



STATE OF WISCONSIN Assembly Journal

Ninety-Fifth Regular Session

9:47 A.M.

THURSDAY, October 25, 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 Pastor Nathan Gauerke of the Zion Lutheran Church in Appleton.

Representative Wieckert led the membership in reciting the pledge of allegiance to the flag of the United States of America.

SPECIAL GUEST

Representatives Sinicki and Plale introduced students from the Wisconsin Conservatory of Lifelong Learning in Milwaukee. Accompanied by their choir director, Amy Gruszewski, the students sang "Solidarity" from the front of the podium.

The roll was taken.

The result follows:

Present – Representatives Ainsworth, Albers, Balow, Berceau, Bies, Black, Bock, Boyle, Carpenter, Coggs, Colon, 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, Rhoades, Richards, Ryba, Schneider, Schooff, Seratti, Sherman, Shilling, Sinicki, Skindrud, Starzyk, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Turner, Underheim, Urban, Vrakas, Walker, Ward, Wasserman, Wieckert, Williams, Wood, Young, Ziegelbauer and Speaker Jensen – 94.

Absent with leave – Representatives Cullen, Reynolds, Riley and Travis – 4.

Vacancies – 42nd Assembly District – 1.

LEAVES OF ABSENCE

Representative Bock asked unanimous consent for a leave of absence for today's session for Representatives Cullen, Reynolds, Riley and Travis. Granted.

AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 584** offered by Representative Hoven.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 01–072

Relating to regulations concerning agent transactions with customers.

Submitted by Office of the Commissioner of Insurance.

Report received from Agency, October 17, 2001.

To committee on **Insurance**.

Referred on October 25, 2001.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Resolution 43

Relating to: honoring the life and achievements of Jesselyn Marie Karbon and the efforts of her mother, Rosemarie Rose.

By Representative Gard.

To committee on **Rules**.

Assembly Bill 587

Relating to: creating the Wisconsin naval militia and making an appropriation.

By Representatives Townsend, Ladwig, Gronemus, Kreibich, Olsen, Owens, Jensen, Freese, Schneider, M. Lehman, Huebsch, Urban, Ott, Krawczyk, Sykora, Petrowski and Vrakas; cosponsored by Senators Panzer, Welch, Zien, Huelsman, Rosenzweig, Darling and Roessler.

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

COMMITTEE REPORTS

The committee on **Economic Development** reports and recommends:

Assembly Bill 539

Relating to: requiring joint committee on finance approval of the designation of technology zones and an agricultural development zone.

Passage:

Ayes: 8 – Representatives Townsend, Wieckert, J. Fitzgerald, M. Lehman, Lippert, Lassa, Staskunas and Cullen.
Noes: 0.

To committee on **Rules**.

Assembly Bill 579

Relating to: certified capital investment limitations, qualified business requirements, and reviews of certified capital company financial statements.

Passage:

Ayes: 6 – Representatives Townsend, Wieckert, M. Lehman, Lippert, Lassa and Staskunas.
Noes: 0.

To committee on **Rules**.

JOHN TOWNSEND
Chairperson
Committee on Economic Development

MESSAGE FROM THE SENATE

By Donald J. Schneider, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Concurred in:

Assembly Bill 142
Assembly Bill 153

SPEAKER'S COMMUNICATIONS

October 24, 2001

John A. Scocos
Assembly Chief Clerk
1 East Main Street, Suite 402

Dear Mr. Scocos:

On October 17, 2001, **Senate Bill 259** relating to the deadline for filing a tax exemption report in the city of La Crosse by a church or religious association, was referred to the Assembly Committee on Ways and Means. Pursuant to Assembly Rule 42 (3)(c), I hereby withdraw **Senate Bill 259** from the Assembly Committee on Ways and Means and re-refer that bill to the Assembly Committee on Urban and Local Affairs.

Representative M. Lehman has been notified of this re-referral and approves.

Sincerely,
SCOTT R. JENSEN
Assembly Speaker

October 25, 2001

John A. Scocos
Assembly Chief Clerk
1 East Main Street, Suite 402

Dear Mr. Scocos:

On October 11, 2001, **Assembly Joint Resolution 65** relating to urging Congress to provide a permanent annual payment in lieu of taxes to the town and country of Menominee, was referred to the Assembly Committee on Ways and Means. Pursuant to Assembly Rule 42 (3)(c), I hereby withdraw **Assembly Joint Resolution 65** from the Assembly Committee on Ways and Means and re-refer that joint resolution to the Assembly Committee on Rules.

