

JOURNAL OF THE ASSEMBLY [January 23, 1980]

STATE OF WISCONSIN

Assembly Journal

Eighty-Fourth Regular Session

WEDNESDAY, January 23, 1980.

9:00 A.M.

The assembly met.

Speaker Jackamonis in the chair.

The prayer was offered by Reverend Howard Stendahl of North New Hope Lutheran Church and Faith Lutheran Church of Rosholt, 253 S. Main Street, Rosholt.

Representative Merkt 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 -- Andrea, Barczak, Barry, Becker, Behnke, Bradley, Broydrick, Byers, Clarenbach, Coggs, Conradt, Czerwinski, DeLong, Dilweg, Donoghue, Dorff, Duren, Ellis, Everson, Ferrall, Fischer, Flintrop, Gagin, Gerlach, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Hopkins, Johnson, Kedrowski, Kincaid, Kirby, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lee, Leopold, Lewison, Lingren, Loftus, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, Metz, Miller, Munts, Murray, Nelsen, Norquist, Omernick, Otte, Pabst, Paulson, Plewa, Porter, Potter, Prosser, Quackenbush, Radtke, Roberts, Robertson, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Shabaz, Shoemaker, Smith, Snyder, Soucie, Stitt, Swoboda, Tesmer, Thompson, Travis, D., Travis, R., Tregoning, Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood, Young and Mr. Speaker -- 96.

Absent -- None.

Absent with leave -- Goodrich -- 1.

AMENDMENTS OFFERED

Assembly substitute amendment 2 to **Assembly Bill 596** offered by Joint Committee on Finance.

Assembly substitute amendment 1 to **Assembly Bill 1040** offered by Representatives Andrea, Wood, Dorff and Tregoning.

Assembly amendment 11 to **Assembly Bill 1043** offered by Representative Robertson.

Assembly amendment 12 to **Assembly Bill 1043** offered by Representatives Thompson and Barry.

Assembly amendment 13 to **Assembly Bill 1043** offered by Representative Lallensack.

Assembly amendment 14 to **Assembly Bill 1043** offered by Representatives Ladwig and Thompson.

Assembly amendment 15 to **Assembly Bill 1043** offered by Representative Hopkins.

Assembly amendment 3 to assembly amendment 4 to **Assembly Bill 1043** offered by Representative Shabaz.

Assembly amendment 1 to **Assembly Bill 1080** offered by Representative Hopkins.

Assembly amendment 3 to **Assembly Bill 1116** offered by Representatives Hopkins and Prosser.

Assembly amendment 2 to **Senate Bill 87** offered by Representative Czerwinski.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 106

Granting the use of the senate and assembly chambers to Wisconsin Y.M.C.A. Youth in Government, Model Legislature in 1980, for the purpose of holding a practice legislative session.

By Representative Schneider.

To committee on Rules.

Assembly Bill 1146

Relating to creating a wind energy and anemometer loan program and making an appropriation.

By Representatives Gerlach, Metz, Vanderperren, Munts, Wahner, Fischer, Otte, Hasenohrl, Potter, Medinger, Duren, Shoemaker, McClain, Plewa, Everson, Rutkowski, Miller and Ulichny, co-sponsored by Senators Radosevich, Adelman, Berger, Bear, Strohl and Hanaway.

To committee on Energy.

Assembly Bill 1147

Relating to waiver of notice in probate procedures.

By Representatives Robertson, Omernick, Ward, DeLong, Thompson and Stitt.

To committee on Judiciary.

Assembly Bill 1148

Relating to creating a builders examining board for the regulation of residential builders, making an appropriation, granting rule-making authority and providing penalties.

By Representatives Lallensack, Kedrowski, Metz, Pabst, Ulichny, Johnson, Lewison, Snyder, McEssy, Merkt, D. Travis and Kirby, co-sponsored by Senator Swan.

To committee on Commerce and Consumer Affairs.

Assembly Bill 1149

Relating to regulating promoters of live entertainment production.

By Representatives Schneider, Tuczynski, Miller, Hauke, Prosser and Clarenbach.

To committee on Commerce and Consumer Affairs.

Assembly Bill 1150

Relating to offenses which disqualify a person from eligibility for a school bus operator's license for 10 years.

By Representatives Ulichny, Behnke, Duren, Metz, Norquist, Schmidt and Omernick, co-sponsored by Senators Frank and Cullen.

To committee on Transportation.

Assembly Bill 1151

Relating to the age requirement for program fee exemption in vocational, technical and adult education district schools.

By Representative Jackamonis.

To committee on Education.

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Assembly Bill 1152

Relating to deer and bear damage claims and creating appropriations.

By Representative Thompson, co-sponsored by Senator Bidwell.
To committee on Agriculture.

Assembly Bill 1153

Relating to authorizing general obligation bonding and mortgage revenue bonding to finance low-interest mortgage loans by cities.

By Representatives Wahner, Becker, Coggs, Metz, Jackamonis, Broydrick, Otte, Norquist, Flintrop, Loftus, D. Travis, Czerwinski, Plewa and Ulichny, co-sponsored by Senators Braun and Berger.

To committee on Local Affairs.

Assembly Bill 1154

Relating to ownership of land by aliens.

By committee on Agriculture.

To committee on Agriculture.

Assembly Bill 1155

Relating to the personal property tax exemption for machinery and tools.

By Representatives Conradt, Lewison, Thompson, Paulson, Vanderperren, Prosser, Everson, Snyder, Dorff, Porter, Matty, Bradley and DeLong.

To Joint Survey Committee on Tax Exemptions.

