



# STATE OF WISCONSIN Assembly Journal

## Ninety-Seventh Regular Session

1:13 P.M.

THURSDAY, February 24, 2005

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

Speaker Gard in the chair.

The prayer was offered by Representative Lehman.

Representative Lothian 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, 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 – 97.

Absent with leave – Representatives Colon and Sinicki – 2.

Vacancies – None.

### LEAVES OF ABSENCE

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

### AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 67** offered by Representative Petrowski.

### ADMINISTRATIVE RULES

#### **Assembly Clearinghouse Rule 04–073**

Relating to charitable gaming and crane games.  
Submitted by Department of Administration.  
Report received from Agency, February 15, 2005.  
To committee on **State Affairs**.  
Referred on February 24, 2005.

#### **Assembly Clearinghouse Rule 04–097**

Relating to criminal background investigations and fingerprinting of applicants.  
Submitted by Department of Regulation and Licensing.  
Report received from Agency, February 16, 2005.  
To committee on **Labor**.  
Referred on February 24, 2005.

#### **Assembly Clearinghouse Rule 05–007**

Relating to the adjustment of thresholds for application of prevailing wage rates.  
Submitted by Department of Workforce Development.  
Report received from Agency, February 16, 2005.  
To committee on **Labor**.  
Referred on February 24, 2005.

### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Joint Resolution 17**

Relating to: state recognition of the sovereign status of federally recognized American Indian tribes and bands.  
By Representative Musser.  
To committee on **State Affairs**.

#### **Assembly Bill 132**

Relating to: removal of abandoned dams.  
By Representatives Kestell, LeMahieu, Hahn, F. Lasee, Petrowski, Hines, Pridemore, Ott, Vrakas, Lothian and Albers; cosponsored by Senators Leibham, A. Lasee, Reynolds, Olsen and Grothman.  
To committee on **Natural Resources**.

#### **Assembly Bill 133**

Relating to: crossing a fire hose that is being used in an emergency situation.

By Representatives J. Fitzgerald, Owens, Ballweg, Black, Hines, Kerkman and Krawczyk; cosponsored by Senators Brown, S. Fitzgerald and Roessler.

To committee on **Criminal Justice and Homeland Security**.

**Assembly Bill 134**

Relating to: creation of the Wisconsin Tribal–State Council and making an appropriation.

By Representative Musser.

To committee on **State Affairs**.

**Assembly Bill 135**

Relating to: preparation of tribal impact statements for bills that would have an impact on tribal governments or American Indians.

By Representative Musser.

To committee on **State Affairs**.

**Assembly Bill 136**

Relating to: representations made regarding wild rice sold or offered for sale in this state, granting rule–making authority, and providing a penalty.

By Representative Musser.

To committee on **Agriculture**.

**Assembly Bill 137**

Relating to: increasing the maximum amount of Indian student assistance grants and making an appropriation.

By Representative Musser.

To committee on **State Affairs**.

**Assembly Bill 138**

Relating to: tribal administration of rehabilitation reviews for persons who otherwise may not operate, be employed at, contract with, or reside at an entity that provides care for children or adults and granting rule–making authority.

By Representative Musser.

To committee on **State Affairs**.

**Assembly Bill 139**

Relating to: creating a property tax exemption for real property owned by a federally recognized American Indian tribe or band.

By Representatives Musser and Sherman.

To committee on **State Affairs**.

To joint survey committee on **Tax Exemptions**.

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**COMMITTEE REPORTS**

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

**Assembly Bill 37**

Relating to: an exemption from the witness exclusion rule for a law enforcement investigator designated by the state in criminal and delinquency proceedings.

Assembly Substitute Amendment 1 adoption:

Ayes: 8 – Representatives Gundrum, McCormick, Albers, Kerkman, Kleefisch, Staskunas, Turner and Kessler.

Noes: 0.

Passage as amended:

Ayes: 8 – Representatives Gundrum, McCormick, Albers, Kerkman, Kleefisch, Staskunas, Turner and Kessler.

Noes: 0.

To committee on **Rules**.

**Assembly Bill 62**

Relating to: sentencing discretion of a court and providing a penalty.

Assembly Amendment 1 adoption:

Ayes: 8 – Representatives Gundrum, McCormick, Albers, Kerkman, Kleefisch, Staskunas, Turner and Kessler.

Noes: 0.

Assembly Amendment 2 adoption:

Ayes: 8 – Representatives Gundrum, McCormick, Albers, Kerkman, Kleefisch, Staskunas, Turner and Kessler.

Noes: 0.

Passage as amended:

Ayes: 8 – Representatives Gundrum, McCormick, Albers, Kerkman, Kleefisch, Staskunas, Turner and Kessler.

Noes: 0.

To committee on **Rules**.

*MARK GUNDRUM*

Chairperson

Committee on Judiciary

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The committee on **Urban and Local Affairs** reports and recommends:

**Assembly Bill 25**

Relating to: regional emergency response team requirements.

Passage:

Ayes: 8 – Representatives LeMahieu, Pridemore, Gunderson, Lothian, Gottlieb, Berceau, Fields and Parisi.

Noes: 0.

To committee on **Rules**.

**Assembly Bill 46**

Relating to: the number of deputy coroners that may be appointed by a coroner and the appointment of a chief deputy coroner.

Passage:

Ayes: 8 – Representatives LeMahieu, Pridemore, Gunderson, Lothian, Gottlieb, Berceau, Fields and Parisi.

Noes: 0.

To committee on **Rules**.