Representative M. Lehman has been notified of this re-referral and approves.

Sincerely,
SCOTT R. JENSEN
Assembly Speaker

COMMUNICATIONS

October 24, 2001

John A. Scocos
Assembly Chief Clerk
1 E Main Street, Suite 402
Madison, WI 53708

Dear Assembly Chief Clerk Scocos:

It has recently come to my attention that I was inadvertently recorded as a co-sponsor of **Assembly Bill 424** and **Senate Bill 185**. My records indicate that I did not ask to be made a co-sponsor of these pieces of legislation and it is with that knowledge that I ask for my name to be removed as a co-sponsor of Assembly Bill 424 and Senate Bill 185.

Assembly Bill 424 (Bies) relating to disciplinary procedures for certain local law enforcement officers and fire fighters.

Senate Bill 185 (Burke) relating to disciplinary procedures for certain local law enforcement officers and fire fighters.

Please advise me as to your action.

Sincerely,
JEFF STONE
State Representative
82nd Assembly District

Representative Vrakas asked unanimous consent that the Assembly stand recessed.

Representative Black objected.

Representative Black asked unanimous consent that the Assembly return to the 8th order of business.

Representative Duff objected.

Representative Foti asked unanimous consent that the Assembly return to the 8th order of business. Granted.

Representative Foti asked unanimous consent that the Assembly stand recessed.

Representative Carpenter objected.

CALL OF THE ASSEMBLY

Representative Foti requested a call of the Assembly. There were sufficient seconds.

Representative Foti asked unanimous consent that the Call of the Assembly be lifted. Granted.

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

The Assembly stood recessed.

10:32 A.M.

RECESS

1:30 P.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

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

A quorum was present.

Representative Duff in the chair.

Representative Carpenter asked unanimous consent that the rules be suspended and that **LRB-4076** be taken up at this time.

Representative Foti objected.

Representative Carpenter moved that the rules be suspended and that **LRB-4076** be taken up at this time.

The question was: Shall the rules be suspended and **LRB-4076** be taken up at this time?

The roll was taken.

The results follows:

Ayes – Representatives Balow, Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Gronemus, Hebl, Huber, Hubler, Kreuser, Krug, Krusick, La Fave, Lassa, J. Lehman, Meyerhofer, Miller, Morris–Tatum, Plale, Plouff, Pocan, Richards, Ryba, Schneider, Schooff, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Turner, Wasserman, Williams, Wood, Young and Ziegelbauer – 39.

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, Walker, Ward, Wieckert and Speaker Jensen – 55.

Absent or not voting – Representatives Cullen, Reynolds, Riley and Travis – 4.

Motion failed.

LEAVES OF ABSENCE

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

CALENDAR OF THURSDAY, OCTOBER 25

Assembly Bill 576

Relating to: an airline loan guarantee program and making an appropriation.

The question was: **Assembly Bill 576** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Bies, Carpenter, Coggs, Duff, Foti, Freese, Friske, Gard, Gunderson, Hahn, Hoven, Huebsch, Hundertmark, Jeskewitz, Kaufert, Kedzie, Kestell, Krawczyk, Krug, Krusick, La Fave, Ladwig, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Meyerhofer, Montgomery, Musser, Nass, Ott, Owens, Petrowski, Plale, Powers, Richards, Schooff, Skindrud, Starzyk, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Turner, Underheim, Urban, Vrakas, Walker, Ward, Wasserman, Wieckert and Speaker Jensen – 57.

Noes – Representatives Balow, Berceau, Black, Boyle, Colon, J. Fitzgerald, Gronemus, Grothman, Gundrum, Hebl, Huber, Hubler, Johnsrud, Kreibich, Kreuser, F. Lasee, Lassa, J. Lehman, M. Lehman, Miller, Morris–Tatum, Olsen, Pettis, Plouff, Pocan, Rhoades, Schneider, Seratti, Sherman, Shilling, Sinicki, Williams, Wood, Young and Ziegelbauer – 35.

Paired for – Representative Bock – 1.

Paired against – Representative Cullen – 1.

Absent or not voting – Representatives Reynolds, Riley, Ryba and Travis – 4.

Motion carried.

Representative Carpenter moved reconsideration of the vote by which **Assembly Bill 576** was passed. Entered.

Representative Foti asked unanimous consent that the rules be suspended and that the motion for reconsideration of the vote by which **Assembly Bill 576** was passed be taken up at this time.

Representative Carpenter objected.

