

STATE OF WISCONSIN
Assembly Journal
Eighty-Eighth Regular Session

10:00 A.M.

TUESDAY, January 27, 1987

The assembly met.

Speaker Loftus in the chair.

The prayer was offered by Representative Tregoning.

Representative Hauke 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 — Antaramian, Barca, Barrett, Becker, Bell, Berndt, Black, Bock, Bolle, Boyle, Bradley, Brancel, Brandemuehl, Buettner, Byers, Carpenter, Clarenbach, Coggs, M., Coggs, S., Coleman, Cowles, Deininger, Farrow, Fergus, Fortis, Foti, Goetsch, Grobschmidt, Gronemus, Gruszynski, Hamilton, Hasenohrl, Hauke, Holperin, Holschbach, Hubler, Huelsman, Johnsrud, Krug, Krusick, Kunicki, Ladwig, Larson, Lepak, Margaret Lewis, Mark Lewis, Linton, Looby, McEssy, Magnuson, Matty, Medinger, Merkt, Musser, Nelsen, Neubauer, Notestein, Ott, Ourada, Panzer, Paulson, Porter, Potter, Prosser, Radtke, Roberts, Robinson, Rosenzweig, Rutkowski, Schmidt, Schneider, Schneiders, Schober, Schultz, Seery, Shoemaker, Swoboda, Tesmer, Thompson, Travis, Tregoning, Turba, Vanderperren, Van Dreel, Van Gorden, Vergeront, Volk, Walling, Weeden, Welch, Williams, Wimmer, Wineke, Wood, York, Young, Zeuske, Zweck and Speaker Loftus — 99.

Absent — None.

Absent with leave — None.

Vacancies — None.

AMENDMENTS OFFERED

Assembly amendment 1 to Assembly Bill 5 offered by committee on Financial Institutions and Insurance.

Assembly amendment 1 to Assembly Bill 6 offered by committee on Financial Institutions and Insurance.

Assembly amendment 1 to Assembly Bill 30 offered by committee on Judiciary.

**INTRODUCTION AND REFERENCE
OF PROPOSALS**

Read first time and referred:

Assembly Joint Resolution 8

Relating to abolishing the constitutional grant of legislative immunity from arrest and civil process (first consideration).

By Representatives Krusick, Hubler, Thompson, Barrett, Bock, Fergus, Goetsch, Grobschmidt, Buettner, Linton, Vergeront and Boyle, cosponsored by Senators Jauch, Andrea, Rude, Lorman and Lee.

To committee on State Affairs.

Assembly Bill 29

Relating to permitting the secretary of administration, if requested by the governor, to change the biennial state budget process to an annual budget process in fiscal years 1987-88 and 1988-89.

By committee on Ways and Means.

To committee on Ways and Means.

Assembly Bill 30

Relating to operating a motor vehicle while under the influence of an intoxicant, drugs or both, administrative suspension and court-ordered revocation of operating privileges, chemical tests for intoxication, occupational licenses, granting rule-making authority and providing penalties.

By Representatives Neubauer, Rutkowski, Barrett, Buettner, Carpenter, Magnuson, Becker, Rosenzweig, Bell, Travis, Goetsch, Ourada and Weeden, cosponsored by Senators Adelman, Chvala, Strohl, Czarnezki, Norquist, Lee and Jauch.

To committee on Judiciary.

Assembly Bill 31

Relating to operating snowmobiles on a highway.

By Representatives Holperin, Volk, Shoemaker, Linton, Thompson, Musser, Goetsch, Ladwig and Gruszynski, cosponsored by Senators Te Winkle and Roshell.

To committee on Tourism, Recreation and Forest Productivity.

Assembly Bill 32

Relating to the liability of private landowners whose property is used for a recreational activity.

By Representatives Holperin, Linton, Hasenohrl, Volk, Barca, Gruszynski, Huelsman, Turba, Buettner, Berndt, Welch, Musser, Schultz, Cowles and Porter, cosponsored by Senators Jauch, Roshell, Lasee and Van Sistine.

To committee on Tourism, Recreation and Forest Productivity.

Assembly Bill 33

Relating to allowing applicants for fishing licenses and boat registrations to make voluntary contributions for lake research and making an appropriation.

By Representatives Holperin, Potter, Barca, Shoemaker, Magnuson, Medinger, Roberts, Notestein, Carpenter, Boyle, Gruszynski, Musser, Porter, Cowles, Berndt and Schultz, cosponsored by Senators Davis, Harsdorf and Norquist.

To committee on Tourism, Recreation and Forest Productivity.

Assembly Bill 34

Relating to designating the ice age national scenic trail as a state scenic trail and making an appropriation.

By Representatives Bell, Wineke, Hasenohrl, Schultz, Krug, Black, Travis, Radtke, Berndt, Zweck, Linton, Johnsrud, Rosenzweig, Thompson, Magnuson, Notestein, Hubler, Medinger, Ourada, Huelsman, Gruszynski and Nelsen, cosponsored by Senators Leean, Czarnecki, Feingold, Chvala, Strohl, Risser and Davis.

To committee on Natural Resources.

Assembly Bill 35

Relating to prohibiting the sale of cigarettes and tobacco products to persons under 18 years of age, prohibiting children from intentionally smoking, chewing, inhaling or in any other manner introducing into the body cigarettes and tobacco products, and providing a penalty.

By Representatives Bell, Black, Robinson and Deininger, cosponsored by Senators Chvala and Risser.

To committee on Health.

Assembly Bill 36

Relating to discharge of hazardous substances and providing for immunity.

By Representatives Medinger, Antaramian, Magnuson, Hasenohrl, Bolle, Robinson, Gronemus, Vanderperren, Holschbach, Ladwig, Matty, Musser and Porter, cosponsored by Senators Andrea, Chvala, Roshell, Te Winkle, Strohl, Van Sistine, Kreul and Rude.

To committee on Judiciary.

Assembly Bill 37

Relating to places where water skiing is permitted.

By Representatives Medinger, Roberts and Merkt, cosponsored by Senators Rude and Moen.

To committee on Tourism, Recreation and Forest Productivity.

Assembly Bill 38

Relating to alcohol, tobacco and drugs, revising the rate of tax on cigarettes, creating a grant program and making an appropriation.

