Law Revision Committee**  
To committee on **Senate Organization**.

**Senate Bill 557**

Relating to: technical corrections of various tax statutes (suggested as remedial legislation by the Department of Revenue).

By **Law Revision Committee**  
To committee on **Senate Organization**.

**Senate Bill 558**

Relating to: the appointment of an advisory committee to advise the Department of Safety and Professional Services (suggested as remedial legislation by the Department of Safety and Professional Services).

By **Law Revision Committee**  
To committee on **Senate Organization**.

**Senate Bill 559**

Relating to: certain drinking age reports, the effective date of certain changes to the requirements for issuing operator's licenses and identification cards, and repealing the tax on controlled substances (suggested as remedial legislation by the Department of Transportation).

By **Law Revision Committee**  
To committee on **Senate Organization**.

**Senate Bill 560**

Relating to: transferring federal moneys received by the Department of Workforce Development to the Labor and

Industry Review Commission and making an appropriation (suggested as remedial legislation by the Legislative Fiscal Bureau).

By **Law Revision Committee**  
To committee on **Senate Organization**.

**Senate Bill 561**

Relating to: affecting various provisions of the statutes to correct errors and reconcile conflicts (Correction Bill).

By **Law Revision Committee**  
To committee on **Senate Organization**.

**Senate Bill 562**

Relating to: revising various provisions of the statutes to eliminate defects, anachronisms, and obsolete provisions (Revision Bill).

By **Law Revision Committee**  
To committee on **Senate Organization**.

**Senate Bill 563**

Relating to: revising various provisions of the statutes for the purpose of making corrections and reconciling conflicts (Correction Bill).

By **Law Revision Committee**  
To committee on **Senate Organization**.

**Senate Bill 564**

Relating to: Martin Luther King, Jr. Day (suggested as remedial legislation by the Office of the Director of State Courts).

By **Law Revision Committee**  
To committee on **Senate Organization**.

**Senate Bill 565**

Relating to: the definition of faculty of the University of Wisconsin System (suggested as remedial legislation by the Board of Regents of the University of Wisconsin System).

By **Law Revision Committee**  
To committee on **Senate Organization**.

**Senate Bill 566**

Relating to: size and weight limits of vehicles operating on the I 39 and I 41 corridors.

By Senator Petrowski; cosponsored by Representative Spiros.

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

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**PETITIONS AND COMMUNICATIONS**

Pursuant to Senate Rule 17 (5), Senator Carpenter added as a co-author of **Senate Bill 30**.

Pursuant to Senate Rule 17 (5), Senator Carpenter added as a co-author of **Senate Bill 323**.

Pursuant to Senate Rule 17 (5), Senator Hansen added as a co-sponsor of **Assembly Joint Resolution 73**.

Pursuant to Senate Rule 17 (5), Senator Hansen added as a co-sponsor of **Assembly Joint Resolution 78**.

Pursuant to Senate Rule 17 (5), Senator Hansen added as a co-author of **Senate Bill 323**.

Pursuant to Senate Rule 17 (5), Representative Heaton added as a co-sponsor of **Senate Bill 288**.

Pursuant to Senate Rule 17 (5), Representatives Kahl and Novak added as co-sponsors of **Senate Bill 322**.

Pursuant to Senate Rule 17 (5), Senator Lassa added as a co-author of **Senate Bill 386**.

Pursuant to Senate Rule 17 (5), Senator Lassa added as a co-author of **Senate Bill 466**.

Pursuant to Senate Rule 17 (5), Representative Macco added as a co-sponsor of **Senate Bill 198**.

Pursuant to Senate Rule 17 (5), Senator Miller added as a co-author of **Senate Bill 323**.

Pursuant to Senate Rule 17 (5), Representative Shankland added as a co-sponsor of **Senate Bill 272**.

Pursuant to Senate Rule 17 (5), Representative Shankland added as a co-sponsor of **Senate Bill 322**.

Pursuant to Senate Rule 17 (5), Representative Shankland added as a co-sponsor of **Senate Bill 457**.

Pursuant to Senate Rule 17 (5), Representative Subeck added as a co-sponsor of **Senate Bill 483**.

Pursuant to Senate Rule 17 (5), Senator Taylor added as a co-author of **Senate Joint Resolution 67**.

