

**2009 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AR14)**

Received: **03/02/2010**

Received By: **rchampag**

Wanted: **Today**

Identical to LRB:

For: **Jeffrey Wood (608) 266-1194**

By/Representing: **Jessica**

This file may be shown to any legislator: **NO**

Drafter: **rchampag**

May Contact:

Addl. Drafters:

Subject: **Legislature - miscellaneous res.**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.WoodJ@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Expulsion resolution

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rchampag 03/02/2010	csicilia 03/02/2010		_____			
/1			phenry 03/02/2010	_____	mbarman 03/02/2010	mbarman 03/02/2010	

FE Sent For:

<END>

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/?	rchampag	1 gs 3/2 10	3/2 ph	3/2 ph			
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FE Sent For: **<END>**

*Please jacket.  
Also put drafting  
file c & s 0318  
with this*

## Champagne, Rick

---

**From:** Miller, Steve  
**Sent:** Monday, March 01, 2010 8:56 PM  
**To:** Champagne, Rick  
**Subject:** FW: LRB 09s0318 Topic: expulsion

Rick--  
Is this something you can do?  
Jessica wants to have the draft at 8:30.  
Steve

-----Original Message-----

**From:** Spotts-Grabel, Jessica  
**Sent:** Mon 3/1/2010 7:07 PM  
**To:** Duerst, Christina; Rep.Wood; Miller, Steve  
**Cc:** 'John Hyland'  
**Subject:** RE: LRB 09s0318 Topic: expulsion

Is it possible to have Lines 8-25 on Page 2 moved to Page 11 Line 23? The wording would remain the same.

Jessica Spotts-Grabel  
Office of State Representative Jeff Wood 67th Asssembly District State Capitol, Room 21  
North P.O. Box 8953  
(608) 266-1194

---

**From:** Duerst, Christina  
**Sent:** Monday, March 01, 2010 5:25 PM  
**To:** Rep.Wood  
**Subject:** LRB 09s0318 Topic: expulsion

The attached proposal has been jacketed for introduction.

A copy has also been sent to:

<< File: LRB s0318\_1 >>

# "RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...

 DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN


(Request Made By: SRM) (Date: 03 / 02 / 2010)

## Note:


**BOTH DRAFTS SHOULD HAVE THE SAME "REQUESTOR"**


(exception: companion bills)



 Please transfer the drafting file for  
**2007 LRB** \_\_\_\_\_ (For: Rep. / Sen. \_\_\_\_\_)  
to the drafting file for  
**2009 LRB** \_\_\_\_\_ (For: Rep. / Sen. \_\_\_\_\_)

----- **OR** -----

 Please copy the drafting file for  
**2009 LRB** S 0318 / 1 (include the version) (For: Rep. / Sen. X Rep. Wood)  
and place it in the drafting file for  
**2009 LRB** S 0321 (For: Rep. / Sen. Rep Wood)

 Are These "Companion Bills" ?? ... Yes  **No**

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history ("guts") from the original file: \_\_\_\_\_



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBs 0320/1  
~~LRBs0318/1~~  
SRM:nwn:ph  
T  
stays

NOW

**ASSEMBLY SUBSTITUTE AMENDMENT ,  
TO 2009 ASSEMBLY RESOLUTION 14**

1 **Relating to:** the expulsion of Jeffrey Wood, a representative from the 67th Assembly  
2 District, in accordance with article IV, section 8, of the Wisconsin Constitution  
3 and Assembly Rule 21.

4 Whereas, article IV, section 8, of the Wisconsin Constitution provides that each  
5 house may punish for contempt and disorderly behavior, and with the concurrence  
6 of two-thirds of all the members elected, expel a member; and

7 Whereas, Assembly Rule 43 (3) provides that any resolution to reprimand,  
8 censure, or expel a member of the assembly shall identify the charges against the  
9 member cited and shall be referred to the committee on ethics and standards of  
10 conduct for review; and

11 Whereas, the Wisconsin state assembly has adopted Assembly Rule 21,  
12 providing for the appointment of a special committee on ethics and standards of  
13 conduct to consider any resolution to reprimand, censure, or expel a member of the

