



# STATE OF WISCONSIN Assembly Journal

## Ninety-Sixth Regular Session

11:10 A.M.

TUESDAY, September 23, 2003

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

Speaker Gard in the chair.

The prayer was offered by Pastor Arni Jacobson of Bayside Christian Fellowship in Green Bay.

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

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### SPECIAL GUEST

Representative Mark Honadel introduced his daughter, Sara, who sang "God Bless America" from the rostrum.

The roll was taken.

The result follows:

Present – Representatives Ainsworth, Albers, Balow, Berceau, Bies, Black, Boyle, Coggs, Colon, Cullen, J. Fitzgerald, Foti, Freese, Friske, Gielow, Gottlieb, Gronemus, Grothman, Gunderson, Gundrum, Hahn, Hebl, Hines, Honadel, Huber, Hubler, Huebsch, Hundertmark, Jensen, Jeskewitz, Johnsrud, Kaufert, Kerkman, Kestell, Krawczyk, Kreibich, Kreuser, Krug, Krusick, Ladwig, F. Lasee, J. Lehman, M. Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, D. Meyer, Miller, Molepske, Montgomery, Morris, Musser, Nass, Nischke, Olsen, Ott, Owens, Petrowski, Pettis, Plouff, Pocan, Pope–Roberts, Powers, Rhoades, Richards, Schneider, Schooff, Seratti, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Stone, Suder, Taylor, Towns, Townsend, Travis, Turner, Underheim, Van Akkeren, Van Roy, Vrakas, Vruwink, Vukmir, Ward, Wasserman, Weber, Wieckert, A. Williams, M. Williams, J. Wood, W. Wood, Young, Zepnick, Ziegelbauer and Speaker Gard – 99.

Absent with leave – None.

Vacancies – None.

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### AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 291** offered by Representative Pettis.

Assembly amendment 1 to **Assembly Bill 333** offered by committee on **Campaigns and Elections**.

Assembly amendment 1 to **Assembly Bill 472** offered by Representative Olsen.

Assembly amendment 1 to **Assembly Bill 486** offered by committee on **Government Operations and Spending Limitations**.

Assembly amendment 1 to **Assembly Bill 499** offered by Representatives Schooff and Shilling.

Assembly amendment 1 to **Assembly Bill 504** offered by Representative Olsen.

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### ADMINISTRATIVE RULES

#### **Assembly Clearinghouse Rule 03–020**

Relating to the licensing of physical therapists and physical therapist assistants, as well as continuing education requirements.

Submitted by Department of Regulation and Licensing.  
Report received from Agency, September 15, 2003.

To committee on **Health**.

Referred on September 23, 2003.

#### **Assembly Clearinghouse Rule 03–072**

Relating to accepting examinations from the Medical Council of Canada.

Submitted by Department of Regulation and Licensing.  
Report received from Agency, September 15, 2003.

To committee on **Health**.

Referred on September 23, 2003.

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### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Bill 532**

Relating to: establishment of salary ranges and salary range adjustments for University of Wisconsin System senior executive positions.

By Representatives Suder, Nischke, Jeskewitz, Montgomery, Kestell, M. Lehman, Ladwig, Nass, Albers,

Freese, Musser, Bies, Owens, Weber and Gunderson; cosponsored by Senators Reynolds, Kedzie, Schultz and Zien.

To committee on **Colleges and Universities**.

**Assembly Bill 533**

Relating to: contracts with persons who take depositions.

By Representatives Gard, Ainsworth, LeMahieu, Towns, Albers, Rhoades, Freese, Hahn, Nischke, Petrowski, Kestell, Bies, Friske, F. Lasee, J. Wood, Huebsch, Hundertmark, Gunderson, Ott, Lothian, Montgomery, McCormick, Hebl, Ladwig, Cullen, Powers and Staskunas; cosponsored by Senators Leibham, Cowles, Lazich, George and Risser.

To committee on **Corrections and the Courts**.

**Assembly Bill 534**

Relating to: prosecution decisions based on certain payments to organizations or agencies.

By Representatives Taylor, Hebl, Cullen, Gronemus, Gundrum, Huber, J. Lehman, Miller, Plouff, Pope–Roberts and Young; cosponsored by Senators Hansen, Breske, Chvala, Lassa, Moore, Robson and Roessler, by request of Attorney General Peggy A. Lautenschlager.

To committee on **Judiciary**.

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**REFERRAL OF VETOES**

**Assembly Bill 41**

Relating to: permitting an educational agency to refuse to employ or to terminate from employment an unpardoned felon.

To committee on **Education**.

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**COMMITTEE REPORTS**

The committee on **Criminal Justice** reports and recommends:

**Assembly Bill 232**

Relating to: failure to pay for gasoline or diesel fuel and suspension of operating privileges after conviction for theft of gasoline or diesel fuel and providing penalties.

