



STATE OF WISCONSIN

Senate Journal

Ninety–Eighth Regular Session

11:00 A.M.

TUESDAY, February 20, 2007

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, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 33.

Absent – None.

Absent with leave – None.

The Senate stood for a moment of silent meditation.

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

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS; REFERENCE OF APPOINTMENTS

Read and referred:

Senate Joint Resolution 17

Relating to: declaring March 2007 American Red Cross Month.

By Senators Wirch, Carpenter, Cowles, Erpenbach, Grothman, Hansen, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser and Roessler; cosponsored by Representatives Ballweg, Albers, Benedict, Berceau, Bies, Boyle, Gunderson, Hahn, Hintz, Hraychuck, Kerkman, Lothian, A. Ott, Owens, Pope–Roberts, Seidel, Sheridan, Sinicki, Soletski, Townsend, Van Roy and Wasserman.

To committee on **Senate Organization**.

Read first time and referred:

Senate Bill 49

Relating to: free access to state parks and state trails by certain disabled veterans and former prisoners of war.

By Senators Lehman, Miller, Coggs, Risser, Kedzie, Lassa, Erpenbach, Kreitlow, Breske, Plale, Roessler and Schultz; cosponsored by Representatives Musser, Gronemus, Boyle, Hebl, Hubler, Berceau, Sheridan, Petrowski, Nerison, Kleefisch, Turner, Bies, Hines, Cullen, Sinicki, Steinbrink,

Townsend, Seidel, Hraychuck, M. Williams, Owens, Hahn, LeMahieu, Lothian, Gunderson and Albers.

To committee on **Veterans and Military Affairs, Biotechnology and Financial Institutions**.

Senate Bill 50

Relating to: the frequency of wage payments to volunteer fire fighters.

By Senators Kreitlow, Cowles, Lassa, Kanavas, Grothman, Roessler and Schultz; cosponsored by Representatives Wood, Albers, Ballweg, Bies, Jeskewitz, Kerkman, Moulton, Musser, Suder, Townsend and Vos.

To committee on **Labor, Elections and Urban Affairs**.

Senate Bill 51

Relating to: establishing a publicly financed health care system for residents of this state, creating the Department of Health Planning and Finance, Health Policy Board, and regional consumer health councils, granting rule–making authority, and making appropriations.

By Senators Miller, Risser and Carpenter; cosponsored by Representatives Benedict, Berceau, Black, Boyle, A. Williams, Hebl, Parisi, Pocan, Pope–Roberts, Zepnick, Sinicki, Hilgenberg, Fields, Kessler and Grigsby.

To committee on **Health and Human Services**.

Senate Bill 52

Relating to: daylight saving time and closing hours for certain alcohol beverages retailers.

By Senator Breske; cosponsored by Representatives Boyle, Musser, Sheridan, Turner, Sherman, Pocan and Berceau.

To committee on **Transportation, Tourism and Insurance**.

Senate Bill 53

Relating to: exempting school districts from the motor vehicle fuel tax.

By Senators A. Lasee, Carpenter, Lehman, Olsen, Plale and Roessler; cosponsored by Representatives Bies, Ballweg, Staskunas, Albers, Boyle, Gronemus, Gunderson, Kleefisch, Lothian, Mursau, Musser, Nass, Nygren, A. Ott, Owens, Petrowski, Townsend and Van Roy.

To committee on **Transportation, Tourism and Insurance**.

Senate Bill 54

Relating to: fees charged by notary publics.

By Senators Risser and Lassa; cosponsored by Representatives Albers, Sheridan and Sinicki.

To committee on **Judiciary and Corrections**.

**State of Wisconsin
Office of the Governor**

February 4, 2007

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint HEINEMANN, LORRINE KEATING, of Madison, as Secretary of the Department of Financial Institutions, to serve for the term ending at the pleasure of the Governor.

