



STATE OF WISCONSIN Assembly Journal

Ninety-Seventh Regular Session

10:10 A.M.

THURSDAY, October 27, 2005

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

Speaker Gard in the chair.

The prayer was offered by Pastor Gary Froseth from Bethel Lutheran Church in Green Bay.

Representative Owens 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, 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, 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, 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 Fields and Lamb – 2.

Vacancies – None.

LEAVES OF ABSENCE

Representative Gundrum asked unanimous consent for a leave of absence for today's session for Representative Lamb. Granted.

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

LEAVES OF ABSENCE

Representative Gundrum asked unanimous consent for a leave of absence for part of today's session for Representatives Huebsch, Jeskewitz and Kreibich. Granted.

Representative Turner asked unanimous consent for a leave of absence for part of today's session for Representatives Colon, Richards and Steinbrink. Granted.

AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 298** offered by joint committee on **Finance**.

Assembly amendment 2 to **Assembly Bill 618** offered by joint committee on **Finance**.

Assembly amendment 3 to **Assembly Bill 618** offered by joint committee on **Finance**.

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 635** offered by committee on **Agriculture**.

Assembly amendment 5 to **Assembly Bill 778** offered by Representative Wieckert.

Assembly amendment 1 to Assembly amendment 5 to **Assembly Bill 778** offered by committee on **Judiciary**.

Assembly amendment 1 to **Senate Bill 269** offered by Representatives Nass, Kestell, Kreibich, Vos, Towns, Suder, Hines, Vukmir, Hundertmark and LeMahieu.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Bill 788

Relating to: posting of information relating to certain pending state contracts and orders on the Internet.

By Representatives Gard, Huebsch, J. Fitzgerald, Freese, Gottlieb, Ward, Stone, Jensen, Meyer, Rhoades, Van Roy and Kaufert; cosponsored by Senators Stepp and Kanavas.

To committee on **State Affairs**.

COMMITTEE REPORTS

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

Assembly Bill 321

Relating to: voluntary and informed consent for abortions.

Assembly Substitute Amendment 1 adoption:

Ayes: 7 – Representatives Underheim, Gielow, Wieckert, Krawczyk, Hundertmark, Strachota and Moulton.

Noes: 3 – Representatives Wasserman, Benedict and Nelson.

Passage as amended:

Ayes: 7 – Representatives Underheim, Gielow, Wieckert, Krawczyk, Hundertmark, Strachota and Moulton.

Noes: 3 – Representatives Wasserman, Benedict and Nelson.

To committee on **Rules**.

GREGG UNDERHEIM
Chairperson
Committee on Health

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

Assembly Bill 783

Relating to: duties of real estate brokers and salespersons.

Passage:

Ayes: 6 – Representatives Wieckert, Townsend, Kreibich, Montgomery, A. Williams and Young.

Noes: 0.

To committee on **Rules**.

STEVE WIECKERT
Chairperson
Committee on Housing

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

Assembly Bill 175

Relating to: the requirement that an unemancipated minor obtain parental or other consent or a judicial waiver of that consent requirement before she may have an abortion.

Passage:

Ayes: 5 – Representatives Gundrum, McCormick, Pridemore, Kleefisch and Staskunas.

Noes: 2 – Representatives Turner and Kessler.

To committee on **Rules**.

Assembly Bill 624

Relating to: payments to the State Public Defender for legal representation.

Passage:

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

Noes: 0.

To committee on **Rules**.

Assembly Bill 702

Relating to: sexual contact or sexual intercourse involving a 16- or 17-year-old and a person who works or interacts with him or her through the person's occupation or a volunteer position and providing a penalty.

Assembly Amendment 1 adoption:

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

Noes: 0.

Passage as amended:

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

Noes: 0.

To committee on **Rules**.

Assembly Bill 778

Relating to: actions against manufacturers, distributors, sellers, and promoters of products.

Assembly Amendment 1 adoption:

Ayes: 5 – Representatives Gundrum, McCormick, Pridemore, Kerkman and Kleefisch.

Noes: 3 – Representatives Staskunas, Turner and Kessler.

Assembly Amendment 4 adoption:

Ayes: 5 – Representatives Gundrum, McCormick, Pridemore, Kerkman and Kleefisch.

Noes: 3 – Representatives Staskunas, Turner and Kessler.