Representative Foti moved that the rules be suspended and that the motion for reconsideration of the vote by which **Assembly Bill 576** was passed 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 Bill 576** was passed be taken up at this time?

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, Walker, Ward, Wieckert and Speaker Jensen – 55.

Noes – Representatives Balow, Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Gronemus, Hebl, Huber, Hubler, Kreuser, Krug, Krusick, La Fave, Lassa, J. Lehman, Meyerhofer, Miller, Morris–Tatum, Plale, Plouff, Pocan, Richards, Schneider, Schooff, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Turner, Wasserman, Williams, Wood, Young and Ziegelbauer – 38.

Absent or not voting – Representatives Cullen, Reynolds, Riley, Ryba and Travis – 5.

Motion failed.

Assembly Bill 280

Relating to: placing bodily substances in edibles and providing a penalty.

The question was: Shall **Assembly Bill 280** be ordered engrossed and read a third time?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 280** be given a third reading. Granted.

The question was: **Assembly Bill 280** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Berceau, Bies, Black, Bock, Boyle, Carpenter, Coggs, Colon, 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, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Plale, Plouff, Pocan, Powers, Rhoades, Richards, Schneider, Schooff, Seratti, Sherman, Shilling, Sinicki, Skindrud, Starzyk, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Turner, Underheim, Urban, Vrakas, Walker, Ward, Wasserman, Wieckert, Williams, Wood, Ziegelbauer and Speaker Jensen – 91.

Noes – Representatives Morris–Tatum and Young – 2.

Absent or not voting – Representatives Cullen, Reynolds, Riley, Ryba and Travis – 5.

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 280** be immediately messaged to the Senate. Granted.

Assembly Bill 380

Relating to: single sales factor apportionment of income for corporate income tax and franchise tax purposes and granting rule-making authority.

Representative Foti asked unanimous consent that **Assembly Bill 380** be placed after **Assembly Bill 488** on today's calendar. Granted.

Assembly Bill 488

Relating to: placement of a child who is a custodial parent or an expectant mother in a safe and structured living arrangement in which the child is provided with training in parenting skills and other skills to promote the child's long-term economic independence and the well-being of the child's child, grants for the provision of such living arrangements and related services, granting rule-making authority, and making an appropriation.

Assembly amendment 1 to **Assembly Bill 488** offered by Representatives Albers, Suder, J. Fitzgerald, Gunderson and Grothman.

Representative Jeskewitz moved rejection of Assembly amendment 1 to **Assembly Bill 488**.

The question was: Shall Assembly amendment 1 to **Assembly Bill 488** be rejected?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Balow, Berceau, Bies, Black, Bock, Boyle, Carpenter, Coggs, Colon, Duff, Friske, Gard, Gronemus, Gunderson, Hebl, Huber, Hubler,

Hundertmark, Jeskewitz, Kaufert, Kedzie, Kestell, Krawczyk, Kreuser, Krug, Krusick, La Fave, Ladwig, Lassa, J. Lehman, M. Lehman, Lippert, Loeffelholz, D. Meyer, Meyerhofer, Miller, Montgomery, Morris–Tatum, Musser, Nass, Olsen, Ott, Owens, Plale, Plouff, Pocan, Powers, Rhoades, Richards, Schneider, Schooff, Sherman, Shilling, Sinicki, Skindrud, Starzyk, Staskunas, Steinbrink, Stone, Townsend, Turner, Underheim, Urban, Vrakas, Walker, Ward, Wasserman, Wieckert, Williams, Young and Speaker Jensen – 72.

Noes – Representatives Albers, J. Fitzgerald, Foti, Freese, Grothman, Gundrum, Hahn, Hoven, Huebsch, Johnsrud, Kreibich, F. Lasee, Leibham, McCormick, Petrowski, Pettis, Seratti, Suder, Sykora, Wood and Ziegelbauer – 21.

Absent or not voting – Representatives Cullen, Reynolds, Riley, Ryba and Travis – 5.

Motion carried.

The question was: Shall **Assembly Bill 488** be ordered engrossed and read a third time?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 488** be given a third reading. Granted.

The question was: **Assembly Bill 488** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Balow, Berceau, Bies, Black, Bock, Boyle, Carpenter, Coggs, Colon, 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, Rhoades, Richards, Schneider, Schooff, Seratti, Sherman, Shilling, Sinicki, Skindrud, Starzyk, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Turner, Underheim, Urban, Vrakas, Walker, Ward, Wasserman, Wieckert, Williams, Wood, Young, Ziegelbauer and Speaker Jensen – 92.

Noes – None.

Paired for – Representative Cullen – 1.

