



STATE OF WISCONSIN

Senate Journal

January 2011 Special Session

11:08 A.M.

WEDNESDAY, March 9, 2011

The Senate met.

The Senate was called to order by President Ellis.

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

Absent – Senators Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 14.

Absent with Leave – Senator Lasee – 1.

The Senate stood for a moment of silence.

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

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND JOINT RESOLUTIONS NOT REQUIRING A THIRD READING

Senator S. Fitzgerald, with unanimous consent, asked that **Senate Resolutions 4 through 17** be withdrawn from the committee on **Senate Organization** and taken up at this time, and that the Clerk dispense with the readings.

Senate Resolution 4

Relating to: imposing penalties and costs on Senator Tim Carpenter for being absent without leave.

Senate Resolution 5

Relating to: imposing penalties and costs on Senator Spencer Coggs for being absent without leave.

Senate Resolution 6

Relating to: imposing penalties and costs on Senator Tim Cullen for being absent without leave.

Senate Resolution 7

Relating to: imposing penalties and costs on Senator Jon Erpenbach for being absent without leave.

Senate Resolution 8

Relating to: imposing penalties and costs on Senator Dave Hansen for being absent without leave.

Senate Resolution 9

Relating to: imposing penalties and costs on Senator Jim Holperin for being absent without leave.

Senate Resolution 10

Relating to: imposing penalties and costs on Senator Robert Jauch for being absent without leave.

Senate Resolution 11

Relating to: imposing penalties and costs on Senator Julie Lassa for being absent without leave.

Senate Resolution 12

Relating to: imposing penalties and costs on Senator Chris Larson for being absent without leave.

Senate Resolution 13

Relating to: imposing penalties and costs on Senator Mark Miller for being absent without leave.

Senate Resolution 14

Relating to: imposing penalties and costs on Senator Fred Risser for being absent without leave.

Senate Resolution 15

Relating to: imposing penalties and costs on Senator Lena Taylor for being absent without leave.

Senate Resolution 16

Relating to: imposing penalties and costs on Senator Kathleen Vinehout for being absent without leave.

Senate Resolution 17

Relating to: imposing penalties and costs on Senator Robert Wirch for being absent without leave.

Senator Fitzgerald, with unanimous consent, asked that Senate Amendments to **Senate Resolutions 4 through 17**, and **Senate Resolutions 4 through 17** be taken up en masse.

The question was: Shall Senate Amendment 1 to **Senate Resolution 4**, **Senate Resolution 4**, Senate Amendment 1 to **Senate Resolution 5**, **Senate Resolution 5**, Senate Amendment 1 to **Senate Resolution 6**, **Senate Resolution 6**, Senate Amendment 1 to **Senate Resolution 7**, **Senate Resolution 7**, Senate Amendment 1 to **Senate Resolution 8**, **Senate Resolution 8**, Senate Amendment 1 to **Senate Resolution 9**, **Senate Resolution 9**, Senate Amendment 1 to **Senate Resolution 10**, **Senate Resolution 10**, Senate Amendment 1 to **Senate Resolution 11**, **Senate Resolution 11**, Senate Amendment 1 to **Senate Resolution 12**, **Senate Resolution 12**, Senate Amendment 1 to **Senate Resolution 13**,

Senate Resolution 13, Senate Amendment 1 to **Senate Resolution 14**, **Senate Resolution 14**, Senate Amendment 1 to **Senate Resolution 15**, **Senate Resolution 15**, Senate Amendment 1 to **Senate Resolution 16**, **Senate Resolution 16**, Senate Amendment 1 to **Senate Resolution 17** and **Senate Resolution 17** be adopted?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 0; absent or not voting, 15; as follows:

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

Noes – None.

Absent or not voting – Senators Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lasee, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 15.

Adopted.

Senator S. Fitzgerald, with unanimous consent, asked that the Senate recess.

11:14 A.M.

RECESS

2:14 P.M.

The Senate reconvened.

President Ellis in the chair.

ADJOURNMENT

Senator S. Fitzgerald, with unanimous consent, asked that the January 2011 Special Session of the Senate adjourn until Thursday, March 10, 2011 at 11:00 A.M.

2:15 P.M.

Adjourned.

JANUARY 2011 SPECIAL SESSION

4:03 P.M.