Assembly Amendment 1 to Assembly Amendment 5 adoption:

Ayes: 5 – Representatives Gundrum, McCormick, Pridemore, Kerkman and Kleefisch.

Noes: 3 – Representatives Staskunas, Turner and Kessler.

Assembly Amendment 5 adoption:

Ayes: 5 – Representatives Gundrum, McCormick, Pridemore, Kerkman and Kleefisch.

Noes: 3 – Representatives Staskunas, Turner and Kessler.

Passage as amended:

Ayes: 5 – Representatives Gundrum, McCormick, Pridemore, Kerkman and Kleefisch.

Noes: 3 – Representatives Staskunas, Turner and Kessler.

To committee on **Rules**.

MARK GUNDRUM
Chairperson
Committee on Judiciary

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

Assembly Bill 787

Relating to: the sale and distribution of fermented malt beverages.

Passage:

Ayes: 9 – Representatives J. Fitzgerald, Kleefisch, Musser, Gundrum, Krawczyk, Petrowski, Toles, Young and Benedict.

Noes: 0.

To committee on **Rules**.

JEFF FITZGERALD
Chairperson
Committee on State Affairs

MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Adopted and asks concurrence in:

Senate Joint Resolution 43

Passed and asks concurrence in:

Senate Bill 259

Senate Bill 269

ACTION ON THE SENATE MESSAGE

Senate Joint Resolution 43

Relating to: declaring the week of October 31st Child Survival Week in the state of Wisconsin.

By Senators Miller, S. Fitzgerald, Darling, Erpenbach, Olsen and Roessler; cosponsored by Representatives Pocan, Ward, Berceau, Boyle, Davis, Fields, Grigsby, Hahn, Hines, Jeskewitz, Kerkman, Kleefisch, Krawczyk, Lehman, McCormick, Molepske, Nerison, Ott, Petrowski, Pettis, Pope–Roberts, Seidel, Sheridan and Sinicki.

To committee on **Rules**.

Senate Bill 259

Relating to: eliminating various school district and Department of Public Instruction requirements, authorizing a city or village to abolish its police department and contract for law enforcement services with a county, authorizing a county to participate in a municipal revenue sharing agreement, standards for information technology integration, and city health departments.

By Senators Brown, Jauch, Kanavas, Roessler and Kapanke; cosponsored by Representatives Musser, Albers, Hines and Townsend.

To committee on **Education**.

Senate Bill 269

Relating to: various modifications to housing loan programs and loan guarantee programs, increasing the bonding authority of the Wisconsin Housing and Economic Development Authority (WHEDA), and removing limitations on WHEDA's authority to acquire property.

By Senators Kanavas, Taylor, Brown, Olsen and Roessler; cosponsored by Representatives Wieckert, Young, Fields, Grigsby, Townsend, Strachota, Turner, Sinicki, Sheridan, Ballweg, Ott, Berceau, McCormick and Hines.

To committee on **Rules**.

REFERENCE BUREAU CORRECTIONS

Assembly Substitute Amendment 1 to **Assembly Bill 456**

1. Page 2, line 12: after “applies” insert “to”.
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SPEAKER'S COMMUNICATIONS

October 26, 2005

Patrick Fuller
Chief Clerk
Wisconsin State Assembly
17 West Main Street
Madison, WI 53708

Dear Patrick:

Please be advised that, pursuant to Wisconsin State Statute Section 13.48(2), I am appointing Representative Debi Towns to serve on the Building Commission. Representative Towns will replace Representative Dan Vrakas on the commission.

Sincerely,
JOHN G. GARD
Speaker of the Assembly

October 26, 2005

Patrick Fuller
Chief Clerk
Wisconsin State Assembly
17 West Main Street
Madison, WI 53708

Dear Patrick:

I have appointed Representative Sue Jeskewitz as the co–chair of the Joint Committee on Retirement Systems. She will replace Representative Dan Vrakas.

Sincerely,
JOHN G. GARD
Speaker of the Assembly

COMMUNICATIONS

October 27, 2005

October 26, 2005

Patrick Fuller
Assembly Chief Clerk
RJC- Room 208
Madison, WI 53703

Dear Chief Clerk Fuller,

This letter is to notify you that I wish to be removed as a co-sponsor of Assembly Bill 160 relating to examination required for registration as a loan originator.

If you have any questions, please feel free to contact me at any time.

