



# STATE OF WISCONSIN Assembly Journal

## Ninety-Seventh Regular Session

10:10 A.M.

TUESDAY, March 8, 2005

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

Speaker Gard in the chair.

The Color Guard posted the colors.

The prayer was offered by Leon Vallierre-Ozaawaagosh, director of Lac du Flambeau Ojibwe Language Program.

Lewis Taylor, a member of the St. Croix Tribal Council, led the membership in reciting the pledge of allegiance to the flag of the United States of America.

### SPECIAL GUEST

Speaker Gard introduced Red Cliff Chairman Ray DePerry, President of the Great Lakes Inter-Tribal Council, Inc., who addressed the members from the rostrum.

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

The Assembly stood informal.

10:50 A.M.

### INFORMAL

11:35 A.M.

The Assembly reconvened.

Speaker Gard in the chair.

The roll was taken.

The result follows:

Present – Representatives Ainsworth, Albers, Ballweg, Benedict, Berceau, Bies, Black, Boyle, Colon, Cullen, Davis, Fields, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb, Grigsby, Gronemus, Gunderson, Gundrum, Hahn, Hebl, Honadel, Hubler, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kerkman, Kessler, Kestell, Kleefisch, Krawczyk, Kreibich, Kreuser, Krusick, Lamb, F. Lasee, Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Molepske, Montgomery, Moulton, Mursau, Musser, Nass, Nelson, Nerison, Nischke, Ott, Owens, Parisi, Petrowski, Pettis, Pocan, Pope–Roberts, Pridemore, Rhoades, Richards,

Schneider, Seidel, Sheridan, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Stone, Strachota, Suder, Toles, Towns, Townsend, Turner, Underheim, Van Akkeren, Van Roy, Vos, Vrakas, Vruwink, Vukmir, Ward, Wasserman, Wieckert, A. Williams, M. Williams, Young, Zepnick, Ziegelbauer and Speaker Gard – 96.

Absent with leave – Representatives Hines, Travis and Wood – 3.

Vacancies – None.

### LEAVES OF ABSENCE

Representative Vrakas asked unanimous consent for a leave of absence for today's session for Representatives Hines and Wood. Granted.

Representative Turner asked unanimous consent for a leave of absence for today's session for Representative Travis. Granted.

### AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 15** offered by committee on **Agriculture**.

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 15** offered by committee on **Agriculture**.

Assembly amendment 2 to Assembly substitute amendment 1 to **Assembly Bill 15** offered by committee on **Agriculture**.

Assembly amendment 2 to **Assembly Bill 90** offered by Representative Richards.

Assembly amendment 1 to **Assembly Bill 125** offered by committee on **Agriculture**.

Assembly substitute amendment 1 to **Assembly Bill 145** offered by committee on **Agriculture**.

### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

**Assembly Joint Resolution 20**

Relating to: the life and military service of Marine Corporal Brian R. Prening.

By Representative Kestell; cosponsored by Senator Leibham.

To committee on **Rules**.

**Assembly Joint Resolution 21**

Relating to: declaring March 20 to 26, 2005, as Veterans of Foreign Wars National Home for Children Awareness Week.

By Representatives Hubler, Musser, Suder, Sheridan, Travis, Gronemus, Lehman, Gunderson, Hines, Jeskewitz, Hahn, Grigsby, Sinicki, Seidel, Nass, Shilling, Huebsch and Molepske; cosponsored by Senators Brown, Wirch, Lazich and Grothman.

To committee on **Rules**.

**Assembly Bill 171**

Relating to: requiring court-appointed special advocate programs to comply with standards established by a nonprofit, tax-exempt corporation that provides services on a statewide basis to those programs.

By Representatives Jeskewitz, Albers, Berceau, Hines, Kreuser, Parisi and Townsend; cosponsored by Senators Wirch, Miller, Coggs, Erpenbach, Plale and Roessler.

To committee on **Family Law**.

**Assembly Bill 172**

Relating to: the rights of adult children of crime victims.

By Representatives Molepske, Van Akkeren, Seidel, Turner, Zepnick, Cullen, Colon, Bies, Hahn, Hines, Vruwink, Grigsby, Berceau, Ott, Sheridan and M. Williams; cosponsored by Senators Hansen, Roessler and Lassa.

To committee on **Criminal Justice and Homeland Security**.

**Assembly Bill 173**

Relating to: creation of a Joint Committee on State Mandates and required funding of state mandates.

By Representatives Owens, Ainsworth, Albers, Davis, Gronemus, Gunderson, Gundrum, Hahn, Hines, Honadel, Jeskewitz, Kerkman, Krawczyk, LeMahieu, Lothian, McCormick, Mursau, Musser, Nerison, Pettis, Rhoades, Stone, Strachota, Suder, Townsend, Vos and Wood; cosponsored by Senators Darling, Roessler, Brown, Harsdorf, Kanavas, Kapanke, A. Lasee, Lassa, Lazich, Leibham and Stepp.

