



STATE OF WISCONSIN

Assembly Journal

Ninety–Third Regular Session

9:40 A.M.

THURSDAY, January 15, 1998

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

Speaker Jensen in the chair.

The prayer was offered by Pastor Peter Nycklemo of Martin Luther Lutheran Church in Milwaukee.

Representative Freese 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, Cogs, Cullen, Dobyns, Dueholm, Duff, Foti, Freese, Gard, Goetsch, Green, Gronemus, Grothman, Gunderson, Hahn, Handrick, Hanson, Harsdorf, Hasenohrl, Hebl, Hoven, Huber, Hubler, Huebsch, Hutchison, 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, Porter, R. Potter, Powers, Reynolds, Riley, Robson, 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 Jensen – 97.

Absent with leave – None.

Vacancies – 42nd and 82nd Assembly Districts – 2.

AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 114** offered by Representative Ladwig.

Assembly substitute amendment 1 to **Assembly Bill 159** offered by Representative Handrick.

Assembly amendment 2 to Assembly substitute amendment 1 to **Assembly Bill 308** offered by Representative Huebsch.

Assembly amendment 1 to **Assembly Bill 476** offered by committee on **Judiciary**.

Assembly substitute amendment 1 to **Assembly Bill 674** offered by committee on **Education**.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 96

Relating to: the life and public service of Thomas Murray.

By Representatives Boyle, Hubler, Linton and Schneider.

To committee on **Rules**.

Assembly Bill 712

Relating to: harboring or aiding juveniles who have run away or failed to appear in court and providing a penalty.

By Representatives Kelso, Murat, Huebsch, Dobyns, Jensen, Ladwig, M. Lehman, Ott, Owens, Porter, Underheim and Ryba; cosponsored by Senators Fitzgerald and Darling.

To committee on **Children and Families**.

Assembly Bill 713

Relating to: the designation by a parent or the appointment by a court of a standby guardian of a child whose duty and authority as standby guardian begins on the incapacity, death, or debilitation and consent, of the parent.

By Representatives Kelso, Powers, Hahn, Huebsch, Jensen, F. Lasee, M. Lehman, Skindrud and Ryba; cosponsored by Senators Huelsman, Darling and Roessler.

To committee on **Children and Families**.

Assembly Bill 714

Relating to: a hotline in the department of justice for the reporting of information regarding firearms in public schools.

By Representatives Kelso, Sykora, Hahn, Huebsch, Jensen, Lazich, Skindrud, Hasenohrl, Ryba and Travis; cosponsored by Senator Darling.

To committee on **Education**.

Assembly Bill 715

Relating to: authorizing the search of a pupil's locker.

By Representatives Kelso, Ryba, Schafer, Ainsworth, Brandemuehl, Dobyns, Goetsch, Harsdorf, Hoven, Huebsch, Hutchison, Jensen, Kaufert, Ladwig, Lazich, Musser, Ott, Otte, Skindrud, Sykora, Walker, Ward and Hasenohrl; cosponsored by Senators Zien and Darling.

To committee on **Education**.

Assembly Bill 716

Relating to: subjecting prepaid telephone calling cards and prepaid authorization numbers to the sales tax and the use tax.

By Representatives Hutchison, Jensen, F. Lasee, Albers, Brandemuehl, Goetsch, Kedzie, Ladwig, Musser, Plouff and Kelso; cosponsored by Senator Jauch.

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

Assembly Bill 717

Relating to: creating an individual income tax exemption for amounts paid for elementary and secondary educational costs.

By Representatives Otte, Jensen, Urban, Grothman, Powers, Sykora, Gronemus and Staskunas; cosponsored by Senators Farrow, Darling, Roessler and Welch.

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

Assembly Bill 718

Relating to: alcohol beverage "Class B" and reserve "Class B" licenses and operators' licenses.

By Representatives Ziegelbauer, Urban, Harsdorf, J. Lehman, Notestein, Robson, Turner, Otte, