



STATE OF WISCONSIN

Assembly Journal

Ninety-Seventh Regular Session

11:10 A.M.

TUESDAY, April 5, 2005

The Assembly met in the Assembly Chamber located in the State Capitol.

Speaker Gard in the chair.

The prayer was offered by the Most Reverend Robert C. Morlino, Bishop of Madison.

Representative Bies led the membership in reciting the pledge of allegiance to the flag of the United States of America.

The roll was taken.

The result follows:

Present – Representatives Ainsworth, Albers, Ballweg, Benedict, Berceau, Bies, Black, Boyle, Colon, Cullen, Davis, Fields, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb, Grigsby, Gronemus, Gunderson, Gundrum, Hahn, Hebl, Hines, Honadel, Hubler, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kerkman, Kessler, Kestell, Kleefisch, Krawczyk, Kreibich, Kreuser, Krusick, Lamb, F. Lasee, Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Molepske, Montgomery, Moulton, Mursau, Musser, Nass, Nelson, Nerison, Nischke, Ott, Owens, Parisi, Petrowski, Pettis, Pocan, Pope–Roberts, Pridemore, Rhoades, Richards, Schneider, Seidel, Sheridan, Sherman, Shilling, Staskunas, Steinbrink, Stone, Strachota, Suder, Toles, Towns, Townsend, Travis, Turner, Underheim, Van Akkeren, Van Roy, Vos, Vrakas, Vruwink, Vukmir, Ward, Wasserman, Wieckert, A. Williams, M. Williams, Wood, Young, Zepnick, Ziegelbauer and Speaker Gard – 98.

Absent with leave – Representative Sinicki – 1.

Vacancies – None.

LEAVES OF ABSENCE

Representative Turner asked unanimous consent for a leave of absence for today's session for Representative Sinicki. Granted.

AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 79** offered by Representative Musser.

Assembly amendment 2 to **Assembly Bill 79** offered by Representative Musser.

Assembly amendment 3 to **Assembly Bill 183** offered by Representative Gundrum.

Assembly amendment 4 to **Assembly Bill 183** offered by Representative Kessler.

Assembly substitute amendment 1 to **Assembly Bill 208** offered by joint committee on **Finance**.

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 208** offered by joint committee on **Finance**.

Assembly amendment 1 to **Assembly Bill 241** offered by joint committee on **Finance**.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 27

Relating to: honoring Pope John Paul II.

By Representatives Gard, J. Fitzgerald, Jeskewitz, Loeffelholz, Musser, Gottlieb, Gundrum, Huebsch, Van Roy, Ott, McCormick, Krawczyk, Davis, Rhoades, Mursau, LeMahieu, Kestell, Seidel, Townsend, Albers, Wieckert, Hahn, Nischke, Gunderson, Towns, Vukmir, Lehman, Nerison, M. Williams, Kerkman, Ballweg, Petrowski, Toles, Vos, Vrakas and Montgomery; cosponsored by Senators Plale, Schultz, Grothman, Stepp, Kanavas, S. Fitzgerald, Kedzie, Lazich, Darling, Roessler, Erpenbach and Breske.

To committee on **Rules**.

Assembly Bill 297

Relating to: an education tax credit for businesses.

By Representatives Jensen, Rhoades, LeMahieu, Ballweg, Lamb, Vos, F. Lasee, Nass, Moulton, Petrowski, Shilling, Gard, Vrakas, Strachota, J. Fitzgerald, Hines, Nerison, Seidel, Kleefisch, Nischke, Ward, Jeskewitz, Townsend, Pettis, Bies, Hahn, Ainsworth, Musser, Davis, Suder, Kreibich, Mursau and Pridemore; cosponsored by Senators Darling, Olsen, Harsdorf, Leibham, Stepp, Brown and Kanavas.

To committee on **Colleges and Universities**.

COMMITTEE REPORTS

The committee on **Colleges and Universities** reports and recommends:

Assembly Bill 246

Relating to: admission standards for, and the curricula of, health occupation programs offered by technical colleges.

