



# STATE OF WISCONSIN Assembly Journal

## Ninety-Seventh Regular Session

11:17 A.M.

TUESDAY, October 25, 2005

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

Speaker Gard in the chair.

The prayer was offered by Representative Ott.

Representative Vrakas 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, 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, 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 – 99.

Absent with leave – None.

Vacancies – None.

### AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 321** offered by committee on **Health**.

Assembly amendment 2 to **Assembly Bill 347** offered by Representative McCormick.

Assembly amendment 1 to **Assembly Bill 409** offered by Representative Moulton.

Assembly substitute amendment 1 to **Assembly Bill 591** offered by Representatives Suder and Kleefisch.

Assembly substitute amendment 1 to **Assembly Bill 635** offered by Representative Ballweg.

Assembly amendment 2 to **Assembly Bill 680** offered by Representative Kessler.

Assembly amendment 3 to **Assembly Bill 680** offered by Representative Kessler.

Assembly amendment 4 to **Assembly Bill 680** offered by Representative Ballweg.

Assembly amendment 1 to **Assembly Bill 702** offered by Representative Staskunas.

Assembly amendment 1 to **Assembly Bill 703** offered by Representative Schneider.

Assembly amendment 1 to **Assembly Bill 717** offered by Representative Nerison.

Assembly amendment 1 to **Assembly Bill 778** offered by Representative Wieckert.

Assembly amendment 2 to **Assembly Bill 778** offered by Representative Wieckert.

Assembly amendment 3 to **Assembly Bill 778** offered by Representative Staskunas.

Assembly amendment 4 to **Assembly Bill 778** offered by Representative Wieckert.

### ADMINISTRATIVE RULES

#### **Assembly Clearinghouse Rule 02–095**

Relating to groundwater quality standards.

Submitted by Department of Natural Resources.

Report received from Agency, October 21, 2005.

To committee on **Natural Resources**.

Referred on October 25, 2005.

### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Joint Resolution 62**

Relating to: the life and military service of United States Army Major Christopher J. Splinter.

By Representative Loeffelholz.  
To committee on **Rules**.

**Assembly Bill 783**

Relating to: duties of real estate brokers and salespersons.

By Representatives Wieckert, Gard, Kreuser, Huebsch, Kestell, Nischke, Lehman, Vos, Fields, Albers, Ott, Gunderson, Sheridan, Hundertmark, Lothian, Bies, Freese, Montgomery, Meyer, LeMahieu, F. Lasee, Zepnick, Musser, Hubler, Davis, Towns, Nelson, Krawczyk, Steinbrink, J. Fitzgerald, Gronemus, Pocan and Sinicki; cosponsored by Senators Stepp, Schultz, Robson, A. Lasee, Olsen, S. Fitzgerald, Plale, Jauch, Zien, Ellis and Brown.

To committee on **Housing**.

**Assembly Bill 784**

Relating to: a mandatory term of confinement and the maximum term of imprisonment for certain child sex offenses and providing penalties.

By Representatives Suder, Honadel, Kleefisch, Van Roy, Jeskewitz, Nischke, J. Fitzgerald, Gronemus, Montgomery, Mursau, Turner, Albers, Lothian, Sheridan, Hines, Wood, McCormick, Gunderson, Lamb, Nass, Pettis, Pridemore, Musser, LeMahieu, Hundertmark, Moulton and Stone; cosponsored by Senators Darling, Zien, A. Lasee, Roessler, Lazich, Lassa, Grothman and Kanavas.

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

**Assembly Bill 785**

Relating to: protective placements and protective services, involuntary administration of psychotropic medication, and requiring the exercise of rule-making authority.

By Joint Legislative Council.

To committee on **Aging and Long-Term Care**.

**Assembly Bill 786**

Relating to: prohibiting charging grossly excessive prices for consumer goods and services and providing a penalty.

By Representatives Zepnick, Lehman, Shilling, Seidel, Sheridan, Pocan, Sinicki and Toles; cosponsored by Senators Hansen, Decker, Carpenter, Taylor, Lassa, Risser and Erpenbach, by request of Attorney General Peggy A. Lautenschlager.

