



STATE OF WISCONSIN

Senate Journal

July 2005 Extraordinary Session

12:00 P.M.

WEDNESDAY, July 20, 2005

The Senate met.

The Senate was called to order by Senator Alan Lasee.

The roll was called and the following Senators answered to their names:

Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Taylor, Wirch and Zien – 30.

Absent – Senators S. Fitzgerald, Miller and Stepp – 3.

Absent with leave – None.

Senator Robson, with unanimous consent, asked that a leave of absence be granted to Senator Miller for today's session.

Senator Schultz, with unanimous consent, asked that leaves of absence be granted to Senators Fitzgerald and Stepp for today's session.

The Senate stood for a moment of silent meditation.

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

COMMITTEE ON SENATE ORGANIZATION

July 20, 2005

In accordance with Joint Rule 81(2), it is moved that the committee on Senate Organization and the committee on Assembly Organization authorize the Legislature to meet in Extraordinary session at 12:00 P.M. on Wednesday, July 20, 2005, solely for the purpose of taking action on bills relating to:

- Ratification of the agreements negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, for the 2003-05 biennium, covering employees in the administrative support, blue collar and nonbuilding trades, security and public safety, and technical collective bargaining units, and authorizing expenditure of funds.

- Paid vacation leave for certain nonrepresented state employees.

Committee on Senate Organization (Ayes 5, Noes 0)

Committee on Assembly Organization (Ayes 8, Noes 0)

REPORT OF COMMITTEES

The joint committee on **Employment Relations** reports and recommends:

Senate Bill 261

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, for the 2003-05 biennium, covering employees in the administrative support collective bargaining unit, and authorizing an expenditure of funds.

Introduction.

Ayes 6, Senators Lasee, Schultz, and Robson; and Representatives Gard, Huebsch, and Kaufert.

Noes, 0 – None.

Absent 2, Senator Fitzgerald; and Representative Kreuser.

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

Senate Bill 262

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, for the 2003-05 biennium, covering employees in the blue collar and nonbuilding trades collective bargaining unit, and authorizing an expenditure of funds.

Introduction.

Ayes 6, Senators Lasee, Schultz, and Robson; and Representatives Gard, Huebsch, and Kaufert.

Noes, 0 – None.

Absent 2, Senator Fitzgerald; and Representative Kreuser.

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

Senate Bill 263

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, for the 2003-05 biennium, covering employees in the security and public safety collective bargaining unit, and authorizing an expenditure of funds.

Introduction.

Ayes 6, Senators Lasee, Schultz, and Robson; and Representatives Gard, Huebsch, and Kaufert.

Noes, 0 – None.

Absent 2, Senator Fitzgerald; and Representative Kreuser.

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

Senate Bill 264

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, for the 2003-05 biennium, covering employees in the technical collective bargaining unit, and authorizing an expenditure of funds.

Introduction.

Ayes 6, Senators Lasee, Schultz, and Robson; and Representatives Gard, Huebsch, and Kaufert.

Noes, 0 – None.

Absent 2, Senator Fitzgerald; and Representative Kreuser.

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

Senate Bill 265

Relating to: paid vacation leave for certain nonrepresented state employees.

Introduction.

Ayes 6, Senators Lasee, Schultz, and Robson; and Representatives Gard, Huebsch, and Kaufert.

Noes, 0 – None.

Absent 2, Senator Fitzgerald; and Representative Kreuser.

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

ALAN LASEE
Senate Chairperson

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

Senator Schultz, with unanimous consent, asked that **Senate Bill 261** be withdrawn from the committee on **Senate Organization** and taken up.

Senate Bill 261

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, for the 2003-05 biennium, covering employees in the administrative support collective bargaining unit, and authorizing an expenditure of funds.

Read a second time.

Ordered to a third reading.

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

Senate Bill 261

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 1; absent or not voting, 3; as follows:

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Taylor, Wirch and Zien – 29.

Noes – Senator Grothman – 1.

Absent or not voting – Senators S. Fitzgerald, Miller and Stepp – 3.

Passed.

Senator Kedzie, with unanimous consent, asked that **Senate Bill 262** be withdrawn from the committee on **Senate Organization** and taken up.

Senate Bill 262

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, for the 2003-05 biennium, covering employees in the blue collar and nonbuilding trades collective bargaining unit, and authorizing an expenditure of funds.

Read a second time.

Ordered to a third reading.

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

Senate Bill 262

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 3; as follows:

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Taylor, Wirch and Zien – 30.