Assembly Substitute Amendment 1 adoption:

Ayes: 9 – Representatives Kreibich, Ballweg, Underheim, Nass, Jeskewitz, Towns, Lamb, Schneider and Boyle.

Noes: 3 – Representatives Shilling, Black and Molepske.

Passage as amended:

Ayes: 7 – Representatives Kreibich, Ballweg, Underheim, Nass, Jeskewitz, Towns and Lamb.

Noes: 5 – Representatives Shilling, Schneider, Black, Boyle and Molepske.

To committee on **Rules**.

ROB KREIBICH
Chairperson
Committee on Colleges and Universities

The joint committee on **Finance** reports and recommends:

Assembly Bill 206

Relating to: creating an income and franchise tax credit for research conducted in this state by a corporation.

Passage with emergency statement attached pursuant to s. 16.47(2) Wisconsin Statutes:

Ayes: 9 – Representatives Kaufert, Jensen, Stone, Rhoades and Meyer; Senators S. Fitzgerald, Darling, Leibham and Olsen.

Noes: 6 – Representatives Pocan and Colon; Senators Lazich, Cowles, Decker and Taylor.

To committee on **Rules**.

Assembly Bill 208

Relating to: creating rural enterprise development zones and providing tax incentives to qualified businesses in the zones, creating refundable individual income tax credits for income and capital gains derived from the zones, making appropriations, and providing a penalty.

Assembly Amendment 1 to Assembly Substitute Amendment 1 adoption:

Ayes: 15 – Representatives Kaufert, Jensen, Stone, Rhoades, Meyer, Pocan and Colon; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.

Noes: 0.

Assembly Substitute Amendment 1 adoption:

Ayes: 9 – Representatives Kaufert, Jensen, Stone, Rhoades and Meyer; Senators S. Fitzgerald, Darling, Leibham and Olsen.

Noes: 6 – Representatives Pocan and Colon; Senators Lazich, Cowles, Decker and Taylor.

Passage as amended with emergency statement attached pursuant to s. 16.47(2) Wisconsin Statutes:

Ayes: 9 – Representatives Kaufert, Jensen, Stone, Rhoades and Meyer; Senators S. Fitzgerald, Darling, Leibham and Olsen.

Noes: 6 – Representatives Pocan and Colon; Senators Lazich, Cowles, Decker and Taylor.

To committee on **Rules**.

Assembly Bill 241

Relating to: transfer of the business employees' skills training grant program to the Technical College System Board, granting rule-making authority, and making an appropriation.

Assembly Amendment 1 adoption:

Ayes: 15 – Representatives Kaufert, Jensen, Stone, Rhoades, Meyer, Pocan and Colon; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.

Noes: 0.

Passage as amended with emergency statement attached pursuant to s. 16.47(2) Wisconsin Statutes:

Ayes: 9 – Representatives Kaufert, Jensen, Stone, Rhoades and Meyer; Senators S. Fitzgerald, Darling, Leibham and Olsen.

Noes: 6 – Representatives Pocan and Colon; Senators Lazich, Cowles, Decker and Taylor.

To committee on **Rules**.

DEAN KAUFERT
Assembly Chairperson
Joint Committee on Finance

The committee on **Financial Institutions** reports and recommends:

Assembly Bill 140

Relating to: providing rules for allocations between principal and income for trusts and estates and authorizing the conversion of a trust to a unitrust.

Assembly Substitute Amendment 1 adoption:

Ayes: 15 – Representatives Hundertmark, Lamb, Freese, Kreibich, Wieckert, Townsend, J. Fitzgerald, Vos, Kleefisch, Richards, Sherman, Shilling, Zepnick, Molepske and Fields.

Noes: 0.

Passage as amended:

Ayes: 15 – Representatives Hundertmark, Lamb, Freese, Kreibich, Wieckert, Townsend, J. Fitzgerald, Vos, Kleefisch, Richards, Sherman, Shilling, Zepnick, Molepske and Fields.

Noes: 0.

To committee on **Rules**.

JEAN HUNDERTMARK
Chairperson
Committee on Financial Institutions

The committee on **Judiciary** reports and recommends:

Assembly Bill 261

Relating to: use of and access to digital recordings of a child's statement in certain court and administrative proceedings.

