



STATE OF WISCONSIN Assembly Journal

Ninety-Seventh Regular Session

9:37 A.M.

THURSDAY, September 22, 2005

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

Speaker Gard in the chair.

The prayer was offered by Representative Loeffelholz.

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

The roll was taken.

The result follows:

Present – Representatives Ainsworth, Albers, Ballweg, Benedict, Berceau, Bies, Black, Boyle, Colon, Cullen, Davis, Fields, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb, Grigsby, Gronemus, Gunderson, Gundrum, Hahn, Hebl, Hines, Honadel, Hubler, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, 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, Sinicki, Staskunas, Steinbrink, Stone, Strachota, Suder, Toles, Towns, Townsend, Travis, Turner, Underheim, Van Akkeren, Van Roy, Vos, Vrakas, Vruwink, Vukmir, Ward, Wasserman, Wieckert, A. Williams, M. Williams, Wood, Young, Zepnick, Ziegelbauer and Speaker Gard – 97.

Absent with leave – Representatives Kerkman and Shilling – 2.

Vacancies – None.

LEAVES OF ABSENCE

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

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

AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 31** offered by joint committee on **Finance**.

Assembly substitute amendment 2 to **Assembly Bill 39** offered by joint committee on **Finance**.

Assembly amendment 2 to Assembly substitute amendment 1 to **Assembly Bill 69** offered by joint committee on **Finance**.

Assembly amendment 1 to **Assembly Bill 262** offered by joint committee on **Finance**.

Assembly amendment 1 to **Assembly Bill 539** offered by Representative Kessler.

Assembly amendment 2 to **Assembly Bill 648** offered by Representative Gundrum.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Bill 679

Relating to: eliminating the exemption from yield tax for certain managed forest land, management plans for designating land as managed forest land, and calculating withdrawal tax for certain managed forest land.

By Representatives Friske, Gard and Mursau; cosponsored by Senators Kapanke and Schultz.

To committee on **Rules**.

Assembly Bill 680

Relating to: increasing the jurisdictional amount in small claims court.

By Representatives Ballweg, Montgomery, Albers, Berceau, Gundrum, Hahn, Hines, Hundertmark, Gunderson, Kerkman, Lamb, LeMahieu, McCormick, Moulton, Mursau, Musser, Owens, Towns, Van Roy, Vos, M. Williams and Petrowski; cosponsored by Senators Olsen, Roessler, Wirsch and Zien.

To committee on **Judiciary**.

Assembly Bill 681

Relating to: disclosing whether methamphetamine has been manufactured on residential real property.

By Representatives Gottlieb, Mursau, Kreibich, Gielow, Suder, Musser, Jeskewitz, Freese, Underheim, Ott, Albers,

Hundertmark, Van Roy, Hines, Bies, Gunderson and Pettis; cosponsored by Senators Harsdorf and Roessler.

To committee on **Housing**.

Assembly Bill 682

Relating to: prohibiting the condemnation of property for any purpose not expressly authorized.

By Representatives Sherman, Ainsworth, Bies, Sheridan, Freese, Lehman, Staskunas, Owens, Turner, Pope–Roberts, Pocan, Travis, Boyle, Molepske, Ziegelbauer, Vruwink, Hubler, Nelson and Sinicki; cosponsored by Senators Hansen, Decker, Erpenbach and Wirch.

To committee on **Property Rights and Land Management**.

Assembly Bill 683

Relating to: authorizing medically related actions by advanced practice nurse prescribers and physician assistants.

By Representatives Vukmir, Richards, Underheim, Albers, Hundertmark, Krawczyk, Nerison, LeMahieu, Gunderson, Sheridan, Seidel, Strachota, Wood, Lothian, Nelson, Townsend, Owens, Ott, Petrowski, Lehman, Kessler, Cullen and Kreibich; cosponsored by Senators Cowles, Robson, Olsen, A. Lasee, Darling, Erpenbach, Grothman and Reynolds.

To committee on **Health**.

Assembly Bill 684

Relating to: procedure for the altering of any park entrance at Perrot State Park.

