



STATE OF WISCONSIN Senate Journal January 2011 Special Session

12:49 P.M.

TUESDAY, February 8, 2011

The Senate met.

The Senate was called to order by President Ellis.

President Ellis, with unanimous consent, asked that the roll call, prayer and pledge of the Regular Session be applied to the January 2011 Special Session.

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, S. Fitzgerald, Galloway, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kapanke, Kedzie, C. Larson, Lasee, Lassa, Lazich, Leibham, Miller, Moulton, Olsen, Risser, Schultz, Taylor, Vinehout, Vukmir, Wanggaard, Wirch and Zipperer – 32.

Absent with leave – Senator S. Coggs – 1.

Absent – None – 0.

LEAVES OF ABSENCE

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

REPORT OF COMMITTEES

The committee on **Economic Development and Veterans and Military Affairs** reports and recommends:

Assembly Bill 8, January 2011 Special Session

Relating to: the authority of a state agency to promulgate rules interpreting the provisions of a statute enforced or administered by the agency and to implement or enforce any standard, requirement, or threshold as a term or condition of a license issued by the state agency; gubernatorial approval of proposed administrative rules; economic impact analyses of proposed rules and emergency rules; and venue in a declaratory judgment action seeking judicial review of the validity of an administrative rule and in an action in which the sole defendant is the state.

Introduction of Senate Amendment 1.

Ayes, 7 – Senators Hopper, Zipperer, Darling, Wanggaard, Lassa, T. Cullen and Taylor.

Noes, 0 – None.

Adoption of Senate Amendment 1.

Ayes, 5 – Senators Hopper, Zipperer, Darling, Wanggaard and T. Cullen.

Noes, 2 – Senators Lassa and Taylor.

Concurrence as amended.

Ayes, 4 – Senators Hopper, Zipperer, Darling and Wanggaard.

Noes, 3 – Senators Lassa, T. Cullen and Taylor.

Senate Bill 8, January 2011 Special Session

Relating to: the authority of a state agency to promulgate rules interpreting the provisions of a statute enforced or administered by the agency and to implement or enforce any standard, requirement, or threshold as a term or condition of a license issued by the state agency; gubernatorial approval of proposed administrative rules; economic impact analyses of proposed rules and emergency rules; and venue in a declaratory judgment action seeking judicial review of the validity of an administrative rule and in an action in which the sole defendant is the state.

Introduction and adoption of Senate Amendment 1 to Senate Substitute Amendment 1.

Ayes, 5 – Senators Hopper, Zipperer, Darling, Wanggaard and T. Cullen.

Noes, 2 – Senators Lassa and Taylor.

Adoption of Senate Substitute Amendment 1.

Ayes, 5 – Senators Hopper, Zipperer, Darling, Wanggaard and T. Cullen.

Noes, 2 – Senators Lassa and Taylor.

Passage as amended.

Ayes, 4 – Senators Hopper, Zipperer, Darling and Wanggaard.

Noes, 3 – Senators Lassa, T. Cullen and Taylor.

RANDY HOPPER

Chairperson

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Office of the Secretary of State

February 8, 2011

The Honorable, the Legislature:

Bill Number **Act Number** **Publication Date**
Senate Bill 10, JR 1 . Act 6 February 18, 2011

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

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

Senate Bill 5, January 2011 Special Session

Relating to: requiring a supermajority for passage of tax increase legislation.

Read a second time.

POINT OF ORDER

Senator Risser raised the point of order that **Senate Bill 5, January 2011 Special Session** was not germane to the January 2011 Special Session.

The Chair ruled the point of order not well taken.

Senator Risser 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, 19; noes, 13; absent or not voting, 1; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 19.

Noes – Senators Carpenter, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 13.

Absent or not voting – Senator S. Coggs – 1.

The Decision of the Chair stands as the judgement of the Senate.

Senator S. Fitzgerald, with unanimous consent, asked that **Assembly Bill 5, January 2011 Special Session** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Assembly Bill 5, January 2011 Special Session

Relating to: requiring a supermajority for passage of tax increase legislation.

Read a second time.

IN THE CHAIR

Pursuant to Senate Rule 2 (1), Senate President Pro Tempore Leibham in the chair.

Senator Vukmir moved that Senate amendment 1 to **Assembly Bill 5, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 1 to **Assembly Bill 5, January 2011 Special Session** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 10; absent or not voting, 1; as follows:

Ayes – Senators Cowles, T. Cullen, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Risser, Schultz, Vukmir, Wanggaard, Wirch and Zipperer – 22.

Noes – Senators Carpenter, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Taylor and Vinehout – 10.

Absent or not voting – Senator S. Coggs – 1.

Tabled.

Senator Vukmir moved that Senate amendment 2 to **Assembly Bill 5, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 2 to **Assembly Bill 5, January 2011 Special Session** be laid on the table?

The ayes and noes were required and the vote was: ayes, 19; noes, 13; absent or not voting, 1; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 19.

Noes – Senators Carpenter, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 13.

Absent or not voting – Senator S. Coggs – 1.

Tabled.

Senator Vukmir moved that Senate amendment 3 to **Assembly Bill 5, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 3 to **Assembly Bill 5, January 2011 Special Session** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 13; absent or not voting, 2; as follows:

Ayes – Senators Cowles, Darling, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 18.

Noes – Senators Carpenter, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 13.

Absent or not voting – Senators S. Coggs and Ellis – 2.

Tabled.

Senate amendment 4 to **Assembly Bill 5, January 2011 Special Session** offered by Senator Erpenbach.

Senator Vukmir moved that Senate amendment 4 to **Assembly Bill 5, January 2011 Special Session** be laid on the table.

The question was: Shall Senate amendment 4 to **Assembly Bill 5, January 2011 Special Session** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 13; absent or not voting, 1; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 19.

Noes – Senators Carpenter, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 13.

Absent or not voting – Senator S. Coggs – 1.

Tabled.

Senate amendment 5 to **Assembly Bill 5, January 2011 Special Session** offered by Senator Carpenter.

POINT OF ORDER

Senator Ellis raised the point of order that Senate amendment 5 to **Assembly Bill 5, January 2011 Special Session** was not germane.

The Chair ruled the point of order well taken.

Ordered to a third reading.

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

Senator Carpenter objected.

Senator S. Fitzgerald moved that the bill be considered for final action at this time.

Senator Carpenter withdrew his objection.

Assembly Bill 5, January 2011 Special Session

Read a third time.

IN THE CHAIR

Senate President Ellis in the chair.

The question was: Shall **Assembly Bill 5, January 2011 Special Session** be concurred in?

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

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lassa, Lazich, Leibham, Moulton, Olsen, Schultz, Vukmir, Wanggaard and Zipperer – 20.

Noes – Senators Carpenter, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Miller, Risser, Taylor, Vinehout and Wirch – 12.

Absent or not voting – Senator S. Coggs – 1.

Concurred in.

Senator S. Fitzgerald, with unanimous consent, asked that **Senate Bill 5, January 2011 Special Session** be laid on the table.

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

Assembly Bill 5, January 2011 Special Session

Messaged.

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

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Black History Month, and the important history of the Underground Railroad in Wisconsin.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in memory of his Father, Walter J. Wirch, who recently passed away.

Senator Miller, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Jake Miller, a member of the Senate Sergeant's Staff, who turns 24 today.

ADJOURNMENT

Senator S. Fitzgerald, with unanimous consent, asked that the January 2011 Special Session of the Senate adjourn until Thursday, February 10, 2011.

2:49 P.M.

Adjourned.