



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Ninth Regular Session

12:00 P.M.

TUESDAY, September 15, 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, 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 – 32.

Absent – None.

Absent with leave – 1 – Senator Grothman.

The Senate stood for the prayer which was offered by Rev. Dr. Charles A. Wolfe from Plymouth Congregational United Church of Christ in Madison.

The Senate remained standing and Senator Kapanke 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 Grothman be granted a leave of absence for today's session.

### CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated **Thursday, September 10, 2009**.

#### AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 259** offered by Senator Taylor.

The Chief Clerk makes the following entries dated **Monday, September 14, 2009**.

#### AMENDMENTS OFFERED

Senate substitute amendment 2 to **Senate Bill 185** offered by Senator Plale.

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

Read first time and referred:

#### Senate Bill 285

Relating to: requiring the Department of Transportation to construct, and enumerating, a certain major highway project in Wood County if certain conditions are satisfied.

By Senator Lassa; cosponsored by Representatives Schneider and Vruwink.

To committee on **Transportation, Tourism, Forestry, and Natural Resources**.

#### Senate Bill 286

Relating to: collection agencies.

By Senator Darling; cosponsored by Representative J. Ott.

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

#### Senate Bill 287

Relating to: transferring ownership and jurisdiction of a municipality's highways to an American Indian tribe or agency of the United States government.

By Senators Vinehout, Holperin, Taylor, Lassa, Schultz, Coggs and Olsen; cosponsored by Representatives Radcliffe, Soletski, Danou, Schneider, Ziegelbauer, Huebsch, Hilgenberg and Mursau.

To committee on **Transportation, Tourism, Forestry, and Natural Resources**.

#### Senate Bill 288

Relating to: Indian child welfare.

By Senators Jauch, Holperin, Vinehout, Coggs, Taylor, Lassa, Kreitlow, Lehman, Hansen, Robson, Risser, Plale, Erpenbach, S. Fitzgerald, Grothman, Olsen and Hopper; cosponsored by Representatives Hraychuck, Sherman, Grigsby, Roys, Pasch, Young, Berceau, Sinicki, Pope–Roberts, Seidel, Turner, Benedict, Hilgenberg, Shilling, Hubler, Clark, Mason, Nelson, Radcliffe, Soletski, Vruwink, Smith, Sheridan, Mursau, Roth, Kleefisch, Friske, Tauchen, Huebsch, Vos, Brooks and Ripp.

To committee on **Children and Families and Workforce Development**.

### REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

#### Senate Clearinghouse Rule 09–058

Relating to safety belt medical use exemption.

Submitted by Department of Transportation.

Report received from Agency, September 10, 2009.

Referred to committee on **Transportation, Tourism, Forestry, and Natural Resources**, September 14, 2009.

**PETITIONS AND COMMUNICATIONS**

Pursuant to Senate Rule 17 (5), Senator Hansen added as a coauthor of **Senate Joint Resolution 43**.

Pursuant to Senate Rule 17 (5), Senator Lassa added as a coauthor of **Senate Bill 185**.

Pursuant to Senate Rule 17 (5), Senator Lassa added as a coauthor of **Senate Bill 160**.

Pursuant to Senate Rule 17 (5), Senator Robson added as a coauthor of **Senate Joint Resolution 43**.

**ADVICE AND CONSENT OF THE SENATE**

Senator Decker, with unanimous consent, asked that all the appointments be taken up en masse.

**BITTER, ALAN**, of Manitowoc, as a member of the Professional Standards Council for Teachers, for the term ending June 30, 2011.

**BOLDT, THOMAS**, of Appleton, as a member of the State of Wisconsin Investment Board, to serve for the term ending May 1, 2015.

**CASTANEDA, MICHAEL**, of Milwaukee, as a member of the Professional Standards Council for Teachers, to serve for the term ending June 30, 2011.

**COLBURN, BRUCE**, of Milwaukee, as a member of the State of Wisconsin Investment Board, to serve for the term ending May 1, 2015.

**DAVIS, STAN**, of Sun Prairie, as a member of the Wisconsin Technical College System Board, to serve for the term ending May 1, 2015.

**GREENBERG, MARTIN**, of Milwaukee, as a member of the Wisconsin Professional Baseball Park District Board, to serve for the term ending July 1, 2011.

**LEVIT, JR., WILLIAM**, of Milwaukee, as a member of the State of Wisconsin Investment Board, to serve for the term ending May 1, 2015.