To committee on **Judiciary**.

**Assembly Bill 787**

Relating to: the sale and distribution of fermented malt beverages.

By Representatives J. Fitzgerald, Huebsch, Kreuser, Gard, Krawczyk, Musser, Fields, Hahn, Hines, Gronemus, Kreibich, Lothian, Boyle, Montgomery, Nelson, Nerison, Seidel, Stone, Sheridan, Towns, Travis, Van Roy and Zepnick; cosponsored by Senators Brown, S. Fitzgerald, Schultz, Breske, Kanavas, Plale, Leibham and Zien.

To committee on **State Affairs**.

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

**Assembly Bill 443**

Relating to: reorganizing, making nonsubstantive editorial changes to, revising and creating titles in, clarifying ambiguous language in, and making minor substantive changes to the Juvenile Justice Code.

Passage:

Ayes: 11 – Representatives Suder, Friske, Owens, F. Lasee, Jeskewitz, Gundrum, Turner, Krusick, Black, Kessler and Grigsby.

Noes: 0.

To committee on **Rules**.

*SCOTT SUDER*

Chairperson

Committee on Criminal Justice and  
Homeland Security

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

**Assembly Bill 727**

Relating to: alibi witnesses in criminal cases.

Passage:

Ayes: 7 – Representatives Gundrum, McCormick, Pridemore, Kleefisch, Staskunas, Turner and Kessler.

Noes: 0.

To committee on **Rules**.

**Assembly Bill 728**

Relating to: intimidating a witness and providing a penalty.

Passage:

Ayes: 7 – Representatives Gundrum, McCormick, Pridemore, Kleefisch, Staskunas, Turner and Kessler.

Noes: 0.

To committee on **Rules**.

*MARK GUNDRUM*

Chairperson

Committee on Judiciary

The committee on **Public Health** reports and recommends:

**Assembly Bill 310**

Relating to: prohibiting smoking in the vicinity of the state capitol building.

Passage:

Ayes: 7 – Representatives Hines, Townsend, Freese, McCormick, Wasserman, Grigsby and Benedict.

Noes: 1 – Representative Underheim.

To committee on **Rules**.

**Assembly Bill 454**

Relating to: excepting potluck events from the public health regulation of restaurants.

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**COMMITTEE REPORTS**

Assembly Amendment 1 adoption:

Ayes: 8 – Representatives Hines, Underheim, Townsend,  
Freese, McCormick, Wasserman, Grigsby and Benedict.  
Noes: 0.

Passage as amended:

Ayes: 8 – Representatives Hines, Underheim, Townsend,  
Freese, McCormick, Wasserman, Grigsby and Benedict.  
Noes: 0.

To committee on **Rules**.

### **Assembly Bill 589**

Relating to: providing information about meningococcal  
disease to parents of pupils in grades 6 to 12.

Assembly Amendment 1 adoption:

Ayes: 8 – Representatives Hines, Underheim, Townsend,  
Freese, McCormick, Wasserman, Grigsby and Benedict.  
Noes: 0.

Assembly Amendment 2 adoption:

Ayes: 8 – Representatives Hines, Underheim, Townsend,  
Freese, McCormick, Wasserman, Grigsby and Benedict.  
Noes: 0.

Passage as amended:

Ayes: 8 – Representatives Hines, Underheim, Townsend,  
Freese, McCormick, Wasserman, Grigsby and Benedict.  
Noes: 0.

To committee on **Rules**.

### **Senate Bill 157**

Relating to: the full and equal enjoyment of a public place  
of accommodation or amusement by a person with a disability  
who is accompanied by a service animal.

Concurrence:

Ayes: 8 – Representatives Hines, Underheim, Townsend,  
Freese, McCormick, Wasserman, Grigsby and Benedict.  
Noes: 0.

To committee on **Rules**.

*J.A. HINES*  
Chairperson  
Committee on Public Health

## **MESSAGE FROM THE SENATE**

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Adopted and asks concurrence in:

**Senate Joint Resolution 44**  
**Senate Joint Resolution 45**

Concurred in:

**Assembly Joint Resolution 46**  
**Assembly Bill 684**

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## **ACTION ON THE SENATE MESSAGE**

### **Senate Joint Resolution 44**

Relating to: designating the state of Wisconsin's maritime  
museum.

