



STATE OF WISCONSIN

Assembly Journal

December 2009 Extraordinary Session

11:04 A.M.

WEDNESDAY, December 16, 2009

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

Speaker Pro Tempore Staskunas in the chair.

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

A quorum was present.

The prayer was offered by Pastor Michael Schuler of the First Unitarian Society in Madison.

Representative LeMahieu 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 Ballweg, Barca, Benedict, Berceau, Bernard Schaber, Bies, Black, Brooks, Clark, Colon, Cullen, Danou, Davis, Dexter, J. Fitzgerald, Friske, Garthwaite, Gottlieb, Grigsby, Gunderson, Gundrum, Hilgenberg, Hintz, Hixson, Honadel, Hraychuck, Hubler, Huebsch, Jorgensen, Kaufert, Kerkman, Kessler, Kestell, Kleefisch, Knodl, Kramer, Krusick, LeMahieu, Lothian, Mason, Meyer, Milroy, Molepske Jr., Montgomery, Mursau, Murtha, Nass, Nelson, Nerison, Newcomer, Nygren, A. Ott, J. Ott, Parisi, Pasch, Petersen, Petrowski, Pocan, Pope–Roberts, Pridemore, Rhoades, Richards, Ripp, Roth, Roys, Schneider, Seidel, Sherman, Shilling, Sinicki, Smith, Soletski, Spanbauer, Staskunas, Steinbrink, Strachota, Tauchen, Toles, Townsend, Turner, Van Akkeren, Van Roy, Vos, Vruwink, Vukmir, A. Williams, M. Williams, Wood, Young, Zepnick, Ziegelbauer, Zigmunt, Zipperer and Speaker Sheridan – 94.

Absent with leave – Representatives Fields, Hebl, Radcliffe, Stone and Suder – 5.

Vacancies – None.

LEAVES OF ABSENCE

Representative Barca asked unanimous consent for a leave of absence for today's session for Representatives Fields, Hebl and Radcliffe. Granted.

Representative Kleefisch asked unanimous consent for a leave of absence for today's session for Representatives Stone and Suder. Granted.

LEAVES OF ABSENCE

Representative Barca asked unanimous consent for a leave of absence for part of today's session for Representatives Mason and Steinbrink. Granted.

Representative Kleefisch asked unanimous consent for a leave of absence for part of today's session for Representatives Gunderson, Kaufert, Roth and Vukmir. Granted.

MOTION FOR EXTRAORDINARY SESSION

December 15, 2009

The following motion was approved by the committee on Assembly Organization:

In accordance with Joint Rule 81(2), it is moved that the Assembly Committee on Organization authorize the Legislature to meet in Extraordinary Session at 11:00 A.M. on Wednesday, December 16, 2009, solely for purposes of taking action on Senate Bill 66.

Ayes: 8 – Representatives Sheridan, Nelson, Seidel, Staskunas, Barca, J. Fitzgerald, Gottlieb and Rhoades.

Noes: 0.

December 10, 2009

The following motion was approved by the committee on Senate Organization:

In accordance with Joint Rule 81(2), it is moved that the Senate Committee on Organization authorize the Legislature to meet in Extraordinary Session at 11:00 A.M. on Wednesday, December 10, 2009, solely for purposes of taking action on Senate Bill 66.

Ayes: 5 – Senators Decker, Risser, Hansen, S. Fitzgerald and Grothman.

Noes: 0.

SPECIAL GUEST

Representative LeMahieu honored Hometown Hero Award recipient, Army Private First Class Amber Bahr of Random Lake, who was shot while helping fellow soldiers escape from the Fort Hood shooting. Ms. Bahr's father, Todd Kopping accepted the award on her behalf.

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

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

The Assembly stood recessed.

11:31 A.M.

RECESS

1:25 P.M.

The Assembly reconvened.

Representative Cullen in the chair.

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

A quorum was present.

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

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

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

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

Representative Bies asked unanimous consent that the rules be suspended and that **Assembly Resolution 16** be withdrawn from the committee on **Rules** and taken up at this time. Granted.

Assembly Resolution 16

Relating to: urging and authorizing the attorney general to pursue every legal means available to prevent Asian carp from entering the Great Lakes.

Representative Staskunas asked unanimous consent to be made a coauthor of **Assembly Resolution 16**. Granted.

The question was: Shall **Assembly Resolution 16** be adopted?

Motion carried.

Senate Bill 66

Relating to: operation of a motor vehicle while under the influence of an intoxicant and providing a penalty.