By Representatives Gronemus, Huebsch, Musser and Shilling; cosponsored by Senators Brown, Kapanke and Schultz.

To committee on **Rules**.

Assembly Bill 685

Relating to: regulating certain electronic mail solicitations and practices related to electronic mail solicitations and providing penalties.

By Representatives Davis, Freese, Friske, Hundertmark, Rhoades, Gronemus, Loeffelholz, Ott, Gunderson, Albers, Kreibich, Townsend, Pettis, Molepske and Shilling; cosponsored by Senators Kanavas, Stepp, Leibham, Darling, Lassa, Olsen, Cowles and Roessler.

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

Assembly Substitute Amendment 2 adoption:

Ayes: 16 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.

Noes: 0.

Passage as amended:

Ayes: 16 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.

Noes: 0.

To committee on **Rules**.

Assembly Bill 69

Relating to: driver licenses and identification cards for aliens.

Assembly Amendment 2 to Assembly Substitute Amendment 1 adoption:

Ayes: 13 – Representatives Kaufert, Ward, Jensen, Stone and Meyer; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.

Noes: 2 – Representatives Pocan and Colon.

Assembly Substitute Amendment 1 adoption:

Ayes: 11 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades and Meyer; Senators S. Fitzgerald, Lazich, Darling, Cowles and Leibham.

Noes: 4 – Representatives Pocan and Colon; Senators Decker and Taylor.

Passage as amended:

Ayes: 11 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades and Meyer; Senators S. Fitzgerald, Lazich, Darling, Cowles and Leibham.

Noes: 4 – Representatives Pocan and Colon; Senators Decker and Taylor.

To committee on **Rules**.

Assembly Bill 375

Relating to: the operation of all–terrain vehicles on highways for the purpose of certain types of access.

Assembly Amendment 1 to Assembly Amendment 1 adoption:

Ayes: 16 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.

Noes: 0.

Assembly Amendment 1 adoption:

Ayes: 16 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.

Noes: 0.

Passage as amended:

Ayes: 16 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.

Noes: 0.

To committee on **Rules**.

COMMITTEE REPORTS

The joint committee on **Finance** reports and recommends:

Assembly Bill 39

Relating to: regulating the manufactured housing industry and manufactured home installations; promoting rehabilitation and recycling of manufactured housing; requiring the exercise of rule–making authority; providing a penalty; and making appropriations.

Assembly Bill 534

Relating to: sale, by the Department of Transportation, of surplus real property.

Assembly Substitute Amendment 1 adoption:

Ayes: 16 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.
Noes: 0.

Passage as amended:

Ayes: 16 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Pocan and Colon; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.
Noes: 0.

To committee on **Rules**.

DEAN KAUFERT
Assembly Chairperson
Joint Committee on Finance

The committee on **Natural Resources** reports and recommends:

Assembly Bill 384

Relating to: the transfer of natural resources approvals, preference points, and preference categories and granting rule-making authority.

Assembly Substitute Amendment 1 adoption:

Ayes: 14 – Representatives Gunderson, Moulton, Ott, Pettis, Bies, M. Williams, Petrowski, Mursau, Black, Gronemus, Steinbrink, Van Akkeren, Molepske and Hebl.
Noes: 0.

Passage as amended:

Ayes: 14 – Representatives Gunderson, Moulton, Ott, Pettis, Bies, M. Williams, Petrowski, Mursau, Black, Gronemus, Steinbrink, Van Akkeren, Molepske and Hebl.
Noes: 0.

To committee on **Rules**.

SCOTT GUNDERSON
Chairperson
Committee on Natural Resources

The committee on **Property Rights and Land Management** reports and recommends:

Assembly Bill 657

Relating to: prohibiting the condemnation of property under certain circumstances.

Passage:

Ayes: 4 – Representatives Albers, Nass, Musser and Wood.
Noes: 2 – Representatives Hebl and Staskunas.

To committee on **Rules**.

