

STATE OF WISCONSIN Assembly Journal

Ninetieth Regular Session

THURSDAY, October 10, 1991

10:00 A.M.

The assembly met.

Speaker Kunicki in the chair.

The prayer was offered by Representative Klusman.

Representative Black 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, Antaramian, Baldus, Barca, Baumgart, Bell, Black, Bock, Bolle, Boyle, Brancel, Brandmuehl, Carpenter, Clarenbach, S. Coggs, Coleman, Cullen, Darling, Deininger, Duff, Fortis, Foti, Freese, Goetsch, Gard, Grobschmidt, Gronemus, Gruszynski, Hahn, Hamilton, Harsdorf, Hasenohrl, Hauke, Hinkfuss, Hisrich, Holperin, Holschbach, Hough, Huber, Hubler, Johnsrud, Kaufert, Klusman, Krug, Krusick, Ladwig, Lautenschlager, Lehman, Linton, Lorge, Loucks, Medinger, Moore, Musser, Nass, Notestein, Ott, Ourada, Panzer, Plache, Porter, Potter, Prosser, Radtke, Reynolds, Roberts, Robson, Rohan, Rosenzweig, Rutkowski, Schneider, Schneiders, Schwartz, Seery, Silbaugh, Stower, Swoboda, Travis, Turba, Turner, Underheim, Urban, Vander Loop, Vanderperren, Van Dreef, Van Gorden, Vergeront, Vrakas, Welch, Williams, Wimmer, Wineke, Wood, Young, Zien and Speaker Kunicki — 96.

Absent — None.

Absent with leave — Representative M. Coggs — 1.

Vacancies — 50th and 86th Assembly Districts — 2.

AMENDMENTS OFFERED

Assembly substitute amendment 1 to Assembly Bill 74 offered by Joint Committee on Finance.

Assembly substitute amendment 1 to Assembly Bill 258 offered by Joint Committee on Finance.

Assembly substitute amendment 2 to Assembly Bill 299 offered by Joint Committee on Finance.

Assembly amendment 1 to Assembly Bill 547 offered by committee on Transportation.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 84

Relating to proclaiming "Red Ribbon Week".

By Representatives Vergeront, Stower, Zien, Carpenter, Porter, Rosenzweig, Grobschmidt, Bock, Lehman, Hahn, Linton, Brandmuehl, Silbaugh, Boyle, Duff, Ladwig, Urban, Lautenschlager, Gard, Welch, Coleman, Schneider, Huber, Prosser, Lorge, Musser, Hamilton, Rohan, Schneiders, Harsdorf and Van Dreef, cosponsored by Senators Petak, Farrow, Stitt and Huelsman.

To committee on Rules.

Assembly Joint Resolution 85

Relating to adequate funding of public schools to provide equal educational opportunities in all district schools (first consideration).

By Representatives Krug, Plache, Notestein, Gronemus, Cullen, Turner, Gruszynski, Wineke, Potter, Medinger, Moore, Hisrich, Barca, Carpenter, Holschbach, M. Coggs, Rohan, Robson, Bock, Huber, Hasenohrl, Seery, Reynolds, Van Dreef and Baldus, cosponsored by Senators Barrett, Burke, Heibach, Jauch, Rude and George.

To committee on Elections and Constitutional Law.

Assembly Joint Resolution 86

Relating to declaring October 1991 Domestic Violence Awareness Month.

By Representatives Notestein, Hinkfuss, Potter, Krug, Boyle, Loucks, Ourada, Porter, Fortis, Duff, Vanderperren, Van Gorden, Young, Barca, Rohan, Grobschmidt, Klusman, Baldus, Medinger, Lautenschlager, Schneiders, Ott, Van Dreef, Holperin, Bock, Ladwig, Stower, Goetsch, Moore and Hahn, cosponsored by Senators Ulichny, Potter, Moen, Barrett, Berndt, Andrea, Breske, Buettner, Huelsman and Cowles.