Pursuant to Senate Rule 17 (5), Senator Taylor added as a co-sponsor of **Assembly Joint Resolution 73**.

Pursuant to Senate Rule 17 (5), Senator Taylor added as a co-author of **Senate Bill 319**.

Pursuant to Senate Rule 17 (5), Senator Taylor added as a co-author of **Senate Bill 330**.

Pursuant to Senate Rule 17 (5), Senator Taylor added as a co-author of **Senate Bill 386**.

Pursuant to Senate Rule 17 (5), Senator Vinehout added as a co-author of **Senate Bill 380**.

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## ADVICE AND CONSENT OF THE SENATE

### JOHNSON, DR. PHILIP

Of Winneconne, as a Veterinarian 3 on the Veterinary Examining Board, to serve for the term ending July 1, 2019.

Read.

The question was: Confirmation?

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

Ayes - Senators Bewley, Carpenter, Cowles, Darling, Erpenbach, S. Fitzgerald, Gudex, Hansen, Harris Dodd, Harsdorf, Kapenga, C. Larson, Lasee, Lassa, Lazich, LeMahieu, Marklein, Miller, Moulton, Nass, Olsen, Petrowski, Ringhand, Risser, Roth, Shilling, Stroebel, L. Taylor, Tiffany, Vinehout, Wanggaard and Wirsch - 32.

Noes - None.

Absent or not voting - Senator Vukmir - 1.

Confirmed.

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

### Senate Joint Resolution 67

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

The question was: Adoption of **Senate Joint Resolution 67?**

Adopted.

### Assembly Joint Resolution 41

Relating to: honoring the life and contributions of David Duax.

Read.

The question was: Concurrence of **Assembly Joint Resolution 41?**

Concurred in.

### Assembly Joint Resolution 65

Relating to: congratulating the Fond du Lac Fire Department on earning international accreditation on August 27, 2015.

The question was: Concurrence of **Assembly Joint Resolution 65?**

Concurred in.

### Assembly Joint Resolution 73

Relating to: Pregnancy and Infant Loss Awareness Month.

The question was: Concurrence of **Assembly Joint Resolution 73?**

Concurred in.

### Assembly Joint Resolution 78

Relating to: Department of Veterans Affairs' 70 years of service to veterans.

The question was: Concurrence of **Assembly Joint Resolution 78?**

Concurred in.

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

### Senate Joint Resolution 67

### Assembly Joint Resolution 41

### Assembly Joint Resolution 65

### Assembly Joint Resolution 73

### Assembly Joint Resolution 78

Messaged.

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

**Senate Bill 30**

Relating to: the display and sale of novelty lighters and providing a penalty.

Read a second time.

Ordered to a third reading.

Senator Fitzgerald, with unanimous consent, asked that the rules be suspended and the bill be given its third reading.

**Senate Bill 30**

Read a third time and passed.

**Senate Bill 275**

Relating to: parking spaces reserved for persons with physical disabilities.

Read a second time.

Ordered to a third reading.

Senator Fitzgerald, with unanimous consent, asked that the rules be suspended and the bill be given its third reading.

**Senate Bill 275**

Read a third time and passed.

**Senate Bill 304**

Relating to: amending various rules promulgated by the Department of Children and Families governing the certification of child care operators, governing the licensing of child welfare agencies, and establishing standards for the operation of child care centers; and eliminating rules promulgated by the Department of Children and Families related to retaining public assistance case records.

Read a second time.

Ordered to a third reading.

Senator Fitzgerald, with unanimous consent, asked that the rules be suspended and the bill be given its third reading.

**Senate Bill 304**

Read a third time and passed.

**Senate Bill 308**

Relating to: appointment of a successor guardian for a child in need of protection or services and eligibility of a successor guardian for subsidized guardianship payments, providing an exemption from emergency rule procedures, and granting rule-making authority.

Read a second time.

Ordered to a third reading.

Senator Fitzgerald, with unanimous consent, asked that the rules be suspended and the bill be given its third reading.

**Senate Bill 308**

Read a third time and passed.

**Senate Bill 309**

Relating to: use of the reasonable and prudent parent standard for making decisions concerning the participation of a child placed in out-of-home care in age or developmentally appropriate activities, permanency planning for a child 14 years of age or over, providing an exemption from emergency rule procedures, and granting rule-making authority.

