



# STATE OF WISCONSIN

# Assembly Journal

## Ninety-Seventh Regular Session

11:12 A.M.

TUESDAY, September 20, 2005

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

Speaker Gard in the chair.

The prayer was offered by Monsignor Duane Moellenberndt from Sacred Hearts of Jesus and Mary in Sun Prairie.

Representative Freese 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, 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, Sinicki, 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 Kerkman and Shilling – 2.

Vacancies – None.

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### LEAVES OF ABSENCE

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

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

### AMENDMENTS OFFERED

Assembly amendment 3 to **Assembly Bill 27** offered by Representatives Krusick and Gottlieb.

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 479** offered by Representative Ziegelbauer.

Assembly amendment 2 to **Assembly Bill 587** offered by Representative Stone.

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### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Bill 677**

Relating to: requirements for obtaining a certificate of accomplishment under the hunter education program and the elk hunter education program, requirements for hunting with a mentor and for serving as a hunting mentor, and exceptions to the restrictions on placing, possessing, and transporting a firearm in or on a vehicle.

By Representatives Suder, Gard, Pettis, Gronemus, M. Williams, Petrowski, Moulton, Ott, Nerison, Vruwink, Freese and Wieckert; cosponsored by Senators Zien, Stepp, Wirsch and Breske.

To committee on **Natural Resources**.

#### **Assembly Bill 678**

Relating to: annual or consecutive month permits for certain overweight vehicles or vehicle combinations, creating an overweight vehicle surcharge, requiring certain motor carriers to maintain weight records, and providing a penalty.

By Representatives Friske, Sherman, Gard, Gronemus, Ainsworth, Petrowski, Mursau, Hahn, Musser, Albers, LeMahieu, M. Williams, Wood, Suder, Gunderson and Pettis; cosponsored by Senators Zien, Brown, Schultz, Kanavas, Leibham, Grothman and Jauch.

To committee on **Transportation**.

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### COMMITTEE REPORTS

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

#### **Assembly Bill 648**

Relating to: retention and testing of evidence that includes biological material, time limits for prosecuting a crime that is

related to a sexual assault, law enforcement procedures for using an eyewitness to identify a person suspected of committing a crime, making audio or audio and visual recordings of custodial interrogations, limitations on admitting unrecorded statements into evidence in juvenile delinquency and criminal proceedings, and creating a grant program for digital recording equipment and training for digital recording of custodial interrogations.

Assembly Amendment 1 adoption:

Ayes: 7 – Representatives Gundrum, McCormick, Albers, Kerkman, Kleefisch, Staskunas and Turner.  
Noes: 0.

Passage as amended:

Ayes: 7 – Representatives Gundrum, McCormick, Albers, Kerkman, Kleefisch, Staskunas and Turner.  
Noes: 0.

To committee on **Rules**.

*MARK GUNDRUM*  
Chairperson  
Committee on Judiciary

The committee on **Veterans Affairs** reports and recommends:

**Assembly Bill 668**

Relating to: expanding eligibility for the veterans and surviving spouses property tax credit.

Passage:

Ayes: 8 – Representatives Loeffelholz, Musser, Townsend, Hundertmark, Bies, Sherman, Turner and Hubler.  
Noes: 0.

To joint committee on **Finance**.

*GABE LOEFFELHOLZ*  
Chairperson  
Committee on Veterans Affairs

**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 47**
- Assembly Bill 193**
- Assembly Bill 214**
- Assembly Bill 316**
- Assembly Bill 501**

**CALENDAR OF TUESDAY, SEPTEMBER 20**

Representative Huebsch asked unanimous consent that **Assembly Joint Resolution 54** be withdrawn from today's calendar and taken up at this time. Granted.

**Assembly Joint Resolution 54**

Relating to: the life and military service of United States Chief Warrant Officer 2 Joshua Michael Scott.

**SPECIAL GUEST**

Representative Hebl introduced the family of United States Chief Warrant Officer 2 Joshua Michael Scott, including his wife, Sherri, and his mother, Catherine, who addressed the members from the rostrum.

The question was: Shall **Assembly Joint Resolution 54** be adopted?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 54** be immediately messaged to the Senate. Granted.

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

The Assembly stood recessed.

11:45 A.M.

**RECESS**

3:25 P.M.

The Assembly reconvened.

Speaker Gard in the chair.

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

A quorum was present.

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

The Assembly stood recessed.

3:31 P.M.

**RECESS**

4:28 P.M.

The Assembly reconvened.

Representative Kaufert in the chair.

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

A quorum was present.

Speaker Pro Tempore Freese in the chair.

### Assembly Bill 100

Relating to: state finances and appropriations, constituting the executive budget act of the 2005 legislature.

Item Veto C-4 (**Assembly Bill 100** partial veto) Section 140 [as it relates to s. 20.435 (4) (b)] relating to: nursing home rate increase.