To committee on Rules.

Assembly Bill 582

Relating to permitting driver school instructors to administer and certify knowledge tests for applicants for an operator's license and granting rule-making authority.

By Representatives Plache, Moore, Lautenschlager, Rohan, Baldus, Holschbach, Schneiders, Goetsch and Musser, cosponsored by Senator Buettner.

To committee on Highways.

Assembly Bill 583

Relating to instalment payments of taxes on real property.

By Representatives Medinger and Roberts, cosponsored by Senator Rude.

To committee on Ways and Means.

Assembly Bill 584

Relating to conditions of probation.

By Representatives Roberts, Medinger and Wood, cosponsored by Senator Rude.

To committee on Criminal Justice and Public Safety.

Assembly Bill 585

Relating to the amount of the farmland preservation credit available for land subject to a farmland preservation agreement or a transition area agreement that is not in an area subject to certain restrictive agricultural zoning ordinances.

By Representative Wineke.

To committee on Ways and Means.

Assembly Bill 586

Relating to timing of the consumer price index measure for the tax rate disparity payment program.

By Representatives Grobschmidt, Holschbach, Antaramian, Duff, Vrakas, Bell and Kaufert, cosponsored by Senators Adelman, Weeden, Burke, Petak and Potter.

To committee on Ways and Means.

Assembly Bill 587

Relating to eliminating a department of administration full-time equivalent position.

By Representatives Barca, Hough, Black, Krusick and Baumgart, cosponsored by Senators Barrett, Andrea, Adelman and Czarnecki.

To committee on Rules.

Assembly Bill 588

Relating to providing a penalty of either death or life imprisonment for certain kinds of first-degree intentional homicide, affecting parole eligibility and granting rule-making authority.

By Representatives Vergeront, Zien, Van Gorden, Lehman, Kaufert, Ladwig and Porter, cosponsored by Senators Huelsman, Lasee and Farrow.

To committee on Criminal Justice and Public Safety.

Assembly Bill 589

Relating to membership of the council on veterans programs.

By Representatives Musser, Turner, Grobschmidt, Lehman, Johnsrud, Vander Loop, Hamilton, Porter, Lorge, Ladwig, Holperin, Hisrich, Van Dreel, Darling, Ainsworth, Rohan, Carpenter, Barca, Goetsch, Harsdorf, Silbaugh, Boyle, Kaufert, Turba, Hahn and Ott, cosponsored by Senators Decker, Buettner, Helbach, Farrow, Ulichny and Lorman.

To committee on Veterans and Military Affairs.

Assembly Bill 590

Relating to a state energy policy and granting rule-making authority.

By Representatives Hinkfuss, Black, Seery, Boyle, Roberts, Ourada, Lorge, Duff, Lautenschlager, Rohan, Van Dreel, Bock, Hisrich and Potter, cosponsored by Senators Adelman, Breske and Barrett.

To committee on Energy and Commerce.

Assembly Bill 591

Relating to immunity for physicians who provide medical care to athletic participants.

By Representatives Black, Robson, Huber, Barca, Hasenohrl, Coleman, Lorge, Lehman, Hamilton, Lautenschlager, Bock, Darling, Ourada, Musser, Porter, Grobschmidt, Brancel, Hisrich, Baldus, Van Dreel, Schneiders, Loucks, Baumgart, Goetsch, Krug, Holschbach, Kaufert, Roberts, Van Gorden, Turba, Brandemuehl, Vrakas, Stower, Hahn, Rohan, Radtke, Urban, Potter, Silbaugh, Ainsworth, Moore, Ladwig, Rosenzweig, Deininger and Ott, cosponsored by Senators Decker, Jauch, Rude, Berndt, Cowles, Petak, Weeden, Farrow, Huelsman, Lorman, Lekan and Helbach, by request of the Wisconsin High School Football Coaches Association, the Wisconsin Independent Schools Athletic Association, the Wisconsin Interscholastic Athletic Association, and the Wisconsin Athletic Directors Association.

