



STATE OF WISCONSIN

Senate Journal

One-Hundred and First Regular Session

12:35 P.M.

TUESDAY, November 5, 2013

The Senate met.

The Senate was called to order by Senate President Ellis.

CALL OF ROLL

The roll was called, disclosing the presence of a quorum.

Pursuant to Senate Rule 15, the official attendance for session was:

Senators Carpenter, Cowles, T. Cullen, Darling, Ellis, Erpenbach, Farrow, S. Fitzgerald, Grothman, Gudex, Hansen, Harris, Harsdorf, Jauch, Kedzie, C. Larson, Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Moulton, Olsen, Petrowski, Risser, Schultz, Shilling, L. Taylor, Tiffany, Vinehout, Vukmir and Wirch - 33.

Absent with leave - None.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator Moulton 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 part of 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 1 to **Senate Bill 191** offered by Senator Lassa.

Senate Amendment 1 to **Senate Bill 196** offered by Senator Petrowski.

Senate Amendment 1 to **Senate Bill 249** offered by Senator Grothman.

Senate Amendment 1 to Senate Substitute Amendment 2 to **Senate Bill 278** offered by Senators T. Cullen, Jauch,

Miller, Lehman, Shilling, L. Taylor, Carpenter, Erpenbach, Hansen, Lassa, C. Larson, Risser, Wirch, Vinehout and Harris.

Senate Amendment 2 to Senate Substitute Amendment 2 to **Senate Bill 278** offered by Senators Jauch, Erpenbach, Carpenter, L. Taylor, Vinehout, Harris, Lehman, Miller, T. Cullen, Wirch, Risser, C. Larson, Lassa and Hansen.

Senate Amendment 3 to Senate Substitute Amendment 2 to **Senate Bill 278** offered by Senators T. Cullen, L. Taylor, Jauch, Erpenbach, C. Larson, Hansen, Shilling, Vinehout and Miller.

Senate Amendment 4 to Senate Substitute Amendment 2 to **Senate Bill 278** offered by Senator Erpenbach.

Senate Amendment 4 to **Senate Bill 314** offered by Senator Lasee.

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Senator Miller added as a coauthor of **Senate Bill 249**.

Pursuant to Senate 17 (5), Senator Miller added as a coauthor of **Senate Bill 274**.

Pursuant to Senate Rule 17 (5), Senator Miller added as a coauthor of **Senate Bill 325**.

Pursuant to Senate Rule 17 (5), Senator Hansen added as a coauthor of **Senate Bill 331**.

Pursuant to Senate Rule 17 (5), Senator L. Taylor added as a coauthor of **Senate Bill 331**.

Pursuant to Senate 17 (5), Senator Hansen added as a coauthor of **Senate Bill 332**.

Pursuant to Senate Rule 17 (5), Senator Hansen added as a coauthor of **Senate Bill 334**.

Pursuant to Senate Rule 17 (5), Senator Miller added as a coauthor of **Senate Bill 335**.

Pursuant to Senate Rule 17 (5), Senator Hansen added as a coauthor of **Senate Bill 335**.

Pursuant to Senate Rule 17 (5), Senator L. Taylor added as a coauthor of **Senate Bill 335**.

Pursuant to Senate Rule 17 (5), Senator Hansen added as a coauthor of **Senate Bill 336**.

Pursuant to Senate Rule 17 (5), Senator L. Taylor added as a coauthor of **Senate Bill 336**.

Pursuant to Senate Rule 17 (5), Senator Miller added as a coauthor of **Senate Bill 336**.

Pursuant to Senate Rule 17 (5), Representative Hutton added as a co-sponsor of **Senate Bill 392**.

**State of Wisconsin
Office of the Senate President**

November 5, 2013

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 384, relating to: the laws of trusts, the Uniform Trust Code, the Uniform Principal and Income Act, powers of appointment, and changes to estate recovery and divestment provisions relating to public assistance programs., withdrawn from Committee on **Judiciary and Labor** and rereferred to Committee on **Government Operations, Public Works, and Telecommunications**.

Sincerely,
MICHAEL G. ELLIS
Senate President

**State of Wisconsin
Office of Senator Tim Carpenter**

November 5, 2013

The Honorable, the Senate,

During the floor session on Tuesday, November 5, 2013, I asked for a point of order as to the Senate President's interpretation of when the Senate is in session, for purposes regarding immunity from civil process. I withdrew my point of order at your invitation to submit to you the question more specifically, in writing.

