



STATE OF WISCONSIN

Assembly Journal

Ninety-Seventh Regular Session

11:06 A.M.

TUESDAY, December 6, 2005

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

Speaker Gard in the chair.

The prayer was offered by Representative Underheim.

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

Absent with leave – Representatives Sheridan and M. Williams – 2.

Vacancies – 33rd Assembly District – 1.

LEAVES OF ABSENCE

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

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

LEAVES OF ABSENCE

Representative Gundrum asked unanimous consent for a leave of absence for part of today's session for Representatives Kreibich and Lamb. Granted.

Representative Turner asked unanimous consent for a leave of absence for part of today's session for Representatives Boyle, Fields, Grigsby, Molepske, Steinbrink, A. Williams and Zepnick. Granted.

AMENDMENTS OFFERED

Assembly amendment 4 to **Assembly Bill 521** offered by joint committee on **Finance**.

Assembly amendment 5 to **Assembly Bill 521** offered by joint committee on **Finance**.

Assembly amendment 6 to **Assembly Bill 521** offered by joint committee on **Finance**.

Assembly substitute amendment 1 to **Assembly Bill 521** offered by joint committee on **Finance**.

Assembly amendment 1 to **Assembly Bill 770** offered by joint committee on **Finance**.

Assembly amendment 2 to **Assembly Bill 770** offered by joint committee on **Finance**.

Assembly amendment 3 to **Assembly Bill 770** offered by joint committee on **Finance**.

Assembly amendment 4 to **Assembly Bill 770** offered by joint committee on **Finance**.

Assembly amendment 5 to **Assembly Bill 770** offered by joint committee on **Finance**.

Assembly amendment 6 to **Assembly Bill 770** offered by joint committee on **Finance**.

Assembly substitute amendment 1 to **Assembly Bill 770** offered by joint committee on **Finance**.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 69

Relating to: the life and public service of Dr. H. Rupert Theobald.

By Representatives Gard, Ainsworth, Albers, Ballweg, Berceau, Bies, Black, Boyle, Cullen, Freese, Grigsby, Gronemus, Gunderson, Hahn, Hines, Huebsch, Hundertmark, Jensen, Jeskewitz, Kerkman, Kessler, Krawczyk, Kreibich, Kreuser, Lehman, LeMahieu, McCormick, Molepske, Montgomery, Musser, Nass, Ott, Owens, Pocan, Schneider, Sheridan, Stone, Townsend, Travis, Turner, Underheim, Vos, M. Williams and Young; cosponsored by Senators Risser, Breske, Coggs, Darling, Ellis, Grothman, Hansen, Lazich, Miller and Roessler.

To committee on **Rules**.

Assembly Bill 855

Relating to: damages for frivolous claims.

By Representatives Gundrum, Travis, Gard, Kestell, Hahn, LeMahieu, Van Roy, Hundertmark, Musser, Jensen, Pettis, Nischke, Gottlieb, Vos, Gunderson, Ballweg, Krawczyk, Owens, Bies and McCormick; cosponsored by Senators Grothman, Stepp, Roessler, Darling, Reynolds and Lazich.

To committee on **Judiciary**.

Assembly Bill 856

Relating to: authorizing the villages of Sister Bay and Ephraim to become premier resort areas.

By Representatives Bies, Krawczyk, Gunderson, McCormick, Ott, Owens, Townsend and Van Roy; cosponsored by Senator A. Lasee.

To committee on **Tourism**.

Assembly Bill 857

Relating to: final offer limits under the Municipal Employment Relations Act.

By Representatives Gottlieb, Nischke, Albers, Gielow, Hines, F. Lasee, LeMahieu, Musser, Nass, Towns, Underheim, Vos, Wood and Nerison; cosponsored by Senators Darling and Reynolds.

To committee on **Labor**.

Passage:

Ayes: 8 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan; Senator Decker.

Noes: 7 – Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen and Taylor.

To committee on **Rules**.

Assembly Bill 521

Relating to: termination of parental rights and adoption, granting rule-making authority, and providing a penalty.

Assembly Substitute Amendment 1 adoption:

Ayes: 15 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.

Noes: 0.