1 assembly for the purpose of holding one or more public hearings on the resolution and  
2 to make a recommendation for action on the resolution; and

3 Whereas, under Assembly Rule 21 (2), a duty of the special committee is to  
4 ascertain the facts of the controversy, which are summarized below; and

5 Whereas, Jeffrey Wood currently serves as the representative to the assembly  
6 from the 67th Assembly District for the term of the 2009-2010 legislative session;  
7 and

8 Whereas, Representative Wood has not been convicted of any crime; and

9 Whereas, Representative Wood has not violated any assembly rule; and

10 Whereas, Representative Wood's alleged conduct did not occur while the  
11 assembly was in session; and

12 Whereas, Representative Wood's alleged conduct was not related to his  
13 legislative duties; and

14 Whereas, the people of the 67th Assembly District in Wisconsin have the option  
15 under article XIII, section 12, of the Wisconsin Constitution to recall a state  
16 representative; and

17 Whereas, the people of the 67th Assembly District have chosen not to exercise  
18 their rights under article XIII, section 12, of the Wisconsin Constitution; and

19 Whereas, a recent poll conducted by the Chippewa Herald reported that a  
20 majority of respondents with 1,079 votes or 57 percent, said that the Wisconsin state  
21 assembly should not expel, reprimand, or censure Representative Wood; and

22 Whereas, Representative Nass does not reside in the 67th Assembly District;  
23 and

24 Whereas, no other legislator other than Representative Nass has elected to  
25 sponsor this resolution; and

↑ move to Page 11, line 23

1           Whereas, Representative Scott Jensen was charged in Dane County Circuit  
2 Court on October 18, 2002, with four felony offenses for misconduct in public office;  
3 and

4           Whereas, Representative Jensen's crimes involved allegations that he directed  
5 state employees to perform election campaign contribution fundraising and other  
6 campaign-related work while on state time and using state resources; and

7           Whereas, Representative Jensen served in the assembly over a period of five  
8 and one-half years, through a trial on those charges commencing in February 2006,  
9 until finally resigning his seat on March 21, 2006, ten days after the jury returned  
10 a verdict finding him guilty of three felonies and one misdemeanor; and

11           Whereas, no legislator sought a resolution to expel, censure, or reprimand  
12 Representative Jensen from the time he was charged until he resigned upon  
13 conviction; and

14           Whereas, Representative Steven Foti was charged in Dane County Circuit  
15 Court on October 18, 2002, with one felony offense for misconduct in public office; and

16           Whereas, Representative Foti's crime involved allegations that he committed  
17 ethics violation for keeping a campaign fundraiser on his legislative payroll; and

18           Whereas, Representative Foti was reelected to his assembly seat within weeks  
19 of being charged and served his full two-year term in the assembly, whereupon he  
20 determined to not seek reelection; and

21           Whereas, no legislator sought a resolution to expel, censure, or reprimand  
22 Representative Foti from the time he was charged until his term ended two years  
23 later; and

24           Whereas, the Wisconsin state assembly had taken no action on this matter  
25 under article IV, section 8, of the Wisconsin Constitution; and

1           Whereas, Representative Bonnie Ladwig was charged in Dane County Circuit  
2 Court on October 18, 2002, with one misdemeanor for ethics violations; and

3           Whereas, Representative Ladwig was reelected to her assembly seat within  
4 weeks of being charged and served her full two-year term in the assembly,  
5 whereupon she determined to not seek reelection; and

6           Whereas, no legislator sought a resolution to expel, censure, or reprimand  
7 Representative Ladwig from the time she was charged until her term ended two  
8 years later; and

9           Whereas, the Wisconsin state assembly had taken no action on this matter  
10 under article IV, section 8, of the Wisconsin Constitution; and

11           Whereas, Representative Mark Gundrum drafted legislation prohibiting  
12 lawmakers from promising official action in exchange for campaign contributions,  
13 also known as “pay-to-play,” following the uncovering of significant unethical  
14 activity in the state capitol, also known as the “caucus scandal”; and

