



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Eighth Regular Session

11:15 A.M.

WEDNESDAY, May 28, 2008

The Senate met.

The Senate was called to order by President Risser.

### CALL OF ROLL

The roll was called and the following Senators answered to their names:

Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 32.

Absent with leave – Senator Jauch – 1.

The Senate stood for a moment of silent meditation.

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

### LEAVES OF ABSENCE

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

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

### ADVICE AND CONSENT OF THE SENATE

BRESKE, ROGER, of Eland, as Commissioner of Railroads, to serve for the term ending March 1, 2011.

Read.

Senator Breske, with unanimous consent, asked that he be excused from voting on confirmation of himself, pursuant to Senate Rule 73.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 3; as follows:

Ayes – Senators Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee,

Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 30.

Noes – None.

Absent or not voting – Senators Breske, Jauch and Roessler – 3.

Confirmed.

CALLISTO, ERIC, of Madison, as Chair of the Public Service Commission, to serve for the interim term ending March 1, 2009 and a full term ending March 1, 2015.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 28; noes, 3; absent or not voting, 2; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 28.

Noes – Senators Grothman, Kanavas and Lazich – 3.

Absent or not voting – Senators Jauch and Roessler – 2.

Confirmed.

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

Senator Decker, with unanimous consent, asked that the rules be suspended and that the reading of Senate Bills 574 through 588 be dispensed with.

#### Senate Bill 574

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL–CIO, for the 2007–09 biennium, covering employees in the administrative support collective bargaining unit, and authorizing an expenditure of funds.

Read a third time.

The question was: Shall **Senate Bill 574** pass?

The ayes and noes were required and the vote was: ayes, 30; noes, 1; absent or not voting, 2; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman,

Hansen, Harsdorf, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 30.

Noes – Senator Lazich – 1.

Absent or not voting – Senators Jauch and Roessler – 2.

Passed.

### Senate Bill 575

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL–CIO, for the 2007–09 biennium, covering employees in the blue collar and nonbuilding trades collective bargaining unit, and authorizing an expenditure of funds.

Read a third time.

The question was: Shall **Senate Bill 575** pass?

The ayes and noes were required and the vote was: ayes, 31; noes, 1; absent or not voting, 1; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 31.

Noes – Senator Lazich – 1.

Absent or not voting – Senator Jauch – 1.

Passed.

### Senate Bill 576

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL–CIO, for the 2007–09 biennium, covering employees in the professional social services collective bargaining unit, and authorizing an expenditure of funds.

Read a third time.

The question was: Shall **Senate Bill 576** pass?

The ayes and noes were required and the vote was: ayes, 30; noes, 2; absent or not voting, 1; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 30.

Noes – Senators Grothman and Lazich – 2.

Absent or not voting – Senator Jauch – 1.

Passed.

Senator Roessler, with unanimous consent, asked to be recorded as voting Aye on the confirmations of Roger Breske and Eric Callisto, and Aye on passage of **Senate Bill 574**.

### Senate Bill 577

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate

affiliated locals, AFL–CIO, for the 2007–09 biennium, covering employees in the security and public safety collective bargaining unit, and authorizing an expenditure of funds.

Read a third time.

The question was: Shall **Senate Bill 577** pass?

The ayes and noes were required and the vote was: ayes, 31; noes, 1; absent or not voting, 1; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 31.

Noes – Senator Lazich – 1.

Absent or not voting – Senator Jauch – 1.

Passed.

### Senate Bill 578

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME Council 24, and its appropriate affiliated locals, AFL–CIO, for the 2007–09 biennium, covering employees in the technical collective bargaining unit, and authorizing an expenditure of funds.

Read a third time.

The question was: Shall **Senate Bill 578** pass?

The ayes and noes were required and the vote was: ayes, 31; noes, 1; absent or not voting, 1; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 31.

Noes – Senator Lazich – 1.

Absent or not voting – Senator Jauch – 1.

Passed.

### Senate Bill 579

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin Law Enforcement Association, for the 2007–09 biennium, covering employees in the law enforcement collective bargaining unit, and authorizing an expenditure of funds.

Read a third time.

The question was: Shall **Senate Bill 579** pass?

The ayes and noes were required and the vote was: ayes, 30; noes, 2; absent or not voting, 1; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 30.

Noes – Senators Grothman and Lazich – 2.

Absent or not voting – Senator Jauch – 1.

Passed.

**Senate Bill 580**

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the District 1199W/United Professionals for Quality Health Care, SEIU, AFL-CIO, for the 2007-09 biennium, covering employees in the professional patient care collective bargaining unit, and authorizing an expenditure of funds.

