



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Ninth Regular Session

11:00 A.M.

TUESDAY, April 28, 2009

The Senate met.

The Senate was called to order by President Risser.

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

Absent – None.

Absent with leave – None.

The Senate stood for the prayer which was offered by Pastor Archie Ivy from New Hope Missionary Baptist Church in Milwaukee.

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

### CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated **Monday, April 27, 2009**.

### SENATE ENROLLED PROPOSALS

The Chief Clerk records:

**Senate Bill 12**

**Senate Bill 27**

**Senate Bill 37**

**Senate Joint Resolution 31**

Report correctly enrolled on 4–27–2009.

### INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read and referred:

#### **Senate Joint Resolution 34**

Relating to: the life and public service of Dr. Akbar Ally.

By Senators Taylor and Miller; cosponsored by Representatives Young, Berceau, Grigsby and Turner.

To committee on **Senate Organization**.

### PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Senator Kedzie added as a cosponsor of **Assembly Bill 103**.

Pursuant to Senate Rule 17 (5), Senator Darling added as a coauthor of **Senate Bill 126**.

### MESSAGES FROM THE ASSEMBLY

By Patrick E. Fuller, chief clerk.

Mr. President:

Adopted and asks concurrence in:

**Assembly Joint Resolution 38**

**Assembly Joint Resolution 45**

### MESSAGES FROM THE ASSEMBLY CONSIDERED

#### **Assembly Joint Resolution 38**

Relating to: the life and military service of Sergeant Daniel James Thompson.

By Representative Clark; cosponsored by Senator Olsen.  
Read and referred to committee on **Senate Organization**.

#### **Assembly Joint Resolution 45**

Relating to: the life and military service of Sergeant Clint A. Sikorski.

By Representative Seidel; cosponsored by Senator Decker.  
Read and referred to committee on **Senate Organization**.

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

Senator Decker, with unanimous consent, asked that **Senate Joint Resolution 33** be withdrawn from the committee on **Senate Organization** and taken up.

#### **Senate Joint Resolution 33**

Relating to: the life and military service of United States Army Sergeant Steven J. Christofferson.

The question was: Shall **Senate Joint Resolution 33** be adopted?

Adopted by unanimous rising vote.

Senator Decker, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 33**.

Senator Decker, with unanimous consent, asked that **Assembly Joint Resolution 38** be withdrawn from the committee on **Senate Organization** and taken up at this time.

**Assembly Joint Resolution 38**

Relating to: the life and military service of Sergeant Daniel James Thompson.

The question was: Shall **Assembly Joint Resolution 38** be concurred in?

Concurred in by unanimous rising vote.

Senator Decker, with unanimous consent, asked that all members of the Senate be added as cosponsors of **Assembly Joint Resolution 38**.

Senator Decker, with unanimous consent, asked that **Assembly Joint Resolution 45** be withdrawn from the committee on **Senate Organization** and taken up at this time.

**Assembly Joint Resolution 45**

Relating to: the life and military service of Sergeant Clint A. Sikorski.

The question was: Shall **Assembly Joint Resolution 45** be concurred in?

Concurred in by unanimous rising vote.

Senator Decker, with unanimous consent, asked that all members of the Senate be added as cosponsors of **Assembly Joint Resolution 45**.

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

11:16 A.M.

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**RECESS**

12:00 P.M.

The Senate reconvened.

President Risser in the chair.

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

- Senate Joint Resolution 33**
- Assembly Joint Resolution 38**
- Assembly Joint Resolution 45**

Messaged.

**Senate Joint Resolution 23**

Relating to: the life and military service of Sergeant Daniel James Thompson.

Senator Decker, with unanimous consent, asked that **Senate Joint Resolution 23** be laid on the table.

**Senate Joint Resolution 29**

Relating to: the life and military service of Sergeant Clint A. Sikorski.

Senator Decker, with unanimous consent, asked that **Senate Joint Resolution 29** be laid on the table.

**Assembly Joint Resolution 42**

Relating to: recognizing April 8 as Wellness Day in Wisconsin.

The question was: Shall **Assembly Joint Resolution 42** be concurred in?

Concurred in.

**Assembly Joint Resolution 43**

Relating to: proclaiming April 22, 2009, as Undergraduate Research Day and commending University of Wisconsin System students, faculty, and staff.

The question was: Shall **Assembly Joint Resolution 43** be concurred in?

