

STATE OF WISCONSIN
Assembly Journal

Ninetieth Regular Session

10:00 A.M.

. THURSDAY, April 23, 1992

The assembly met.
 Representative Schneider in the chair.
 The assembly dispensed with the call of the roll.

Bill or Res. No.	Act No.	Publication date
Assembly Bill 379	----- 152 -----	April 22, 1992
Assembly Bill 918	----- 153 -----	April 22, 1992

Sincerely,
 DOUGLAS La FOLLETTE
 Secretary of State

COMMUNICATIONS

The chief clerk reports the following proposal correctly enrolled:

Assembly Bill 180

Sincerely,
 THOMAS T. MELVIN
 Assembly Chief Clerk

State of Wisconsin
 Legislative Reference Bureau
 Madison

April 7, 1992

Hon. Thomas T. Melvin
 Assembly Chief Clerk
 1 East Main - Room 402
 Madison, WI 53702

EXECUTIVE COMMUNICATIONS

State of Wisconsin
 Office of the Governor
 Madison

To the Honorable, the Assembly:

The following bills, originating in the assembly, have been approved, signed and deposited in the office of the Secretary of State:

Assembly Bill	Act No.	Date Signed
65 -----	216 -----	April 22, 1992
119 -----	217 -----	April 22, 1992
167 -----	218 -----	April 22, 1992
635 -----	219 -----	April 22, 1992
780 -----	220 -----	April 22, 1992
904 -----	221 -----	April 22, 1992
958 -----	222 -----	April 22, 1992
960 -----	223 -----	April 22, 1992
984 -----	224 -----	April 22, 1992
1065 -----	225 -----	April 22, 1992

Respectfully submitted,
 TOMMY G. THOMPSON
 Governor

COMMUNICATIONS

State of Wisconsin
 Department of State
 Madison

To Whom It May Concern:

Acts, joint resolutions and resolutions, deposited in this office, have been numbered and published as follows:

Dear Mr. Melvin:

In its March 26, 1992, consideration of 1991 Assembly Bill 180, the Senate acted first on Senate Amendment 27. The Senate adopted 4 amendments to Senate Amendment 27. Having adopted Senate Amendment 27 as amended, the Senate then adopted Senate Amendment 21 and, finally, Senate Amendment 22. The sequence of the Senate's adoption of the Senate amendments is important. Ten of the 89 items contained in Senate Amendment 27 (as affected by Sen. Amdt. 2 to 27) were superseded by the later adoption of Senate Amendment 21. One of the 20 items contained in Senate Amendment 21, and the single item comprising Senate Amendment 22, could not be given effect.

Page 5, line 13: Senate Amendment 21, by its Item 2, deleted the entire line including the text inserted by Item 4 of Senate Amendment 27.

Page 14, line 24, to page 15, line 10: Senate Amendment 21, by its Item 4, deleted all of the changes made by Items 26, 27, 28, 28m, 28r, 28x, 29 and 30 of Senate Amendment 27.

Page 16, lines 18 to 28: Senate Amendment 27, by its Item 35, deleted the text found on those lines in the engrossed bill and substituted new text. Consequently, a change on page 16, line 27, of the engrossed bill directed by Item 6 of Senate Amendment 21 could not be given effect. To try to make that proposed change in the words substituted by Item 35 of Senate Amendment 27 would exceed the enrolling authority under Joint Rule 60 and Assembly Rule 95 (26).

April 22, 1992

Page 16, lines 23 and 24: These lines were included in the text deletion by Item 35 of Senate Amendment 27. Consequently, the text substitution on those lines of the engrossed bill directed by Senate Amendment 22 could not be given effect.

Page 22, lines 16 and 17: Senate Amendment 21, by its Item 9, deleted both lines, including the text inserted by Item 54 of Senate Amendment 27, and substituted new text.