Read a third time.

The question was: Shall **Senate Bill 580** pass?

The ayes and noes were required and the vote was: ayes, 30; noes, 2; absent or not voting, 1; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 30.

Noes – Senators Grothman and Lazich – 2.

Absent or not voting – Senator Jauch – 1.

Passed.

**Senate Bill 581**

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin Education Association Council, for the 2007-09 biennium, covering employees in the professional education collective bargaining unit, and authorizing an expenditure of funds.

Read a third time.

The question was: Shall **Senate Bill 581** pass?

The ayes and noes were required and the vote was: ayes, 30; noes, 2; absent or not voting, 1; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 30.

Noes – Senators Grothman and Lazich – 2.

Absent or not voting – Senator Jauch – 1.

Passed.

**Senate Bill 582**

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin Professional Employees Council, WFT/AFT, AFL-CIO, for the 2007-09 biennium, covering employees in the professional fiscal and staff services collective bargaining unit, and authorizing an expenditure of funds.

Read a third time.

The question was: Shall **Senate Bill 582** pass?

The ayes and noes were required and the vote was: ayes, 30; noes, 2; absent or not voting, 1; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 30.

Noes – Senators Grothman and Lazich – 2.

Absent or not voting – Senator Jauch – 1.

Passed.

**Senate Bill 583**

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin Science Professionals, AFT, Local 3732, for the 2007-09 biennium, covering employees in the professional science collective bargaining unit, and authorizing an expenditure of fund.

Read a third time.

The question was: Shall **Senate Bill 583** pass?

The ayes and noes were required and the vote was: ayes, 30; noes, 2; absent or not voting, 1; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 30.

Noes – Senators Grothman and Lazich – 2.

Absent or not voting – Senator Jauch – 1.

Passed.

**Senate Bill 584**

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Milwaukee Graduate Assistants Association, AFT/WFT, Local 2169, AFL-CIO, for the 2007-09 biennium, covering employees in the program, project, and teaching assistants of the University of Wisconsin-Milwaukee collective bargaining unit, and authorizing an expenditure of funds.

Read a third time.

The question was: Shall **Senate Bill 584** pass?

The ayes and noes were required and the vote was: ayes, 28; noes, 4; absent or not voting, 1; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Kapanke, Kreitlow, A. Lasee, Lassa, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 28.

Noes – Senators Grothman, Kanavas, Kedzie and Lazich – 4.

Absent or not voting – Senator Jauch – 1.

Passed.

**Senate Bill 585**

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin Physicians and Dentists Association, for the 2007-09 biennium, covering employees in the professional patient treatment collective bargaining unit, and authorizing an expenditure of funds.

Read a third time.

The question was: Shall **Senate Bill 585** pass?

The ayes and noes were required and the vote was: ayes, 30; noes, 2; absent or not voting, 1; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 30.

Noes – Senators Grothman and Lazich – 2.

Absent or not voting – Senator Jauch – 1.

Passed.

**Senate Bill 586**

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Public Defenders Association, WFT/AFT, Local 4822, AFL-CIO, for the 2007-09 biennium, covering employees in the public defenders collective bargaining unit, and authorizing an expenditure of funds.

Read a third time.

The question was: Shall **Senate Bill 586** pass?

The ayes and noes were required and the vote was: ayes, 30; noes, 2; absent or not voting, 1; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 30.

Noes – Senators Grothman and Lazich – 2.

Absent or not voting – Senator Jauch – 1.

Passed.

**Senate Bill 587**

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Attorneys Association, Inc., for the 2007-09 biennium, covering employees in the professional legal collective bargaining unit, and authorizing an expenditure of funds.

Read a third time.

The question was: Shall **Senate Bill 587** pass?

The ayes and noes were required and the vote was: ayes, 30; noes, 2; absent or not voting, 1; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 30.

Noes – Senators Grothman and Lazich – 2.

Absent or not voting – Senator Jauch – 1.

Passed.

**Senate Bill 588**

Relating to: ratification of the agreement negotiated between the state of Wisconsin and the Wisconsin State Building Trades Negotiating Committee, AFL-CIO, and its appropriate affiliated locals, for the 2007-09 biennium, covering employees in the building trades crafts collective bargaining unit, and authorizing an expenditure of funds.

Read a third time.

The question was: Shall **Senate Bill 588** pass?

The ayes and noes were required and the vote was: ayes, 30; noes, 2; absent or not voting, 1; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 30.

