



STATE OF WISCONSIN

Assembly Journal

Ninety–Third Regular Session

10:00 A.M.

TUESDAY, May 13, 1997

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

Speaker Brancel in the chair.

The prayer was offered by Reverend Dianne Reistroffer of University United Methodist Church in Madison.

Representative Carpenter 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, Baldwin, Baumgart, Black, Bock, Boyle, Brandemuehl, Carpenter, Cogg, Cullen, Dobyns, Dueholm, Duff, Foti, Freese, Gard, Goetsch, Green, Gronemus, Grothman, Gunderson, Hahn, Handrick, Hanson, Harsdorf, Hasenohrl, Hebl, Hoven, Huber, Hubler, Huebsch, Hutchison, Jensen, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kelso, Klusman, Kreibich, Kreuser, Krug, Krusick, Kunicki, La Fave, Ladwig, F. Lasee, Lazich, J. Lehman, M. Lehman, Linton, Lorge, Meyer, Morris–Tatum, Murat, Musser, Nass, Notestein, Olsen, Ott, Otte, Ourada, Owens, Plale, Plouff, R. Potter, Powers, Reynolds, Riley, Robson, Rutkowski, Ryba, Schafer, Schneider, Seratti, Skindrud, Springer, Staskunas, Steinbrink, Sykora, Travis, Turner, Underheim, Urban, Vander Loop, Vrakas, Walker, Ward, Wasserman, Wieckert, Williams, Wood, L. Young, R. Young, Ziegelbauer, Zukowski and Speaker Brancel – 98.

Absent with leave – Representative Porter – 1.

LEAVES OF ABSENCE

Representative Green asked unanimous consent for a leave of absence for today's session for Representative Porter. Granted.

Representative R. Potter asked unanimous consent for a leave of absence for part of today's session for Representative Linton. Granted.

AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Joint Resolution 52** offered by Representative Zukowski.

Assembly amendment 1 to **Assembly Bill 121** offered by committee on **Highways and Transportation**.

Assembly amendment 2 to **Assembly Bill 121** offered by committee on **Highways and Transportation**.

Assembly substitute amendment 1 to **Assembly Bill 180** offered by committee on **Highways and Transportation**.

Assembly substitute amendment 1 to **Assembly Bill 280** offered by Representative Wasserman.

Assembly amendment 1 to **Assembly Bill 329** offered by Representative Hoven.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Bill 352

Relating to: creating an individual income tax exemption for pay received by members of the national guard.

By Representatives Musser, Ryba, Kreibich, Schneider, Zukowski, Turner, Lorge, Springer, Owens, Duff, Brandemuehl, Handrick, Hasenohrl, Nass, Gronemus, Plouff, Seratti, Plale, Sykora and Schafer; cosponsored by Senators Wirth, Welch and Roessler.

To joint survey committee on **Tax Exemptions**.

Assembly Bill 353

Relating to: noncompetitive appointment of certain disabled veterans to positions in the classified service of the state.

By Representatives Musser, Turner, Springer, Owens, Grothman, Albers, Zukowski, Ryba and Plale; cosponsored by Senators Breske, Schultz, Wirth and Welch.

To committee on **Labor and Employment**.

Assembly Bill 354

Relating to: occupational taxes imposed on bingo receipts.

By Representatives Musser, Gronemus, Powers, Goetsch, Ryba, Zukowski and Seratti; cosponsored by Senator Rude.

To committee on **Ways and Means**.

SPEAKER'S APPOINTMENTS

May 12, 1997

Representative Judy Klusman
Room 119 West, State Capitol
Madison, WI 53702

Dear Judy:

It is my pleasure as Speaker of the Assembly to appoint you to the Assembly Standing Committee on **Campaign Finance Reform**.

This appointment is effective immediately.

Sincerely,
BEN BRANCEL
Assembly Speaker

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Regulation and Licensing
Madison

April 30, 1997

To the Honorable, the Assembly:

In accordance with WSS 961.36(3) enclosed please find the 1995-1996 Controlled Substances Board Annual Report.

