



# STATE OF WISCONSIN

# Assembly Journal

## Ninety-Fifth Regular Session

9:29 A.M.

THURSDAY, February 1, 2001

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

Speaker Pro Tempore Freese in the chair.

The prayer was offered by Reverend Frank Bertalan, Jr., Pastor of Lake Trails Presbyterian Church in Madison.

Representative Berceau 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, Balow, Berceau, Bies, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Gronemus, Grothman, Gunderson, Gundrum, Hahn, Hebl, Hoven, Huber, Hubler, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Kreibich, Kreuser, Krug, Krusick, La Fave, Ladwig, F. Lasee, Lassa, J. Lehman, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Meyerhofer, Miller, Montgomery, Morris–Tatum, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Plale, Plouff, Pocan, Powers, Reynolds, Rhoades, Richards, Riley, Ryba, Schneider, Schooff, Seratti, Sherman, Shilling, Sinicki, Skindrud, Starzyk, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Travis, Turner, Underheim, Urban, Vrakas, Wade, Walker, Ward, Wasserman, Wieckert, Williams, Wood, Young, Ziegelbauer and Speaker Jensen – 99.

Absent with leave – None.

Vacancies – None.

### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Bill 50**

Relating to: requiring certain school boards and districts to provide Internet management software or services on computers connected to the Internet.

By Representatives Huebsch, Pettis, Ainsworth, Albers, Gunderson, Gundrum, Kedzie, Krawczyk, Ladwig, F. Lasee,

Leibham, Lippert, Petrowski, Starzyk, Stone, Suder, Urban and Vrakas.

To committee on **Information Policy and Technology**.

#### **Assembly Bill 51**

Relating to: creating an individual income tax subtract modification for amounts spent on medical insurance premiums by certain individuals.

By Representatives Hahn, Hundertmark, Krawczyk, Townsend, Plale, Miller, Pettis, Sykora, Rhoades, Lassa, Huebsch, Jeskewitz, Powers, Skindrud, Schooff, Owens, Olsen, Leibham, F. Lasee, La Fave, Freese, Ladwig, Lippert, Hoven, Gunderson, Gronemus, Kedzie, Vrakas, Reynolds, Kestell, Plouff, Petrowski, Stone, Balow, Johnsrud, Nass, Williams, Ainsworth, Seratti, Urban, Musser, Wade, Albers, McCormick, Huber, Ott and Shilling; cosponsored by Senators Breske, M. Meyer, Roessler, Wirch, Darling, Plache, Lazich, Schultz and Huelsman.

To committee on **Health**.

To joint survey committee on **Tax Exemptions**.

#### **Assembly Bill 52**

Relating to: granting creditable service under the Wisconsin retirement system for service in the national guard or a reserve component of the U.S. armed forces.

By Representatives Rhoades, Gronemus, Pettis, Suder, Ainsworth, Huebsch, Jeskewitz, Stone, Freese, Krawczyk, Ryba, Walker, Ladwig, Nass, Plouff, Townsend, Lassa, Ott, Powers, Owens, Kreuser, Gunderson and Travis; cosponsored by Senators Breske, Harsdorf, Plache, Welch, S. Fitzgerald, Schultz, Rosenzweig, Roessler and Darling.

To joint survey committee on **Retirement Systems**.

#### **Assembly Bill 53**

Relating to: requiring pharmacies and pharmacists, as a condition of medical assistance participation, to charge elderly persons for prescription drugs no more than specific amounts; specifying requirements for rebate agreements between the department of health and family services and drug manufacturers; requiring the department of health and family services to seek a waiver to provide medical assistance eligibility to certain persons for purposes of a prescription drug benefit; requiring the exercise of rule-making authority; making appropriations; and providing penalties.

By Representatives Plouff, Krusick, Schooff, Hebl, Sherman, Sinicki, Boyle, Richards, J. Lehman, Bock, Krug, Meyerhofer, Carpenter, Miller, Black, La Fave, Staskunas, Travis, Balow, Pocan, Huber, Schneider, Berceau, Coggs, Cullen, Colon, Ryba, Reynolds, Turner, Riley, Young, Wood, Shilling, Lassa, Wasserman and Plale; cosponsored by

Senators Robson, Erpenbach, Hansen, Moen, George, Shibilski, Roessler, Plache, Chvala, Decker, Grobschmidt, Wirch, Risser, M. Meyer, Baumgart and Jauch.

To committee on **Health**.

#### **Assembly Bill 54**

Relating to: relinquishing custody of a newborn child and granting rule-making authority.