Assembly Bill 1156

Relating to withholding or restricting parole and providing penalties.

By Representative Tesmer, co-sponsored by Senator Frank, by request of Milwaukee County.

To committee on Criminal Justice and Public Safety.

ADMINISTRATIVE RULES

Read and referred:

Clearinghouse Rule 79-68

Relating to insurance coverage under the the Wisconsin health care liability insurance plan.

Submitted by Office of the Commissioner of Insurance.

To committee on Health and Social Services.

Clearinghouse Rule 80-8

Relating to the injection of pesticides into the well discharge pipe of an irrigation system.

Submitted by Department of Natural Resources.

To committee on Environmental Resources.

Clearinghouse Rule 80-9

Relating to extending the deadline for compliance with effluent limitations to 1983.

Submitted by Department of Natural Resources.

To committee on Environmental Resources.

COMMITTEE REPORTS

The committee on Agriculture reports and recommends:

Assembly Bill 791

Relating to the disapproval of a petition to have property approved as forest croplands by a town board.

Passage: Ayes: (6) Noes: (2)

To committee on Rules.

Assembly Bill 879

Relating to controlling agricultural pests and regulating pesticides (suggested as remedial legislation by the department of agriculture, trade and consumer protection).

Passage: Ayes: (5) Noes: (3)

To committee on Rules.

Assembly Bill 948

Relating to contagious or infectious animal diseases and the payment of indemnities.

Passage: Ayes: (8) Noes: (0)

To Joint Committee on Finance.

Senate Bill 279

Relating to false milk testing and other violations of the weights and measures law and increasing a penalty.

Adoption of assembly amendment 1:

Ayes: (8) Noes: (0)

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Concurrence: Ayes: (8) Noes: (0)
To committee on Rules.

HARLAND EVERSON
Chairperson

The committee on Elections reports and recommends:

Assembly Bill 1096

Relating to the format for nomination papers and providing a penalty.

Passage: Ayes: (5) Noes: (1)
To committee on Rules.

Assembly Bill 1124

Relating to voting by persons owning property within public inland lake protection and rehabilitation districts and providing for a referendum.

Passage: Ayes: (6) Noes: (0)
To calendar.

CALVIN POTTER
Chairperson

The committee on Health and Social Services reports and recommends:

Assembly Bill 913

Relating to the mental health commitment laws.

Adoption of assembly amendment 1 to assembly substitute amendment 1: Ayes: (10) Noes: (0)

Adoption of assembly amendment 2 to assembly substitute amendment 1: Ayes: (10) Noes: (0)

Adoption of assembly amendment 3 to assembly substitute amendment 1: Ayes: (10) Noes: (0)

Adoption of assembly amendment 4 to assembly substitute amendment 1: Ayes: (9) Noes: (1)

Adoption of assembly amendment 5 to assembly substitute amendment 1: Ayes: (6) Noes: (4)

Adoption of assembly amendment 6 to assembly substitute amendment 1: Ayes: (7) Noes: (3)

Adoption of assembly amendment 7 to assembly substitute amendment 1: Ayes: (7) Noes: (2)

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Adoption of assembly substitute amendment 2:

Ayes: (7) Noes: (2)

Passage: Ayes: (7) Noes: (3)

To calendar.

JOSEPH CZERWINSKI

Chairperson

The committee on Revenue reports and recommends:

Assembly Bill 748

Relating to exempting the first \$200 of interest from income taxation.

Adoption of assembly amendment 1:

Ayes: (9) Noes: (0)

Passage: Ayes: (7) Noes: (2)

To Joint Committee on Finance.

MARLIN SCHNEIDER

Chairperson

SPEAKER'S APPOINTMENTS

January 21, 1980

Marcel Dandeneau, Assembly Chief Clerk

State Capitol

329-West

Madison, WI 53702

Dear Marcel:

Pursuant to the authority vested in me by Section 15.227 (5) of the Wisconsin Statutes, and on the recommendation of Representative John Shabaz, I have appointed Representative David Hopkins to the Council on Child Labor to replace Steve Gunderson who has resigned from the Assembly.

ED JACKAMONIS

Speaker

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MOTIONS

Representative Shabaz asked unanimous consent that the rules be suspended and that **Assembly Bill 749** be withdrawn from the calendar and made a special order of business at 2:00 P.M. today.

Representative Wahner objected.

Representative Shabaz moved that the rules be suspended and that **Assembly Bill 749** be withdrawn from the calendar and made a special order of business at 2:00 P.M. today.

Representative Wahner asked unanimous consent that the assembly stand recessed for fifteen minutes. Granted.

The assembly stood recessed.

9:30 A.M.

RECESS

10:10 A.M.

The assembly reconvened.

LEAVES OF ABSENCE

Representative Wahner asked unanimous consent for a leave of absence for this morning's session for Representative Smith. Granted.

Representative Shabaz asked unanimous consent for a leave of absence for today's session for Representative Goodrich. Granted.

The speaker ruled that the assembly should be on the sixth order of business pursuant to Assembly Rule 93.

Representative Shabaz asked unanimous consent to withdraw his motion for suspension of the rules to withdraw **Assembly Bill 749** from the calendar and make it a special order of business at 2:00 P.M. today. Granted.

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CONSIDERATION OF SENATE ACTION ON PROPOSALS
APPROVED BY THE ASSEMBLY

Assembly Bill 8

Relating to battery to persons 62 years of age or older and providing a penalty.

Representative Wahner asked unanimous consent that **Assembly Bill 8** be made a special order of business at 10:45 A.M. today. Granted.

Assembly Bill 749

Relating to revising conditions of bail.