Noes – None.

Absent or not voting – Senators S. Fitzgerald, Miller and Stepp – 3.

Passed.

Senator Schultz, with unanimous consent, asked that **Senate Bill 263** be withdrawn from the committee on **Senate Organization** and taken up.

Senate Bill 263

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, for the 2003-05 biennium, covering employees in the security and public safety collective bargaining unit, and authorizing an expenditure of funds.

Senator Risser raised a point of order that the Senate Rules apply to extraordinary sessions and that, pursuant to those rules, Senate Rule 18 requires the production and distribution of a calendar for the extraordinary session.

RULING OF THE CHAIR

The Chair ruled the point of order not well taken. Although the Senate Rules generally do apply to extraordinary sessions, the Senate Rules do not require the production of a calendar for a session day. In the absence of a calendar, the Senate may convene and follow the orders of business required under Senate Rule 17. For purposes of this extraordinary session, the

committee on Senate Organization called the session but did not prepare a calendar. Thus, the Senate followed the orders of business dictated by Senate Rule 17. Bills taken up during the session may be taken up by unanimous consent

Senator Risser appealed the ruling of the Chair.

The question was: Shall the decision of the Chair stand as the judgment of the Senate?

The ayes and noes were required and the vote was: ayes, 17; noes, 13; absent or not voting, 3; as follows:

Ayes – Senators Brown, Cowles, Darling, Ellis, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz and Zien – 17.

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Plale, Risser, Robson, Taylor and Wirch – 13.

Absent or not voting – Senators S. Fitzgerald, Miller and Stepp – 3.

The decision of the Chair stands as the judgment of the Senate.

Read a second time.

Senate substitute amendment 1 to **Senate Bill 263** offered by Senators Breske and Decker.

Senator Schultz raised the point of order that Senate substitute amendment 1 was not germane under the call of the Extraordinary Session.

The Chair ruled the point of order well taken.

Senator Breske appealed the ruling of the Chair.

The question was: Shall the decision of the Chair stand as the judgment of the Senate?

The ayes and noes were required and the vote was: ayes, 17; noes, 13; absent or not voting, 3; as follows:

Ayes – Senators Brown, Cowles, Darling, Ellis, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz and Zien – 17.

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Plale, Risser, Robson, Taylor and Wirch – 13.

Absent or not voting – Senators S. Fitzgerald, Miller and Stepp – 3.

The decision of the Chair stands as the judgment of the Senate.

Senate substitute amendment 2 to **Senate Bill 263** offered by Senators Breske and Decker.

Senator Schultz raised the point of order that Senate substitute amendment 1 was not germane under the call of the Extraordinary Session.

The Chair ruled the point of order well taken.

Senator Breske appealed the ruling of the Chair.

The question was: Shall the decision of the Chair stand as the judgement of the Senate?

The ayes and noes were required and the vote was: ayes, 17; noes, 13; absent or not voting, 3; as follows:

Ayes – Senators Brown, Cowles, Darling, Ellis, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz and Zien – 17.

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Plale, Risser, Robson, Taylor and Wirch – 13.

Absent or not voting – Senators S. Fitzgerald, Miller and Stepp – 3.

The decision of the Chair stands as the judgment of the Senate.

The question was: Shall **Senate Bill 262** be ordered to a third reading?

Ordered to a third reading.

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

Senate Bill 263

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 3; as follows:

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Taylor, Wirch and Zien – 30.

Noes – None.

Absent or not voting – Senators S. Fitzgerald, Miller and Stepp – 3.

Passed.

Senator Schultz, with unanimous consent, asked that **Senate Bill 264** be withdrawn from the committee on **Senate Organization** and taken up.

Senate Bill 264

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL-CIO, for the 2003–05 biennium, covering employees in the technical collective bargaining unit, and authorizing an expenditure of funds.

Read a second time.

Ordered to a third reading.

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

Senate Bill 264

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 1; absent or not voting, 3; as follows:

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Taylor, Wirch and Zien – 29.

Noes – Senator Grothman – 1.

Absent or not voting – Senators S. Fitzgerald, Miller and Stepp – 3.

Passed.

Senator Schultz, with unanimous consent, asked that **Senate Bill 265** be withdrawn from the committee on **Senate Organization** and taken up.

Senate Bill 265

Relating to: paid vacation leave for certain nonrepresented state employees.

Read a second time.

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

Senate Bill 265

Read a third time.