By Representatives Plale, Jeskewitz, Schooff, Jensen, La Fave, Urban, Bock, Musser, Gronemus, Montgomery, Staskunas, Walker, J. Lehman, Powers, Turner, Ott, Olsen, Ladwig, Kreuser, Suder, Huber, Kestell, Steinbrink, Freese, Boyle, Ward, Wasserman, Rhoades, Miller, Sykora, Balow, Ainsworth, Sherman, Kreibich, Berceau, Vrakas, Sinicki, Hundertmark, Cullen, Owens, Colon, Albers, Krusick, Krawczyk, Schneider and Hoven; cosponsored by Senators Burke, Rosenzweig, Robson, Grobschmidt, Baumgart, Risser, Plache, Huelsman, Darling, Roessler and S. Fitzgerald, by request of Speaker's Task Force on Abandoned Babies.

To committee on **Children and Families**.

#### **Assembly Bill 55**

Relating to: creating an office of public intervenor in the department of justice and making an appropriation.

By Representatives Black, Bock, Berceau, Boyle, Balow, Carpenter, Cullen, Hebl, Huber, Kreuser, La Fave, Lassa, J. Lehman, Miller, Meyerhofer, Morris-Tatum, Plouff, Poca, Sherman, Shilling, Sinicki, Richards, Turner, Travis, Young, Williams, Schooff and Krug; cosponsored by Senators George, Shibilski, Risser, Baumgart, Burke, Decker, Erpenbach, Grobschmidt, Hansen, M. Meyer, Moen, Wirch and Plache.

To committee on **Natural Resources**.

#### **Assembly Bill 56**

Relating to: the appointment of the secretary of natural resources.

By Representatives Black, Hubler, Hebl, Boyle, Sherman, La Fave, Wasserman, Berceau, Bock, Krug, Poca, Reynolds, Plouff, Huber, Lassa, Shilling, Sinicki, Travis, Schooff, Balow, Staskunas, Richards, Meyerhofer, Miller, Carpenter, Cullen, Ryba, J. Lehman, Kreuser and Turner; cosponsored by Senators Shibilski, Risser, Burke, Decker, Hansen, Robson, Breske, Grobschmidt, Moen, Erpenbach, Jauch, Wirch, Plache, M. Meyer, Baumgart, Moore and George.

To committee on **Natural Resources**.

#### **Assembly Bill 57**

Relating to: a sales and use tax exemption for nonprescription drugs.

By Representatives Black, Urban, Gronemus, Grothman, Morris-Tatum, Bock, Powers, Huber, Boyle, Young, Gunderson, J. Lehman, Meyerhofer, Carpenter, Lassa, Poca, Balow, Berceau and Williams; cosponsored by Senators Baumgart and M. Meyer.

To joint survey committee on **Tax Exemptions**.

#### **Assembly Bill 58**

Relating to: low-speed vehicles, granting rule-making authority, and providing a penalty.

By Representatives Olsen, Powers, Musser, Bies, Ladwig, Townsend, Gronemus, Pettis, Ryba, Wade, Berceau, Vrakas, Freese, M. Lehman, Urban, Krawczyk, Ward, Gunderson, Plouff and Ott; cosponsored by Senators Breske, Schultz, M. Meyer, Baumgart, Huelsman and Darling.

To committee on **Transportation**.

#### **Assembly Bill 59**

Relating to: requiring the department of transportation to register and issue a certificate of title for a motorcycle having a certain vehicle identification number.

By Representative Walker; cosponsored by Senator Rosenzweig.

To committee on **Transportation**.

#### **Assembly Bill 60**

Relating to: the prohibition against making, possessing, or distributing a representation that depicts nudity, and providing a penalty.

By Representatives Gundrum, Bock, Rhoades, Gronemus, Ainsworth, Coggs, Stone, Lassa, Ladwig, Hundertmark, Turner, Kestell, Morris-Tatum, Wade, Grothman, Musser, M. Lehman, Williams, Olsen, Vrakas, Jeskewitz, Albers, Nass, Huebsch, Powers, Kedzie, Seratti, Montgomery, Suder, Krawczyk, Lippert, Gunderson, Urban, Plouff, Sykora and Ott; cosponsored by Senators Plache, Harsdorf, Roessler, Baumgart, Lazich, Huelsman, Schultz, Farrow, Darling and Rosenzweig.

To committee on **Judiciary**.

#### **Assembly Bill 61**

Relating to: the issuance of temporary fishing licenses to disabled persons.

By Representatives Sykora, Berceau, Freese, Gronemus, Gunderson, Hundertmark, Musser, Petrowski, Pettis, Plouff, Powers, Ryba, Vrakas and Williams; cosponsored by Senators Baumgart, Roessler and Schultz.

To committee on **Natural Resources**.

#### **Assembly Bill 62**

Relating to: local ordinances governing drug paraphernalia.

By Representatives Foti, Krawczyk, Hundertmark, La Fave, Ainsworth, Albers, Duff, Hahn, Jeskewitz, Ladwig, M. Lehman, Leibham, Musser, Ott, Owens, Petrowski, Plouff, Seratti, Stone, Urban, Vrakas and Wade; cosponsored by Senators Erpenbach, Farrow, Burke, Darling, S. Fitzgerald, Huelsman, Roessler and Schultz.

To committee on **Urban and Local Affairs**.

#### **Assembly Bill 63**

Relating to: the duty of a motor vehicle operator who is involved in an accident with a person or an attended or occupied vehicle and providing a penalty.

By Representatives Stone, Sykora, Ladwig, Gronemus, Urban, Steinbrink, La Fave, Miller, Vrakas, Townsend, Williams, Ainsworth and Ott; cosponsored by Senators Roessler and Schultz.

To committee on **Transportation**.

#### **Assembly Bill 64**

Relating to: the sales tax and the use tax on tips and gratuities.

By Representatives Sinicki, Musser, Balow, Berceau, Gronemus, Huebsch, La Fave, F. Lasee, Plale, Powers, Richards, Vrakas, Wasserman and Huber; cosponsored by Senators Grobschmidt, Schultz, Burke and Darling.

To committee on **Ways and Means**.

#### **Assembly Bill 65**

Relating to: parcels of land that may be included in a business improvement district.

By Representatives Richards, Ryba, Williams and Huber; cosponsored by Senators Grobschmidt, Plache and Roessler.

To committee on **Economic Development**.

#### **Assembly Bill 66**

Relating to: a state minimum wage, providing an exemption from emergency rule procedures, providing an exemption from rule-making procedures, granting rule-making authority, and providing a penalty.

By Representatives Balow, Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Johnsrud, Kreuser, Krug, J. Lehman, Meyerhofer, Miller, Morris-Tatum, Plouff, Pocan, Reynolds, Richards, Ryba, Sinicki, Turner, Williams and Young; cosponsored by Senators Hansen, Baumgart, Burke, Chvala, Decker, Erpenbach, Jauch, Moen, Plache and Shibilski.

To committee on **Labor and Workforce Development**.

#### **Assembly Bill 67**

Relating to: transferring toll-free calls to pay-per-call services or international numbers, creating certain disclosure and reporting requirements, and providing a penalty.

By Representatives Colon, Young, Bock, Schneider, Gronemus, Morris-Tatum, Williams, Jeskewitz, Seratti, Turner, Pocan, Black, Balow, Richards, Berceau, J. Lehman, Miller, Plouff, Musser, Kreuser, Cullen, Riley, Kedzie, Gunderson, Boyle, Plale and La Fave; cosponsored by Senators Moore, Burke, Hansen, Lazich and Darling.

To joint committee on **Information Policy and Technology**.

#### **Assembly Bill 68**

Relating to: granting creditable service under the Wisconsin retirement system for service in the federal peace corps or VISTA public service programs or in any national service program under the federal National and Community Service Act of 1990.

By Representatives Schneider, Kreuser, J. Lehman, Plouff, Boyle and Williams, by request of Larry Aschke.

To joint survey committee on **Retirement Systems**.

#### **Assembly Bill 69**

Relating to: using accumulated unused sick leave credits and certain health insurance premium credits for the purchase of long-term care insurance for participants under the Wisconsin retirement system.

By Representatives Schneider, Musser, Ryba, Miller, J. Lehman, Wade and Boyle; cosponsored by Senators Risser, Huelsman and Roessler.

To committee on **Health**.

#### **Assembly Bill 70**

Relating to: driving a vehicle when animals are in the front seat of the vehicle and providing a penalty.

By Representatives Schneider, Albers and Boyle.

To committee on **Highway Safety**.

#### **Assembly Bill 71**

Relating to: the Korean War memorial at Plover and making an appropriation.

By Representatives Schneider, Lassa, Owens, Hahn, Townsend, Kreuser and Boyle; cosponsored by Senators Baumgart and Schultz.

To committee on **Veterans and Military Affairs**.

#### **Assembly Bill 72**

Relating to: requiring underage persons to wear personal flotation devices while on certain boats and providing a penalty.

By Representatives Schneider, Musser, Ainsworth and Boyle.

To committee on **Natural Resources**.

#### **Assembly Bill 73**

Relating to: smoking and using tobacco products at or near a school and providing a penalty.

By Representatives Schneider, Ryba, Albers and Boyle; cosponsored by Senator Burke.

To committee on **State Affairs**.

#### **Assembly Bill 74**

Relating to: requiring persons on motorboats for the purpose of observing water skiers.

By Representatives Schneider, Huebsch, Boyle and Williams.

To committee on **Natural Resources**.

#### **Assembly Bill 75**

Relating to: a legislative council study on maintenance.

By Representatives Schneider, Gunderson, Albers, Boyle and Williams.

To committee on **Family Law**.

#### **Assembly Bill 76**

Relating to: prohibiting the denial, revocation, suspension, withholding, or restriction of approvals issued under chapter 29 of the statutes based on the failure of the approval applicants or approval holders to provide social security numbers.

