



# STATE OF WISCONSIN Assembly Journal

## Ninety–Second Regular Session

9:10 A.M.

THURSDAY, March 9, 1995

The Assembly met in the temporary Assembly Chamber located at 119 Martin Luther King, Jr. Blvd.

Speaker Prosser in the chair.

The prayer was offered by Representative Hanson.

Representative Handrick 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, Baldus, Baldwin, Baumgart, Bell, Black, Bock, Boyle, Brancel, Brandemuehl, Carpenter, Cogg, Coleman, Cullen, Dobyns, Dueholm, Duff, Foti, Freese, Gard, Goetsch, Green, Grobschmidt, Gronemus, Grothman, Gunderson, Hahn, Handrick, Hanson, Harsdorf, Hasenohrl, Hoven, Huber, Hubler, Huebsch, Hutchison, Jensen, Johnsrud, Kaufert, Kelso, Klusman, Kreibich, Kreuser, Krug, Krusick, Kunicki, La Fave, Ladwig, F. Lasee, Lazich, Lehman, Linton, Lorge, Meyer, Morris–Tatum, Murat, Musser, Nass, Notestein, Olsen, Ott, Otte, Ourada, Owens, Plache, Plombon, Porter, R. Potter, Powers, Reynolds, Riley, Robson, Rutkowski, Ryba, Schneider, Schneiders, Seratti, Silbaugh, Skindrud, Travis, Turner, Underheim, Urban, Vander Loop, Vrakas, Walker, Ward, Wasserman, Wilder, Williams, Wirch, Wood, L. Young, R. Young, Ziegelbauer, Zukowski and Speaker Prosser – 98.

Absent with leave – Representative Springer – 1.

### LEAVES OF ABSENCE

Representative R. Potter asked unanimous consent for a leave of absence for today’s session for Representative Springer. Granted.

### AMENDMENTS OFFERED

Assembly amendment 2 to **Assembly Bill 82** offered by Representative Gard.

Assembly substitute amendment 1 to **Senate Bill 6** offered by committee on Insurance, Securities and Corporate Policy.

### 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:

<u>Resolution No.</u>	<u>Enrolled No.</u>	<u>Publication Date</u>
<b>Assembly Jt. Res. 12</b> . . . . . 3 . . . . .	March 15, 1995	
<b>Assembly Jt. Res. 15</b> . . . . . 4 . . . . .	March 15, 1995	

Sincerely,  
*DOUGLAS LA FOLLETTE*  
Secretary of State

February 17, 1995

The Honorable David Prosser  
Speaker, Wisconsin State Assembly  
101 Martin Luther King, Jr. Blvd.  
Madison, WI 53708

Dear Mr. Speaker:

To follow up on our conversation, I am writing to resign from the Assembly Committee on Judiciary.

Thank you.

Sincerely yours,  
*CLIFFORD OTTE*  
State Representative  
27th Assembly District

March 2, 1995

The Honorable David Prosser  
Speaker, Wisconsin State Assembly  
101 Martin Luther King, Jr. Blvd.  
Madison, WI 53708

Dear Mr. Speaker:

Per our conversation, I am writing to inform you that I am resigning from the Assembly Committee on Financial Institutions, effective today.

Thank you.

Sincerely yours,  
*CLIFFORD OTTE*  
State Representative  
27th Assembly District

**Assembly Bill 159** was not germane under Assembly Rule 54(3)(f):

“The chair is prepared to rule on Assembly amendment 2. A point of order was raised by the gentleman from the 39th that Assembly amendment 2 expanded the scope of the bill under Assembly Rule 54 (3)(f), and looking through the amendment as well as the original bill, the gentleman from the 39th’s remarks are accurate. Also, it expands the relating clause and so, therefore, I find that the point of order is well taken.”

**SPEAKER’S APPOINTMENTS**

February 17, 1995

Representative Stephen Freese  
Room 314 North, State Capitol  
Madison, WI 53702

Dear Steve:

Due to the resignation of Clifford Otte, it is my pleasure as Speaker of the Assembly to appoint you as a member of the Assembly Committee on Judiciary.

This appointment is effective as of this date.

Sincerely,  
*DAVID PROSSER, JR.*  
Assembly Speaker

March 2, 1995

Representative Scott Gunderson  
Room 9 East, State Capitol  
Madison, WI 53702

Dear Scott:

Due to the resignation of Clifford Otte, it is my pleasure as Speaker of the Assembly to appoint you as a member of the Assembly Committee on Financial Institutions.