Sincerely,
JULIE LASSA
State Senator
24th Senate District

October 26, 2005

Mr. Patrick Fuller
Assembly Chief Clerk
17 West Main Street, Suite 208
Madison, WI 53708

Dear Mr. Fuller:

Please add me as a co-sponsor of Assembly Bill 784.

Sincerely,
MARK GUNDRUM
State Representative
84th Assembly District

October 26, 2005

Patrick Fuller
Assembly Chief Clerk
208 Risser Justice Center

Dear Pat:

Would you please sign me on as a co-sponsor to Representative Fitzgerald's Three-tier Beer Bill, Assembly Bill 787.

Thank you. Feel free to contact me with any questions.

Sincerely,
JERRY PETROWSKI
86th Assembly District
State Representative

Patrick Fuller
Assembly Chief Clerk
17 West Main Street, Suite 208
Madison, WI 53708

Dear Chief Clerk Fuller:

I am writing to request that my vote on passage for Assembly Bill 184 on the Assembly floor on September 27, 2005, be changed from Red/No to Green/Aye.

Thank you for your time and consideration.

Sincerely,
MICHAEL SHERIDAN
State Representative
44th Assembly District

October 27, 2005

Patrick Fuller
Assembly Chief Clerk
Room 208, Risser Justice Center
Madison, WI 53708

Dear Chief Clerk Fuller:

I would like to be added as a co-sponsor to Assembly Bill 787, authored by Representative Fitzgerald.

If you have any questions, please feel free to contact me.

Thank you for your help in this matter.

Sincerely,
JEAN HUNDERTMARK
State Representative
49th Assembly District

October 27, 2005

Patrick Fuller
Assembly Chief Clerk
208 Risser Justice Center
Madison, WI 53708

Dear Patrick :

I respectfully request that my name be added as a co-sponsor of Assembly Bill 783 relating to duties of real estate brokers and salespersons. This bill was introduced by Representative Wieckert on October 25, 2005 and was referred to the committee on Housing.

I appreciate your assistance with this matter.

Sincerely,
CAROL ROESSLER
State Senator
18th Senate District

CALENDAR OF THURSDAY, OCTOBER 27

Assembly Joint Resolution 48

Relating to: life and public service of Bernard C. Ziegler.

The question was: Shall **Assembly Joint Resolution 48** be adopted?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 48** be immediately messaged to the Senate. Granted.

Motion carried.

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

The Assembly stood recessed.

10:32 A.M.

RECESS

2:46 P.M.

The Assembly reconvened.

Speaker Gard in the chair.

Representative J. Fitzgerald asked unanimous consent for a quorum call. Granted.

A quorum was present.

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

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

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

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

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

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

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 43** be withdrawn from the committee on **Rules** and taken up at this time. Granted.

Senate Joint Resolution 43

Relating to: declaring the week of October 31st Child Survival Week in the state of Wisconsin.

The question was: Shall **Senate Joint Resolution 43** be concurred in?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 43** be immediately messaged to the Senate. Granted.

Assembly Joint Resolution 58

Relating to: declaring the week of October 31st Child Survival Week in the state of Wisconsin.

Representative J. Fitzgerald asked unanimous consent that **Assembly Joint Resolution 58** be laid on the table. Granted.

Senate Joint Resolution 32

Relating to: the life and military service of Army Captain Benjamin Donald Jansky.

The question was: Shall **Senate Joint Resolution 32** be concurred in?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 32** be immediately messaged to the Senate. Granted.

Assembly Bill 29

Relating to: registration of vehicles operated exclusively by volunteer fire departments.

The question was: Shall Assembly amendment 1 to **Assembly Bill 29** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 29** be ordered engrossed and read a third time?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 29** be given a third reading. Granted.

The question was: **Assembly Bill 29** having been read three times, shall the bill be passed?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 29** be immediately messaged to the Senate. Granted.

Assembly Bill 55

Relating to: immunity of private campground owners and operators.

The question was: Shall **Assembly Bill 55** be ordered engrossed and read a third time?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 55** be given a third reading. Granted.

The question was: **Assembly Bill 55** 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, Gronemus, Gunderson, Gundrum, Hahn, Hines, Honadel, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kerkman, Kestell, Kleefisch, Krawczyk, Kreibich, 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, M. Williams, Wood and Speaker Gard – 60.

Noes – Representatives Benedict, Berceau, Black, Boyle, Colon, Cullen, Grigsby, Hebl, Hubler, 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, Zepnick and Ziegelbauer – 36.