The ayes and noes were required and the vote was: ayes, 27; noes, 3; absent or not voting, 3; as follows:

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Leibham, Olsen, Plale, Risser, Robson, Roessler, Schultz, Taylor, Wirch and Zien – 27.

Noes – Senators Grothman, Lazich and Reynolds – 3.

Absent or not voting – Senators S. Fitzgerald, Miller and Stepp – 3.

Passed.

MOTIONS MAY BE OFFERED

Senator Schultz, with unanimous consent, asked that all action be immediately messaged to the Assembly.

Messaged.

Senator Plale asked unanimous consent to withdraw **Senate Resolution 9** from the committee on **Senate Organization** and take it up at this time.

Senator Schultz objected.

Senator Plale moved that **Senate Resolution 9** be withdrawn from the committee on **Senate Organization** and be taken up at this time.

The ayes and noes were demanded and the vote was: ayes, 13; noes, 16; absent or not voting, 4; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Plale, Risser, Robson, Taylor and Wirch – 13.

Noes – Senators Brown, Cowles, Darling, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz and Zien – 16.

Absent or not voting – Senators Ellis, S. Fitzgerald, Miller and Stepp – 4.

Motion refused.

Senator Hansen asked unanimous consent to withdraw **Senate Resolution 4** from the committee on **State and Federal Relations** and taken up at this time.

Senator Schultz objected.

Senator Hansen moved that **Senate Resolution 4** be withdrawn from the committee on **State and Federal Relations** and take up at this time.

The ayes and noes were demanded and the vote was: ayes, 13; noes, 16; absent or not voting, 4; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Plale, Risser, Robson, Taylor and Wirch – 13.

Noes – Senators Brown, Cowles, Darling, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz and Zien – 16.

Absent or not voting – Senators Ellis, S. Fitzgerald, Miller and Stepp – 4.

Motion Refused.

ADJOURNMENT

Senator Schultz, with unanimous consent, asked that the Senate adjourn pursuant to Senate Joint Resolution 1.

Adjourned.

1:45 P.M.

ANNOUNCEMENTS, ADJOURNMENT HONORS, AND REMARKS UNDER SPECIAL PRIVILEGE

Senator Lasee, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his three interns who have assisted him this summer. The Senator would like to extend his best wishes to Aimee Dreiss who will be attending Loyola Law School and Stacy Householder who will be returning to the University of Colorado at Boulder. He is also pleased to have Amber Hodgson continuing with his staff this fall. Amber will return to the University of Wisconsin at Madison. Senator Lasee would like to thank each of them for their dedication to the 1st Senate District.

Senator Erpenbach, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his father, William J. Erpenbach, who celebrated his birthday on July 14, 2005.

Senator Erpenbach, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the entire city of Middleton in being ranked seventh among the best places to live by Money Magazine.

Senator Kanavas, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Brookfield Bulldogs of the U-10 League who defeated the Northwest Wolves 3-2 in the Wisconsin/Illinois Border War Tournament at Helfaer Field.

Senator Kanavas, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Carly Altman, a new staffer in his office.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Michael Wagner, former intern in her office, who is now a new full-time staffer.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Mike Trager from Wheaton College, an intern working in her office this summer.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Meredith Hart who is an intern working in the 18th Senate district office this summer, from Madison, who attends college in Colorado.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Hilary Greenwald from New Jersey, a high school intern working in her office this summer.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Marcie Malszycki, a full time staffer in her office who will be leaving her staff this fall to pursue graduate studies in social work at the University of Wisconsin at Madison.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Cory Schultz, the Senator's nephew who just moved to Madison to work for Epic.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Chris Schultz, the Senator's nephew who is visiting Madison for the next month to assist her husband, Paul, with his business.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Melissa Kok, formerly of her office, who now works for Congressman Petri. The Senator would like to offer congratulations on the birth of her twin girls.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Kenosha garbage truck driver Inis Ramadani, who saved a four year old boy hiding in a duffel bag that was picked up and tossed into the back of a garbage truck. He immediately stopped the truck's trash compactor when he heard a scream. The young boy is alive today because Ramadani was focused on his job and able to act quickly.

Senator Hansen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his newest granddaughter, Elliana Alyssa Zaidel, born Monday, July 18 and her parents, his daughter Kathleen and her husband Paul.

Senator Zien, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his father Allen, whose birthday is July 29th; his mother Orpha, whose birthday is August 4th; and his daughter Amber Carenas, whose birthday is August 22nd.

Senator Robson, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Beloit Riverfest volunteers who made the event a successful, happy celebration of the community.