



# STATE OF WISCONSIN

# Senate Journal

## April 2006 Extraordinary Session

11:05 A.M.

TUESDAY, April 25, 2006

The Senate met.

The Senate was called to order by Senator Alan Lasee.

Senator Schultz, with unanimous consent, asked that the roll call, prayer, and pledge of the regular session be applied to the extraordinary session.

In accordance with Joint Rule 81(2), it is moved that the Committee on Senate Organization authorize the Legislature to meet in Extraordinary Session at 11:00 A.M. on Tuesday, April 25, 2006 and that the Committee on Senate Organization offer only the following bills and joint resolutions for consideration by the Legislature during the Extraordinary Session:

- Senate Bill 7
- Senate Bill 103
- Senate Bill 295
- Senate Bill 483
- Senate Bill 518
- Senate Bill 563
- Senate Bill 567
- Senate Bill 612
- Senate Bill 653
- Senate Bill 655
- Senate Bill 683
- Senate Bill 697
- Senate Joint Resolution 5
- Senate Joint Resolution 63
- Assembly Bill 4
- Assembly Bill 251
- Assembly Bill 788
- Assembly Bill 850
- Assembly Bill 892
- Assembly Bill 968
- Assembly Bill 998
- Assembly Bill 1110
- Assembly Bill 1172
- Assembly Bill 1173
- Assembly Bill 1182
- Assembly Joint Resolution 77

Adopted by the Committee on Senate Organization, Ayes 4, Noes 1:

Ayes: 4 – Schultz, Lasee, Kedzie and Robson;

Noes: 1 – Hansen.

Motion to add **Assembly Bill 591** to the Extraordinary Session by the Committee on Senate Organization adopted, Ayes 5, Noes 0:

Ayes: 5 – Senators Schultz, Lasee, Kedzie, Robson and Hansen.

Noes: None.

Adopted by Assembly Committee on Organization, Ayes 5, Noes 2:

Ayes: 5 – Representatives Gard, Huebsch, Freese, Fitzgerald and Gundrum.

Noes: 2 – Representatives Kreuser and Richards.

### PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Senator Cowles added as a cosponsor of **Assembly Bill 788**.

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

#### Senate Bill 483

Relating to: an income and franchise tax credit for sales and use taxes paid on the purchase of Internet equipment used in the broadband market.

Read a second time.

Senate amendment 1 to Senate substitute amendment 3 to **Senate Bill 483** offered by Senator Brown.

Senator Kanavas raised the point of order that Senate amendment 1 to Senate substitute amendment 3 to **Senate Bill 483** was not germane.

The Chair took the point of order under advisement.

#### Senate Bill 563

Relating to: creating income and franchise tax credits for expenses related to film production services and for capital investments made by a film production company, requiring the exercise of rule-making authority, and making an appropriation.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 563**?

Adopted.

The question was: Adoption of Senate amendment 2 to **Senate Bill 563**?

Adopted.

Ordered to a third reading.

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

#### Senate Bill 563

Read a third time.

The ayes and noes were required and the vote was: ayes, 27; noes, 6; absent or not voting, 0; as follows:

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

Noes – Senators Cowles, Ellis, Grothman, Miller, Reynolds and Wirch – 6.

Absent or not voting – None.

Passed.

### Senate Bill 683

Relating to: the prohibition against the harvest of raw forest products from tax delinquent lands and notice and recording requirements for persons who harvest raw forest products.

Read a second time.

Ordered to a third reading.

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

### Senate Bill 683

Read a third time and passed.

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## SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS

### Assembly Bill 4

Relating to: creating a nonrefundable individual income tax credit for certain amounts relating to health savings accounts that may be deducted from, or are exempt from, federal income taxes.

Read a second time.

Ordered to a third reading.

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

### Assembly Bill 4

Read a third time.

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.

Concurred in.

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## RULING OF THE CHAIR

On April 25, 2006, Senator Kanavas raised a point of order that Senate Amendment 1 to Senate Substitute Amendment 3 to **Senate Bill 483** is not germane and, therefore, is not in order under Senate Rule 50. The Chair took the point of order under advisement.

The ruling of the Chair is that Senate Amendment 1 is germane.