The question was: Shall Assembly amendment 1 to **Senate Bill 66** be adopted?

Motion carried.

The question was: Shall **Senate Bill 66** be ordered to a third reading?

Motion carried.

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

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 66** be given a third reading. Granted.

The question was: **Senate Bill 66** having been read three times, shall the bill be concurred in as amended?

The roll was taken.

The result follows:

Ayes – Representatives Ballweg, Barca, Benedict, Berceau, Bernard Schaber, Bies, Black, Brooks, Clark, Colon, Cullen, Danou, Davis, Dexter, J. Fitzgerald, Friske, Garthwaite, Gottlieb, Grigsby, Gunderson, Gundrum, Hilgenberg, Hintz, Hixson, Honadel, Hraychuck, Hubler, Huebsch, Jorgensen, Kaufert, Kerkman, Kessler, Kestell, Kleefisch, Knodl, Kramer, Krusick, LeMahieu, Lothian, Mason, Meyer, Milroy, Molepske Jr., Montgomery, Mursau, Murtha, Nass, Nelson, Nerison, Newcomer, Nygren, A. Ott, J. Ott, Parisi, Pasch, Petersen, Petrowski, Pocan, Pope–Roberts, Pridemore, Rhoades, Richards, Ripp, Roth, Roys, Seidel, Sherman, Shilling, Sinicki, Smith, Soletski, Spanbauer, Staskunas, Steinbrink, Strachota, Tauchen, Toles, Townsend, Turner, Van Akkeren, Van Roy, Vos, Vruwink, Vukmir, A. Williams, M. Williams, Wood, Young, Zepnick, Ziegelbauer, Zigmunt, Zipperer and Speaker Sheridan – 93.

Noes – Representative Schneider – 1.

Absent or not voting – Representatives Fields, Hebl, Radcliffe, Stone and Suder – 5.

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 66** be immediately messaged to the Senate. Granted.

Representative Gottlieb introduced a privileged joint resolution.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 97

Relating to: amending the call of the extraordinary session convened on December 16, 2009.

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

Representative Gottlieb asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 97** be withdrawn from the committee on **Rules** and taken up at this time.

Representative Parisi objected.

Representative Gottlieb moved that the rules be suspended and that **Assembly Joint Resolution 97** be withdrawn from the committee on **Rules** and taken up at this time. Granted.

Assembly Joint Resolution 97

Relating to: amending the call of the extraordinary session convened on December 16, 2009.

The question was: Shall the rules be suspended and **Assembly Joint Resolution 97** be withdrawn from the committee on **Rules** and taken up at this time?

The roll was taken.

The result follows:

Ayes – Representatives Ballweg, Bies, Brooks, Davis, J. Fitzgerald, Friske, Gottlieb, Gunderson, Gundrum, Honadel, Huebsch, Kaufert, Kerkman, Kestell, Kleefisch, Knodl, Kramer, Krusick, LeMahieu, Lothian, Meyer, Montgomery, Mursau, Murtha, Nass, Nerison, Newcomer, Nygren, A. Ott, J. Ott, Petersen, Petrowski, Pridemore, Rhoades, Ripp, Roth, Spanbauer, Strachota, Tauchen, Townsend, Van Roy, Vos, Vukmir, M. Williams, Ziegelbauer and Zipperer – 46.

Noes – Representatives Barca, Benedict, Berceau, Bernard Schaber, Black, Clark, Colon, Cullen, Danou, Dexter, Garthwaite, Grigsby, Hilgenberg, Hintz, Hixson, Hraychuck, Hubler, Jorgensen, Kessler, Mason, Milroy, Molepske Jr., Nelson, Parisi, Pasch, Pohan, Pope–Roberts, Richards, Roys, Schneider, Seidel, Sherman, Shilling, Sinicki, Smith, Soletski, Staskunas, Steinbrink, Toles, Turner, Van Akkeren, Vruwink, A. Williams, Young, Zepnick, Zigmunt and Speaker Sheridan – 47.

Absent or not voting – Representatives Fields, Hebl, Radcliffe, Stone, Suder and Wood – 6.

Motion failed.

Speaker Pro Tempore Staskunas in the chair.

MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Concurred in:

Assembly amendment 1 to **Senate Bill 66**

VISITORS

During today's session, the following visitors honored the Assembly by their presence and were welcomed by the presiding officer and the members:

Reverend Joe A. Games, Pastor of Providence Baptist Church in Milwaukee, guest of Representatives A. Williams, Young, Grigsby and Toles.