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

**Assembly Bill 174**

Relating to: limits on the designation of enterprise development zones.

By Representatives Davis, Fields, Gard, M. Williams, McCormick, Musser, Gunderson, Hines, Petrowski, Towns, Vos, Freese, Kestell, Van Roy, Ott, Pettis, Gronemus, Kreibich, Lothian and Krawczyk; cosponsored by Senators Leibham, Olsen, Lassa, Kanavas, Zien and Stepp.

To committee on **Small Business**.

**Assembly Bill 175**

Relating to: the requirement that an unemancipated minor obtain parental or other consent or a judicial waiver of that consent requirement before she may have an abortion.

By Representatives Vukmir, Kestell, Gundrum, Suder, Ziegelbauer, Kerkman, Ainsworth, Albers, Kreibich, Owens, Krawczyk, Kleefisch, Freese, LeMahieu, Ballweg, J. Fitzgerald, Nischke, Hahn, Hines, Van Roy, Hundertmark, McCormick, Vrakas, Pridemore, Nass, Petrowski, Gunderson, Townsend and Ott; cosponsored by Senators Leibham, Grothman, Kedzie, A. Lasee and Reynolds.

To committee on **Judiciary**.

**Assembly Bill 176**

Relating to: designating little bluestem as the Wisconsin state grass.

By Representatives Benedict, Sheridan, Black, Berceau, Hebl, Kerkman and Seidel; cosponsored by Senators Robson and Taylor, by request of Clinton Elementary School 4th grade class.

To committee on **Government Operations and Spending Limitations**.

**Assembly Bill 177**

Relating to: requirements for executive budget bill or bills.

By Representatives Wieckert, Gard, Hahn, Kestell, Lamb, Gunderson, Hundertmark, Loeffelholz, Musser, Nass, Nischke, Ott, Owens, Pettis, Pridemore, Stone, Townsend, Nerison, Montgomery, Krawczyk, Underheim, Bies, Hines, Honadel, Wood and Petrowski; cosponsored by Senators Leibham, Lazich and Reynolds.

To committee on **Budget Review**.

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**COMMITTEE REPORTS**

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

**Assembly Bill 125**

Relating to: the dairy investment tax credit.

Assembly Amendment 1 adoption:

Ayes: 14 – Representatives Ott, Nerison, Ainsworth, Petrowski, Hines, Suder, M. Williams, Loeffelholz, Towns, Gronemus, Vruwink, Ziegelbauer, Molepske and Parisi.

Noes: 0.

Passage as amended:

Ayes: 14 – Representatives Ott, Nerison, Ainsworth, Petrowski, Hines, Suder, M. Williams, Loeffelholz, Towns, Gronemus, Vruwink, Ziegelbauer, Molepske and Parisi.

Noes: 0.

To committee on **Rules**.

*ALVIN OTT*

Chairperson

Committee on Agriculture

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The committee on **Financial Institutions** reports and recommends:

**Senate Bill 27**

Relating to: the media used for recording real estate instruments.

Concurrence:

Ayes: 10 – Representatives Hundertmark, Lamb, Kreibich, J. Fitzgerald, Vos, Kleefisch, Richards, Sherman, Zepnick and Fields.

Noes: 0.

To committee on **Rules**.

*JEAN HUNDERTMARK*  
Chairperson  
Committee on Financial Institutions

The committee on **Highway Safety** reports and recommends:

**Assembly Bill 18**

Relating to: the use of a flashing or rotating amber light on certain motor trucks.

Passage:

Ayes: 7 – Representatives Petrowski, Bies, Ainsworth, Van Roy, Musser, Young and Colon.

Noes: 0.

To committee on **Rules**.

*JERRY PETROWSKI*  
Chairperson  
Committee on Highway Safety

**COMMUNICATIONS**

February 28, 2005

Mr. Patrick Fuller  
Assembly Chief Clerk  
208 Risser Justice Center  
Madison, WI 53707

Dear Patrick:

Enclosed is a copy of the 2004 Annual Report Legislative Council Rules Clearinghouse, submitted to the Legislature pursuant to s. [227.15 \(5\)](#), Stats.

Sincerely,  
*TERRY C. ANDERSON*  
Director

State of Wisconsin  
Revisor of Statutes Bureau  
Madison

**DATE:** March 1, 2005

**TO:** Patrick E. Fuller  
Assembly Chief Clerk

Robert Marchant  
Senate Chief Clerk

**FROM:** Gary L. Poulson  
Assistant Revisor of Statutes

**SUBJECT:** Rules published in the February 28, 2005, Wisconsin Administrative [Register, No. 590](#).

The following rules have been published:

[Clearinghouse Rule 04-028](#) effective 3-1-2005  
[Clearinghouse Rule 04-057](#) effective 3-1-2005

March 3, 2005

Mr. Eugene Randolph  
President, Forward Wisconsin  
Suite 500  
201 West Washington  
Madison, Wisconsin 53703

Dear Mr. Randolph:

Please be advised that I have appointed Representative Kitty Rhoades to the board of directors for Forward Wisconsin. Representative Rhoades replaces Representative Kreibich.