Representative Wahner asked unanimous consent that **Assembly Bill 749** be made a special order of business at 10:46 A.M. today. Granted.

Representative Klicka asked unanimous consent that the rules be suspended and that **Assembly Bill 645** be withdrawn from the committee on Criminal Justice and Public Safety and taken up at this time.

Representative Wahner objected.

Representative Klicka moved that the rules be suspended and that **Assembly Bill 645** be withdrawn from the committee on Criminal Justice and Public Safety and taken up at this time.

Representative Shabaz asked unanimous consent that the rules be suspended and that **Assembly Bill 645** be withdrawn from the committee on Criminal Justice and Public Safety and made a special order of business at 11:00 A.M. today.

Representative Wahner objected.

The question was: Shall the rules be suspended and **Assembly Bill 645** be withdrawn from the committee on Criminal Justice and Public Safety and taken up at this time?

The roll was taken.

The result follows:

Ayes -- Bradley, Byers, Conradt, DeLong, Dilweg, Donoghue, Ellis, Gagin, Harer, Harsdorf, Hopkins, Klicka, Laatsch, Ladwig, Larson, Lewison, Luckhardt, McEssy, Matty, Merkt, Nelsen, Omernick, Paulson, Porter, Prosser, Quackenbush, Radtke, Robertson, Schmidt, Shabaz, Snyder, Stitt, Thompson, Travis, R., Tregoning and Young -- 36.

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Noes -- Andrea, Barczak, Barry, Becker, Behnke, Broydrick, Clarenbach, Coggs, Czerwinski, Dorff, Duren, Everson, Ferrall, Fischer, Flintrop, Gerlach, Hasenohrl, Hauke, Helbach, Hephner, Johnson, Kedrowski, Kincaid, Kirby, Lallensack, Lee, Leopold, Lingren, Loftus, McClain, Medinger, Menos, Metz, Miller, Munts, Murray, Norquist, Otte, Pabst, Plewa, Potter, Roberts, Rogers, Rooney, Rutkowski, Schneider, Shoemaker, Soucie, Swoboda, Tesmer, Travis, D., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood and Mr. Speaker -- 59.

Absent or not voting -- Goodrich and Smith -- 2.

Motion failed.

Speaker pro tempore Kedrowski in the chair.

CALENDAR OF TUESDAY, JANUARY 22, 1980

Assembly Bill 1043

Relating to rights of victims and witnesses of crimes, providing rule-making authority, and providing a penalty and making an appropriation.

The question was: Shall **Assembly Bill 1043** be laid on the table?

The roll was taken.

The result follows:

Ayes -- Behnke, Bradley, Byers, Conradt, DeLong, Dilweg, Donoghue, Duren, Ellis, Fischer, Gagin, Harer, Harsdorf, Hephner, Hopkins, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lewison, Luckhardt, McEssy, Matty, Menos, Merkt, Murray, Omernick, Pabst, Paulson, Porter, Prosser, Quackenbush, Robertson, Schmidt, Shabaz, Snyder, Stitt, Swoboda, Thompson, Travis, R., Tregoning and Young -- 43.

Noes -- Andrea, Barczak, Barry, Becker, Broydrick, Clarenbach, Coggs, Czerwinski, Dorff, Everson, Ferrall, Flintrop, Gerlach, Hasenohrl, Hauke, Helbach, Johnson, Kedrowski, Kincaid, Kirby, Lee, Leopold, Lingren, Loftus, McClain, Medinger, Metz, Miller, Munts, Nelsen, Norquist, Otte, Plewa, Potter, Radtke, Roberts, Rogers, Rooney, Rutkowski, Schneider, Shoemaker, Soucie, Tesmer, Travis, D., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood and Mr. Speaker -- 52.

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Absent or not voting -- Goodrich and Smith -- 2.

Motion failed.

Representative Ulichny asked unanimous consent that assembly amendment 10 to **Assembly Bill 1043** be taken up at this time.

Representative Schneider objected.

Representative Thompson asked unanimous consent that assembly amendment 2 to **Assembly Bill 1043** be revived.

Representative Ulichny objected.

Representative Thompson moved that assembly amendment 2 to **Assembly Bill 1043** be revived.

The question was: Shall assembly amendment 2 to **Assembly Bill 1043** be revived?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Behnke, Bradley, Byers, Coggs, Conrard, DeLong, Dilweg, Donoghue, Dorff, Duren, Ellis, Everson, Fischer, Gagin, Gerlach, Harer, Harsdorf, Hasenohrl, Helbach, Hephner, Hopkins, Kedrowski, Kincaid, Klicka, Laatsch, Ladwig, Larson, Lewison, Lingren, Luckhardt, McEssy, Matty, Medinger, Menos, Merkt, Metz, Murray, Nelsen, Omernick, Pabst, Paulson, Plewa, Porter, Potter, Prosser, Quackenbush, Radtke, Roberts, Robertson, Schmidt, Schneider, Shabaz, Shoemaker, Snyder, Stitt, Swoboda, Tesmer, Thompson, Travis, R., Tregoning, Vanderperren, Wagner, Ward, Wood and Young -- 68.

Noes -- Becker, Broydrick, Clarenbach, Czerwinski, Ferrall, Flintrop, Hauke, Johnson, Kirby, Lallensack, Lee, Leopold, Loftus, McClain, Miller, Munts, Norquist, Otte, Rogers, Rooney, Rutkowski, Soucie, Travis, D., Tuczynski, Ulichny, Wahner and Mr. Speaker -- 27.

Absent or not voting -- Goodrich and Smith -- 2.