It is hoped that the Assembly will find this report useful.

Sincerely,
PATRICK D. BRAATZ
Administrator, Division of Health
Professions and Services Licensing

Referred to committee on **Criminal Justice and Corrections**.

State of Wisconsin
Gaming Board
Madison

May 1, 1997

To the Honorable, the Legislature:

Included with this correspondence, I am submitting the quarterly report of the Wisconsin Gaming Board (Board), for the nine months ending March 31, 1997. As required by s.562.02(1)(g), Wis. Stats., the attached materials contain Pari-Mutuel Wagering and Racing statistical information as well as the revenues and expenditures for the Board's Racing, Charitable Gaming and Indian Gaming programs.

If you have any questions or comments regarding this report, please do not hesitate to contact me at (608)266-1645.

Sincerely,
F. SCOTT SCEPANIAK
Executive Director

Referred to committee on **State Affairs**.

AGENCY REPORTS

State of Wisconsin
Wisconsin Housing and Economic
Development Authority
Madison

April 28, 1997

To the Honorable, the Legislature:

Pursuant to Wisconsin Statute 234.95(5), please find enclosed a report on the number and total dollar amount of guaranteed loans under each of the programs guaranteed by the Wisconsin Development Reserve Fund and the default rate on the loans. Please note that the report also includes lending actively in fiscal 1996 and calendar 1996.

Sincerely,
JAMES M. LANGDON
Chief Communications Officer

State of Wisconsin
Department of Administration
Madison

April 30, 1997

To the Honorable, the Legislature:

This report is transmitted as required by sec.20.002(11)(f) of the Wisconsin Statutes, (for distribution to the appropriate standing committees under sec. 13.172(3) Stats.), and confirms that the Department of Administration has found it necessary to exercise the temporary reallocation of balances" authority provided by this section in order to meet payment responsibilities and cover resulting negative balances during the month of March, 1997.

On March 20, 1997 the **Wisconsin Health Education Loan Repayment Fund** balance was -\$1 thousand. This shortfall increased to -\$2 thousand on March 31, 1997 and continued through the end of the month. This shortfall was due to the timing of revenues.

On March 19, 1997 the **Wisconsin Petroleum Inspection Fund** balance was -\$2.06 million. This shortfall continued until March 25, 1997 when the balance reached \$6.40 million. This shortfall was due to the timing of revenues.

On March 1, 1997 the **Information Technology Investment Fund** balance was -\$550 thousand. This shortfall continued until March 6, 1997 when the balance reached \$154 thousand. This shortfall was due to the timing of revenues.

The Wisconsin Health Education Loan Repayment, Wisconsin Petroleum Inspection Fund and Information

Technology Investment Fund shortfalls were not in excess of the \$400 million ceiling and did not exceed the balances of the Funds available for interfund borrowing. This shortfall was due to the timing of revenues.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund's share. Therefore, the monthly calculation by the State Controller's Office will automatically reflect the use of these temporary reallocations of balance authority.

Sincerely,
MARK D. BUGHER
Secretary, DOA

State of Wisconsin
Claims Board
Madison

May 1, 1997

To the Honorable, the Assembly:

Enclosed is the report of the State Claims Board covering the claims heard on April 11, 1997.

The amounts recommended for payment under \$5,000 on claims included in this report have, under the provisions of s. [16.007](#), Stats., been paid directly by the Board.

The Board is preparing the bill(s) on the recommended award(s) over \$5,000, if any, and will submit such to the Joint Finance Committee for legislative introduction.

This report is for the introduction of the Legislature. The Board would appreciate your acceptance and spreading of it upon the Journal to inform the members of the Legislature.

Sincerely,
EDWARD D. MAIN
Secretary, Claims Board

Representative Foti asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 14** be withdrawn from the committee on **Rules** and taken up at this time. Granted.

