



STATE OF WISCONSIN Senate Journal

One-Hundred and Third Regular Session

11:29 A.M.

WEDNESDAY, May 10, 2017

The Senate met.

The Senate was called to order by Senate President Roth.

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, Craig, Darling, Erpenbach, Feyen, Fitzgerald, Hansen, Harsdorf, Johnson, Kapenga, Lasee, LeMahieu, Marklein, Miller, Moulton, Nass, Olsen, Petrowski, Ringhand, Risser, Roth, Shilling, Stroebel, L. Taylor, Testin, Tiffany, Vinehout, Vukmir, Wanggaard and Wirch - 32.

Absent with leave - Senator Larson - 1.

The Senate stood for the prayer which was offered by Senator Moulton.

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

LEAVES OF ABSENCE

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

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

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate Amendment 2 to **Senate Bill 101** offered by the committee on **Judiciary and Public Safety**.

Senate Amendment 1 to **Senate Bill 223** offered by Senator Vukmir.

Senate Amendment 1 to **Assembly Bill 25** offered by Senators Johnson, Vinehout, L. Taylor, Hansen, Wirch, Bewley, Shilling, Miller, Ringhand, Risser, Carpenter and Erpenbach.

Senate Amendment 2 to **Assembly Bill 25** offered by Senators Johnson, Vinehout, L. Taylor, Hansen, Wirch, Bewley, Shilling, Miller, Ringhand, Risser, Carpenter and Erpenbach.

Senate Substitute Amendment 1 to **Assembly Bill 25** offered by Senators Johnson, Vinehout, L. Taylor, Hansen, Wirch, Bewley, Shilling, Miller, Ringhand, Risser, Carpenter and Erpenbach.

Senate Substitute Amendment 2 to **Assembly Bill 25** offered by Senator L. Taylor.

Senate Amendment 1 to **Assembly Bill 123** offered by Senators Carpenter, Hansen, Vinehout, Wirch and Risser.

Senate Amendment 1 to **Assembly Bill 160** offered by Senators Miller, Shilling, Bewley, Hansen, Johnson, Vinehout, Carpenter, Erpenbach, Risser and Ringhand.

Senate Amendment 2 to **Assembly Bill 160** offered by Senators Miller, Shilling, Bewley, Hansen, Johnson, Vinehout, Carpenter, Erpenbach, Risser and Ringhand.

REPORT OF COMMITTEES

The committee on **Judiciary and Public Safety** reported and recommended:

Senate Bill 101

Relating to: the transfer by affidavit option for small estates.

Senate Amendment 1 adoption.

Ayes: 5 - Senators Wanggaard, Testin, Stroebel, Risser and L. Taylor.

Noes: 0 - None.

Senate Amendment 2 adoption.

Ayes: 5 - Senators Wanggaard, Testin, Stroebel, Risser and L. Taylor.

Noes: 0 - None.

Passage as amended.

Ayes: 5 - Senators Wanggaard, Testin, Stroebel, Risser and L. Taylor.

Noes: 0 - None.

Senate Bill 52

Relating to: time limit on a restrictive custody sanction under the Serious Juvenile Offender Program.

Passage.

Ayes: 3 - Senators Wanggaard, Testin and Stroebel.

Noes: 2 - Senators Risser and L. Taylor.

Senate Bill 54

Relating to: recommendation to revoke parole, probation, and extended supervision if a person is charged with a crime.

Passage.

Ayes: 3 - Senators Wanggaard, Testin and Stroebel.

Noes: 2 - Senators Risser and L. Taylor.

Senate Bill 55

Relating to: crimes subject to a mandatory minimum sentence.

Passage.

Ayes: 3 - Senators Wanggaard, Testin and Stroebel.

Noes: 2 - Senators Risser and L. Taylor.

Senate Bill 56

Relating to: mandatory minimum incarceration period following illegal possession of a firearm.

Passage.

Ayes: 3 - Senators Wanggaard, Testin and Stroebel.

Noes: 2 - Senators Risser and L. Taylor.

Senate Bill 58

Relating to: carjacking offenses and providing criminal penalties.