Passage:

Ayes: 11 – Representatives Suder, Friske, Owens, F. Lasee, Gundrum, Petrowski, Vukmir, Pocan, Taylor, Turner and Schneider.

Noes: 1 – Representative Colon.

To committee on **Rules**.

*SCOTT SUDER*  
Chairperson  
Committee on Criminal Justice

The committee on **Government Operations and Spending Limitations** reports and recommends:

**Assembly Bill 486**

Relating to: periods in which state agencies will act on certain applications, approval of certain applications, refunds of fees, and granting rule–making authority.

Assembly amendment 1 adoption:

Ayes: 4 – Representatives F. Lasee, Loeffelholz, Musser and Weber.

Noes: 2 – Representatives Zepnick and Wasserman.

Passage as amended:

Ayes: 4 – Representatives F. Lasee, Loeffelholz, Musser and Weber.

Noes: 2 – Representatives Zepnick and Wasserman.

To committee on **Rules**.

*FRANK LASEE*  
Chairperson  
Committee on Government Operations and Spending Limitations

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

**Assembly Bill 372**

Relating to: live birth or the circumstance of being born alive.

Passage:

Ayes: 5 – Representatives Gundrum, McCormick, Albers, Grothman and Kerkman.

Noes: 1 – Representative Cullen.

To committee on **Rules**.

*MARK GUNDRUM*  
Chairperson  
Committee on Judiciary

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The committee on **Ways and Means** reports and recommends:

**Assembly Bill 520**

Relating to: the method of calculating technology zone tax credits and the certification of businesses under the technology zone program.

Passage:

Ayes: 12 – Representatives M. Lehman, J. Wood, Nass, Hahn, F. Lasee, Kerkman, Lothian, W. Wood, Young, Berceau, Ziegelbauer and Morris.

Noes: 0.

To committee on **Rules**.

*MICHAEL LEHMAN*  
Chairperson  
Committee on Ways and Means

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## 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 12**  
**Assembly Bill 31**  
**Assembly Bill 52**  
**Assembly Bill 228**

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## SPEAKER'S COMMUNICATIONS

September 23, 2003

Mr. Patrick Fuller, Chief Clerk  
Wisconsin State Assembly  
Room 208, Risser Justice Center  
17 West Main Street  
Madison, Wisconsin 53708

Dear Patrick:

Pursuant to Assembly Rule [42 \(3\)\(c\)](#), I am withdrawing **Assembly Bill 41** from the Assembly Committee on Education and re-referring it to the Assembly Committee on Rules.

Sincerely,  
*JOHN G. GARD*  
Speaker

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## REFERRAL OF AGENCY REPORTS

State of Wisconsin  
Public Service Commission  
Madison

September 9, 2003

To the Honorable, the Assembly:

Enclosed is a copy of the annual report the Public Service Commission (Commission) shall submit to the legislature as provided for in Wis. Stat. § [1.11 \(2\)\(j\)](#). It reports on the number and type of proposed actions requiring the preparation of an environmental assessment or an environmental impact statement by the Commission between July 1, 2002 and June 30, 2003.

If you have any questions on this report, please contact our Environmental Review Coordinator, Kathleen Zuelsdorff, at (608) 266-2730.

Sincerely,  
*BURNEATA BRIDGE*  
Chairperson

Referred to committee on **Natural Resources**.

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## AGENCY REPORTS

State of Wisconsin  
Legislative Audit Bureau  
Madison

September 19, 2003

To the Honorable, the Legislature:

At your request, we have completed a limited-scope review of revenues and expenditures generated by fees and surcharges on pesticides and fertilizers used in Wisconsin. In fiscal year (FY) 2001-02, the Department of Agriculture, Trade and Consumer Protection (DATCP) collected \$6.8 million in these revenues and, consistent with statutory directives, transferred \$1.3 million to the Department of Natural Resources (DNR) and \$210,300 to the University of Wisconsin (UW) System. DATCP retained the remaining \$5.2 million to fund both the Bureau of Agrichemical Management and grants to help individuals and businesses clean up spills and discharges of pesticides and fertilizers.

From FY 1997-98 through FY 2001-02, DATCP awarded \$14.0 million through 315 cleanup grants to individuals or businesses. During the same period, DNR received \$6.5 million in funds for its activities.

DNR could provide only limited quantifiable information on staff activities related to pesticide and fertilizer issues. We include recommendations for DNR to better demonstrate how pesticide and fertilizer fees are used by modifying its time-keeping system in order to allow it to monitor pesticide and fertilizer-related activities. We also recommend DNR and DATCP complete and implement revisions to a memorandum of understanding that would ensure the timely exchange of useful program management information on spills and site cleanups.