By Representatives Schneider, Ziegelbauer, Kreuser, Freese, Hahn, Pocan, Gronemus, Gunderson, Hubler, Plouff, Boyle and Williams; cosponsored by Senators Breske, Hansen and Schultz.

To committee on **Personal Privacy**.

#### **Assembly Bill 77**

Relating to: increasing a school district's revenue limit for debt service incurred to comply with certain orders and for special assessments for public improvements.

By Representatives Schneider, Richards, Pocan, Ryba, Miller, Plale, J. Lehman and Boyle; cosponsored by Senator Risser, by request of Adams Friendship School District and Wisconsin Rapids School District.

To committee on **Tax and Spending Limitations**.

**Assembly Bill 78**

Relating to: mudguards on road tractors, truck tractors, trailers, semitrailers, and farm trailers, transporting bulk materials on a highway, and providing a penalty.

By Representatives Schneider, Bock, Balow, Black, Carpenter, Ryba and Boyle; cosponsored by Senator Darling.

To committee on **Transportation**.

**Assembly Bill 79**

Relating to: requiring insurers to cover treatment of a condition by an acupuncturist if there is coverage for treatment of the condition by a physician and prohibiting collective bargaining by the state with respect to the requirement.

By Representatives Schneider, Ziegelbauer, Gronemus, Boyle and Williams.

To committee on **Insurance**.

**Assembly Bill 80**

Relating to: disclosure by insurers and intermediaries of identifying information.

By Representatives Schneider, Ziegelbauer, Gronemus, Kreuser, Boyle and Williams.

To committee on **Insurance**.

**Assembly Bill 81**

Relating to: providing information in an insurance policy about policy cancellation.

By Representatives Schneider, Musser, Boyle and Williams.

To committee on **Insurance**.

**Assembly Bill 82**

Relating to: requiring headlights and other required lamps on vehicles to be lighted during inclement weather conditions and providing a penalty.

By Representatives Schneider, Ryba, La Fave and Boyle; cosponsored by Senator Wirch.

To committee on **Highway Safety**.

**Assembly Bill 83**

Relating to: prohibiting school boards from entering into certain contracts.

By Representatives Schneider, Richards, Pocan, Ryba, J. Lehman and Boyle.

To committee on **Education**.

**Assembly Bill 84**

Relating to: convenience store, service station, and restaurant security, a grant program for workplace security training, and making an appropriation.

By Representatives Schneider, Williams, Musser and Boyle.

To committee on **Small Business and Consumer Affairs**.

**Assembly Bill 85**

Relating to: seating for employees.

By Representatives Schneider, Williams and Boyle.

To committee on **Labor and Workforce Development**.

**Assembly Bill 86**

Relating to: banning smoking in buildings on post-secondary school campuses and providing a penalty.

By Representatives Schneider, Miller, Owens, Wade and Boyle; cosponsored by Senators Burke and Risser.

To committee on **State Affairs**.

**Assembly Bill 87**

Relating to: parking on property under the jurisdiction of the University of Wisconsin System and technical college district boards.

By Representatives Schneider and Boyle.

To committee on **Colleges and Universities**.

**Assembly Bill 88**

Relating to: the release of personally identifiable information for marketing or advertising purposes and providing a penalty.

By Representatives Schneider, Kreuser, Gronemus, Hahn, Wade, Boyle and Williams.

To committee on **Personal Privacy**.

**Assembly Bill 89**

Relating to: operation and costs of municipal cable television systems.

By Representatives Hoven, Pettis, Huebsch, Lassa, Montgomery, Plale, Powers, Ott, Schneider, Schooff, Turner, Underheim and Vrakas; cosponsored by Senators Moen, Breske, Farrow, S. Fitzgerald, M. Meyer and Wirch.

To committee on **Energy and Utilities**.

**Assembly Bill 90**

Relating to: the national teacher certification grant program.

By Representatives Olsen, Huebsch, Powers, Wade, Jeskewitz, Krawczyk, J. Lehman, Nass, Townsend, Albers and Vrakas; cosponsored by Senators Baumgart, Grobschmidt, Schultz and Rosenzweig.

To committee on **Education**.

**Assembly Bill 91**

Relating to: classifying certain teachers employed by the state as protective occupation participants under the Wisconsin retirement system.

By Representatives Musser, Powers, Turner, Balow, Pocan, Plouff, Plale, Travis, Gronemus, J. Lehman, Lassa, Huber, Hundertmark, Friske, Bock, Gunderson, Ladwig, Loeffelholz, Black, Ryba, Sykora, Freese, La Fave, Underheim, Williams, Albers and Suder; cosponsored by Senators Plache, Erpenbach, Burke, Schultz, Breske, Hansen, George, Robson, Risser, Moen and Roessler.

To joint survey committee on **Retirement Systems**.