Passage as amended:

Ayes: 15 – Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer and Pocan; Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor.

Noes: 0.

To committee on **Rules**.

Assembly Bill 770

Relating to: creating the Wisconsin Aerospace Authority to develop and operate spaceports and related facilities and services and other aerospace facilities and services and providing the authority with the power of condemnation, authorizing municipalities to develop and operate spaceports, and making an appropriation.

Assembly Substitute Amendment 1 adoption:

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

Noes: 2 – Senators Cowles and Decker.

Passage as amended:

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

Noes: 2 – Senators Cowles and Decker.

To committee on **Rules**.

DEAN KAUFERT
Assembly Chairperson
Joint Committee on Finance

MESSAGE FROM THE SENATE

From: 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 175
Senate Bill 331
Senate Bill 403

COMMITTEE REPORTS

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

Assembly Bill 418

Relating to: providing state aid to certain large-area, declining enrollment school districts and granting rule-making authority.

ACTION ON THE SENATE MESSAGE

Senate Bill 175

Relating to: the 2003–05 Authorized State Building Program.

By Senator Schultz; cosponsored by Representative Loeffelholz.

To committee on **Rules**.

Senate Bill 331

Relating to: eliminating the annual adjustment of the motor vehicle fuel tax rate.

By Senators Reynolds, Zien, Grothman, Lazich and Leibham; cosponsored by Representatives Wood, F. Lasee, Gundrum, Jeskewitz, Kerkman, Kestell, Lothian, McCormick, Pridemore and Vukmir.

To committee on **Rules**.

Senate Bill 403

Relating to: carrying a concealed weapon, possessing or transporting a firearm under certain circumstances, background checks for handgun purchases, photographic identification cards for retired law enforcement officers, requiring the exercise of rule-making authority, providing an exemption from rule-making authority, and providing penalties.

By Senators Zien, S. Fitzgerald, Breske, Brown, Grothman, Kanavas, Kedzie, A. Lasee, Leibham, Reynolds, Roessler, Schultz and Stepp; cosponsored by Representatives Gunderson, Suder, Pettis, Albers, J. Fitzgerald, Freese, Gundrum, Hahn, Hines, Hundertmark, Kestell, Kleefisch, Krawczyk, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Mursau, Musser, Nass, Nischke, Owens, Petrowski, Pridemore, Schneider, Strachota, Towns, Van Roy, Vos, Vrakas and Jensen.

To committee on **Rules**.

COMMUNICATIONS

State of Wisconsin
Office of the Secretary of State
Madison

To Whom It May Concern:

Acts, Joint Resolutions and Resolutions deposited in this office have been numbered and published as follows:

Bill Number Act Number Publication Date
Assembly Bill 765 51 December 16, 2005

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

State of Wisconsin
Revisor of Statutes Bureau
Madison

DATE: December 1, 2005

TO: Patrick E. Fuller
Assembly Chief Clerk

Robert Marchant
Senate Chief Clerk

FROM: Gary L. Poulson
Assistant Revisor of Statutes

SUBJECT: Rules published in the November 30, 2005, Wisconsin Administrative Register, No. 599.

The following rules have been published:

- Clearinghouse Rule 04-077 effective 12-01-2005
- Clearinghouse Rule 04-106 effective 12-01-2005
- Clearinghouse Rule 05-018 effective 12-01-2005
- Clearinghouse Rule 05-027 effective 12-01-2005
- Clearinghouse Rule 05-031 effective 12-01-2005
- Clearinghouse Rule 05-065 effective 12-01-2005
- Clearinghouse Rule 05-070 effective 12-01-2005
- Clearinghouse Rule 05-076 effective 12-01-2005

SPECIAL GUEST

Representative Colon introduced Ignacio Contreras from Milwaukee, who addressed the members from the rostrum.

Representative Colon asked unanimous consent that **Assembly Joint Resolution 26** be taken from the table. Granted.

Assembly Joint Resolution 26

Relating to: commending Ignacio Contreras' courage and determination to overcome the challenges as he faces, most notably his fight against cancer.

The question was: Shall **Assembly Joint Resolution 26** be adopted?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 26** be immediately messaged to the Senate. Granted.