By Representative Merkt.

To committee on Ways and Means.

Assembly Bill 39

Relating to civil liability for furnishing fermented malt beverages pursuant to licenses issued for a fair, picnic or similar gathering.

By Representatives Schober, Coleman, Radtke, Wimmer, Porter, Bolle, Wineke, Barca, Zweck, Musser, Turba, Prosser, Schneiders, Schultz, Vergeront, Ourada, Ladwig, Farrow, Brancel, Welch, Tregoning, Berndt, Panzer, Margaret Lewis and Lepak, cosponsored by Senator Lorman.

To committee on Excise and Fees.

Assembly Bill 40

Relating to prohibiting the sale of certain beverage containers and providing a penalty.

By Representatives Ourada, Berndt, Bell, Robinson, Goetsch, Welch, Barca, Johnsrud, Nelsen, Schmidt, Musser, Zeuske, Rosenzweig, Cowles and Margaret Lewis, cosponsored by Senators Davis, Chilsen, Risser and Leean.

To committee on Natural Resources.

Assembly Bill 41

An act to direct expenditure of \$55,000 from moneys appropriated to the department of natural resources for payment of a claim against the state by the village of Bangor.

By Representatives Roberts and Medinger, cosponsored by Senator Rude.

To Joint Committee on Finance.

Assembly Bill 42

An act to direct expenditure of \$65,021.87 from the general fund for payment of a claim against the state made by Kickapoo Oil Company.

By Representatives Roberts and Medinger, cosponsored by Senator Rude.

To Joint Committee on Finance.

Assembly Bill 43

Relating to transfer of unencumbered appropriation balances from one department to another in populous counties.

By Representatives Becker, Barrett and Carpenter, cosponsored by Senators Lee and Czarnecki, by request of Milwaukee County.

To committee on Urban and Local Affairs.

Assembly Bill 44

Relating to traffic law enforcement by a police officer, sheriff or deputy sheriff on certain highways.

By Representatives Vanderperren, Hasenohrl, Bolle, Volk, Hubler, Musser, Bradley, McEssy, Van Gorden, Boyle, Wimmer, Coleman and Van Dreel, cosponsored by Senators Van Sistine, Roshell, Kincaid and Andrea, by request of Wisconsin County Police Association, Ltd.

To committee on Highways.

Assembly Bill 45

Relating to a single registration plate for motor vehicles.

By Representatives Vanderperren, Hasenohrl, Bolle, Holschbach, Musser, Bradley and Boyle.

To committee on Highways.

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Assembly Bill 46

Relating to temporary vacancies in the office of county executive.

By Representative Vanderperren, cosponsored by Senator Van Sistine.

To committee on Elections.

Assembly Bill 47

Relating to exempting a motor vehicle dealer from damages caused by the operation of an overweight vehicle.

By Representatives Vanderperren, Hasenohrl, Volk, Hubler, Van Gorden and Boyle, cosponsored by Senators Kincaid, Van Sistine, Roshell and Andrea.

To committee on Highways.

Assembly Bill 48

Relating to requiring motor vehicle operators and passengers to wear safety belts, granting rule-making authority, requesting a study and providing a penalty.

By Representative Vanderperren.

To committee on State Affairs.

Assembly Bill 49

Relating to self-service storage facilities.

By Representatives Barca, Coleman, Barrett, Porter, Roberts, Antaramian, Volk, Walling, Medinger, Huelsman, Robinson, Bolle, Nelsen, Shoemaker, Hamilton, Weeden, Merkt, Grobschmidt, Holschbach, Ladwig and Tregoning, cosponsored by Senators Andrea, Strohl, Davis, Kincaid, Roshell, Chilsen and Rude.

To committee on Commerce and Consumer Affairs.

Assembly Bill 50

Relating to the council on tourism and making an appropriation.

By committee on Tourism, Recreation and Forest Productivity, by request of Governor Tommy G. Thompson.

To Joint Committee on Finance.

Assembly Bill 51

Relating to the amount of the farmland preservation credit available for land zoned under a town ordinance and subject to a county agricultural preservation plan.

By Representatives Holschbach, Gronemus, Potter, Swoboda, Panzer, Bolle, Schultz, Volk, Roberts, Turba, Hasenohrl, Radtke, Goetsch, Berndt, Musser, Ladwig and Mark Lewis, cosponsored by Senators Te Winkle, Davis and Stitt.

To committee on Ways and Means.

Assembly Bill 52

Relating to a sales and use tax exemption for wood by-products used for fuel by businesses.

By Representatives Linton, Holperin, Volk, Barca, Williams, Gruszynski, Bell, Thompson, Vanderperren, Hasenohrl, Hubler, Boyle, Van Dreel, Zweck, Musser,

McEssy, Walling and Matty, cosponsored by Senators Kincaid, Van Sistine, Lekan, Chvala and Jauch.

To Joint Survey Committee on Tax Exemptions.

Assembly Bill 53

Relating to age for obtaining alcohol beverage licenses.

By Representatives Robinson, Gronemus, Medinger, Becker, Shoemaker, Mark Lewis, Radtke, Antaramian, McEssy, Nelsen, Deininger, Prosser, Ourada, Berndt, Merkt and Porter, cosponsored by Senators Van Sistine, Ulichny, Roshell, Kincaid, Helbach, Kreul, Czarnecki and Moen.

To committee on Excise and Fees.

Assembly Bill 54

Relating to extended juvenile court jurisdiction for certain offenders, creating penalties and granting rule-making authority.

By Representatives Travis, Nelsen, Wood, Krug, Ladwig, Medinger, Fergus, Vergeront, Rosenzweig, Radtke, Schneiders, Barca, Schober, Notestein, Huelsman, Antaramian, Carpenter, Seery, Magnuson, Becker and Margaret Lewis, cosponsored by Senators Adelman, Davis, Rude, Ulichny and Van Sistine.

To committee on Criminal Justice and Public Safety.

Assembly Bill 55

Relating to creating a crime prevention program for juvenile offenders and making an appropriation.

By Representatives Travis, Ladwig, Vergeront, Rosenzweig, Barca, Notestein, Carpenter, Seery, Magnuson and Becker, cosponsored by Senators Adelman, Kreul and Rude.