SHERYL ALBERS
Chairperson
Committee on Property Rights and Land Management

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

Assembly Bill 482

Relating to: appealing a determination by the board of assessors, claiming angel and early stage investment tax credits, employers who must withhold state income taxes, benefits to persons serving in Operation Iraqi Freedom, eliminating the requirement that the Department of Revenue audit the records of contractors who perform emissions inspections, the liability of married persons filing a joint income tax return, the payment of the alternate fuel tax and the tobacco products tax, estate tax interest, qualified retirement systems, reducing nondelinquent taxes, extending the time for filing a tax reconciliation report, delivering tax-related documents and related payments, appeal of redetermination of earned income tax credits, granting rule-making authority, and providing a penalty.

Assembly Amendment 1 to Assembly Amendment 1 adoption:

Ayes: 12 – Representatives Wood, Nass, Hahn, Jeskewitz, Lothian, Strachota, Pridemore, Berceau, Ziegelbauer, Toles, Hebl and Fields.
Noes: 0.

Assembly Amendment 1 adoption:

Ayes: 12 – Representatives Wood, Nass, Hahn, Jeskewitz, Lothian, Strachota, Pridemore, Berceau, Ziegelbauer, Toles, Hebl and Fields.
Noes: 0.

Assembly Amendment 2 adoption:

Ayes: 12 – Representatives Wood, Nass, Hahn, Jeskewitz, Lothian, Strachota, Pridemore, Berceau, Ziegelbauer, Toles, Hebl and Fields.
Noes: 0.

Passage as amended:

Ayes: 12 – Representatives Wood, Nass, Hahn, Jeskewitz, Lothian, Strachota, Pridemore, Berceau, Ziegelbauer, Toles, Hebl and Fields.
Noes: 0.

To committee on **Rules**.

JEFFREY WOOD
Chairperson
Committee on Ways and Means

MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

September 22, 2005

Passed and asks concurrence in:

Senate Bill 266

ACTION ON THE SENATE MESSAGE

Senate Bill 266

Relating to: the prohibition against underage persons entering or being on any premises operating under an alcohol beverage license.

By Senators S. Fitzgerald, A. Lasee, Plale, Grothman and Breske; cosponsored by Representatives Kleefisch, J. Fitzgerald, Shilling, Musser, Gronemus, Albers and Vos.

To committee on **Rules**.

COMMUNICATIONS

September 21, 2005

Patrick Fuller
Assembly Chief Clerk
17 West Main Street, Suite 208
Madison, WI 53703

Dear Mr. Fuller:

As you are aware, both Representative Kerkman and I were absent from session on September 20, 2005 on maternity leave. Due to a mistake on the Assembly floor, my vote was paired with Representative Kerkman on *Item Veto C-4, relating to a nursing home rate increase under medical assistance*.

As a clarification, I did not authorize my vote to be paired on *Item Veto C-4*, nor any other Veto Items on the September 20 calendar. The action occurred due to an apparent miscommunication between the leadership of both caucuses.

I respectfully request that the Assembly Journal be amended to reflect that I did not pair my vote on *Item Veto C-4*. I also ask that any allowable action be taken to remove the pair from all other records maintained in the Assembly.

Thank you for your time and attention to this matter. If you have any questions, please feel free to contact me.

Sincerely,
JENNIFER SHILLING
State Representative
95th Assembly District

Patrick Fuller
Assembly Chief Clerk
17 W. Main Street, Suite 208
Madison, WI 53708

Dear Mr. Fuller:

Please add me as a co-sponsor of Assembly Bill 683.

Sincerely,
BARB GRONEMUS
State Representative
91st Assembly District

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

September 21, 2005

To the Honorable, the Assembly:

We have completed financial audits of Mendota and Winnebago Mental Health Institutes for the period July 1, 2003, through June 30, 2004. The audits were requested by the Department of Health and Family Services to comply with requirements of the Joint Commission on Accreditation of Healthcare Organizations. We were able to express an unqualified opinion on each Institute's financial statements.

Mendota and Winnebago Mental Health Institutes are licensed and accredited hospitals that provide specialized diagnostic, evaluation, and treatment services for mentally ill children and adults. The Institutes also provide services to forensic patients referred to them through the criminal justice system. The Institutes are funded through a mix of general purpose revenue and program revenue. Each has experienced a decline in average daily population from fiscal year (FY) 2001-02 through FY 2003-04.