SPECIAL GUEST

Representative Gunderson introduced Alice in Dairyland, Gena Cooper from Mukwonago, who addressed the members from the rostrum.

Representative J. Fitzgerald asked unanimous consent that the Assembly stand recessed. Granted.

The Assembly stood recessed.

11:38 A.M.

RECESS

2:57 P.M

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

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

A quorum was present.

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

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

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

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

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

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

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 69** be withdrawn from the committee on **Rules** and taken up at this time. Granted.

Assembly Joint Resolution 69

Relating to: the life and public service of Dr. H. Rupert Theobald.

The question was: Shall **Assembly Joint Resolution 69** be adopted?

Motion carried.

Representative Huebsch asked unanimous consent that all members of the Assembly be made coauthors of **Assembly Joint Resolution 69**. Granted.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 69** be immediately messaged to the Senate. Granted.

Representative Travis asked unanimous consent that the remarks by former speaker Tom Loftus at Rupert Theobald's funeral be entered into the Assembly Journal. Granted.

"My condolences to the family of Dr. Rupert Theobald, and my thanks to you on behalf of generations of grateful legislators for sharing him with us.

On my first trip to Berlin in 1985-it was then usually referred to as "divided" Berlin-one of my hosts was the caretaker of the Reichstag.

He watched over the building, keeping it not as a museum but as the parliament in waiting for the day of reunification.

The chamber was there with all the seats, the podium, the press gallery, waiting for the return of the deputies. In 1933, the Nazis came to power and the same year the Reichstag was set on fire. It was not rebuilt. The burnt out shell of the building remained. A prominent reminder on the skyline of the impotence and failure of democracy as a way to govern.

The Berlin of the shattered parliament was the one Rupert grew up in and the one he left when he came to Wisconsin in 1950.

When Rupert arrived, Joe McCarthy was in the United States Senate and Walter Kohler had just defeated a young Carl Thompson in the governor's race.

Joe would go and Carl went on to a long and admirable service in the State Senate.

Rupert would have been keenly aware of all of this as he came here to learn to be a journalist.

The Legislature was lucky Rupert ended up at the Legislative Reference Bureau.

Because there are elections does not mean there is a democracy.

Because there is a legislature or parliament does not mean there is a democracy.

When those elected get to office they have to find there an institution that is itself democratic.

That is the trick of it all.

The LRB was and is the democratic center that holds the Wisconsin Legislature.

I am a witness here to tell you that democracy in the Legislature weakened considerably about 3 in the morning when trying to pass a budget bill.

It is this hour that popular will collides with unpopular individual liberties -even unpopular individuals.

This is when I would walk to the LRB and into Rupert's office to talk about what could be done, what could not be done, and what should not be done.

Rupert was the keeper of precedent; the gatekeeper for the Constitution; and the alter ego for the leader.

And as a legislative leader your ego is so big you are shocked to learn there is someone to counsel you. That knows you well, and knew those that came before. He sees you as not there but passing through, and that you owe considerable respect to those who tended the democratic garden before and you need to leave it without weeds and thorny bushes.

So all this was the gift of Rupert. But it was also that democracy is of institutions and they are not

self-perpetuating—they are only as good as the men and women who have them in their temporary care.

So thank you Dr. Theobald.”

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

CALENDAR OF TUESDAY, DECEMBER 6

Assembly Bill 26

Relating to: entering into the wildlife violator compact.

The question was: Shall Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 26** be adopted?

Motion carried.

The question was: Shall Assembly amendment 2 to Assembly substitute amendment 1 to **Assembly Bill 26** be adopted?

Motion carried.

The question was: Shall Assembly amendment 3 to Assembly substitute amendment 1 to **Assembly Bill 26** be adopted?

Motion carried.

The question was: Shall Assembly substitute amendment 1 to **Assembly Bill 26** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 26** be ordered engrossed and read a third time?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 26** be given a third reading. Granted.

The question was: **Assembly Bill 26** having been read three times, shall the bill be passed?

Motion carried.

Representative Kreuser asked unanimous consent to be made a coauthor of **Assembly Bill 26**. Granted.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 26** be immediately messaged to the Senate. Granted.