Read a second time.

Ordered to a third reading.

Senator Fitzgerald, with unanimous consent, asked that the rules be suspended and the bill be given its third reading.

**Senate Bill 309**

Read a third time and passed.

**Senate Bill 314**

Relating to: adverse possession against the state or a political subdivision.

Read a second time.

The question was: Adoption of Senate Amendment 1 to **Senate Bill 314**?

Adopted.

Ordered to a third reading.

Senator Fitzgerald, with unanimous consent, asked that the rules be suspended and the bill be given its third reading.

**Senate Bill 314**

Read a third time and passed.

**Senate Bill 318**

Relating to: state aid to local fairs and regulation of horse racing.

Read a second time.

Ordered to a third reading.

Senator Fitzgerald, with unanimous consent, asked that the rules be suspended and the bill be given its third reading.

**Senate Bill 318**

Read a third time and passed.

**Senate Bill 319**

Relating to: lawful turns on a red signal.

Read a second time.

Ordered to a third reading.

Senator Fitzgerald, with unanimous consent, asked that the rules be suspended and the bill be given its third reading.

**Senate Bill 319**

Read a third time and passed.

**Senate Bill 323**

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

Read a second time.

Senator Cowles, with unanimous consent, asked that Senate Amendment 1 to **Senate Bill 323** be withdrawn and returned to author.

Senator Cowles, with unanimous consent, asked that Senate Amendment 2 to **Senate Bill 323** be withdrawn and returned to author.

The question was: Adoption of Senate Amendment 3 to **Senate Bill 323**?

Adopted.

Ordered to a third reading.

Senator Fitzgerald, with unanimous consent, asked that the rules be suspended and the bill be given its third reading.

**Senate Bill 323**

Read a third time and passed.

**Senate Bill 325**

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

Read a second time.

Ordered to a third reading.

Senator Fitzgerald, with unanimous consent, asked that the rules be suspended and the bill be given its third reading.

**Senate Bill 325**

Read a third time and passed.

**Senate Bill 330**

Relating to: the sale of homemade baked goods and homemade canned goods.

Read a second time.

Ordered to a third reading.

Senator Fitzgerald, with unanimous consent, asked that the rules be suspended and the bill be given its third reading.

**Senate Bill 330**

Read a third time and passed.

**Senate Bill 338**

Relating to: interfering with hunting, fishing, and trapping and providing criminal penalties.

Read a second time.

The question was: Adoption of Senate Amendment 1 to **Senate Bill 338**?

Adopted.

Ordered to a third reading.

Senator Fitzgerald, with unanimous consent, asked that the rules be suspended and the bill be given its third reading.

**Senate Bill 338**

Read a third time and passed.

**Senate Bill 343**

Relating to: distribution of Wisconsin Blue Book and highway maps.

Read a second time.

Ordered to a third reading.

Senator Fitzgerald, with unanimous consent, asked that the rules be suspended and the bill be given its third reading.

**Senate Bill 343**

Read a third time and passed.

**Senate Bill 386**

Relating to: access by a birth parent whose parental rights have been terminated in this state to identifying information about his or her child and access to medical and genetic information about such a birth parent.

Read a second time.

Ordered to a third reading.

Senator Fitzgerald, with unanimous consent, asked that the rules be suspended and the bill be given its third reading.

**Senate Bill 386**

Read a third time and passed.

**Senate Bill 392**

Relating to: authority of the Department of Agriculture, Trade and Consumer Protection regarding motor vehicle fueling facilities.

Read a second time.

Ordered to a third reading.

Senator Fitzgerald, with unanimous consent, asked that the rules be suspended and the bill be given its third reading.

**Senate Bill 392**

Read a third time and passed.

Senators Bewley, Miller and Vinehout, with unanimous consent, asked that they be recorded as voting "No" on the question of passage of **Senate Bill 392**.

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

**Senate Bill 30**  
**Senate Bill 275**  
**Senate Bill 304**  
**Senate Bill 308**  
**Senate Bill 309**  
**Senate Bill 314**  
**Senate Bill 318**  
**Senate Bill 319**  
**Senate Bill 323**  
**Senate Bill 325**  
**Senate Bill 330**  
**Senate Bill 338**  
**Senate Bill 343**  
**Senate Bill 386**

**Senate Bill 392**

Messaged.