Absent or not voting – Representatives Fields, Kessler and Lamb – 3.

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 55** be immediately messaged to the Senate. Granted.

Assembly Bill 182

Relating to: the duration of the effect of emergency rules.

The question was: Shall **Assembly Bill 182** be ordered engrossed and read a third time?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 182** be given a third reading. Granted.

The question was: **Assembly Bill 182** having been read three times, shall the bill be passed?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 182** be immediately messaged to the Senate. Granted.

Assembly Bill 218

Relating to: castrating a dog, cat, or horse.

The question was: Shall Assembly substitute amendment 1 to **Assembly Bill 218** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 218** be ordered engrossed and read a third time?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 218** be given a third reading. Granted.

The question was: **Assembly Bill 218** having been read three times, shall the bill be passed?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 218** be immediately messaged to the Senate. Granted.

Assembly Bill 509

Relating to: liability of cities, villages, towns, and counties for damages caused by an insufficiency or want of repair of a highway.

The question was: Shall **Assembly Bill 509** be ordered engrossed and read a third time?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 509** be given a third reading. Granted.

The question was: **Assembly Bill 509** 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, Gronemus, Gunderson, Gundrum, Hahn, Hines, Honadel, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kerkman, Kestell, Kleefisch, Krawczyk, Kreibich, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Montgomery, Moulton, Mursau, Musser, Nass, Nerison, Nischke, Ott, Owens, Petrowski, Pettis, Pridemore, Rhoades, Steinbrink, Stone, Strachota, Suder, Towns, Townsend, Underheim, Van Roy, Vos, Vrakas, Vukmir, Ward, Wieckert, M. Williams, Wood and Speaker Gard – 61.

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

Absent or not voting – Representatives Fields and Lamb – 2.

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 509** be immediately messaged to the Senate. Granted.

Assembly Bill 558

Relating to: limiting the reasons for which a local government may withhold approval of a permit.

The question was: Shall **Assembly Bill 558** be ordered engrossed and read a third time?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 558** be given a third reading. Granted.

The question was: **Assembly Bill 558** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Ballweg, Bies, Cullen, Davis, J. Fitzgerald, Freese, Friske, Gronemus, Gunderson, Gundrum, Hahn, Hines, Honadel, Hubler, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kerkman, Kestell, Kleefisch, Krawczyk, Kreibich, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Montgomery, Moulton, Mursau, Musser, Nass, Nelson, Nerison, Nischke, Owens, Petrowski, Pettis, Pridemore, Rhoades, Staskunas, Strachota, Suder, Towns, Townsend, Underheim, Van Roy, Vos, Vrakas, Vruwink, Vukmir, Ward, Wieckert, M. Williams, Wood, Ziegelbauer and Speaker Gard – 62.

Noes – Representatives Benedict, Berceau, Black, Boyle, Colon, Gielow, Gottlieb, Grigsby, Hebl, Kessler, Kreuser, Krusick, Lehman, Molepske, Ott, Parisi, Pocan, Pope–Roberts, Richards, Schneider, Seidel, Sheridan, Sherman, Shilling, Sinicki, Steinbrink, Stone, Toles, Travis, Turner, Van Akkeren, Wasserman, A. Williams, Young and Zepnick – 35.

Absent or not voting – Representatives Fields and Lamb – 2.

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 558** be immediately messaged to the Senate. Granted.

Assembly Bill 589

Relating to: providing information about meningococcal disease to parents of pupils in grades 6 to 12.

Representative J. Fitzgerald asked unanimous consent that **Assembly Bill 589** be placed at the foot of the eleventh order of business on today's calendar. Granted.

Assembly Bill 593

Relating to: various modifications to housing loan programs and loan guarantee programs, increasing the bonding authority of the Wisconsin Housing and Economic

Development Authority (WHEDA), and removing limitations on WHEDA's authority to acquire property.

Representative Toles asked unanimous consent to be made a coauthor of **Assembly Bill 593**. Granted.

Representative J. Fitzgerald asked unanimous consent that **Assembly Bill 593** be placed at the foot of the eleventh order of business on today's calendar. Granted.

SPECIAL ORDER OF BUSINESS

AT 9:01 A.M.

Senate Bill 390

Relating to: a harbor assistance grant for the construction of a dockwall in the city of Marinette.