Assembly Bill 219

Relating to: lightweight utility vehicles, granting rule-making authority, and providing a penalty.

The question was: Shall Assembly amendment 1 to **Assembly Bill 219** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 219** be ordered engrossed and read a third time?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 219** be given a third reading. Granted.

The question was: **Assembly Bill 219** 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 219** be immediately messaged to the Senate. Granted.

Assembly Bill 248

Relating to: operation of motorboats by persons who are at least 16 years of age and born after a certain date.

Assembly amendment 1 to Assembly amendment 1 to **Assembly Bill 248** offered by Representatives Albers and Hines.

The question was: Shall Assembly amendment 1 to Assembly amendment 1 to **Assembly Bill 248** be adopted?

Motion carried.

The question was: Shall Assembly amendment 1 to **Assembly Bill 248** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 248** be ordered engrossed and read a third time?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 248** be given a third reading. Granted.

The question was: **Assembly Bill 248** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

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

Noes – Representatives Kaufert, Musser and Suder – 3.

Paired for – Representative Sheridan – 1.

Paired against – Representative Gundrum – 1.

Absent or not voting – Representatives Boyle and M. Williams – 2.

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 248** be immediately messaged to the Senate. Granted.

MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Amended and concurred in as amended:

Assembly Bill 264(Senate amendment 1 adopted)

Assembly Bill 264

Relating to: increasing filing fees for municipal court actions.

The question was: Shall Senate amendment 1 to **Assembly Bill 264** be concurred in?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that the Assembly's action on **Assembly Bill 264** be immediately messaged to the Senate. Granted.

Assembly Bill 258

Relating to: prescription drug labels.

Representative Petrowski asked unanimous consent to be made a coauthor of **Assembly Bill 258**. Granted.

The question was: Shall Assembly substitute amendment 1 to **Assembly Bill 258** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 258** be ordered engrossed and read a third time?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 258** be given a third reading. Granted.

The question was: **Assembly Bill 258** having been read three times, shall the bill be passed?

Motion carried.

Representative Wood asked unanimous consent to be made a coauthor of **Assembly Bill 258**. Granted.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 258** be immediately messaged to the Senate. Granted.

Assembly Bill 409

Relating to: the authority of the Department of Natural Resources to enforce certain violations of the trespass law; revocation, suspension, and denial of certain approvals and privileges relating to wild animals and plants for certain violations of the trespass law; the imposition of a surcharge on a forfeiture for certain violations of the trespass law; service outside the state of forfeiture citations issued for violations of certain natural resources laws; title to wild animals; operation of snowmobiles and all-terrain vehicles on land without permission; and providing a penalty.

Representative Huebsch asked unanimous consent that **Assembly Bill 409** be laid on the table. Granted.

Assembly Bill 428

Relating to: deletion of changes to campaign finance and related laws made by [2001 Wisconsin Act 109](#).

The question was: Shall **Assembly Bill 428** be ordered engrossed and read a third time?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 428** be given a third reading. Granted.

The question was: **Assembly Bill 428** 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 428** be immediately messaged to the Senate. Granted.

Assembly Bill 429

Relating to: deletion of changes to campaign finance and related laws made by [2001 Wisconsin Act 109](#) affecting public information concerning the Wisconsin election campaign fund.

The question was: Shall **Assembly Bill 429** be ordered engrossed and read a third time?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 429** be given a third reading. Granted.

The question was: **Assembly Bill 429** 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 429** be immediately messaged to the Senate. Granted.

Assembly Bill 432

Relating to: service of a summons by certain nonresidents.

The question was: Shall **Assembly Bill 432** be ordered engrossed and read a third time?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 432** be given a third reading. Granted.

The question was: **Assembly Bill 432** 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 432** be immediately messaged to the Senate. Granted.

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.

The question was: Shall **Assembly Bill 443** 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 443** be given a third reading. Granted.

The question was: **Assembly Bill 443** having been read three times, shall the bill be passed?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 443** be immediately messaged to the Senate. Granted.

Representative Huebsch asked unanimous consent that **Assembly Bill 844** be withdrawn from today's calendar and taken up at this time. Granted.