Sincerely,  
*JOHN G. GARD*  
Speaker of the Assembly

**REFERRAL OF AGENCY REPORTS**

State of Wisconsin  
Department of Administration  
Department of Natural Resources  
Madison

February 25, 2005

To the Honorable, the Assembly:

Environmental Improvement Fund (EIF) program legislation (281.59(3), Wis. Stats.) requires the Department of Natural Resources and the Department of Administration to submit to the legislature and to the State Building Commission any amendments to the EIF Biennial Finance Plan that were made by the Governor for inclusion in the budget. The purpose of the plan is to provide information on loan, loan subsidy, and bonding levels for program operations in the 2005-2007 biennium. The Governor's budget made no changes to the recommendations made in the first version of the Plan that was prepared and distributed in September 2004.

A third, and final, version of the Biennial Finance Plan will be distributed after the biennial budget is enacted.

If you have any questions regarding the Biennial Finance Plan, please contact Robert Ramharter at 266-3915 or Frank Hoadley at 266-2305.

Sincerely,  
*FRANK HOADLEY*  
Capitol Finance Director, Department of  
Administration  
*MICHELE YOUNG*  
Bureau of Community Financial  
Assistance, Department of Natural  
Resources

Referred to committee on **Natural Resources**.

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State of Wisconsin  
Department of Administration  
Madison

February 28, 2005

To the Honorable, the Legislature:

This report is transmitted as required by s. [20.002\(11\)\(f\)](#), Wisconsin Statutes, (for distribution to the appropriate standing committees under s. [13.172\(3\)](#), Wisconsin Statutes), and confirms that the Department of Administration has found it necessary to exercise the “temporary reallocation of balances” authority provided by this section in order to meet payment responsibilities and cover resulting negative cash balances during the month of January 2005.

On January 1, 2005, the **Medical Assistance Trust Fund** cash balance closed at a negative \$184.0 million. The fund’s negative cash balance continued through January 31, 2005, when the fund’s cash balance closed at a negative \$191.0 million. The **Medical Assistance Trust Fund** cash balance reached its intramonth low of a negative \$193.7 million on January 11, 2005. The deficit is due to federal revenues falling short of estimates included in [2003 Wisconsin Act 33](#).

On January 1, 2005, the **Tuition Trust Fund** cash balance closed at a negative \$11.0 thousand. The fund’s negative cash balance continued until January 14, 2005, when the fund’s cash balance closed at a positive \$110.0 thousand. The **Tuition Trust Fund** cash balance reached its intramonth low of a negative \$211.0 thousand on January 13, 2005. The negative balance was due to the difference in the timing of revenues and expenditures.

The Medical Assistance Trust Fund and the Tuition Trust Fund shortfalls were not in excess of the statutory interfund borrowing limitations and did not exceed the balances of the funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund’s share. Therefore, the monthly calculation by the State Controller’s Office will automatically reflect the use

of these temporary reallocations of balance authority, and as a result, the funds requiring the use of the authority will effectively bear the interest cost.

Sincerely,  
*MARC J. MAROTTA*  
Secretary

Referred to committee on **Ways and Means**.

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## AGENCY REPORTS

State of Wisconsin  
Legislative Audit Bureau  
Madison

February 25, 2005

To the Honorable, the Legislature:

We have completed a limited-scope review of state employee cellular phone contracts and usage. The Department of Administration (DOA) negotiates contracts for cellular phone service for all state agencies, including the University of Wisconsin System. The State has approximately 10,000 cellular phones, and fiscal year 2003-04 expenditures totaled almost \$2.9 million.

DOA currently contracts with four vendors, although U.S. Cellular Corporation provides nearly 90 percent of the cellular phones for state employees. Its basic monthly plan is \$4.75 per line, plus \$.09 per minute used within Wisconsin. Agencies may change plans if an alternative plan is determined to be less costly.

We reviewed all executive branch cellular phone charges for September 2004. We found that two-thirds of cellular phone charges in the month were for less than \$20. However, 386 cellular phone bills were \$100 or more, including 5 for more than \$500. We also found agency cellular phone policies to be limited and inconsistent. We include a recommendation for agencies to review high-cost bills on a monthly basis and seek less-expensive options when appropriate.

During the course of our fieldwork, DOA issued the first statewide cellular phone policy. It applies to all agencies, and contains provisions related to assignment, personal use, reimbursement, and monitoring. DOA has also purchased and is in the process of implementing a software product that will allow it and other agencies to better monitor employees’ cellular phone usage. We include a recommendation for DOA to report to the Joint Legislative Audit Committee in March 2006 on the status of these monitoring efforts.

We appreciate the courtesy and cooperation extended to us by DOA and the other agencies we visited.