Passage.

Ayes: 3 - Senators Wanggaard, Testin and Stroebel.

Noes: 2 - Senators Risser and L. Taylor.

Senate Bill 59

Relating to: acts for which a juvenile may be placed in correctional placement or the Serious Juvenile Offender Program.

Passage.

Ayes: 3 - Senators Wanggaard, Testin and Stroebel.

Noes: 2 - Senators Risser and L. Taylor.

VAN WANGGAARD

Chairperson

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Representative Ballweg added as a co-sponsor of **Senate Joint Resolution 52**.

Pursuant to Senate Rule 17 (5), Representative Billings added as a co-sponsor of **Senate Bill 212**.

Pursuant to Senate Rule 17 (5), Senator Cowles added as a co-author of **Senate Joint Resolution 39**.

Pursuant to Senate Rule 17 (5), Representative Felzkowski added as a co-sponsor of **Senate Bill 121**.

Pursuant to Senate Rule 17 (5), Senator Hansen added as a co-author of **Senate Joint Resolution 48**.

Pursuant to Senate Rule 17 (5), Senator Hansen added as a co-author of **Senate Joint Resolution 51**.

Pursuant to Senate Rule 17 (5), Senator Hansen added as a co-author of **Senate Bill 212**.

Pursuant to Senate Rule 17 (5), Senator Miller added as a co-author of **Senate Joint Resolution 52**.

Pursuant to Senate Rule 17 (5), Senator Taylor added as a co-author of **Senate Joint Resolution 39**.

Pursuant to Senate Rule 17 (5), Representative Taylor added as a co-sponsor of **Senate Joint Resolution 52**.

Pursuant to Senate Rule 17 (5), Representative Taylor added as a co-sponsor of **Senate Joint Resolution 51**.

Pursuant to Senate Rule 17 (5), Representative Taylor added as a co-sponsor of **Senate Joint Resolution 48**.

Pursuant to Senate Rule 17 (5), Senator Testin added as a co-author of **Senate Bill 168**.

Pursuant to Senate Rule 17 (5), Senator Vinehout added as a co-author of **Senate Joint Resolution 51**.

ADVICE AND CONSENT OF THE SENATE

ROTHENBERG, JASON A.

Of Mount Horeb, as a Public Member on the Deferred Compensation Board, to serve for the term ending July 1, 2017.

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, Craig, Darling, Erpenbach, Feyen, Fitzgerald, Hansen, Harsdorf, Johnson, Kapenga, Lasee, LeMahieu, Marklein, Miller, Moulton, Nass, Olsen, Petrowski, Ringhand, Risser, Roth, Shilling, Stroebel, L. Taylor, Testin, Tiffany, Vinehout, Vukmir, Wanggaard and Wirch - 32.

Noes - None - 0.

Absent or not voting - Senator Larson - 1.

Confirmed.

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

Senate Joint Resolution 42

Relating to: the commitment-to-family policy of Karen Bogenschneider of Verona, Wisconsin.

The question was: Adoption of **Senate Joint Resolution 42**?

Adopted.

Senate Joint Resolution 47

Relating to: proclaiming May 19, 20, and 21, 2017, Syttende Mai Weekend.

The question was: Adoption of **Senate Joint Resolution 47?**

Adopted.

Senator Fitzgerald, with unanimous consent, asked that **Senate Joint Resolution 39** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Senate Joint Resolution 39

Relating to: commending the 32nd Infantry Division on its 100th anniversary.

The question was: Adoption of **Senate Joint Resolution 39?**

Adopted.

Senator Shilling, with unanimous consent, asked that all members of the Senate be added as coauthors of **Senate Joint Resolution 42**.

Senator Fitzgerald, with unanimous consent, asked that **Senate Joint Resolution 48** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Senate Joint Resolution 48

Relating to: proclaiming May 2017 as Mental Health Awareness Month.

The question was: Adoption of **Senate Joint Resolution 48?**

Adopted.