Motion carried.

The question was: Shall assembly amendment 2 to **Assembly Bill 1043** be adopted?

Motion carried.

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Representative Thompson asked unanimous consent that assembly amendment 2 to assembly amendment 4 to **Assembly Bill 1043** be laid on the table. Granted.

Representative Thompson asked unanimous consent that assembly amendment 1 to assembly amendment 4 to **Assembly Bill 1043** be laid on the table. Granted.

Representative Shabaz asked unanimous consent that assembly amendment 4 to **Assembly Bill 1043** be laid on the table. Granted.

Representative Thompson asked unanimous consent that assembly amendment 5 to **Assembly Bill 1043** be laid on the table. Granted.

Representative Ulichny moved rejection of assembly amendment 6 to **Assembly Bill 1043**.

Representative Shabaz asked unanimous consent that assembly amendment 6 to **Assembly Bill 1043** be placed after assembly amendment 12 to **Assembly Bill 1043**. Granted.

Representative Jackamonis moved rejection of assembly amendment 7 to **Assembly Bill 1043**.

The question was: Shall assembly amendment 7 to **Assembly Bill 1043** be rejected?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Becker, Behnke, Broydrick, Clarenbach, Coggs, Czerwinski, Dorff, Duren, Everson, Ferrall, Fischer, Flintrop, Gerlach, Hasenohrl, Hauke, Helbach, Hephner, Johnson, Kedrowski, Kirby, Laatsch, Lee, Leopold, Lingren, Loftus, McClain, Menos, Metz, Miller, Munts, Murray, Nelsen, Norquist, Otte, Pabst, Plewa, Potter, Roberts, Rogers, Rutkowski, Schneider, Shoemaker, Soucie, Swoboda, Tesmer, Travis, D., Tuczynski, Ulichny, Wagner, Wahner, Ward, Wood and Mr. Speaker -- 56.

Noes -- Bradley, Byers, Conradt, DeLong, Dilweg, Donoghue, Ellis, Gagin, Harer, Harsdorf, Hopkins, Kincaid, Klicka, Ladwig, Lallensack, Larson, Lewison, Luckhardt, McEssy, Matty, Medinger, Merkt, Omernick, Paulson, Porter, Prosser, Quackenbush, Radtke, Robertson, Rooney, Schmidt, Shabaz, Snyder, Stitt, Thompson, Travis, R., Tregoning, Vanderperren and Young -- 39.

Absent or not voting -- Goodrich and Smith -- 2.

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Motion carried.

Representative Ulichny moved rejection of assembly amendment 8 to **Assembly Bill 1043**.

The question was: Shall assembly amendment 8 to **Assembly Bill 1043** be rejected?

The roll was taken.

The result follows:

Ayes -- Barry, Becker, Behnke, Broydrick, Clarenbach, Cogs, Czerwinski, Everson, Ferrall, Flintrop, Gerlach, Hasenohrl, Hauke, Johnson, Kedrowski, Kirby, Lee, Leopold, Lingren, Loftus, McClain, Medinger, Metz, Miller, Munts, Norquist, Otte, Pabst, Plewa, Roberts, Rogers, Rutkowski, Schneider, Soucie, Tesmer, Travis, D., Tuczynski, Ulichny, Wahner, Ward and Mr. Speaker -- 41.

Noes -- Andrea, Barczak, Byers, Conradt, DeLong, Dilweg, Donoghue, Dorff, Duren, Ellis, Fischer, Gagin, Harer, Harsdorf, Helbach, Hephner, Hopkins, Kincaid, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lewison, Luckhardt, McEssy, Matty, Menos, Merkt, Murray, Nelsen, Omernick, Paulson, Porter, Potter, Prosser, Quackenbush, Radtke, Robertson, Rooney, Schmidt, Shabaz, Shoemaker, Snyder, Stitt, Swoboda, Thompson, Travis, R., Tregoning, Vanderperren, Wagner, Wood and Young -- 53.

Absent or not voting -- Bradley, Goodrich and Smith -- 3.

Motion failed.

Representative Paulson asked unanimous consent that the assembly adjourn in honor of Representative Harsdorf and Lanette Rudesill who became engaged this past Christmas and will be married this summer. Granted.

Speaker Jackamonis in the chair.

Representative Kedrowski introduced a privileged joint resolution.

Assembly Joint Resolution 104

Relating to commending Representative James Wahner for his service to the Wisconsin state assembly and to the people of Wisconsin.

By the entire membership of the assembly.

The question was: Shall **Assembly Joint Resolution 104** be adopted?

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Motion carried.

Representative Kedrowski asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 104** be immediately messaged to the senate. Granted.

Representative Wahner asked unanimous consent that the assembly stand recessed until 1:30 P.M. Granted.

The assembly stood recessed.

12:10 P.M.

RECESS

1:35 P.M.

The assembly reconvened.

CALL OF THE ASSEMBLY

Representative Ulichny demanded 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 called the roll.

Members absent with leave - Goodrich.

Members absent without leave -- Conradt, Gerlach, Lewison, Miller, Soucie and Ward.

Representative Wahner asked unanimous consent that the call of the assembly be lifted. Granted.

SPECIAL ORDER OF BUSINESS AT 10:45 A.M. ON
WEDNESDAY, JANUARY 23

Assembly Bill 8

Relating to battery to persons 62 years of age or older and providing a penalty.

Assembly amendment 1 to senate substitute amendment 1 to **Assembly Bill 8** offered by Representative Shabaz.

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Representative Hauke moved rejection of assembly amendment 1 to senate substitute amendment 1 to **Assembly Bill 8**.