We appreciate the courtesy and cooperation extended to us by DATCP, DNR, and UW System during our review.

Respectfully submitted,  
*JANICE MUELLER*  
State Auditor

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## LEAVES OF ABSENCE

Representative Vrakas asked unanimous consent for a leave of absence for part of today's session for Representatives Kaufert and Olsen. Granted.

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

Representative Foti asked unanimous consent that **Assembly Joint Resolution 36** be taken from the table. Granted.

**Assembly Joint Resolution 36**

Relating to: the life and military service of Major Mathew E. Schram.

The question was: Shall **Assembly Joint Resolution 36** be adopted?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 36** be immediately messaged to the Senate. Granted.

Representative Foti asked unanimous consent that **Assembly Joint Resolution 34** be taken from the table. Granted.

**SPECIAL GUEST**

Representative J. Fitzgerald introduced the family of Marine Sergeant Straseskie's family.

**Assembly Joint Resolution 34**

Relating to: the life of Marine Sergeant Kirk Allen Straseskie.

The question was: Shall **Assembly Joint Resolution 34** be adopted?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 34** be immediately messaged to the Senate. Granted.

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

The Assembly stood informal.

11:25 A.M.

**INFORMAL**

11:35 A.M.

The Assembly reconvened.

Speaker Gard in the chair.

**OATH OF OFFICE**

On Monday, August 4, Circuit Court Judge Dennis P. Moroney from Milwaukee County administered the oath of office to Mark Honadel of the Twenty-first Assembly District in a ceremony held at the South Milwaukee Community Center. The swearing in ceremony was repeated today during session in the Assembly Chamber. The oath of office was administered by Speaker John Gard. After being sworn in, Representative Honadel addressed the members from the rostrum.

On Monday, August 11, Circuit Court Judge John Finn from Portage County administered the oath of office to Louis Molepske, Jr., of the Seventy-first Assembly District in a ceremony held at the Stevens Point City Hall. The swearing in ceremony was repeated today during session in the Assembly Chamber. The oath of office was administered by Speaker John Gard. After being sworn in, Representative Molepske addressed the members from the rostrum.

**Assembly Bill 383**

Relating to: a Medical Assistance family planning demonstration project minimum age eligibility limitation change.

Representative Foti asked unanimous consent that **Assembly Bill 383** be referred to the committee on **Family Law**. Granted.

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

The Assembly stood recessed.

11:47 A.M.

**RECESS**

2:55 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 Olsen asked unanimous consent that his leave of absence be lifted. Granted.

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

**CALENDAR OF TUESDAY, SEPTEMBER 23**

**Assembly Bill 85**

Relating to: the incorporation of the town of Campbell in LaCrosse County as a village.

The question was: Shall the vote by which **Assembly Bill 85** was passed be reconsidered?

The roll was taken.

The result follows:

Ayes – Representatives Balow, Berceau, Black, Boyle, Colon, Cullen, Gronemus, Hebl, Huber, Hubler, Kreibich, Kreuser, Krug, Krusick, J. Lehman, Miller, Molepske, Morris, Plouff, Pocan, Pope–Roberts, Richards, Schneider, Schooff, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Taylor, Travis, Turner, Vruwink, Wasserman, Weber, A. Williams, W. Wood, Young, Zepnick and Ziegelbauer – 40.

Noes – Representatives Ainsworth, Albers, Bies, J. Fitzgerald, Foti, Freese, Friske, Gielow, Gottlieb, Grothman, Gunderson, Gundrum, Hahn, Hines, Honadel, Huebsch, Hundertmark, Jensen, Jeskewitz, Johnsrud, Kerkman, Kestell, Krawczyk, Ladwig, F. Lasee, M. Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, D. Meyer, Montgomery, Musser, Nass, Nischke, Olsen, Ott, Owens, Petrowski, Pettis, Powers, Rhoades, Seratti, Stone, Suder, Towns, Townsend, Underheim, Van Roy, Vrakas, Vukmir, Ward, Wieckert, M. Williams, J. Wood and Speaker Gard – 56.

Absent or not voting – Representatives Coggs, Kaufert and Van Akkeren – 3.

Motion failed.

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

Representative Coggs asked unanimous consent to be recorded as voting “**Aye**” on the previous question. Granted.

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

### **Senate Joint Resolution 35**

Relating to: the life and public service of William R. Moser.

The question was: Shall **Senate Joint Resolution 35** be concurred in?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 35** be immediately messaged to the Senate. Granted.

### **Senate Joint Resolution 37**

Relating to: the life and public service of Walter L. Merten.