This appointment is effective as of this date.

Sincerely,  
*DAVID PROSSER, JR.*  
Assembly Speaker

**RULING ON THE POINT OF ORDER**

On Tuesday, March 7, 1995, Speaker Pro Tempore Freese ruled **well taken** the point of order raised on March 7, 1995 by Representative Goetsch that Assembly amendment 2 to

**MESSAGE FROM THE SENATE**

By Donald J. Schneider, Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has:

Adopted and asks concurrence in:

**Senate Joint Resolution 15**  
**Senate Joint Resolution 16**

Representative Jensen asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 15** be withdrawn from the Senate message and taken up at this time. Granted.

**Senate Joint Resolution 15**

Relating to: designation of the official state newspaper.

The question was: Shall **Senate Joint Resolution 15** be concurred in?

Motion carried.

Representative Jensen asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 15** be immediately messaged to the Senate. Granted.

Representative Jensen asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 16** be withdrawn from the Senate message and taken up at this time. Granted.

**Senate Joint Resolution 16**

Relating to: the life and public service of Louis Fellenz.

The question was: Shall **Senate Joint Resolution 16** be concurred in?

Motion carried.

Representative Jensen asked unanimous consent that all members of the Assembly be added as cosponsors of **Senate Joint Resolution 16**. Granted.

Representative Jensen asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 16** be immediately messaged to the Senate. Granted.

Representative Silbaugh asked unanimous consent to be removed as a coauthor of **Senate Joint Resolution 6**. Granted.

Representative Zukowski asked unanimous consent to be made a coauthor of **Assembly Bill 69**. Granted.

Representative Gunderson asked unanimous consent to be made a coauthor of **Assembly Bill 69**. Granted.

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Representative Green asked unanimous consent that the Assembly stand recessed for thirty minutes. Granted.

The Assembly stood recessed.

9:28 A.M.

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**RECESS**

10:02 A.M.

The Assembly reconvened.

Speaker Prosser in the chair.

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**MOTIONS**

Representative Klusman asked unanimous consent to be made a coauthor of **Assembly Bill 95**. Granted.

Representative Brandemuehl asked unanimous consent to be made a coauthor of **Assembly Bill 95**. Granted.

Representative Reynolds asked unanimous consent to be removed as a coauthor of **Senate Bill 64**. Granted.

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**CALENDAR OF THURSDAY, MARCH 9**

**Assembly Joint Resolution 25**

Relating to: requesting Congress to suspend the requirement that reformulated gasoline be sold in Southeastern Wisconsin.

The question was: Shall **Assembly Joint Resolution 25** be adopted?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Baldus, Baldwin, Baumgart, Black, Bock, Boyle, Brancel, Brandemuehl, Carpenter, Coggs, Coleman, Cullen, Dobyns, Duff, Foti, Freese, Gard, Goetsch, Green, Grobschmidt, Gronemus, Grothman, Gunderson, Hahn, Handrick, Hanson, Harsdorf, Hasenohrl, Hoven, Huber, Hubler, Huebsch, Hutchison, Jensen, Johnsrud, Kaufert, Kelso, Klusman,

Kreibich, Kreuser, Krug, Krusick, La Fave, Ladwig, F. Lasee, Lazich, Lehman, Linton, Lorge, Morris–Tatum, Murat, Musser, Nass, Notestein, Olsen, Ott, Otte, Ourada, Owens, Plache, Porter, R. Potter, Powers, Rutkowski, Ryba, Schneiders, Seratti, Silbaugh, Skindrud, Travis, Turner, Underheim, Urban, Vander Loop, Vrakas, Walker, Ward, Wasserman, Wilder, Williams, Wirch, Wood, L. Young, R. Young, Ziegelbauer, Zukowski and Speaker Prosser – 89.

Noes – Representatives Bell, Dueholm, Kunicki, Meyer, Plombon, Reynolds, Riley, Robson and Schneider – 9.

Absent or not voting – Representative Springer – 1.

Motion carried.

Representative Jensen asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 25** be immediately messaged to the Senate. Granted.

**Senate Joint Resolution 4**

Relating to: proclaiming February 1, 1995, National Girls and Women in Sports Day.

Representative Black moved that **Senate Joint Resolution 4** be laid on the table.