To committee on Financial Institutions and Insurance.

Assembly Bill 592

Relating to assessment of costs against criminal defendants.

By Representatives Goetsch, Hamilton, Lehman, Stower, Porter, Hahn, Urban, Lorge, Musser, Zien, Ott, Reynolds, Schneiders, Radtke and Silbaugh, cosponsored by Senators Rude, Petak and Buettner.

To committee on Judiciary.

Assembly Bill 593

An act relating to the payment of supplemental aid to school districts and making an appropriation.

By Representatives Loucks and Lehman, cosponsored by Senators Buettner and Stitt.

To committee on Ways and Means.

Assembly Bill 594

Relating to making the Milwaukee metropolitan sewerage district a public utility.

By Representatives Loucks, Schneiders, Duff and Urban, cosponsored by Senators Farrow, Stitt and Huelsman.

To committee on Environmental Resources, Utilities and Mining.

Assembly Bill 595

Relating to limiting the property tax rate of a metropolitan sewerage commission that is created by a 1st class city.

By Representatives Loucks, Schneiders, Duff and Urban, cosponsored by Senators Farrow, Stitt and Huelsman.

To committee on Environmental Resources, Utilities and Mining.

Assembly Bill 596

Relating to establishing a misdemeanor jury pilot program.

By Representatives Goetsch, Holperin, Hamilton, Radtke, Rosenzweig, Schneiders, Lehman, Lorge, Musser, Kaufert, Duff, Gard, Silbaugh, Ladwig,

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Van Gorden, Ainsworth, Harsdorf and Darling, cosponsored by Senators Rude, Ulichny, Farrow, Lorman, Cowles and Schultz.

To committee on Judiciary.

Assembly Bill 597

Relating to stopping or inspecting vehicles to enforce certain state and local laws on safety belts.

By Representatives Underheim, Musser, Prosser, Lorge, Hamilton, Coleman, Hahn, Boyle, Rosenzweig, Duff, Ladwig, Baldus, Brandemuehl, Reynolds, Lautenschlager, Loucks, Brancel, Harsdorf, Lehman, Nass, Goetsch, Schneiders, Kaufert, Silbaugh, Ainsworth, Klusman and Bolle, cosponsored by Senators Farrow, Rude, Berndt, Petak, Lasec, Breske and Huelsman.

To committee on Transportation.

COMMITTEE REPORTS

The committee on Elections and Constitutional Law reports and recommends:

Assembly Bill 211

Relating to referendum ballot form.

Passage: Ayes: (6) Noes: (4)

To committee on Rules.

Assembly Bill 364

Relating to elector registration with operators' license renewals, distribution of elector registration information and making an appropriation.

Adoption of assembly amendment 1:

Ayes: (10) Noes: (0)

Passage: Ayes: (10) Noes: (0)

To Joint Committee on Finance.

PETER BOCK
Chairperson

The Joint Committee on Finance reports and recommends:

Assembly Bill 299

Relating to reimbursement for costs incurred because of discharges from petroleum product storage tanks and an inventory of petroleum product storage tanks.

Adoption of assembly substitute amendment 2:

Ayes: (15) Noes: (0)

Passage: Ayes: (15) Noes: (0)

To committee on Rules.

BARBARA LINTON
Assembly Chairperson

The committee on Judiciary reports and recommends:

Assembly Bill 306

Relating to jury service as a civic duty, exemptions and excuses for jury service, jury commissioners, sources

for jury lists, juror qualification forms, forfeiture for failure to attend as a juror, length of juror service, periods of juror eligibility and sequestration of juries, and providing a penalty.

Adoption of assembly amendment 1:

Ayes: (10) Noes: (0)

Adoption of assembly amendment 2:

Ayes: (10) Noes: (0)

Passage: Ayes: (10) Noes: (0)

To committee on Rules.

Assembly Bill 362

Relating to appeals of judgments or orders in contempt of court cases.

