



STATE OF WISCONSIN

Senate Journal

Extraordinary Session

11:41 A.M.

TUESDAY, January 20, 2004

The Senate met.

The Senate was called to order by Senator Alan Lasee.

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

The Chief Clerk makes the following entries dated **January 16, 2004** :

CHIEF CLERK'S ENTRIES

The select committee on **Job Creation** reports and recommends:

Assembly Bill 655

Relating to: administrative rules, guidelines, policies, and hearings; air pollution control; structures, deposits, and other activities in or near navigable waters; notice, hearing, and review procedures related to permits to place structures and materials and to conduct activities in or near navigable waters; nonmetallic mining reclamation financial assurances; strategic energy assessments; partial deregulation of telecommunications services; contributions by electric and gas utilities to the utility public benefits fund; grants for energy conservation and other programs; reciprocal agreements for real estate licenses; comprehensive planning by local governmental units; fees imposed by political subdivisions; the confidentiality of patient health care records; apprentice-to-journeyman job-site ratios; the acquisition of in-state banks and in-state bank holding companies; credit agreements; extending the time limit for emergency rule procedures; and granting rule-making authority.

Concurrence.

Ayes, 4 – Senators Kanavas, Stepp, Leibham and Jauch.

Noes, 1 – Senator Chvala.

Ted Kanavas
Senate Chairperson

Cathy Stepp
Senate Chairperson

Senator Lazich, with unanimous consent, asked that the Senate recess until 4:35 P.M.

11:42 A.M.

RECESS

4:35 P.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 Brown, Carpenter, Chvala, Coggs, Darling, Ellis, Erpenbach, Hansen, Kanavas, Kedzie, A. Lasee, Lazich, Plale, Reynolds, Risser, Robson, Stepp, Welch, Wirch and Zien – 20.

Absent – Senators Breske, Cowles, Decker, Fitzgerald, Harsdorf, Jauch, Lassa, Leibham, Meyer, Moore, Panzer, Roessler and Schultz – 13.

Absent with leave – None.

SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS

Assembly Bill 655

Relating to: administrative rules, guidelines, policies, and hearings; air pollution control; structures, deposits, and other activities in or near navigable waters; notice, hearing, and review procedures related to permits to place structures and materials and to conduct activities in or near navigable waters; nonmetallic mining reclamation financial assurances; strategic energy assessments; partial deregulation of telecommunications services; contributions by electric and gas utilities to the utility public benefits fund; grants for energy conservation and other programs; reciprocal agreements for real estate licenses; comprehensive planning by local governmental units; fees imposed by political subdivisions; the confidentiality of patient health care records; apprentice-to-journeyman job-site ratios; the acquisition of in-state banks and in-state bank holding companies; credit agreements; extending the time limit for emergency rule procedures; and granting rule-making authority.

Read a second time.

Senate amendment 1 to **Assembly Bill 655** offered by Senators Risser, Carpenter, Robson, Chvala and Erpenbach.

Senator Panzer moved rejection of Senate amendment 1 to **Assembly Bill 655**.

The question was: Rejection of Senate amendment 1 to **Assembly Bill 655**?

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

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Panzer, Reynolds, Roessler, Schultz, Stepp, Welch and Zien – 18.

Noes – Senators Breske, Carpenter, Chvala, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, M. Meyer, Moore, Plale, Risser, Robson and Wirch – 15.

Absent or not voting – None.

Rejected.

Senate amendment 2 to **Assembly Bill 655** offered by Senators Risser, Carpenter, Robson, Chvala and Erpenbach.

Senator Kanavas moved rejection of Senate amendment 2 to **Assembly Bill 655**.

The question was: Rejection of Senate amendment 2 to **Assembly Bill 655**?

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

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Panzer, Reynolds, Roessler, Schultz, Stepp, Welch and Zien – 18.

Noes – Senators Breske, Carpenter, Chvala, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, M. Meyer, Moore, Plale, Risser, Robson and Wirch – 15.

Absent or not voting – None.

Rejected.

Senate amendment 3 to **Assembly Bill 655** offered by Senators Risser, Carpenter, Robson, Chvala and Erpenbach.

Senator Zien moved rejection of Senate amendment 3 to **Assembly Bill 655**.