As you are aware, a member of the Senate, the Senator from the Fifth Senate District, is reported to be claiming legislative immunity from a 2013 lawsuit which has alleged that she failed to turn over records pursuant to an open records request. As you are also no doubt aware, it has been reported that in a motion filed by state Attorney General J.B. Van Hollen's office, the Senator from the Fifth claims she can't be sued while the legislature is in session.

The Wisconsin State Constitution, Article IV Section 15 states as follows:

"SECTION 15. Members of the legislature shall in all cases, except treason, felony, and breach of the

peace, be privileged from arrest; nor shall they be subject to any civil process, during the session of the legislature, nor for fifteen days next before the commencement and after the termination of each session."

It is further reported that the senator in question contends in her motion before the court that the current legislative session lasts the entire term of a state senator. You can see that this can be interpreted to mean that legislators could be "in session" from the moment they are first sworn in until they leave office.

In contrast, it could also be argued that the Constitution confers immunity from civil proceedings only during floor sessions.

I would like to ask you to provide your opinion as to when the Senate of the State of Wisconsin is in session such that senators would be immune from civil process under Article IV Section 15 of the Wisconsin State Constitution.

This question is asked so that the senators may be guided by you in their actions to be compliant with the Constitution, Wisconsin State Statutes, and the Rules governing the Senate.

I am looking forward to hearing your response.

Sincerely,
TIM CARPENTER
State Senator

Senator S. Fitzgerald, with unanimous consent, asked that **Senate Bill 317** be withdrawn from the delayed calendar of October 15, 2013 and be laid on the table.

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

Senate Bill 274

Relating to: funding and position authority for vocational rehabilitation services and making an appropriation.

Read a second time.

The question was: Adoption of Senate Amendment 1 to **Senate Bill 274**?

Adopted.

Ordered to a third reading.

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

Senate Bill 274

Read a third time.

The question was: Passage of **Senate Bill 274**?

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

Ayes - Senators Carpenter, Cowles, T. Cullen, Darling, Ellis, Erpenbach, Farrow, S. Fitzgerald, Grothman, Gudex, Hansen, Harris, Harsdorf, Jauch, Kedzie, C. Larson, Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Moulton, Olsen, Petrowski, Risser, Schultz, Shilling, L. Taylor, Tiffany, Vinehout and Wirch - 32.

Noes - None.

Absent or not voting - Senator Vukmir - 1.

Passed.

Senate Bill 331

Relating to: career and technical education incentive grants and making an appropriation.

Read a second time.

The question was: Adoption of Senate Amendment 1 to **Senate Bill 331**?

Adopted.

The question was: Adoption of Senate Amendment 2 to **Senate Bill 331**?

Adopted.

Ordered to a third reading.

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

Senate Bill 331

Read a third time.

The question was: Passage of **Senate Bill 331**?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes - Senators Carpenter, Cowles, T. Cullen, Darling, Ellis, Erpenbach, Farrow, S. Fitzgerald, Grothman, Gudex, Hansen, Harris, Harsdorf, Jauch, Kedzie, C. Larson, Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Moulton, Olsen, Petrowski, Risser, Schultz, Shilling, L. Taylor, Tiffany, Vinehout, Vukmir and Wirch - 33.

Noes - None.

Absent or not voting - None.

Passed.

Senate Bill 332

Relating to: participation in certain training by unemployment insurance claimants, granting rule-making authority, and making an appropriation.

Read a second time.

Ordered to a third reading.

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

Senate Bill 332

Read a third time.

The question was: Passage of **Senate Bill 332**?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes - Senators Carpenter, Cowles, T. Cullen, Darling, Ellis, Erpenbach, Farrow, S. Fitzgerald, Grothman, Gudex, Hansen, Harris, Harsdorf, Jauch, Kedzie, C. Larson, Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Moulton, Olsen, Petrowski, Risser, Schultz, Shilling, L. Taylor, Tiffany, Vinehout, Vukmir and Wirch - 33.

Noes - None.

Absent or not voting - None.

Passed.

Senate Bill 334

Relating to: technical excellence higher education scholarships, granting rule-making authority, and making an appropriation.

Read a second time.