The Senate met.

The Senate was called to order by President Ellis.

President Ellis noted that the convening of special session was changed from 11:00 A.M. Thursday, March 10, 2011 to 4:00 P.M. today.

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

Absent – Senators Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 14.

Senator Fitzgerald, with unanimous consent, addressed the Senate:

“Mr. President, with unanimous consent, I would like to provide some remarks for the Journal. The Assembly passed January 2011 Special Session Assembly Bill 11, as amended by Assembly Amendments 1 and 105 on February 22, 2011. The Senate received January 2011 Special Session Assembly Bill 11 on February 25, 2011 and advanced the bill without further amendment to the question of concurrence. The Senate similarly advanced January 2011 Special Session Senate Bill 11 to the question of passage, except that the Senate Bill was not amended to be identical to the Assembly Bill, in that the Senate Bill lacks the equivalent of Assembly Amendment 105. The two houses have different positions. However, the Senate is prevented from further establishing its position due to the lack of the special quorum required under Article 8, Section 8 of the Wisconsin Constitution. It is time to move this process forward.”

President Ellis, with unanimous consent, requests a committee of Conference on **January 2011 Special Session Assembly Bill 11** and appoints Senators S. Fitzgerald, Miller and Ellis as conferees on the part of the Senate.

Senator S. Fitzgerald, with unanimous consent, asked that the Senate’s actions on the appointments to the committee of Conference on **January 2011 Special Session Assembly Bill 11** be immediately messaged to the Assembly.

Messaged.

President Ellis, with unanimous consent, asked that the Senate recess pending the call of the Chair.

4:06 P.M.

RECESS

MESSAGE FROM THE ASSEMBLY

By Patrick E. Fuller, chief clerk.

Mr. President:

Pursuant to Joint Rule 3 (1)(a), the Assembly agrees to a committee of conference on **January 2011 Special Session Assembly Bill 11**, and hereby notifies the Senate that the following Representatives have been appointed as conferees on the part of the Assembly: Speaker Jeff Fitzgerald, Representative Scott Suder and Representative Peter Barca

REPORT OF COMMITTEES

COMMITTEE OF CONFERENCE ON JANUARY 2011 SPECIAL SESSION ASSEMBLY BILL 11

The members of the Committee of Conference on January 2011 Special Session Assembly Bill 11 report and recommend That, by the adoption of this report:

1. Prior senate action. The senate recedes from its position.

2. Prior assembly action. The assembly recedes from its position.

3. Final action on 2011 Assembly Bill 11. The senate and assembly adopt and concur in January 2011 Special Session Assembly Bill 11 as shown by Conference Substitute

Amendment 1 (LRBs0087/1) to that bill, which is attached to and made a part of this report.

REP. JEFF FITZGERALD SEN. SCOTT FITZGERALD
REP. SCOTT SUDER SEN. MICHAEL G. ELLIS

Conference substitute amendment 1 to **Assembly Bill 11** offered by Committee of **Conference on January 2011 Special Session Assembly Bill 11**.

6:14 P.M.

The Senate reconvened.

President Ellis in the chair.

CALL OF ROLL

The roll was called, disclosing the presence of a quorum.

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

Absent – Senators Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 14.

REPORT OF COMMITTEES

Assembly Bill 11, January 2011 Special Session

Relating to: state finances, collective bargaining for public employees, compensation and fringe benefits of public

employees, the state civil service system, the Medical Assistance program, sale of certain facilities, granting bonding authority, and making an appropriation.

The question was: Shall the Committee of Conference report on **Assembly Bill 11, January 2011 Special Session** (Conference Substitute Amendment 1) be adopted?

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

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

Noes – Senator Schultz – 1.

Absent or not voting – Senators Carpenter, S. Coggs, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor, Vinehout and Wirch – 14.

Adopted.

Senator S. Fitzgerald, with unanimous consent, asked that all of our action and **Assembly Bill 11, January 2011 Special Session** be immediately messaged to the Assembly:

Assembly Bill 11, January 2011 Special Session

Messaged.

ADJOURNMENT

Senator S. Fitzgerald, with unanimous consent, asked that the January 2011 Special Session of the Senate adjourn until the call of the Chair.

6:22 P.M.

Adjourned.