POINT OF ORDER

Representative Black rose to the point of order that **Senate Bill 390** was not properly before the Assembly because the bill needed to be referred to the joint committee on **Finance** pursuant to s. 13.093 of the Wisconsin Statutes.

Representative Kaufert asked unanimous consent that **Senate Bill 390** be referred to the joint committee on **Finance**.

Representative Kaufert asked unanimous consent that the rules be suspended and that **Senate Bill 390** be withdrawn from the joint committee on **Finance** and taken up at this time.

Representative Black objected.

Representative Kaufert moved that the rules be suspended and that **Senate Bill 390** be withdrawn from the joint committee on **Finance** and taken up at this time.

The question was: Shall the rules be suspended and **Senate Bill 390** be withdrawn from the joint committee on **Finance** and taken up at this time?

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, F. Lasee, LeMahieu, Loeffelholz, 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, M. Williams, Wood, Ziegelbauer and Speaker Gard – 59.

Noes – Representatives Benedict, Berceau, Black, Boyle, Colon, Cullen, Grigsby, Gronemus, Hebl, Hubler, Kessler, Kreuser, Krusick, Lehman, Lothian, 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 – 38.

Absent or not voting – Representatives Fields and Lamb – 2.

Motion carried.

POINT OF ORDER

Representative Black rose to the point of order that **Senate Bill 390** was not properly before the Assembly under Assembly Rule 15 because the motion to withdraw the bill from the joint committee on **Finance** needed a 2/3 vote.

Speaker Pro Tempore Freese ruled the point of order **not well taken**.

The question was: **Senate Bill 390** having been read three times, shall the bill be concurred in?

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, 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, Ward, Wieckert, M. Williams, Wood, Ziegelbauer and Speaker Gard – 57.

Noes – Representatives Benedict, Berceau, Black, Boyle, Colon, Cullen, Grigsby, Gronemus, Hebl, Hubler, Kessler, Kreibich, Kreuser, Krusick, F. Lasee, Lehman, Molepske, Nelson, Parisi, Pohan, Pope–Roberts, Richards, Schneider, Seidel, Sheridan, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Toles, Travis, Turner, Van Akkeren, Vruwink, Vukmir, Wasserman, A. Williams, Young and Zepnick – 40.

Absent or not voting – Representatives Fields and Lamb – 2.

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Bill 390** be immediately messaged to the Senate. Granted.

SPECIAL ORDER OF BUSINESS

AT 9:01 A.M.

Assembly Bill 761

Relating to: a harbor assistance grant for the construction of a dockwall in the city of Marinette.

Representative J. Fitzgerald asked unanimous consent that **Assembly Bill 761** be laid on the table. Granted.

Representative Vrakas in the chair.

Assembly Bill 619

Relating to: retail sales of wine by the bottle in restaurants for consumption on and off the premises.

The question was: Shall **Assembly Bill 619** be ordered engrossed and read a third time?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 619** be given a third reading. Granted.

The question was: **Assembly Bill 619** having been read three times, shall the bill be passed?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 619** be immediately messaged to the Senate. Granted.

Assembly Bill 620

Relating to: requiring notice to persons affected by zoning actions and comprehensive plans that change the allowable use of their property.

The question was: Shall **Assembly Bill 620** be ordered engrossed and read a third time?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 620** be given a third reading. Granted.

The question was: **Assembly Bill 620** 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, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Montgomery, Moulton, Mursau, Musser, Nass, Nerison, Nischke, Owens, Petrowski, Pettis, Pridemore, Rhoades, Stone, Strachota, Suder, Towns, Townsend, Underheim, Van Roy, Vos, Vrakas, Vruwink, Vukmir, Ward, Wieckert, M. Williams, Wood and Speaker Gard – 59.

Noes – Representatives Benedict, Berceau, Black, Boyle, Colon, Cullen, Grigsby, Gronemus, Hebl, Hubler, Kessler, Kreuser, Krusick, Lehman, Molepske, Nelson, Ott, Parisi, Pohan, Pope–Roberts, Richards, Schneider, Seidel, Sheridan, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Toles, Travis, Turner, Van Akkeren, Wasserman, A. Williams, Young, Zepnick and Ziegelbauer – 38.

Absent or not voting – Representatives Fields and Lamb – 2.

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 620** be immediately messaged to the Senate. Granted.

Assembly Bill 727

Relating to: alibi witnesses in criminal cases.