The question was: Shall **Senate Joint Resolution 4** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Baldus, Baldwin, Baumgart, Bell, Black, Boyle, Brancel, Brandemuehl, Carpenter, Coggs, Dueholm, Duff, Freese, Goetsch, Handrick, Johnsrud, Kreibich, Kunicki, Linton, Lorge, Meyer, Morris–Tatum, Murat, Nass, Olsen, Plache, Plombon, Reynolds, Riley, Robson, Schneider, Seratti, Travis, Urban, Walker, Wasserman, Wilder, Williams, Wood, R. Young and Ziegelbauer – 42.

Noes – Representatives Albers, Bock, Coleman, Cullen, Dobyns, Foti, Gard, Green, Grobschmidt, Gronemus, Grothman, Gunderson, Hahn, Hanson, Harsdorf, Hasenohrl, Hoven, Huber, Hubler, Huebsch, Hutchison, Jensen, Kaufert, Kelso, Klusman, Kreuser, Krug, Krusick, La Fave, Ladwig, F. Lasee, Lazich, Lehman, Musser, Notestein, Ott, Otte, Ourada, Owens, Porter, R. Potter, Powers, Rutkowski, Ryba, Schneiders, Silbaugh, Skindrud, Turner, Underheim, Vander Loop, Vrakas, Ward, Wirch, L. Young, Zukowski and Speaker Prosser – 56.

Absent or not voting – Representative Springer – 1.

Motion failed.

The question was: Shall **Senate Joint Resolution 4** be concurred in?

Motion carried.

Representative Jensen asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 4** be immediately messaged to the Senate. Granted.

**Assembly Bill 166**

Relating to: the labeling of certain gasoline.

The question was: Shall Assembly substitute amendment 1 to **Assembly Bill 166** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 166** be ordered engrossed and read a third time?

Motion carried.

Representative Jensen asked unanimous consent that the rules be suspended and that **Assembly Bill 166** be given a third reading. Granted.

The question was: **Assembly Bill 166** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Baldus, Baldwin, Baumgart, Bell, Black, Bock, Boyle, Brandemuehl, Carpenter, Coggs, Coleman, Cullen, Dobyns, Duff, Foti, Freese, Gard, Goetsch, Green, Grobschmidt, Gronemus, Grothman, Gunderson, Hahn, Handrick, Hanson, Harsdorf, Hasenohrl, Hoven, Huber, Hubler, Huebsch, Hutchison, Jensen, Johnsrud, Kaufert, Kelso, Klusman, Kreibich, Kreuser, Krug, Krusick, Kunicki, La Fave, Ladwig, F. Lasee, Lazich, Lehman, Linton, Lorge, Meyer, Morris–Tatum, Murat, Musser, Nass, Notestein, Olsen, Ott, Otte, Ourada, Owens, Plache, Plombon, Porter, R. Potter, Powers, Reynolds, Riley, Rutkowski, Ryba, Schneider, Schneiders, Seratti, Silbaugh, Skindrud, Travis, Turner, Underheim, Urban, Vander Loop, Vrakas, Walker, Ward, Wasserman, Wilder, Williams, Wirch, Wood, L. Young, R. Young, Ziegelbauer, Zukowski and Speaker Prosser – 92.

Noes – Representatives Brancel, Dueholm, Meyer, Plombon and Reynolds – 5.

Absent or not voting – Representatives Robson and Springer – 2.

Motion carried.

Representative Robson asked unanimous consent to be recorded as voting “Aye” on the previous question. Granted.

Representative Jensen asked unanimous consent that the rules be suspended and that **Assembly Bill 166** be immediately messaged to the Senate. Granted.

Representative Jensen asked unanimous consent that the rules be suspended and that **Assembly Bill 95** be withdrawn from the committee on Rules and taken up at this time. Granted.

### **Assembly Bill 95**

Relating to: limitations of liability for certain fire companies.

Assembly amendment 1 to **Assembly Bill 95** offered by Representatives Wood and Albers.

The question was: Shall Assembly amendment 1 to **Assembly Bill 95** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 95** be ordered engrossed and read a third time?

Motion carried.

Representative Jensen asked unanimous consent that the rules be suspended and that **Assembly Bill 95** be given a third reading. Granted.