By Senators Leibham and A. Lasee; cosponsored by  
Representatives Ziegelbauer, Kestell and F. Lasee.

To committee on **Rules**.

### **Senate Joint Resolution 45**

Relating to: proclaiming the month of October as Breast  
Cancer Awareness Month.

By Senators Darling, Taylor, Kapanke, Coggs, Schultz,  
Brown, Roessler, A. Lasee, Erpenbach, Leibham, Lassa,  
Cowles, Harsdorf, Stepp, Robson, Lazich, Plale and Ellis;  
cosponsored by Representatives Rhoades, Vruwink, Lamb,  
Huebsch, Sinicki, Benedict, Hines, Hubler, Cullen,  
Gronemus, Shilling, Wood, Travis, Suder, M. Williams, Ott,  
Fields, Sheridan, Gard, Lehman, Grigsby, Nischke, Nelson,  
Boyle, Musser, Pettis, Berceau, McCormick, Pocan, Davis,  
Hundertmark, Seidel, Nerison, Jeskewitz, Owens, Kerkman,  
Toles, Van Roy, Wasserman, Kreibich, Kreuser, Molepske,  
Ziegelbauer, Hebl, Albers, Krawczyk, Vrakas, Petrowski,  
Towns, Gielow, Strachota, Ballweg and Gunderson.

To committee on **Rules**.

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## **REFERENCE BUREAU CORRECTIONS**

### **Assembly Bill 500**

1. Page 48, line 13: delete "Except a" and substitute  
"Except as".

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## **SPEAKER'S COMMUNICATIONS**

October 25, 2005

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

Dear Patrick:

Today Representative Dan Vrakas resigned from his position  
as the Caucus Chair of the Assembly Republican Caucus and  
Representative Mark Gundrum was elected to replace him.  
As a result, pursuant to Assembly Rule 24(1), Representative  
Gundrum will replace Representative Vrakas on the  
Assembly Committee on Rules for the remainder of this  
session.

Sincerely,  
*JOHN G. GARD*  
Speaker

COMMUNICATIONS

October 24, 2005

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

Dear Mr. Fuller:

Please add my name as a co-sponsor to Assembly Bill 252.

Sincerely,  
*TIM CARPENTER*  
Senator  
3rd Senate District

October 24, 2005

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

Dear Clerk Fuller:

Please add my name as a co-sponsor to Assembly Bill 766, which relates to caps on medical malpractice non-economic damages.

Thank you for consideration of my request.

If you have any questions regarding this request, please feel free to contact my office.

Sincerely,  
*JEFF FITZGERALD*  
State Representative  
39th Assembly District

October 24, 2005

Patrick Fuller  
Assembly Chief Clerk  
208 Risser Justice Center

Dear Patrick:

I would like to request that my name be added as a co-sponsor of Assembly Bill 784, authored by Representatives Suder and Honadel and relating to creating a mandatory minimum sentence for child sexual predators.

Your assistance with this request is greatly appreciated.

Sincerely,  
*ROB KREIBICH*  
State Representative  
93rd Assembly District

October 25, 2005

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

Dear Patrick:

Please add me as a co-sponsor on Assembly Bill 634.

Thank you.

Sincerely,  
*JOSH ZEPNICK*  
9th Assembly District

October 25, 2005

Mr. Patrick Fuller  
Assembly Chief Clerk  
Room 208, 17 West Main Street  
Madison, WI 53703

Dear Chief Clerk Fuller:

Due to the recent election of Dan Vrakas as Waukesha County Executive, a vacancy has developed for the position of Republican Caucus Chair.

Pursuant to Assembly Rule 2(2), the following officer has been duly elected by the Assembly Republican Caucus:

Majority Caucus Chair: Mark Gundrum

Sincerely,  
*MARK D. GUNDRUM*  
Republican Caucus Chair

October 25, 2005

John Gard  
Assembly Speaker  
State Capitol Room 211 West  
Madison, WI 53708

Dear Speaker Gard:

Please accept my resignation today from the position of Caucus Chairperson. It has been my extreme pleasure to serve the Assembly Republican Caucus in this role over the last seven years.