Amendment 1 is relevant to the subject matter of the original proposal because it directly relates to investment in broadband internet services. The amendment allows for cooperatives, like telecommunications companies, the opportunity to help provide and increase the use of broadband internet services.

The amendment does not substantially expand the scope of the proposal because the amendment allows for cooperatives, as well as telecommunications companies, to expand the availability of broadband internet service throughout the state, which is the purpose of **Senate Bill 483**.

As a result, the amendment is germane under Senate Rule 50. Therefore, the Chair rules the point of order not well taken.

Senator Kanavas 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, 22; noes, 11; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Harsdorf, Jauch, A. Lasee, Lazich, Miller, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 22.

Noes – Senators Hansen, Kanavas, Kapanke, Kedzie, Lassa, Leibham, Plale, Risser, Robson, Taylor and Wirch – 11.

Absent or not voting – None.

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

Senator Kanavas moved that Senate amendment 1 to Senate substitute amendment 3 to **Senate Bill 483** be laid on the table.

The question was: Shall Senate amendment 1 to Senate substitute amendment 3 to **Senate Bill 483** 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 Carpenter, Coggs, Cowles, Ellis, S. Fitzgerald, Grothman, Hansen, Kanavas, Kapanke, Kedzie, Lassa, Lazich, Leibham, Plale, Risser, Robson, Stepp, Taylor and Wirch – 19.

Noes – Senators Breske, Brown, Darling, Decker, Erpenbach, Harsdorf, Jauch, A. Lasee, Miller, Olsen, Reynolds, Roessler, Schultz and Zien – 14.

Absent or not voting – None.

Tabled.

The question was: Adoption of Senate substitute amendment 3 to **Senate Bill 483**?

Adopted.

Ordered to a third reading.

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

### Senate Bill 483

Read a third time.

The ayes and noes were required and the vote was: ayes, 26; noes, 7; absent or not voting, 0; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Darling, Decker, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, Lassa, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 26.

Noes – Senators Brown, Cowles, Ellis, Grothman, A. Lasee, Lazich and Reynolds – 7.

Absent or not voting – None.

Passed.

#### **Assembly Bill 251**

Relating to: registered sex offenders and photographing persons under the age of 17.

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.

#### **Assembly Bill 251**

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 1; 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, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 32.

Noes – Senator Risser – 1.

Absent or not voting – None.

Concurred in.

#### **Assembly Bill 591**

Relating to: global positioning system tracking for certain sex offenders while on probation, extended supervision, parole, supervised release, or conditional release and providing a penalty.

Read a second time.

The question was: Adoption of Senate amendment 2 to Senate substitute amendment 2 to **Assembly Bill 591**?

Adopted.

The question was: Adoption of Senate substitute amendment 2 to **Assembly Bill 591**?

Adopted.

Ordered to a third reading.

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

#### **Assembly Bill 591**

Read a third time.

The ayes and noes were required and the vote was: ayes, 28; noes, 5; absent or not voting, 0; as follows:

Ayes – Senators Breske, Brown, Carpenter, Coggs, Darling, Decker, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Kanavas, Kapanke, Kedzie, Lassa, Lazich, Leibham,

Miller, Olsen, Plale, Reynolds, Robson, Roessler, Schultz, Stepp, Taylor, Wirch and Zien – 28.

Noes – Senators Cowles, Ellis, Jauch, A. Lasee and Risser – 5.

Absent or not voting – None.

Concurred in as amended.

#### **Assembly Bill 788**

Relating to: posting of information relating to certain pending state contracts and orders on the Internet.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 788**?

Adopted.

Ordered to a third reading.

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

#### **Assembly Bill 788**

Read a third time.

The ayes and noes were required 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.

Concurred in as amended.

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### **MOTIONS MAY BE OFFERED**

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

Messaged.

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

1:45 P.M.

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### **RECESS**

3:59 P.M.

The Senate reconvened.

Senator Lasee in the chair.

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### **ADJOURNMENT**

Senator Schultz, with unanimous consent, asked that the Senate extraordinary session adjourn until Thursday, April 27, 2006 at 11:01 A.M.

Adjourned.

4:00 P.M.