Respectfully submitted,

JIM DOYLE

Governor

Read and referred to committee on **Veterans and Military Affairs, Biotechnology and Financial Institutions.**

**State of Wisconsin
Office of the Governor**

February 4, 2007

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JACKSON, CELIA, of Madison, as Secretary of the Department of Regulation and Licensing, to serve for the term ending at the pleasure of the Governor.

Sincerely,

JIM DOYLE

Governor

Read and referred to committee on **Economic Development, Job Creation, Family Prosperity and Housing.**

**State of Wisconsin
Office of the Governor**

February 9, 2007

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BURKE, MARY, of Madison, as Secretary of the Department of Commerce, to serve for the term ending at the pleasure of the Governor.

Respectfully submitted,

JIM DOYLE

Governor

Read and referred to committee on **Commerce, Utilities and Rail.**

**State of Wisconsin
Office of the Governor**

February 9, 2007

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BUSALACCHI, FRANK, of Brookfield, as Secretary of the Department of Transportation, to serve for the term ending at the pleasure of the Governor.

Respectfully submitted,

JIM DOYLE

Governor

Read and referred to committee on **Transportation, Tourism and Insurance.**

**State of Wisconsin
Office of the Governor**

February 9, 2007

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint FRANK, MATT, of Madison, as Secretary of the Department of Corrections, to serve for the term ending at the pleasure of the Governor.

Respectfully submitted,

JIM DOYLE

Governor

Read and referred to committee on **Judiciary and Corrections.**

**State of Wisconsin
Office of the Governor**

February 9, 2007

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint GASSMAN, ROBERTA, of Madison, as Secretary of the Department of Workforce Development, to serve for the term ending at the pleasure of the Governor.

Respectfully submitted,

JIM DOYLE

Governor

Read and referred to committee on **Small Business, Emergency Preparedness, Workforce Development, Technical Colleges and Consumer Protection.**

**State of Wisconsin
Office of the Governor**

February 9, 2007

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint NILSESTUEN, ROD, of Madison, as Secretary of the Department of Agriculture, Trade and Consumer Protection, to serve for the term ending at the pleasure of the Governor.

Respectfully submitted,

JIM DOYLE

Governor

Read and referred to committee on **Agriculture and Higher Education.**

**State of Wisconsin
Office of the Governor**

February 14, 2007

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ERDMANN, BRUCE, of Madison, as a member of the Psychology Examining Board, to serve for the term ending July 1, 2010.

Respectfully submitted,

JIM DOYLE

Governor

Read and referred to committee on **Health and Human Services.**

Senator Robson, with unanimous consent, asked that **Senate Joint Resolution 16** be withdrawn and taken up at this time.

Senate Joint Resolution 16

Relating to: honoring Wisconsin citizens who lost their lives in the war on terrorism.

Adopted by unanimous rising vote.

Senator Robson, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 16**.

Senator Robson, with unanimous consent, asked that **Senate Joint Resolution 13** be withdrawn and taken up at this time.

Senate Joint Resolution 13

Relating to: the life and military service of United States Marine Corps Corporal Joshua M. Schmitz.

Adopted by unanimous rising vote.

Senator Robson, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 13**.

Senator Robson, with unanimous consent, asked that **Senate Joint Resolution 14** be withdrawn and taken up at this time.

Senate Joint Resolution 14

Relating to: the life and military service of United States Army Corporal Matthew Grimm.

Adopted by unanimous rising vote.

Senator Robson, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 14**.

Senator Robson, with unanimous consent, asked that **Senate Joint Resolution 15** be withdrawn and taken up at this time.

Senate Joint Resolution 15

Relating to: the life and military service of United States Marine Corps Lance Corporal Jesse Tillery.

Adopted by unanimous rising vote.

Senator Robson, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 15**.

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

Messaged.

Senator Robson, with unanimous consent, asked that the Senate recess until 12:00 P.M.

11:20 A.M.

RECESS

12:00 P.M.

The Senate reconvened.

President Risser in the chair.