Sincerely yours,
DR. H. RUPERT THEOBALD
Chief, LRB

April 22, 1992

Speaker Walter Kunicki
Room 211 West, State Capitol
Madison, WI 53702

Dear Speaker Kunicki:

We are informed that, under the bill enrollment procedure followed by the Legislative Reference Bureau, Item 6 of Senate Amendment 21 and Senate Amendment 22 to **Assembly Bill 180**, the parental consent bill, may not be incorporated into the Enrolled Bill.

Both Amendments were passed by the Senate, each by a vote of Ayes, 18; Noes, 15. Both Amendments were concurred in by the Assembly on voice votes. Both Amendments clearly reflect the intent of the Legislature, as determined by the vote of each house and, therefore, should not be excluded from the Enrolled Bill.

It is our understanding that you, pursuant to your authority under the Assembly Rules, are directing that **Assembly Bill 180** be enrolled by the Legislative Reference Bureau so as to implement Item 6 of Senate Amendment 21 and to Senate Amendment 22. Each of us, as a principal participant in the development of the parental consent bill ultimately passed by the Legislature, concur in this action since it ensures that the Enrolled Bill presented to the Governor reflects the recorded action of a majority of each house of the Legislature. However, our individual concurrences should be viewed as limited to this matter only and not intended to establish a precedent. We also recommend consideration of revising the Assembly Rules for the 1993 Session regarding the enrolling function.

Sincerely yours,

Senator Moen	Representative Grobschmidt
Senator Plewa	Representative Wood
Senator Roshell	Representative Young
Senator Ulichny	

Mr. Thomas T. Melvin
Assembly Chief Clerk
One East Main Street, Suite 402
Madison, WI 53702

Dear Mr. Melvin:

This letter responds to the technical difficulty experienced by the Legislative Reference Bureau in enrolling **1991 Assembly Bill 180**, relating to requiring consent for an unemancipated minor's abortion, which you recently brought to my attention. As detailed in a letter of April 7, 1992, directed to you by Dr. H. Rupert Theobald, Chief of the Bureau, the sequence of the Senate's adoption of Senate amendments resulted in the Bureau's inability to give effect to Item 6 of Senate Amendment 21 and Senate Amendment 22, both of which modified the "suicidal minor" exemption to the requirement of parental consent.

Senate Amendments 21 and 22 to **Assembly Bill 180** were both adopted by the Senate on March 26, 1992 by votes of Ayes, 18; Noes, 15. Subsequently, on March 27, 1992, the Assembly concurred in both Amendments by separate voice vote. Clearly, it is the intent of both houses of the Legislature that the substance of Item 6 of Senate Amendment 21 and of Senate Amendment 22 be included in the Enrolled Bill.

Accordingly, pursuant to the authority of Assembly Rule 5 (1)(e), I am directing you, as the Assembly official holding supervisory authority over the enrolling process, to instruct the Legislative Reference Bureau, in its preparation of the Enrolled Bill, to:

1. Give effect to all of the substance of Senate Amendment 21 by deleting, from proposed s. 48.375(4)(b) 1m, the words "who is a person acting in the place of a parent", which appeared at page 16, line 27, of Engrossed **Assembly Bill 180** and were to be deleted by item 6 of Senate Amendment 21, but which could not be deleted because of the prior adoption of Senate Amendment 27, which shows those same words at page 3, line 16, in Item 35 of Senate Amendment 27; and
2. Give effect to the substance of Senate Amendment 22 by deleting, from proposed s. 48.375 (4)(b) 1m, the words "the minor has a history of consulting with that physician or psychologist and that" which appeared at page 16, lines 23 and 24, of Engrossed **Assembly Bill 180** and were to be deleted by Senate Amendment 22, but which could not be deleted because of the prior adoption of Senate Amendment 27, which shows those words (with the words "that physician or psychologist" substituted for "this professional") at page 3, lines 10 and 11, in Item 35 of Senate Amendment 27.

In addition to the above directive, I am also requesting that you make a note of this transaction. When the Assembly Rules are reviewed in advance of the 1993 Session, that part of the Rules addressing the enrolling function will need to be revisited.

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If you have any questions about this matter, please contact me.