The question was: Rejection of Senate amendment 3 to **Assembly Bill 655**?

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

Ayes – Senators Breske, Brown, Chvala, Cowles, Darling, Decker, Ellis, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lassa, Lazich, Leibham, M. Meyer, Panzer, Plale, Reynolds, Roessler, Schultz, Stepp, Welch and Zien – 26.

Noes – Senators Carpenter, Coggs, Erpenbach, Moore, Risser, Robson and Wirch – 7.

Absent or not voting – None.

Rejected.

Senate amendment 4 to **Assembly Bill 655** offered by Senators Hansen, Erpenbach, Chvala, Carpenter, Coggs, Breske, Robson and Lassa.

Senator Welch moved rejection of Senate amendment 4 to **Assembly Bill 655**.

The question was: Rejection of Senate amendment 4 to **Assembly Bill 655**?

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

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Panzer, Reynolds, Roessler, Schultz, Stepp, Welch and Zien – 18.

Noes – Senators Breske, Carpenter, Chvala, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, M. Meyer, Moore, Plale, Risser, Robson and Wirch – 15.

Absent or not voting – None.

Rejected.

Senate amendment 5 to **Assembly Bill 655** offered by Senators Hansen, Erpenbach, Chvala, Coggs, Breske, Robson, Carpenter and Lassa.

Senator Chvala moved that **Assembly Bill 655** be referred to the committee on **Environment and Natural Resources**.

The question was: Shall **Assembly Bill 655** be referred to the committee on **Environment and Natural Resources**?

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

Ayes – Senators Breske, Carpenter, Chvala, Coggs, Decker, Erpenbach, Hansen, M. Meyer, Moore, Plale, Risser, Robson and Wirch – 13.

Noes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lassa, Lazich, Leibham, Panzer, Reynolds, Roessler, Schultz, Stepp, Welch and Zien – 20.

Absent or not voting – None.

Referral Refused.

Senator Welch moved rejection of Senate amendment 5 to **Assembly Bill 655**.

The question was: Rejection of Senate amendment 5 to **Assembly Bill 655**?

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

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Panzer, Reynolds, Roessler, Schultz, Stepp, Welch and Zien – 18.

Noes – Senators Breske, Carpenter, Chvala, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, M. Meyer, Moore, Plale, Risser, Robson and Wirch – 15.

Absent or not voting – None.

Rejected.

Senate amendment 6 to **Assembly Bill 655** offered by Senators Wirch, Hansen, Chvala, Moore, Coggs, Carpenter, M. Meyer, Decker, Erpenbach, Risser, Jauch, Breske, Robson and Lassa.

POINT OF ORDER

Senator Welch raised the point of order that Senate amendment 6 was not germane.

The Chair rules the point of order well taken.

Senator Wirch 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, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Panzer, Reynolds, Roessler, Schultz, Stepp, Welch and Zien – 18.

Noes – Senators Breske, Carpenter, Chvala, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, M. Meyer, Moore, Plale, Risser, Robson and Wirch – 15.

Absent or not voting – None.

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

Senate amendment 7 to **Assembly Bill 655** offered by Senators Robson, Carpenter, Lassa, Coggs, Moore, Chvala, Hansen, Erpenbach, Wirch, Risser, Jauch and Breske.

Senator Welch moved rejection of Senate amendment 7 to **Assembly Bill 655**.

The question was: Rejection of Senate amendment 7 to **Assembly Bill 655**?

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

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Panzer, Reynolds, Roessler, Schultz, Stepp, Welch and Zien – 18.

Noes – Senators Breske, Carpenter, Chvala, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, M. Meyer, Moore, Plale, Risser, Robson and Wirch – 15.

Absent or not voting – None.

Rejected.

Senate amendment 8 to **Assembly Bill 655** offered by Senators Robson, Carpenter, Coggs, M. Meyer, Moore, Chvala, Hansen, Erpenbach, Wirch, Risser, Jauch and Breske.

Senator Welch moved rejection of Senate amendment 8 to **Assembly Bill 655**.

The question was: Rejection of Senate amendment 8 to **Assembly Bill 655**?

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

Ayes – Senators Brown, Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Panzer, Plale, Reynolds, Roessler, Schultz, Stepp, Welch and Zien – 18.