Please include this correspondence in the Assembly Journal.

Sincerely,  
*DANIEL P. VRAKAS*  
State Representative  
33rd Assembly District

CALENDAR OF TUESDAY, OCTOBER 25

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 46** be withdrawn from today's calendar and taken up at this time. Granted.

**Assembly Joint Resolution 46**

Relating to: the life and service of Specialist Kyle M. Hemauer of the Virginia Army National Guard, who lost his life during Operation Enduring Freedom.

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**SPECIAL GUEST**

Representative Ott introduced the family of Specialist Kyle M. Hemauer, parents Andrew and Anne Hemauer and brothers Brad and Lucas Hemauer, who addressed the members from the rostrum.

The question was: Shall **Assembly Joint Resolution 46** be adopted?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 46** be immediately messaged to the Senate. Granted.

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

The Assembly stood recessed.

11:59 A.M.

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**RECESS**

4:00 P.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

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

A quorum was present.

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**LEAVES OF ABSENCE**

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

Representative Huebsch asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 45** be withdrawn from the committee on **Rules** and taken up at this time. Granted.

**Senate Joint Resolution 45**

Relating to: proclaiming the month of October as Breast Cancer Awareness Month.

Representative Huebsch asked unanimous consent that all members of the Assembly be added as cosponsors of **Senate Joint Resolution 45**. Granted.

The question was: Shall **Senate Joint Resolution 45** be concurred in?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 45** be immediately messaged to the Senate. Granted.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 44** be withdrawn from the committee on **Rules** and taken up at this time. Granted.

**Senate Joint Resolution 44**

Relating to: designating the state of Wisconsin's maritime museum.

The question was: Shall **Senate Joint Resolution 44** be concurred in?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 44** be immediately messaged to the Senate. Granted.

**Assembly Joint Resolution 60**

Relating to: proclaiming the month of October as Breast Cancer Awareness Month.

Representative Huebsch asked unanimous consent that **Assembly Joint Resolution 60** be laid on the table. Granted.

**Assembly Bill 105**

Relating to: state contractual service contracting procedures and information and fiscal estimate cost mitigation analyses, granting rule-making authority, and providing an exemption from and extending the time limit for emergency rule procedures.

The question was: Shall Senate substitute amendment 1 to **Assembly Bill 105** be concurred in?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that the Assembly's action on **Assembly Bill 105** be immediately messaged to the Senate. Granted.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Senate Bill 4** be withdrawn from the committee on **Rules** and taken up at this time. Granted.

**Senate Bill 4**

Relating to: the size of the county board of supervisors in certain counties and the common council in certain cities.

The question was: Shall **Senate Bill 4** be ordered to a third reading?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Senate Bill 4** be given a third reading. Granted.

The question was: **Senate Bill 4** having been read three times, shall the bill be concurred in?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Senate Bill 4** be immediately messaged to the Senate. Granted.

### **Assembly Bill 60**

Relating to: the size of the county board of supervisors in certain counties and the common council in certain cities.

Representative Vrakas asked unanimous consent to be made a coauthor of **Assembly Bill 60**. Granted.

Representative Vukmir asked unanimous consent to be made a coauthor of **Assembly Bill 60**. Granted.

Representative Huebsch asked unanimous consent that **Assembly Bill 60** be laid on the table. Granted.

### **Assembly Bill 217**

Relating to: administering rabies vaccinations.

The question was: Shall Assembly amendment 1 to **Assembly Bill 217** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 217** be ordered engrossed and read a third time?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 217** be given a third reading. Granted.

The question was: **Assembly Bill 217** 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 217** be immediately messaged to the Senate. Granted.

### **Assembly Bill 365**

Relating to: traffic control signal emergency preemption devices, and providing a penalty.

The question was: Shall Assembly amendment 1 to **Assembly Bill 365** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 365** be ordered engrossed and read a third time?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 365** be given a third reading. Granted.

