

Senate rejects Pfaff nomination along party lines

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With Tony Evers watching from the wings, the state Senate today voted along party lines Tuesday to reject the nomination of Brad Pfaff as DATCP secretary.

It is the first time in at least three decades that the chamber has shot down a gov's pick to serve in his cabinet, and Majority Leader Scott Fitzgerald, R-Juneau, warned Pfaff may not be the last.

Fitzgerald said Senate Republicans have concerns about other picks and have been debating whether to allow them to serve without a confirmation vote or to bring them to the floor for a possible rejection.

Fitzgerald, who didn't identify potentially problematic nominees by name, said some will go through, but he's not sure "if the rest will make it." Fitzgerald also accused Evers of refusing to engage Republicans over concerns raised about some of his nominees. An Evers spokeswoman tweeted a phone call Friday between Fitzgerald and the gov was the first time the majority leader made the administration aware of concerns about Pfaff's nomination.

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"As we stand here today, there are a number of members of the majority who just aren't comfortable with Brad Pfaff," Fitzgerald said. "That's all it takes for people to say we don't support this nominee."

Evers surprised the chamber by sitting just off the Senate floor during the debate on his nominee. As the debate raged, he watched quietly, occasionally speaking with members who came to sit next to him. At one point, Sen. Jon Eperbenbach, D-Middleton, introduced Evers to the chamber with most members giving him a standing ovation.

After the vote, Evers said he showed up for the debate because he wanted to hear for himself why Republicans were rejecting Pfaff. He said Pfaff had the audacity to challenge GOP lawmakers on funding for grants to help farmers dealing with mental health issues and was being punished by legislators.

Evers added GOP lawmakers were sending a message to his cabinet picks who haven't yet received a confirmation vote that they should keep "their damn mouths shut," which he called "bullshit."

Republicans have suggested that Evers would elevate DATCP Deputy Secretary Randy Romanski to the top spot and put Pfaff in the No. 2 position. Evers, though, said he was too "PO'd" to say what he would do next.

Ten months into his term, the Senate has only confirmed six of Evers' cabinet members, less than half of his nominees.

"It saddens me, obviously, and distresses me to have the Legislature essentially vote against the farmers of Wisconsin," said Evers, who was celebrating his 68th birthday Tuesday.

Pfaff cleared a Senate committee unanimously in February with the support of five GOP senators. But since then, he has clashed with GOP lawmakers over funding for grants to help farmers with mental health issues, and the agency has been criticized by some ag groups for working on revamping rules that would impact siting regulations for livestock operations.

All five of the Republicans who previously supported Pfaff — Kathy Bernier, of Lake Hallie; Andre Jacque, of De Pere; Howard Marklein, of Spring Green; Jerry Petrowski, of Marathon; and Pat Testin, of Stevens Point — all declined to answer questions from Dems during the debate.

Fitzgerald sought to downplay the committee vote, characterizing it as just a step to move the nomination to a discussion by the full Senate GOP caucus.

But Minority Leader Jennifer Shilling, D-La Crosse, accused her GOP colleagues of turning Pfaff's nomination into a political sacrifice to send a message to Evers. In the process, she said, they were rejecting a good man who was unquestionably qualified to serve in the job, as comfortable in a suit as secretary as he is in "mudkickers" and a pair of Carhartts on the farm with a tool in his hand.

“He is a good man. He is a man of tremendous work ethic and character and integrity,” Shilling said. “What you are doing is unfair, and it’s wrong.”

The Senate vote was also the first time that the chamber has rejected a gubernatorial appointment under new powers Republicans approved in the December lame-duck session. Those changes mean Pfaff now can’t hold the position or perform any of its duties for the remainder of the legislative session. Evers is also barred from re-submitting the nomination of anyone rejected by the Senate for the duration of the session.

The vote came after a last-minute push by the Evers administration, ag groups and even Pfaff’s old boss, U.S. Rep. Ron Kind, to at a minimum delay a confirmation vote.

Last month, Fitzgerald indicated Pfaff’s nomination was facing opposition in his caucus when he told WisPolitics.com his members “have concerns, real concerns that he’s not up to the job.”

Then on Friday, Fitzgerald’s office said the leader asked Evers to pull back Pfaff’s nomination to avoid the prospect of him being voted down on the Senate floor. The gov’s office refused, and those backing Pfaff began their push to save his nomination to no avail.

Pfaff grew up on his family farm, served as the state executive director of the Farm Service Agency and then worked for the U.S. Department of Agriculture under President Obama. After leaving that administrative job, he went back to work for U.S. Rep. Ron Kind, D-La Crosse, as his deputy chief of staff. He also lost a race for state Senate 15 years ago this week.

The Senate hasn’t rejected a gov’s cabinet pick since at least 1987, as far back as records maintained by the Legislative Reference Bureau go.

Still, Sen. Steve Nass, R-Whitewater, portrayed Pfaff as unqualified for the position, suggesting his first 10 months on the job had been underwhelming considering the challenges facing the industry. He also said the siting rules DATCP had pulled back — but not killed — would be devastating to the ag industry. He predicted the agency would try to bring them back.

“We will be remembered for doing our job,” Nass said ahead of the vote. “That’s

what we were elected to do, and that's what we are doing here today.”

The discussion turned tense at times. Senate President Roger Roth, R-Appleton, rejected a request from Sen. Jeff Smith, D-Eau Claire, to read a comment from Sen. Jerry Petrowski, R-Marathon, from a committee hearing on Pfaff's nomination. Sen. Tim Carpenter, D-Milwaukee, began jousting with Roth about his decision and the Appleton Republican asked his colleague to control himself.

“Why don't you control yourself, sellout?” Carpenter fired back.

Roth continued to tell Carpenter he was out of order as he protested Roth's decision. The chamber then got bogged down in an extended debate on chamber rules and if they allow a member to recount the comments of a colleague from a committee hearing. Senate Republicans upheld Roth's ruling that they can't. Still, Smith recounted the comments during the course of the rules debate.

Smith wanted to read comments from Petrowski praising Pfaff.

While the Senate rejected Pfaff, it unanimously backed Mark Afable as Insurance commissioner and Rebecca Cameron Valcq to the Public Service Commission. It also signed off on three of Evers' picks for the UW Board of Regents: Edmund Manydeeds, Karen Walsh and Olivia Woodmansee, who will serve as the traditional student rep.