Respectfully submitted,  
*JANICE MUELLER*  
State Auditor

State of Wisconsin  
Legislative Audit Bureau  
Madison

March 4, 2005

To the Honorable, the Legislature:

As required by s. 118.153(6), Wis. Stats., we have completed an evaluation of the Children At Risk program, which is administered by the Department of Public Instruction. The program is intended to increase the number of students earning high school diplomas by improving services to those at risk of failing in or dropping out of school. It was created in 1985, and it has been appropriated \$3.5 million in general purpose revenue annually since fiscal year 1990-91.

The program was last modified by 1999 Wisconsin Act 123 in response to recommendations from the Joint Legislative Council Special Committee on Children At Risk. Since these changes were implemented, the number of participating school districts has increased from 13 to 21. In the 2003-04 academic year, these 21 districts identified 29,669 students as being at risk of not graduating from high school.

We found that districts have not fully complied with requirements to allocate funding to specific programs and have not collected data linking students who meet performance objectives to specific district programs. Therefore, we cannot isolate the effect Children At Risk funding has had on at-risk students. Graduation and dropout rates improved in participating districts, but when we analyzed district-wide at-risk student performance, we found that the number of students in participating school districts who met at least three statutory performance objectives – such as remaining in school, having an attendance rate of at least 70 percent, and demonstrating reading and math gains – decreased from 46.8 percent in 1999-2000 to 40.2 percent in 2003-04.

We appreciate the courtesy and cooperation extended to us by Department of Public Instruction staff and participating school districts. The agency's response follows the appendices.

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 Stone and Underheim. Granted.

Representative Turner asked unanimous consent for a leave of absence for part of today's session for Representative A. Williams. Granted.

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

The Assembly stood recessed.

11:47 A.M.

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## RECESS

2:35 P.M.

The Assembly reconvened.

Speaker Gard in the chair.

Representative Stone asked unanimous consent to have his leave of absence lifted. Granted.

Representative Underheim asked unanimous consent to have his leave of absence lifted. Granted.

Representative A. Williams asked unanimous consent to have her leave of absence lifted. Granted.

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## CALENDAR OF TUESDAY, MARCH 8

### Assembly Joint Resolution 5

Relating to: the life and public service of Alex C. Ruffing.

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

Motion carried.

Representative Fitzgerald asked unanimous consent that all members of the Assembly be made coauthors of **Assembly Joint Resolution 5**. Granted.

Representative Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 5** be immediately messaged to the Senate. Granted.

Speaker Pro Tempore Freese in the chair.

### Assembly Bill 36

Relating to: classification of jail prisoners for determining prisoner housing assignments, the type of prisoner supervision, and the delivery of services and programs to prisoners.

Assembly amendment 1 to **Assembly Bill 36** offered by Representative Richards.

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## POINT OF ORDER

Representative Friske rose to the point of order that Assembly amendment 1 to **Assembly Bill 36** was not germane under Assembly Rule 54.

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

The question was: Shall **Assembly Bill 36** be ordered engrossed and read a third time?

Motion carried.

Representative Schneider asked unanimous consent that the Assembly move to the 13th order of business. Representative Huebsch objected.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 36** be given a third reading. Granted.

The question was: **Assembly Bill 36** having been read three times, shall the bill be passed?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 36** be immediately messaged to the Senate. Granted.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 99** be withdrawn from today's calendar and taken up at this time. Granted.

### **Assembly Bill 99**

Relating to: individuals registered as sex offenders based upon a juvenile delinquency adjudication.

Representatives Albers and Vrakas asked unanimous consent to be made coauthors of **Assembly Bill 99**. Granted.

The question was: Shall Assembly amendment 2 to **Assembly Bill 99** be adopted?

Motion carried.

Assembly amendment 3 to **Assembly Bill 99** offered by Representative Sheridan.

Representative Friske moved that Assembly amendment 3 to **Assembly Bill 99** be laid on the table.

The question was: Shall Assembly amendment 3 to **Assembly Bill 99** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Ballweg, Bies, Davis, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb, Gunderson, Gundrum, Hahn, Honadel, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kerkman, Kestell, Kleefisch, Krawczyk, Kreibich, Lamb, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Montgomery, Moulton, Mursau, Musser, Nass, Nerison, Nischke, Ott, Owens, Petrowski, Pettis, Pridemore, Rhoades, Stone, Strachota, Suder, Towns, Townsend, Underheim, Van Roy, Vos, Vrakas, Vukmir, Ward, Wieckert, M. Williams, Ziegelbauer and Speaker Gard – 59.

Noes – Representatives Benedict, Berceau, Black, Boyle, Colon, Cullen, Fields, Grigsby, Gronemus, Hebl, Hubler, Kessler, Kreuser, Krusick, Lehman, Molepske, Nelson, Parisi, Pocan, Pope–Roberts, Richards, Schneider, Seidel, Sheridan, Sherman, Shilling, Sinicki, Staskunas, Steinbrink,

Toles, Turner, Van Akkeren, Vruwink, Wasserman, A. Williams, Young and Zepnick – 37.

Absent or not voting – Representatives Hines, Travis and Wood – 3.