To committee on Criminal Justice and Public Safety.

Assembly Bill 56

Relating to requiring certain motor vehicle operators and passengers to wear safety belts and granting rule-making authority.

By Representatives Travis, Medinger, Fergus, Bell, Rosenzweig, Barca, Schober, Notestein, Carpenter, Robinson, Seery, Wineke, Magnuson and Black, cosponsored by Senators Risser, Chvala, Rude and Ulichny.

To committee on State Affairs.

COMMUNICATIONS

The chief clerk reports the following proposal correctly enrolled:

Assembly Joint Resolution 1

THOMAS T. MELVIN
Assembly Chief Clerk

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January 15, 1987

Honorable Thomas T. Melvin
Assembly Chief Clerk
Room 8 West, State Capitol
Madison, Wisconsin 53702

Dear Mr. Melvin:

Assembly Rule 94 (3) directs the reprinting of the rules of the Assembly in pamphlet form after the Assembly's adoption of any resolution changing the rules. That rule, together with Senate Rule 94 (2), requires a similar reprinting of the joint rules. Assembly Rule 94 (1) directs that, for such pamphlet printing, any references contained in the rules to "provisions of the constitution, statutes, joint rules or [house] rules" shall be revised to conform to the numbers then assigned to such provisions. A new pamphlet of the joint rules, "as last amended by 1987 Assembly Joint Resolution 1", has been sent to the contract printer and will be delivered in 1,500 copies.

In compliance with the directives of Assembly Rule 94 (1) and (3), the following cross-reference changes have been incorporated into the new joint rules pamphlet:

Joint Rule 73 (3): from statute "13.67 (2)" to "13.67".

Joint Rule 73 (4): from statute "227.018 (2)" to "227.19."

Joint Rule 78: from statute "227.018 (2)" to "227.19".

Joint Rule 84: from statute "20.765 (1)(a)" to "20.765 (1)".

Joint Rule 85: from joint rule "83 (1)" to "84 (1)".

Joint Rule 92: from statute "41.02 (29)(a)" to "40.02 (36)".

So as to provide a permanent record of the corrections made, please print this letter in the Assembly Journal and file the original in the jacket of 1987 Assembly Joint Resolution 1. That way, the following entry can be added to the official history shown on the jacket (and will be reflected with a journal page reference in the Bulletin of Proceedings):

"Cross-reference corrections under Assembly Rule 94 (1) and (3)" and Senate Rule 94 (2).

Sincerely yours,
DR. H. RUPERT THEOBALD
Chief
Legislative Reference Bureau

January 13, 1987

Speaker Tom Loftus
211 West, State Capitol
Madison, Wisconsin 53702

Dear Speaker Loftus:

This is to inform you that I am resigning as a member of the Assembly Housing and Securities Committee.

This committee meets on Fridays, and my business duties demand that I be in Eau Claire on Fridays.

Thank you for your consideration.

Very truly yours,
MARK LEWIS
State Representative

January 15, 1987

Speaker Tom Loftus
211 West, State Capitol
Madison, Wisconsin 53702

Dear Speaker Loftus:

This is to let you know that the following changes have been made to the listing of Assembly Republican Committee assignments. Also attached is an updated listing by committee.

1. Representative Carol Buettner has resigned from the Housing and Securities and Health Committees.
2. Representative Margaret Farrow has been appointed to Housing and Securities.
3. Representative Gary Schmidt has been appointed to Health.
4. Representative Lolita Schneiders has been appointed to Financial Institutions and Insurance.
5. Representative Bill Berndt has been appointed to Education.
6. Representative Francis "Brownie" Byers has resigned from Government Operations and Aging and has been appointed a member of Commerce and Consumer Affairs.
7. Representative Cate Zeuske has resigned from the Commerce and Consumer Affairs Committee and has been appointed ranking member of Government Operations and Aging.
8. Representative Randy Radtke has been appointed a member of the Rules Committee.

BETTY JO NELSEN
Republican Floor Leader

January 13, 1987

Representative Tom Loftus
Speaker - Wisconsin State Assembly
Room 211 West, State Capitol
Madison, Wisconsin 53702

Mr. Speaker and Dear Tom:

This letter is written to inform you that at the request of Speaker Pro Tempore, Representative David Clarenbach, I have re-established the Assembly Committee on Agriculture Subcommittee on Rural

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Priorities for the 1987 Legislative Session effective the date of this letter.

Based on their willingness to serve, I have appointed the following members of the Agriculture committee to this subcommittee: Representative David Clarenbach, Chairperson; Members of the committee: Representatives Mary Hubler, Virgil Roberts, Charles Coleman and Terry Musser.

At my direction, I request the subcommittee to focus its attention on the problems of the family farm in today's economy. Special attention will be addressed to the subjects of: Farm Credit, bankruptcy, and foreclosure; Farmland assessment and taxation; and Agricultural product marketing, promotion, and research.

Respectfully submitted for your information.

Sincerely,
BARBARA GRONEMUS
Chairperson

MOTIONS

Representative Hauke introduced a privileged joint resolution.

Assembly Joint Resolution 9

Relating to the outstanding public service and dedication of David D. O'Malley.

By Representatives Travis and Loftus.

Pursuant to Assembly Rule 36, the chief clerk makes the following correction in **Assembly Joint Resolution 9**.

On page 2, line 6: delete "Pat and Maureen" and substitute "Patrick, Maureen and David Jr."

The question was: Shall **Assembly Joint Resolution 9** be adopted?

Motion carried.

Representative Hauke asked unanimous consent that all members of the assembly be made co-authors of **Assembly Joint Resolution 9**. Granted.

Representative Hauke asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 9** be immediately messaged to the senate. Granted.

Representative Paulson introduced a privileged joint resolution.

Assembly Joint Resolution 10

Relating to the life and public service of former Representative to the Assembly Lowell Nelson.

By Representative Paulson, cosponsored by Senator Harsdorf.

The question was: Shall **Assembly Joint Resolution 10** be adopted?

Motion carried.

Representative Nelsen asked unanimous consent that all members of the assembly be made co-authors of **Assembly Joint Resolution 10**. Granted.

Representative Nelsen asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 10** be immediately messaged to the senate. Granted.