Assembly Bill 844

Relating to: the Health Insurance Risk-Sharing Plan; creating the Health Insurance Risk-Sharing Plan Authority; a health benefit program for persons eligible for tax credits for payment of premiums; an income and franchise tax credit for Health Insurance Risk-Sharing Plan assessments; and making an appropriation.

Representative Molepske asked unanimous consent to be withdrawn as a coauthor of **Assembly Bill 844**. Granted.

Assembly amendment 1 to Assembly substitute amendment 2 to **Assembly Bill 844** offered by Representatives Lehman, Pope-Roberts, Seidel, Shilling, Hebl, Toles, Krusick, Zepnick, Pocan, Parisi, Black, Benedict, Cullen, Wasserman, Molepske, Sherman, Vruwink and Turner.

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

POINT OF ORDER

Representative Albers rose to the point of order that Assembly amendment 1 to Assembly substitute amendment 2 to **Assembly Bill 844** was not germane under Assembly Rule 54.

The Speaker Pro Tempore Freese ruled the point of order **not well taken**.

Representative Nischke asked unanimous consent that Assembly amendment 1 to Assembly substitute amendment 2 to **Assembly Bill 844** be laid on the table. Granted.

Assembly substitute amendment 2 to **Assembly Bill 844** offered by Representative Nischke.

The question was: Shall Assembly substitute amendment 2 to **Assembly Bill 844** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 844** be ordered engrossed and read a third time?

Motion carried.

Representative Richards asked unanimous consent that the rules be suspended and that **Assembly Bill 844** be given a third reading.

Representative Huebsch objected.

Representative Richards moved that the rules be suspended and that **Assembly Bill 844** be given a third reading.

The question was: Shall the rules be suspended and **Assembly Bill 844** 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, Pridemore, Rhoades, Stone, Strachota, Suder, Towns, Townsend, Underheim, Van Roy, Vos, Vukmir, Ward, Wieckert, 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, Pocan, Pope-Roberts, Richards, Seidel, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Toles, Travis, Turner, Van Akkeren, Vruwink, Wasserman, Young, Zepnick and Ziegelbauer – 36.

Absent or not voting – Representatives Schneider, Sheridan, A. Williams and M. Williams – 4.

Motion failed.

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

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

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

The Assembly stood recessed.

3:48 P.M.

RECESS

4:57 P.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

Representative Richards asked unanimous consent that the rules be suspended and that **Senate Bill 451** be withdrawn from the Senate message and taken up at this time.

Representative Huebsch objected.

Representative Richards moved that the rules be suspended and that **Senate Bill 451** be withdrawn from the Senate message and taken up at this time.

Senate Bill 451

Relating to: the Health Insurance Risk–Sharing Plan; creating the Health Insurance Risk–Sharing Plan Authority; a health benefit program for persons eligible for tax credits for payment of premiums; an income and franchise tax credit for Health Insurance Risk–Sharing Plan assessments; and making an appropriation.

The question was: Shall the rules be suspended and **Senate Bill 451** be withdrawn from the Senate message and taken up at this time?

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

Absent or not voting – Representatives Sheridan and M. Williams – 2.

Motion failed.

Assembly Bill 485

Relating to: regulating funeral directors and funeral establishments, regulating cremation and funeral advertising, and providing a penalty.

The question was: Shall Assembly amendment 1 to **Assembly Bill 485** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 485** 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 485** be given a third reading. Granted.

The question was: **Assembly Bill 485** having been read three times, shall the bill be passed?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 485** be immediately messaged to the Senate. Granted.

Assembly Bill 581

Relating to: licensing, vehicle identification, and record–keeping requirements for wholesale fish dealers and commercial fishers, inspections of wholesale fish dealer and commercial fisher records and premises, commercial fishing boats, periods when a commercial fisher may fish on the waters of Green Bay, the sale and purchase of eggs from certain trout and salmon, commercial fishing approval fees, seizure of certain fishing devices, access to places used to store or retain wild animals, establishing a commercial fish reporting system, imposing certain surcharges, providing an exemption from emergency rule procedures, extending the time limit for emergency rule procedures, making an appropriation, and providing penalties.

