



# STATE OF WISCONSIN Assembly Journal

May 2004 Extraordinary Session

4:10 P.M.

WEDNESDAY, May 19, 2004

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

Speaker Pro Tempore Freese in the chair.

Representative Foti asked unanimous consent for a quorum call. Granted.

A quorum was present.

Representative Foti asked unanimous consent that the prayer, pledge and attendance from Regular Session be recorded for Extraordinary Session. Granted.

The roll was taken.

The result follows:

Present – Representatives Ainsworth, Albers, Balow, Berceau, Bies, Black, Boyle, Colon, Cullen, J. Fitzgerald, Foti, Freese, Friske, Gielow, Gottlieb, Grothman, Gunderson, Gundrum, Hahn, Hebl, Honadel, Huber, Hubler, Huebsch, Hundertmark, Jensen, Jeskewitz, Johnsrud, Kaufert, Kerkman, Kestell, Krawczyk, Kreibich, Kreuser, Krug, Krusick, Ladwig, F. Lasee, J. Lehman, M. Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, D. Meyer, Miller, Molepske, Montgomery, Morris, Musser, Nass, Nischke, Olsen, Ott, Owens, Petrowski, Pettis, Plouff, Pocan, Pope–Roberts, Rhoades, Richards, Schneider, Schooff, Seratti, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Stone, Taylor, Toles, Towns, Townsend, Travis, Turner, Underheim, Van Akkeren, Van Roy, Vrakas, Vruwink, Vukmir, Wasserman, Weber, Wieckert, A. Williams, M. Williams, J. Wood, W. Wood, Young, Zepnick, Ziegelbauer and Speaker Gard – 94.

Absent with leave – Representatives Gronemus, Hines, Powers, Suder and Ward – 5.

Vacancies – None.

## AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 997** offered by Representatives Ladwig, Kaufert and Weber.

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 997** offered by Representatives Ladwig, Weber and Kaufert.

Assembly substitute amendment 2 to **Assembly Bill 997** offered by Representative Wasserman.

## COMMITTEE REPORTS

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

### Assembly Bill 996

Relating to: Medical Assistance Program and Community Aids Program funding and programs and making appropriations.

Passage:

Ayes: 15 – Representatives Kaufert, Huebsch, Stone, Rhoades, D. Meyer, Schooff and Colon; Senators Darling, Welch, S. Fitzgerald, Lazich, Harsdorf, Kanavas, Robson and Moore.

Noes: 0.

To **calendar**.

### Assembly Bill 997

Relating to: creating a nonrefundable individual income tax credit for certain amounts relating to health savings accounts that may be deducted from, or are exempt from, federal income taxes.

Passage:

Ayes: 11 – Representatives Kaufert, Huebsch, Stone, Rhoades and D. Meyer; Senators Darling, Welch, S. Fitzgerald, Lazich, Harsdorf and Kanavas.

Noes: 4 – Representatives Schooff and Colon; Senators Robson and Moore.

To **calendar**.

### Assembly Bill 998

Relating to: approval of Indian gaming compacts.

Passage:

Ayes: 11 – Representatives Kaufert, Huebsch, Stone, Rhoades and D. Meyer; Senators Darling, Welch, S. Fitzgerald, Lazich, Harsdorf and Kanavas.

Noes: 4 – Representatives Schooff and Colon; Senators Robson and Moore.

To **calendar**.

*DEAN KAUFERT*  
Assembly Chairperson  
Joint committee on Finance

## LEAVES OF ABSENCE

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

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## CALENDAR OF WEDNESDAY, MAY 19

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 998** be withdrawn from the calendar and taken up at this time. Granted.

### Assembly Bill 998

Relating to: approval of Indian gaming compacts.

Assembly amendment 1 to **Assembly Bill 998** offered by Representatives Albers and Seratti.

Representative Gard moved that Assembly amendment 1 to **Assembly Bill 998** be laid on the table.

