



# STATE OF WISCONSIN Assembly Journal

## Ninety-Seventh Regular Session

11:23 A.M.

WEDNESDAY, May 31, 2006

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

Speaker Gard in the chair.

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

A quorum was present.

The prayer was offered by Representative Towns.

Representative Kaufert 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, 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, Newcomer, Nischke, Ott, Owens, Parisi, Petrowski, Pettis, Pocan, Pope–Roberts, Pridemore, Rhoades, Richards, Schneider, Seidel, Sheridan, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Stone, Strachota, Suder, Toles, Towns, Travis, Turner, Underheim, Van Akkeren, Van Roy, Vos, Vruwink, Vukmir, Ward, Wasserman, Wieckert, A. Williams, M. Williams, Wood, Young, Zepnick, Ziegelbauer and Speaker Gard – 97.

Absent with leave – Representative Townsend – 1.

Vacancies – 98th Assembly District – 1.

### LEAVES OF ABSENCE

Representative Gundrum asked unanimous consent for a leave of absence for today’s session for Representative Townsend. Granted.

### LEAVES OF ABSENCE

Representative Gundrum asked unanimous consent for a leave of absence for part of today’s session for Representatives Kreibich, Lamb, McCormick and Ward. Granted.

Representative Turner asked unanimous consent for a leave of absence for part of today’s session for Representatives Krusick, Molepske, Schneider, Sinicki, Wasserman and Zepnick. Granted.

### COMMUNICATIONS

State of Wisconsin  
Office of the Secretary of State  
Madison

To Whom It May Concern:

Acts, Joint Resolutions and Resolutions deposited in this office have been numbered and published as follows:

<u>Bill Number</u>	<u>Act Number</u>	<u>Publication Date</u>
<b>Assembly Bill 538</b> .....	454 .....	June 9, 2006
<b>Assembly Bill 715</b> .....	455 .....	June 9, 2006
<b>Assembly Bill 447</b> .....	456 .....	June 9, 2006
<b>Assembly Bill 574</b> .....	458 .....	June 9, 2006
<b>Assembly Bill 958</b> .....	459 .....	June 9, 2006
<b>Assembly Bill 1087</b> .....	460 .....	June 9, 2006
<b>Assembly Bill 1065</b> .....	461 .....	June 9, 2006
<b>Assembly Bill 639</b> .....	463 .....	June 9, 2006
<b>Assembly Bill 967</b> .....	465 .....	June 9, 2006
<b>Assembly Bill 112</b> .....	472 .....	June 12, 2006
<b>Assembly Bill 1174</b> .....	473 .....	June 12, 2006
<b>Assembly Bill 1163</b> .....	474 .....	June 13, 2006
<b>Assembly Bill 1003</b> .....	480 .....	June 13, 2006
<b>Assembly Bill 875</b> .....	481 .....	June 13, 2006
<b>Assembly Bill 290</b> .....	482 .....	June 13, 2006
<b>Assembly Bill 33</b> .....	485 .....	June 13, 2006

Sincerely,  
*DOUGLAS LA FOLLETTE*  
Secretary of State

Representative Sheridan introduced a privileged resolution.

## INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

### Assembly Resolution 57

Relating to: honoring the life and public service of Lewis T. Mittness, Jr.

By Representatives Sheridan and Benedict.

The question was: Shall **Assembly Resolution 57** be adopted?

Motion carried.

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

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

The Assembly stood recessed.

11:45 A.M.

## RECESS

1:55 P.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

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

A quorum was present.

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

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

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

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

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

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

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

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

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

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## CALENDAR OF WEDNESDAY, MAY 31

### 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.

The question was: Shall the partial veto of **Assembly Bill 208** pass notwithstanding the objections of the Governor?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Ballweg, Bies, Davis, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb, Gronemus, Gunderson, Gundrum, Hahn, Hines, Honadel, Hubler, Huebsch, Hundertmark, Jeskewitz, Kaufert, Kerkman, Kestell, Kleefisch, Krawczyk, Kreibich, Lamb, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Montgomery, Moulton, Mursau, Musser, Nass, Nerison, Newcomer, Nischke, Ott, Owens, Petrowski, Pettis, Pridemore, Rhoades, Stone, Strachota, Suder, Towns, Underheim, Van Roy, Vos, Vruwink, Vukmir, Ward, Wieckert, M. Williams, Wood and Speaker Gard – 61.

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

Absent or not voting – Representative Townsend – 1.

Motion failed.

### Assembly Bill 461

Relating to: requiring legislative approval to locate a gaming establishment on certain lands taken into trust for the benefit of Indian tribes.

The question was: Shall **Assembly Bill 461** pass notwithstanding the objections of the governor?

The roll was taken.

The result follows:

Ayes – Representatives Albers, Ballweg, Bies, Davis, J. Fitzgerald, Friske, Gielow, Gottlieb, Gunderson, Gundrum, Hahn, Hines, Honadel, Huebsch, Hundertmark, Jeskewitz, Kaufert, Kestell, Kleefisch, Krawczyk, Kreibich, Lamb, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Montgomery, Moulton, Nass, Nerison, Newcomer, Nischke, Ott, Owens, Petrowski, Pettis, Pridemore, Rhoades, Stone, Strachota, Suder, Towns, Underheim, Van Roy, Vos, Vukmir, Ward, Wieckert, M. Williams, Wood, Ziegelbauer and Speaker Gard – 54.