Each Institute reported a small financial gain for FY 2003-04. Mendota reported a gain of almost \$90,000 in net assets, and Winnebago reported a gain of more than \$54,000. Further, each Institute reported a positive accounting balance, which is reflected in its financial statements as unrestricted net assets.

We appreciate the courtesy and cooperation extended to us by Department of Health and Family Services staff during our audit.

Respectfully submitted,
JANICE MUELLER
State Auditor

State of Wisconsin
Legislative Audit Bureau
Madison

September 22, 2005

To the Honorable, the Assembly:

As requested by the Public Service Commission (PSC), we have completed a financial audit of the Universal Service

Fund, which was established to ensure that all state residents receive essential telecommunications services and have access to advanced telecommunications capabilities. It is funded primarily through assessments on telecommunications providers, which totaled \$25.5 million in fiscal year (FY) 2003-04. Our audit report contains our unqualified opinion on the Universal Service Fund's financial statements for the fiscal years ending June 30, 2003 and 2004.

The largest program supported by the Universal Service Fund is the Educational Telecommunications Access Program, which is administered by the Department of Administration. This program subsidizes new and existing data lines and video links to eligible educational institutions. In FY 2003-04, expenditures for these activities totaled \$12.7 million, or 54.2 percent of the Universal Service Fund's total expenditures and transfers. In January 2006, a new statewide data and video network is expected to be available to program participants, as well as to the State and other public-sector users.

Eight of the 13 programs supported by the Universal Service Fund are operated by the PSC. As we reported in past audits, expenditures for PSC-operated programs were significantly less than budgeted for several years. The Legislature subsequently limited the amount of assessments to support the PSC-operated programs to \$5.0 million in FY 2003-04 and \$6.0 million in FY 2004-05 and thereafter. However, increasing expenditures are now presenting budgetary challenges for these programs. In response, the PSC reduced benefits and deferred certain payment requests to subsequent fiscal years. If the growth in program demand and expenditures continues, the Legislature may be asked to reconsider the statutory limits on the PSC's annual assessment levels.

Funds are transferred annually to the Department of Public Instruction for the Newsline program, which provides sight-impaired individuals access to newspapers read over the telephone. We found that a balance of almost \$165,000 has accumulated for the program. The PSC does not plan to provide additional funds to the program until the balance has been substantially reduced.

We appreciate the courtesy and cooperation extended to us by staff at the PSC, the departments of Administration and Public Instruction, and the Universal Service Fund's administrator, Wipfli LLP.

Respectfully submitted,
JANICE MUELLER
State Auditor

LEAVES OF ABSENCE

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

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

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 51** be withdrawn from the committee on **Rules** and taken up at this time. Granted.

SPECIAL GUEST

Representative Kestell introduced the family of former State Representative Wilfrid Turba, who addressed the members from the rostrum.

Assembly Joint Resolution 51

Relating to: the life and public service of Wilfrid J. Turba.

The question was: Shall **Assembly Joint Resolution 51** be adopted?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 51** be immediately messaged to the Senate. Granted.

Representative Petrowski asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 50** be withdrawn from the committee on **Rules** and taken up at this time. Granted.

Assembly Joint Resolution 50

Relating to: proclaiming October Wisconsin Kids Voting USA month.

The question was: Shall **Assembly Joint Resolution 50** be adopted?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 50** be immediately messaged to the Senate. Granted.

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

The Assembly stood recessed.

10:05 A.M.

RECESS

12:45 P.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

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

A quorum was present.

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

Representative Suder asked unanimous consent that his leave be lifted. Granted.

Representative A. Williams asked unanimous consent that her leave of absence be lifted.

LEAVES OF ABSENCE

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

Speaker Gard in the chair.

Speaker Pro Tempore Freese in the chair.

CALENDAR OF TUESDAY, SEPTEMBER 20

Assembly Bill 21

Relating to: computing expense deductions and amortization and depreciation on property used in farming for income and franchise tax purposes.