The question was: **Assembly Bill 365** 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 365** be immediately messaged to the Senate. Granted.

### **Assembly Bill 389**

Relating to: requiring the Department of Administration to study the feasibility of developing a Wisconsin brand.

The question was: Shall **Assembly Bill 389** be ordered engrossed and read a third time?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 389** be given a third reading. Granted.

The question was: **Assembly Bill 389** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Ballweg, Benedict, 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, 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, Pocan, Pope–Roberts, Pridemore, Rhoades, Richards, Schneider, Seidel, Sheridan, Sherman, Shilling, 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, Ziegelbauer and Speaker Gard – 96.

Noes – Representatives Kessler and Zepnick – 2.

Absent or not voting – Representative Berceau – 1.

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 389** be immediately messaged to the Senate. Granted.

### **Assembly Bill 664**

Relating to: authorizing specific information signs on certain portions of USH 12.

Representative Kaufert asked unanimous consent that **Assembly Bill 664** be referred to the joint committee on **Finance**. Granted.

Representative Kaufert asked unanimous consent that the rules be suspended and that **Assembly Bill 664** be withdrawn from the joint committee on **Finance** and taken up at this time. Granted.

The question was: Shall **Assembly Bill 664** be ordered engrossed and read a third time?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 664** be given a third reading. Granted.

The question was: **Assembly Bill 664** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Ballweg, Benedict, 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, 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, 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 – 98.

Noes – None.

Absent or not voting – Representative Berceau – 1.

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 664** be immediately messaged to the Senate. Granted.

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### MESSAGE FROM THE SENATE

By Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Passed and asks concurrence in:

**Senate Bill 390**

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### ACTION ON THE SENATE MESSAGE

Representative Huebsch asked unanimous consent that the rules be suspended and that **Senate Bill 390** be withdrawn from the Senate message and taken up at this time. Granted.

#### **Senate Bill 390**

Relating to: a harbor assistance grant for the construction of a dockwall in the city of Marinette.

By Senator A. Lasee; cosponsored by Representatives Gard and Mursau.

The question was: Shall **Senate Bill 390** be ordered to a third reading?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Bill 390** be given a third reading.

Representative Richards objected.

#### **Assembly Bill 761**

Relating to: a harbor assistance grant for the construction of a dockwall in the city of Marinette.

Representative Huebsch asked unanimous consent that **Assembly Bill 761** be laid on the table. Granted.

#### **Assembly Bill 764**

Relating to: awards to persons suffering damages as the result of medical malpractice and evidence of compensation for those damages.

Representative Albers asked unanimous consent to be made a coauthor of **Assembly Bill 764**. Granted.

The question was: Shall Assembly substitute amendment 1 to **Assembly Bill 764** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 764** be ordered engrossed and read a third time?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 764** be given a third reading.

Representative Richards objected.

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

The Assembly stood recessed.

4:26 P. M.

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### RECESS

5:18 P.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

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

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### LEAVES OF ABSENCE

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

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

#### **Assembly Bill 764**

Relating to: awards to persons suffering damages as the result of medical malpractice and evidence of compensation for those damages.

Representative J. Fitzgerald moved that the rules be suspended and that **Assembly Bill 764** be given a third reading.

The question was: Shall the rules be suspended and **Assembly Bill 764** 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, Kerkman, Kestell, Kleefisch, Krawczyk, Kreibich, Lamb, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Montgomery, Moulton, Mursau, Musser, Nass, Nerison, Nischke, Ott, Owens, Petrowski, Pettis, Rhoades, Stone, Strachota, Suder, Towns, Townsend, Underheim, Van Roy, Vos, Vrakas, Vukmir, Ward, Wieckert, M. Williams, Wood and Speaker Gard – 59.

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

Absent or not voting – Representatives Pridemore and Steinbrink – 2.

Motion failed.

Representative Kreuser asked unanimous consent that the rules be suspended and that **Assembly Bill 764** be given a third reading. Granted.

Representative Cullen asked unanimous consent that **Assembly Bill 764** be placed at the foot of today's calendar. Representative J. Fitzgerald objected.