The question was: Shall Item Veto C-4 (Nursing Home Rate Increase) of **Assembly Bill 100** pass notwithstanding the objections of the Governor?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Ballweg, Bies, Boyle, Cullen, Davis, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb, Gronemus, Gunderson, Gundrum, Hahn, Hines, Honadel, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kestell, Kleefisch, Krawczyk, Kreibich, Krusick, Lamb, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Montgomery, Moulton, Mursau, Musser, Nass, Nerison, Nischke, Ott, Owens, Petrowski, Pettis, Pridemore, Rhoades, Stone, Strachota, Suder, Towns, Townsend, Underheim, Van Roy, Vos, Vrakas, Vukmir, Ward, Wieckert, A. Williams, M. Williams, Wood and Speaker Gard – 64.

Noes – Representatives Benedict, Berceau, Black, Fields, Grigsby, Hebl, Hubler, Kessler, Kreuser, Lehman, Molepske, Nelson, Parisi, Pocan, Pope-Roberts, Richards, Schneider, Seidel, Sheridan, Sherman, Sinicki, Staskunas, Steinbrink, Toles, Travis, Turner, Van Akkeren, Vruwink, Wasserman, Young, Zepnick and Ziegelbauer – 32.

Paired for – Representative Kerkman – 1.

Paired against – Representative Shilling – 1.

Absent or not voting – Representative Colon – 1.

Motion carried.

Representative Colon moved reconsideration of the vote by which Item Veto C-4 (Nursing Home Rate Increase) of **Assembly Bill 100** passed notwithstanding the objections of the governor.

Speaker Pro Tempore Freese ruled the motion for reconsideration not in order under Assembly Rule 73 (1)(b).

Representative Kreuser asked unanimous consent that the Assembly return to the vote by which Item Veto C-4 (Nursing Home Rate Increase) of **Assembly Bill 100** passed notwithstanding the objections of the governor.

Representative Huebsch objected.

Representative Cullen moved reconsideration of the vote by which Item Veto C-4 (Nursing Home Rate Increase) of **Assembly Bill 100** passed notwithstanding the objections of the governor.

Speaker Pro Tempore Freese ruled the motion for reconsideration not in order under Assembly Rule 73 (1)(b).

Representative Black asked unanimous consent that the vote by which Item Veto C-4 (Nursing Home Rate Increase) of **Assembly Bill 100** passed notwithstanding the objections of the governor be expunged.

Representative Huebsch objected.

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

The Assembly stood recessed.

6:02 P.M.

### RECESS

8:48 P.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

Representative Huebsch moved that the Assembly stand adjourned.

Representative Richards objected.

### POINT OF ORDER

Representative Richards rose to the point of order that the vote to override the partial Item Veto C-4 (Nursing Home Rate Increase) of **Assembly Bill 100** needed 65 votes for a two-thirds majority pursuant to Article V, Section 10 of the Wisconsin Constitution because there were 97 members present for the Call of the roll under the first order of business.

Representative Richards rose to the point of order that the vote to override the partial Item Veto C-4 (Nursing Home Rate Increase) of **Assembly Bill 100** was sustained because all members present must vote under Assembly Rule 77 and, therefore, two-thirds required 65 votes.

### CALL OF THE ASSEMBLY

Representative Hubler requested a call of the Assembly. There were sufficient seconds.

The Sergeant-at-Arms was directed to close the doors and the Chief Clerk to call the roll.

The Chief Clerk reported that all members of the Assembly were present. Under Assembly Rule 87, the Call of the Assembly was lifted.

Speaker Gard in the chair.

Speaker Pro Tempore Freese in the chair.

Speaker Pro Tempore Freese asked unanimous consent that the Assembly stand informal. Granted.

The Assembly stood informal.

10:05 P.M.

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**INFORMAL**

10:18 P.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

Representative Gard stated that a point of order may not be raised while a motion to adjourn is before the Assembly pursuant to Assembly Rule 62 (1).

Representative Gard stated that a point of order regarding the vote to override partial Item Veto C-4 (Nursing Home Rate Increase) of **Assembly Bill 100** was not properly before the Assembly under Assembly Rule 50 because the partial veto was immediately messaged to the Senate.

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**ANNOUNCEMENTS**

Representative Lothian asked unanimous consent that the Assembly adjourn in honor of Samantha and Chad Kerkman and son Ian Gregory, born Sunday, September 18 on the occasion of the birth of their first child. 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:

Terry McGinitty, administrator and staff members, of Lodi Good Samaritan Nursing Home, guest of Representative Hahn.

Dawn Gilliam, Elizabeth Gosz, Jane Frantz, Stephanie Ludke, Pam St. Ours, Deb Captain, and Matt Gehri from Good Shepherd Services in Seymour, guests of Representative Nelson.

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**ADJOURNMENT**

Representative Huebsch moved that the Assembly stand adjourned until 9:00 A.M. on Thursday, September 22.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

10:46 P.M.