Senator Fitzgerald, with unanimous consent, asked that **Senate Joint Resolution 50** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Senate Joint Resolution 50

Relating to: congratulating Bay Beach Amusement Park in Green Bay on 125 years of continuous operation.

The question was: Adoption of **Senate Joint Resolution 50?**

Adopted.

Senator Fitzgerald, with unanimous consent, asked that **Senate Joint Resolution 51** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Senate Joint Resolution 51

Relating to: declaring May 2017 as Foster Care Awareness Month.

Senator Vukmir, with unanimous consent, asked that all members of the Senate be added as coauthors of **Senate Joint Resolution 51**.

The question was: Adoption of **Senate Joint Resolution 51?**

Adopted.

Senator Vukmir, with unanimous consent, asked that **Senate Joint Resolution 52** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Senate Joint Resolution 52

Relating to: recognizing May 8 through May 12, 2017, as National Teacher Appreciation Week in Wisconsin.

Senator Darling, with unanimous consent, asked that all members of the Senate be added as coauthors of **Senate Joint Resolution 52**.

Senator Fitzgerald asked unanimous consent that **Assembly Bill 123** be referred to the committee on **Senate Organization**.

Senator Carpenter objected.

The question was: Adoption of **Senate Joint Resolution 52?**

Adopted.

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

- Senate Joint Resolution 42**
- Senate Joint Resolution 47**
- Senate Joint Resolution 39**
- Senate Joint Resolution 48**
- Senate Joint Resolution 50**
- Senate Joint Resolution 51**
- Senate Joint Resolution 52**

Messaged.

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

Senate Bill 79

Relating to: authorizing county clerks and clerks of court to copy certified birth certificates for certain purposes.

Read a second time.

The question was: Adoption of Senate Amendment 1 to **Senate Bill 79?**

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 79

Read a third time and passed.

Senate Bill 85

Relating to: use of the construction manager-general contractor process for highway project contracting, major highway project reports, and cost-benefit analyses of certain services related to transportation.

Read a second time.

The question was: Adoption of Senate Amendment 1 to **Senate Bill 85?**

Adopted.

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

Adopted.

Ordered to a third reading.

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

Senate Bill 85

Read a third time and passed.

Senate Bill 89

Relating to: tax administration changes, the police and fire protection fee, defining restaurant for purposes of alcohol beverage regulation, lottery ticket couriers, background investigations of persons associated with the lottery, and providing a criminal penalty.

Read a second time.

Senator Fitzgerald, with unanimous consent, asked that **Assembly Bill 123** be moved to the foot of today's calendar.

The question was: Adoption of Senate Amendment 1 to **Senate Bill 89**?

Adopted.

Senators Bewley and Miller, with unanimous consent, asked to be recorded as voting "No" on the question of adoption of Senate Amendment 1 to **Senate Bill 89**.

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 89

Read a third time.

The question was: Passage of **Senate Bill 89**?

The ayes and noes were required and the vote was: ayes, 24; noes, 8; absent or not voting, 1; as follows:

Ayes - Senators Bewley, Cowles, Craig, Darling, Feyen, Fitzgerald, Harsdorf, Kapenga, Lasee, LeMahieu, Marklein, Miller, Moulton, Nass, Olsen, Petrowski, Roth, Stroebel, L. Taylor, Testin, Tiffany, Vinehout, Vukmir and Wanggaard - 24.

Noes - Senators Carpenter, Erpenbach, Hansen, Johnson, Ringhand, Risser, Shilling and Wirch - 8.

Absent or not voting - Senator Larson - 1.

Passed.

Senate Bill 94

Relating to: notification of special meetings of the common council of a city.

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 94

Read a third time and passed.

Senate Bill 126

Relating to: various changes to the pharmacy practice law and modifying rules promulgated by the Pharmacy Examining Board.

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 126

Read a third time and passed.

Senate Bill 172

Relating to: administration of vaccines by pharmacy students.

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 172

Read a third time and passed.

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

Senate Bill 79

Senate Bill 85

Senate Bill 89

Senate Bill 94

Senate Bill 126

Senate Bill 172

Messaged.

SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS

Assembly Bill 25

Relating to: child labor permits and modifying references to child labor in the statutes.

Read a second time.

Senator Kapenga moved that Senate Substitute Amendment 1 to **Assembly Bill 25** be rejected.

The question was: Rejection of Senate Substitute Amendment 1 to **Assembly Bill 25**?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 11; absent or not voting, 2; as follows:

Ayes - Senators Cowles, Craig, Darling, Feyen, Fitzgerald, Harsdorf, Kapenga, Lasee, LeMahieu, Marklein, Moulton, Nass, Olsen, Petrowski, Roth, Stroebel, Testin, Tiffany, Vukmir and Wanggaard - 20.

Noes - Senators Carpenter, Erpenbach, Hansen, Johnson, Miller, Ringhand, Risser, Shilling, L. Taylor, Vinehout and Wirch - 11.

Absent or not voting - Senators Bewley and Larson - 2.

Rejected.

Senator Bewley, with unanimous consent, asked to be recorded as voting "No" on the question of rejection of Senate Substitute Amendment 1 to **Assembly Bill 25**.

Senator Kapenga moved that Senate Substitute Amendment 2 to **Assembly Bill 25** be rejected.

The question was: Rejection of Senate Substitute Amendment 2 to **Assembly Bill 25**?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes - Senators Cowles, Craig, Darling, Feyen, Fitzgerald, Harsdorf, Kapenga, Lasee, LeMahieu, Marklein, Moulton, Nass, Olsen, Petrowski, Roth, Stroebel, Testin, Tiffany, Vukmir and Wanggaard - 20.

Noes - Senators Bewley, Carpenter, Erpenbach, Hansen, Johnson, Miller, Ringhand, Risser, Shilling, L. Taylor, Vinehout and Wirch - 12.

Absent or not voting - Senator Larson - 1.

Rejected.

Senator Kapenga moved that Senate Amendment 1 to **Assembly Bill 25** be rejected.

The question was: Rejection of Senate Amendment 1 to **Assembly Bill 25**?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes - Senators Cowles, Craig, Darling, Feyen, Fitzgerald, Harsdorf, Kapenga, Lasee, LeMahieu, Marklein, Moulton, Nass, Olsen, Petrowski, Roth, Stroebel, Testin, Tiffany, Vukmir and Wanggaard - 20.

Noes - Senators Bewley, Carpenter, Erpenbach, Hansen, Johnson, Miller, Ringhand, Risser, Shilling, L. Taylor, Vinehout and Wirch - 12.

Absent or not voting - Senator Larson - 1.

Rejected.

Senator Kapenga moved that Senate Amendment 2 to **Assembly Bill 25** be rejected.

The question was: Rejection of Senate Amendment 2 to **Assembly Bill 25**?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes - Senators Cowles, Craig, Darling, Feyen, Fitzgerald, Harsdorf, Kapenga, Lasee, LeMahieu, Marklein, Moulton, Nass, Olsen, Petrowski, Roth, Stroebel, Testin, Tiffany, Vukmir and Wanggaard - 20.

Noes - Senators Bewley, Carpenter, Erpenbach, Hansen, Johnson, Miller, Ringhand, Risser, Shilling, L. Taylor, Vinehout and Wirch - 12.

Absent or not voting - Senator Larson - 1.

Rejected.

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 25

Read a third time.

The question was: Concurrence of **Assembly Bill 25**?

The ayes and noes were required and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes - Senators Cowles, Craig, Darling, Feyen, Fitzgerald, Harsdorf, Kapenga, Lasee, LeMahieu, Marklein, Moulton, Nass, Olsen, Petrowski, Roth, Stroebel, Testin, Tiffany, Vukmir and Wanggaard - 20.

Noes - Senators Bewley, Carpenter, Erpenbach, Hansen, Johnson, Miller, Ringhand, Risser, Shilling, L. Taylor, Vinehout and Wirch - 12.

Absent or not voting - Senator Larson - 1.

Concurred in.

Assembly Bill 58

Relating to: requirements for law enforcement dogs that have bitten a person.

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 58

Read a third time and concurred in.