Representative Travis asked unanimous consent that **Assembly Bill 764** be placed at the foot of today's calendar. Granted.

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

#### **Assembly Bill 765**

Relating to: coverage under the injured patients and families compensation fund of medical school graduates engaged in postgraduate training.

Representative Albers asked unanimous consent to be made a coauthor of **Assembly Bill 765**. Granted.

Assembly amendment 1 to **Assembly Bill 765** offered by Representatives Gielow and Wasserman.

The question was: Shall Assembly amendment 1 to **Assembly Bill 765** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 765** be ordered engrossed and read a third time?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 765** be given a third reading. Granted.

The question was: **Assembly Bill 765** 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, 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, Kerkman, Kessler, Kestell, Kleefisch, Krawczyk, Kreibich, Krusick, Lamb, 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, Rhoades, Richards, Schneider, Seidel, Sheridan, Sherman, Shilling, Sinicki, Staskunas, 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 Kreuser, Pridemore and Steinbrink – 3.

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 765** be immediately messaged to the Senate. Granted.

#### **Assembly Bill 766**

Relating to: recovery of noneconomic damages in medical malpractice cases.

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## LEAVES OF ABSENCE



Assembly amendment 1 to **Assembly Bill 766** offered by Representatives Cullen and Staskunas.

Representative Huebsch moved that Assembly amendment 1 to **Assembly Bill 766** be laid on the table.

The question was: Shall Assembly amendment 1 to **Assembly Bill 766** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Ballweg, Benedict, Bies, Davis, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb, Gunderson, Gundrum, Hahn, Hines, 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, Rhoades, Stone, Strachota, Suder, Towns, Townsend, Underheim, Van Roy, Vos, Vrakas, Vukmir, Ward, Wasserman, Wieckert, M. Williams, Wood and Speaker Gard – 61.

Noes – Representatives Berceau, Black, Boyle, Colon, Cullen, Fields, Grigsby, Gronemus, Hebl, Hubler, Kessler, Krusick, Lehman, Molepske, Nelson, Parisi, Pocan, Pope–Roberts, Richards, Schneider, Seidel, Sheridan, Sherman, Shilling, Sinicki, Staskunas, Toles, Travis, Turner, Van Akkeren, Vruwink, A. Williams, Young, Zepnick and Ziegelbauer – 35.

Absent or not voting – Representatives Kreuser, Pridemore and Steinbrink – 3.

Motion carried.

The question was: Shall **Assembly Bill 766** be ordered engrossed and read a third time?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 766** be given a third reading. Granted.

Representative Gottlieb in the chair.

The question was: **Assembly Bill 766** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Ballweg, Benedict, Bies, Black, Davis, Fields, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb, Gunderson, Gundrum, Hahn, Hines, Honadel, Hubler, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kerkman, Kestell, Kleefisch, Krawczyk, Kreibich, Lamb, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Moulton, Mursau, Musser, Nass, Nerison, Nischke, Ott, Owens, Petrowski, Pettis, Rhoades, Stone, Strachota, Suder, Towns, Townsend, Underheim, Van Roy, Vos, Vrakas, Vruwink, Vukmir, Ward, Wasserman, Wieckert, M. Williams, Wood and Speaker Gard – 64.

Noes – Representatives Berceau, Boyle, Colon, Cullen, Grigsby, Gronemus, Hebl, Kessler, Krusick, Lehman, Molepske, Nelson, Parisi, Pocan, Pope–Roberts, Richards, Schneider, Seidel, Sheridan, Sherman, Shilling, Sinicki, Staskunas, Toles, Travis, Turner, Van Akkeren, A. Williams, Young and Zepnick – 30.

Paired for – Representatives Montgomery and Pridemore – 2.

Paired against – Representatives Kreuser and Ziegelbauer – 2.

Absent or not voting – Representative Steinbrink – 1.

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 766** be immediately messaged to the Senate. Granted.

### **Assembly Bill 307**

Relating to: municipal ordinances regarding drug paraphernalia.