Concurred in.

**Assembly Joint Resolution 44**

Relating to: declaring May 3 to May 9, 2009, to be Vasculitis Awareness Week.

The question was: Shall **Assembly Joint Resolution 44** be concurred in?

Concurred in.

**Assembly Joint Resolution 46**

Relating to: declaring May 2009 as Drug Court Month.

The question was: Shall **Assembly Joint Resolution 46** be concurred in?

Concurred in.

**Assembly Joint Resolution 47**

Relating to: the life and public service of John L. Merkt.

Concurred in by unanimous rising vote.

Senator Decker, with unanimous consent, asked that **Senate Joint Resolution 34** be withdrawn from the committee on **Senate Organization** and taken up at this time.

**Senate Joint Resolution 34**

Relating to: the life and public service of Dr. Akbar Ally.

The question was: Shall **Senate Joint Resolution 34** be adopted?

Adopted.

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

**Senate Bill 20**

Relating to: authorizing the circuit court to order a person who engages in discrimination in employment to pay compensatory and punitive damages and a surcharge and making an appropriation.

Read a second time.

Senator Decker, with unanimous consent, asked that **Senate Bill 20** be placed at the foot of the calendar of 4–28–2009.

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

- Senate Joint Resolution 34**
- Assembly Joint Resolution 42**
- Assembly Joint Resolution 43**
- Assembly Joint Resolution 44**
- Assembly Joint Resolution 46**
- Assembly Joint Resolution 47**

Messaged.

**Senate Bill 29**

Relating to: passing parked motor vehicles and opening motor vehicle doors on highways and providing a penalty.

Read a second time.

The question was: Adoption of Senate amendment 2 to **Senate Bill 29**?

Adopted.

Senate amendment 3 to **Senate Bill 29** offered by Senator Kedzie.

The question was: Adoption of Senate amendment 3 to **Senate Bill 29**?

Adopted.

Ordered to a third reading.

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

**Senate Bill 29**

Read a third time and passed.

**Senate Bill 46**

Relating to: arbitration and fair-share agreements during collective bargaining negotiations under the Municipal Employment Relations Act.

Read a second time.

Ordered to a third reading.

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

**Senate Bill 46**

Read a third time and passed.

**Senate Bill 91**

Relating to: the use of cellular telephones and other devices while operating certain motor vehicles transporting children and providing a penalty.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 91**?

Adopted.

Ordered to a third reading.

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

**Senate Bill 91**

Read a third time and passed.

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

**Senate Bill 29**

**Senate Bill 46**

**Senate Bill 91**

Messaged.

**Senate Bill 97**

Relating to: authorizing temporary permits to practice dentistry or dental hygiene without compensation.

Read a second time.

Senator Decker, with unanimous consent, asked that **Assembly Bill 103** be withdrawn from the committee on **Senate Organization** and taken up at this time.

**Assembly Bill 103**

Relating to: authorizing temporary permits to practice dentistry or dental hygiene without compensation.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 103**

Read a third time and concurred in.

**Senate Bill 126**

Relating to: changes to and extension of the Environmental Results Program, extension of the Environmental Improvement Program and the length of a compliance schedule under that program, and reporting requirements for certain environmental programs.

Read a second time.

Ordered to a third reading.

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

Senator Decker, with unanimous consent, asked that **Senate Bill 97** be laid on the table.

**Senate Bill 126**

Read a third time.

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

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

Noes – None.

Absent or not voting – None.

Passed.

**Senate Bill 141**

Relating to: requiring certain vehicles that transport children to and from a child care provider to have child safety alarms installed, granting rule-making authority, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, and providing a penalty.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 141**?

Adopted.

The question was: Adoption of Senate amendment 2 to **Senate Bill 141**?

Adopted.

The question was: Adoption of Senate amendment 3 to **Senate Bill 141**?

Adopted.

Ordered to a third reading.

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

**Senate Bill 141**

Read a third time and passed.

**Senate Bill 161**

Relating to: administration of certain public assistance programs in Milwaukee County, removing county civil service protections from certain employees, required provisions in certain collective bargaining agreements under the Municipal Employment Relations Act, and making an appropriation.

Read a second time.

Senate amendment 1 to **Senate Bill 161** offered by Senator Taylor.

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

**Senate Bill 126**

**Senate Bill 141**

**Assembly Bill 103**

Messaged.