The question was: **Assembly Bill 95** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Baldus, Baldwin, Baumgart, Bell, Black, Bock, Boyle, Brancel, Brandemuehl, Carpenter, Coggs, Coleman, Cullen, Dobyns, Dueholm, Duff, Foti, Freese, Gard, Goetsch, Green, Grobschmidt, Gronemus, Grothman, Gunderson, Hahn, Handrick, Hanson, Harsdorf, Hasenohrl, Hoven, Huber, Hubler, Huebsch, Hutchison, Jensen, Johnsrud, Kaufert, Kelso, Klusman, Kreibich, Kreuser, Krug, Krusick, Kunicki, La Fave, Ladwig, F. Lasee, Lazich, Lehman, Linton, Lorge, Meyer, Morris–Tatum, Murat, Musser, Nass, Notestein, Olsen, Ott, Otte, Ourada, Owens, Plache, Plombon, Porter, R. Potter, Powers, Reynolds, Riley, Robson, Rutkowski, Ryba, Schneider, Schneiders, Seratti, Silbaugh, Skindrud, Travis, Turner, Underheim, Urban, Vander Loop, Vrakas, Walker, Ward, Wasserman, Wilder, Williams, Wirch, Wood, L. Young, R. Young, Ziegelbauer, Zukowski and Speaker Prosser – 98.

Noes – None.

Absent or not voting – Representative Springer – 1.

Motion carried.

Representative Jensen asked unanimous consent that the rules be suspended and that **Assembly Bill 95** be immediately messaged to the Senate. Granted.

Representative Jensen asked unanimous consent that the rules be suspended and that **Assembly Bill 10** be taken from the table and taken up at this time. Granted.

### **Assembly Bill 10**

Relating to: marking property of others without the owner’s consent and providing penalties.

Assembly substitute amendment 1 to **Assembly Bill 10** offered by Representative Carpenter.

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 10** offered by Representative Carpenter.

The question was: Shall Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 10** be adopted?

Motion carried.

Assembly amendment 2 to Assembly substitute amendment 1 to **Assembly Bill 10** offered by Representative Meyer.

Representative Freese moved that Assembly amendment 2 to Assembly substitute amendment 1 to **Assembly Bill 10** be laid on the table.

The question was: Shall Assembly amendment 2 to Assembly substitute amendment 1 to **Assembly Bill 10** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Baldwin, Baumgart, Brancel, Brandemuehl, Coleman, Cullen, Dobyns, Duff, Foti, Freese, Gard, Goetsch, Green, Grothman, Gunderson, Hahn, Harsdorf, Hasenohrl, Hoven, Hutchison, Jensen, Johnsrud, Kelso, Klusman, Kreibich, Krug, Ladwig, F. Lasee, Lazich, Lehman, Lorge, Murat, Musser, Nass, Olsen, Ott, Otte, Ourada, Plache, Plombon, Porter, Powers, Riley, Ryba, Schneiders, Seratti, Silbaugh, Skindrud, Turner, Underheim, Urban, Vander Loop, Vrakas, Walker, Ward, Williams, R. Young, Zukowski and Speaker Prosser – 61.

Noes – Representatives Baldus, Bell, Black, Bock, Boyle, Carpenter, Coggs, Dueholm, Grobschmidt, Gronemus, Handrick, Hanson, Huber, Hubler, Huebsch, Kaufert, Kreuser, Krusick, Kunicki, La Fave, Linton, Meyer, Morris–Tatum, Notestein, R. Potter, Reynolds, Robson, Rutkowski, Schneider, Travis, Wasserman, Wilder, Wirch, Wood, L. Young and Ziegelbauer – 36.

Absent or not voting – Representatives Owens and Springer – 2.

Motion carried.

The question was: Shall Assembly substitute amendment 1 to **Assembly Bill 10** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 10** be ordered engrossed and read a third time?

Motion carried.

Representative Jensen asked unanimous consent that the rules be suspended and that **Assembly Bill 10** be given a third reading. Granted.

The question was: **Assembly Bill 10** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Baldus, Baldwin, Baumgart, Bell, Black, Bock, Boyle, Brancel, Brandemuehl, Carpenter, Coggs, Coleman, Cullen, Dobyns, Dueholm, Duff, Foti, Freese, Gard, Goetsch, Green, Grobschmidt, Gronemus, Grothman, Gunderson, Hahn, Handrick, Hanson, Harsdorf, Hasenohrl, Hoven, Huber, Hubler, Huebsch, Hutchison, Jensen, Johnsrud, Kaufert, Kelso, Klusman, Kreibich, Kreuser, Krug, Krusick, Kunicki, La Fave, Ladwig, F. Lasee, Lazich, Lehman, Linton, Lorge, Meyer, Morris–Tatum, Murat, Musser, Nass, Notestein, Olsen, Ott, Otte, Ourada, Owens, Plache, Plombon, Porter, R.