Motion carried.

Representative Richards asked unanimous consent that **Assembly Bill 99** be laid on the table. Granted.

### **Assembly Bill 37**

Relating to: an exemption from the witness exclusion rule for a law enforcement investigator designated by the state in criminal and delinquency proceedings.

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 37** offered by Representative Sheridan.

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## **POINT OF ORDER**

Representative Friske rose to the point of order that Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 37** was not germane under Assembly Rule 54.

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

Assembly amendment 2 to Assembly substitute amendment 1 to **Assembly Bill 37** offered by Representatives Kessler, Sherman, Staskunas and Turner.

Representative Friske moved that Assembly amendment 2 to Assembly substitute amendment 1 to **Assembly Bill 37** be laid on the table.

The question was: Shall Assembly amendment 2 to Assembly substitute amendment 1 to **Assembly Bill 37** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Ballweg, Benedict, Berceau, Bies, Davis, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb, Gunderson, Gundrum, Hahn, Honadel, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kerkman, Kestell, Kleefisch, Krawczyk, Kreibich, Lamb, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Montgomery, Moulton, Mursau, Musser, Nass, Nerison, Nischke, Ott, Owens, Petrowski, Pettis, Pridemore, Rhoades, Stone, Strachota, Suder, Towns, Townsend, Underheim, Van Roy, Vos, Vrakas, Vukmir, Ward, Wieckert, M. Williams and Speaker Gard – 60.

Noes – Representatives Black, Boyle, Colon, Cullen, Fields, Grigsby, Gronemus, Hebl, Hubler, Kessler, Kreuser, Krusick, Lehman, Molepske, Nelson, Parisi, Pocan, Pope–Roberts, Richards, Schneider, Seidel, Sheridan, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Toles, Turner, Van Akkeren, Vruwink, Wasserman, A. Williams, Young, Zepnick and Ziegelbauer – 36.

Absent or not voting – Representatives Hines, Travis and Wood – 3.



Motion carried.

The question was: Shall Assembly substitute amendment 1 to **Assembly Bill 37** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 37** be ordered engrossed and read a third time?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 37** be given a third reading. Granted.

The question was: **Assembly Bill 37** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Ballweg, Bies, Davis, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb, Gronemus, Gunderson, Gundrum, Hahn, Honadel, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kerkman, Kestell, Kleefisch, Krawczyk, Kreibich, Krusick, Lamb, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Montgomery, Moulton, Mursau, Musser, Nass, Nerison, Nischke, Ott, Owens, Petrowski, Pettis, Pridemore, Rhoades, Steinbrink, Stone, Strachota, Suder, Towns, Townsend, Underheim, Van Roy, Vos, Vrakas, Vukmir, Ward, Wieckert, M. Williams, Ziegelbauer and Speaker Gard – 62.

Noes – Representatives Benedict, Berceau, Black, Boyle, Colon, Cullen, Fields, Grigsby, Hebl, Hubler, Kessler, Kreuser, Lehman, Molepske, Nelson, Parisi, Pocan, Pope–Roberts, Richards, Schneider, Seidel, Sheridan, Sherman, Shilling, Sinicki, Staskunas, Toles, Turner, Van Akkeren, Vruwink, Wasserman, A. Williams, Young and Zepnick – 34.

Absent or not voting – Representatives Hines, Travis and Wood – 3.

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 37** be immediately messaged to the Senate.

Representative Kreuser objected.

Representative Huebsch moved that the rules be suspended and that **Assembly Bill 37** be immediately messaged to the Senate.

The question was: Shall the rules be suspended and **Assembly Bill 37** be immediately messaged to the Senate?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Ballweg, Bies, Davis, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb, Gunderson, Gundrum, Hahn, Honadel, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kerkman, Kestell,

Kleefisch, Krawczyk, Kreibich, Lamb, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Montgomery, Moulton, Mursau, Musser, Nass, Nerison, Nischke, Ott, Owens, Petrowski, Pettis, Pridemore, Rhoades, Stone, Strachota, Suder, Towns, Townsend, Underheim, Van Roy, Vos, Vrakas, Vukmir, Ward, Wieckert, M. Williams and Speaker Gard – 58.

Noes – Representatives Benedict, Berceau, Black, Boyle, Colon, Cullen, Fields, Grigsby, Gronemus, Hebl, Hubler, Kessler, Kreuser, Krusick, Lehman, Molepske, Nelson, Parisi, Pocan, Pope–Roberts, Richards, Schneider, Seidel, Sheridan, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Toles, Turner, Van Akkeren, Vruwink, Wasserman, A. Williams, Young, Zepnick and Ziegelbauer – 38.

Absent or not voting – Representatives Hines, Travis and Wood – 3.

Motion failed.

### **Assembly Bill 99**

Relating to: individuals registered as sex offenders based upon a juvenile delinquency adjudication.

Representative Huebsch asked unanimous consent that **Assembly Bill 99** be taken from the table. Granted.