Assembly Bill 125

Relating to: prescription order extensions for when a refill authorization cannot be obtained.

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 125

Read a third time and concurred in.

Assembly Bill 160

Relating to: regulation of aquaculture and fish farms, providing an exemption from emergency rule procedures, and granting rule-making authority.

Read a second time.

Senator Tiffany moved that Senate Amendment 1 to **Assembly Bill 160** be rejected.

The question was: Rejection of Senate Amendment 1 to **Assembly Bill 160**?

Rejected.

Senator Miller, with unanimous consent, asked to be recorded as voting “No” on the question of rejection of Senate Amendment 1 to **Assembly Bill 160**.

IN THE CHAIR

President Pro Tempore Marklein in the chair.

1:27 P.M.

Senator Tiffany moved that Senate Amendment 2 to **Assembly Bill 160** be rejected.

The question was: Rejection of Senate Amendment 2 to **Assembly Bill 160**?

Rejected.

Ordered to a third reading.

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

IN THE CHAIR

Senate President Roth in the chair.

1:32 P.M.

Assembly Bill 160

Read a third time and concurred in.

Senator Miller, with unanimous consent, asked to be recorded as voting “No” on the question concurrence of **Assembly Bill 160**.

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

Assembly Bill 25
Assembly Bill 58
Assembly Bill 125
Assembly Bill 160

Messaged.

Assembly Bill 194

Relating to: the prohibition against underage persons being present on alcohol licensed premises.

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 194

Read a third time and concurred in.

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

Assembly Bill 194

Messaged.

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

Senator Bewley, with unanimous consent, asked that the Senate adjourn in honor of Donna Barnes-Haesemeyer who passed away on April 26. Donna was the Mayor of Shell Lake from 2008-2012 and served four terms on the Shell Lake City Council. Donna and Allan moved to Northern Wisconsin over 30 years ago, raised three children, Alexandria, Aaron, and Abraham, and took in two foster children. Donna’s passion for travel led her to start her own travel agency. She was very involved in civic life including acting and directing plays and environmental work. She was known for devotion to others, including mentoring young women and for her willingness to collaborate to make her community better.

Senator Taylor, with unanimous consent, asked that the Senate adjourn in honor of Tracey Dent for his song and work against violence.

Senator Taylor, with unanimous consent, asked that the Senate adjourn in honor of her mother, Lena Jacquelyn Taylor, in honor of Mother’s Day.

Senator Taylor, with unanimous consent, asked that the Senate adjourn in honor of Elsarita Crosby and teachers like her in Milwaukee and the nation for National Teacher Appreciation Week. Educators are mentors for our next generation of leaders. Educators are selfless. 91% spend their own money to buy basic school supplies – totaling \$1.5 billion each academic year. Teachers go above and beyond to provide guidance and assistance to underprivileged students, with 2 in 3 educators buying snacks to supplement basic nutrition needs and 1 in 3 teachers purchasing cloths for students. Educators often provide a place of refuge and escape for students with dysfunctional households, forever changing the life trajectory in these students and fostering a message of support, hope, and acceptance for these students to pursue their dreams.

Senator Wanggaard, with unanimous consent, asked that the Senate adjourn in honor of National Police Week. In 1962, President Kennedy proclaimed May 15 as National Peace Officers Memorial Day and the week May 15 falls, as National Police Week. National Police Week pays special recognition to those law enforcement officers who have lost their lives in the line of duty for the safety and protection of others. As a retired police officer, Senator Wanggaard is very proud and honored to remember my fellow law enforcement officers. He is particularly proud of Officer Adam Meyer who was awarded the WPPA Medal of Valor this past weekend. Thank you to all those who have served, and all those who continue to serve and protect us today.

Senator Wanggaard, with unanimous consent, asked that the Senate adjourn in honor of his wife, Mary Jo. May 18th is their 44th anniversary, and having met in junior high school and then dating steady in high school, this is their 49th year together.

ADJOURNMENT

Senator Fitzgerald moved that the Senate stand adjourned.

Adjourned.

1:38 P.M.