The question was: Adoption of Senate Amendment 1 to **Senate Bill 334**?

Adopted.

Ordered to a third reading.

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

Senate Bill 334

Read a third time.

The question was: Passage of **Senate Bill 334**?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes - Senators Carpenter, Cowles, T. Cullen, Darling, Ellis, Erpenbach, Farrow, S. Fitzgerald, Grothman, Gudex, Hansen, Harris, Harsdorf, Jauch, Kedzie, C. Larson, Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Moulton, Olsen, Petrowski, Risser, Schultz, Shilling, L. Taylor, Tiffany, Vinehout, Vukmir and Wirch - 33.

Noes - None.

Absent or not voting - None.

Passed.

Senate Bill 335

Relating to: a tuition reimbursement program for apprentices and employers, granting rule-making authority, and making an appropriation.

Read a second time.

The question was: Adoption of Senate Amendment 1 to Senate Amendment 2 to **Senate Bill 335**?

Adopted.

The question was: Adoption of Senate Amendment 2 to **Senate Bill 335**?

Adopted.

Ordered to a third reading.

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

Senate Bill 335

Read a third time.

The question was: Passage of **Senate Bill 335**?

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

Ayes - Senators Carpenter, Cowles, T. Cullen, Darling, Ellis, Erpenbach, Farrow, S. Fitzgerald, Grothman, Gudex, Hansen, Harris, Harsdorf, Jauch, Kedzie, C. Larson, Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Moulton, Olsen, Petrowski, Risser, Shilling, L. Taylor, Tiffany, Vinehout, Vukmir and Wirch - 32.

Noes - None.

Absent or not voting - Senator Schultz - 1.

Passed.

Senate Bill 336

Relating to: local youth apprenticeship grants and making an appropriation.

Read a second time.

Ordered to a third reading.

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

Senate Bill 336

Read a third time.

The question was: Passage of **Senate Bill 336**?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes - Senators Carpenter, Cowles, T. Cullen, Darling, Ellis, Erpenbach, Farrow, S. Fitzgerald, Grothman, Gudex, Hansen, Harris, Harsdorf, Jauch, Kedzie, C. Larson, Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Moulton, Olsen, Petrowski, Risser, Schultz, Shilling, L. Taylor, Tiffany, Vinehout, Vukmir and Wirch - 33.

Noes - None.

Absent or not voting - None.

Passed.

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

Senate Bill 274

Senate Bill 331

Senate Bill 332

Senate Bill 334

Senate Bill 335

Senate Bill 336

Messaged.

Senate Bill 73

Relating to: an income and franchise tax credit for workplace wellness programs, granting rule-making

authority, and requiring the exercise of rule-making authority.

Read a second time.

The question was: Adoption of Senate Substitute Amendment 1 to **Senate Bill 73**?

Adopted.

Ordered to a third reading.

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

Senate Bill 73

Read a third time.

The question was: Passage of **Senate Bill 73**?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes - Senators Carpenter, Cowles, T. Cullen, Darling, Ellis, Erpenbach, Farrow, S. Fitzgerald, Grothman, Gudex, Hansen, Harris, Harsdorf, Jauch, Kedzie, C. Larson, Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Moulton, Olsen, Petrowski, Risser, Schultz, Shilling, L. Taylor, Tiffany, Vinehout, Vukmir and Wirch - 33.

Noes - None.

Absent or not voting - None.

Passed.

Senate Bill 144

Relating to: creating a vehicle registration exemption for motor vehicles held by garagekeepers that are operated for purposes of repair, service, or testing.

Read a second time.

Ordered to a third reading.

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

Senate Bill 144

Read a third time and passed.

Senate Bill 208

Relating to: experience requirements for real estate brokers and granting rule-making authority.

Read a second time.

The question was: Adoption of Senate Amendment 1 to **Senate Bill 208**?

Adopted.

Ordered to a third reading.

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

Senate Bill 208

Read a third time and passed.

Senate Bill 249

Relating to: an expenditure of \$90,000 from the general fund for payment of a claim against the state made by Robert Lee Stinson.

Read a second time.

The question was: Adoption of Senate Amendment 1 to **Senate Bill 249**?

Adopted.

Ordered to a third reading.

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

IN THE CHAIR

Senate President Pro Tempore Leibham in the chair.

Senate Bill 249

Read a third time.