**MCCABE, JEFF**, of Madison, as a member of the Professional Standards Council for Teachers, for the term ending June 30, 2009.

**MULLIGAN, THOMAS**, of West Allis, as a member of the Professional Standards Council for Teachers, to serve for the term ending June 30, 2009.

**STAFF, KATHERINE**, of Milwaukee, as a member of the Professional Standards Council for Teachers, for the term ending June 30, 2011.

**WATSON, DWIGHT**, of Eau Claire, as a member of the Professional Standards Council for Teachers, to serve for the term ending June 30, 2008.

**WATSON, DWIGHT**, of St. Paul, Minnesota, as a member of the Professional Standards Council for Teachers, for the term ending June 30, 2011.

**WOZNIAK, MARION**, of Edgerton, as a member of the Accounting Examining Board, to serve for the term ending July 1, 2010.

Read.

The question was: Confirmation?

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

Ayes – Senators Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, 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 – 32.

Noes – None.

Absent or not voting – Senator Grothman – 1.

Confirmed.

**CONSIDERATION OF MOTIONS, RESOLUTIONS, AND JOINT RESOLUTIONS, AND SENATE BILLS**

**Senate Joint Resolution 43**

Relating to: the life and public service of Linda Farley.

The question was: Shall **Senate Joint Resolution 43** be adopted?

Adopted.

**Assembly Joint Resolution 61**

Relating to: the life and public service of Ralph Houghton and honoring his many accomplishments.

The question was: Shall **Assembly Joint Resolution 61** be concurred in?

Concurred in.

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

**Senate Joint Resolution 11**

Relating to: veto power of county executive over appropriations (first consideration).

Read a second time.

Ordered to a third reading.

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

**Senate Joint Resolution 11**

Read a third time.

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

Ayes – Senators Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, 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 – 32.

Noes – None.

Absent or not voting – Senator Grothman – 1.

Adopted.

**Senate Bill 38**

Relating to: issuing annual vehicle admission receipts for motor buses for entry to state parks and other vehicle admission

areas under the jurisdiction of the Department of Natural Resources.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 38**?

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 38**

Read a third time and passed.

**Senate Bill 57**

Relating to: composition of the board of directors of the Wisconsin Aerospace Authority.

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 57**

Read a third time and passed.

**Senate Bill 160**

Relating to: increasing the amount of the homestead exemption.

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 160**

Read a third time and passed.

**Senate Bill 170**

Relating to: making June 19, Juneteenth Day, a legal holiday.

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 170**

Read a third time and passed.

**Senate Bill 185**

Relating to: regulation of wind energy systems and granting rule-making authority.

Read a second time.

Senator Plale, with unanimous consent, asked that Senate substitute amendment 1 to **Senate Bill 185** be laid on the table.

The question was: Adoption of Senate substitute amendment 2 to **Senate Bill 185**?

Adopted.

Senate substitute amendment 3 to **Senate Bill 185** offered by Senator Schultz.

Senator Schultz, with unanimous consent, asked that Senate substitute amendment 3 to **Senate Bill 185** be withdrawn and returned to author.

Ordered to a third reading.

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

**Senate Bill 185**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 23; noes, 9; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, Coggs, Cowles, Darling, Decker, Erpenbach, S. Fitzgerald, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kreitlow, Lassa, Lehman, Miller, Olsen, Plale, Risser, Robson, Sullivan, Taylor and Wirch – 23.

Noes – Senators Ellis, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Schultz and Vinehout – 9.

Absent or not voting – Senator Grothman – 1.

Passed.

**Senate Bill 195**

Relating to: adding a member to the council on veterans 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.

**Senate Bill 195**

Read a third time and passed.

**Senate Bill 218**

Relating to: penalties and private actions for violations of restrictions on telephone solicitations.

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 218**

Read a third time and passed.

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

- Senate Joint Resolution 11**
- Senate Joint Resolution 43**
- Assembly Joint Resolution 61**
- Senate Bill 38**
- Senate Bill 57**
- Senate Bill 160**
- Senate Bill 170**
- Senate Bill 185**
- Senate Bill 195**
- Senate Bill 218**

Message.

## 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 Robert P. Blazel, who passed away this past Saturday. He is survived by his wife and four children. Robert is the father of Senate Sergeant at Arms, Ted Blazel. Senator Erpenbach would like to share his condolences with the Blazel Family.

Senator Coggs, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Senator from the 4th Senate District, Senator Lena Taylor, for her sterling work in helping to pass Senate Bill 170, making Juneteenth Day a legal holiday.