*DANIEL LEMAHIEU*

Chairperson

Committee on Urban and Local Affairs

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**SPEAKER'S COMMUNICATIONS**

February 24, 2005

Mr. Patrick Fuller  
Chief Clerk, Wisconsin State Assembly  
Room 208, Risser Justice Center  
17 West Main Street  
Madison, Wisconsin 53708

Dear Patrick:

Pursuant to Assembly Rule 42 (3)(c), I am withdrawing **Assembly Bill 110** from the Assembly Committee on Family Law and re-referring it to the Assembly Committee on Corrections and the Courts. I have the consent of Representative Carol Owens, chair of the Assembly Committee on Family Law, to take this action.

Sincerely,  
*JOHN G. GARD*  
Speaker

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**LEAVES OF ABSENCE**

Representative Vrakas asked unanimous consent for a leave of absence for part of today's session for Representative Stone. Granted.

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**SPECIAL ORDER OF BUSINESS AT  
9:01 A.M. ON FEBRUARY 24**

**Assembly Bill 63**

Relating to: requiring certain identification in order to vote at a polling place or obtain an absentee ballot, verification of the addresses of electors, and the fee for an identification card issued by the Department of Transportation.

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

The question was: **Assembly Bill 63** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

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

Wieckert, M. Williams, Wood, Ziegelbauer and Speaker Gard – 64.

Noes – Representatives Benedict, Berceau, Black, Boyle, Cullen, Fields, Grigsby, Gronemus, Hebl, Hubler, Kessler, Kreuser, Lehman, Molepske, Parisi, Pocan, Pope–Roberts, Richards, Schneider, Seidel, Sheridan, Sherman, Shilling, Steinbrink, Toles, Travis, Turner, Van Akkeren, Vruwink, Wasserman, A. Williams, Young and Zepnick – 33.

Absent or not voting – Representatives Colon and Sinicki – 2.

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 63** be immediately messaged to the Senate. Granted.

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**COMMUNICATIONS**

February 24, 2005

Patrick Fuller  
Assembly Chief Clerk  
17 West Main Street, Room 208  
Madison, WI 53703

Dear Mr. Fuller:

Due to my absence from session on February 24, 2005, I would like to take this opportunity to inform you of how I would have voted had I been present. Please include this information in the Assembly Journal.

I would have voted “no” on passage of **Assembly Bill 63** relating to requiring certain identification in order to vote at a polling place or obtain an absentee ballot, verification of the addresses of electors, and the fee for an identification card issued by the Department of Transportation.

Thank you for your time and attention in this matter. If you have any questions or concerns please feel free to contact me.

Sincerely,  
*PEDRO A. COLON*  
State Representative  
8th Assembly District

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**ANNOUNCEMENTS**

Representative M. Williams asked unanimous consent that the Assembly adjourn in memory of Chizuko “Sue” Rifenburg, Jennifer Irene Kalmon and Isabelle Irene Kalmon-Mabie, who died in a house fire on December 24, 2004, in Medford. Granted.

Representative Grigsby asked unanimous consent that the Assembly adjourn in memory of Mattiebelle Woods and in honor of Black History Month. Granted.

Representative Ballweg asked unanimous consent that the Assembly adjourn in honor of the Milwaukee Riverside University High School Boys Swim Team, including State

Champion Caleb Gottinger, and relay swimmers Isaac Chevako, Ian Sustar, Brett Brzezinski, Eric O'Neill and Captain Senior Nick Poliak. Granted.

Representative Toles asked unanimous consent that the Assembly adjourn in honor of Representative Garey Bies for his kindness and the leadership devotional he had given to her. Granted.

Representative Gronemus asked unanimous consent that the Assembly adjourn in honor of Representative Hundertmark, on the occasion of her birthday. Granted.

Representative Schneider asked unanimous consent that the Assembly adjourn in honor of Chancellor John Miller of the University of Wisconsin-Whitewater. Granted.

Representative Vruwink asked unanimous consent that the Assembly adjourn in honor of her father, James Vruwink, on the occasion of his 68th birthday. Granted.

Representative Vruwink asked unanimous consent that the Assembly adjourn in honor of her uncle, Ira "Bud" Vruwink, on the occasion of his 69th birthday. Granted.

Representative Bies asked unanimous consent that the Assembly adjourn in honor of the Sturgeon Bay/Southern Door Boys Swim Team, Clippers, for their 3rd straight WIAA Division II State Championship. The Clippers is a combined team of Sturgeon Bay and Southern Door High Schools. Granted.

Representative Montgomery asked unanimous consent that the Assembly adjourn in honor of former Governor of Wisconsin, Tommy G. Thompson, for his continued support of women's health. Granted.

Representative Montgomery asked unanimous consent that the Assembly adjourn in honor of members of the

Ashwaubenon High School Jaguars Wrestling Team, including Seniors Rob Graef, A.J. Phillips and Jeremy Gezella and Freshman Jody VanLaanen. Granted.

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## VISITORS

During today's session, the following visitors honored the Assembly by their presence and were welcomed by the presiding officer and the members:

Job Shadow Nick Becker from Winnequah Middle School, guest of Representative Parisi.

Waukesha West High School Young Republicans Erik Rhine, Chris Wilson, Joe Trovato, Alex Helling and their advisor Mr. Bob Black, guests of Representative Nischke.

The LeClair's from West Salem, guests of Representative Huebsch.

Members of the TRIO – Upward Bound Program from the University of Wisconsin-Stevens Point, guests of Representative Molepske.

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## ADJOURNMENT

Representative Huebsch 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.

2:20 P.M.