



STATE OF WISCONSIN

Senate Journal

April 2006 Extraordinary Session

11:37 A.M.

THURSDAY, April 27, 2006

The Senate met.

The Senate was called to order by Senator Alan Lasee.

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

CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated Wednesday, April 26, 2006.

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has passed and asks concurrence in:

Assembly Bill 968

Assembly Bill 1173

Amended and concurred in as amended:

Senate Bill 612 (Assembly amendments 3, 4, 5 (Assembly amendment 1 to Assembly amendment 5 adopted), 6, 7 and 8 adopted)

Senate substitute amendment 1 (Assembly amendments 1 and 2 to Senate substitute amendment 1 adopted) to

Assembly Bill 850

Senate Bill 653 (Assembly amendment 1 to Assembly substitute amendment 2 and Assembly substitute amendment 2 adopted)

Concurred in:

Senate Bill 483

Senate Bill 683

Adheres to its Position on:

Assembly amendment 1 to **Senate Bill 103**

Assembly Bill 968

Relating to: various duties of the Department of Revenue, including issuing declaratory judgments, conducting audits and assessments, asserting liability, allowing claims for refunds, awarding the costs of litigation to a prevailing party, imposing penalties related to a taxpayer's negligence, calculating interest on unpaid amounts, and requiring the exercise of rule-making authority.

By Representatives Strachota, Gard, J. Fitzgerald, Huebsch, Jensen, Wood, Hundertmark, Nischke, Mursau, Freese, Lothian, Krawczyk, Montgomery, Lamb, Kreibich, Towns, Gunderson, Ballweg, Loeffelholz, Vos, Albers, LeMahieu, Jeskewitz, F. Lasee, Pettis, McCormick and

Musser; cosponsored by Senators Kanavas, Darling, Stepp, Grothman, Schultz, Brown, Olsen and Roessler.

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

Assembly Bill 1173

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.

By Representatives Montgomery, Nerison, Honadel, Zepnick, Meyer, Hundertmark, Pettis, Ott, F. Lasee, Musser, Van Roy and Kreibich; cosponsored by Senators Cowles, Zien, Lazich, Breske and Hansen.

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

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Senator Robson added as a coauthor of **Senate Bill 653**.

Pursuant to Senate Rule 17 (5), Senator Lassa added as a coauthor of **Senate Bill 376**.

Pursuant to Senate Rule 17 (5), Senator Taylor added as a coauthor of **Senate Bill 376**.

Pursuant to Senate Rule 17 (5), Senator Darling added as a cosponsor of **Assembly Bill 1021**.

Pursuant to Senate Rule 17 (5), Senator Stepp added as a cosponsor of **Assembly Joint Resolution 90**.

Pursuant to Senate Rule 17 (5), Senator Lassa added as a cosponsor of **Assembly Bill 1003**.

Pursuant to Senate Rule 17 (5), Senator Taylor added as a cosponsor of **Assembly Joint Resolution 90**.

Pursuant to Senate Rule 17 (5), Senator Taylor added as a cosponsor of **Assembly Joint Resolution 99**.

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

MESSAGES FROM THE ASSEMBLY

Senate Bill 103

Relating to: the income and franchise tax credit for research and research facilities.

The question was: Shall the Senate recede from its position on Assembly amendment 1 to **Senate Bill 103**.

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes – Senators Brown, Darling, Grothman, Hansen, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lassa, Lazich,

Leibham, Olsen, Robson, Roessler, Schultz, Stepp and Zien – 18.

Noes – Senators Breske, Carpenter, Coggs, Cowles, Decker, Ellis, Erpenbach, Jauch, Miller, Plale, Reynolds, Risser, Taylor and Wirch – 14.

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

The Senate recesses from its position.

Senate amendment 1 to Assembly amendment 1 to **Senate Bill 103** offered by Senator Kanavas.

The question was: Adoption of Senate amendment 1 to Assembly amendment 1 to **Senate Bill 103**?

Adopted.

The question was: Shall Assembly amendment 1 to **Senate Bill 103** be concurred in as amended?

Concurred in as amended.

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

Messaged.

Senate Bill 612

Relating to: administration of elections; providing exemptions from and extending the time limit for emergency rule procedures; granting rule-making authority; and providing penalties.

The question was: Shall Assembly amendment 3 to **Senate Bill 612** be concurred in?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes – Senators Brown, Cowles, Darling, Ellis, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 18.

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

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

Concurred in.

The question was: Shall Assembly amendment 4 to **Senate Bill 612** be concurred in?

Concurred in.

The question was: Shall Assembly amendment 5 to **Senate Bill 612** be concurred in?

Concurred in.

The question was: Shall Assembly amendment 6 to **Senate Bill 612** be concurred in?

Concurred in.

The question was: Shall Assembly amendment 7 to **Senate Bill 612** be concurred in?

Concurred in.

The question was: Shall Assembly amendment 8 to **Senate Bill 612** be concurred in?