The question was: Shall assembly amendment 1 to senate substitute amendment 1 to **Assembly Bill 8** be rejected?

The roll was taken.

The result follows:

Ayes -- Andrea, Barry, Becker, Broydrick, Clarenbach, Coggs, Czerwinski, Duren, Everson, Ferrall, Fischer, Flintrop, Gerlach, Hauke, Helbach, Hephner, Johnson, Kedrowski, Kirby, Lee, Leopold, Lingren, Loftus, McClain, Medinger, Metz, Miller, Munts, Murray, Norquist, Otte, Plewa, Prosser, Quackenbush, Roberts, Rogers, Rooney, Rutkowski, Schneider, Smith, Soucie, Travis, D., Tuczynski, Ulichny, Wagner, Wahner, Ward and Mr. Speaker -- 48.

Noes -- Barczak, Behnke, Bradley, Byers, Conradt, DeLong, Dilweg, Donoghue, Dorff, Ellis, Gagin, Harer, Harsdorf, Hasenohrl, Hopkins, Kincaid, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lewison, Luckhardt, McEssy, Matty, Menos, Merkt, Nelsen, Omernick, Pabst, Paulson, Potter, Radtke, Robertson, Schmidt, Shabaz, Shoemaker, Snyder, Stitt, Swoboda, Tesmer, Thompson, Travis, R., Tregoning, Vanderperren, Wood and Young -- 47.

Absent or not voting -- Goodrich and Porter -- 2.

Motion carried.

Assembly amendment 2 to senate substitute amendment 1 to **Assembly Bill 8** offered by Representative Lee.

POINT OF ORDER

Representative Hauke rose to the point of order that assembly amendment 2 to senate substitute amendment 1 to **Assembly Bill 8** was not germane under Assembly Rule 54(1).

The speaker ruled the point of order well taken.

Representative Prosser moved nonconcurrence in senate substitute amendment 1 to **Assembly Bill 8**.

Assembly amendment 3 to senate substitute amendment 1 to **Assembly Bill 8** offered by Representative DeLong.

The question was: Shall assembly amendment 3 to senate substitute amendment 1 to **Assembly Bill 8** be adopted?

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Motion carried.

Assembly amendment 4 to senate substitute amendment 1 to **Assembly Bill 8** offered by Representative Shabaz.

Representative Hauke moved rejection of assembly amendment 4 to senate substitute amendment 1 to **Assembly Bill 8**.

The question was: Shall assembly amendment 4 to senate substitute amendment 1 to **Assembly Bill 8** be rejected?

The roll was taken.

The result follows:

Ayes -- Barry, Becker, Broydrick, Clarenbach, Coggs, Czerwinski, Duren, Ferrall, Fischer, Flintrop, Gerlach, Hasenohrl, Hauke, Helbach, Johnson, Kedrowski, Kirby, Lee, Leopold, Lingren, Loftus, McClain, Medinger, Metz, Miller, Munts, Norquist, Otte, Plewa, Roberts, Rogers, Rutkowski, Schneider, Shoemaker, Smith, Soucie, Travis, D., Ulichny, Vanderperren, Wagner, Wahner, Ward and Mr. Speaker -- 43.

Noes -- Andrea, Barczak, Behnke, Bradley, Byers, Conradt, DeLong, Dilweg, Donoghue, Dorff, Ellis, Everson, Gagin, Harer, Harsdorf, Hephner, Hopkins, Kincaid, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lewison, Luckhardt, McEssy, Matty, Menos, Merkt, Murray, Nelsen, Omernick, Pabst, Paulson, Porter, Potter, Prosser, Quackenbush, Radtke, Robertson, Rooney, Schmidt, Shabaz, Snyder, Stitt, Swoboda, Tesmier, Thompson, Travis, R., Tregoning, Tuczynski, Wood and Young -- 53.

Absent or not voting -- Goodrich -- 1.

Motion failed.

Representative McClain moved that assembly amendment 4 to senate substitute amendment 1 to **Assembly Bill 8** be laid on the table.

The question was: Shall assembly amendment 4 to senate substitute amendment 1 to **Assembly Bill 8** be laid on the table?

The roll was taken.

The result follows:

Ayes -- Barry, Becker, Broydrick, Clarenbach, Coggs, Czerwinski, Duren, Ferrall, Fischer, Flintrop, Gerlach, Hasenohrl, Hauke, Helbach, Johnson, Kedrowski, Kirby, Lee, Leopold, Lingren, Loftus, McClain, Medinger, Metz, Miller, Munts, Norquist, Otte,

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Plewa, Roberts, Rogers, Rutkowski, Schneider, Shoemaker, Smith, Soucie, Tesmer, Travis, D., Ulichny, Vanderperren, Wagner, Wahner, Ward and Mr. Speaker -- 44.

Noes -- Andrea, Barczak, Behnke, Bradley, Byers, Conradt, DeLong, Dilweg, Donoghue, Dorff, Ellis, Everson, Gagin, Harer, Harsdorf, Hephner, Hopkins, Kincaid, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lewison, Luckhardt, McEssy, Matty, Menos, Merkt, Murray, Nelsen, Omernick, Pabst, Paulson, Porter, Potter, Prosser, Quackenbush, Radtke, Robertson, Rooney, Schmidt, Shabaz, Snyder, Stitt, Swoboda, Thompson, Travis, R., Tregoning, Tuczynski, Wood and Young -- 52.

Absent or not voting -- Goodrich -- 1.

Motion failed.

Representative Schneider in the chair.

Speaker Jackamonis in the chair.