The question was: Shall Assembly amendment 1 to **Assembly Bill 998** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Berceau, Bies, Black, J. Fitzgerald, Foti, Freese, Friske, Gielow, Gottlieb, Grothman, Gunderson, Hahn, Honadel, Huebsch, Hundertmark, Jensen, Johnsrud, Kaufert, Kerkman, Kestell, Kreibich, Ladwig, F. Lasee, M. Lehman, LeMahieu, Loeffelholz, Lothian, D. Meyer, Musser, Nass, Nischke, Olsen, Ott, Petrowski, Pettis, Rhoades, Stone, Towns, Townsend, Underheim, Vrakas, Vukmir, Weber, Wieckert, M. Williams, J. Wood and Speaker Gard – 48.

Noes – Representatives Albers, Balow, Boyle, Colon, Cullen, Hebl, Huber, Hubler, Jeskewitz, Krawczyk, Kreuser, Krug, Krusick, J. Lehman, McCormick, Miller, Molepske, Morris, Owens, Plouff, Pocan, Pope–Roberts, Richards, Schneider, Schooff, Seratti, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Taylor, Toles, Travis, Turner, Van Akkeren, Van Roy, Vruwink, Wasserman, A. Williams, W. Wood, Young, Zepnick and Ziegelbauer – 44.

Absent or not voting – Representatives Gronemus, Gundrum, Hines, Montgomery, Powers, Suder and Ward – 7.

Motion carried.

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

Assembly amendment 2 to **Assembly Bill 998** offered by Representatives Cullen and Vruwink.

Representative Gard moved that Assembly amendment 2 to **Assembly Bill 998** be laid on the table.

The question was: Shall Assembly amendment 2 to **Assembly Bill 998** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Berceau, Bies, Black, J. Fitzgerald, Foti, Freese, Friske, Gielow, Gottlieb, Grothman, Gunderson, Hahn, Hebl, Honadel, Huebsch, Hundertmark, Jensen, Jeskewitz, Johnsrud, Kaufert, Kerkman, Kestell, Krawczyk, Kreibich, Ladwig, F. Lasee, M. Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, D. Meyer, Miller, Montgomery, Musser, Nass, Nischke, Olsen, Ott, Owens, Petrowski, Pettis, Pocan, Rhoades, Schooff, Seratti, Stone, Towns, Townsend, Underheim, Van Roy, Vrakas, Vukmir, Wasserman, Weber, Wieckert, M. Williams, J. Wood and Speaker Gard – 62.

Noes – Representatives Boyle, Colon, Cullen, Huber, Hubler, Kreuser, Krug, Krusick, J. Lehman, Molepske, Morris, Plouff, Pope–Roberts, Richards, Schneider, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Taylor, Toles, Travis, Turner, Van Akkeren, Vruwink, A. Williams, W. Wood, Young, Zepnick and Ziegelbauer – 31.

Absent or not voting – Representatives Gronemus, Gundrum, Hines, Powers, Suder and Ward – 6.

Motion carried.

Assembly amendment 3 to **Assembly Bill 998** offered by Representative Schneider.

Representative Gard moved that Assembly amendment 3 to **Assembly Bill 998** be laid on the table.

The question was: Shall Assembly amendment 3 to **Assembly Bill 998** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Bies, Black, J. Fitzgerald, Foti, Freese, Friske, Gielow, Gottlieb, Grothman, Gunderson, Hahn, Hebl, Honadel, Huebsch, Hundertmark, Jensen, Jeskewitz, Johnsrud, Kaufert, Kerkman, Kestell, Krawczyk, Kreibich, Ladwig, F. Lasee, M. Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, D. Meyer, Montgomery, Musser, Nass, Nischke, Olsen, Ott, Owens, Petrowski, Pettis, Rhoades, Schooff, Stone, Towns, Townsend, Underheim, Van Roy, Vrakas, Vukmir, Weber, Wieckert, M. Williams, J. Wood and Speaker Gard – 55.