The question was: Shall **Assembly Bill 581** 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 581** be given a third reading. Granted.

The question was: **Assembly Bill 581** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Benedict, Berceau, Bies, Black, Boyle, Colon, Cullen, Davis, Fields, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb, Grigsby, 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, Shilling, Sinicki, Staskunas, Steinbrink, Stone, Strachota, Suder, Toles, Towns, Townsend, Travis, Turner, Underheim, Van Akkeren, Van Roy, Vos, Vruwink, Vukmir, Ward, Wasserman, Wieckert, A. Williams, Wood, Young, Zepnick, Ziegelbauer and Speaker Gard – 93.

Noes – Representatives Gronemus and Sherman – 2.

Absent or not voting – Representatives Ballweg, Sheridan and M. Williams – 3.

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 581** be immediately messaged to the Senate. Granted.

Assembly Bill 597

Relating to: remedies in certain actions concerning building code or zoning ordinance violations.

The question was: Shall **Assembly Bill 597** 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 597** be given a third reading. Granted.

The question was: **Assembly Bill 597** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Ballweg, Bies, Boyle, Davis, J. Fitzgerald, Freese, Friske, Gottlieb, Gronemus, Gunderson, 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, Nelson, Nerison, Nischke, Ott, Owens, Petrowski, Pettis, Pridemore, Rhoades, Stone, Strachota, Towns, Townsend, Underheim, Van Roy, Vos, Vukmir, Ward, Wieckert, Wood, Ziegelbauer and Speaker Gard – 60.

Noes – Representatives Benedict, Berceau, Black, Colon, Cullen, Fields, Gielow, Grigsby, Hebl, Kessler, Kreuser, Krusick, Lehman, Molepske, Parisi, Pocan, Pope–Roberts, Richards, Schneider, Seidel, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Suder, Toles, Travis, Turner, Van Akkeren, Vruwink, Wasserman, A. Williams, Young and Zepnick – 35.

Paired for – Representative Gundrum – 1.

Paired against – Representative Sheridan – 1.

Absent or not voting – Representative M. Williams – 1.

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 597** be immediately messaged to the Senate. Granted.

Assembly Bill 746

Relating to: liens for metal fabrication tool builders and metal parts manufacturers and destruction of metal fabrication tools.

The question was: Shall **Assembly Bill 746** 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 746** be given a third reading. Granted.

The question was: **Assembly Bill 746** having been read three times, shall the bill be passed?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 746** be immediately messaged to the Senate. Granted.

Assembly Bill 775

Relating to: fermented malt beverages wholesalers.

Assembly substitute amendment 1 to **Assembly Bill 775** offered by Representative Pettis.

The question was: Shall Assembly substitute amendment 1 to **Assembly Bill 775** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 775** 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 775** be given a third reading. Granted.

The question was: **Assembly Bill 775** having been read three times, shall the bill be passed?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 775** be immediately messaged to the Senate. Granted.

Assembly Bill 536

Relating to: prohibiting a register of deeds from recording certain instruments that contain more than a partial social security number and providing a penalty.

The question was: Shall Assembly amendment 2 to **Assembly Bill 536** be adopted?

Motion carried.

The question was: Shall Assembly amendment 3 to **Assembly Bill 536** be adopted?

Motion carried.

The question was: Shall Assembly amendment 5 to **Assembly Bill 536** be adopted?

Motion carried.

Assembly amendment 6 to **Assembly Bill 536** offered by Representative Albers.

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

The Assembly stood recessed.

5:29 P.M.

RECESS

6:34 P.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

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

The Assembly stood recessed.

6:36 P.M.

RECESS

7:25 P.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

Representative J. Fitzgerald moved reconsideration of the vote by which Assembly amendment 5 to **Assembly Bill 536** was adopted. Entered.

Representative Nischke asked unanimous consent that Assembly amendment 5 to **Assembly Bill 536** be laid on the table. Granted.

Representative Owens asked unanimous consent to be made a coauthor of **Assembly Bill 536**. Granted.

Representative J. Fitzgerald asked unanimous consent that **Assembly Bill 536** be laid on the table. Granted.