Senate Joint Resolution 14

Relating to: proclaiming May 16, 17 and 18, 1997, Syttende Mai Weekend.

The question was: Shall **Senate Joint Resolution 14** be concurred in?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 14** be immediately messaged to the Senate. Granted.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 50** be withdrawn from the committee on **Rules** and taken up at this time. Granted.

Assembly Joint Resolution 50

Relating to: proclaiming "Law Enforcement Week" and "Law Enforcement Memorial Day".

The question was: Shall **Assembly Joint Resolution 50** be adopted?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 50** be immediately messaged to the Senate. Granted.

Representative Lorge asked unanimous consent to be recorded as voting "No" on the question of passage of **Assembly Bill 5**, taken on Wednesday, February 26, 1997. Granted.

SPECIAL ORDER OF BUSINESS AT 10:01 A.M. ON TUESDAY, MAY 13

Assembly Bill 104

Relating to: prohibiting marriage between persons of the same sex.

Assembly amendment 1 to **Assembly Bill 104** offered by Representative Kreuser.

Speaker Pro Tempore Freese in the chair.

Representative Seratti moved that Assembly amendment 1 to **Assembly Bill 104** be laid on the table.

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

The question was: Shall Assembly amendment 1 to **Assembly Bill 104** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Brandemuehl, Dobyns, Duff, Foti, Freese, Gard, Goetsch, Green, Gronemus, Grothman, Gunderson, Hahn, Handrick, Harsdorf, Hasenohrl, Hebl, Hoven, Huebsch, Hutchison, Jensen, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kelso, Klusman, Kreibich, Krusick, Ladwig, F. Lasee, Lazich, M. Lehman, Linton, Lorge, Musser, Nass, Olsen, Ott, Otte, Owens, Plale, Powers, Rutkowski, Ryba, Schafer, Seratti, Skindrud, Staskunas, Sykora, Underheim, Urban, Vrakas, Walker, Ward, Wieckert, Wood, Ziegelbauer, Zukowski and Speaker Brancel – 61.

Noes – Representatives Baldwin, Baumgart, Black, Bock, Boyle, Carpenter, Coggs, Cullen, Dueholm, Hanson, Huber, Hubler, Kreuser, Kurat, Kunicki, La Fave, J. Lehman, Meyer, Morris–Tatum, Murat, Notestein, Ourada, Plouff, R. Potter, Reynolds, Riley, Schneider, Springer, Steinbrink, Travis, Vander Loop, Wasserman, Williams, L. Young and R. Young – 35.

Absent or not voting – Representatives Porter, Robson and Turner – 3.

Motion carried.

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

Representative Turner asked unanimous consent to be recorded as voting "No" on the previous question. Granted.

Assembly amendment 2 to **Assembly Bill 104** offered by Representative R. Young.

POINT OF ORDER

Representative Seratti rose to the point of order that Assembly amendment 2 to **Assembly Bill 104** was not germane under Assembly Rules 54 (1) and (3)(f).

Speaker Pro Tempore Freese ruled the point of order **well taken**.

Assembly amendment 3 to **Assembly Bill 104** offered by Representative Carpenter.

Representative Duff in the chair.

POINT OF ORDER

Representative Seratti rose to the point of order that Assembly amendment 3 to **Assembly Bill 104** was not germane under Assembly Rules 54 (1) and (3)(f).

The chair (Representative Duff) ruled the point of order **well taken**.

Representative Carpenter appealed the ruling of the chair.

The question was: Shall the ruling of the Chair stand as the ruling of the Assembly?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Brandemuehl, Dobyns, Duff, Foti, Freese, Gard, Goetsch, Green, Gronemus, Grothman, Gunderson, Hahn, Handrick, Harsdorf, Hoven, Huebsch, Hutchison, Jensen, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kelso, Klusman, Kreibich, Krusick, Ladwig, F. Lasee, Lazich, M. Lehman, Lorge, Musser, Nass, Olsen, Ott, Otte, Ourada, Owens, Powers, Rutkowski, Ryba, Schafer, Seratti, Skindrud, Sykora, Underheim, Urban, Vrakas, Walker, Ward, Wieckert, Wood, Zukowski and Speaker Brancel – 56.