Noes – Representatives Albers, Balow, Berceau, Boyle, Colon, Cullen, Huber, Hubler, Kreuser, Krug, Krusick, J. Lehman, Miller, Molepske, Morris, Plouff, Pocan, Pope–Roberts, Richards, Schneider, Seratti, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Taylor, Toles, Travis, Turner, Van Akkeren, Vruwink, Wasserman, A. Williams, W. Wood, Young, Zepnick and Ziegelbauer – 38.

Absent or not voting – Representatives Gronemus, Gundrum, Hines, Powers, Suder and Ward – 6.

Motion carried.

Assembly substitute amendment 1 to **Assembly Bill 998** offered by Representative Schneider.

Representative Gard moved that Assembly substitute amendment 1 to **Assembly Bill 998** be laid on the table.

The question was: Shall Assembly substitute amendment 1 to **Assembly Bill 998** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Bies, Black, Boyle, J. Fitzgerald, Foti, Freese, Friske, Gielow, Gottlieb, Grothman, Gunderson, Hahn, Honadel, Huber, Hubler, Huebsch, Hundertmark, Jensen, Jeskewitz, Johnsrud, Kaufert, Kerkman, Kestell, Krawczyk, Kreibich, Krug, Ladwig, F. Lasee, M. Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, D. Meyer, Montgomery, Morris, Musser, Nass, Nischke, Olsen, Ott, Owens, Petrowski, Pettis, Pocan, Pope–Roberts, Rhoades, Schooff, Seratti, Staskunas, Stone, Towns, Townsend, Underheim, Van Akkeren, Van Roy, Vrakas, Vukmir, Wasserman, Weber, Wieckert, A. Williams, M. Williams, J. Wood, Ziegelbauer and Speaker Gard – 68.

Noes – Representatives Balow, Berceau, Colon, Cullen, Hebl, Kreuser, Krusick, J. Lehman, Miller, Molepske, Plouff, Richards, Schneider, Sherman, Shilling, Sinicki, Steinbrink, Taylor, Toles, Travis, Turner, Vruwink, W. Wood, Young and Zepnick – 25.

Absent or not voting – Representatives Gronemus, Gundrum, Hines, Powers, Suder and Ward – 6.

Motion carried.

Representative Krusick asked unanimous consent to be recorded as voting “**Aye**” on the previous question. Granted.

The question was: Shall **Assembly Bill 998** be ordered engrossed and read a third time?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 998** be given a third reading. Granted.

The question was: **Assembly Bill 998** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Bies, J. Fitzgerald, Foti, Freese, Friske, Gielow, Gottlieb, Grothman, Gunderson, Hahn, Honadel, Huebsch, Hundertmark, Jensen, Jeskewitz, Johnsrud, Kaufert, Kerkman, Kestell, Krawczyk, Kreibich, Ladwig, F. Lasee, M. Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, D. Meyer, Montgomery, Nass, Nischke, Olsen, Ott, Owens, Petrowski, Pettis, Rhoades, Seratti, Stone, Towns, Townsend, Underheim, Van Roy, Vrakas, Vukmir, Weber, Wieckert, M. Williams, J. Wood, Ziegelbauer and Speaker Gard – 54.

Noes – Representatives Balow, Berceau, Black, Boyle, Colon, Cullen, Hebl, Huber, Hubler, Kreuser, Krug, Krusick, J. Lehman, Miller, Molepske, Morris, Musser, Plouff, Pocan, Pope–Roberts, Richards, Schneider, Schooff, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Taylor, Toles, Travis,

Turner, Van Akkeren, Vruwink, Wasserman, A. Williams, W. Wood, Young and Zepnick – 39.

Absent or not voting – Representatives Gronemus, Gundrum, Hines, Powers, Suder and Ward – 6.

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 998** be immediately messaged to the Senate. Granted.

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## MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Passed and asks concurrence in:

**Senate Bill 567**

**Senate Bill 568**

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## ACTION ON THE SENATE MESSAGE

Representative Foti asked unanimous consent that the rules be suspended and that **Senate Bill 568** be withdrawn from the Senate message and taken up at this time. Granted.