Noes – Senators Grothman and Lazich – 2.

Absent or not voting – Senator Jauch – 1.

Passed.

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

Messaged.

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

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Pastor Matt Saarem of Amery in the 10th Senate District, and his son Tony, who journeyed to the capitol and Madison today to look back in history at the life of Tony's great-great-great-grandfather, Joseph Hamilton of Milwaukee. Mr. Hamilton was a member of the Assembly in 1874 and again in the 1877 session from Milwaukee's Second Ward and also was a publisher of the old Milwaukee Daily Journal. Pastor Matt serves at Balsam Evangelical Lutheran Church in Amery. He and Tony spent the morning in the archives at the Historical Society gleaned information on their ancestor.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Richard Lindgren a long-time County Board Supervisor and County Clerk in Kenosha County who recently passed away three days shy of his 100th birthday. Mr. Lindgren was a kind and generous man. We will miss him.

Senator Schultz, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Legislative Audit Bureau. "Wisconsin's Legislative Audit Bureau remains among the most important and credible audit shops in the country. Not only has the office proved itself willing to go after the hot-button news items of the day, it has managed to direct the legislature's attention to crucial management deficiencies." (*Governing*, March 2008.)

Senator Schultz, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Dean Thomas of Dodgeville. Dean was a friend and community leader. He was a World War II veteran and businessman for 40 years. Dean was somebody who in every way exemplified what a leader should be. He was a good friend and all of us in Southwestern Wisconsin will miss him.

Senator Schultz, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Moni Rohr.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Jan Mueller and the Legislative Audit Bureau.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in memory of Bonnie Reese, former Director of the Legislative Council.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Legislative Fiscal Bureau. Bob Lang and crew do an awesome job.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Legislative Council.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Legislative Reference Bureau.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Senate Chief Clerk and his staff.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Senate Sergeant at Arms and his staff.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her granddaughter Alexiah Roessler and her mom, Nikki Roessler.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Moni Rohr.

Senator Fitzgerald, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Majority Leader's birthday on Sunday.

Senator Miller, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Kenneth Schuck. On Friday, May 30, Kenneth Schuck is retiring from the Division of State and Local Finance within the Department of Revenue after over 32 years of very dedicated service to the citizens of the State of Wisconsin. Ken has been the "gatekeeper" of most of the data that the Department of Revenue and the Legislative Fiscal Bureau use to analyze the effects of state tax and aid policy initiatives on the state's 1,851 municipalities and 72 counties. He is the primary point of contact for local clerks and treasurers in administering the \$9.6 billion property tax system, and he oversees the payment of \$1.7 billion in state aid and tax credits. The state aid and tax credit programs under his supervision comprise almost 12% of the 2007-08 GPR budget. As Chief of the Local Government Services Section, a position he has held for over 28 years, Ken has been an invaluable resource to the Department of Revenue and other state agencies, as well as local units of government throughout the state. His knowledge and experience in shared revenue payments, school aids, transportation aids, levy limits, statements of assessment of property tax, equalized property values, lottery and gaming credits, local governmental financial reporting, and tax incremental financing is unsurpassed. But, it is his willingness to assist state and local government officials whenever possible, that is his legacy. Ken Schuck will be greatly missed by many throughout the entire State of Wisconsin.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Jan Mueller of the Legislative Audit Bureau and great friend.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Bob Lang of the Legislative Fiscal Bureau.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Majority Leader's birthday.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Senate Chief Clerk's staff and Sergeant's staff.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her staff.

Senator Cogs, with unanimous consent, asked that when the Senate adjourn, it do so in honor of May being "Stroke Awareness Month." Strokes are Wisconsin's number 3 killer and affect so many of us in this state. So I hope that we can join the American Heart Association and the American Stroke Association in celebrating May as "Stroke Awareness Month."

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of DOA Facilities Management.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn, it do so in honor of all of her staff through the years — thanks to each and everyone of you.

Senator Kapanke, with unanimous consent, asked that when the Senate adjourn, it do so in honor of May being "Skin Cancer Awareness Month" and thanks to all the dermatologists in Wisconsin and throughout the United States.

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Senator Decker, with unanimous consent, asked that the Senate recess until the call of the chair.

12:11 P.M.

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**RECESS**

4:05 P.M.

The Senate reconvened.

President Risser in the chair.

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**ADJOURNMENT**

President Risser, with unanimous consent, asked that the Senate adjourn pursuant to **Senate Joint Resolution 1**.

Adjourned.

4:06 P.M.