Representative Huebsch asked unanimous consent that **Assembly Bill 21** be referred to the joint committee on **Finance**. Granted

Representative Kreuser asked unanimous consent that the vote by which Item Veto C-4 (Nursing Home Rate Increase) of **Assembly Bill 100** passed notwithstanding the objections of the governor be expunged.

Representative Huebsch objected.

Assembly Bill 27

Relating to: authorizing a program for tuition gift certificates at the University of Wisconsin System.

The question was: Shall Assembly amendment 1 to **Assembly Bill 27** be adopted?

Motion carried.

The question was: Shall Assembly amendment 2 to **Assembly Bill 27** be adopted?

Motion carried.

The question was: Shall Assembly amendment 3 to **Assembly Bill 27** be adopted?

Motion carried.

Representative Colon asked unanimous consent to be recorded as voting "No" on the official roll call vote of passage on Item Veto C-4 (nursing home rate increases) of **Assembly Bill 100** notwithstanding the objections of the governor.

Huebsch objected.

Representative Richards moved that the vote by which Item Veto C-4 (nursing home rate increase) of **Assembly Bill 100** passed notwithstanding the objections of the governor be expunged.

Speaker Pro Tempore Freese ruled the motion for

expungement of the vote out of order because the partial item veto was messaged to the Senate on Tuesday, September 20.

Representative Travis moved that the vote by which Item Veto C-4 (nursing home rate increase) of **Assembly Bill 100** passed notwithstanding the objections of the governor be expunged.

Speaker Pro Tempore Freese ruled the motion not timely.

Representative Schneider asked unanimous consent for the voting system to display the running total while the roll is still open.

Representative Huebsch objected.

The question was: Shall **Assembly Bill 27** be ordered engrossed and read a third time?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Ballweg, Bies, Black, Boyle, Davis, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb, Gronemus, Gunderson, Gundrum, Hahn, Hines, Honadel, Hubler, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kestell, Kleefisch, Krawczyk, Krusick, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Montgomery, Moulton, Mursau, Musser, Nass, Nerison, Nischke, Ott, Owens, Petrowski, Pettis, Pridemore, Rhoades, Schneider, Seidel, Sheridan, Stone, Strachota, Suder, Toles, Towns, Townsend, Travis, Underheim, Van Akkeren, Van Roy, Vos, Vrakas, Vruwink, Vukmir, Ward, Wieckert, A. Williams, M. Williams, Wood, Ziegelbauer and Speaker Gard – 71.

Noes – Representatives Benedict, Berceau, Colon, Cullen, Fields, Grigsby, Hebl, Kreuser, Lehman, Molepske, Nelson, Parisi, Pocan, Pope-Roberts, Richards, Sherman, Sinicki, Staskunas, Steinbrink, Turner, Wasserman, Young and Zepnick – 23.

Absent or not voting – Representatives Kerkman, Kessler, Kreibich, Lamb and Shilling – 5.

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 27** be given a third reading.

Representative Kreuser objected.

Representative Travis introduced a privileged resolution.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Resolution 37

Relating to: requirements for roll call votes using a voting machine.

By Representative Travis.

Representative Travis asked unanimous consent that the roll be left open while voting on adoption of **Assembly**

Resolution 37 for at least five minutes or until everyone has voted.

Representative Huebsch objected.

The question was: Shall **Assembly Resolution 37** be adopted?

The roll was taken.

The result follows:

Ayes – 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, Sinicki, Staskunas, Steinbrink, Toles, Travis, Turner, Van Akkeren, Vruwink, Wasserman, A. Williams, Young, Zepnick and Ziegelbauer – 38.

Noes – Representatives Ainsworth, Albers, Ballweg, Bies, Davis, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb, Gunderson, Gundrum, Hahn, Hines, Honadel, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kestell, Kleefisch, Krawczyk, 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, Wood and Speaker Gard – 57.

Absent or not voting – Representatives Kerkman, Kreibich, Lamb and Shilling – 4.

Motion failed.