Passage: Ayes: (10) Noes: (0)

To committee on Rules.

Assembly Bill 363

Relating to judgments in ordinance violation cases where the defendant fails to appear in circuit court.

Adoption of assembly amendment 1:

Ayes: (10) Noes: (0)

Adoption of assembly amendment 2:

Ayes: (10) Noes: (0)

Passage: Ayes: (10) Noes: (0)

To committee on Rules.

Assembly Bill 436

Relating to contracts for commissions on real estate transactions.

Passage: Ayes: (10) Noes: (0)

To committee on Rules.

Assembly Bill 507

Relating to crimes against certain persons and property and civil actions by victims of those crimes.

Passage: Ayes: (10) Noes: (0)

To committee on Rules.

Senate Bill 161

Relating to John Doe proceedings.

Adoption of assembly substitute amendment 1:

Ayes: (10) Noes: (0)

Concurrence: Ayes: (6) Noes: (4)

To committee on Rules.

JAMES RUTKOWSKI
Chairperson

The committee on Labor reports and recommends:

Assembly Bill 571

Relating to various changes in the worker's compensation laws, granting rule-making authority, providing an exemption from emergency rule-making procedures, making appropriations and providing penalties.

Adoption of assembly amendment 1:

Ayes: (11) Noes: (0)

Passage: Ayes: (11) Noes: (0)

To Joint Committee on Finance.

VERNON HOLSCHBACH
Chairperson

The committee on Natural Resources reports and recommends:

Assembly Bill 402

Relating to sale of cleaning agents and water conditioners containing phosphorus and providing penalties.

Adoption of assembly amendment 1:

Ayes: (13) Noes: (0)

Passage: Ayes: (13) Noes: (0)

To committee on Rules.

SPENCER BLACK
Chairperson

The committee on Tourism and Recreation reports and recommends:

Assembly Bill 578

Relating to hunting from stationary vehicles by holders of disabled hunting permits and granting rule-making authority.

Passage: Ayes: (9) Noes: (1)

To committee on Rules.

HARVEY STOWER
Chairperson

The committee on Transportation reports and recommends:

Assembly Bill 13

Relating to revocation of motor vehicle operating privileges upon conviction of a traffic violation that causes an accident resulting in a fatality.

Adoption of assembly substitute amendment 1:

Ayes: (8) Noes: (0)

Passage: Ayes: (8) Noes: (0)

To committee on Rules.

Assembly Bill 197

Relating to placing educational materials about the parking privileges of physically disabled persons on vehicles.

Adoption of assembly amendment 1:

Ayes: (7) Noes: (1)

Passage: Ayes: (7) Noes: (1)

To committee on Rules.

DONALD HASENOHRL
Chairperson

LEAVES OF ABSENCE

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

Representative Barca asked unanimous consent that the assembly stand recessed for twenty minutes. Granted.

The assembly stood recessed.

10:05 A.M.

RECESS

The assembly reconvened.

11:34 A.M.

Speaker pro tempore Clarenbach in the chair.

CALENDAR OF THURSDAY, OCTOBER 10

Assembly Bill 27

Relating to mining for minerals on lands owned by the state and under the jurisdiction of the department of natural resources, sale of lands by the department of natural resources and providing a penalty.

The question was: Shall **Assembly Bill 27** pass notwithstanding the objections of the governor?

The roll was taken.

The result follows:

Ayes — Representatives Antaramian, Baldus, Barca, Baumgart, Bell, Black, Bock, Boyle, Carpenter, Clarenbach, Coggs, S., Cullen, Fortis, Freese, Grobschmidt, Gruszynski, Hamilton, Hasenohrl, Hinkfuss, Hisrich, Holschbach, Hough, Huber, Hubler, Krug, Krusick, Lautenschlager, Linton, Loucks, Medinger, Moore, Notstein, Ott, Plache, Potter, Reynolds, Roberts, Robson, Rohan, Rutkowski, Schneider, Seery, Silbaugh, Stower, Swoboda, Travis, Turner, Van Dreel, Vander Loop, Vanderperren, Williams, Wineke, Wood, Young and Speaker Kunicki — 55.