The question was: Shall **Assembly Bill 307** be ordered engrossed and read a third time?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 307** be given a third reading. Granted.

The question was: **Assembly Bill 307** 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, 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, Kerkman, Kessler, Kestell, Kleefisch, Krawczyk, Kreibich, 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, Rhoades, Richards, Schneider, Seidel, Sheridan, Sherman, Shilling, Sinicki, Staskunas, 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 Kreuser, Pridemore and Steinbrink – 3.

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 307** be immediately messaged to the Senate. Granted.

**Assembly Bill 769**

Relating to: requiring actuarial audits of the injured patients and families compensation fund and authorizing the fund's board of governors to organize an insurance corporation.

The question was: Shall Assembly amendment 1 to **Assembly Bill 769** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 769** be ordered engrossed and read a third time?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 769** be given a third reading. Granted.

The question was: **Assembly Bill 769** 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, 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, Kerkman, Kessler, Kestell, Kleefisch, Krawczyk, Kreibich, Krusick, Lamb, 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, Rhoades, Richards, Schneider, Seidel, Sheridan, Sherman, Shilling, Sinicki, Staskunas, 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 Kreuser, Pridemore and Steinbrink – 3.

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 769** be immediately messaged to the Senate. Granted.

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Representative Freese asked unanimous consent that the Assembly stand in recess. Granted.

The Assembly stood recessed.

7:09 P. M.

**RECESS**

7:21 P.M.

The Assembly reconvened.

Representative Gottlieb in the chair.

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**Assembly Bill 764**

Relating to: awards to persons suffering damages as the result of medical malpractice and evidence of compensation for those damages.

The question was: **Assembly Bill 764** 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, Gunderson, Gundrum, Hahn, Hines, Honadel, Hubler, 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, Rhoades, Stone, Strachota, Suder, Towns, Townsend, Underheim, Van Roy, Vos, Vrakas, Vukmir, Ward, Wieckert, M. Williams, Wood and Speaker Gard – 60.

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

Paired for – Representatives Black and Pridemore – 2.

Paired against – Representatives Kreuser and Ziegelbauer – 2.

Absent or not voting – Representative Steinbrink – 1.

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 764** be immediately messaged to the Senate. Granted.

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The committee on **Rules** introduced a privileged resolution.

**INTRODUCTION AND REFERENCE  
OF PROPOSALS**

Read first time and referred:

**Assembly Resolution 41**

Relating to: establishing special orders of business for Thursday, October 27, 2005.

By committee on Rules.

The question was: Shall **Assembly Resolution 41** 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, Kerkman, Kestell, Kleefisch, Krawczyk, Kreibich, Lamb, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Montgomery, Moulton, Mursau, Musser, Nass, Nerison, Nischke, Ott, Owens, Petrowski, Pettis, Rhoades, Stone, Strachota, Suder, Towns, Townsend, Underheim, Van Roy, Vos, Vrakas, Vukmir, Ward, Wieckert, M. Williams, Wood, Ziegelbauer and Speaker Gard – 60.

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, Shilling, Sinicki, Staskunas, Toles, Travis, Turner, Van Akkeren, Vruwink, Wasserman, A. Williams, Young and Zepnick – 36.

Absent or not voting – Representatives Kreuser, Pridemore and Steinbrink – 3 .

Motion carried.

The following proposals were made a special order of business on Thursday, October 27, pursuant to the adoption of Assembly Resolution 41:

**Assembly Bill 761** at 9:01 A.M.

**Senate Bill 390** at 9:01 A.M.

Representative Vukmir asked unanimous consent to be made a coauthor of **Assembly Bill 763**. Granted.

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October 25, 2005

Office of the Assembly Chief Clerk  
Patrick Fuller, Chief Clerk  
208 Risser Justice Building  
Madison, WI 53708

Dear Chief Clerk Fuller,

Due to a scheduling matter, I was required to return to my district prior to the close of session. Had I been in attendance, I would have voted in the following manner:

Assembly Bill 765 relating to coverage under the injured patients and families compensation fund of medical school graduates engaged in postgraduate training. **IN FAVOR OF PASSAGE**

Assembly Bill 307 relating to municipal ordinances regarding drug paraphernalia. **IN FAVOR OF PASSAGE**

Assembly Bill 769 relating to requiring actuarial audits of the injured patients and families compensation fund and

authorizing the fund's board of governors to organize an insurance corporation. **IN FAVOR OF PASSAGE**

Thank you for your attention to this matter.