Assembly Bill 72

Relating to: the definition of biodiesel fuel and the labeling, advertising, and promoting of biodiesel fuel and biodiesel fuel blends for sale.

Representative Huebsch asked unanimous consent that **Assembly Bill 72** be referred to the joint committee on **Finance**. Granted.

Assembly Bill 128

Relating to: the removal of fishing shanties or similar shelters.

The question was: Shall **Assembly Bill 128** be ordered engrossed and read a third time?

Motion carried.

Assembly Bill 286

Relating to: bows used for hunting.

The question was: Shall **Assembly Bill 286** be ordered engrossed and read a third time?

Motion carried.

Assembly Bill 340

Relating to: lighting and visibility marking requirements for certain agricultural vehicles and agricultural implements operated or towed upon a highway, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, providing an exemption from

rule-making procedures, and requiring the exercise of rule-making authority.

The question was: Shall **Assembly Bill 340** be ordered engrossed and read a third time?

Motion carried.

Assembly Bill 345

Relating to: acreage requirements for areas in which farm-raised deer that may be hunted are kept and transfers of registration certificates for keeping farm-raised deer.

The question was: Shall Assembly amendment 1 to **Assembly Bill 345** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 345** be ordered engrossed and read a third time?

Motion carried.

Assembly Bill 410

Relating to: resident hunting approval and fishing license fees paid by a minor child of a Wisconsin resident.

The question was: Shall **Assembly Bill 410** be ordered engrossed and read a third time?

Motion carried.

Assembly Bill 442

Relating to: the determination of prevailing wage rates and prevailing fringe benefit rates for workers employed on state or local projects of public works and granting rule-making authority.

Representative Huebsch asked unanimous consent that **Assembly Bill 442** be re-referred to the committee on **Labor**. Granted.

Assembly Bill 460

Relating to: the prohibition against underage persons entering or being on any premises operating under an alcohol beverage license.

The question was: Shall **Assembly Bill 460** be ordered engrossed and read a third time?

Motion carried.

Assembly Bill 510

Relating to: special or seasonal weight limitations for certain vehicles transporting agricultural crops.

The question was: Shall **Assembly Bill 510** be ordered engrossed and read a third time?

Motion carried.

Assembly Bill 606

Relating to: an income and franchise tax credit for sales and use taxes paid on the purchase of electricity used in agricultural biotechnology and on the purchase of products used on livestock.

The question was: Shall Assembly substitute amendment 1 to **Assembly Bill 606** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 606** be ordered engrossed and read a third time?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 606** be given a third reading.

Representative Richards objected.

Representative Huebsch moved that the rules be suspended and that **Assembly Bill 606** be given a third reading.

The question was: Shall the rules be suspended and **Assembly Bill 606** be given a third reading?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Ballweg, Bies, Davis, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb, Gunderson, Gundrum, Hahn, Hines, Honadel, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kestell, Kleefisch, Krawczyk, Kreibich, 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, Wood and Speaker Gard – 58.

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

Absent or not voting – Representatives Kerkman, Lamb and Shilling – 3.

Motion failed.

Assembly Bill 646

Relating to: an income and franchise tax credit for the sales and use taxes paid on the purchase of tangible personal property used in farming.

The question was: Shall Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 646** be adopted?

Motion carried.

The question was: Shall Assembly substitute amendment 1 to **Assembly Bill 646** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 646** be ordered engrossed and read a third time?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 646** be given a third reading.

Representative Richards objected.

Assembly Joint Resolution 53

Relating to: the distinguished career of Terry A. Rhodes in his service to the legislature, state government, and the people of Wisconsin.

The question was: Shall **Assembly Joint Resolution 53** be adopted?

The roll was taken.

The result follows:

Ayes – 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, Hines, Honadel, Hubler, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kessler, Kestell, Kleefisch, Krawczyk, Kreibich, Kreuser, Krusick, F. Lasee, Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Molepske, Montgomery, Moulton, Mursau, Musser, Nass, Nelson, Nerison, Nischke, Ott, Owens, Parisi, Petrowski, Pettis, Pohan, Pope–Roberts, Pridemore, Rhoades, Richards, Schneider, Seidel, Sheridan, Sherman, Sinicki, Staskunas, Steinbrink, Stone, Strachota, Suder, Toles, Towns, Townsend, Travis, Turner, Underheim, Van Akkeren, Van Roy, Vos, Vrakas, Vruwink, Vukmir, Ward, Wasserman, Wieckert, A. Williams, M. Williams, Wood, Young, Zepnick, Ziegelbauer and Speaker Gard – 96.