**Assembly Bill 92**

Relating to: the use of ethnic names, nicknames, logos and mascots by school boards, granting rule-making authority, and providing a penalty.

By Representatives Boyle, La Fave, Carpenter, Coggs, Young, Pocan, Turner, Sherman, Morris-Tatum, Riley and Berceau; cosponsored by Senators George, Moore, Risser and Burke.

To committee on **Education Reform**.

**Assembly Bill 93**

Relating to: permits for the possession or use of certain fireworks, sales of fireworks to certain organizations and groups, liability for the use of illegally sold fireworks, and the authority of district attorneys to enforce laws relating to fireworks.

By Representatives Steinbrink, Starzyk, Kreuser, J. Lehman and Williams; cosponsored by Senators Darling and Farrow.

To committee on **Urban and Local Affairs**.

Representative Owens asked unanimous consent that all members of the Assembly be made coauthors of **Assembly Joint Resolution 18**. Granted.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 18** be immediately messaged to the Senate. Granted.

**Assembly Joint Resolution 21**

Relating to: the life and public service of Ben Marcus.

The question was: Shall **Assembly Joint Resolution 21** be adopted?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 21** be immediately messaged to the Senate. Granted.

Representative Albers in the chair.

**Assembly Bill 49**

Relating to: polling hours, time off from work for service as an election official, and requiring the elections board to submit recommendations with regard to voter identification and registration and the administration of elections.

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**COMMUNICATIONS**

February 1, 2001

The Honorable Scott Jensen  
Speaker of the Assembly  
211 West, State Capitol  
Madison, WI 53702

Dear Speaker Jensen:

On January 4, 1999 I took the oath of office for the constitutional office of Governor of the State of Wisconsin. After careful deliberation, I have determined I will accept President George W. Bush's appointment and will take the oath of office to become Secretary of the Department of Health and Human Services.

Consistent with sections 17.01(1) and (13), of the Wisconsin Statutes, I resign from the constitutional office of Governor of the State of Wisconsin. My resignation shall be effective on February 1, 2001 at 11:55 A.M.

There has been no greater privilege than to serve the people of the State of Wisconsin as their Governor for the past fourteen years.

Sincerely,  
*TOMMY G. THOMPSON*  
Governor

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**LEAVES OF ABSENCE**

Representative Bock asked unanimous consent for a leave of absence for part of today's session for Representative Coggs. Granted.

Representative Vrakas asked unanimous consent for a leave of absence for part of today's session for Representative Townsend. Granted.

Representative Ladwig asked unanimous consent for a leave of absence for part of today's session for Representatives Lippert and Gard. Granted.

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

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

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

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

Representative Foti asked unanimous consent that the Assembly stand informal. Granted.

The Assembly stood informal.

11:45 A.M.

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**CALENDAR OF THURSDAY, FEBRUARY 1**

**Assembly Joint Resolution 18**

Relating to: celebrating March 1, 2001, as St. David's Day.

The question was: Shall **Assembly Joint Resolution 18** be adopted?

Motion carried.

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**INFORMAL**

1:15 P.M.

The Assembly reconvened.

Representative Albers in the chair.

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

A quorum was present.

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## CALL OF THE ASSEMBLY

Representative Carpenter requested 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. The Chief Clerk reported that one member was absent without leave, Representative Hubler.

The Assembly proceeded to other business while remaining under Call of the Assembly.

### Assembly Bill 3

Relating to: classification and elements of felony offenses and certain misdemeanor offenses; criminal sentences and commitments; modification of a bifurcated sentence in certain cases; revocation of extended supervision; the creation of a sentencing commission and temporary sentencing guidelines; making an appropriation; and providing penalties.

Representative Walker asked unanimous consent that Assembly amendment 1 to **Assembly Bill 3** be withdrawn and returned to the author. Granted.

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## POINT OF ORDER

Representative Black rose to the point of order that **Assembly Bill 3** was not properly before the Assembly because it must be referred to the joint committee on Finance before being passed by the Assembly.

The Chair (Representative Albers) took the point of order under advisement.

The Chief Clerk reported that all members of the Assembly were present. Under Assembly Rule 87, the Call of the Assembly was lifted, and the Assembly returned to consideration of **Assembly Bill 49**.

### Assembly Bill 49

Relating to: polling hours, time off from work for service as an election official, and requiring the elections board to submit recommendations with regard to voter identification and registration and the administration of elections.

Representative Krug moved that **Assembly Bill 49** be re-referred to the committee on Campaigns and Elections.

The question was: Shall **Assembly Bill 49** be re-referred to the committee on Campaigns and Elections?

The roll was taken.