Senator Lehman, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Kenneth Vetrovec, a former 6-term Racine County Board member, who died tragically on July 6th at age 59, while riding his 2000 Indian Chief motorcycle on a tour of Route 66. Ken was truly a “pillar” of the Racine community and served as Executive Director of the Gateway Technical College Foundation, and was involved in Boy Scouts for more than 50 years. Ken was recognized in 1991 with the Silver Beaver Award and in 2007 with the Cliff Dochterman Award for a Rotarian involved in scouting. Ken was a Paul Harris Rotary Fellow for his long-time community service. All of Racine mourns his passing with his wife Janet; his sons David, Brian, and Paul; and his many friends and family members.

Senator Plale, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his mother, Jo Plale, who is celebrating her 81st birthday today.

Senator Plale, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his best friend, John Saller, and his family. He and his wife welcomed the birth of their triplets Hope, Joy and Grace last week.

Senator Kreitlow, with unanimous consent, asked that when the Senate adjourn, it do so in honor of two of his Assembly colleagues, including one from Senator Kreitlow’s Senate district, who are about to again be deployed overseas as part of their military service to our country. Assemblymen Scott Suder and Roger Roth are both staff sergeants in the 115th Fighter Wing assisting our men and women in Iraq, Afghanistan and around the Middle East. As Representative Suder has mentioned, while they’re away, their staffs and offices will continue to take care of constituent concerns, and we’re certainly prepared to maintain that high level of service for people throughout western Wisconsin. The Senator wishes his colleagues a successful mission, Godspeed, a safe return home and our gratitude for their service to our nation.

Senator Harsdorf, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Jake Ryan, Kaylynn Anderson, Josh Watt, Jeremy Tomczak, John Schneider, and Bill Berger. These students and teachers participated in creating the “Wormy and Squirmy” articles published in the Inter-County Leader. The articles, provided to Wisconsin schools and libraries, explored people, culture, and places around the world. Senator Harsdorf commends these students and teachers for their efforts on this educational project.

Senator Hopper, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Mercury Marine and their employees. Mercury is an iconic Wisconsin company and their loss would have been felt in every community around our state. Many people deserve thanks for keeping Mercury Marine in Wisconsin, particularly the members of the International Association of Machinists Local 1947, their local president

Mark Zillges, their chief negotiator Dan Longsine, Mercury’s non-union employees and management, County Executive Al Buechel, City Manager Tom Herre, Executive Director of the Fond du Lac Economic Development Corporation Brenda Hicks-Sorenson, Commerce Secretary Dick Leinenkugel and Governor Doyle. It was a great example of a diverse collection of people coming together and doing what is best for Fond du Lac and our entire state.

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Reuben Harpole, Jr. or “Junior” as he is affectionately known to most. This past week, events in Milwaukee were held to honor the work of 50 years that Junior has done, and it has been notable work. From founding and leading Community Brainstorming for over 22 years and his commitment to the Alpha Phi Alpha Fraternity, to the great mentoring and family connections he maintained. Junior worked for 31 years of service at the University of Wisconsin-Milwaukee, lastly in the Center for Urban Community Development. He befriended young adults and kids and led them down a right path. There is not enough time in the day to extol the virtues Reuben Harpole, Jr. brings to us. Senator Taylor asks we take a moment to honor him in our adjournment.

Senator Schultz, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Mr. Charles “Charlie” Dietrich of Cassville. Charlie and Cassville are synonymous. Charlie was a true community leader. He gave 25 years to the fire department, 20 years as village trustee and eight years as village president. He served on the local housing authority, Hidden Valley and Tri-State Tourism groups, the Great River Road Commission and was appointed by Governor Tommy Thompson to a special task force on state parks. While Charlie lit the path for several Cassville success stories, his greatest renown may be for championing the Cassville Ferry. The ferry was secured for the Village of Cassville in a state budget to link Cassville, Wisconsin and Millville, Iowa across the Mississippi River. While the Southwest Wisconsin Legislative Coalition helped, it was Charlie Dietrich that did the homework and mustered an army of support for the initiative. Charlie led the charge for a ferry for years, relentlessly knocking on doors and not leaving until reaching “Yes”. He persuaded our federal and state governments to split the cost of a ferryboat for Cassville. For Charlie Dietrich’s singular leadership on the ferry, his fellow community members named their new ferry “The Charlie D.” Charlie Dietrich took great pride in the ferry. After the boat was in service on the river, Charlie was put in charge, serving as the president of the Cassville Harbor Commission. And, it was Charlie, a hands-on kind of leader, who donated countless hours to keeping the boat well maintained, for as long as he was able. The Charlie D. still plies the Mississippi River. Senator Schultz encourages you to go to Cassville this summer and like Charlie, enjoy the community’s people, history and beauty. Charlie Dietrich passed away on March 14, 2009. Now that you know about him, please join those who knew and admired him. Honor Charlie Dietrich simply by taking a ride on the Charlie D. As you soak in the spectacular beauty of a boat ride on the Mississippi River, soak in as well a sense of how a Wisconsin life so very well lived can benefit countless others for years to come.