Assembly substitute amendment 1 to **Assembly Bill 99** offered by Representative Staskunas.

Representative Friske moved that Assembly substitute amendment 1 to **Assembly Bill 99** be laid on the table.

The question was: Shall Assembly substitute amendment 1 to **Assembly Bill 99** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Ballweg, Bies, Davis, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb, Gunderson, Gundrum, Hahn, Honadel, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kerkman, Kestell, Kleefisch, Krawczyk, Kreibich, Lamb, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Montgomery, Moulton, Mursau, Musser, Nass, Nerison, Nischke, Ott, Owens, Petrowski, Pettis, Pridemore, Rhoades, Stone, Strachota, Suder, Towns, Townsend, Underheim, Van Roy, Vos, Vrakas, Vukmir, Ward, Wieckert, M. Williams and Speaker Gard – 58.

Noes – Representatives Benedict, Berceau, Black, Boyle, Colon, Cullen, Fields, Grigsby, Gronemus, Hebl, Hubler, Kessler, Kreuser, Krusick, Lehman, Molepske, Nelson, Parisi, Pocan, Pope–Roberts, Richards, Schneider, Seidel, Sheridan, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Toles, Turner, Van Akkeren, Vruwink, Wasserman, A. Williams, Young, Zepnick and Ziegelbauer – 38.

Absent or not voting – Representatives Hines, Travis and Wood – 3.

Motion carried.

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

The question was: Shall **Assembly Bill 99** be ordered engrossed and read a third time?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 99** be given a third reading. Granted.

The question was: **Assembly Bill 99** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Ballweg, Benedict, Berceau, Bies, Black, Colon, Cullen, Davis, Fields, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb, Gronemus, Gunderson, Gundrum, Hahn, Hebl, Honadel, Hubler, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kerkman, Kestell, Kleefisch, Krawczyk, Kreibich, Kreuser, Krusick, Lamb, F. Lasee, Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Molepske, Montgomery, Moulton, Mursau, Musser, Nass, Nelson, Nerison, Nischke, Ott, Owens, Parisi, Petrowski, Pettis, Pope–Roberts, Pridemore, Rhoades, Richards, Seidel, Sheridan, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Stone, Strachota, Suder, Toles, Towns, Townsend, Turner, Underheim, Van Akkeren, Van Roy, Vos, Vrakas, Vruwink, Vukmir, Ward, Wasserman, Wieckert, A. Williams, M. Williams, Young, Zepnick, Ziegelbauer and Speaker Gard – 91.

Noes – Representatives Boyle, Grigsby, Kessler, Pocan and Schneider – 5.

Absent or not voting – Representatives Hines, Travis and Wood – 3.

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 99** be immediately messaged to the Senate. Granted.

### **Assembly Bill 38**

Relating to: restriction violations by persons holding instruction permits or probationary licenses to operate motor vehicles and providing a penalty.

Assembly amendment 1 to **Assembly Bill 38** offered by Representative Shilling.

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## **POINT OF ORDER**

Representative Friske rose to the point of order that Assembly amendment 1 to **Assembly Bill 38** was not germane under Assembly Rule 54.

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

The question was: Shall **Assembly Bill 38** be ordered engrossed and read a third time?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 38** be given a third reading. Granted.

The question was: **Assembly Bill 38** having been read three times, shall the bill be passed?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 38** be immediately messaged to the Senate. Granted.

### **Assembly Bill 62**

Relating to: sentencing discretion of a court and providing a penalty.

The question was: Shall Assembly amendment 1 to **Assembly Bill 62** be adopted?

Motion carried.

The question was: Shall Assembly amendment 2 to **Assembly Bill 62** be adopted?

Motion carried.

Assembly amendment 3 to **Assembly Bill 62** offered by Representative Zepnick.

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## **POINT OF ORDER**

Representative Gundrum rose to the point of order that Assembly amendment 3 to **Assembly Bill 62** was not germane under Assembly Rule 54.

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

Representative Richards appealed the ruling of the Chair.

The question was: Shall the ruling of the Chair stand as the ruling of the Assembly?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Ballweg, Bies, Davis, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb, Gunderson, Gundrum, Hahn, Honadel, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kerkman, Kestell, Kleefisch, Krawczyk, Kreibich, Lamb, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Montgomery, Moulton, Mursau, Musser, Nass, Nerison, Nischke, Ott, Owens, Petrowski, Pettis, Pridemore, Rhoades, Stone, Strachota, Suder, Towns, Townsend, Underheim, Van Roy, Vos, Vrakas, Vukmir, Ward, Wieckert, M. Williams and Speaker Gard – 58.

Noes – Representatives Benedict, Berceau, Black, Boyle, Colon, Cullen, Fields, Grigsby, Gronemus, Hebl, Hubler, Kessler, Kreuser, Krusick, Lehman, Molepske, Nelson, Parisi, Pocan, Pope–Roberts, Richards, Schneider, Seidel, Sheridan, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Toles, Turner, Van Akkeren, Vruwink, Wasserman, A. Williams, Young, Zepnick and Ziegelbauer – 38.