Noes — Representatives Ainsworth, Bolle, Brancel, Brandemuehl, Coleman, Darling, Deininger, Duff, Foti, Gard, Goetsch, Hahn, Harsdorf, Hauke, Holperin, Johnsrud, Kaufert, Klusman, Ladwig, Lehman, Lorge, Musser, Nass, Ourada, Panzer, Porter, Prosser, Radtke, Rosenzweig, Schneiders, Schwartz, Turba, Underheim, Urban, Van Gorden, Vergeront, Vrakas, Welch, Wimmer and Zien — 40.

Paired for — Representative Coggs, M. — 1.

Paired against — Representative Gronemus — 1.

Absent or not voting — None.

Motion failed.

Assembly Bill 91

An act relating to state finances and appropriations, constituting the executive budget act of the 1991 legislature, and making appropriations.

B-11. Clean Energy Rebate Program

Sections 175m, 216 [as it relates to s. 20.505 (1) (e)], 593q and 9101 (9e)

Representative Duff asked unanimous consent to be made coauthor of **Assembly Bill 587**. Granted.

The question was: Shall veto item B-11 of **Assembly Bill 91** pass notwithstanding the objections of the governor?

The roll was taken.

The result follows:

Ayes — Representatives Antaramian, Baldus, Barca, Baumgart, Bell, Black, Bock, Bolle, Boyle, Carpenter, Clarenbach, Coggs, S., Cullen, Fortis, Gard, Grobschmidt, Gronemus, Gruszynski, Hamilton, Hasenohrl, Hauke, Hinkfuss, Hisrich, Holperin, Holschbach, Hough, Huber, Hubler, Krug, Krusick, Lautenschlager, Linton, Lorge, Medinger, Moore, Musser, Notestein, Plache, Potter, Reynolds, Roberts, Robson, Rohan, Rutkowski, Schneider, Schwartz, Seery, Stower, Swoboda, Travis, Turner, Underheim, Van Dreel, Vander Loop, Vanderperren, Williams, Wineke, Wood, Young and Speaker Kunicki — 60.

Noes — Representatives Ainsworth, Brancel, Brandemuehl, Coleman, Darling, Deininger, Duff, Foti, Freese, Goetsch, Hahn, Harsdorf, Johnsrud, Kaufert, Klusman, Ladwig, Lehman, Loucks, Nass, Ott, Ourada, Panzer, Porter, Prosser, Radtke, Rosenzweig, Schneiders, Silbaugh, Turba, Urban, Van Gorden, Vergeront, Vrakas, Welch, Wimmer and Zien — 36.

Absent or not voting — Representative Coggs, M. — 1.

Motion failed.

Representative Travis asked unanimous consent that the rules be suspended and that **Assembly Bill 587** be withdrawn from the committee on Rules and taken up at this time. Granted.

Assembly Bill 587

Relating to eliminating a department of administration full-time equivalent position.

Representative Travis asked unanimous consent that all members of the assembly, with the exception of Representative Welch, be made coauthors of **Assembly Bill 587**. Granted.

The question was: Shall **Assembly Bill 587** be ordered engrossed and read a third time?

Motion carried.

Representative Travis asked unanimous consent that the rules be suspended and that **Assembly Bill 587** be given a third reading. Granted.