Representative Thompson asked unanimous consent that the assembly stand recessed for twenty minutes. Granted.

The assembly stood recessed.

10:15 A.M.

RECESS

10:40 A.M.

The assembly reconvened.

CALENDAR OF TUESDAY, JANUARY 27

Senate Joint Resolution 7

Extending the deadline for introduction of the executive budget bill or bills and submittal of the state budget report, and calling a joint convention of the legislature.

The question was: Shall **Senate Joint Resolution 7** be concurred in?

Motion carried.

Representative Hauke asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 7** be immediately messaged to the senate. Granted.

Assembly Joint Resolution 2

Relating to excepting pari-mutuel on-track betting as provided by law from the prohibition against legislative authorization of lotteries (2nd consideration).

Assembly substitute amendment 2 to **Assembly Joint Resolution 2** offered by Representative Notestein.

Assembly substitute amendment 3 to **Assembly Joint Resolution 2** offered by Representative Merkt.

Representative Shoemaker moved rejection of assembly substitute amendment 3 to **Assembly Joint Resolution 2**.

The question was: Shall assembly substitute amendment 3 to **Assembly Joint Resolution 2** be rejected?

The roll was taken.

The result follows:

Ayes — Antaramian, Barca, Barrett, Becker, Berndt, Bock, Boyle, Bradley, Byers, Carpenter, Farrow, Fergus, Fortis, Grobschmidt, Gronemus, Gruszynski, Hamilton,

Hasenohrl, Hauke, Holperin, Holschbach, Hubler, Huelsman, Krug, Krusick, Kunicki, Ladwig, Larson, Linton, Looby, McEssy, Matty, Medinger, Musser, Neubauer, Ourada, Porter, Prosser, Roberts, Robinson, Rosenzweig, Rutkowski, Schmidt, Schneiders, Schober, Seery, Shoemaker, Swoboda, Tesmer, Thompson, Tregoning, Turba, Vanderperren, Van Dreel, Van Gorden, Volk, Weeden, Williams, Wimmer, York and Zweck — 61.

Noes — Bell, Black, Bolle, Brancel, Brandemuehl, Buettner, Clarenbach, Coggs, M., Coggs, S., Coleman, Cowles, Deininger, Foti, Goetsch, Johnsrud, Lepak, Margaret Lewis, Mark Lewis, Magnuson, Merkt, Nelsen, Notestein, Ott, Panzer, Paulson, Potter, Radtke, Schneider, Schultz, Travis, Vergeront, Walling, Welch, Wineke, Wood, Young, Zeuske and Speaker Loftus — 38.

Absent or not voting — None.

Motion carried.

Representative Shoemaker moved rejection of assembly substitute amendment 2 to **Assembly Joint Resolution 2**.

The question was: Shall assembly substitute amendment 2 to **Assembly Joint Resolution 2** be rejected?

The roll was taken.

The result follows:

Ayes — Antaramian, Barca, Barrett, Becker, Berndt, Bock, Bolle, Boyle, Bradley, Byers, Carpenter, Deininger, Fergus, Grobschmidt, Gronemus, Hamilton, Hasenohrl, Hauke, Holperin, Holschbach, Hubler, Huelsman, Johnsrud, Krug, Krusick, Kunicki, Ladwig, Larson, Lepak, Linton, Looby, McEssy, Matty, Medinger, Musser, Nelsen, Ourada, Porter, Prosser, Roberts, Robinson, Rosenzweig, Rutkowski, Schmidt, Schneiders, Schober, Shoemaker, Swoboda, Thompson, Travis, Tregoning, Turba, Vanderperren, Van Dreel, Van Gorden, Volk, Williams, Wimmer, York, Zeuske and Zweck — 61.

Noes — Bell, Black, Brancel, Brandemuehl, Buettner, Clarenbach, Coggs, M., Coggs, S., Coleman, Cowles, Farrow, Fortis, Foti, Goetsch, Gruszynski, Margaret Lewis, Mark Lewis, Magnuson, Merkt, Neubauer, Notestein, Ott, Panzer, Paulson, Potter, Radtke, Schneider, Schultz, Seery, Tesmer, Vergeront, Walling, Weeden, Welch, Wineke, Wood, Young and Speaker Loftus — 38.

Absent or not voting — None.

Motion carried.

Assembly amendment 1 to assembly substitute amendment 1 to **Assembly Joint Resolution 2** offered by Representative Notestein.

Representative Shoemaker moved rejection of assembly amendment 1 to assembly substitute amendment 1 to **Assembly Joint Resolution 2**.

The question was: Shall assembly amendment 1 to assembly substitute amendment 1 to **Assembly Joint Resolution 2** be rejected?

The roll was taken.

The result follows:

Ayes — Antaramian, Barca, Barrett, Becker, Berndt, Bock, Bolle, Boyle, Bradley, Byers, Carpenter, Fergus, Grobschmidt, Gronemus, Hamilton, Hasenohrl, Hauke, Holperin, Holschbach, Hubler, Johnsrud, Krug, Krusick, Kunicki, Ladwig, Larson, Linton, Looby, Matty, Medinger, Musser, Ourada, Porter, Prosser, Roberts, Robinson, Rosenzweig, Rutkowski, Schmidt, Schneider, Schneiders, Schober, Shoemaker, Swoboda, Thompson, Tregoning, Turba, Vanderperren, Van Gorden, Volk, Williams, Wimmer, York and Zweck — 54.

Noes — Bell, Black, Brancel, Brandemuehl, Buettner, Clarenbach, Coggs, M., Coggs, S., Coleman, Cowles, Deininger, Farrow, Fortis, Foti, Goetsch, Gruszynski, Huelsman, Lepak, Margaret Lewis, Mark Lewis, McEssy, Magnuson, Merkt, Nelsen, Neubauer, Notestein, Ott, Panzer, Paulson, Potter, Radtke, Schultz, Seery, Tesmer, Travis, Van Dreel, Vergeront, Walling, Weeden, Welch, Wineke, Wood, Young, Zeuske and Speaker Loftus — 45.

Absent or not voting — None.

Motion carried.

The question was: Shall assembly substitute amendment 1 to **Assembly Joint Resolution 2** be adopted?

Motion carried.