Assembly Substitute Amendment 1 adoption:

Ayes: 7 – Representatives Gundrum, McCormick, Albers, Kerkman, Kleefisch, Turner and Kessler.

Noes: 0.

Passage as amended:

Ayes: 7 – Representatives Gundrum, McCormick, Albers, Kerkman, Kleefisch, Turner and Kessler.

Noes: 0.

To committee on **Rules**.

MARK GUNDRUM
Chairperson
Committee on Judiciary

MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Concurred in:

Assembly Joint Resolution 5
Assembly Joint Resolution 27

LEAVES OF ABSENCE

Representative Vrakas asked unanimous consent for a leave of absence for part of today's session for Representatives Nass and Ward. Granted.

Representative Turner asked unanimous consent for a leave of absence for part of today's session for Representatives Wasserman and A. Williams. Granted.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 27** be withdrawn from the committee on **Rules** and taken up at this time. Granted.

Assembly Joint Resolution 27

Relating to: honoring Pope John Paul II.

The question was: Shall **Assembly Joint Resolution 27** be adopted?

Motion carried.

Representative Huebsch asked unanimous consent that all members of the Assembly be made coauthors of **Assembly Joint Resolution 27**. Granted.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 27** be immediately messaged to the Senate. Granted.

Representative Vrakas asked unanimous consent that the Assembly stand recessed. Granted.

The Assembly stood recessed.

11:23 A.M.

RECESS

2:20 P.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

Representative Nass asked unanimous consent that his leave of absence be lifted. Granted.

Representative Ward asked unanimous consent that his leave of absence be lifted. Granted.

Representative Wasserman asked unanimous consent that his leave of absence be lifted. Granted.

Representative A. Williams asked unanimous consent that her leave of absence be lifted. Granted.

CALENDAR OF TUESDAY, APRIL 5

Assembly Joint Resolution 23

Relating to: the life and public service of Thomas M. Schaus.

The question was: Shall **Assembly Joint Resolution 23** be adopted?

Motion carried.

Representative Kessler asked unanimous consent that all members of the Assembly be made coauthors of **Assembly Joint Resolution 23**. Granted.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 23** be immediately messaged to the Senate. Granted.

Assembly Joint Resolution 25

Relating to: the life and public service of George F. Kennan.

The question was: Shall **Assembly Joint Resolution 25** be adopted?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Ballweg, Benedict, Berceau, Bies, Black, Boyle, Colon, Cullen, Davis, Fields, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb,

Grigsby, Gronemus, Gunderson, Gundrum, Hahn, Hebl, Hines, Honadel, Hubler, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kerkman, Kessler, Kestell, Kleefisch, Krawczyk, Kreibich, Kreuser, Krusick, Lamb, F. Lasee, Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Molepske, Montgomery, Moulton, Mursau, Musser, Nass, Nelson, Nerison, Nischke, Ott, Owens, Parisi, Petrowski, Pettis, Pocan, Pope–Roberts, Pridemore, Rhoades, Richards, Schneider, Seidel, Sheridan, Sherman, Shilling, Staskunas, Steinbrink, Stone, Strachota, Toles, Towns, Townsend, Travis, Turner, Underheim, Van Akkeren, Van Roy, Vos, Vrakas, Vruwink, Vukmir, Ward, Wasserman, Wieckert, A. Williams, M. Williams, Young, Zepnick, Ziegelbauer and Speaker Gard – 96.

Noes – Representatives Suder and Wood – 2.

Absent or not voting – Representative Sinicki – 1.

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 25** be immediately messaged to the Senate. Granted.

Senate Joint Resolution 11

Relating to: the life and public service of Harold F. Huibregtse.

The question was: Shall **Senate Joint Resolution 11** be concurred in?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 11** be immediately messaged to the Senate. Granted.

Assembly Bill 6

Relating to: creating an individual income tax subtract modification for amounts spent on medical insurance premiums by certain individuals.

Representative Molepske asked unanimous consent to be made a coauthor of **Assembly Bill 6**. Granted.