The question was: Shall **Senate Joint Resolution 37** be concurred in?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 37** be immediately messaged to the Senate. Granted.

### **Assembly Bill 13**

Relating to: sales of damaged timber by the department of natural resources and by counties from county forest lands.

The question was: Shall Assembly amendment 1 to **Assembly Bill 13** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 13** be ordered engrossed and read a third time?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 13** be given a third reading. Granted.

The question was: **Assembly Bill 13** 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 13** be immediately messaged to the Senate. Granted.

### **Assembly Bill 15**

Relating to: vehicle owner liability for violations of certain traffic laws relating to railroad crossings and providing penalties.

Assembly amendment 1 to **Assembly Bill 15** offered by Representatives Hahn and W. Wood.

The question was: Shall Assembly amendment 1 to **Assembly Bill 15** be adopted?

Motion carried.

Assembly amendment 2 to **Assembly Bill 15** offered by Representatives Hahn and W. Wood.

The question was: Shall Assembly amendment 2 to **Assembly Bill 15** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 15** be ordered engrossed and read a third time?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 15** be given a third reading. Granted.

The question was: **Assembly Bill 15** 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 15** be immediately messaged to the Senate. Granted.

### **Assembly Bill 131**

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

The question was: Shall **Assembly Bill 131** be ordered engrossed and read a third time?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 131** be given a third reading. Granted.

The question was: **Assembly Bill 131** 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 131** be immediately messaged to the Senate. Granted.

### **Assembly Bill 182**

Relating to: designating and marking STH 173 as the 173rd Airborne Brigade Highway.

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

Motion carried.

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

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

Motion carried.

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

### **Assembly Bill 255**

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

Assembly amendment 1 to **Assembly Bill 255** offered by Representative Johnsrud.

Representative Albers moved that Assembly amendment 1 to **Assembly Bill 255** be laid on the table.

The question was: Shall Assembly amendment 1 to **Assembly Bill 255** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Bies, J. Fitzgerald, Foti, Freese, Friske, Gielow, Gottlieb, Grothman, Gunderson, Gundrum, Hahn, Hines, Honadel, Huebsch, Hundertmark, Jensen, Kaufert, Kerkman, Kestell, Krawczyk, Kreibich, Ladwig, F. Lasee, M. Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, D. Meyer, Musser, Nass, Nischke, Owens, Petrowski, Powers, Seratti, Steinbrink, Stone, Towns, Townsend, Van Roy, Vrakas, Vukmir, Ward, Weber, Wieckert and Speaker Gard – 49.

Noes – Representatives Balow, Berceau, Black, Boyle, Coggs, Colon, Cullen, Gronemus, Hebl, Huber, Hubler, Jeskewitz, Johnsrud, Kreuser, Krug, Krusick, J. Lehman, Miller, Molepske, Montgomery, Morris, Olsen, Ott, Pettis, Plouff, Pocan, Pope–Roberts, Rhoades, Richards, Schneider, Schooff, Sherman, Shilling, Sinicki, Staskunas, Suder, Taylor, Travis, Turner, Underheim, Vruwink, Wasserman, A. Williams, M. Williams, J. Wood, W. Wood, Young, Zepnick and Ziegelbauer – 49.

Absent or not voting – Representative Van Akkeren – 1.

Motion failed.

The question was: Shall Assembly amendment 1 to **Assembly Bill 255** be adopted?

The roll was taken.

The result follows:

Ayes – Representatives Balow, Berceau, Black, Boyle, Coggs, Colon, Cullen, Gronemus, Hebl, Huber, Hubler, Johnsrud, Kreuser, Krug, Krusick, J. Lehman, Molepske, Montgomery, Morris, Olsen, Ott, Pettis, Plouff, Pocan, Pope–Roberts, Richards, Schneider, Schooff, Sherman, Shilling, Sinicki, Staskunas, Suder, Taylor, Travis, Turner, Underheim, Vruwink, Ward, Wasserman, A. Williams, M. Williams, J. Wood, W. Wood, Young, Zepnick and Ziegelbauer – 47.

Noes – Representatives Ainsworth, Albers, Bies, J. Fitzgerald, Foti, Freese, Friske, Gielow, Gottlieb, Grothman, Gunderson, Gundrum, Hahn, Hines, Honadel, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kerkman, Kestell, Krawczyk, Kreibich, Ladwig, F. Lasee, M. Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, D. Meyer, Miller, Musser, Nass, Nischke, Owens, Petrowski, Powers, Rhoades, Seratti, Steinbrink, Stone, Towns, Townsend, Van Roy, Vrakas, Vukmir, Weber, Wieckert and Speaker Gard – 51.

Absent or not voting – Representative Van Akkeren – 1.

Motion failed.