**Assembly Bill 98**

**Assembly Bill 297**

**Assembly Bill 372**

Messaged.

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

**Assembly Bill 98**

Relating to: highway maps published by the Department of Transportation.

Read a second time.

Ordered to a third reading.

Senator Fitzgerald, with unanimous consent, asked that the rules be suspended and the bill be given its third reading.

**Assembly Bill 98**

Read a third time and concurred in.

**Assembly Bill 297**

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

Read a second time.

Ordered to a third reading.

Senator Fitzgerald, with unanimous consent, asked that the rules be suspended and the bill be given its third reading.

**Assembly Bill 297**

Read a third time.

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

Ayes - Senators Bewley, Carpenter, Cowles, Darling, Erpenbach, S. Fitzgerald, Gudex, Hansen, Harris Dodd, Harsdorf, Kapenga, C. Larson, Lasee, Lassa, Lazich, LeMahieu, Marklein, Miller, Moulton, Nass, Olsen, Petrowski, Ringhand, Risser, Roth, Shilling, Stroebel, L. Taylor, Tiffany, Vinehout, Wanggaard and Wirch - 32.

Noes - None.

Absent or not voting - Senator Vukmir - 1.

Concurred in.

**Assembly Bill 372**

Relating to: membership of the board of commissioners of public inland lake protection and rehabilitation districts.

Read a second time.

Ordered to a third reading.

Senator Fitzgerald, with unanimous consent, asked that the rules be suspended and the bill be given its third reading.

**Assembly Bill 372**

Read a third time and concurred in.

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

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

Senator Lazich, with unanimous consent, asked that the Senate adjourn, it honor of Rachel Veum and would like to welcome her back to the State Senate.

Senator Shilling, with unanimous consent, asked that the Senate adjourn in honor of Rachel Veum and Senator Roth and welcomes them back to the State Senate.

Senator Hansen, with unanimous consent, asked that the Senate adjourn in honor of the Green Bay Packers.

Senator Wanggaard, with unanimous consent, asked that the Senate adjourn in honor of Jayden Jaramillo of Mt. Pleasant. Because of his quick thinking, his bus driver was able to receive timely emergency medical assistance. Last October Jayden, a fourth grader at the time, came to the rescue of his school bus driver who was having an asthma attack. The driver began coughing and could not breathe. Quickly recognizing the emergency, Jayden jumped into action. He called for help on the radio, alerting the bus company there was an emergency and their location. Because of Jayden's actions an ambulance was able to rush the bus driver to the hospital for care and another driver was sent to drive the students to school. Jayden's quick thinking saved a life. Wisconsin is a better place because of people like Jayden.

Senator Vinehout, with unanimous consent, asked that the Senate adjourn in honor of Judith R. Whelan. They laid Judy to rest last Saturday. Judy passed away as the result of a congenital kidney disorder. She believed she could change the world and she surely did change the world. Judy grew up down the road from the Senator in Mondovi and earned her teaching degree from UW Eau Claire. In what was for her a life-changing event, Judy met Eleanor Roosevelt. Judy attended and staffed the Roosevelt sponsored Encampment for Citizenship in New York. This experience left a lifelong impact on Judy. She learned how to change the world and she did this one person at a time. Judy shifted her focus from teaching to working to improve the lives of others. Judy worked as a leader for Farmers Union in western Wisconsin. She worked with youth and families for the betterment of the lives of rural people. Later Judy worked to improve the quality of life for all as an outreach worker with the CAP agency Western Dairyland. Her legacy to improve people's lives is visible in Buffalo County through the thrift shops in Mondovi and Buffalo City and the Mondovi Area Food Pantry. Judy fell in love with and married the former Mayor of Mondovi, Dell Whelan, who served on the Buffalo County Dairy Herd Improvement Association. It was through the association Senator Vinehout met Judy and Dell over 20

years ago. Judy believed our purpose on this earth is to help make the lives of others better. She truly lived her life to change the world.

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## **ADJOURNMENT**

Senator Fitzgerald, with unanimous consent, asked that the Senate stand adjourned until Thursday, January 14, 2016.

Adjourned.

11:58 A.M.