Noes – Representatives Ainsworth, Benedict, Berceau, Black, Boyle, Colon, Cullen, Fields, Freese, Grigsby, Gronemus, Hebl, Hubler, Kerkman, Kessler, Kreuser, Krusick, Lehman, Molepske, Mursau, Musser, Nelson, Parisi,

Pocan, Pope–Roberts, Richards, Schneider, Seidel, Sheridan, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Toles, Travis, Turner, Van Akkeren, Vruwink, Wasserman, A. Williams, Young and Zepnick – 43.

Absent or not voting – Representative Townsend – 1.

Motion failed.

### **Assembly Bill 850**

Relating to: the regulation of certain wharves, piers, boat shelters, boat hoists, and boat lifts.

The question was: Shall **Assembly Bill 850** pass notwithstanding the objections of the governor?

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, Jeskewitz, Kaufert, Kerkman, Kestell, Kleefisch, Krawczyk, Kreibich, Lamb, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Montgomery, Moulton, Mursau, Musser, Nass, Nerison, Newcomer, Nischke, Ott, Owens, Petrowski, Pettis, Pridemore, Rhoades, Stone, Strachota, Suder, Towns, Underheim, Van Roy, Vos, Vruwink, Vukmir, Ward, Wieckert, M. Williams, Wood, Ziegelbauer and Speaker Gard – 60.

Noes – Representatives Benedict, Berceau, Black, Boyle, Colon, Cullen, Fields, Grigsby, Gronemus, Hebl, Hubler, Kessler, Kreuser, Krusick, Lehman, Molepske, Nelson, Parisi, Pocan, Pope–Roberts, Richards, Schneider, Seidel, Sheridan, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Toles, Travis, Turner, Van Akkeren, Wasserman, A. Williams, Young and Zepnick – 37.

Absent or not voting – Representative Townsend – 1.

Motion failed.

### **Assembly Bill 4**

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.

The question was: Shall **Assembly Bill 4** pass notwithstanding the objections of the governor?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Ballweg, Bies, Davis, Fields, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb, Gunderson, Gundrum, Hahn, Hines, Honadel, Hubler, Huebsch, Hundertmark, Jeskewitz, Kaufert, Kerkman, Kestell, Kleefisch, Krawczyk, Kreibich, Lamb, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Montgomery, Moulton, Mursau, Musser, Nass, Nerison, Newcomer, Nischke, Ott, Owens, Petrowski, Pettis, Pridemore, Rhoades, Stone, Strachota, Suder, Towns,

Underheim, Van Roy, Vos, Vukmir, Ward, Wieckert, M. Williams, Wood, Ziegelbauer and Speaker Gard – 61.

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

Absent or not voting – Representative Townsend – 1.

Motion failed.

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## **ANNOUNCEMENTS**

Representative Ainsworth asked unanimous consent that the Assembly adjourn in memory of Edwin K. Krueger of Shawano, who passed away on May 24. Granted.

Representative Shilling asked unanimous consent that the Assembly adjourn in memory of Audrey Medinger of LaCrosse, who passed away on May 29. Granted. Audrey was the mother of former State Representative John Medinger.

Representative Wieckert asked unanimous consent that the Assembly adjourn in honor of Kentucky, Maryland, Oklahoma and Mississippi Legislatures for introducing Wisconsin's Cody's Law for organ donation. Granted.

Representative M. Williams asked unanimous consent that the Assembly adjourn in honor of her daughter, Kimberly Ann Fechhelm, on the occasion of her 30th birthday on June 5. Granted.

Representative Honadel asked unanimous consent that the Assembly adjourn in honor of his daughter, Sara Honadel, on the occasion of her 13th birthday on June 13. Granted.

Representative Colon asked unanimous consent that the Assembly adjourn in honor of his daughter, Julia Eva Colon, on the occasion of her 4th birthday on June 16. Granted.

Representative Hebl asked unanimous consent that the Assembly adjourn in honor of the Sun Prairie High School Baseball Team and Coach Rob Hamilton, who won the WIAA Division I Championship. 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:

Students from Tonawanda Elementary School in Elm Grove, guests of Representative Vukmir.

Sarah Johannes, a recent graduate at the University of Wisconsin - Eau Claire, guest and Legislative Assistant of Representative Kerkman.

Brian Samuelson, a student at the University of Wisconsin - Madison, guest and intern of Representative Kerkman.

Students from Valley View Elementary School in Menomonee Falls, guests of Representative Jeskewitz.

Jim Ott, a candidate for the 23rd Assembly District, guest of Representative Gielow.

Nick Morse, a student at St. Ripon College, guest and intern of Representative Gielow.

Kate Allbee, guest and intern of Representative Rhoades.

Katie Schumacher, a student at Grinnell College, guest and intern of Representative Hebl.

Delegation of Health Officials from Fushing Hospital in China, guests of Representative Parisi.

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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.

4:02 P.M.