The question was: Shall **Assembly Joint Resolution 2** be ordered to a third reading?

The roll was taken.

The result follows:

Ayes — Antaramian, Barca, Becker, Berndt, Bock, Bolle, Boyle, Bradley, Byers, Carpenter, Clarenbach, Coleman, Deininger, Farrow, Fergus, Fortis, Foti, Grobschmidt, Gronemus, Hasenohrl, Hauke, Holperin, Holschbach, Hubler, Huelsman, Johnsrud, Krug, Krusick, Kunicki, Ladwig, Larson, Lepak, Linton, Matty, Medinger, Musser, Nelsen, Ourada, Panzer, Porter, Prosser, Roberts, Robinson, Rosenzweig, Rutkowski, Schmidt, Schneiders, Schober, Shoemaker, Swoboda, Thompson, Tregoning, Turba, Vanderperren, Van Dreel, Van Gorden, Volk, Williams, Wimmer, York and Zweck — 61.

Noes — Barrett, Bell, Black, Brancel, Brandemuehl, Buettner, Coggs, M., Coggs, S., Cowles, Goetsch, Gruszynski, Margaret Lewis, Mark Lewis, Looby, McEssy, Magnuson, Merkt, Neubauer, Notestein, Ott,

Paulson, Potter, Radtke, Schneider, Schultz, Seery, Tesmer, Travis, Vergeront, Walling, Weeden, Welch, Wineke, Wood, Young, Zeuske and Speaker Loftus — 37.

Absent or not voting — Hamilton — 1.

Motion carried.

Representative Hamilton asked unanimous consent to be recorded as voting "Aye" on the previous question. Granted.

Representative Hauke moved that the rules be suspended and that **Assembly Joint Resolution 2** be given a third reading.

The question was: Shall the rules be suspended and **Assembly Joint Resolution 2** be given a third reading?

The roll was taken.

The result follows:

Ayes — Antaramian, Barca, Barrett, Becker, Berndt, Bock, Bolle, Boyle, Bradley, Byers, Carpenter, Clarenbach, Deininger, Farrow, Fergus, Fortis, Grobschmidt, Gronemus, Hamilton, Hasenohrl, Hauke, Holperin, Holschbach, Hubler, Huelsman, Johnsrud, Krug, Krusick, Kunicki, Ladwig, Larson, Linton, Looby, McEssy, Matty, Medinger, Musser, Nelsen, Neubauer, Ourada, Porter, Prosser, Roberts, Robinson, Rosenzweig, Rutkowski, Schmidt, Schneider, Schneiders, Schober, Shoemaker, Swoboda, Thompson, Tregoning, Turba, Vanderperren, Van Dreel, Van Gorden, Volk, Williams, Wimmer, Wineke, York and Zweck — 64.

Noes — Bell, Black, Brancel, Brandemuehl, Buettner, Coggs, M., Coggs, S., Coleman, Cowles, Foti, Goetsch, Gruszynski, Lepak, Margaret Lewis, Mark Lewis, Magnuson, Merkt, Notestein, Ott, Panzer, Paulson, Potter, Radtke, Schultz, Seery, Tesmer, Travis, Vergeront, Walling, Weeden, Welch, Wood, Young, Zeuske and Speaker Loftus — 35.

Absent or not voting — None.

Motion failed.

Assembly Joint Resolution 3

Relating to authorizing the creation of a Wisconsin state lottery, with the net proceeds used for property tax relief as provided by law (2nd consideration).

Assembly substitute amendment 1 to **Assembly Joint Resolution 3** offered by Representative Merkt.

Assembly substitute amendment 2 to **Assembly Joint Resolution 3** offered by Representative Merkt.

Assembly substitute amendment 3 to **Assembly Joint Resolution 3** offered by Representative Merkt.

Representative Robinson moved rejection of assembly substitute amendment 3 to **Assembly Joint Resolution 3**.

Representative Merkt asked unanimous consent that assembly substitute amendments 3 and 2 to **Assembly Joint Resolution 3** be placed after assembly substitute amendment 1 to **Assembly Joint Resolution 3**. Granted.

Representative Robinson moved rejection of assembly substitute amendment 1 to **Assembly Joint Resolution 3**.

The question was: Shall assembly substitute amendment 1 to **Assembly Joint Resolution 3** be rejected?

The roll was taken.

The result follows:

Ayes — Antaramian, Barca, Barrett, Bell, Bock, Bolle, Boyle, Bradley, Byers, Carpenter, Clarenbach, Farrow, Fergus, Fortis, Grobschmidt, Gronemus, Hamilton, Hasenohrl, Hauke, Holschbach, Hubler, Huelsman, Krug, Krusick, Kunicki, Ladwig, Larson, Linton, Looby, McEssy, Matty, Medinger, Musser, Ourada, Porter, Prosser, Robinson, Rosenzweig, Rutkowski, Schmidt, Schneiders, Schober, Seery, Shoemaker, Swoboda, Tesmer, Thompson, Tregoning, Turba, Vanderperren, Van Dreel, Van Gorden, Volk, Weeden, Welch, Williams, Wimmer, York and Zweck — 60.

Noes — Becker, Berndt, Black, Brancel, Brandemuehl, Buettner, Coggs, M., Coggs, S., Coleman, Cowles, Deininger, Foti, Goetsch, Gruszynski, Holperin, Johnsrud, Lepak, Margaret Lewis, Mark Lewis, Magnuson, Merkt, Nelsen, Neubauer, Notestein, Ott, Panzer, Paulson, Radtke, Roberts, Schneider, Schultz, Travis, Vergeront, Walling, Wineke, Wood, Young, Zeuske and Speaker Loftus — 39.

Absent or not voting — None.

Motion carried.

Representative Hauke moved that the rules be suspended and that **Assembly Joint Resolution 2** be given a third reading.

The question was: Shall the rules be suspended and **Assembly Joint Resolution 2** be given a third reading?

The roll was taken.

The result follows:

Ayes: 56 Noes: 43

Voting machine malfunctioned; roll call not available.

Motion failed.

Representative Hauke asked unanimous consent that the assembly stand recessed until 2:00 P.M. Granted.

The assembly stood recessed.

12:05 P.M.

RECESS

2:05 P.M.

The assembly reconvened.