The question was: Adoption of Senate amendment 1 to **Senate Bill 161**?

Adopted.

Senate amendment 2 to **Senate Bill 161** offered by Senator Taylor.

The question was: Adoption of Senate amendment 2 to **Senate Bill 161**?

Adopted.

Ordered to a third reading.

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

**Senate Bill 161**

Read a third time.

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

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

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

Absent or not voting – None.

Passed.

**Senate Bill 20**

Relating to: authorizing the circuit court to order a person who engages in discrimination in employment to pay compensatory and punitive damages and a surcharge and making an appropriation.

Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 20** offered by Senator Grothman.

Senator Grothman, with unanimous consent, asked that Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 20** be withdrawn and returned to author.

Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 20** offered by Senator Grothman.

Senator Grothman, with unanimous consent, asked that Senate amendment 2 to Senate substitute amendment 1 to **Senate Bill 20** be withdrawn and returned to author.

Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 20** offered by Senator Grothman.

Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 20** offered by Senator Grothman.

Senate amendment 5 to Senate substitute amendment 1 to **Senate Bill 20** offered by Senator Grothman.

Senator Grothman, with unanimous consent, asked that Senate amendment 5 to Senate substitute amendment 1 to **Senate Bill 20** be withdrawn and returned to author.

Senator Hansen moved that Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 20** be laid on the table.

The question was: Shall Senate amendment 3 to Senate substitute amendment 1 to **Senate Bill 20** be laid on the table?

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

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

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

Absent or not voting – None.

Tabled.

Senator Hansen moved that Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 20** be laid on the table.

The question was: Shall Senate amendment 4 to Senate substitute amendment 1 to **Senate Bill 20** be laid on the table?

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

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

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

Absent or not voting – None.

Tabled.

Senate amendment 6 to Senate substitute amendment 1 to **Senate Bill 20** offered by Senator Hansen.

The question was: Adoption of Senate amendment 6 to Senate substitute amendment 1 to **Senate Bill 20**?

Adopted.

Senate amendment 7 to Senate substitute amendment 1 to **Senate Bill 20** offered by Senator Hansen.

The question was: Adoption of Senate amendment 7 to Senate substitute amendment 1 to **Senate Bill 20**?

Adopted.

Senate amendment 8 to Senate substitute amendment 1 to **Senate Bill 20** offered by Senator Hansen.

The question was: Adoption of Senate amendment 8 to Senate substitute amendment 1 to **Senate Bill 20**?

Adopted.

Senate amendment 9 to Senate substitute amendment 1 to **Senate Bill 20** offered by Senator Grothman.

Senator Hansen moved that Senate amendment 9 to Senate substitute amendment 1 to **Senate Bill 20** be laid on the table.

The question was: Shall Senate amendment 9 to Senate substitute amendment 1 to **Senate Bill 20** be laid on the table?

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

Ayes – Senators Carpenter, Coggs, Decker, Erpenbach, Hansen, Holperin, Jauch, Kreitlow, Lassa, Lehman, Miller, Risser, Robson, Sullivan, Taylor, Vinehout and Wirch – 17.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Grothman, Harsdorf, Hopper, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Plale and Schultz – 16.

Absent or not voting – None.

Tabled.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 20**?

Adopted.

Ordered to a third reading.

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

**Senate Bill 20**

Read a third time.

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

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

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

Absent or not voting – None.

Passed.

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

**Senate Bill 20**  
**Senate Bill 161**

Messaged.

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

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Lori Schneider of Bayfield. Lori is currently at 17,500 feet at the Nepal Mt. Everest Base Camp as she prepares to climb the world's highest mountain and become one of the few climbers in the world to achieve the "Seven Summits Challenge" in which an individual climbs the highest mountain on each continent. She is a retired teacher and mountain climber who has an inspirational story of personal empowerment and adventure. In 1993, she and her father climbed Mt Kilimanjaro and the dream of climbing the highest mountains was born. Six years later, however, her doctors informed her that the numbness she had been experiencing was from Multiple Sclerosis. Despite the serious diagnosis, subsequent surgery, and recurring symptoms, Schneider continued to pursue her dream. By November 2008, she had reached six of the seven summits. Clearly she saved the highest peak and toughest climb for last. Senator Jauch has designated a section of his website to share her story and post the blog and video that tracks her travels. The Senator encourages everyone to follow her on her amazing journey and commend her for her bravery. She is a remarkable woman and her quest to achieve this magnificent feat is an inspiration to all of us.