15           Whereas, the bill was signed into law on August 11, 2003; and

16           Whereas, Representatives Jensen, Foti, and Ladwig were all sitting  
17 representatives at the time the bill was passed into law, and remained legislators for  
18 a full 16 months thereafter; and

19           Whereas, neither Representative Gundrum nor any other legislator made a  
20 motion to expel, censure, or reprimand any legislator involved in the “caucus  
21 scandal”; and

22           Whereas, the Wisconsin state assembly had taken no action on this matter  
23 under article IV, section 8, of the Wisconsin Constitution; and

24           Whereas, Representative Frank Boyle was convicted in 2004 of OWI; and



1           Whereas, the Wisconsin state assembly had taken no action on this matter  
2 under article IV, section 8, of the Wisconsin Constitution; and

3           Whereas, Representative Shirley Krug was convicted in 2005 of OWI for an  
4 incident which occurred in 2004; and

5           Whereas, the Wisconsin state assembly had taken no action on this matter  
6 under article IV, section 8, of the Wisconsin Constitution; and

7           Whereas, Representative David Travis was convicted in 2001 of OWI for an  
8 incident which occurred in 2000; and

9           Whereas, the Wisconsin state assembly had taken no action on this matter  
10 under article IV, section 8, of the Wisconsin Constitution; and

11           Whereas, Representative Lorraine Seratti was convicted in 2000 of OWI; and

12           Whereas, the Wisconsin state assembly had taken no action on this matter  
13 under article IV, section 8, of the Wisconsin Constitution; and

14           Whereas, Representative David Plombon was jailed in June 1995 for allegedly  
15 violating conditions of probation stemming from a previous conviction for marijuana  
16 possession; and

17           Whereas, Representative Plombon requested his probation be revoked and he  
18 was resentenced in July 1995 for misdemeanor possession of marijuana; and

19           Whereas, Representative Plombon was sentenced to 16 days in jail which was  
20 satisfied by 12 days time served and 4 days credit for good behavior; and

21           Whereas, Representative Plombon was arrested after failing a drug test  
22 ordered by his probation officer in December 1994; and

23           Whereas, Representative Plombon pled no contest to misdemeanor possession  
24 of marijuana and was sentenced to 18 months probation and \$1,812 in fines and court  
25 costs; and

1           Whereas, Representative Plombon was convicted in 1994 of OWI; and

2           Whereas, Representative Plombon pled no contest to misdemeanor disorderly  
3 conduct in May 1994 stemming from an incident involving his car and estranged  
4 wife; and

5           Whereas, Representative Plombon was sentenced to one year probation and  
6 ordered to undergo assessment for chemical dependency; and

7           Whereas, the Wisconsin state assembly had taken no action on this matter  
8 under article IV, section 8, of the Wisconsin Constitution; and

9           Whereas, Representative David Lepak was convicted in 1988 of OWI; and

10           Whereas, the Wisconsin state assembly had taken no action on this matter  
11 under article IV, section 8, of the Wisconsin Constitution; and

12           Whereas, Representative Scott Fergus forfeited \$500 in 1987 for violating  
13 ethics law by accepting food and lodging in connection with a visit to Chicago in  
14 January 1987; and

15           Whereas, the Wisconsin state assembly had taken no action on this matter  
16 under article IV, section 8, of the Wisconsin Constitution; and

17           Whereas, Representative Walter Kunicki forfeited \$500 in 1987 for violating  
18 ethics law by accepting lodging and food in connection with a visit to Chicago in  
19 January 1987; and

20           Whereas, the Wisconsin state assembly had taken no action on this matter  
21 under article IV, section 8, of the Wisconsin Constitution; and

22           Whereas, Representative Thomas Hauke paid \$1,418 in fines and court costs  
23 in 1986 for violating ethics law by accepting a Door County fishing trip and was  
24 convicted in 1976 of OWI; and

1           Whereas, the Wisconsin state assembly had taken no action on this matter  
2 under article IV, section 8, of the Wisconsin Constitution; and

3           Whereas, Representative John Robinson forfeited \$1,000 in 1985 for violating  
4 ethics law by accepting an airline ticket to Chicago; and