Sincerely,  
*JIM KREUSER*  
State Representative  
64th Assembly District

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## ANNOUNCEMENTS

Representative Lothian asked unanimous consent that the Assembly adjourn in memory of Ryan Ronfeldt who was tragically killed in a hit and run accident in the Town of Wheatland on October 22. Granted.

Representatives Albers, Hahn and Hines asked unanimous consent that the Assembly adjourn in memory of Gloria Kirking who passed away October 20. Gloria left behind a legacy of fine art. Granted.

Representative Lehman asked unanimous consent that the Assembly adjourn in honor of his daughter and her husband, Rachel and Michael Stohler, on the occasion of the birth of their daughter, Leah Stohler, on October 14 in New York City. Granted.

Representative Mursau asked unanimous consent that the Assembly adjourn in honor of his wife, Nancy, on the occasion of their 31st year anniversary on October 26. Granted.

Representative Mursau asked unanimous consent that the Assembly adjourn in honor of Melanie and Timothy Mursau on the occasion of the birth of their son, Lance Timothy on September 29th. Lance Timothy is Representative Mursau's first grandson. Granted.

Representative Schneider asked unanimous consent that the Assembly adjourn in honor of the Red Fox Battalion, 120th Field Artillery, Wisconsin National Guard, for their deployment to the Middle East. Granted.

Representatives Kessler and Gielow asked unanimous consent that the Assembly adjourn in memory of the death of Rosa Parks. Granted.

Representatives Kerkman and Vos asked unanimous consent that the Assembly adjourn in memory of Jennifer Trapp who died at the age of 59 on October 17. Granted.

Representative Vrakas asked unanimous consent that the Assembly adjourn in memory of Jack O'Mead from Waukesha and Ellison Bay, who died on October 24. Granted.

Representative Nischke asked unanimous consent that the Assembly adjourn in memory of Carol Opel who passed away on October 22. Carol served on the city council for nine years and as mayor for four years. Granted.

Representative Toles asked unanimous consent that the Assembly adjourn in memory of Ms. Rosa Parks, who passed away October 25. Granted.

Representative Vrakas asked unanimous consent that the Assembly adjourn in memory of Kyle Schultz from Hartland

who passed away on October 22. Kyle was devoted to his family and the voice of the Milwaukee Admiral Hockey Team. 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:

Clarie McDermott, his sister from Eugene, Oregon and his niece Karen O'Melly from Dubuque, Iowa, guests of Representative Loeffelholz.

AMVETS, VFW, VietNam Veterans Chapter A Motorcycle Club and an Iraqi enlisted soldier, guests of Representative McCormick.

Nathan Shilling, son of Representative Shilling, introduced by Representative Rhoades.

Ian Kerkman, son of Representative Kerkman, introduced by Representative Rhoades.

Peter Bowlus, guest and intern of Representative Rhoades.

Students from McFarland High School, guests of Representative Parisi.

Alan Johnson of Veteran's Group, guest of Representative Van Roy.

Students from Wacousta Lutheran Grade School accompanied by Tommy Thompson, guests of Representative LeMahieu.

Kelcie Young, University of Wisconsin–Madison 5th year senior from Shorewood, guest and intern of Representative Hebl.

Former Representative Dave Plombon, guest of Representatives Boyle and Hubler.

Kate Hammarback and Katherine Pater, guests and interns of Representative Gronemus.

Holly Whitleff, guest and intern of Representative Seidel.

Allison Kubacki from Ashwaubenon, guest of Representative Montgomery.

Marge Starzyk, her mother from Powers Lake, guest of Representative Kerkman.

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## ADJOURNMENT

Representative Huebsch moved that the Assembly stand adjourned until 10:00 A.M. on Thursday, October 27.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

7:38 P.M.