



STATE OF WISCONSIN Senate Journal Ninety–Seventh Regular Session

8:00 A.M.

THURSDAY, May 12, 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, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for a moment of silent meditation.

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

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Senator Grothman removed as a coauthor of **Senate Bill 202**.

Pursuant to Senate Rule 17 (5), Senator Coggs added as a coauthor of **Senate Bill 98**.

Pursuant to Senate Rule 17 (5), Senator Coggs added as a coauthor of **Senate Resolution 4**.

SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

Senate Bill 42

Relating to: requiring certain identification in order to vote at a polling place or obtain an absentee ballot, verification of the addresses of electors, and the fee for an identification card issued by the Department of Transportation.

Read a second time.

Senator Robson, with unanimous consent, asked that the Senate recess.

8:18 A.M.

RECESS

8:34 A.M.

The Senate reconvened.

Senator A. Lasee in the chair.

QUORUM CALL

The Chair noted the possible lack of a quorum.

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

Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 33.

Absent – None.

Senator Schultz, with unanimous consent, asked that **Senate Bill 42** be placed after **Assembly Bill 49** on the calendar.

Assembly Bill 49

Relating to: preemption of city, village, town, or county living wage ordinances.

Read a third time.

Senator Plale, with unanimous consent, asked that the Senate recess.

9:06 A.M.

RECESS

9:11 A.M.

The Senate reconvened.

Senator A. Lasee in the chair.

QUORUM CALL

The Chair noted the possible lack of a quorum.

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

Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 33.

Absent – None.

The question was: Shall **Assembly Bill 49** be concurred in?

The ayes and noes were required and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Jauch, Kanavas, Kapanke,

Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 20.

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

Absent or not voting – None.

Concurred in.

Senator Cowles, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 49**.

Senator Reynolds asked unanimous consent to withdraw **Senate Bill 40** from the committee on **Labor and Election Process Reform** and take up.

Senator Schultz objected.

Senate Bill 42

Relating to: requiring certain identification in order to vote at a polling place or obtain an absentee ballot, verification of the addresses of electors, and the fee for an identification card issued by the Department of Transportation.

Read.

The committee on **Senate Organization** reports and recommends:

To end debate on all pending questions at 10:00 a.m. on the calendar of May 12, 2005, pursuant to Senate Rule **76(2)(a)**.

Ayes, 3 – Senators Schultz, Kedzie, and A. Lasee.
Noes, 0 – None.

Senator Dale Schultz
Chairperson

Senator Robson moved that **Senate Bill 42** be made a special order of business on Tuesday, May 31, 2005.

Senator Schultz moved that the motion to make **Senate Bill 42** a special order of business on Tuesday, May 31, 2005 be laid on the table.

The question was: Shall the motion to make **Senate Bill 42** a special order of business on Tuesday, May 31, 2005 to be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Miller, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 20.

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

Absent or not voting – None.

Tabled.

Senator Miller moved reconsideration of the vote by which **Senate Bill 42** was refused to be made a special order of business on Tuesday, May 31, 2005.

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

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

Noes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 19.

Absent or not voting – Senator Decker – 1.

Reconsideration refused.

Senator Schultz moved that Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 42** be laid on the table.

The question was: Shall Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 42** be laid on the table?

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

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 19.

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 14.

Absent or not voting – None.

Tabled.

Senator Leibham moved that Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 42** be laid on the table.

The question was: Shall Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 42** be laid on the table?

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

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 19.

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 14.

Absent or not voting – None.

Tabled.

Senator Leibham moved that Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 42** be laid on the table.

The question was: Shall Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 42** be laid on the table?

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

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie,

A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 19.

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 14.

Absent or not voting – None.

Tabled.

Senator Leibham moved that Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 42** be laid on the table.

The question was: Shall Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 42** be laid on the table?

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

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 19.

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 14.

Absent or not voting – None.

Tabled.

Senator Leibham moved that Senate amendment 5 to Senate substitute amendment 1 to **Senate Bill 42** be laid on the table.

The question was: Shall Senate amendment 5 to Senate substitute amendment 1 to **Senate Bill 42** be laid on the table?

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

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 19.

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 14.

Absent or not voting – None.

Tabled.

Senator Leibham moved that Senate amendment 6 to Senate substitute amendment 1 to **Senate Bill 42** be laid on the table.