POINT OF ORDER

Representative Hauke rose to the point of order that assembly amendment 4 to senate substitute amendment 1 to **Assembly Bill 8** was not germane under Assembly Rule 54(3)(f) because it includes mandatory minimum sentencing.

The speaker ruled the point of order not well taken.

The question was: Shall assembly amendment 4 to senate substitute amendment 1 to **Assembly Bill 8** be adopted?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Behnke, Bradley, Byers, Conradt, DeLong, Dilweg, Donoghue, Dorff, Ellis, Everson, Gagin, Harer, Harsdorf, Hephner, Hopkins, Kincaid, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lewison, Luckhardt, McEssy, Matty, Menos, Merkt, Murray, Nelsen, Omernick, Pabst, Paulson, Porter, Potter, Prosser, Quackenbush, Radtke, Robertson, Rooney, Schmidt, Shabaz, Snyder, Stitt, Swoboda, Thompson, Travis, R., Tregoning, Tuczynski, Ward, Wood and Young -- 53.

Noes -- Barry, Becker, Broydrick, Clarenbach, Coggs, Czerwinski, Duren, Ferrall, Fischer, Flintrop, Gerlach, Hasenohrl,

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Hauke, Helbach, Johnson, Kedrowski, Kirby, Lee, Leopold, Lingren, Loftus, McClain, Medinger, Metz, Miller, Munts, Norquist, Otte, Plewa, Roberts, Rogers, Rutkowski, Schneider, Shoemaker, Smith, Soucie, Tesmer, Travis, D., Ulichny, Vanderperren, Wagner, Wahner and Mr. Speaker -- 43.

Absent or not voting -- Goodrich -- 1.

Motion carried.

The question was: Shall senate substitute amendment 1 to **Assembly Bill 8** be concurred in?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Behnke, Bradley, Byers, Conradt, Czerwinski, DeLong, Dilweg, Donoghue, Dorff, Duren, Ellis, Everson, Ferrall, Fischer, Gagin, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Hopkins, Kedrowski, Kincaid, Kirby, Klicka, Laatsch, Ladwig, Lallensack, Larson, Leopold, Lewison, Lingren, Loftus, Luckhardt, McEssy, Matty, Medinger, Menos, Merkt, Metz, Murray, Nelsen, Norquist, Omernick, Otte, Pabst, Paulson, Plewa, Porter, Potter, Quackenbush, Radtke, Roberts, Robertson, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Shabaz, Shoemaker, Smith, Snyder, Soucie, Stitt, Swoboda, Tesmer, Thompson, Travis, R., Tregoning, Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood, Young and Mr. Speaker -- 83.

Noes -- Becker, Broydrick, Clarenbach, Coggs, Flintrop, Gerlach, Johnson, Lee, McClain, Miller, Munts, Prosser and Travis, D. -- 13.

Absent or not voting -- Goodrich -- 1.

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 8** be immediately messaged to the senate. Granted.

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SPECIAL ORDER OF BUSINESS AT 10:46 A.M. ON
WEDNESDAY, JANUARY 23

Assembly Bill 749

Relating to revising conditions of bail.

Representative McClain asked unanimous consent that assembly amendment 6 to senate substitute amendment 1 to **Assembly Bill 749** be taken up at this time. Granted.

Assembly amendment 6 to senate substitute amendment 1 to **Assembly Bill 749** offered by Representatives Rutkowski and McClain.

The question was: Shall assembly amendment 6 to senate substitute amendment 1 to **Assembly Bill 749** be adopted?

Motion carried.

Assembly amendment 1 to senate substitute amendment 1 to **Assembly Bill 749** offered by Representative Shabaz.

Representative Shabaz asked unanimous consent that assembly amendment 1 to senate substitute amendment 1 to **Assembly Bill 749** be laid on the table. Granted.

Representative Shabaz asked unanimous consent that assembly amendment 9 to senate substitute amendment 1 to **Assembly Bill 749** be taken up at this time. Granted.

Assembly amendment 9 to senate substitute amendment 1 to **Assembly Bill 749** offered by Representative Shabaz.

The question was: Shall assembly amendment 9 to senate substitute amendment 1 to **Assembly Bill 749** be adopted?

Motion carried.

Assembly amendment 2 to senate substitute amendment 1 to **Assembly Bill 749** offered by Representative Shabaz.

Representative Shabaz asked unanimous consent that assembly amendment 2 to senate substitute amendment 1 to **Assembly Bill 749** be laid on the table. Granted.

Assembly amendment 3 to senate substitute amendment 1 to **Assembly Bill 749** offered by Representatives Ferrall, Kedrowski and Lingren.

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Assembly amendment 1 to assembly amendment 3 to senate substitute amendment 1 to **Assembly Bill 749** offered by Representatives Rutkowski and Ferrall.

The question was: Shall assembly amendment 1 to assembly amendment 3 to senate substitute amendment 1 to **Assembly Bill 749** be adopted?

Motion carried.

Representative McClain moved rejection of assembly amendment 3 to senate substitute amendment 1 to **Assembly Bill 749**.

The question was: Shall assembly amendment 3 to senate substitute amendment 1 to **Assembly Bill 749** be rejected?

The roll was taken.

The result follows:

Ayes -- Barry, Clarenbach, Czerwinski, Flintrop, Gerlach, Johnson, Laatsch, Lee, McClain, Miller, Munts, Norquist, Prosser, Rogers and Travis, D. -- 15.