Concurred in.

Senate Bill 653

Relating to: contracts with entities to operate resource centers and care management organizations under the Family Care Program.

Senate amendment 1 to Assembly substitute amendment 2 to **Senate Bill 653** offered by Senator Carpenter.

Senator Zien in the chair.

Senator Roessler moved rejection of Senate amendment 1 to Assembly substitute amendment 2 to **Senate Bill 653**.

The question was: Rejection of Senate amendment 1 to Assembly substitute amendment 2 to **Senate Bill 653**?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes – Senators Brown, Cowles, Darling, Ellis, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 18.

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

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

Rejected.

Senate amendment 2 to Assembly substitute amendment 2 to **Senate Bill 653** offered by Senator Carpenter.

Senator Lasee in the chair.

Senator Roessler moved rejection of Senate amendment 2 to Assembly substitute amendment 2 to **Senate Bill 653**.

The question was: Rejection of Senate amendment 2 to Assembly substitute amendment 2 to **Senate Bill 653**?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes – Senators Brown, Cowles, Darling, Ellis, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 18.

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

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

Rejected.

The question was: Shall Assembly substitute amendment 2 to **Senate Bill 653** be concurred in?

Concurred in.

Assembly Bill 850

Relating to: the regulation of certain wharves, piers, boat shelters, boat hoists, and boat lifts.

Senator Wirch moved nonconcurrence in Assembly amendment 1 to Senate substitute amendment 1 to **Assembly Bill 850**.

The question was: Shall Assembly amendment 1 to Senate substitute amendment 1 to **Assembly Bill 850** be nonconcurrent in?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 16; absent or not voting, 2; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 15.

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

Absent or not voting – Senators S. Fitzgerald and Kapanke – 2.

Nonconcurrency refused.

The question was: Shall Assembly amendment 1 to Senate substitute amendment 1 to **Assembly Bill 850** be concurred in?

The ayes and noes were required and the vote was: ayes, 16; noes, 16; absent or not voting, 1; as follows:

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

Noes – Senators Breske, Carpenter, Coggs, Cowles, Decker, Ellis, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 16.

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

Concurrence refused.

Senator Schultz, with unanimous consent, asked that the Senate stand informal.

12:36 P.M.

STOOD INFORMAL

12:44 P.M.

Senator Schultz moved that the Senate reconsider the vote by which concurrence in Assembly amendment 1 to Senate substitute amendment 1 was refused.

The question was: Shall the vote by which concurrence in Assembly amendment 1 to Senate substitute amendment 1 was refused be reconsidered?

The ayes and noes were required and the vote was: ayes, 16; noes, 15; absent or not voting, 2; as follows:

Ayes – Senators Brown, Darling, Ellis, Grothman, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 16.

Noes – Senators Breske, Carpenter, Coggs, Cowles, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 15.

Absent or not voting – Senators S. Fitzgerald and Kapanke – 2.

Reconsidered.

Senator Risser moved that the Senate adjourn.

The question was: Shall the Senate adjourn?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 16; absent or not voting, 2; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor, and Wirch – 15.

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

Absent or not voting – Senators S. Fitzgerald and Kapanke – 2.

Adjournment refused.

Senator Erpenbach moved that **Assembly Bill 850** be laid on the table.

The question was: Shall **Assembly Bill 850** be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 18; absent or not voting, 1; 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, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien – 18.

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

Tabling refused.

The question was: Shall Assembly amendment 1 to Senate substitute amendment 1 to **Assembly Bill 850** be concurred in?

The ayes and noes were required and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

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

Noes – Senators Breske, Carpenter, Coggs, Cowles, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 15.

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

Concurred in.

Senator Jauch moved nonconcurrency in Assembly amendment 2 to Senate substitute amendment 1 to **Assembly Bill 850**.

Senator Leibham in the chair.

The question was: Shall Assembly amendment 2 to Senate substitute amendment 1 to **Assembly Bill 850** be nonconcurrent in?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 17; absent or not voting, 1; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 15.

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

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

Nonconcurrency refused.

The question was: Shall Assembly amendment 2 to Senate substitute amendment 1 to **Assembly Bill 850** be concurred in?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

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

Noes – Senators Breske, Carpenter, Coggs, Cowles, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor and Wirch – 15.

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

Concurred in.

Senator Schultz asked unanimous consent to message all action to the Assembly.

Senator Robson objected.

Senator Schultz moved that all action be messaged to the Assembly.

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

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

Noes – Senators Breske, Carpenter, Coggs, Cowles, Decker, Erpenbach, Hansen, Jauch, Lassa, Miller, Plale, Risser, Robson, Taylor, and Wirch - 15.

Absent or not voting – Senator S. Fitzgerald - 1.

Messaged.

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

1:44 P.M.

RECESS

3:53 P.M.

The Senate reconvened.

Senator Leibham in the chair.

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

Adjourned.

3:54 P.M.