Senate Bill 132

Relating to: payment of litigation expenses of emergency medical services personnel, fire fighters, first responders, and law enforcement or correctional officers.

The question was: Shall **Senate Bill 132** be ordered to a third reading?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Bill 132** be given a third reading. Granted.

The question was: **Senate Bill 132** having been read three times, shall the bill be concurred in?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Bill 132** be immediately messaged to the Senate. Granted.

Assembly Bill 263

Relating to: payment of litigation expenses of emergency medical services personnel, fire fighters, first responders, and law enforcement or correctional officers.

Representative J. Fitzgerald asked unanimous consent that **Assembly Bill 263** be laid on the table. Granted.

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

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Resolution 43

Relating to: establishing special orders of business for Tuesday, December 13, 2005.

By committee on Rules.

The question was: Shall **Assembly Resolution 43** be adopted?

Motion carried.

The following proposals were made special orders of business on Tuesday, December 13, pursuant to the adoption of **Assembly Resolution 43**:

Assembly Bill 100 Veto C-1 (health insurance risk sharing plan privatization) at 9:00 A.M.

Assembly Bill 20 at 9:01 A. M.

Assembly Bill 120 at 9:02 A. M.

Assembly Bill 122 at 9:03 A. M.

Assembly Bill 397 at 9:04 A. M.

Senate Bill 175 at 9:05 A. M.

Assembly Bill 521 at 9:06 A. M.

Assembly Bill 624 at 9:07 A. M.

Assembly Bill 700 at 9:08 A. M.

Assembly Bill 763 at 9:09 A. M.

Senate Bill 403 at 9:10 A. M.

Assembly Bill 802 at 9:11 A. M.

Assembly Bill 823 at 9:12 A. M.

Assembly Bill 840 at 9:13 A. M.

Assembly Bill 829 at 9:14 A. M.

Senate Bill 402 at 9:15 A. M.

Senate Bill 331 at 9:17 A. M.

Senate Bill 171

Relating to: the scheduling of referenda to approve school district borrowing or exceed a school district's revenue limit.

The question was: Shall **Senate Bill 171** be ordered to a third reading?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Bill 171** be given a third reading. Granted.

The question was: **Senate Bill 171** having been read three times, shall the bill be concurred in?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Ballweg, Bies, Davis, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb, Gunderson, Hahn, Hines, Honadel, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kerkman, Kessler, Kestell, Kleefisch, Krawczyk, Kreibich, Lamb, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Meyer, Montgomery, Moulton, Mursau, Musser, Nass, Nerison, Nischke, Owens, Petrowski, Pettis, Pridemore, Rhoades, Stone, Strachota, Suder, Towns, Townsend, Underheim, Van Roy, Vos, Vukmir, Ward, Wieckert, Wood and Speaker Gard – 57.

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

Paired for – Representative Gundrum – 1.

Paired against – Representative Sheridan – 1.

Absent or not voting – Representative M. Williams – 1.

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Bill 171** be immediately messaged to the Senate. Granted.

Senate Bill 180

Relating to: cash discounts for retail motor vehicle fuel purchases.

The question was: Shall **Senate Bill 180** be ordered to a third reading?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Senate Bill 180** be given a third reading. Granted.

The question was: **Senate Bill 180** 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 180** be immediately messaged to the Senate. Granted.

Assembly Bill 398

Relating to: cash discounts for retail motor vehicle fuel purchases.

Representative Huebsch asked unanimous consent that **Assembly Bill 398** be laid on the table. Granted.

Representative Schneider asked unanimous consent that **Assembly Resolution 3** be withdrawn from the committee on **Rules** and taken up at this time.

Representative Huebsch objected.

Representative Schneider moved that the rules be suspended and that **Assembly Resolution 3** be withdrawn from the committee on **Rules** and taken up at this time.

Assembly Resolution 3

Relating to: attendance at national conferences.

The question was: Shall the rules be suspended and **Assembly Resolution 3** be withdrawn from the committee on **Rules** and taken up at this time?

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

Absent or not voting – Representatives Sheridan and M. Williams – 2.

Motion failed.