The question was: Shall Senate amendment 6 to Senate substitute amendment 1 to **Senate Bill 42** be laid on the table?

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

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie,

A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 19.

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 14.

Absent or not voting – None.

Tabled.

Senator Miller moved that the Senate adjourn until 10:00 A.M. on May 31, 2005.

Senator Schultz moved that the motion to adjourn until 10:00 A.M. on May 31, 2005, pursuant to Senate Joint Resolution 1, be laid on the table.

The question was: Shall the motion to adjourn until 10:00 A.M. on May 31, 2005, 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 Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 20.

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

Absent or not voting – Senator Miller – 1.

Tabled.

Senator Leibham moved that Senate amendment 7 to Senate substitute amendment 1 to **Senate Bill 42** be laid on the table.

The question was: Shall Senate amendment 7 to Senate substitute amendment 1 to **Senate Bill 42** be laid on the table?

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

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 19.

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 14.

Absent or not voting – None.

Tabled.

Senator Risser raised a point of order that the motion offered by Senator Schultz to table the motion to adjourn until 10:00 A.M. on May 31, 2005, made by Senator Miller, was not in order because a motion to adjourn cannot be laid on the table.

RULING OF THE CHAIR

The Chair ruled the point of order raised by Senator Risser that the motion by Senator Schultz to table the motion to adjourn until 10:00 A.M. on May 31, 2005, made by Senator Miller, was well taken pursuant to Senate Rule 68. Tabling of the motion to adjourn has no precedential value.

Senator Risser moved to amend the motion moved by Senator Miller, that the Senate adjourn until May 31, 2005, at 10:00 A.M. to a motion that the Senate adjourn.

The question was: Shall the Senate adjourn?

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

Ayes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 14.

Noes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 19.

Absent or not voting – None.

Adjournment refused.

Senator Leibham moved that Senate amendment 8 to Senate substitute amendment 1 to **Senate Bill 42** be laid on the table.

The question was: Shall Senate amendment 8 to Senate substitute amendment 1 to **Senate Bill 42** be laid on the table?

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

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 19.

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 14.

Absent or not voting – None.

Tabled.

Senate amendment 9 to Senate substitute amendment 1 to **Senate Bill 42** offered by Senator Leibham.

The question was: Adoption of Senate amendment 9 to Senate substitute amendment 1 to **Senate Bill 42**?

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

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Miller, Olsen, Plale, Reynolds, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Adopted.

Senate amendment 10 to Senate substitute amendment 1 to **Senate Bill 42** offered by Senator Hansen.

Senator Leibham moved that Senate amendment 10 to Senate substitute amendment 1 to **Senate Bill 42** be laid on the table.

The question was: Shall Senate amendment 10 to Senate substitute amendment 1 to **Senate Bill 42** be laid on the table?

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

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 19.

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 14.

Absent or not voting – None.

Tabled.

Senate amendment 11 to Senate substitute amendment 1 to **Senate Bill 42** offered by Senator Taylor.

Senator Leibham moved that Senate amendment 11 to Senate substitute amendment 1 to **Senate Bill 42** be laid on the table.

The question was: Shall Senate amendment 11 to Senate substitute amendment 1 to **Senate Bill 42** be laid on the table?

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

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 19.

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 14.

Absent or not voting – None.

Tabled.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 42**?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes – Senators Brown, Carpenter, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Plale, Reynolds, Roessler, Schultz, Stepp and Zien – 21.

Noes – Senators Breske, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Risser, Robson, Taylor and Wirch – 12.

Absent or not voting – None.

Adopted.

Ordered to a third reading.

Senator Schultz asked unanimous consent to consider the bill for final action at this time.

Senator Robson objected.

Senator Schultz moved that the rules be suspended and that **Senate Bill 42** be given a third reading.

The question was: Shall the rules be suspended and **Senate Bill 42** be given a third reading?

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

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 19.

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 14.

Absent or not voting – None.

Refused to suspend the rules.

Senator Schultz, with unanimous consent, asked that **Assembly Bill 49** be immediately messaged to the Assembly.

Messaged.

ADJOURNMENT

Senator Schultz, with unanimous consent, asked that the Senate adjourn until Tuesday, May 31, 2005, pursuant to Senate Joint Resolution 1.

Adjourned.

10:45 A.M.