The question was: Shall Assembly substitute amendment 1 to **Assembly Bill 6** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 6** be ordered engrossed and read a third time?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 6** be given a third reading. Granted.

The question was: **Assembly Bill 6** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Ballweg, Benedict, Berceau, Bies, Black, Boyle, Colon, Cullen, Davis, Fields, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb, Grigsby, Gronemus, Gunderson, Gundrum, Hahn, Hebl, Hines, Honadel, Hubler, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kerkman, Kessler, Kestell, Kleefisch, Krawczyk, Kreibich, Kreuser, Krusick, Lamb, F. Lasee, Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Molepske, Montgomery, Moulton, Mursau, Musser, Nass, Nelson, Nerison, Nischke, Ott, Owens, Parisi, Petrowski, Pettis, Pocan, Pope–Roberts, Pridemore, Rhoades, Richards, Schneider, Seidel, Sheridan, Sherman, Shilling, Staskunas, Steinbrink, Stone, Strachota, Suder, Toles, Towns, Townsend, Travis, Turner, Underheim, Van Akkeren, Van Roy, Vos, Vrakas, Vruwink, Vukmir, Ward, Wasserman, Wieckert, A. Williams, M. Williams, Wood, Young, Zepnick, Ziegelbauer and Speaker Gard – 98.

Noes – None.

Absent or not voting – Representative Sinicki – 1.

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 6** be immediately messaged to the Senate. Granted.

Assembly Bill 53

Relating to: funding for engineering instruction at the University of Wisconsin–Rock County campus and making an appropriation.

The question was: Shall Assembly substitute amendment 1 to **Assembly Bill 53** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 53** be ordered engrossed and read a third time?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 53** be given a third reading.

Representative Sherman objected.

Representative Huebsch moved that the rules be suspended and that **Assembly Bill 53** be given a third reading.

The question was: Shall the rules be suspended and **Assembly Bill 53** be given a third reading?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Ballweg, Benedict, Bies, Davis, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb, Gunderson, Gundrum, Hahn, Hines, Honadel, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kerkman, Kestell, Kleefisch, Krawczyk, Kreibich, Lamb, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Montgomery, Moulton, Mursau, Musser, Nass, Nerison, Nischke, Ott, Owens, Petrowski, Pettis, Pridemore, Rhoades, Sheridan, Stone, Strachota, Suder, Towns, Townsend, Underheim, Van Roy, Vos, Vrakas, Vukmir, Ward, Wieckert, M. Williams, Wood and Speaker Gard – 62.

Noes – Representatives Berceau, Black, Boyle, Colon, Cullen, Fields, Grigsby, Gronemus, Hebl, Hubler, Kessler, Kreuser, Krusick, Lehman, Molepske, Nelson, Parisi, Pohan, Pope–Roberts, Richards, Schneider, Seidel, Sherman, Shilling, Staskunas, Steinbrink, Toles, Travis, Turner, Van Akkeren, Vruwink, Wasserman, A. Williams, Young, Zepnick and Ziegelbauer – 36.

Absent or not voting – Representative Sinicki – 1.

Motion failed.

Assembly Bill 169

Relating to: operation of double–decked buses on highways.

Assembly substitute amendment 1 to **Assembly Bill 169** offered by Representatives Van Roy, Petrowski, Bies, Shilling and Ainsworth.

The question was: Shall Assembly substitute amendment 1 to **Assembly Bill 169** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 169** be ordered engrossed and read a third time?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 169** be given a third reading. Granted.

The question was: **Assembly Bill 169** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Ballweg, Benedict, Berceau, Bies, Black, Boyle, Colon, Cullen, Davis, Fields, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb, Grigsby, Gronemus, Gunderson, Gundrum, Hahn, Hebl, Hines, Honadel, Hubler, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kerkman, Kessler, Kestell, Kleefisch, Krawczyk, Kreibich, Kreuser, Krusick, Lamb, F. Lasee, Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Molepske, Montgomery, Moulton, Mursau, Musser, Nass, Nelson, Nerison, Nischke, Ott, Owens, Parisi, Petrowski, Pettis, Pohan, Pope–Roberts, Pridemore, Rhoades, Richards, Schneider, Seidel, Sheridan, Sherman, Shilling, Staskunas, Steinbrink, Stone, Strachota, Suder, Toles, Towns, Townsend, Travis, Turner, Underheim, Van Roy, Vos, Vrakas, Vruwink, Vukmir, Ward, Wasserman, Wieckert, A. Williams, M. Williams, Wood, Young, Zepnick, Ziegelbauer and Speaker Gard – 97.