5           Whereas, the Wisconsin state assembly had taken no action on this matter  
6 under article IV, section 8, of the Wisconsin Constitution; and

7           Whereas, Representative David Opitz was fined \$356 in 1983 for a hit-and-run  
8 accident; and

9           Whereas, the Wisconsin state assembly had taken no action on this matter  
10 under article IV, section 8, of the Wisconsin Constitution; and

11           Whereas, Representative Robert Behnke was charged in 1982 with two counts  
12 of second-degree sexual assault; and

13           Whereas, the Wisconsin state assembly had taken no action on this matter  
14 under article IV, section 8, of the Wisconsin Constitution; and

15           Whereas, Representative Behnke was convicted in 1982 of disorderly conduct  
16 stemming from an argument over a state capitol parking spot; and

17           Whereas, the Wisconsin state assembly had taken no action on this matter  
18 under article IV, section 8, of the Wisconsin Constitution; and

19           Whereas, Representative Walter Ward was convicted in 1981 of a felony and a  
20 misdemeanor for the sexual assault of his legislative aide which occurred in June  
21 1980; and

22           Whereas, the Wisconsin state assembly had taken no action on this matter  
23 under article IV, section 8, of the Wisconsin Constitution; and

24           Whereas, Representative Ward was sentenced to four years in prison; and

1           Whereas, the Wisconsin state assembly had taken no action on this matter  
2 under article IV, section 8, of the Wisconsin Constitution; and

3           Whereas, Representative Ward was convicted in 1980 of OWI; and

4           Whereas, the Wisconsin state assembly had taken no action on this matter  
5 under article IV, section 8, of the Wisconsin Constitution; and

6           Whereas, Representative Ward was convicted in 1980 of two misdemeanors for  
7 election law violations relating to misuse of campaign funds; and

8           Whereas, the Wisconsin state assembly had taken no action on this matter  
9 under article IV, section 8, of the Wisconsin Constitution; and

10          Whereas, Representative Richard Pabst was charged in 1980 with  
11 misdemeanor fourth-degree sexual assault; and

12          Whereas, the Wisconsin state assembly had taken no action on this matter  
13 under article IV, section 8, of the Wisconsin Constitution; and

14          Whereas, Representative R. Michael Ferrall was convicted in 1979 of OWI; and

15          Whereas, the Wisconsin state assembly had taken no action on this matter  
16 under article IV, section 8, of the Wisconsin Constitution; and

17          Whereas, Representative Ferrall was charged in 1978 with misdemeanor  
18 misuse of a state telephone credit card. The case was dismissed; and

19          Whereas, the Wisconsin state assembly had taken no action on this matter  
20 under article IV, section 8, of the Wisconsin Constitution; and

21          Whereas, Representative John Shabaz was convicted in 1979 of OWI; and

22          Whereas, the Wisconsin state assembly had taken no action on this matter  
23 under article IV, section 8, of the Wisconsin Constitution; and

24          Whereas, Representative Joseph Looby was charged in 1978 with  
25 misdemeanor misuse of a state telephone credit card; and

1           Whereas, the Wisconsin state assembly had taken no action on this matter  
2 under article IV, section 8, of the Wisconsin Constitution; and

3           Whereas, Representative Marcel Dandeneau was convicted in 1977 of  
4 misdemeanor violation of campaign finance laws; and

5           Whereas, the Wisconsin state assembly had taken no action on this matter  
6 under article IV, section 8, of the Wisconsin Constitution; and

7           Whereas, Representative Dandeneau was charged in 1976 with felony  
8 misconduct in public office; and

9           Whereas, the Wisconsin state assembly had taken no action on this matter  
10 under article IV, section 8, of the Wisconsin Constitution; and

11           Whereas, Representative Paul Alfonsi was convicted of a felony in July 1967 for  
12 bribery in Dane County Circuit Court; and

13           Whereas, the Wisconsin state assembly had taken no action on this matter  
14 under article IV, section 8, of the Wisconsin Constitution; and

15           Whereas, Representative Willis Hutnik was charged with felony bribery; and

16           Whereas, the Wisconsin state assembly had taken no action on this matter  
17 under article IV, section 8, of the Wisconsin Constitution; and