Noes – Representatives Baldwin, Baumgart, Black, Bock, Boyle, Carpenter, Coggs, Cullen, Dueholm, Hanson, Hasenohrl, Hebl, Huber, Hubler, Kreuser, Krug, Kunicki, La Fave, J. Lehman, Linton, Meyer, Morris–Tatum, Murat, Notestein, Plale, Plouff, R. Potter, Reynolds, Riley, Robson, Schneider, Springer, Staskunas, Steinbrink, Travis, Turner, Vander Loop, Wasserman, Williams, L. Young, R. Young and Ziegelbauer – 42.

Absent or not voting – Representative Porter – 1.

Motion carried.

Assembly amendment 4 to **Assembly Bill 104** offered by Representative Baldwin.

Speaker Pro Tempore Freese in the chair.

Representative Seratti moved that Assembly amendment 4 to **Assembly Bill 104** be laid on the table.

The question was: Shall Assembly amendment 4 to **Assembly Bill 104** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Brandemuehl, Dobyns, Duff, Foti, Freese, Gard, Goetsch, Green, Gronemus, Grothman, Gunderson, Hahn, Handrick, Harsdorf, Hasenohrl, Hebl, Hoven, Huebsch, Hutchison, Jensen, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kelso, Klusman, Kreibich, Krusick, Ladwig, F. Lasee, Lazich, M. Lehman, Musser, Nass, Olsen, Ott, Otte, Ourada, Owens, Plale, Powers, Rutkowski, Ryba, Schafer, Seratti, Skindrud, Sykora, Underheim, Urban, Vrakas, Walker, Ward, Wieckert, Wood, Ziegelbauer, Zukowski and Speaker Brancel – 59.

Noes – Representatives Baldwin, Baumgart, Black, Bock, Boyle, Carpenter, Coggs, Cullen, Dueholm, Hanson, Huber, Hubler, Kreuser, Krug, Kunicki, La Fave, J. Lehman, Linton, Lorge, Meyer, Morris–Tatum, Murat, Notestein, Plouff, R. Potter, Reynolds, Riley, Robson, Schneider, Springer, Staskunas, Steinbrink, Travis, Turner, Vander Loop, Wasserman, Williams, L. Young and R. Young – 39.

Absent or not voting – Representative Porter – 1.

Motion carried.

Assembly substitute amendment 1 to **Assembly Bill 104** offered by Representative Bock.

Representative Kunicki asked unanimous consent that the Assembly stand recessed for fifteen minutes. Granted.

The Assembly stood recessed.

2:00 P.M.

RECESS

3:06 P.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

Representative Foti asked unanimous consent that the Assembly stand informal. Granted.

The Assembly stood informal.

Representative Foti moved that Assembly substitute amendment 1 to **Assembly Bill 104** be laid on the table.

The question was: Shall Assembly substitute amendment 1 to **Assembly Bill 104** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Brandemuehl, Dobyns, Duff, Foti, Freese, Gard, Goetsch, Green, Gronemus, Grothman, Gunderson, Hahn, Handrick, Harsdorf, Hoven, Huber, Huebsch, Hutchison, Jensen, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kelso, Klusman,

Kreibich, Krug, Krusick, Ladwig, F. Lasee, Lazich, M. Lehman, Musser, Nass, Olsen, Ott, Otte, Owens, Plouff, Powers, Rutkowski, Ryba, Schafer, Seratti, Skindrud, Springer, Staskunas, Sykora, Underheim, Urban, Vrakas, Walker, Ward, Wieckert, Wood, Ziegelbauer, Zukowski and Speaker Brancel – 60.