COMMITTEE REPORTS

The committee on Financial Institutions and Insurance reports and recommends:

Assembly Bill 5

Relating to commercial liability insurance reports and granting rule-making authority.

Adoption of assembly amendment 1:

Ayes: (13) Noes: (0)

Indefinite postponement: Ayes: (9) Noes: (4)

To committee on Financial Institutions and Insurance.

Assembly Bill 6

Relating to requiring insurance rates which reflect increases or decreases beyond specified limits to be filed before effective and granting rule-making authority.

Adoption of assembly amendment 1:

Ayes: (13) Noes: (0)

Indefinite postponement: Ayes: (9) Noes: (4)

To committee on Financial Institutions and Insurance.

LOUISE TESMER
Chairperson

The Joint Committee on Finance reports and recommends:

Assembly Bill 22

Relating to making an appropriation to reimburse attorneys and investigators for providing services under the state public defender program.

Passage with emergency clause attached:

Ayes: (16) Noes: (0)

To calendar.

MARLIN SCHNEIDER
Assembly Chairperson

The committee on Judiciary reports and recommends:

Assembly Bill 30

Relating to operating a motor vehicle while under the influence of an intoxicant, drugs or both, administrative suspension and court-ordered revocation of operating privileges, chemical tests for intoxication, occupational licenses, granting rule-making authority and providing penalties.

Passage: Ayes: (10) Noes: (3)

To calendar.

JAMES RUTKOWSKI
Chairperson

MESSAGE FROM THE SENATE

By Donald J. Schneider, chief clerk.

Mr. Speaker:

I am directed to inform you that the senate has adopted and asks concurrence in:

Senate Joint Resolution 2

ACTION ON THE SENATE MESSAGE

Senate Joint Resolution 2

Relating to excepting pari-mutuel on-track betting as provided by law from the prohibition against legislative authorization of lotteries (2nd consideration).

By Senators Roshell, Kincaid, Van Sistine, Moen, Andrea, Plewa, Lasee and Kreul; cosponsored by Representatives Shoemaker, Hauke, Vanderperren, Antaramian, Carpenter, Medinger, Williams, Volk, Bolle, Hamilton, Hasenohrl, Fergus, Ourada, Ladwig, Matty, Turba, Prosser, Larson, Van Gorden, Nelsen, Musser and Gronemus.

To committee on State Affairs.

Assembly Joint Resolution 3

Relating to authorizing the creation of a Wisconsin state lottery, with the net proceeds used for property tax relief as provided by law (2nd consideration).

The question was: Shall assembly substitute amendment 3 to **Assembly Joint Resolution 3** be rejected?

The roll was taken.

The result follows:

Ayes — Antaramian, Barca, Barrett, Bock, Bolle, Boyle, Bradley, Byers, Carpenter, Coggs, S., Fergus, Fortis, Grobschmidt, Gronemus, Hamilton, Hasenohrl, Hauke, Holperin, Holschbach, Hubler, Huelsman, Krug, Krusick, Kunicki, Ladwig, Larson, Linton, Looby, McEssy, Matty, Medinger, Musser, Neubauer, Ourada, Porter, Potter, Prosser, Robinson, Rutkowski, Schmidt, Schneiders, Seery, Shoemaker, Swoboda, Tesmer, Thompson, Tregoning, Turba, Vanderperren, Van Dreel, Van Gorden, Volk, Weeden, Welch, Williams, Wimmer, York and Zweck — 58.

Noes — Becker, Bell, Berndt, Black, Brancel, Brandemuehl, Buettner, Clarenbach, Coggs, M., Coleman, Cowles, Deininger, Farrow, Foti, Goetsch, Gruszynski, Johnsrud, Lepak, Margaret Lewis, Magnuson, Merkt, Nelsen, Notestein, Ott, Panzer, Paulson, Radtke, Roberts, Rosenzweig, Schneider, Schober, Schultz, Travis, Vergeront, Walling, Wineke, Wood, Young, Zeuske and Speaker Loftus — 40.

Absent or not voting — Mark Lewis — 1.

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Motion carried.

Representative Mark Lewis asked unanimous consent to be recorded as voting "No" on the previous question. Granted.

Representative S. Coggs asked unanimous consent to be recorded as voting "No" on the previous question. Granted.

Representative Robinson moved rejection of assembly substitute amendment 2 to **Assembly Joint Resolution 3**.

The question was: Shall assembly substitute amendment 2 to **Assembly Joint Resolution 3** be rejected?

The roll was taken.

The result follows:

Ayes — Antaramian, Barca, Barrett, Bell, Bock, Bolle, Boyle, Bradley, Byers, Carpenter, Fergus, Fortis, Grobschmidt, Gronemus, Hamilton, Hasenohrl, Hauke, Holperin, Holschbach, Hubler, Huelsman, Krug, Krusick, Kunicki, Ladwig, Larson, Linton, Looby, McEssy, Matty, Medinger, Musser, Neubauer, Ourada, Porter, Potter, Prosser, Robinson, Rosenzweig, Rutkowski, Schmidt, Schneiders, Schober, Seery, Shoemaker, Swoboda, Tesmer, Thompson, Tregoning, Turba, Vanderperren, Van Dreel, Van Gorden, Volk, Weeden, Welch, Williams, Wimmer, York and Zweck — 60.

Noes — Becker, Berndt, Black, Brancel, Brandemuehl, Buettner, Clarenbach, Coggs, M., Coggs, S., Coleman, Cowles, Deininger, Farrow, Foti, Goetsch, Gruszynski, Johnsrud, Lepak, Margaret Lewis, Mark Lewis, Magnuson, Merkt, Nelsen, Notestein, Ott, Panzer, Paulson, Radtke, Roberts, Schneider, Schultz, Travis, Vergeront, Walling, Wineke, Wood, Young, Zeuske and Speaker Loftus — 39.

Absent or not voting — None.

Motion carried.

Assembly substitute amendment 4 to **Assembly Joint Resolution 3** offered by Representatives Foti and Lepak.

Representative Robinson moved rejection of assembly substitute amendment 4 to **Assembly Joint Resolution 3**.

The question was: Shall assembly substitute amendment 4 to **Assembly Joint Resolution 3** be rejected?

The roll was taken.