Potter, Powers, Reynolds, Riley, Robson, Rutkowski, Ryba, Schneider, Schneiders, Seratti, Silbaugh, Skindrud, Travis, Turner, Underheim, Urban, Vander Loop, Vrakas, Walker, Ward, Wasserman, Wilder, Williams, Wirch, Wood, L. Young, R. Young, Ziegelbauer, Zukowski and Speaker Prosser – 98.

Noes – None.

Absent or not voting – Representative Springer – 1.

Motion carried.

Representative Jensen asked unanimous consent that the rules be suspended and that **Assembly Bill 10** be immediately messaged to the Senate. Granted.

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Representative Musser asked unanimous consent that the Assembly adjourn in memory of John Forde, a Vietnam Veteran and former lobbyist, who recently passed away. Granted.

Representative Skindrud asked unanimous consent that the Assembly adjourn in honor of the Mount Horeb “Vikings” High School Girls Basketball Team, on their first trip to the WIAA Girls Basketball Division 3 High School Tournament this weekend in Madison. Granted.

Representative Boyle asked unanimous consent that the Assembly adjourn in honor of the Superior High School Boys Hockey Team and Coach Dave Kukowski, on winning the WIAA State High School Hockey Tournament. Granted.

Representative Kelso asked unanimous consent that the Assembly adjourn in honor of Coach Dick Bennett and the University of Wisconsin–Green Bay “Fighting Phoenix” Mens Basketball Team, who are heading to the NCAA Basketball Tournament for the second consecutive year, and third time in this decade, after defeating Wright State on Tuesday to capture the Midwestern Collegiate Conference Championship. Granted.

Representative Baumgart asked unanimous consent that the Assembly adjourn in honor of his daughter, Katherine L. Baumgart, on the occasion of her third birthday tomorrow, March 10. Granted.

Representative Otte asked unanimous consent that the Assembly adjourn in honor of his mother, Edna Harmeling on the occasion of her ninety–first birthday. Granted.

Representative Reynolds asked unanimous consent that the Assembly adjourn in honor of the Park Falls “Cardinals” High School Girls Basketball Team, who will be participating in the WIAA Girls Basketball Division 3 High School Tournament this weekend in Madison. Granted.

Representative Reynolds asked unanimous consent that the Assembly adjourn in honor of the Gilman “Pirates” High School Girls Basketball Team, who will be participating in the WIAA Girls Basketball Division 4 High School Tournament this weekend in Madison. Granted.

Representative Robson asked unanimous consent that the Assembly adjourn in honor of her grandson in Shenyong,

China, David George McLaughlin, on the occasion of his fourth birthday. Granted.

Representative Brandemuehl asked unanimous consent that the Assembly adjourn in honor of the University of Wisconsin–Platteville “Pioneers” Mens Basketball Team, who are undefeated and are participating in the NCAA Division 3 Mens Basketball Tournament. Granted.

Representative Powers asked unanimous consent that the Assembly adjourn in honor of the Monroe “Cheesemakers” High School Girls Basketball Team, who will be participating in the WIAA Girls Basketball Division 2 High School Tournament this weekend in Madison. Granted.

Representative Lorge asked unanimous consent that the Assembly adjourn in memory of Frank Cornelius from the Citizen Action Coalition in Carmel Indiana, who recently passed away. Granted.

Representative Huebsch asked unanimous consent that the Assembly adjourn in honor of the love of his life – his wife Valerie, on the occasion of her thirty–second birthday. Granted.

Representative Turner asked unanimous consent that the Assembly adjourn in honor of the Racine Lutheran High School Boys Basketball Team, who won the WISAA Division 4 State Championship. Granted.

Representative Coggs asked unanimous consent that the Assembly adjourn in honor of Milwaukee Washington “Purgolders” High School Girls Basketball Team, who will be participating in the WIAA Girls Basketball Division 1 High School Tournament this weekend in Madison. Granted.

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## VISITORS

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

Luck High School Girls Basketball Team members Jenny Cole–Opitz, Becky Eklof, Heidi Giller, Amanda Loughlin, Heidi Messar, Katie Nelson, Kari Pomerleau and Jessica Wallin, and coaches Marty Messar and John Nichols, who are in Madison to observe the State High School Girls Basketball Tournament, guests of Representative Dueholm.

The “Near South Side Residents for Change” community group from Milwaukee, guests of Representative Carpenter.

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## ADJOURNMENT

Representative Jensen moved that the Assembly stand adjourned until 10:00 A.M. on Tuesday, April 4, pursuant to **Senate Joint Resolution 1**.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

10:50 A.M.