The question was: Shall **Assembly Bill 255** be ordered engrossed and read a third time?

Motion carried.

### **Assembly Bill 458**

Relating to: operating a vehicle or operating or going armed with a firearm after using certain controlled substances and providing penalties.

Assembly amendment 1 to **Assembly Bill 458** offered by Representatives Gundrum and Wasserman.

The question was: Shall Assembly amendment 1 to **Assembly Bill 458** be adopted?

Motion carried.

Assembly amendment 2 to **Assembly Bill 458** offered by Representatives Gundrum and Staskunas.

The question was: Shall Assembly amendment 2 to **Assembly Bill 458** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 458** be ordered engrossed and read a third time?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 458** be given a third reading. Granted.

The question was: **Assembly Bill 458** having been read three times, shall the bill be passed?

Motion carried.

Representative Berceau asked unanimous consent to be recorded as voting “**No**” on the previous question. Granted.

Representative Morris asked unanimous consent to be recorded as voting “**No**” on the previous question. Granted.

Representative Pocan asked unanimous consent to be recorded as voting “**No**” on the previous question. Granted.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 458** be immediately messaged to the Senate. Granted.

### **Assembly Bill 519**

Relating to: the feeding of deer and elk.

Assembly substitute amendment 2 to **Assembly Bill 519** offered by Representatives Black, Miller, Hebl and Pope–Roberts.

Representative Travis asked unanimous consent that the rules be suspended and that Assembly substitute amendment 2 to **Assembly Bill 519** be taken up at this time. Granted.

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### **POINT OF ORDER**

Representative Gunderson rose to the point of order that Assembly substitute amendment 2 to **Assembly Bill 519** was not germane under Assembly Rule 54.

Speaker Pro Tempore Freese ruled the point of order **well taken**.

The question was: Shall Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 519** be adopted?

Motion carried.

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

Assembly amendment 2 to Assembly substitute amendment 1 to **Assembly Bill 519** offered by Representative Musser.

Representative Gunderson moved that Assembly amendment 2 to Assembly substitute amendment 1 to **Assembly Bill 519** be laid on the table.

The question was: Shall Assembly amendment 2 to Assembly substitute amendment 1 to **Assembly Bill 519** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Berceau, Bies, Black, Boyle, Coggs, Colon, Cullen, J. Fitzgerald, Foti, Freese, Friske, Gielow, Gottlieb, Gronemus, Grothman, Gunderson, Gundrum, Hahn, Hebl, Hines, Honadel, Huber, Hubler, Huebsch, Hundertmark, Jensen, Jeskewitz, Johnsrud, Kaufert, Kerkman, Kestell, Krawczyk, Kreibich, Kreuser, Krug, Krusick, Ladwig, F. Lasee, J. Lehman, M. Lehman, LeMahieu, Lothian, McCormick, D. Meyer, Miller, Molepske, Montgomery, Nass, Nischke, Olsen, Ott, Owens, Pettis, Plouff, Pocan, Pope–Roberts, Powers, Rhoades, Richards, Schneider, Schooff, Seratti, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Stone, Taylor, Towns, Townsend, Turner, Underheim, Van Akkeren, Van Roy, Vrakas, Vruwink, Vukmir, Ward, Wasserman, Weber, Wieckert, A. Williams, M. Williams, J. Wood, W. Wood, Young, Zepnick, Ziegelbauer and Speaker Gard – 93.

Noes – Representatives Loeffelholz, Morris, Musser, Petrowski, Suder and Travis – 6.

Absent or not voting – None.

Motion carried.

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### **POINT OF ORDER**

Representative Black rose to the point of order that Assembly substitute amendment 1 to **Assembly Bill 519** was not germane under Assembly Rule 54.

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

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

The Assembly stood informal.

3:57 P.M.

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### **INFORMAL**

4:10 P.M.

The Assembly reconvened.

Speaker Gard in the chair.

Speaker Gard ruled **well taken** the point of order raised by Representative Black that Assembly substitute amendment 1 to **Assembly Bill 519** was not germane under Assembly Rule 54.

Representative Gunderson appealed the ruling of the Chair.

The question was: Shall the decision of the chair stand as the decision of the Assembly?

The roll was taken.

The result follows:

Ayes – Representatives Berceau, Black, Boyle, Coggs, Colon, Cullen, Hebl, Huber, Kreibich, Kreuser, Krug, Krusick, Morris, Poca, Pope–Roberts, Richards, Schneider, Schooff, Shilling, Sinicki, Staskunas, Steinbrink, Taylor, Travis, Turner, Van Akkeren, A. Williams, W. Wood, Young, Zepnick, Ziegelbauer and Speaker Gard – 32.