18           Whereas, Representative Earl Elfers was charged in 1966 with assault and  
19 battery; and

20           Whereas, the Wisconsin state assembly had taken no action on this matter  
21 under article IV, section 8, of the Wisconsin Constitution; and

22           Whereas, Representative Glen Pommerening was convicted in 1965 of OWI;  
23 and

24           Whereas, the Wisconsin state assembly had taken no action on this matter  
25 under article IV, section 8, of the Wisconsin Constitution; and

1           Whereas, Representative Fred Schleuter was convicted in 1965 of OWI; and

2           Whereas, the Wisconsin state assembly had taken no action on this matter  
3 under article IV, section 8, of the Wisconsin Constitution; and

4           Whereas, Representative Schleuter had been charged in 1963, but his case was  
5 delayed due to legislative immunity; and

6           Whereas, the Wisconsin state assembly had taken no action on this matter  
7 under article IV, section 8, of the Wisconsin Constitution; and

8           Whereas, the people of Representative Schleuter's district responded by not  
9 reelecting him in 1964; and

10           Whereas, the Wisconsin state assembly had taken no action on this matter  
11 under article IV, section 8, of the Wisconsin Constitution; and

12           Whereas, Representative Cecil Brown, Jr. was charged with larceny in 1956  
13 after being accused of taking a \$75 insurance policy payment; and

14           Whereas, the Wisconsin state assembly had taken no action on this matter  
15 under article IV, section 8, of the Wisconsin Constitution; and

16           Whereas, Representative Ray Kuhlman was convicted in 1956 of OWI; and

17           Whereas, the Wisconsin state assembly had taken no action on this matter  
18 under article IV, section 8, of the Wisconsin Constitution; and

19           Whereas, Representative Robert Lynch was convicted in 1954 of careless  
20 operation of a motor vehicle resulting in a four-car crash; and

21           Whereas, the Wisconsin state assembly had taken no action on this matter  
22 under article IV, section 8, of the Wisconsin Constitution; and

23           Whereas, Representative Harold Gade was convicted in 1952 of six felony  
24 counts of embezzling a total of over \$36,000 entrusted to him as treasurer of a credit  
25 union; and

1           Whereas, the Wisconsin state assembly had taken no action on this matter  
2 under article IV, section 8, of the Wisconsin Constitution; and

3           Whereas, Representative Gade was sentenced to concurrent one-year to  
4 five-year prison terms on each count; and

5           Whereas, the Wisconsin state assembly had taken no action on this matter  
6 under article IV, section 8, of the Wisconsin Constitution; and

7           Whereas, Representative Richard Steffens was charged in 1949 with  
8 intentionally making false statements about his election campaign opponent; and

9           Whereas, the Wisconsin state assembly had taken no action on this matter  
10 under article IV, section 8, of the Wisconsin Constitution; and

11           Whereas, Representative Frank Schaeffer, Jr. was charged in 1946 with  
12 violating the corrupt practices act; and

13           Whereas, the Wisconsin state assembly had taken no action on this matter  
14 under article IV, section 8, of the Wisconsin Constitution; and

15           Whereas, over 20 members of the Wisconsin state senate have been charged  
16 with crimes and violations of the ethics and campaign finance laws; and

17           Whereas, at no time in the history of the Wisconsin state senate has action of  
18 any kind been taken against legislators for crimes and violations of the ethics and  
19 campaign finance laws; and

20           Whereas, despite all of the state assembly legislators charged with crimes and  
21 violations of ethics and campaign finance laws, this is the first time in the history of  
22 the Wisconsin state assembly that this rule has been exercised; and

23           Whereas, Representative Wood is the only legislator in the history of Wisconsin  
24 to be elected as an independent; now, therefore, be it

Material moved  
from page 2

1           ***Resolved by the assembly, That*** Representative Jeffrey Wood not be held to  
2 a different standard than partisan legislators within this institution and based on  
3 the facts of this controversy the assembly takes no further action and the special  
4 committee on ethics and standards of conduct is hereby disbanded.

5

(END)