The result follows:

Ayes – Representatives Balow, Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Gronemus, Hebl, Huber, Hubler, Kreuser, Krug, Krusick, La Fave, Lassa, J. Lehman, Meyerhofer, Miller, Morris–Tatum, Plale, Plouff, Pocan, Reynolds, Richards, Riley, Ryba, Schneider, Schooff, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Travis, Turner, Wasserman, Williams, Wood and Young – 42.

Noes – Representatives Ainsworth, Albers, Bies, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Grothman, Gunderson, Gundrum, Hahn, Hoven, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Kreibich, Ladwig, F. Lasee, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Montgomery, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Powers, Rhoades, Seratti, Skindrud, Starzyk, Stone, Suder, Sykora, Townsend, Underheim, Urban, Vrakas, Wade, Walker, Ward, Wieckert, Ziegelbauer and Speaker Jensen – 57.

Absent or not voting – None.

Motion failed.

Representative Carpenter moved indefinite postponement of **Assembly Bill 49**.

The question was: Shall **Assembly Bill 49** be indefinitely postponed?

The roll was taken.

The result follows:

Ayes – Representatives Balow, Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Gronemus, Hebl, Huber, Hubler, Kreuser, Krug, Krusick, La Fave, Lassa, J. Lehman, Meyerhofer, Miller, Morris–Tatum, Plale, Plouff, Pocan, Reynolds, Richards, Riley, Ryba, Schneider, Schooff, Sherman, Shilling, Sinicki, Staskunas, Travis, Turner, Wasserman, Williams, Wood and Young – 41.

Noes – Representatives Ainsworth, Albers, Bies, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Grothman, Gunderson, Gundrum, Hahn, Hoven, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Kreibich, Ladwig, F. Lasee, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Montgomery, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Powers, Rhoades, Seratti, Skindrud, Starzyk, Steinbrink, Stone, Suder, Sykora, Townsend, Underheim, Urban, Vrakas, Wade, Walker, Ward, Wieckert, Ziegelbauer and Speaker Jensen – 58.

Absent or not voting – None.

Motion failed.

The question was: **Assembly Bill 49** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Bies, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Grothman, Gunderson, Gundrum, Hahn, Hoven, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Kreibich, Ladwig, F. Lasee, J. Lehman, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D.

Meyer, Meyerhofer, Montgomery, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Plale, Powers, Rhoades, Schneider, Seratti, Skindrud, Starzyk, Steinbrink, Stone, Suder, Sykora, Townsend, Underheim, Urban, Vrakas, Wade, Walker, Ward, Wieckert, Ziegelbauer and Speaker Jensen – 63.

Noes – Representatives Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Gronemus, Hebl, Huber, Hubler, Kreuser, Krug, Krusick, La Fave, Lassa, Miller, Morris–Tatum, Plouff, Pocan, Reynolds, Richards, Riley, Ryba, Schooff, Sherman, Shilling, Sinicki, Staskunas, Travis, Turner, Wasserman, Williams, Wood and Young – 36.

Absent or not voting – None.

Motion carried.

Representative Freese asked unanimous consent that the rules be suspended and that **Assembly Bill 49** be immediately messaged to the Senate.

Representative Carpenter objected.

Representative Freese moved that the rules be suspended and that **Assembly Bill 49** be immediately messaged to the Senate.

The question was: Shall the rules be suspended and **Assembly Bill 49** be immediately messaged to the Senate?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Bies, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Grothman, Gunderson, Gundrum, Hahn, Hoven, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Kreibich, Ladwig, F. Lasee, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Montgomery, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Powers, Rhoades, Seratti, Skindrud, Starzyk, Stone, Suder, Sykora, Townsend, Underheim, Urban, Vrakas, Wade, Walker, Ward, Wieckert and Speaker Jensen – 56.

Noes – Representatives Balow, Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Gronemus, Hebl, Huber, Hubler, Kreuser, Krug, Krusick, La Fave, Lassa, J. Lehman, Meyerhofer, Miller, Morris–Tatum, Plale, Plouff, Pocan, Reynolds, Richards, Riley, Ryba, Schneider, Schooff, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Travis, Turner, Wasserman, Williams, Wood, Young and Ziegelbauer – 43.

Absent or not voting – None.

Motion failed.

Speaker Pro Tempore Freese in the chair.

### **Assembly Bill 3**

Relating to: classification and elements of felony offenses and certain misdemeanor offenses; criminal sentences and commitments; modification of a bifurcated sentence in certain cases; revocation of extended supervision; the creation of a sentencing commission and temporary sentencing guidelines; making an appropriation; and providing penalties.

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## **RULING ON THE POINT OF ORDER**

Speaker Pro Tempore Freese ruled **not well taken** the point of order raised by Representative Black that **Assembly Bill 3** was not properly before the Assembly because it must be referred to the joint committee on Finance before being passed by the Assembly. Speaker Pro Tempore Freese reaffirmed previous rulings and cited a ruling from the Assembly Journal of October 15, 1987 (page 424).