Noes – Representatives Ainsworth, Albers, Balow, Bies, J. Fitzgerald, Foti, Freese, Friske, Gielow, Gottlieb, Gronemus, Grothman, Gunderson, Gundrum, Hahn, Hines, Honadel, Hubler, Huebsch, Hundertmark, Jensen, Jeskewitz, Johnsrud, Kaufert, Kerkman, Kestell, Krawczyk, Ladwig, F. Lasee, J. Lehman, M. Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, D. Meyer, Molepske, Montgomery, Musser, Nass, Nischke, Olsen, Ott, Owens, Petrowski, Pettis, Plouff, Powers, Rhoades, Seratti, Sherman, Stone, Suder, Towns, Townsend, Underheim, Van Roy, Vrakas, Vruwink, Vukmir, Ward, Wasserman, Weber, Wieckert, M. Williams and J. Wood – 66.

Absent or not voting – Representative Miller – 1.

Motion failed.

Speaker Pro Tempore Freese in the chair.

Assembly amendment 3 to Assembly substitute amendment 1 to **Assembly Bill 519** offered by Representatives Pettis and Seratti.

The question was: Shall Assembly amendment 3 to Assembly substitute amendment 1 to **Assembly Bill 519** be adopted?

The roll was taken.

The result follows:

Ayes – Representatives Boyle, Friske, Gottlieb, Hines, Huebsch, Jeskewitz, Johnsrud, Kaufert, F. Lasee, LeMahieu, Lothian, Musser, Ott, Owens, Petrowski, Pettis, Plouff, Schooff, Seratti, Shilling, Suder, Underheim, Van Akkeren, Weber, M. Williams, J. Wood and Speaker Gard – 27.

Noes – Representatives Ainsworth, Albers, Balow, Berceau, Bies, Black, Coggs, Colon, Cullen, J. Fitzgerald, Foti, Freese, Gielow, Gronemus, Grothman, Gunderson, Gundrum, Hahn, Hebl, Honadel, Huber, Hubler, Hundertmark, Jensen, Kerkman, Kestell, Krawczyk, Kreibich, Kreuser, Krug, Krusick, Ladwig, J. Lehman, M. Lehman, Loeffelholz, McCormick, D. Meyer, Miller, Molepske, Montgomery, Morris, Nass, Nischke, Olsen, Poca, Pope–Roberts, Powers, Rhoades, Richards, Schneider, Sherman, Sinicki, Staskunas, Steinbrink, Stone, Taylor, Towns, Townsend, Travis, Turner, Van Roy, Vrakas, Vruwink, Vukmir, Ward, Wasserman, Wieckert, A. Williams, W. Wood, Young, Zepnick and Ziegelbauer – 72.

Absent or not voting – None.

Motion failed.

Assembly amendment 4 to Assembly substitute amendment 1 to **Assembly Bill 519** offered by Representative Musser.

Representative Gunderson moved that Assembly amendment 4 to Assembly substitute amendment 1 to **Assembly Bill 519** be laid on the table.

The question was: Shall Assembly amendment 4 to Assembly substitute amendment 1 to **Assembly Bill 519** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Berceau, Bies, Black, Boyle, Coggs, Colon, Cullen, J. Fitzgerald, Foti, Freese, Gielow, Gottlieb, Gronemus, Gunderson, Gundrum, Hahn, Hebl, Honadel, Huber, Hubler, Huebsch, Hundertmark, Jensen, Jeskewitz, Johnsrud, Kaufert, Kerkman, Kestell, Krawczyk, Kreuser, Krug, Krusick, Ladwig, J. Lehman, M. Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, D. Meyer, Miller, Molepske, Montgomery, Nass, Nischke, Olsen, Ott, Owens, Plouff, Poca, Pope–Roberts, Powers, Rhoades, Richards, Schneider, Schooff, Seratti, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Stone, Taylor, Towns, Townsend, Turner, Van Akkeren, Van Roy, Vrakas, Vruwink, Vukmir, Ward, Wasserman, Weber, A. Williams, M. Williams, Young, Zepnick and Ziegelbauer – 83.

Noes – Representatives Friske, Grothman, Hines, Kreibich, F. Lasee, Morris, Musser, Petrowski, Pettis, Suder, Travis, Underheim, Wieckert, J. Wood, W. Wood and Speaker Gard – 16.

Absent or not voting – None.

Motion carried.

Assembly amendment 5 to Assembly substitute amendment 1 to **Assembly Bill 519** offered by Representative Miller.

Representative Gunderson moved that Assembly amendment 5 to Assembly substitute amendment 1 to **Assembly Bill 519** be laid on the table.