The question was: Passage of **Senate Bill 249**?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes - Senators Carpenter, Cowles, T. Cullen, Darling, Ellis, Erpenbach, Farrow, S. Fitzgerald, Grothman, Gudex, Hansen, Harris, Harsdorf, Jauch, Kedzie, C. Larson, Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Moulton, Olsen, Petrowski, Risser, Schultz, Shilling, L. Taylor, Tiffany, Vinehout, Vukmir and Wirch - 33.

Noes - None.

Absent or not voting - None.

Passed.

Senate Bill 278

Relating to: public access to managed forest land that is located in a proposed mining site.

Read a second time.

Senator Cowles moved that Senate Amendment 1 to Senate Substitute Amendment 2 to **Senate Bill 278** be laid on the table.

The question was: Shall Senate Amendment 1 to Senate Substitute Amendment 2 to **Senate Bill 278** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes - Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Petrowski, Schultz, Tiffany and Vukmir - 18.

Noes - Senators Carpenter, T. Cullen, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller, Risser, Shilling, L. Taylor, Vinehout and Wirch - 15.

Absent or not voting - None.

Tabled.

Senator Cowles moved that Senate Amendment 2 to Senate Substitute Amendment 2 to **Senate Bill 278** be laid on the table.

The question was: Shall Senate Amendment 2 to Senate Substitute Amendment 2 to **Senate Bill 278** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes - Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Petrowski, Schultz, Tiffany and Vukmir - 18.

Noes - Senators Carpenter, T. Cullen, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller, Risser, Shilling, L. Taylor, Vinehout and Wirch - 15.

Absent or not voting - None.

Tabled.

Senator Cowles moved that Senate Amendment 3 to Senate Substitute Amendment 2 to **Senate Bill 278** be laid on the table.

The question was: Shall Senate Amendment 3 to Senate Substitute Amendment 2 to **Senate Bill 278** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes - Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Petrowski, Schultz, Tiffany and Vukmir - 18.

Noes - Senators Carpenter, T. Cullen, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller, Risser, Shilling, L. Taylor, Vinehout and Wirch - 15.

Absent or not voting - None.

Tabled.

Senator Cowles moved that Senate Amendment 4 to Senate Substitute Amendment 2 to **Senate Bill 278** be laid on the table.

The question was: Shall Senate Amendment 4 to Senate Substitute Amendment 2 to **Senate Bill 278** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes - Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Petrowski, Schultz, Tiffany and Vukmir - 18.

Noes - Senators Carpenter, T. Cullen, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller, Risser, Shilling, L. Taylor, Vinehout and Wirch - 15.

Absent or not voting - None.

Tabled.

The question was: Adoption of Senate Substitute Amendment 2 to **Senate Bill 278**?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes - Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Petrowski, Schultz, Tiffany and Vukmir - 18.

Noes - Senators Carpenter, T. Cullen, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller, Risser, Shilling, L. Taylor, Vinehout and Wirch - 15.

Absent or not voting - None.

Adopted.

Ordered to a third reading.

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

Senate Bill 278

Read a third time.

The question was: Passage of **Senate Bill 278**?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes - Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Petrowski, Schultz, Tiffany and Vukmir - 18.

Noes - Senators Carpenter, T. Cullen, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller, Risser, Shilling, L. Taylor, Vinehout and Wirch - 15.

Absent or not voting - None.

Passed.

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

Senate Bill 73

Senate Bill 144

Senate Bill 208

Senate Bill 249

Senate Bill 278

Messaged.

Senate Bill 290

Relating to: mortgage satisfaction and an exception to the real estate transfer fee.

Read a second time.

Ordered to a third reading.

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

Senate Bill 290

Read a third time.

The question was: Passage of **Senate Bill 290**?

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

Ayes - Senators Carpenter, Cowles, T. Cullen, Darling, Ellis, Erpenbach, Farrow, S. Fitzgerald, Grothman, Gudex, Hansen, Harris, Harsdorf, Jauch, Kedzie, C. Larson, Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Moulton, Olsen, Petrowski, Schultz, Shilling, L. Taylor, Tiffany, Vinehout, Vukmir and Wirch - 32.

Noes - Senator Risser - 1.

Absent or not voting - None.

Passed.

Senate Bill 320

Relating to: exemption of outside salespersons from the minimum wage law.