The question was: Shall Assembly amendment 2 to **Assembly Bill 3** be adopted?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Berceau, Bies, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Gronemus, Grothman, Gunderson, Gundrum, Hahn, Hebl, Hoven, Huber, Hubler, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Kreibich, Kreuser, Krug, Krusick, La Fave, Ladwig, F. Lasee, Lassa, J. Lehman, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Meyerhofer, Miller, Montgomery, Morris–Tatum, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Plale, Plouff, Pocan, Powers, Reynolds, Rhoades, Richards, Riley, Ryba, Schneider, Schooff, Seratti, Sherman, Shilling, Sinicki, Skindrud, Starzyk, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Travis, Turner, Underheim, Urban, Vrakas, Wade, Walker, Ward, Wasserman, Wieckert, Williams, Wood, Young, Ziegelbauer and Speaker Jensen – 99.

Noes – None.

Absent or not voting – None.

Motion carried.

The question was: Shall Assembly amendment 3 to **Assembly Bill 3** be adopted?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Berceau, Bies, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Gronemus, Grothman, Gunderson, Gundrum, Hahn, Hebl, Hoven, Huber, Hubler, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Kreibich, Kreuser, Krug, Krusick, La Fave, Ladwig, F. Lasee, Lassa, J. Lehman, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Meyerhofer, Miller, Montgomery, Morris–Tatum, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Plale, Plouff, Pocan, Powers, Reynolds, Rhoades, Richards, Riley, Ryba, Schneider, Schooff, Seratti, Sherman, Shilling, Sinicki, Skindrud, Starzyk, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Travis, Turner, Underheim, Urban, Vrakas, Wade, Walker, Ward, Wasserman, Wieckert, Williams, Wood, Young, Ziegelbauer and Speaker Jensen – 99.

Noes – None.

Absent or not voting – None.

Motion carried.

The question was: Shall Assembly amendment 4 to **Assembly Bill 3** be adopted?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Berceau, Bies, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Gronemus, Grothman, Gunderson, Gundrum, Hahn, Hebl, Hoven, Huber, Hubler, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Kreibich, Kreuser, Krug, Krusick, La Fave, Ladwig, F. Lasee, Lassa, J. Lehman, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Meyerhofer, Miller, Montgomery, Morris–Tatum, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Plale, Plouff, Pocan, Powers, Reynolds, Rhoades, Richards, Riley, Ryba, Schneider, Schooff, Seratti, Sherman, Shilling, Sinicki, Skindrud, Starzyk, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Travis, Turner, Underheim, Urban, Vrakas, Wade, Walker, Ward, Wasserman, Wieckert, Williams, Wood, Young, Ziegelbauer and Speaker Jensen – 99.

Noes – None.

Absent or not voting – None.

Motion carried.

Assembly amendment 5 to **Assembly Bill 3** offered by Representatives Walker, Staskunas, Huber and Suder.

The question was: Shall Assembly amendment 5 to **Assembly Bill 3** be adopted?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Berceau, Bies, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Gronemus, Grothman, Gunderson, Gundrum, Hahn, Hebl, Hoven, Huber, Hubler, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Kreibich, Kreuser, Krug, Krusick, La Fave, Ladwig, F. Lasee, Lassa, J. Lehman, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Meyerhofer, Miller, Montgomery, Morris–Tatum, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Plale, Plouff, Pocan, Powers, Reynolds, Rhoades, Richards, Riley, Ryba, Schneider, Schooff, Seratti, Sherman, Shilling, Sinicki, Skindrud, Starzyk, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Travis, Turner, Underheim, Urban, Vrakas, Wade, Walker, Ward, Wasserman, Wieckert, Williams, Wood, Young, Ziegelbauer and Speaker Jensen – 99.

Noes – None.

Absent or not voting – None.

Motion carried.

Assembly amendment 6 to **Assembly Bill 3** offered by Representatives Staskunas, Sherman and Walker.

The question was: Shall Assembly amendment 6 to **Assembly Bill 3** be adopted?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Berceau, Bies, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Gronemus, Grothman, Gunderson, Gundrum, Hahn, Hebl, Hoven, Huber, Hubler, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Kreibich, Kreuser, Krug, Krusick, La Fave, Ladwig, F. Lasee, Lassa, J. Lehman, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Meyerhofer, Miller, Montgomery, Morris–Tatum, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Plale, Plouff, Pocan, Powers, Reynolds, Rhoades, Richards, Riley, Ryba, Schneider, Schooff, Seratti, Sherman, Shilling, Sinicki, Skindrud, Starzyk, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Travis, Turner, Underheim, Urban, Vrakas, Wade, Walker, Ward, Wasserman, Wieckert, Williams, Wood, Young, Ziegelbauer and Speaker Jensen – 99.

Noes – None.

Absent or not voting – None.

Motion carried.

Assembly amendment 7 to **Assembly Bill 3** offered by Representative Colon.