Absent or not voting – Representatives Hines, Travis and Wood – 3.

Motion carried.

Representative Albers in the chair.

The question was: Shall **Assembly Bill 62** be ordered engrossed and read a third time?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 62** be given a third reading. Granted.

The question was: **Assembly Bill 62** having been read three times, shall the bill be passed?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 62** be immediately messaged to the Senate. Granted.

Speaker Pro Tempore Freese in the chair.

### **Assembly Bill 89**

Relating to: exclusive municipal court jurisdiction in proceedings against juveniles 12 years of age or over, but under 16 years of age, for municipal traffic ordinance violations.

Assembly amendment 1 to **Assembly Bill 89** offered by Representative Richards.

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## **POINT OF ORDER**

Representative Gundrum rose to the point of order that Assembly amendment 1 to **Assembly Bill 89** was not germane under Assembly Rule 54.

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

Representative Richards appealed the ruling of the Chair.

The question was: Shall the ruling of the Chair stand as the ruling of the Assembly?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Ballweg, Bies, Davis, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb, Gunderson, Gundrum, Hahn, Honadel, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kerkman, Kestell, Kleefisch, Krawczyk, Kreibich, Lamb, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Montgomery, Moulton, Mursau, Musser, Nass, Nerison, Nischke, Ott, Owens, Petrowski, Pettis, Pridemore, Rhoades, Stone, Strachota, Suder, Towns, Townsend, Underheim, Van Roy, Vos, Vrakas, Vukmir, Ward, Wieckert, M. Williams, Ziegelbauer and Speaker Gard – 59.

Noes – Representatives Benedict, Berceau, Black, Boyle, Colon, Cullen, Fields, Grigsby, Gronemus, Hebl, Hubler, Kessler, Kreuser, Krusick, Lehman, Molepske, Nelson, Parisi, Pocan, Pope–Roberts, Richards, Schneider, Seidel, Sheridan, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Toles, Turner, Van Akkeren, Vruwink, Wasserman, A. Williams, Young and Zepnick – 37.

Absent or not voting – Representatives Hines, Travis and Wood – 3.

Motion carried.

The question was: Shall **Assembly Bill 89** be ordered engrossed and read a third time?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 89** be given a third reading. Granted.

The question was: **Assembly Bill 89** having been read three times, shall the bill be passed?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 89** be immediately messaged to the Senate. Granted.

### **Assembly Bill 91**

Relating to: noncompliance with a municipal court order.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 91** be withdrawn from today's calendar and taken up at this time. Granted.

Assembly amendment 1 to **Assembly Bill 91** offered by Representative Sheridan.

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## **POINT OF ORDER**

Representative Gundrum rose to the point of order that Assembly amendment 1 to **Assembly Bill 91** was not germane under Assembly Rule 54.

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

Representative Richards appealed the ruling of the Chair.

The question was: Shall the ruling of the Chair stand as the ruling of the Assembly?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Ballweg, Bies, Davis, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb, Gunderson, Gundrum, Hahn, Honadel, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kerkman, Kestell, Kleefisch, Krawczyk, Kreibich, Lamb, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Montgomery, Moulton, Mursau, Musser, Nass, Nerison, Nischke, Ott, Owens, Petrowski, Pettis, Pridemore, Rhoades, Stone,

Strachota, Suder, Towns, Townsend, Underheim, Van Roy, Vos, Vrakas, Vukmir, Ward, Wieckert, M. Williams and Speaker Gard – 58.

Noes – Representatives Benedict, Berceau, Black, Boyle, Colon, Cullen, Fields, Grigsby, Gronemus, Hebl, Hubler, Kessler, Kreuser, Krusick, Lehman, Molepske, Nelson, Parisi, Pocan, Pope–Roberts, Richards, Schneider, Seidel, Sheridan, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Toles, Turner, Van Akkeren, Vruwink, Wasserman, A. Williams, Young, Zepnick and Ziegelbauer – 38.

Absent or not voting – Representatives Hines, Travis and Wood – 3.

Motion carried.

The question was: Shall **Assembly Bill 91** be ordered engrossed and read a third time?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 91** be given a third reading. Granted.

The question was: **Assembly Bill 91** having been read three times, shall the bill be passed?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 91** be immediately messaged to the Senate. Granted.

### **Assembly Joint Resolution 8**

Relating to: the limited–business floorperiod for considering bills introduced by the Joint Committee for Review of Administrative Rules.

Representative Schneider moved that **Assembly Joint Resolution 8** be withdrawn from the committee on **Rules** pursuant to Assembly Rule 15 (5).

Representative Gard moved that the motion to withdraw **Assembly Joint Resolution 8** from the committee on **Rules** pursuant to Assembly Rule 15 (5) be laid on the table.

