



STATE OF WISCONSIN

Senate Journal

January 2021 Special Session

10:10 A.M.

THURSDAY, February 18, 2021

The Senate met.

The Senate was called to order by Senate President Kapenga.

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 Agard, Ballweg, Bernier, Bewley, Bradley, Carpenter, Darling, Erpenbach, Felzkowski, Feyen, Jacque, Johnson, Kapenga, Kooyenga, Larson, LeMahieu, Marklein, Nass, Petrowski, Pfaff, Ringhand, Roth, Roys, Smith, Stafsholt, Stroebel, L. Taylor, Testin, Wanggaard, Wimberger and Wirsch - 31.

Absent with leave - Senator Cowles - 1.

Vacancies - 13th Senate District - 1.

The Senate stood for the prayer which was offered by Senator Marklein.

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

CHIEF CLERK'S ENTRIES

AMENDMENTS OFFERED

Senate Amendment 2 to Senate Substitute Amendment 1 to **Senate Bill 1, January 2021 Special Session** offered by Senator Larson.

Senate Amendment 3 to Senate Substitute Amendment 1 to **Senate Bill 1, January 2021 Special Session** offered by Senators Erpenbach, Ringhand, Smith, Roys, L. Taylor and Bewley.

Senate Amendment 4 to Senate Substitute Amendment 1 to **Senate Bill 1, January 2021 Special Session** offered by Senators Erpenbach, Ringhand, Smith, Roys, L. Taylor and Bewley.

Senate Amendment 5 to Senate Substitute Amendment 1 to **Senate Bill 1, January 2021 Special Session** offered by Senator Carpenter.

Senate Amendment 6 to Senate Substitute Amendment 1 to **Senate Bill 1, January 2021 Special Session** offered by Senator Carpenter.

SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

Senate Bill 1, January 2021 Special Session

Relating to: transactions with the Department of Workforce Development under the unemployment insurance law, funding for unemployment insurance modernization efforts, granting rule-making authority, and making an appropriation.

Read a second time.

Senator LeMahieu moved that Senate Amendment 2 to Senate Substitute Amendment 1 to **Senate Bill 1, January 2021 Special Session** be rejected.

POINT OF ORDER

Senator Carpenter raised the point of order that he was denied the ability to physically attend Senate session on April 15, 2020.

The Chair ruled the point of order not well taken, citing a prior ruling of the Chair and Mason's Manual of Legislative Procedure, which provides that "[a] point of order must be raised before the irregularity or occasion for raising the point of order has passed." [Senate Journal, February 19, 1976, p. 1779, and Mason's Manual, Sec. 231.1.]

Senator Carpenter appealed the ruling of the chair.

The question was: Shall the Decision of the Chair stand as the judgment of the Senate?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 12; absent or not voting, 1; as follows:

Ayes - Senators Ballweg, Bernier, Bradley, Darling, Felzkowski, Feyen, Jacque, Kapenga, Kooyenga, LeMahieu, Marklein, Nass, Petrowski, Roth, Stafsholt, Stroebel, Testin, Wanggaard and Wimberger - 19.

Noes - Senators Agard, Bewley, Carpenter, Erpenbach, Johnson, Larson, Pfaff, Ringhand, Roys, Smith, L. Taylor and Wirsch - 12.

Absent or not voting - Senator Cowles - 1.

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

The question was: Rejection of Senate Amendment 2 to Senate Substitute Amendment 1 to **Senate Bill 1, January 2021 Special Session?**

The ayes and noes were demanded and the vote was: ayes, 20; noes, 11; absent or not voting, 1; as follows:

Ayes - Senators Ballweg, Bernier, Bradley, Darling, Felzkowski, Feyen, Jacque, Kapenga, Kooyenga, LeMahieu, Marklein, Nass, Petrowski, Pfaff, Roth, Stafsholt, Stroebel, Testin, Wanggaard and Wimberger - 20.

Noes - Senators Agard, Bewley, Carpenter, Erpenbach, Johnson, Larson, Ringhand, Roys, Smith, L. Taylor and Wirch - 11.

Absent or not voting - Senator Cowles - 1.

Rejected.

Senator Pfaff, with unanimous consent, asked to have his voted changed from "Aye" to "No" on the question of rejection of Senate Amendment 2 to Senate Substitute Amendment 1 to **Senate Bill 1, January 2021 Special Session.**

Senator LeMahieu moved that Senate Amendment 3 to Senate Substitute Amendment 1 to **Senate Bill 1, January 2021 Special Session** be rejected.