Representative Duff in the chair.

Speaker Pro Tempore Freese in the chair.

Representative Walker moved that Assembly amendment 7 to **Assembly Bill 3** be laid on the table.

The question was: Shall Assembly amendment 7 to **Assembly Bill 3** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Grothman, Gunderson, Gundrum, Hahn, Hoven, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Kreibich, Ladwig, F. Lasee, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Montgomery, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Powers, Rhoades, Seratti, Skindrud, Starzyk, Stone, Suder, Sykora, Townsend, Underheim, Urban, Vrakas, Wade, Walker, Ward, Wieckert, Ziegelbauer and Speaker Jensen – 56.

Noes – Representatives Balow, Berceau, Bies, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Gronemus, Hebl, Huber, Hubler, Kreuser, Krug, Krusick, La Fave, Lassa, J. Lehman, Meyerhofer, Miller, Morris–Tatum, Plale, Plouff, Pocan, Reynolds, Richards, Riley, Ryba, Schneider, Schooff,

Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Travis, Turner, Wasserman, Williams, Wood and Young – 43.

Absent or not voting – None.

Motion carried.

The question was: Shall **Assembly Bill 3** be ordered engrossed and read a third time?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 3** be given a third reading.

Representative Morris-Tatum objected.

Representative Ladwig moved that the rules be suspended and that **Assembly Bill 3** be given a third reading.

The question was: Shall the rules be suspended and **Assembly Bill 3** be given a third reading?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Bies, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Grothman, Gunderson, Gundrum, Hahn, Hoven, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Kreibich, Ladwig, F. Lasee, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Montgomery, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Powers, Rhoades, Seratti, Skindrud, Starzyk, Steinbrink, Stone, Suder, Sykora, Townsend, Underheim, Urban, Vrakas, Wade, Walker, Ward, Wieckert and Speaker Jensen – 57.

Noes – Representatives Balow, Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Gronemus, Hebl, Huber, Hubler, Kreuser, Krug, Krusick, La Fave, Lassa, J. Lehman, Meyerhofer, Miller, Morris-Tatum, Plale, Plouff, Pocan, Reynolds, Richards, Riley, Ryba, Schneider, Schooff, Sherman, Shilling, Sinicki, Staskunas, Travis, Turner, Wasserman, Williams, Wood, Young and Ziegelbauer – 42.

Absent or not voting – None.

Motion failed.

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## INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

### **Assembly Resolution 5**

Relating to: declaring February African-American History and Cultural Heritage Month.

By Representatives Morris-Tatum, Young, Turner, Bock, Pocan, Carpenter, Sherman, Richards, Ryba, Boyle, Plouff, Kreuser, Wasserman, Williams, Riley and Coggs.

To committee on **Rules**.

### **Assembly Resolution 6**

Relating to: celebrating February 6, 2001, as Ronald Reagan Day in the state of Wisconsin.

By Representative Jensen.

To committee on **Rules**.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Resolution 6** be withdrawn from the committee on **Rules** and taken up at this time. Granted.

### **Assembly Resolution 6**

Relating to: celebrating February 6, 2001, as Ronald Reagan Day in the state of Wisconsin.

The question was: Shall **Assembly Resolution 6** be adopted?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Resolution 5** be withdrawn from the committee on **Rules** and taken up at this time. Granted.

### **Assembly Resolution 5**

Relating to: declaring February African-American History and Cultural Heritage Month.

The question was: Shall **Assembly Resolution 5** be adopted?

Motion carried.

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## ANNOUNCEMENTS

Representative Hebl asked unanimous consent that the Assembly adjourn in honor of Jimmy the Groundhog from Sun Prairie and Groundhog Day on February 2. Granted.

Representative Coggs asked unanimous consent that the Assembly adjourn in honor of Representatives Turner and Williams in recognizing February as African-American History and Cultural Heritage month. Granted.

Representative Morris-Tatum asked unanimous consent that the Assembly adjourn in honor of Frederick Douglass, a great historical African-American abolitionist. Granted.

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## VISITORS

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

Steve Dzubay, editor of the Hudson Star Observer and the husband of the Pierce County Coroner, guest of Representative Rhoades.

Former member of the Assembly, Lolita Schneiders, guest of Representative Albers.

Amery High School students accompanied by Jerry Cardinal and Jane Johnson, guests of Representative Pettis.

Former member of the Assembly and current Mayor of Amery, Harvey Stower, guest of Representative Pettis.

Third District Congressman Ron Kind, from La Crosse, guest of Representative Shilling.

The Headstart Parents Committee, guests of Representative Morris-Tatum.

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## **ADJOURNMENT**

Representative Foti moved that the Assembly stand adjourned until 10:00 A.M. on Tuesday, February 13, pursuant to **Senate Joint Resolution 1**.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

3:35 P.M.