Sincerely,
WALTER KUNICKI
Assembly Speaker

April 22, 1992

Dr. H. Rupert Theobald, Chief
Legislative Reference Bureau
100 N. Hamilton St.
Madison, WI 53702

Dear Dr. Theobald:

Pursuant to the direction of Speaker Walter Kunicki, as set forth in his enclosed letter, and in conformance with Assembly Rule 5 (1)(e), I am instructing the Legislative Reference Bureau to enroll Assembly Bill 180 so as to give effect to Item 6 of Senate Amendment 21 and to Senate Amendment 22 to the Bill.

Should you have any questions regarding this instruction, please do not hesitate to call me.

Thank you.

Sincerely,
THOMAS T. MELVIN
Assembly Chief Clerk

State of Wisconsin
Legislative Reference Bureau
Madison

April 22, 1992

Hon. Thomas T. Melvin
Assembly Chief Clerk
1 East Main - Room 402
Madison, WI 53702

Dear Mr. Melvin:

In its March 26, 1992, consideration of 1991 Assembly Bill 180, the Senate acted first on Senate Amendment 27. The Senate adopted 4 amendments to Senate Amendment 27. Having adopted Senate Amendment 27 as amended, the Senate then adopted Senate Amendment 21 and, finally, Senate Amendment 22. Resulting from this sequence, 10 of the 89 items contained in Senate Amendment 27 (as affected by Sen. Amdt. 2 to 27) were superseded by the later adoption of Senate Amendment 21.

Page 5, line 13: Item 2 of Senate Amendment 21, by deleting the entire line from the engrossed bill, also removed the text inserted on that line by Item 4 of Senate Amendment 27.

Page 14, line 24: Item 4 of Senate Amendment 21 deleted the enrolled bill's text beginning with that line and ending with page 15, line 10, and thereby superseded all of the changes made by Items 26, 27, 28, 28m, 28r, 28x, 29 and 30 of Senate Amendment 27.

Page 22, line 16: Item 9 of Senate Amendment 21, by deleting from the engrossed bill both line 16 and line 17 and substituting new text, also removed the text inserted on line 17 by Item 54 of Senate Amendment 27.

As further documented below, Item 6 of Senate Amendment 21, and the single item comprising Senate Amendment 22, have been given effect as directed by Speaker Kunicki under Assembly Rules 3 (1)(L) and 5 (1)(e) and (g) and section 13.92 (1)(b) 3 of the statutes.

Page 16, lines 18 to 28: Senate Amendment 27, by its Item 35, deleted the text found on those lines in the engrossed bill and substituted new text including, as displayed on page 3, lines 9 to 21, of the amendment, a revised subdivision "1m" of new section 48.375 (4)(b). The text of revised subdivision "1m", as directed by Speaker Kunicki, has been changed to implement Item 6 of Senate Amendment 21 and to effectuate the purpose of Senate Amendment 22.

Senate Amendment 21, Item 6. As directed by the Speaker, the deletion of the words "who is a person acting in the place of a parent" by Item 6 of Senate Amendment 21 (from page 16, line 27, of the engrossed bill) was given effect by deleting the identical words from the new text substituted by page 3, line 16, of Senate Amendment 27.

Senate Amendment 22. In treating page 16, lines 23 and 24, of the engrossed bill, Senate Amendment 22 saved the phrase "facts of the case before him or her, that the minor is likely to" by removing, after "the minor", the words "who has a history consulting with this professional prior to the pregnancy".

Speaker Kunicki directed that the purpose of Senate Amendment 22 be given effect by deleting from the bill, in the material inserted by page 3, lines 10 and 11, of Senate Amendment 27, the words "the minor has a history of consulting with that physician or psychologist and that".

Sincerely yours,
DR. H. RUPERT THEOBALD
Chief, LRB

Representative Swoboda moved that the assembly stand adjourned until 10:00 A.M. on Tuesday, April 28.

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**The question was: Shall the assembly stand
adjourned?**

Motion carried.

The assembly stood adjourned.

10:01 A.M.