The question was: Rejection of Senate Amendment 3 to Senate Substitute Amendment 1 to **Senate Bill 1, January 2021 Special Session?**

The ayes and noes were demanded and the vote was: ayes, 19; noes, 12; absent or not voting, 1; as follows:

Ayes - Senators Ballweg, Bernier, Bradley, Darling, Felzkowski, Feyen, Jacque, Kapenga, Kooyenga, LeMahieu, Marklein, Nass, Petrowski, Roth, Stafsholt, Stroebel, Testin, Wanggaard and Wimberger - 19.

Noes - Senators Agard, Bewley, Carpenter, Erpenbach, Johnson, Larson, Pfaff, Ringhand, Roys, Smith, L. Taylor and Wirch - 12.

Absent or not voting - Senator Cowles - 1.

Rejected.

LEAVES OF ABSENCE

Senator LeMahieu, with unanimous consent, asked that Senator Cowles be granted a leave of absence for today's session.

Senator LeMahieu moved that Senate Amendment 4 to Senate Substitute Amendment 1 to **Senate Bill 1, January 2021 Special Session** be rejected.

LEAVES OF ABSENCE

Senator Bewley, with unanimous consent, asked that Senator Agard be granted a leave of absence for part of today's session.

The question was: Rejection of Senate Amendment 4 to Senate Substitute Amendment 1 to **Senate Bill 1, January 2021 Special Session?**

The ayes and noes were demanded and the vote was: ayes, 19; noes, 11; absent or not voting, 2; as follows:

Ayes - Senators Ballweg, Bernier, Bradley, Darling, Felzkowski, Feyen, Jacque, Kapenga, Kooyenga, LeMahieu, Marklein, Nass, Petrowski, Roth, Stafsholt, Stroebel, Testin, Wanggaard and Wimberger - 19.

Noes - Senators Bewley, Carpenter, Erpenbach, Johnson, Larson, Pfaff, Ringhand, Roys, Smith, L. Taylor and Wirch - 11.

Absent or not voting - Senators Agard and Cowles - 2.

Rejected.

Senator LeMahieu moved that Senate Amendment 5 to Senate Substitute Amendment 1 to **Senate Bill 1, January 2021 Special Session** be rejected.

The question was: Rejection of Senate Amendment 5 to Senate Substitute Amendment 1 to **Senate Bill 1, January 2021 Special Session?**

The ayes and noes were demanded and the vote was: ayes, 19; noes, 11; absent or not voting, 2; as follows:

Ayes - Senators Ballweg, Bernier, Bradley, Darling, Felzkowski, Feyen, Jacque, Kapenga, Kooyenga, LeMahieu, Marklein, Nass, Petrowski, Roth, Stafsholt, Stroebel, Testin, Wanggaard and Wimberger - 19.

Noes - Senators Bewley, Carpenter, Erpenbach, Johnson, Larson, Pfaff, Ringhand, Roys, Smith, L. Taylor and Wirch - 11.

Absent or not voting - Senators Agard and Cowles - 2.

Rejected.

Senator LeMahieu moved that Senate Amendment 6 to Senate Substitute Amendment 1 to **Senate Bill 1, January 2021 Special Session** be rejected.

The question was: Rejection of Senate Amendment 6 to Senate Substitute Amendment 1 to **Senate Bill 1, January 2021 Special Session?**

The ayes and noes were demanded and the vote was: ayes, 19; noes, 11; absent or not voting, 2; as follows:

Ayes - Senators Ballweg, Bernier, Bradley, Darling, Felzkowski, Feyen, Jacque, Kapenga, Kooyenga, LeMahieu, Marklein, Nass, Petrowski, Roth, Stafsholt, Stroebel, Testin, Wanggaard and Wimberger - 19.

Noes - Senators Bewley, Carpenter, Erpenbach, Johnson, Larson, Pfaff, Ringhand, Roys, Smith, L. Taylor and Wirch - 11.

Absent or not voting - Senators Agard and Cowles - 2.

Rejected.

The question was: Adoption of Senate Substitute Amendment 1 to **Senate Bill 1, January 2021 Special Session?**

Adopted.

Ordered to a third reading.

Senator LeMahieu, with unanimous consent, asked that the rules be suspended and the bill be given its third reading.

Senate Bill 1, January 2021 Special Session

Read a third time.