Read a second time.

Ordered to a third reading.

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

Senate Bill 320

Read a third time.

The question was: Passage of **Senate Bill 320**?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes - Senators Cowles, T. Cullen, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Petrowski, Schultz, Tiffany and Vukmir - 19.

Noes - Senators Carpenter, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller, Risser, Shilling, L. Taylor, Vinehout and Wirch - 14.

Absent or not voting - None.

Passed.

Senate Bill 325

Relating to: controlled substances, and providing a penalty.

Read a second time.

Ordered to a third reading.

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

Senate Bill 325

Read a third time and passed.

Senate Bill 346

Relating to: vapor recovery system removal grants.

Read a second time.

Ordered to a third reading.

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

Senate Bill 346

Read a third time and passed.

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

Senate Bill 290
Senate Bill 320
Senate Bill 325
Senate Bill 346

Messaged.

SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS

Assembly Bill 271

Relating to: corporate powers of Marine Corps League corporations.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 271

Read a third time and concurred in.

IN THE CHAIR

Pursuant to Senate Rule 2 (1), Senator Kedzie in the chair.

IN THE CHAIR

President Pro Tempore Leibham in the chair.

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

Assembly Bill 271

Messaged.

Assembly Bill 297

Relating to: the use of race-based nicknames, logos, mascots, and team names by school boards.

Read a second time.

Senator Lazich moved that Senate Substitute Amendment 1 to **Assembly Bill 297** be rejected.

The question was: Shall Senate Substitute Amendment 1 to **Assembly Bill 297** be rejected?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes - Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Petrowski, Tiffany and Vukmir - 17.

Noes - Senators Carpenter, T. Cullen, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller, Risser, Schultz, Shilling, L. Taylor, Vinehout and Wirch - 16.

Absent or not voting - None.

Rejected.

Senator Lazich moved that Senate Amendment 1 to **Assembly Bill 297** be rejected.

The question was: Rejection of Senate Amendment 1 to **Assembly Bill 297**?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes - Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Petrowski, Tiffany and Vukmir - 17.

Noes - Senators Carpenter, T. Cullen, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller, Risser, Schultz, Shilling, L. Taylor, Vinehout and Wirch - 16.

Absent or not voting - None.

Rejected.

Senator Carpenter moved that **Assembly Bill 297** be referred to committee on **State and Federal Relations**.

The question was: Shall **Assembly Bill 297** be referred to committee on **State and Federal Relations**?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 18; absent or not voting, 0; as follows:

Ayes - Senators Carpenter, T. Cullen, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller, Risser, Shilling, L. Taylor, Vinehout and Wirch - 15.

Noes - Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Petrowski, Schultz, Tiffany and Vukmir - 18.

Absent or not voting - None.

Referral refused.

Ordered to a third reading.

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

IN THE CHAIR

Senate President Ellis in the chair.

IN THE CHAIR

Senate President Pro Tempore Leibham in the chair.

Assembly Bill 297

Read a third time.

The question was: Concurrence of **Assembly Bill 297**?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes - Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Petrowski, Tiffany and Vukmir - 17.

Noes - Senators Carpenter, T. Cullen, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller, Risser, Schultz, Shilling, L. Taylor, Vinehout and Wirch - 16.

Absent or not voting - None.

Concurred in.

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

Assembly Bill 297

Messaged.

MOTIONS MAY BE OFFERED

Senator Hansen moved that the rules be suspended and that **Senate Bill 379** be withdrawn from the committee on **Universities and Technical Colleges** and taken up at this time.

Senate Bill 376

Relating to: student loans, the individual income tax subtract modification for tuition and student fees, creating an authority, to be known as the Wisconsin Student Loan Refinancing Authority, granting rule-making authority, and making an appropriation.

The question was: Shall the rules be suspended and **Senate Bill 376** be withdrawn from the committee on **Universities and Technical Colleges** and taken up at this time?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 18; absent or not voting, 0; as follows:

Ayes - Senators Carpenter, T. Cullen, Erpenbach, Hansen, Harris, Jauch, C. Larson, Lassa, Lehman, Miller, Risser, Shilling, L. Taylor, Vinehout and Wirch - 15.

Noes - Senators Cowles, Darling, Ellis, Farrow, S. Fitzgerald, Grothman, Gudex, Harsdorf, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Petrowski, Schultz, Tiffany and Vukmir - 18.