Assembly Bill 844

Relating to: the Health Insurance Risk–Sharing Plan; creating the Health Insurance Risk–Sharing Plan Authority; a health benefit program for persons eligible for tax credits for payment of premiums; an income and franchise tax credit for Health Insurance Risk–Sharing Plan assessments; and making an appropriation.

Representative Richards asked unanimous consent that the rules be suspended and to return **Assembly Bill 844** to amendable stage on Assembly substitute amendment 2.

Assembly amendment 2 to Assembly substitute amendment 2 to **Assembly Bill 844** offered by Representatives Rhoades and Richards.

The question was: Shall Assembly amendment 2 to Assembly substitute amendment 2 to **Assembly Bill 844** be adopted?

Motion carried.

The question was: Shall Assembly substitute amendment 2 to **Assembly Bill 844** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 844** be ordered engrossed and read a third time?

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 844** be given a third reading. Granted.

The question was: **Assembly Bill 844** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Ballweg, Benedict, Bies, Boyle, Colon, Davis, Fields, J. Fitzgerald, Freese, Friske, Gielow, Gottlieb, Grigsby, Gronemus, Gunderson, Gundrum, Hahn, 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, Petrowski, Pettis, Pope–Roberts, Rhoades, Richards, Schneider, Seidel, Sherman, Sinicki, Staskunas, Steinbrink, Stone, Strachota, Suder, Toles, Towns, Townsend, Turner, Underheim, Van Roy, Vos, Vukmir, Ward, Wieckert, A. Williams, Wood, Zepnick, Ziegelbauer and Speaker Gard – 83.

Noes – Representatives Berceau, Black, Cullen, Hebl, Parisi, Pocan, Pridemore, Shilling, Travis, Van Akkeren, Vruwink and Wasserman – 12.

Absent or not voting – Representatives Sheridan, M. Williams and Young – 3.

Motion carried.

Representative Huebsch asked unanimous consent that the rules be suspended and that **Assembly Bill 844** be immediately messaged to the Senate. Granted.

Representative Ott asked unanimous consent to be made a coauthor of **Assembly Bill 798**. Granted.

ANNOUNCEMENTS

Representative F. Lasee asked unanimous consent that the Assembly adjourn in memory of Brandon Rasmussen of Fall River, who was killed in a car accident on November 30. Granted.

Representative Hines asked unanimous consent that the Assembly adjourn in memory of Brian Heiser of Baraboo, who was killed in a boating accident. Granted.

Representative Schneider asked unanimous consent that the Assembly adjourn in memory of the soldiers, sailors and Marines who died or were wounded at Pearl Harbor, December 7, 1941. Granted.

Representative Hebl asked unanimous consent that the Assembly adjourn in honor of William and Lorette Wambach, recipients of the Sun Prairie Exchange Club Book of Golden Deeds Award. Granted.

Representative Hebl asked unanimous consent that the Assembly adjourn in honor of his sister, Judith A. Curley, on the occasion of her birthday on December 29. Granted.

Representatives Vos, Lehman and Turner asked unanimous consent that the Assembly adjourn in honor of the Washington Park High School Football Team, WIAA Division I State Football Champions, Head Coach Dennis Thompson, Associated Press 2005 Player of the Year Johnny Clay and All State Teammates Diondrae Jenkins and Jesse Hamilton. Granted.

Representative Turner asked unanimous consent that the Assembly adjourn in honor of the Racine Prairie School Boys Soccer Team, who on the WIAA Division III Championship. 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:

Alderman Sam Culter from the City of Mequon, guest of Representative Gielow.

Ronda, Janet and Harold Heiser from Baraboo, guests of Representative Hines.

Aaron May, Phil Stoffel, Taylor Kolb, Dusty Varick and Aaron Linskens, teacher and students from Freedom High School, guests of Representative Nelson.

Kristen Fish, Business Development Director from Wausau, guest of Representative Seidel.

Judy Reas, from CHR Home Health Care in Park Falls, guest of Representative Sherman.

ADJOURNMENT

Representative Huebsch moved that the Assembly stand adjourned until 10:00 A.M. on Thursday, December 8.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

8:51 P.M.