Senator Sullivan, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Olivia Rose Oblizajek. Olivia Rose is the newborn daughter to Senator Sullivan’s chief of staff, Nicole Hudzinski. Born September 10, 2009 at 12:10 a.m. Olivia Rose was six lbs, four ounces and eighteen inches long. The Senator would like to extend his warmest congratulations to Nicole Hudzinski and her husband Ben Oblizajek on their new baby girl, Olivia.

Senator Lassa, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her grandmother, Theresa Cincera, who passed away on July 17th. She was an amazing woman who loved her family, gardening, and politics. Her strength and independence carries on in her children, grandchildren, and great grandchildren.

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Zhou Xingjun. Xingjun is with Senator Jauch today and is going to be an intern in the Senator's office for one month. He is a delegate of 20 delegates from the Minhang District in Shanghai, that has a long standing relationship with the University of Wisconsin Law Center, in which the Minhang District sends government officials from China to Wisconsin for two months to learn about our government, legal system, and how our system functions in solving the problems of our society. Senator Jauch is delighted to adjourn in his honor and to welcome him, and hopes that everyone will have an opportunity to meet him. Senator Jauch also points out that Governor Doyle, who is on his trade mission, will be visiting Shanghai in a week and will be meeting with Sunchao. Sunchao is the Communist leader of the Minhang District and is one of the most important members in China. He is a young leader, who was 4yrs ago the mayor of a community in Shanghai, and has been promoted because of the respect of the national party for his leadership. Sunchao has taught law at the UW and Georgetown, and is vitally supporting this leadership exchange to encourage the young minds in China's government to better understand our legal system and apply some of those lessons to improve their way of life.

Senator Kanavas, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his wife, Mary Kanavas, in recognition of her birthday.

Senator Lazich, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her newest granddaughter, Madison Sarabeth Warner. She was born at 9:08 A.M. Florida Time, on Saturday, August 22, 2009, weighing in at 7 pounds, 3 ounces and measuring 19 inches long. She's beautiful, healthy, and has lots of dark hair. Madison joins her sister Katie, Senator Lazich's daughter Rhonda, and her husband Steve.

Senator Kedize, with unanimous consent, asked that when the Senate adjourn, it do so in honor of St. John's Northwestern Military Academy of Delafield, which is celebrating its 125th Anniversary.

Senator Kedize, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his mother, Arlene Kedzie, who turned 78 on September 7th.

Senate Sergeant at Arms Ted Blazel, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his father Robert P. Blazel. Robert, 67, of Berlin, Wisconsin died Saturday, September 12, 2009, surrounded by his family at his home. He was born July 18, 1942 to Theodore and Katherine Blazel, in Milwaukee, Wisconsin. He was a graduate of Marquette High School in Milwaukee and earned his college degree at Quincy College, then earned his Masters of Social Work at U.W. Milwaukee. On July 10, 1965, he married, Mary Katherine Vollmer, in Mattoon, IL. He worked as a youth parole officer in Milwaukee for a year before moving to Quincy, Illinois in 1967. While in Quincy, Robert worked at Quincy University for 38 years as an Associate Professor of Social Work and Criminal Justice until his retirement in 2005. He believed strongly in community service. Throughout the course of his life he volunteered with numerous community service organizations, often serving on their boards. Robert's passions included canoeing in Canada's Quetico Provincial Park and the Boundary Waters of northern Minnesota, traveling to foreign countries, spending time with family, reading, teaching and eating ice cream. Robert is survived by his wife, Mary Kay; his children, John, Beth, Ted, and Jane; and his grandchildren, Maddie, Jillian, Emma, Emily, Ben and Will.

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## ADJOURNMENT

Senator Decker, with unanimous consent, asked that the Senate adjourn until Thursday, September 17, 2009, at 10:00 A.M.

1:06 P.M.

Adjourned.