The result follows:

Ayes — Antaramian, Barca, Barrett, Becker, Bell, Bock, Bolle, Boyle, Bradley, Buettner, Byers, Carpenter, Fergus, Fortis, Grobschmidt, Gronemus, Hamilton, Hasenohrl, Hauke, Holperin, Holschbach, Hubler, Huelsman, Krug, Krusick, Kunicki, Ladwig, Larson, Linton, Looby, McEssy, Matty, Medinger, Musser, Neubauer, Ourada, Porter, Potter, Roberts, Robinson,

Rutkowski, Schmidt, Schneider, Schneiders, Schober, Shoemaker, Swoboda, Thompson, Tregoning, Turba, Vanderperren, Van Dreel, Van Gorden, Volk, Weeden, Welch, Williams, Wimmer, York and Zweck — 60.

Noes — Berndt, Black, Brancel, Brandemuehl, Clarenbach, Coggs, M., Coggs, S., Coleman, Cowles, Deininger, Farrow, Foti, Goetsch, Gruszynski, Johnsrud, Lepak, Margaret Lewis, Mark Lewis, Magnuson, Merkt, Nelsen, Notestein, Ott, Panzer, Paulson, Prosser, Radtke, Rosenzweig, Schultz, Seery, Tesmer, Travis, Vergeront, Walling, Wineke, Wood, Young, Zeuske and Speaker Loftus — 39.

Absent or not voting — None.

Motion carried.

Assembly substitute amendment 5 to **Assembly Joint Resolution 3** offered by Representatives Foti and Merkt.

Representative Robinson moved rejection of assembly substitute amendment 5 to **Assembly Joint Resolution 3**.

The question was: Shall assembly substitute amendment 5 to **Assembly Joint Resolution 3** be rejected?

The roll was taken.

The result follows:

Ayes — Barca, Barrett, Bell, Bock, Bolle, Boyle, Bradley, Byers, Carpenter, Fergus, Fortis, Grobschmidt, Gronemus, Hamilton, Hasenohrl, Hauke, Holperin, Holschbach, Hubler, Huelsman, Krug, Krusick, Kunicki, Ladwig, Larson, Linton, Looby, McEssy, Matty, Medinger, Musser, Neubauer, Ourada, Potter, Prosser, Roberts, Robinson, Rosenzweig, Rutkowski, Schmidt, Schneider, Schneiders, Schober, Seery, Shoemaker, Swoboda, Tesmer, Thompson, Tregoning, Turba, Vanderperren, Van Dreel, Van Gorden, Volk, Weeden, Welch, Williams, Wimmer, York and Zweck — 60.

Noes — Antaramian, Becker, Berndt, Black, Brancel, Brandemuehl, Buettner, Clarenbach, Coggs, M., Coggs, S., Coleman, Cowles, Deininger, Farrow, Foti, Goetsch, Gruszynski, Johnsrud, Lepak, Margaret Lewis, Mark Lewis, Magnuson, Merkt, Nelsen, Notestein, Ott, Panzer, Paulson, Porter, Radtke, Schultz, Travis, Vergeront, Walling, Wineke, Wood, Young, Zeuske and Speaker Loftus — 39.

Absent or not voting — None.

Motion carried.

Assembly amendment 1 to **Assembly Joint Resolution 3** offered by Representative Notestein.

Representative Robinson moved rejection of assembly amendment 1 to **Assembly Joint Resolution 3**.

Representative Notestein moved that **Assembly Joint Resolution 3** be re-referred to the committee on State Affairs.

Speaker pro tempore Clarenbach in the chair.

Speaker Loftus in the chair.

The question was: Shall **Assembly Joint Resolution 3** be re-referred to the committee on State Affairs?

The roll was taken.

The result follows:

Ayes — Berndt, Black, Brancel, Brandemuehl, Buettner, Clarenbach, Coggs, M., Coggs, S., Coleman, Cowles, Deininger, Farrow, Foti, Goetsch, Gruszynski, Johnsrud, Lepak, Margaret Lewis, Mark Lewis, Magnuson, Merkt, Nelsen, Neubauer, Notestein, Ott, Ourada, Panzer, Paulson, Prosser, Radtke, Roberts, Schneider, Schultz, Travis, Tregoning, Vergeront, Walling, Weeden, Wineke, Wood, Young, Zeuske and Speaker Loftus — 43.

Noes — Antaramian, Barca, Barrett, Becker, Bell, Bock, Bolle, Boyle, Bradley, Byers, Carpenter, Fergus, Fortis, Grobschmidt, Gronemus, Hamilton, Hasenohrl, Hauke, Holperin, Holschbach, Hubler, Huelsman, Krug, Krusick, Kunicki, Ladwig, Larson, Linton, Looby, McEssy, Matty, Medinger, Musser, Porter, Potter, Robinson, Rosenzweig, Rutkowski, Schmidt, Schneiders, Schober, Seery, Shoemaker, Swoboda, Tesmer, Thompson, Turba, Vanderperren, Van Dreel, Van Gorden, Volk, Welch, Williams, Wimmer, York and Zweck — 56.

Absent or not voting — None.

Motion failed.

The question was: Shall assembly amendment 1 to **Assembly Joint Resolution 3** be rejected?

The roll was taken.

The result follows:

Ayes — Antaramian, Barca, Barrett, Bell, Bock, Bolle, Boyle, Bradley, Byers, Carpenter, Fergus, Fortis, Grobschmidt, Gronemus, Hamilton, Hasenohrl, Hauke, Holperin, Holschbach, Hubler, Krug, Krusick, Kunicki, Ladwig, Larson, Linton, Looby, McEssy, Matty, Medinger, Musser, Ourada, Porter, Potter, Roberts, Robinson, Rosenzweig, Rutkowski, Schmidt, Schneider, Schneiders, Schober, Seery, Shoemaker, Swoboda, Tesmer, Thompson, Tregoning, Turba, Vanderperren, Van Dreel, Van Gorden, Volk, Weeden, Welch, Williams, Wimmer, York and Zweck — 59.