Noes – Representative Van Akkeren – 1.

Absent or not voting – Representative Sinicki – 1.

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 169** be immediately messaged to the Senate. Granted.

Senate Bill 79

Relating to: specifying the rate–making principles applicable to certain electric generating facilities, providing an exemption from emergency rule procedures, and granting rule–making authority.

The question was: Shall **Senate Bill 79** be ordered to a third reading?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Senate Bill 79** be given a third reading. Granted.

The question was: **Senate Bill 79** having been read three times, shall the bill be concurred in?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Ballweg, Bies, Colon, Cullen, Davis, Fields, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb, Grigsby, Gronemus, Gunderson, Gundrum, Hahn, Hines, Honadel, Hubler, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kerkman, Kestell, Kleefisch, Krawczyk, Kreibich, Kreuser, Krusick, Lamb, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Molepske, Montgomery, Moulton, Mursau, Musser, Nass, Nelson, Nerison, Nischke, Ott, Owens, Petrowski, Pettis, Pridemore, Rhoades, Richards, Seidel, Sheridan, Sherman, Shilling, Staskunas, Steinbrink, Stone, Strachota, Suder, Toles, Towns, Townsend, Travis, Underheim, Van Akkeren, Van Roy, Vos, Vrakas, Vruwink, Vukmir, Ward, Wasserman, Wieckert, A. Williams, M. Williams, Wood, Young, Zepnick, Ziegelbauer and Speaker Gard – 86.

Noes – Representatives Benedict, Berceau, Black, Boyle, Hebl, Kessler, Lehman, Parisi, Pohan, Pope–Roberts, Schneider and Turner – 12.

Absent or not voting – Representative Sinicki – 1.

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Senate Bill 79** be immediately messaged to the Senate. Granted.

Senate Bill 83

Relating to: technical changes to the tax incremental financing law.

The question was: Shall Assembly amendment 1 to **Senate Bill 83** be adopted?

Motion carried.

The question was: Shall **Senate Bill 83** be ordered to a third reading?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Senate Bill 83** be given a third reading. Granted.

The question was: **Senate Bill 83** having been read three times, shall the bill be concurred in as amended?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Senate Bill 83** be immediately messaged to the Senate. Granted.

ANNOUNCEMENTS

Representative Schneider asked unanimous consent that the Assembly adjourn in memory of Verne Quick, on the occasion of his death on April 2. Granted.

Representative Bies asked unanimous consent that the Assembly adjourn in memory of Harlan Ihlenfeldt, on the occasion of his death. Granted.

Representative Ainsworth asked unanimous consent that the Assembly adjourn in honor of Josh Buettner, the National Association of Basketball Coaches Division II, first team All-American and Great Lakes Intercollegiate Athletic Association player of the year. Granted.

Representative Nelson asked unanimous consent that the Assembly adjourn in honor of Elizabeth Nelson, on the occasion of her 2nd birthday. Granted.

Representative Bies asked unanimous consent that the Assembly adjourn in honor of the birth of his 2nd granddaughter, Kylie Ann Fernan. Granted.

Representatives Kessler, Grigsby and Toles asked unanimous consent that the Assembly adjourn in honor of Representative A. Williams' brother, Jesse Wade. Granted.

Representative Sherman asked unanimous consent that the Assembly adjourn in honor of Jolene Anderson, the Big Ten Freshman of the Year and Wisconsin Badgers Women's Basketball high scorer. She is a graduate of South Shore High School, where she was the all time leading prep scoring record holder in a number of categories. Granted.

ADJOURNMENT

Representative Huebsch moved that the Assembly stand adjourned until 9:00 A.M. on Thursday, April 7.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

2:49 P.M.