### **Senate Bill 568**

Relating to: creating a nonrefundable individual income tax credit for certain amounts relating to health savings accounts that may be deducted from, or are exempt from, federal income taxes.

By committee on Senate Organization.

Representative Foti asked unanimous consent that **Senate Bill 568** be laid on the table. Granted.

Representative Foti asked unanimous consent that the rules be suspended and that **Senate Bill 567** be withdrawn from the Senate message and taken up at this time. Granted.

### **Senate Bill 567**

Relating to: Medical Assistance Program and Community Aids Program funding and programs and making appropriations.

By committee on Senate Organization.

The question was: Shall **Senate Bill 567** be ordered to a third reading?

Motion carried.

Representative Hundertmark asked unanimous consent that the rules be suspended and that **Senate Bill 567** be given a third reading. Granted.

The question was: **Senate Bill 567** having been read three times, shall the bill be concurred in?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Berceau, Bies, Black, Boyle, Colon, Cullen, J. Fitzgerald, Foti, Freese, Friske, Gielow, Gottlieb, Grothman, Gunderson, Hahn, Hebl, Honadel, Huber, Hubler, Huebsch, Hundertmark, Jensen, Jeskewitz, Johnsrud, Kaufert, Kerkman, Kestell, Krawczyk, Kreibich, Kreuser, Krug, Krusick, Ladwig, F. Lasee, J. Lehman, M. Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, D. Meyer, Miller, Molepske, Montgomery, Morris, Musser, Nass, Nischke, Olsen, Ott, Owens, Petrowski, Pettis, Plouff, Pohan, Pope–Roberts, Rhoades, Richards, Schneider, Schooff, Seratti, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Stone, Taylor, Toles, Towns, Townsend, Travis, Turner, Underheim, Van Akkeren, Van Roy, Vrakas, Vruwink, Vukmir, Wasserman, Weber, Wieckert, A. Williams, M. Williams, J. Wood, W. Wood, Young, Zepnick, Ziegelbauer and Speaker Gard – 93.

Noes – None.

Absent or not voting – Representatives Gronemus, Gundrum, Hines, Powers, Suder and Ward – 6.

Motion carried.

Representative Hundertmark asked unanimous consent that the rules be suspended and that **Senate Bill 567** be immediately messaged to the Senate. Granted.

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## INTRODUCTION AND REFERENCE OF PROPOSALS

Representative Hahn introduced a privileged joint resolution.

Read first time and referred:

### **Assembly Joint Resolution 88**

Relating to: revival of 2003 Assembly Bill 290 for further consideration.

By Representative Hahn.

The question was: Shall **Assembly Joint Resolution 88** be adopted?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Berceau, Bies, Black, Boyle, Colon, Cullen, J. Fitzgerald, Foti, Freese, Friske, Gielow, Gottlieb, Grothman, Gunderson, Hahn, Hebl, Honadel, Huber, Hubler, Huebsch, Hundertmark, Jensen, Jeskewitz, Johnsrud, Kaufert, Kerkman, Kestell, Krawczyk, Kreibich, Kreuser, Krug, Krusick, Ladwig, F. Lasee, J. Lehman, M. Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, D. Meyer, Miller, Molepske, Montgomery, Morris, Musser, Nass, Nischke, Olsen, Ott, Owens, Petrowski, Pettis, Plouff, Pohan, Pope–Roberts, Rhoades, Richards, Schneider, Schooff, Seratti, Sherman, Shilling, Sinicki, Staskunas, Steinbrink,

Stone, Taylor, Toles, Towns, Townsend, Travis, Turner, Underheim, Van Akkeren, Van Roy, Vrakas, Vruwink, Vukmir, Wasserman, Weber, Wieckert, A. Williams, M. Williams, J. Wood, W. Wood, Young, Zepnick, Ziegelbauer and Speaker Gard – 93.

Noes – None.

Absent or not voting – Representatives Gronemus, Gundrum, Hines, Powers, Suder and Ward – 6.