Absent or not voting - None.

Refused to suspend rules and take up.

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

Senator Taylor, with unanimous consent, asked that when the Senate adjourns, it do so in honor of her brother and son, whose birthdays are this month.

Senator Wirch, with unanimous consent, asked that when the Senate adjourns, it do so in honor of Jack Rice who died recently in Kenosha. He was a strong union advocate and was a leader in the United Auto Workers. When Jack retired, he remained active in the community, helping in local elections and helping on the casino project. Jack was a wonderful community activist.

Senator Hansen, with unanimous consent, asked that when the Senate adjourns, it do so in honor of his wife, Jane, as they celebrate their 42nd anniversary Wednesday, November 6, 2013.

Senator Jauch, with unanimous consent, asked that when the Senate adjourns, it do so in honor of Richard Erickson, who was honored by the Department of Public Instruction as a Teacher of the Year. Richard is a Bayfield High School chemistry, physics, and alternative education teacher who has taught for 20 years. His enthusiasm and dedication and his example of raising the bar of excellence for every student, regardless of their intellectual capabilities, but rather by focusing on achieving the best of their promise, is the reason why this award is so well deserved. Senator Jauch wants to show his respect for what Richard and other teachers offer each and every day to help educate our children, our future generation and demonstrate why Wisconsin should be proud of their job and what a great future and opportunity lies ahead for their students.

Senator Lazich, with unanimous consent, asked that when the Senate adjourns, it do so in honor of the Muskego High School Boys' soccer team, who won the WIAA Division 1 Boys Soccer Championship on Saturday, November 2, 2013. The Muskego Warriors beat Green Bay Preble 4-2. They finished the season 22-4-2. Senator would like to congratulate the Muskego High School Warrior Boys' Soccer Team.

Senator Lazich, with unanimous consent, asked that when the Senate adjourns, it do so in honor of the Muskego High School Girls' Volleyball team, who qualified for the WIAA Division 1 State Girls Volleyball Quarterfinals. The Warriors are set to take on the Westosha Central High School Falcons on Thursday, November 7, 2013 in Green Bay. Good luck Warriors.

Senator Shilling and Senator Lassa, with unanimous consent, asked that when they Senate adjourns, it do so in honor of Dan Cary, the Monroe County District Attorney, who passed away suddenly this week. Dan was first elected in 2003 and carried one of the state's largest case loads. He was awarded Professional of the Year in 2012 by the Wisconsin District Attorney. A native of Cashton, Dan served 2 decades in the US Marine Corps and retired in 1992 when he enrolled in UW Law School. Dan was

described as a person with sound judgement, capable, passionate, and dedicated to seeking justice. He was a father of three.

Senator Harris, with unanimous consent, asked that when the Senate adjourns, it do so in honor of Katherine Dellenbach, a new staffer in her office working on communications, who started last week. Senator Harris is glad to have her.

Senator Taylor, with unanimous consent, asked that when the Senate adjourns, it do so in honor of her new chief-of-staff, Thomas Harris. Thomas was born and raised in Milwaukee and comes with much experience from the Mayor as well as the County Executive.

Senator Lassa, with unanimous consent, asked that when the Senate adjourns, it do so in honor of the SPASH Boys' Cross Country team, who brought home their 10th first place trophy at the 101st running of the WIAA Cross Country tournament on Saturday, November 2, 2013. Their 10th win ties them for 2nd most championships in the WIAA.

Senator Harsdorf, with unanimous consent, asked that when the Senate adjourns, it do so in honor of Oliver Aune,

Byron Bird, and in the memory of Jeremy Bird. 22 years ago, Byron tragically lost his 19-year-old son, Jeremy bird, during Operation Desert Storm. Jeremy was a star football player and wrestler in high school before deciding to serve his country in the Armed Forces. Oliver is also a veteran of our nation's military and served in Vietnam. Oliver now dedicates a great deal of his time to community veterans' organizations, including the American Legion, the Veterans of Foreign Wars, and the Indianhead Country Veterans Memorial Association.

ADJOURNMENT

Senator Fitzgerald, with unanimous consent, asked that the 2013 Regular Session of the Senate stand adjourned until Thursday, November 7, 2013.

Adjourned.

7:43 P.M.