Paired against – Representative Albers – 1.

Absent or not voting – Representatives Reynolds, Riley, Ryba and Travis – 4.

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 488** be immediately messaged to the Senate. Granted.

Assembly Bill 380

Relating to: single sales factor apportionment of income for corporate income tax and franchise tax purposes and granting rule-making authority.

Assembly substitute amendment 2 to **Assembly Bill 380** offered by Representative Ziegelbauer.

Representative Gard moved that Assembly substitute amendment 2 to **Assembly Bill 380** be laid on the table.

The question was: Shall Assembly substitute amendment 2 to **Assembly Bill 380** be laid on the table?

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, Staskunas, Stone, Suder, Sykora, Townsend, Underheim, Urban, Vrakas, Walker, Ward, Wieckert and Speaker Jensen – 56.

Noes – Representatives Balow, Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Gronemus, Hebl, Huber, Hubler, Kreuser, Krug, Krusick, La Fave, Lassa, J. Lehman, Meyerhofer, Miller, Morris–Tatum, Plale, Plouff, Pocan, Richards, Schneider, Schooff, Sherman, Shilling, Sinicki, Steinbrink, Turner, Wasserman, Williams, Wood, Young and Ziegelbauer – 37.

Absent or not voting – Representatives Cullen, Reynolds, Riley, Ryba and Travis – 5.

Motion carried.

Representative Gard moved that Assembly substitute amendment 1 to **Assembly Bill 380** be laid on the table.

The question was: Shall Assembly substitute amendment 1 to **Assembly Bill 380** be laid on the table?

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, Staskunas, Stone, Suder, Sykora, Townsend, Underheim, Urban, Vrakas, Walker, Ward, Wieckert and Speaker Jensen – 56.

Noes – Representatives Balow, Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Gronemus, Hebl, Huber, Hubler, Kreuser, Krug, Krusick, La Fave, Lassa, J. Lehman, Meyerhofer, Miller, Morris–Tatum, Plale, Plouff, Pocan, Richards, Schneider, Schooff, Sherman, Shilling, Sinicki, Steinbrink, Turner, Wasserman, Williams, Wood, Young and Ziegelbauer – 37.

Absent or not voting – Representatives Cullen, Reynolds, Riley, Ryba and Travis – 5.

Motion carried.

The question was: Shall Assembly amendment 1 to **Assembly Bill 380** be adopted?

Motion carried.

Assembly amendment 2 to **Assembly Bill 380** offered by Representative Gard.

POINT OF ORDER

Representative Krug rose to the point of order that Assembly amendment 2 to **Assembly Bill 380** was not germane under Assembly Rule 54.

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

Speaker Pro Tempore Freese in the chair.

Assembly Bill 507

Relating to: creating an exemption from the regulation of anhydrous ammonia.

The question was: Shall Assembly substitute amendment 1 to **Assembly Bill 507** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 507** be ordered engrossed and read a third time?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 507** be given a third reading. Granted.

The question was: **Assembly Bill 507** having been read three times, shall the bill be passed?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 507** be immediately messaged to the Senate. Granted.

Assembly Bill 157

Relating to: possession of body armor by persons convicted of or adjudicated delinquent for certain felony offenses and providing a penalty.

The question was: Shall Assembly amendment 1 to **Assembly Bill 157** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 157** be ordered engrossed and read a third time?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 157** be given a third reading. Granted.

The question was: **Assembly Bill 157** having been read three times, shall the bill be passed?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 157** be immediately messaged to the Senate. Granted.

Representative Carpenter moved reconsideration of the vote by which **Assembly Bill 576** was engrossed.

Speaker Pro Tempore Freese ruled the motion out of order.

POINT OF ORDER

Representative Carpenter rose to the point of order that a motion for reconsideration of the vote by which **Assembly Bill 576** was engrossed was in order under Assembly Rule 73.

Speaker Pro Tempore Freese took the point of order under advisement.

The Assembly stood informal.

3:18 P.M.

INFORMAL

3:57 P.M.

The Assembly reconvened.

Representative Duff in the chair.

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

A quorum was present.

RULING ON THE POINT OF ORDER

Assembly Bill 380

Relating to: single sales factor apportionment of income for corporate income tax and franchise tax purposes and granting rule-making authority.

The Chair (Representative Duff) ruled **well taken** the point of order raised by Representative Krug that Assembly amendment 2 to **Assembly Bill 380** was not germane under Assembly Rule 54.

Assembly amendment 3 to **Assembly Bill 380** offered by Representative Gard.