The question was: Shall the motion to withdraw **Assembly Joint Resolution 8** from the committee on **Rules** pursuant to Assembly Rule 15 (5) be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Ballweg, Bies, Davis, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb, Gunderson, Gundrum, Hahn, Honadel, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kerkman, Kestell, Kleefisch, Krawczyk, Kreibich, Lamb, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Montgomery, Moulton, Mursau, Musser, Nass, Nerison, Nischke, Ott, Owens, Petrowski, Pettis, Pridemore, Rhoades, Stone, Strachota, Suder, Towns, Townsend, Underheim, Van Roy, Vos, Vrakas, Vukmir, Ward, Wieckert, M. Williams, Ziegelbauer and Speaker Gard – 59.

Noes – Representatives Benedict, Berceau, Black, Boyle, Colon, Cullen, Fields, Grigsby, Gronemus, Hebl, Hubler, Kessler, Kreuser, Krusick, Lehman, Molepske, Nelson, Parisi, Pocan, Pope–Roberts, Richards, Schneider, Seidel, Sheridan, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Toles, Turner, Van Akkeren, Vruwink, Wasserman, A. Williams, Young and Zepnick – 37.

Absent or not voting – Representatives Hines, Travis and Wood – 3.

Motion carried.

Representative Albers asked unanimous consent to be withdrawn as a coauthor of **Assembly Bill 129**. Granted.

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## **ANNOUNCEMENTS**

Representative Albers asked unanimous consent that the Assembly adjourn in memory of Robert Thayer Wood, who passed away on March 3, and for his service to the State of Wisconsin on the HIRSP program. Granted.

Representative Gard asked unanimous consent that the Assembly adjourn in honor of his daughter, Elisabeth, on the occasion of her acceptance into the National Honor Society. Granted.

Representative Richards asked unanimous consent that the Assembly adjourn in honor of Iva Richards, on the occasion of her birthday. Granted.

Representative Richards asked unanimous consent that the Assembly adjourn in honor of LaVerne Kreuser, on the occasion of her birthday. Granted.

Representative Kerkman asked unanimous consent that the Assembly adjourn in honor of Conor Christopher Dubey, on the occasion of his birth on March 7. Granted.

Representative Ainsworth asked unanimous consent that the Assembly adjourn in honor of John Ainsworth Read, on the occasion of his 4th birthday on March 8. Granted.

Representative Ainsworth asked unanimous consent that the Assembly adjourn in honor of Jim and Nancy Ainsworth, on the occasion of their wedding on March 5. Granted.

Representative Underheim asked unanimous consent that the Assembly adjourn in honor of the Oshkosh West Girls Basketball Team which earned a trip to the WIAA State Basketball Tournament. Granted.

Representative Montgomery asked unanimous consent that the Assembly adjourn in honor of the DePere High School Girls Basketball Team which earned a trip to the WIAA State Basketball Tournament. Granted.

Representative Seidel asked unanimous consent that the Assembly adjourn in honor of the Wausau Newman High School Girls Basketball Team which earned a trip to the WIAA State Basketball Tournament. Granted.

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## REFERENCE BUREAU CORRECTIONS

### Assembly Bill 52

1. Page 3, line 11: delete that line and substitute:

**SECTION 8.** 74.11 (11) (a) of the statutes is renumbered 74.11 (11) and amended to read:".

2. Page 3, line 12: delete "(a)".

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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:

Waupaca County Clerk Mary Robbins and Waupaca County Register of Deeds George Jorgensen, guests of Representative Hundertmark.

Door County Treasurer Jay Zahn, Door County Register of Deeds Carrie Petersilka, Kewaunee County Treasurer Annette Teske, and Kewaunee County Register of Deeds Marilyn Mueller, guests of Representative Bies.

Students from the Southern Door High School in Door County accompanied by their teacher Dale Winkler and staff from Door County Community Programs and Department of Vocational Rehabilitation, guests of Representative Bies.

Brown County Treasurer Kerry Blaney, guest of Representative Nelson.

Crystal Berg from the town of Erin in Washington County, guest of Representative Pridemore.

Amie and Mark Zyla, guests of Representative Gundrum.

Dennis Krueger and Ralph Ramirez from Waukesha County, guests of Representative Gundrum.

Burnett County Clerk Wanda Hinrich and Burnett County Register of Deeds Jeanine Chell, guests of Representative Pettis.

Kenosha County Clerk Edna Highland and Kenosha County Register of Deeds Louise Principe, guests of Representative Kreuser.

Vernon County Clerk Ron Hoff and his wife Kathy Hoff, guests of Representative Nerison.

Taylor County Treasurer Mary Ann Kropp and her husband Rod Kropp, guests of Representative M. Williams.

Price County Clerk Jean Gottwald and Price County Treasurer Lynn Neeck, guests of Representative M. Williams.

Green Lake County Treasurer Kathleen Morris and Green Lake Register of Deeds Leone Seaman, guests of Representative Ballweg.

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## ADJOURNMENT

Representative Huebsch moved that the Assembly stand adjourned until 9:00 A.M. on Thursday, March 10.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

4:55 P.M.