ADVICE AND CONSENT OF THE SENATE

Senator Fitzgerald, with unanimous consent, asked that the appointments of Jonathan Ela, Michael Falbo, and Michael Rosen be taken up separately.

Senator Robson, with unanimous consent, asked that the remaining appointments except those of Roger Ervin and Michael Morgan be considered en masse and that the reading be dispensed.

ABELE, CHRIS, of Milwaukee, as a member of the Board of Trustees of the Medical College of Wisconsin, to serve for the term ending May 1, 2012.

BIELECKI, DARIN, of Madison, as a member of the Accounting Examining Board, to serve for the term ending July 1, 2009.

BINDL, KAREN, of Sun Prairie, as a member of the Accounting Examining Board, to serve for the term ending July 1, 2010.

BROWN, RITCHIE, of Black River Falls, as a member of the Lower Wisconsin State Riverway Board, to serve for the term ending May 1, 2009.

FINORA, ROSEMARY, of Pewaukee, as a member of the Employee Trust Funds Board, to serve for the term ending May 1, 2009.

FISH, ALAN, of Madison, as a member of the Great Lakes Protection Fund, to serve for the term ending October 11, 2010.

GREER, MARTHINA L., of Lomira, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 2007.

HANNA, MARK, of Sheboygan, as a member of the Wisconsin Aerospace Authority, to serve for the term ending June 30, 2009.

JOHNSON, RUTH, of Madison, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2010.

KLEMAN, JOANN, of Mosinee, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 2010.

LEE, MARK, of Middleton, as a member of the Wisconsin Aerospace Authority, to serve for the term ending June 30, 2009.

MCNAMARA, PATRICK, of Lancaster, as a member of the Auctioneer Board to serve for the term ending May 1, 2010.

MULLOOLY, THOMAS, of Wauwatosa, as a member of the Wisconsin Aerospace Authority, to serve for the term ending June 30, 2008.

NETTLES, CORY, of Milwaukee, as a member of the Board of Trustees of the Medical College of Wisconsin, to serve for an interim term ending May 1, 2007, and a full term ending May 1, 2013.

PUMPHREY, EVELYN, of Milwaukee, as a member of the Marriage and Family Therapy Professional Counseling and Social Work Examining Board, to serve for the term ending July 1, 2010.

REDHAIL, GENE, of Green Bay, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2009.

ROBERTSON, JAMES, of Madison, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2010.

SCHIEBLE, JUDITH, of Sheboygan, as a member of the Wisconsin Aerospace Authority, to serve for the term ending June 30, 2007.

SCOTT, KAREN, of Madison, as a member of the Real Estate Appraisers Board, to serve for the term ending May 1, 2010.

SPENCER, ROBERT R., of La Crosse, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 2005.

SPENCER, ROBERT R., of La Crosse, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 2009.

STARR, ANN MARIE, of Shorewood, as a member of the Marriage and Family Therapy Professional Counseling and Social Work Examining Board, to serve for the term ending July 1, 2010.

STOLPMAN, KATHIE, of Milwaukee, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2009.

THEORIN, CARL, of Wausau, as a member of the Auctioneer Board to serve for the term ending July 1, 2008.

TREDINNICK, KIM, of DeForest, as a member of the Accounting Examining Board, to serve for the term ending July 1, 2010.

SVEUM, PETER, of Stoughton, as a member of the Real Estate Board, to serve for the term ending July 1, 2010.

WAAGE, THERESA L., of Argyle, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 2008.

WILLIAMS PARR, ADA, of Milwaukee, as a member of the Marriage and Family Therapy Professional Counseling and Social Work Examining Board, to serve for the term ending July 1, 2010.

WILSON, WALTER, of Milwaukee, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2010.

WOMACK, ROLEN, of Brown Deer, as a member of the Bradley Center Sports and Entertainment Corporation, to serve for the term ending July 1, 2013.

WYWIALOWSKI, JOAN, of Phillips, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 2006.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

ELA, JONATHAN, of Madison, as a member of the Natural Resources Board, to serve for the term ending May 1, 2011.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 31; noes, 2; absent or not voting, 0; as follows:

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

Noes – Senators Kedzie and Schultz – 2.