The question was: Passage of **Senate Bill 1, January 2021 Special Session?**

The ayes and noes were required and the vote was: ayes, 27; noes, 3; absent or not voting, 2; as follows:

Ayes - Senators Ballweg, Bernier, Bewley, Bradley, Darling, Erpenbach, Felzkowski, Feyen, Jacque, Johnson, Kapenga, Kooyenga, LeMahieu, Marklein, Nass, Petrowski, Pfaff, Ringhand, Roth, Roys, Smith, Stafsholt, Stroebel, Testin, Wanggaard, Wimberger and Wirch - 27.

Noes - Senators Carpenter, Larson and L. Taylor - 3.

Absent or not voting - Senators Agard and Cowles - 2.

Passed.

Senator Agard, with unanimous consent, asked to be recorded as voting “Aye” on the question of passage of **Senate Bill 1, January 2021 Special Session.**

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

Senate Bill 1, January 2021 Special Session

Messaged.

Message from the Senate President

The Senate met today in a special session convened by Governor Evers in Executive Order #103. In any special session, the governor defines the purpose of the special session, and, during the special session, the Legislature may only act on legislation that is germane to the call. As part of the Governor’s call to convene this special session, the Governor restricted the special purpose to include “consider[ing] and act[ing] upon LRB-1312/1 and LRB-1430/1, relating to transactions with the Department of Workforce Development under the unemployment insurance law, funding for unemployment insurance modernizations efforts, granting rule-making authority, and making an appropriation.” The purpose of this communication is to state my opinion on whether January 2021 Special Session Senate Bill 1 (JR SB 1), as amended by Senate Substitute Amendment 1 (the substitute amendment), is germane to the special session call. For the following reasons, I believe that JR SB 1, as amended, is germane to the special session call.

The Wisconsin Constitution allows the governor to convene the Legislature in special session, “and when so convened no business shall be transacted except as shall be necessary to accomplish the special purposes for which it was convened.” [Wis. Const, Art. IV, s. 11.] Similarly, Senate Rule 93 (1) provides that “a proposal or amendment may not be considered unless it accomplishes the special purposes for which the special session was convened.”

Upon examination of JR SB 1 and comments made by the Governor in a press release he issued at the time he called for this special session, it is apparent that this special session’s purpose, at least in part, is to produce legislation that will alleviate the unemployment claims backlog due to the COVID-19 pandemic. To this end, the substitute amendment requires the Department of Workforce Development to start the process of updating Unemployment Insurance (UI) information technology systems, establishes civil liability protections to certain entities including employers covered under the UI law to encourage them to stay open so their employees are less reliant on the UI system, temporarily suspends the one-week waiting period, continues 2019 WI Act 185’s benefit charging relief, temporarily modifies work-share plans, and allows the state to continue receiving federal extended benefits for UI. In short, it is clear that the substitute amendment’s contents aim to achieve the same goal as the Governor’s call to special session.

Tellingly, no member of the Senate raised a point of order concerning the germaneness of JR SB 1, as amended by Senate Substitute Amendment 1. This is one indicator that there was consensus within the Senate that the bill is germane to the special session. For the sake of clarity, I write to share that had a point of order been raised, I would have determined that JR SB 1, as amended, in whole or in part, is germane to the special session under both the Wisconsin Constitution and the Senate Rules.

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

Senator Stroebel, with unanimous consent, asked that when the Senate adjourn, it do so in honor of a great American who passed away yesterday. Rush Limbaugh was a staunch champion of free speech and robust debate all while being an entertaining personality. He gave voice to many and he was an eternal optimist who believed in the never-ending promise and greatness of America. He was a pioneering broadcaster and author, who earned numerous awards for his work and he set an example that many on both the left and right have sought to emulate. He could be frequently heard on several Wisconsin stations. The fact that he was instantly recognized in our culture by his first name is a testament to his stature. Senator Stroebel knows that he, and countless of his fellow Wisconsinites, will miss his voice in our national debate.

Senator Taylor, with unanimous consent, asked that the Senate adjourn in honor of Tyshun Wardlaw, Founder, Director and Producer of Wardlaw Productions. She directed “Hummingbird – A Sister’s Courage,” which is about a woman who goes undercover to rescue her teenage sister from a human trafficking operation. Her latest project, “Growing Up Milwaukee” can be found on HBO Max.

Senator Ballweg, with unanimous consent, asked that the Senate adjourn in honor of educational professionals; teachers, staff, administrators, coaches and all who are

providing face-to-face education opportunities to students and continuing to keep schools in the 14th Senate District, and across the state, open safely.

ADJOURNMENT

Senator LeMahieu, with unanimous consent, asked that the January 2021 Special Session of the Senate stand adjourned until Tuesday, February 23, 2021.

Adjourned.

12:34 P.M.