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 88** be immediately messaged to the Senate. Granted.

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

The Assembly stood recessed.

5:35 P.M.

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## RECESS

6:21 P.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

Representative Foti asked unanimous consent that **Senate Bill 568** be taken from the table. Granted.

### **Senate Bill 568**

Relating to: creating a nonrefundable individual income tax credit for certain amounts relating to health savings accounts that may be deducted from, or are exempt from, federal income taxes.

Assembly substitute amendment 1 to **Senate Bill 568** offered by Representative Wasserman.

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## POINT OF ORDER

Representative Kaufert rose to the point of order that Assembly substitute amendment 1 to **Senate Bill 568** was not germane under Assembly Rule 54.

The Speaker Pro Tempore Freese ruled the point of order **well taken**.

Representative Miller asked unanimous consent that Assembly Rule 54 be suspended.

Representative Foti objected.

Representative Kreuser appealed the ruling of the Chair.

The question was: Shall the ruling of the Chair stand as the ruling of the Assembly?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Bies, J. Fitzgerald, Foti, Freese, Friske, Gielow, Gottlieb, Grothman, Gunderson, Hahn, Honadel, Huebsch, Hundertmark, Jensen, Jeskewitz, Johnsrud, Kaufert, Kerkman, Kestell, Krawczyk, Kreibich, Ladwig, F. Lasee, M. Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, D. Meyer, Montgomery, Musser, Nass, Nischke, Olsen, Ott, Owens, Petrowski, Pettis, Rhoades, Seratti, Stone, Towns, Townsend, Underheim, Van Roy, Vrakas, Vukmir, Weber, Wieckert, M. Williams, J. Wood, Ziegelbauer and Speaker Gard – 55.

Noes – Representatives Balow, Berceau, Black, Boyle, Colon, Cullen, Hebl, Huber, Hubler, Kreuser, Krug, Krusick, J. Lehman, Miller, Molepske, Morris, Plouff, Pocan, Pope–Roberts, Richards, Schneider, Schooff, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Taylor, Toles, Travis, Turner, Van Akkeren, Vruwink, Wasserman, A. Williams, W. Wood, Young and Zepnick – 38.

Absent or not voting – Representatives Gronemus, Gundrum, Hines, Powers, Suder and Ward – 6.

Motion carried.

The question was: Shall **Senate Bill 568** be ordered to a third reading?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Senate Bill 568** be given a third reading. Granted.

The question was: **Senate Bill 568** having been read three times, shall the bill be concurred in?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Bies, J. Fitzgerald, Foti, Freese, Friske, Gielow, Gottlieb, Grothman, Gunderson, Hahn, Honadel, Hubler, Huebsch, Hundertmark, Jensen, Jeskewitz, Johnsrud, Kaufert, Kerkman, Kestell, Krawczyk, Kreibich, Ladwig, F. Lasee, M. Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, D. Meyer, Montgomery, Musser, Nass, Nischke, Olsen, Ott, Owens, Petrowski, Pettis, Rhoades, Seratti, Stone, Towns, Townsend,

Travis, Underheim, Van Roy, Vrakas, Vukmir, Weber, Wieckert, M. Williams, J. Wood, Ziegelbauer and Speaker Gard – 57.

Noes – Representatives Balow, Berceau, Black, Boyle, Colon, Cullen, Hebl, Huber, Kreuser, Krug, Krusick, J. Lehman, Miller, Molepske, Morris, Plouff, Pocan, Pope–Roberts, Richards, Schneider, Schooff, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Taylor, Toles, Turner, Van Akkeren, Vruwink, Wasserman, A. Williams, W. Wood, Young and Zepnick – 36.

Absent or not voting – Representatives Gronemus, Gundrum, Hines, Powers, Suder and Ward – 6.

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Senate Bill 568** be immediately messaged to the Senate. Granted.

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## 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 Bill 998**

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## ADJOURNMENT

Representative Foti moved that the Assembly stand adjourned pursuant to **Senate Joint Resolution 1**.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

6:35 P.M.