Absent or not voting – None.

Confirmed.

FALBO, MICHAEL, of Franklin, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2008.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 32; noes, 1; absent or not voting, 0; as follows:

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

Noes – Senator Grothman – 1.

Absent or not voting – None.

Confirmed.

ROSEN, MICHAEL, of Milwaukee, as a member of the Wisconsin Technical College System Board, to serve for the term ending May 1, 2011.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 31; noes, 2; absent or not voting, 0; as follows:

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

Noes – Senators Darling and Harsdorf – 2.

Absent or not voting – None.

Confirmed.

ERVIN, ROGER, of Madison, as Secretary of the Department of Revenue, to serve for the term ending at the pleasure of the Governor.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

MORGAN, MICHAEL, of Madison, as Secretary of the Department of Administration, to serve for the term ending at the pleasure of the Governor.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Breske, Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Roessler, Schultz, Sullivan, Taylor, Vinehout and Wirch – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

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

Senate Joint Resolution 7

Relating to: the life and public service of Jerris Leonard.

Adopted by unanimous rising vote.

Senator Robson, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 7**.

Messaged.

SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

Senate Bill 6

Relating to: extension of the right to vote to certain 17-year-old persons and providing for a referendum.

Read a second time.

Senator Coggs, with unanimous consent, asked that **Senate Bill 6** be referred to committee on **Labor, Elections and Urban Affairs**.

Referred.

Senator S. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 1** be withdrawn from the committee on **Ethics Reform and Government Operations** and taken up at this time.

Senator Robson objected.

Senator S. Fitzgerald moved that the rules be suspended and that **Assembly Joint Resolution 1** be withdrawn from the committee on **Ethics Reform and Government Operations** and taken up at this time.

President Pro Tempore Carpenter in the chair.

The question was: Shall the rules be suspended and **Assembly Joint Resolution 1** be withdrawn from the

committee on **Ethics Reform and Government Operations** and taken up at this time?

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

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Roessler and Schultz – 15.

Noes – Senators Breske, Carpenter, Coggs, Decker, Erpenbach, Hansen, Jauch, Kreitlow, Lassa, Lehman, Miller, Plale, Risser, Robson, Sullivan, Taylor, Vinehout and Wirch – 18.

Absent or not voting – None.

Refused to take up.

ANNOUNCEMENTS, ADJOURNMENT HONORS, AND REMARKS UNDER SPECIAL PRIVILEGE

Senator Erpenbach, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the entire UW Basketball program for being ranked #1.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of a special 12-year old girl, Mary Horejsch from Pleasant Prairie, who last Christmas told her parents she didn't want any presents, but that she wanted to get money to buy presents for children in hospitals.

Senator Lassa, with unanimous consent, asked that when the Senate adjourn, it do so in honor of wrestlers Matthew Theisen, Adam Theisen, Tim Beaumel, and Ryan Siedler. They are all Adams-Friendship High School wrestlers who will be going to State. We wish them all well.

Senator Plale, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his staffer Katy Venskus, who will be turning 30 something this coming Friday.

Senator Harsdorf, with unanimous consent, asked that when the Senate adjourn, it do so in memory of U.S. Navy Petty Officer 1st Class Cory Helman, 27, from New Richmond, who died in a training exercise that preceded his deployment to Iraq.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her grandson Charlie Winkeljohn's First Birthday.

Senator Coggs, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the first African-American elected to the Wisconsin State Legislature, Lucien H. Palmer.

Senator Leibham, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the birth of Andrew Joseph Leibham and his mother, Heather.

Senator Lazich, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her newest granddaughter, Macie Marie Lazich.

Senator Kanavas, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the #1 ranked UW Mens Basketball team.

ADJOURNMENT

Senator Robson, with unanimous consent, asked that the Senate adjourn until Thursday, February 22, 2007.

Adjourned.

12:45 P.M.