Reverend Joe H. Todd, Pastor of Ephesian Baptist Church in Milwaukee, guest of Representatives A. Williams, Young, Grigsby and Toles.

Reverend Louis Sibley, Pastor of Mount Zion Baptist Church in Milwaukee, guest of Representatives A. Williams, Young, Grigsby and Toles.

The Coalition to Stop the MPS Takeover, guests of Representatives A. Williams, Young, Grigsby and Toles.

NAACP, guests of Representatives A. Williams, Young, Grigsby and Toles.

People United for Milwaukee Public Schools, guests of Representatives A. Williams, Young, Grigsby and Toles.

Esperanza Unida, guests of Representatives A. Williams, Young, Grigsby and Toles.

Milwaukee and Dane County Green Party, guests of Representatives A. Williams, Young, Grigsby and Toles.

Milwaukee Professional Association, guests of Representatives A. Williams, Young, Grigsby and Toles.

Reality Plus One, guests of Representatives A. Williams, Young, Grigsby and Toles.

PRAD, guests of Representatives A. Williams, Young, Grigsby and Toles.

Rassa Ahmadi, guest and staff person of Representative Jorgensen.

Tyler Hendricks, guest and intern of Representative Jorgensen.

Kyle Fischer, a student at the University of Wisconsin-Madison, guest and intern of Representative Benedict.

Madison East High School students, accompanied by their teacher, Ms. Leigh Vierstra, guests of Representative Roys.

Dane County Sheriff, Dave Mahoney, guest of Representative Roys.

ANNOUNCEMENTS

Representative Parisi asked unanimous consent that the Assembly adjourn in memory of Bill Johnston from Whitewater, father of Assembly staff member Bob Johnston, who passed away on November 28. Granted.

Representative Vos asked unanimous consent that the Assembly adjourn in memory of Racine County Board

Supervisor Michael Miklasevich, who passed away on December 13. Granted.

Representative Nygren asked unanimous consent that the Assembly adjourn in honor of his friend, Patrick Knight, who was seriously injured by a gunman in Jupiter, Florida on Thanksgiving Day. Mr. Knight's wife and unborn child, his sister-in-law, niece and his wife's aunt were murdered by the gunman. Granted.

Representative Garthwaite asked unanimous consent that the Assembly adjourn in honor of his mother, Shirley Garthwaite, on the occasion of her birthday today. Granted.

Representative Garthwaite asked unanimous consent that the Assembly adjourn in honor of his niece, Natalie Garthwaite, who was born on December 2. Granted.

Representative LeMahieu asked unanimous consent that the Assembly adjourn in honor of his granddaughter, Asha Rose Peterson, who was recently adopted by his daughter and son-in-law, Rebecca and Jim Peterson. Granted.

Representative Parisi asked unanimous consent that the Assembly adjourn in honor of Representative Phil Garthwaite, on the occasion of his recent marriage. Granted.

Representative M. Williams asked unanimous consent that the Assembly adjourn in honor of her grandson Evan John Fechhelm's golden birthday. Evan turned 3 years old on December 3. Granted.

Representatives Cullen, Kessler and A. Williams asked unanimous consent that the Assembly adjourn in honor of Eva Lam, a Rufus King High School graduate and 2009 Rhodes Scholarship recipient. Granted.

Representatives Cullen, Kessler and A. Williams asked unanimous consent that the Assembly adjourn in honor of Milwaukee School of Languages and Rufus King High

School, who were named U.S. News and World Report's list of best high schools in the United States. Granted.

Representative Shilling asked unanimous consent that the Assembly adjourn in honor of her husband, Chris Shilling, on the occasion of their 9th wedding anniversary today. Granted.

Representative Hilgenberg asked unanimous consent that the Assembly adjourn in honor of his grandsons birthdays. Carson turns one on December 21 and Evan turns three on January 21. Granted.

Representative Nerison asked unanimous consent that the Assembly adjourn in honor of the birth of his first grandchild, Archer Robert Carl, son of Seri and Matt Carl. Granted.

Representative Hixson asked unanimous consent that the Assembly adjourn in honor of the Bank of Milton, on the occasion of their 125th Anniversary. Granted.

Representative Hixson asked unanimous consent that the Assembly adjourn in honor of the University of Wisconsin-Whitewater Football Team, who will play in their 5th straight NCAA Division III Football Championship game this weekend. Granted.

ADJOURNMENT

Representative Nelson moved that the Assembly stand adjourned pursuant to **Senate Joint Resolution 1**.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

3:06 P.M.