Noes — Becker, Berndt, Black, Brancel, Brandemuehl, Buettner, Clarenbach, Coggs, M., Coggs, S., Coleman, Cowles, Deininger, Farrow, Foti, Goetsch, Gruszynski, Huelsman, Johnsrud, Lepak, Margaret Lewis, Mark Lewis, Magnuson, Merkt, Nelsen, Neubauer, Notestein, Ott, Panzer, Paulson, Prosser, Radtke, Schultz, Travis, Vergeront, Walling, Wineke, Wood, Young, Zeuske and Speaker Loftus — 40.

Absent or not voting — None.

Motion carried.

Assembly amendment 2 to **Assembly Joint Resolution 3** offered by Representatives Foti and Lepak.

Representative Robinson moved rejection of assembly amendment 2 to **Assembly Joint Resolution 3**.

The question was: Shall assembly amendment 2 to **Assembly Joint Resolution 3** be rejected?

The roll was taken.

The result follows:

Ayes — Antaramian, Barca, Barrett, Bell, Bock, Bolle, Boyle, Bradley, Byers, Carpenter, Cowles, Farrow, Fergus, Fortis, Grobschmidt, Gronemus, Hamilton, Hasenohrl, Hauke, Holperin, Holschbach, Hubler, Huelsman, Krug, Krusick, Kunicki, Ladwig, Larson, Linton, Looby, McEssy, Matty, Medinger, Musser, Ourada, Porter, Potter, Prosser, Radtke, Roberts, Robinson, Rosenzweig, Rutkowski, Schmidt, Schneider, Schneiders, Schober, Seery, Shoemaker, Swoboda, Tesmer, Thompson, Tregoning, Turba, Vanderperren, Van Dreel, Van Gorden, Vergeront, Volk, Walling, Weeden, Welch, Williams, Wimmer, York and Zweck — 66.

Noes — Becker, Berndt, Black, Brancel, Brandemuehl, Buettner, Clarenbach, Coggs, M., Coggs, S., Coleman, Deininger, Foti, Goetsch, Gruszynski, Johnsrud, Lepak, Margaret Lewis, Mark Lewis, Magnuson, Merkt, Nelsen, Neubauer, Notestein, Ott, Panzer, Paulson, Schultz, Travis, Wineke, Wood, Young, Zeuske and Speaker Loftus — 33.

Absent or not voting — None.

Motion carried.

The question was: Shall **Assembly Joint Resolution 3** be ordered to a third reading?

Motion carried.

Representative Schneider moved reconsideration of the vote by which **Assembly Joint Resolution 3** was ordered to a third reading. Entered.

Representative Hauke moved that the rules be suspended and that the motion for reconsideration of the vote by which **Assembly Joint Resolution 3** was ordered to a third reading be taken up at this time.

The question was: Shall the rules be suspended and the motion for reconsideration of the vote by which **Assembly Joint Resolution 3** was ordered to a third reading be taken up at this time?

The roll was taken.

The result follows:

Ayes — Antaramian, Barca, Barrett, Becker, Bell, Bock, Bolle, Boyle, Bradley, Brandemuehl, Byers, Carpenter, Clarenbach, Coggs, M., Coggs, S., Farrow, Fergus, Fortis, Goetsch, Grobschmidt, Gronemus,

Hamilton, Hasenohrl, Hauke, Holperin, Holschbach, Hubler, Huelsman, Krug, Krusick, Kunicki, Ladwig, Larson, Linton, Looby, McEssy, Matty, Medinger, Musser, Ourada, Porter, Potter, Roberts, Robinson, Rosenzweig, Rutkowski, Schmidt, Schneiders, Schober, Seery, Shoemaker, Swoboda, Tesmer, Thompson, Vanderperren, Van Dreel, Van Gorden, Vergeront, Volk, Welch, Williams, Wimmer, York and Zweck — 64.

Noes — Berndt, Black, Brancel, Buettner, Coleman, Cowles, Deininger, Foti, Gruszynski, Johnsrud, Lepak, Margaret Lewis, Mark Lewis, Magnuson, Merkt, Nelsen, Neubauer, Notestein, Ott, Panzer, Paulson, Prosser, Radtke, Schneider, Schultz, Travis, Tregoning, Turba, Walling, Weeden, Wineke, Wood, Young, Zeuske and Speaker Loftus — 35.

Absent or not voting — None.

Motion failed.

Representative Hauke asked unanimous consent that the rules be suspended to introduce a resolution. Granted.

Assembly Resolution 3

Relating to real property taxes on farmland acquired by foreclosure and owned by the U.S. farmers home administration.

By Representatives Gronemus, Swoboda, Vanderperren, Coleman, Williams, Hubler, Turba, Clarenbach, Musser, Roberts, Ott, Antaramian, Holschbach, Medinger, Van Gorden, Tregoning, Volk, Potter, Shoemaker, Bolle, Hamilton, Gruszynski, Zweck, Paulson, Mark Lewis, Thompson, Porter, Berndt, Neubauer, Nelsen, Radtke, Panzer, Zeuske, Johnsrud, Ourada, Larson, Schultz and Brandemuehl.

Representative Gronemus asked unanimous consent that the rules be suspended and that **Assembly Resolution 3** be taken up at this time. Granted.

The question was: Shall **Assembly Resolution 3** be adopted?

Motion carried.

Assembly Bill 16

Relating to the salaries of certain elected state officials.

The question was: Shall **Assembly Bill 16** be ordered engrossed and read a third time?

Motion carried.

Representative Hauke asked unanimous consent that the rules be suspended and that **Assembly Bill 16** be given a third reading. Granted.

The question was: **Assembly Bill 16** having been read three times, shall the bill be passed?

Motion carried.

Representative Hauke asked unanimous consent that the rules be suspended and that **Assembly Bill 16** be immediately messaged to the senate. Granted.

Representative Hubler asked unanimous consent that the assembly adjourn in honor of the birthdays of Representative Fergus and Linda Anderson of her staff. Granted.

Representative Tregoning asked unanimous consent that the assembly adjourn in honor of the birthdays of Representatives Buettner, Schmidt and Turba. 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:

Dr. Bruno and Doris Schiffleger from Lafayette, guests of Representative Coleman.

Representative Hauke moved that the assembly stand adjourned until 9:30 A.M. tomorrow.

The question was: Shall the assembly stand adjourned?

Motion carried.

The assembly stood adjourned.

3:15 P.M.