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Russ Say, for 50 years of service to the Twin Lakes Volunteer Fire Department and Rescue Squad.

Senator Erpenbach, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his daughter Amy, who is turning 14 on May 1st.

Senator Erpenbach, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Jerry Kelly of Madison, who took home \$1.1 million at a PGA tournament in New Orleans last weekend.

Senator Plale, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his son Joey, who turns 14 this Saturday.

Senator Plale, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his Milwaukee staff person Jennifer Oechsner, who just received her black belt in martial arts.

Senator Plale, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Roger Breske, who just celebrated his 50th wedding anniversary.

Senator Sullivan, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the eighteen students from Wauwatosa West High School, who represented Wisconsin at the national "We the People" competition in Washington D.C. this past weekend. The primary goal of "We the People" is to promote civic competence and responsibility among the nation's elementary and secondary students.

Senator Lazich, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her staff member Kevin Fischer and his wife Jennifer, who are the proud parents of Kyla Audrey Fischer, born March 25th.

Senator Lehman, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Senate Scholar

Program and Sara Danielson from Racine, who is participating in the Program this week.

Senator Hopper, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the exceptional effort and commitment of all students, instructors and administrators in the Project Lead the Way program at Oshkosh West High School. The Senator is confident that students here today like Will Michels, Steven Cramer and Ellyn Bell will become the future leaders of Wisconsin's technological industries in the 21st century.

Senator Lassa, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Senate Scholars from the 24th district: Angela Stensberg, Jason Krug, and Olivia Pies.

Senator Lassa, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her husband John Moe, in celebration of their 9 year anniversary on May 6.

Senator Hansen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Project Lead the Way students from Pulaski, who are in the capitol today.

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor of April as National Minority Health Month. Racial and ethnic disparities threaten the Nation's health. An estimated 83,570 excess deaths each year could be prevented between specific populations if the mortality gap could be eliminated. By recognizing April as National Minority Health Month, we can raise awareness about racial and ethnic health disparities and better implement initiatives to reduce those disparities.

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Freedom Day, a South African public holiday that celebrates freedom and commemorates the first post-apartheid elections, held on April 27th, 1994. This day marks the liberation of a country and its people, who were plagued with a long period of colonialism and white minority domination. For South Africa, the journey to democracy was a long and difficult one. Since the arrival of the white man in the Cape of Africa in 1652, the native peoples of South Africa came under a long and powerful white control and domination. For over 300 years, South Africa was never truly independent nor was it democratic. Blacks were systematically herded into restricted areas and their rights to equal opportunities were denied. Despite being in the majority, people of color were consistently excluded from political power. The government segregated education, medical care,

and other public services, and provided black people with services greatly inferior to those of whites. It took intense global activism and efforts, but with boycotts, divestment, protests, negotiations, and leadership development, apartheid was finally abolished. On April 27th, 1994, the election went off peacefully throughout the country as 20 million South Africans cast their votes. Nelson Mandela became the country's first black president, winning 62 percent of the vote. On Freedom Day, we need to be reminded to ensure the defense of the sacred freedoms that were won as a result of a very long and difficult struggle. Freedom should mean emancipation from racism, sexism, poverty, unemployment, and discrimination. To guarantee these freedoms around the world, we need permanent vigilance, continually working to wipe out the legacy of racism in our world. In commemoration and encouragement for continual freedom, the Senator concluded with a Nelson Mandela quote: "For to be free is not merely to cast off one's chains, but to live in a way that respects and enhances the freedom of others."

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## ADJOURNMENT

Senator Decker, with unanimous consent, asked that the Senate adjourn until Thursday, April 30, 2009.

2:31 P.M.

Adjourned.

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## MESSAGES FROM THE ASSEMBLY

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has passed and asks concurrence in:

**Assembly Bill 100**

Adopted and asks concurrence in:

- Assembly Joint Resolution 9**
- Assembly Joint Resolution 23**
- Assembly Joint Resolution 41**
- Assembly Joint Resolution 48**
- Assembly Joint Resolution 50**

Concurred in:

- Senate Joint Resolution 24**
- Senate Joint Resolution 25**
- Senate Joint Resolution 28**
- Senate Joint Resolution 33**