The question was: Shall Assembly amendment 3 to **Assembly Bill 380** be adopted?

Motion carried.

Assembly Bill 57

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

Representative Black asked unanimous consent that the rules be suspended and that **Assembly Bill 57** be withdrawn from the joint survey committee on **Tax Exemptions** and taken up at this time.

Representative Jensen objected.

Representative Black moved that the rules be suspended and that **Assembly Bill 57** be withdrawn from the joint survey committee on **Tax Exemptions** and taken up at this time.

POINT OF ORDER

Representative Jensen rose to the point of order that the motion to withdraw **Assembly Bill 57** from the joint survey committee on **Tax Exemptions** was not properly before the Assembly under s. 13.52 of the Wisconsin Statutes.

Representative Duff took the point of order under advisement.

Assembly Bill 380

Relating to: single sales factor apportionment of income for corporate income tax and franchise tax purposes and granting rule-making authority.

The question was: Shall **Assembly Bill 380** be ordered engrossed and read a third time?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 380** be given a third reading.

Representative Black objected.

Representative Foti moved that the rules be suspended and that **Assembly Bill 380** be given a third reading.

The question was: Shall the rules be suspended and **Assembly Bill 380** 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, Stone, Suder, Sykora, Townsend, Underheim, Urban, Vrakas, Walker, Ward, Wieckert, Ziegelbauer and Speaker Jensen – 56.

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

Staskunas, Steinbrink, Turner, Wasserman, Williams, Wood and Young – 37.

Absent or not voting – Representatives Cullen, Reynolds, Riley, Ryba and Travis – 5.

Motion failed.

RULING ON THE POINT OF ORDER

Assembly Bill 57

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

The Chair (Representative Duff) ruled the point of order **well taken** that a motion to withdraw Assembly Bill 57 from the joint survey committee on **Tax Exemptions** was not properly before the Assembly under s. 13.52 of the Wisconsin Statutes.

ANNOUNCEMENTS

Representative Hundertmark asked unanimous consent that the Assembly adjourn in honor of FWD/Seagrave in Clintonville, who assisted in rebuilding the New York Fire Department after the terrorist attacks on September 11, 2001. Granted.

Representative Lippert asked unanimous consent that the Assembly adjourn in honor of the Pittsville High School Volleyball Team who won the Championship Game on October 20. Granted.

Representative Wasserman asked unanimous consent that the Assembly adjourn in honor of his son, Joseph I. Wasserman, on the occasion of his Bar Mitzvah. Granted.

Representative Lassa asked unanimous consent that the Assembly adjourn in honor of the University of Wisconsin-Stevens Point Wellness & Fitness students and faculty who participated in the Legislative Health and Fitness Day. 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:

Cub Scout Pack 43 from St. Henry's in Watertown, guests of Representative Foti.

Candy Hoyt of the Wisconsin Conservatory of Lifelong Learning in Milwaukee, guest of Representative Bock.

Her sons, James and Joseph, from the Wisconsin Conservatory of Lifelong Learning in Milwaukee, guests of Representative Sinicki.

His wife, Nancy and their two children, Charlie and Carolyn from New Berlin, guests of Representative Duff.

Jeff Hickel, Rich Chiesa, Adam McElhose, Robert Rodriguez, Brian Kennedy, Evan Mascitti, Peter Krause, Kyle Huiras, accompanied by Matthew Hickel, Karen Sepin and Randy McElhose, from Boy Scout Troop 16 from the Blessed Sacrament Parish School in Madison, guests of Representative Black.

Waukesha County Young Republicans from Waukesha area high schools, guests of Representative Jensen.

Members of the Jump Rope Wizards, including Jill Kosloski, Rachael Roth, Brooke Roth, Phil Kosloski, Tracy Kosloski, Emily Pliska, Megan Pliska, Jenny Jackson, Kendall Trzinski, Yanna Swenson, Kyle Haufler, Jodi Przekurat and Peggy Kosloski, accompanied by Coach Martha Schuh and Peggy Kosloski, guests of Representative Lassa.

Tomi Fasi from Mateszalka, Hungary, who is an exchange student attending Fond du Lac School and will be graduating with the June 2002 class, guest of Representative Townsend.

University of Wisconsin-Stevens Point students majoring in Health & Physical Education, who are at the Capitol today conducting health assessments as part of Legislative Health & Fitness Day, guests of Representative Lippert.

ADJOURNMENT

Representative Foti moved that the Assembly stand adjourned until 10:00 A.M. on Tuesday, October 30.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

4:25 P.M.