The question was: Shall Assembly amendment 5 to Assembly substitute amendment 1 to **Assembly Bill 519** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Bies, Boyle, J. Fitzgerald, Foti, Friske, Gronemus, Grothman, Gunderson, Gundrum, Hahn, Honadel, Huber, Hubler, Huebsch, Hundertmark, Jensen, Jeskewitz, Johnsrud, Kerkman, Kestell, Krawczyk, Kreibich, Kreuser, Ladwig, F. Lasee, M. Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, D. Meyer, Musser, Nass, Nischke, Olsen, Owens, Petrowski, Pettis, Powers, Rhoades, Seratti, Sherman, Steinbrink, Stone, Suder, Towns, Townsend, Underheim, Van Roy, Vrakas, Vruwink, Vukmir, Ward, Weber, Wieckert, M. Williams, J. Wood, W. Wood, Ziegelbauer and Speaker Gard – 63.



Noes – Representatives Berceau, Black, Coggs, Colon, Cullen, Freese, Gielow, Gottlieb, Hebl, Hines, Kaufert, Krug, Krusick, J. Lehman, Miller, Molepske, Montgomery, Morris, Ott, Plouff, Pocan, Pope–Roberts, Richards, Schneider, Schooff, Shilling, Sinicki, Staskunas, Taylor, Travis, Turner, Van Akkeren, Wasserman, A. Williams, Young and Zepnick – 36.

Absent or not voting – None.

Motion carried.

Assembly amendment 6 to Assembly substitute amendment 1 to **Assembly Bill 519** offered by Representatives Black, Miller, Hebl and Pope–Roberts.

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## POINT OF ORDER

Representative Gard rose to the point of order that Assembly amendment 6 to Assembly substitute amendment 1 to **Assembly Bill 519** was not germane under Assembly Rule 54.

Speaker Pro Tempore Freese ruled the point of order **well taken**.

Assembly amendment 7 to Assembly substitute amendment 1 to **Assembly Bill 519** offered by Representative W. Wood.

Representative Gunderson moved that Assembly amendment 7 to Assembly substitute amendment 1 to **Assembly Bill 519** be laid on the table.

The question was: Shall Assembly amendment 7 to Assembly substitute amendment 1 to **Assembly Bill 519** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Berceau, Bies, Black, Boyle, Colon, Cullen, J. Fitzgerald, Foti, Freese, Friske, Gielow, Gottlieb, Grothman, Gunderson, Gundrum, Hahn, Hebl, Hines, Honadel, Hubler, Huebsch, Hundertmark, Jensen, Jeskewitz, Johnsrud, Kaufert, Kerkman, Kestell, Krawczyk, Kreibich, Krug, Ladwig, F. Lasee, M. Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, D. Meyer, Miller, Montgomery, Musser, Nass, Nischke, Olsen, Ott, Owens, Petrowski, Pettis, Plouff, Pocan, Pope–Roberts, Powers, Rhoades, Schooff, Seratti, Sherman, Shilling, Sinicki, Stone, Suder, Towns, Townsend, Underheim, Van Roy, Vrakas, Vruwink, Vukmir, Ward, Wasserman, Weber, Wieckert, A. Williams, M. Williams, J. Wood and Speaker Gard – 79.

Noes – Representatives Coggs, Gronemus, Huber, Kreuser, Krusick, J. Lehman, Molepske, Morris, Richards, Schneider, Staskunas, Steinbrink, Taylor, Travis, Turner, Van Akkeren, W. Wood, Young, Zepnick and Ziegelbauer – 20.

Absent or not voting – None.

Motion carried.

The question was: Shall Assembly substitute amendment 1 to **Assembly Bill 519** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 519** be ordered engrossed and read a third time?

Motion carried.

Representative Hundertmark asked unanimous consent that the rules be suspended and that **Assembly Bill 519** be given a third reading. Granted.

The question was: **Assembly Bill 519** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Bies, Boyle, Colon, J. Fitzgerald, Foti, Freese, Friske, Gielow, Gottlieb, Gronemus, Grothman, Gunderson, Gundrum, Hahn, Hebl, Hines, Honadel, Huber, Hubler, Huebsch, Hundertmark, Jensen, Jeskewitz, Johnsrud, Kaufert, Kerkman, Kestell, Krawczyk, Kreibich, Kreuser, Krusick, Ladwig, F. Lasee, J. Lehman, M. Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, D. Meyer, Miller, Molepske, Montgomery, Nass, Nischke, Olsen, Ott, Owens, Pettis, Plouff, Pope–Roberts, Powers, Rhoades, Richards, Schooff, Seratti, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Stone, Towns, Townsend, Travis, Turner, Underheim, Van Akkeren, Vrakas, Vruwink, Vukmir, Ward, Wasserman, Weber, Wieckert, M. Williams, J. Wood, W. Wood, Zepnick, Ziegelbauer and Speaker Gard – 84.