The question was: **Assembly Bill 587** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes — Representatives Ainsworth, Antaramian, Baldus, Barca, Baumgart, Bell, Black, Bock, Bolle, Boyle, Brancel, Brandemuehl, Carpenter, Clarenbach, Coggs, S., Coleman, Cullen, Darling, Deininger, Duff, Fortis, Foti, Freese, Gard, Goetsch, Grobschmidt, Gronemus, Gruszynski, Hahn, Hamilton, Harsdorf, Hasenohrl, Hauke, Hinkfuss, Hisrich, Holperin, Holschbach, Hough, Huber, Hubler, Johnsrud, Kaufert, Klusman, Krug, Krusick, Ladwig, Lautenschlager, Lehman, Linton, Lorge, Loucks, Medinger, Musser, Nass, Notestein, Ott, Ourada, Panzer, Plache, Porter, Potter, Prosser, Radtke, Reynolds, Roberts, Robson, Rohan, Rosenzweig, Rutkowski, Schneider, Schneiders, Schwartz, Seery, Silbaugh, Stower, Swoboda, Travis, Turba, Turner, Underheim, Urban, Van Dreel, Van Gorden, Vander Loop, Vanderperren, Vergeront, Vrakas, Williams, Wimmer, Wineke, Wood, Young, Zien and Speaker Kunicki — 94.

Noes — Representatives Moore and Welch — 2.

Absent or not voting — Representative Coggs, M. — 1.

Motion carried.

Representative Travis asked unanimous consent that the rules be suspended and that **Assembly Bill 587** be immediately messaged to the senate. Granted.

Representative Welch asked unanimous consent that the rules be suspended and that veto item A-48 of **Assembly Bill 91** be withdrawn from the committee on Rules and taken up at this time.

Representative Travis objected.

Representative Moore asked unanimous consent to be removed as a coauthor of **Assembly Bill 587**. Granted.

Representative Travis asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 84** be withdrawn from the committee on Rules and taken up at this time. Granted.

Assembly Joint Resolution 84

Relating to proclaiming "Red Ribbon Week".

The question was: Shall **Assembly Joint Resolution 84** be adopted?

Motion carried

Representative Travis asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 84** be immediately messaged to the senate. Granted.

Representative Loucks asked unanimous consent that the assembly adjourn in honor of Sal Bando, who was named General Manager of the Milwaukee Brewers on Tuesday, October 8. Granted.

Representative Lorge asked unanimous consent that it be noted that the assembly adjourned in honor of Joanne Lagatta, winner of the 1991 National Spelling Bee, on June 4, 1991. Granted.

Representative Ourada asked unanimous consent that the assembly adjourn in honor of John Grevelle, who was recently named Wisconsin's High School Teacher of the Year and was nominated to the National Teacher of the Year competition. Granted.

Representative Vergeront asked unanimous consent that the assembly adjourn in honor of Representative "Pink" Van Gorden, who celebrated his sixty-fifth birthday on Wednesday, October 9th. Granted.

Representative Vander Loop asked unanimous consent that the assembly adjourn in honor of his newborn grandson Eric David Meehl, born to Lezlie and David Meehl on Tuesday, October 8, 1991. Granted.

Representative Stower asked unanimous consent that the assembly adjourn in honor of Vincent John Gard, born to Representative John Gard and State Treasurer Cate Zueske on Tuesday, October 1, 1991. Granted.

Representative Barca asked unanimous consent that the assembly adjourn in honor of Representative Gronemus and her husband Lambert as they celebrate their forty-second wedding anniversary on Saturday, October 12, 1991. Granted.

Representative Krusick asked unanimous consent that the assembly adjourn in honor of Jesse Donald Wendel, born to legislative aide Rebecca and Thad Wendel on Monday, September 16, 1991. Granted.

REFERENCE BUREAU CORRECTIONS
Assembly Bill 576

Page 3, line 13: substitute "be a" for "bea".

VISITORS

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

Helen and Albert Statkus from Sun City, Arizona, guests and parents of Representative Darling.

Mike Reinfeldt, Vice-President of the Green Bay Packers from Green Bay, guests of Representative Vanderperren.

Representative Travis moved that the assembly stand adjourned until 10:00 P.M. on Tuesday, October 15.

The question was: Shall the assembly stand adjourned?

Motion carried.

The assembly stood adjourned.

1:10 P.M.