Noes – Senators Breske, Carpenter, Chvala, Coggs, Cowles, Decker, Erpenbach, Hansen, Jauch, Lassa, M. Meyer, Moore, Risser, Robson and Wirch – 15.

Absent or not voting – None.

Rejected.

Senate amendment 9 to **Assembly Bill 655** offered by Senators Robson, Carpenter, Lassa, Coggs, Moore, Erpenbach, Hansen and Risser.

Senator Welch moved rejection of Senate amendment 9 to **Assembly Bill 655**.

The question was: Rejection of Senate amendment 9 to **Assembly Bill 655**?

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

Ayes – Senators Brown, Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Panzer, Plale, Reynolds, Roessler, Schultz, Stepp, Welch and Zien – 18.

Noes – Senators Breske, Carpenter, Chvala, Coggs, Cowles, Decker, Erpenbach, Hansen, Jauch, Lassa, M. Meyer, Moore, Risser, Robson and Wirch – 15.

Absent or not voting – None.

Rejected.

Senate amendment 10 to **Assembly Bill 655** offered by Senators Robson, Carpenter, Lassa, Coggs, Plale, M. Meyer, Chvala, Hansen, Wirch, Erpenbach, Risser and Jauch.

Senator Welch moved rejection of Senate amendment 10 to **Assembly Bill 655**.

The question was: Rejection of Senate amendment 10 to **Assembly Bill 655**?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes – Senators Brown, Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Panzer, Reynolds, Roessler, Schultz, Stepp, Welch and Zien – 17.

Noes – Senators Breske, Carpenter, Chvala, Coggs, Cowles, Decker, Erpenbach, Hansen, Jauch, Lassa, M. Meyer, Moore, Plale, Risser, Robson and Wirch – 16.

Absent or not voting – None.

Rejected.

Senate amendment 11 to **Assembly Bill 655** offered by Senator Erpenbach.

Senator Welch moved rejection of Senate amendment 11 to **Assembly Bill 655**.

The question was: Rejection of Senate amendment 11 to **Assembly Bill 655**?

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

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Panzer, Reynolds, Roessler, Schultz, Stepp, Welch and Zien – 18.

Noes – Senators Breske, Carpenter, Chvala, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, M. Meyer, Moore, Plale, Risser, Robson and Wirch – 15.

Absent or not voting – None.

Rejected.

Senate amendment 12 to **Assembly Bill 655** offered by Senators Robson and M. Meyer.

Senator Robson, with unanimous consent, asked that Senate amendment 12 to **Assembly Bill 655** be withdrawn and returned to author.

Senate amendment 13 to **Assembly Bill 655** offered by Senators Wirch, Robson, Erpenbach, Risser, Hansen, Chvala and Decker.

Senator Welch moved rejection of Senate amendment 13 to **Assembly Bill 655**.

The question was: Rejection of Senate amendment 13 to **Assembly Bill 655**?

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

Ayes – Senators Brown, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Panzer, Reynolds, Roessler, Schultz, Stepp, Welch and Zien – 18.

Noes – Senators Breske, Carpenter, Chvala, Coggs, Decker, Erpenbach, Hansen, Jauch, Lassa, M. Meyer, Moore, Plale, Risser, Robson and Wirch – 15.

Absent or not voting – None.

Rejected.

Ordered to a third reading.

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

Assembly Bill 655

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, Coggs, Cowles, Darling, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Jauch, Kanavas, Kedzie, A. Lasee, Lassa, Lazich, Leibham, M. Meyer, Panzer, Plale, Reynolds, Roessler, Schultz, Stepp, Welch, Wirch and Zien – 27.

Noes – Senators Carpenter, Chvala, Decker, Moore, Risser and Robson – 6.

Absent or not voting – None.

Concurred in.

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

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

Senators Erpenbach, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the life of Janet Ninneman who died unexpectedly December 2nd, 2003.

Senator Robson, with unanimous consent, asked that when

the Senate adjourn, it do so in honor of Aldo Leopold, Wisconsin's own true conservationist.

ADJOURNMENT

Senator Panzer, with unanimous consent, asked that the Senate adjourn until Wednesday, at 10:00 A.M..

Adjourned.

8:00 P.M.