Noes – Representatives Berceau, Black, Coggs, Cullen, Krug, Morris, Musser, Petrowski, Pocan, Schneider, Suder, Taylor, Van Roy, A. Williams and Young – 15.

Absent or not voting – None.

Motion carried.

Representative Hundertmark asked unanimous consent that the rules be suspended and that **Assembly Bill 519** be immediately messaged to the Senate. Granted.

## Assembly Bill 142

Relating to: the authority of attorneys to issue subpoenas.

The question was: Shall Assembly substitute amendment 1 to **Assembly Bill 142** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 142** be ordered engrossed and read a third time?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 142** be given a third reading. Granted.

The question was: **Assembly Bill 142** 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 142** be immediately messaged to the Senate. Granted.

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

The Assembly stood recessed.

5:33 P.M.

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## RECESS

5:45 P.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

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

A quorum was present.

### **Assembly Bill 41**

Relating to: permitting an educational agency to refuse to employ or to terminate from employment an unpardoned felon.

The question was: Shall **Assembly Bill 41** pass notwithstanding the objections of the Governor?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Bies, Cullen, J. Fitzgerald, Foti, Freese, Friske, Gielow, Gottlieb, Grothman, Gunderson, Gundrum, Hahn, Hines, Honadel, Huebsch, Hundertmark, Jensen, Jeskewitz, Johnsrud, Kaufert, Kerkman, Kestell, Krawczyk, Kreibich, Krusick, Ladwig, F. Lasee, M. Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, D. Meyer, Montgomery, Musser, Nass, Nischke, Olsen, Ott, Owens, Petrowski, Pettis, Powers, Rhoades, Seratti, Stone, Suder, Towns, Townsend, Underheim, Van Roy, Vrakas, Vukmir, Ward, Wasserman, Weber, Wieckert, M. Williams, J. Wood, Ziegelbauer and Speaker Gard – 63.

Noes – Representatives Balow, Berceau, Black, Boyle, Coggs, Colon, Gronemus, Hebl, Huber, Hubler, Kreuser, Krug, J. Lehman, Miller, Molepske, Morris, Plouff, Pohan, Pope-Roberts, Richards, Schneider, Schooff, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Taylor, Travis, Turner, Van Akkeren, Vruwink, A. Williams, W. Wood, Young and Zepnick – 36.

Absent or not voting – None.

Motion failed.

Speaker Gard in the chair.

## ANNOUNCEMENTS

Representative Travis asked unanimous consent that the Assembly adjourn in honor of Emily Marie Lorge, the daughter of Bill and Molly Lorge, who was born on August 12, weighing in at 9 pounds, 13 ounces and 21 inches long. Granted.

Representative Travis asked unanimous consent that the Assembly adjourn in honor of Jim and Char Bradley, on the occasion of their 50th wedding anniversary on September 26. Granted.

Representative Kreuser asked unanimous consent that the Assembly adjourn in honor of his wife, Jane, on the occasion of their 13th wedding anniversary on September 22. Granted.

Representative Hubler asked unanimous consent that the Assembly adjourn in memory of Rice Lake resident Specialist Paul Sturino of the 101st Airborne Division who was killed in Mosul, Iraq. Granted.

Representative Morris asked unanimous consent that the Assembly adjourn in honor of Angelica Weary, on the occasion of her 17th birthday on September 4. Granted.

Representative Morris asked unanimous consent that the Assembly adjourn in honor of Nahjee Robinson, on the occasion of her 1st birthday on September 7. Granted.

Representative Vukmir asked unanimous consent that the Assembly adjourn in memory of Angela L. Kraiss, who died after a 12 year battle with cancer and was an inspiration to everyone who knew her. Granted.

Representative Albers asked unanimous consent that the Assembly adjourn in honor of Scott Southworth of the 32nd Military Police Company, who is currently serving in Iraq. 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:

Donald and Jayne Sitte from Baileys Harbor, and Donald is representing the American Legion Post 527 in Sister Bay, guests of Representative Bies.

Xiu Fe Xi, Chief Officer Personnel Department in Jilin Province; Chong en Yu, Director of the Office of Jilin Provincial Congress; He Zhou, Vice Director in Nan County; Xu Zhao, Vice Director of Chanchung (Capitol City) Economic and Trade Committee; and Becky Will from Chicago, guests of Representative Sherman.

Elaine Hall, a student at the University of Wisconsin-Madison, guest and intern of Representative Pettis.

Kristin Hundertmark, student at University of Wisconsin-Whitewater, daughter of Representative Hundertmark.

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**ADJOURNMENT**

Representative Foti moved that the Assembly stand adjourned until 9:00 A.M. on Thursday, September 25.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

7:25 P.M.