Noes -- Andrea, Barczak, Becker, Behnke, Bradley, Broydrick, Byers, Coggs, Conradt, DeLong, Dilweg, Donoghue, Dorff, Duren, Ellis, Everson, Ferrall, Fischer, Gagin, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Hopkins, Kedrowski, Kincaid, Kirby, Klicka, Ladwig, Lallensack, Larson, Leopold, Lewison, Lingren, Loftus, Luckhardt, McEssy, Matty, Medinger, Menos, Merkt, Metz, Murray, Nelsen, Omernick, Otte, Pabst, Paulson, Plewa, Porter, Potter, Quackenbush, Radtke, Roberts, Robertson, Rooney, Rutkowski, Schmidt, Schneider, Shabaz, Shoemaker, Smith, Snyder, Soucie, Stitt, Swoboda, Tesmer, Thompson, Travis, R., Tregoning, Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood, Young and Mr. Speaker -- 81.

Absent or not voting -- Goodrich -- 1.

Motion failed.

Representative McClain moved that assembly amendment 3 to senate substitute amendment 1 to **Assembly Bill 749** be laid on the table.

The question was: Shall assembly amendment 3 to senate substitute amendment 1 to **Assembly Bill 749** be laid on the table?

The roll was taken.

The result follows:

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Ayes -- Barry, Becker, Clarenbach, Czerwinski, Fischer, Flintrop, Gerlach, Hasenohrl, Johnson, Ladwig, Lee, Loftus, McClain, Miller, Munts, Norquist, Prosser, Rooney, Smith, Soucie, Travis, D., Ulichny and Wagner -- 23.

Noes -- Andrea, Barczak, Behnke, Bradley, Broydrick, Byers, Coggs, Conradt, DeLong, Dilweg, Donoghue, Dorff, Duren, Ellis, Everson, Ferrall, Gagin, Harer, Harsdorf, Hauke, Helbach, Hephner, Hopkins, Kedrowski, Kincaid, Kirby, Klicka, Laatsch, Lallensack, Larson, Leopold, Lewison, Lingren, Luckhardt, McEssy, Matty, Medinger, Menos, Merkt, Metz, Murray, Nelsen, Omernick, Otte, Pabst, Paulson, Plewa, Porter, Potter, Quackenbush, Radtke, Roberts, Robertson, Rogers, Rutkowski, Schmidt, Schneider, Shabaz, Shoemaker, Snyder, Stitt, Swoboda, Tesmer, Thompson, Travis, R., Tregoning, Tuczynski, Vanderperren, Wahner, Ward, Wood, Young and Mr. Speaker -- 73.

Absent or not voting -- Goodrich -- 1.

Motion failed.

The question was: Shall assembly amendment 3 to senate substitute amendment 1 to **Assembly Bill 749** be adopted?

Motion carried.

Assembly amendment 4 to senate substitute amendment 1 to **Assembly Bill 749** offered by Representatives Ferrall, Hauke, Kedrowski, Lingren and Thompson.

Representative McClain moved rejection of assembly amendment 4 to senate substitute amendment 1 to **Assembly Bill 749**.

POINT OF ORDER

Representative Rutkowski rose to the point of order that assembly amendment 4 to senate substitute amendment 1 to **Assembly Bill 749** was not germane under Assembly Rule 54(3)(a) because it included probation and parole.

The speaker ruled the point of order well taken.

Assembly amendment 5 to senate substitute amendment 1 to **Assembly Bill 749** offered by Representatives McClain and Rutkowski.

The question was: Shall assembly amendment 5 to senate substitute amendment 1 to **Assembly Bill 749** be adopted?

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Motion carried.

Assembly amendment 7 to senate substitute amendment 1 to **Assembly Bill 749** offered by Representatives Ladwig, Thompson, Porter and Gagin.

Representative McClain moved rejection of assembly amendment 7 to senate substitute amendment 1 to **Assembly Bill 749**.

The question was: Shall assembly amendment 7 to senate substitute amendment 1 to **Assembly Bill 749** be rejected?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Becker, Broydrick, Clarenbach, Cogg, Czerwinski, Dorff, Ferrall, Fischer, Flintrop, Gerlach, Hauke, Helbach, Johnson, Kedrowski, Kincaid, Kirby, Larson, Lee, Leopold, Lingren, Loftus, McClain, Medinger, Metz, Miller, Munts, Norquist, Otte, Plewa, Roberts, Rogers, Rooney, Rutkowski, Schneider, Smith, Soucie, Tesmer, Travis, D., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Wood and Mr. Speaker -- 48.

Noes -- Behnke, Bradley, Byers, Conradt, DeLong, Donoghue, Duren, Ellis, Everson, Gagin, Harer, Harsdorf, Hasenohrl, Hephner, Hopkins, Klicka, Laatsch, Ladwig, Lallensack, Lewison, Luckhardt, McEssy, Matty, Menos, Merkt, Murray, Nelsen, Omernick, Pabst, Paulson, Porter, Potter, Prosser, Quackenbush, Radtke, Robertson, Schmidt, Shabaz, Shoemaker, Snyder, Stitt, Swoboda, Thompson, Travis, R., Tregoning, Ward and Young -- 47.

Absent or not voting -- Dilweg and Goodrich -- 2.

Motion carried.

Assembly amendment 8 to senate substitute amendment 1 to **Assembly Bill 749** offered by Representative Lee.

The speaker ruled the amendment not in proper form.

Assembly amendment 10 to senate substitute amendment 1 to **Assembly Bill 749** offered by Representative McClain.

The question was: Shall assembly amendment 10 to senate substitute amendment 1 to **Assembly Bill 749** be adopted?

Motion carried.

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Assembly amendment 11 to senate substitute amendment 1 to **Assembly Bill 749** offered by Representatives Thompson, Ferrall and DeLong.