The question was: Shall **Assembly Bill 727** be ordered engrossed and read a third time?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 727** be given a third reading. Granted.

The question was: **Assembly Bill 727** having been read three times, shall the bill be passed?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 727** be immediately messaged to the Senate. Granted.

Assembly Bill 728

Relating to: intimidating a witness and providing a penalty.

Representative Owens asked unanimous consent to be made a coauthor of **Assembly Bill 728**. Granted.

The question was: Shall **Assembly Bill 728** be ordered engrossed and read a third time?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 728** be given a third reading. Granted.

The question was: **Assembly Bill 728** having been read three times, shall the bill be passed?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 728** be immediately messaged to the Senate. Granted.

Assembly Bill 762

Relating to: exempting from motor carrier regulations certain vehicle combinations operated in intrastate commerce.

The question was: Shall **Assembly Bill 762** be ordered engrossed and read a third time?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 762** be given a third reading. Granted.

The question was: **Assembly Bill 762** having been read three times, shall the bill be passed?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 762** be immediately messaged to the Senate. Granted.

Assembly Bill 470

Relating to: regulating the possession of Asian carp.

The question was: Shall Assembly substitute amendment 1 to **Assembly Bill 470** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 470** be ordered engrossed and read a third time?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 470** be given a third reading. Granted.

The question was: **Assembly Bill 470** having been read three times, shall the bill be passed?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 470** be immediately messaged to the Senate. Granted.

Speaker Gard in the chair.

Speaker Gard presented Representative Dan Vrakas a commemorative plaque for his service to the Wisconsin Assembly. Representative Vrakas was first elected to the Assembly on January 7, 1991. On Tuesday, October 18, Representative Vrakas was elected Waukesha County Executive.

Senate Bill 21

Relating to: county ordinances regarding drug paraphernalia or the possession of marijuana.

The question was: Shall **Senate Bill 21** be ordered to a third reading?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Bill 21** be given a third reading. Granted.

The question was: **Senate Bill 21** having been read three times, shall the bill be concurred in?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Bill 21** be immediately messaged to the Senate. Granted.

Representative Davis asked unanimous consent to be made a coauthor of **Assembly Bill 683**. Granted.

Representative Berceau asked unanimous consent to be withdrawn as a coauthor of **Assembly Bill 700**. Granted.

Representative Davis asked unanimous consent to be made a coauthor of **Assembly Bill 709**. Granted.

ANNOUNCEMENTS

Representative Pope–Roberts asked unanimous consent that the Assembly adjourn in memory of Bill Hitzemann from the Town of Blue Mounds, who passed away on October 20. Granted.

Representative Davis asked unanimous consent that the Assembly adjourn in memory of Lyman F. Anderson for a lifetime of public service, who passed away on October 25. Granted.

Representative Ainsworth asked unanimous consent that the Assembly adjourn in honor of his granddaughter, Jenna Grace Ainsworth, on the occasion of her first birthday on October 22. Granted.

Representative Gielow asked unanimous consent that the Assembly adjourn in honor of his son, Ben Gielow, on the occasion of his 26th birthday, graduating from law school and receiving a job in the United States Congress. Granted.

Representative Nerison asked unanimous consent that the Assembly adjourn in honor his daughter, Seri Nerison, on the occasion of her marriage to Matt Carl. Granted.

All members of the Assembly asked unanimous consent that the Assembly adjourn in honor of Representative Dan Vrakas. Granted.

VISITORS

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

Darryl Teske and Drew Gully, guests and interns of Representative Nelson.

Bob Black and the Waukesha County Young Republicans from Waukesha West and Wauwatosa East High Schools, guests of Representative Nischke.

John James from Waukesha, guest and intern of Representative Molepske.

Tiffany, Melina, Renae and Glen, students from University of Wisconsin–Stevens Point, guests of Representative Molepske.

Benjamin Hubing, guest and intern of Representative Seidel.

Betty and Mark Grams from Watertown, guests of Representative Kleefisch.

Susie Dosemagen and Neil Goldsmith, University of Wisconsin–Madison students, guests and interns of Representative Zepnick.

J.J., Annette, Charlie and Drew Ziegler, guests of Representative Strachota.

Mary Kay Lynch, Tom and Jenette Hogan, guests of Representative Van Roy.

ADJOURNMENT

Representative J. Fitzgerald moved that the Assembly stand adjourned until 11:00 A.M. on Tuesday, November 1.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

4:13 P.M.