Noes – Representatives Baldwin, Baumgart, Black, Bock, Boyle, Carpenter, Coggs, Cullen, Dueholm, Hanson, Hasenohrl, Hebl, Hubler, Kreuser, Kunicki, La Fave, J. Lehman, Linton, Lorge, Meyer, Morris–Tatum, Murat, Notestein, Ourada, Plale, R. Potter, Reynolds, Riley, Robson, Schneider, Steinbrink, Travis, Turner, Vander Loop, Wasserman, Williams, L. Young and R. Young – 38.

Absent or not voting – Representative Porter – 1.

Motion carried.

Assembly substitute amendment 2 to **Assembly Bill 104** offered by Representative Murat.

Representative Kunicki asked unanimous consent that Assembly substitute amendment 2 to **Assembly Bill 104** be laid on the table. Granted.

Assembly substitute amendment 3 to **Assembly Bill 104** offered by Representatives Seratti, Wood and Grothman.

POINT OF ORDER

Representative Carpenter rose to the point of order that Assembly substitute amendment 3 to **Assembly Bill 104** was not germane under Assembly Rules 54 (1) and (3)(f).

Speaker pro tempore Freese ruled the point of order **well taken**.

The question was: Shall **Assembly Bill 104** be ordered engrossed and read a third time?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 104** be given a third reading. Granted.

The question was: **Assembly Bill 104** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Baumgart, Brandemuehl, Cullen, Dobyns, Duff, Foti, Freese, Gard, Goetsch, Green, Gronemus, Grothman, Gunderson, Hahn, Handrick, Harsdorf, Hasenohrl, Hebl, Hoven, Huber, Hubler, Huebsch, Hutchison, Jensen, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kelso, Klusman, Kreibich, Kreuser, Krusick, La Fave, Ladwig, F. Lasee, Lazich, J. Lehman, M. Lehman, Linton, Lorge, Meyer, Morris–Tatum, Musser, Nass, Olsen, Ott, Otte, Owens, Plale, Plouff, Powers, Robson, Rutkowski, Ryba, Schafer, Schneider, Seratti, Skindrud, Springer, Staskunas, Steinbrink, Sykora, Turner, Underheim, Urban, Vander Loop, Vrakas, Walker, Ward, Wieckert, Williams, Wood, Ziegelbauer, Zukowski and Speaker Brancel – 78.

Noes – Representatives Baldwin, Black, Bock, Boyle, Carpenter, Coggs, Dueholm, Hanson, Krug, Kunicki, Murat, Notestein, Ourada, R. Potter, Reynolds, Riley, Travis, Wasserman, L. Young and R. Young – 20.

Absent or not voting – Representative Porter – 1.

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 104** be immediately messaged to the Senate. Granted.

Representative Wasserman asked unanimous consent to be withdrawn as a coauthor of **Assembly Bill 240** and **Assembly Bill 250**. Granted.

Representative Hahn asked unanimous consent to be withdrawn as a coauthor of **Assembly Bill 301**. Granted.

ANNOUNCEMENTS

Representative Gronemus asked unanimous consent that the Assembly adjourn in memory of Wayne Franzen, founder of Franzen Circus, who recently died in a circus accident. He made it possible for small communities to have a circus come their town. Granted.

Representative Baumgart asked unanimous consent that the Assembly adjourn in honor of Aldo Leopold. Granted.

Representative Plale asked unanimous consent that the Assembly adjourn in honor of the birth of his son, John Patrick Plale. 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:

Teacher Clay Schaffer and his senior government class from the Platteville community schools, guests of Representative Brandemuehl.

Ann Bemis and Jacque Bodle from Plymouth, guests of Representative Otte.

Former State Representative and State Senator Ray Heinzen from Marshfield, guest of Representative Hasenohrl.

David Seitz from Wauwatosa, guest of Representative Walker.

ADJOURNMENT

Representative Foti moved that the Assembly stand adjourned until 1:00 P.M. on Thursday, May 15.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

5:45 P.M.