POINT OF ORDER

Representative McClain rose to the point of order that assembly amendment 11 to senate substitute amendment 1 to **Assembly Bill 749** was not germane under Assembly Rule 54(3)(f).

The speaker ruled the point of order well taken.

Assembly amendment 12 to senate substitute amendment 1 to **Assembly Bill 749** offered by Representative Lee.

Representative McClain moved rejection of assembly amendment 12 to senate substitute amendment 1 to **Assembly Bill 749**.

The question was: Shall assembly amendment 12 to senate substitute amendment 1 to **Assembly Bill 749** be rejected?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Behnke, Bradley, Byers, Conradt, Czerwinski, DeLong, Dilweg, Donoghue, Dorff, Duren, Ellis, Everson, Ferrall, Fischer, Flintrop, Gagin, Gerlach, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Hopkins, Johnson, Kedrowski, Kincaid, Kirby, Klicka, Laatsch, Ladwig, Lallensack, Larson, Leopold, Lewison, Lingren, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, Metz, Murray, Nelsen, Norquist, Omernick, Otte, Pabst, Paulson, Plewa, Porter, Potter, Prosser, Quackenbush, Radtke, Roberts, Robertson, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Shabaz, Shoemaker, Smith, Snyder, Soucie, Stitt, Swoboda, Tesmer, Thompson, Travis, D., Travis, R., Tregoning, Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Wood, Young and Mr. Speaker -- 87.

Noes -- Becker, Broydrick, Clarenbach, Coggs, Lee, Loftus, Miller, Munts and Ward -- 9.

Absent or not voting -- Goodrich -- 1.

Motion carried.

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The question was: Shall senate substitute amendment 1 to **Assembly Bill 749** be concurred in?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Behnke, Bradley, Broydrick, Byers, Conradt, Czerwinski, DeLong, Dilweg, Donoghue, Dorff, Duren, Ellis, Everson, Ferrall, Fischer, Flintrop, Gagin, Gerlach, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Hopkins, Johnson, Kedrowski, Kincaid, Kirby, Klicka, Laatsch, Ladwig, Lallensack, Larson, Leopold, Lewison, Lingren, Loftus, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, Metz, Miller, Munts, Murray, Nelsen, Norquist, Omernick, Otte, Pabst, Paulson, Plewa, Porter, Potter, Prosser, Quackenbush, Radtke, Roberts, Robertson, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Shabaz, Shoemaker, Smith, Snyder, Soucie, Stitt, Swoboda, Tesmer, Thompson, Travis, D., Travis, R., Tregoning, Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Wood, Young and Mr. Speaker -- 91.

Noes -- Becker, Clarenbach, Coggs, Lee and Ward -- 5.

Absent or not voting -- Goodrich -- 1.

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 749** be immediately messaged to the senate. Granted.

MESSAGE FROM THE SENATE

By Donald J. Schneider, chief clerk.

Mr. Speaker:

I am directed to inform you that the senate has concurred in:

Assembly Joint Resolution 103

Assembly Joint Resolution 105

Concurred in as amended:

Assembly Bill 413 (senate substitute amendment 1 adopted)

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Passed and asks concurrence in:

Senate Bill 339

Senate Bill 344

Senate Bill 345

ACTION ON THE SENATE MESSAGE

Senate Bill 339

Relating to commitment and treatment of persons convicted of sex crimes.

By Senators Adelman, Risser and Murphy; co-sponsored by Representatives McClain, Ulichny, Lee and Jackamonis.

To calendar.

Senate Bill 344

Relating to various changes in crime victims compensation.

By Senators Flynn, Moody, Braun, Risser, Bear, Berger, Harnisch, Adelman, Thompson and Cullen; co-sponsored by Representatives Ulichny, Munts, Tuczynski, Leopold, Wahner, Lorman, Metz, Ferrall, Lee, D. Travis, Kedrowski and Smith.

To calendar.

Senate Bill 345

Relating to crime victims compensation, creating a crime victims compensation board and making appropriations.

By Senators Flynn, Moody, Braun, Risser, Bear, Berger, Adelman and Thompson; co-sponsored by Representatives Ulichny, Munts, Metz, Tuczynski, Leopold, Ferrall, Rooney, Wahner, McClain, D. Travis, Kedrowski, Smith and Lorman.

To calendar.

Assembly Bill 413

Relating to committing a crime with a dangerous weapon and providing a penalty.

By Representatives Rutkowski, Plewa, Vanderperren, Jackamonis, Potter, Shoemaker, Medinger, Leopold, Metz, D. Travis, Quackenbush, Flintrop, Menos, Kincaid, Schmidt, Ladwig, Lingren, Everson, Helbach, Lorman, Tuczynski, Roberts, Gerlach, Barczak, Rooney, Prosser and Ferrall, co-sponsored by Senators Adelman, Moody, Offner, Strohl, Lasee, Cullen and Theno.

To calendar.

VISITORS

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

Ronald Fisher from Appleton, guest of Representative Prosser.

Daun and Don Belleau from Sheboygan, guests of Representatives Otte and Potter.

Jackie Fell, Joan Erickson and Jan Erdman from Oshkosh, guests of Representative Flintrop.

Jeff Dandeneau from Racine, guest of chief clerk Dandeneau.

Former assembly speaker Robert Huber from West Allis, guest of Representatives McEssy and Barczak.

Representative Wahner moved that the assembly stand adjourned until 9:00 A.M. tomorrow.

The question was: Shall the assembly stand adjourned?

Motion carried.

The assembly stood adjourned.

3:55 P.M.