Noes – None.

Absent or not voting – Representatives Kerkman, Lamb and Shilling – 3.

Motion carried.

Representative Schneider asked unanimous consent that all members of the Assembly be made coauthors of **Assembly Joint Resolution 53**. Granted.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 53** be immediately messaged to the Senate. Granted.

Senate Joint Resolution 30

Relating to: the celebration and commemoration of Agri–View’s 30 years of commitment to Wisconsin’s agricultural industry.

The question was: Shall **Senate Joint Resolution 30** be concurred in?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 30** be immediately messaged to the Senate. Granted.

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

The Assembly stood recessed.

2:49 P.M.

RECESS

3:15 P.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

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

A quorum was present.

LEAVES OF ABSENCE

Representative Vrakas asked unanimous consent for a leave of absence for part of today's session for Representatives Suder and M. Williams. Granted.

Representative Turner asked unanimous consent for a leave of absence for part of today's session for Representatives Kreuser, Wasserman and Ziegelbauer. Granted.

The committee on Rules introduced a privileged resolution.

**INTRODUCTION AND REFERENCE
OF PROPOSALS**

Read first time and referred:

Assembly Resolution 38

Relating to: establishing special orders of business for Tuesday, September 27, 2005.

By committee on Rules.

The question was: Shall **Assembly Resolution 38** be adopted?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Ballweg, Bies, Davis, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb, Gunderson, Gundrum, Hahn, Hines, Honadel, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kestell, Kleefisch, Krawczyk, Kreibich, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Montgomery, Moulton, Mursau, Musser, Nass, Nerison, Nischke, Ott, Owens, Petrowski, Pettis, Pridemore, Rhoades, Stone, Strachota, Towns, Townsend, Underheim, Van Roy, Vos, Vrakas, Vukmir, Ward, Wieckert, Wood and Speaker Gard – 56.

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

Turner, Van Akkeren, Vruwink, A. Williams, Young and Zepnick – 35.

Absent or not voting – Representatives Kerkman, Kreuser, Lamb, Shilling, Suder, Wasserman, M. Williams and Ziegelbauer – 8.

Motion carried.

The following proposals were made a special order of business on Tuesday, September 27, pursuant to the adoption of Assembly Resolution 38:

Assembly Bill 100 Item Veto F–3 (adoption expenses credit) at 11:02 A.M.

Assembly Bill 100 Item Veto F–4 (health savings accounts) at 11:03 A.M.

Assembly Bill 100 Item Veto C–8 (pharmacy reimbursement rates for brand name prescription drugs) at 11:04 A.M.

Assembly Bill 100 Item Veto C–9 (pharmacy reimbursement rates for dispensing fees) at 11:05 A.M.

Assembly Bill 100 Item Veto C–14 (outpatient hospital reimbursement rates) at 11:06 A.M.

Assembly Bill 100 Item Veto C–16 (bariatric surgery prohibition) at 11:07 A.M.

Assembly Bill 648 at 11:08 A.M.

Assembly Bill 482 at 11:09 A.M.

Assembly Bill 39 at 11:10 A.M.

Assembly Bill 69 at 11:11 A.M.

Assembly Bill 95 at 11:12 A.M.

Assembly Bill 97 at 11:13 A.M.

Assembly Bill 127 at 11:14 A.M.

Assembly Bill 133 at 11:15 A.M.

Assembly Bill 155 at 11:16 A.M.

Assembly Bill 184 at 11:17 A.M.

Assembly Bill 188 at 11:18 A.M.

Assembly Bill 201 at 11:19 A.M.

Assembly Bill 436 at 11:20 A.M.

Assembly Bill 230 at 11:21 A.M.

Assembly Bill 264 at 11:22 A.M.

Assembly Bill 308 at 11:23 A.M.

Assembly Bill 375 at 11:24 A.M.

Assembly Bill 384 at 11:25 A.M.

Assembly Bill 426 at 11:26 A.M.

Assembly Bill 444 at 11:27 A.M.

Assembly Bill 479 at 11:28 A.M.

Assembly Bill 512 at 11:29 A.M.

Assembly Bill 522 at 11:30 A.M.

Assembly Bill 534 at 11:31 A.M.

Assembly Bill 636 at 11:32 A.M.

Assembly Bill 679 at 11:33 A.M.

Assembly Bill 657 at 11:34 A.M.

Assembly Bill 27 at 11:35 A.M.

Assembly Bill 128 at 11:37 A.M.

Assembly Bill 286 at 11:38 A.M.

Assembly Bill 340 at 11:39 A.M.

Assembly Bill 345 at 11:40 A.M.

Assembly Bill 410 at 11:41 A.M.

Assembly Bill 460 at 11:43 A.M.

Senate Bill 266 at 11:43 A.M.

Assembly Bill 510 at 11:44 A.M.

Assembly Bill 606 at 11:45 A.M.

Assembly Bill 646 at 11:46 A.M.

Assembly Bill 684

Relating to: procedure for the altering of any park entrance at Perrot State Park.

To committee on **Rules**.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 684** be withdrawn from the committee on **Rules** and placed on calendar 9-27-2005. Granted.

Representative Rhoades asked unanimous consent to be made a coauthor of **Assembly Bill 603**. Granted.

Representative Honadel asked unanimous consent that the Assembly adjourn in honor of his daughter, Sara Honadel, for performing at the Marcus in Joseph and His Technicolor Dreamcoat. Granted.

Representative Owens asked unanimous consent that the Assembly adjourn in honor of the birth of McKenzie Carol Nelson. Granted.

Representative Kleefisch asked unanimous consent that the Assembly adjourn in honor of his daughter, Ella Rose, on the occasion of her becoming a big sister in March. Granted.

ANNOUNCEMENTS

Representative Gunderson asked unanimous consent that the Assembly adjourn in honor of his daughter, Rebecca A. Gunderson, who won the championship for the spotted barrow at the Wisconsin State Fair. Granted.

Representative Vruwink asked unanimous consent that the Assembly adjourn in honor of the birth of Nathan Taylor Shilling. Granted.

Representative Vukmir asked unanimous consent that the Assembly adjourn in honor of the Divine Savior Holy Angels Varsity Girls Golf Team for winning the Greater Metro Conference and for all five team members, including her daughter Elena, for making First Team All Conference. Granted.

Representative Bies asked unanimous consent that the Assembly adjourn in honor of Judith Blazer, for all she has done for the community, organizations, public service departments, and many needy individuals in Door County. Granted.

Representative Hebl asked unanimous consent that the Assembly adjourn in honor of the Sun Prairie Home Talent Baseball Team and Coach Scott Knorr who won the 2005 Home Talent Baseball Championship. Granted.

Representative Hebl asked unanimous consent that the Assembly adjourn in honor of his brother, John C. Hebl, on the occasion of his 58th birthday. Granted.

Representative Kaufert asked unanimous consent that the Assembly adjourn in honor of his grandson, Kaiden Dean VanBeek, on the occasion of his birth on August 8. 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:

Floyd W. Pridemore, father and guest of Representative Pridemore.

Ms. Sarah Miller, her daughter Marco and Mr. Dick Allen of Kid Voting, USA, guests of Representatives Petrowski and Seidel.

Jon Hoelter, intern and guest of Representative Pridemore.

Daniel A. Young, aide to the late Representative Wilfrid J. Turba, guest of Representative Pocan.

Jeff Healy, guest of Representative Davis.

Mayor John David and Tom Godfroy of Watertown, guests of Representative Kleefisch.

ADJOURNMENT

Representative Huebsch moved that the Assembly stand adjourned until 11:00 A.M. on Thursday, September 27.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

3:20 P.M.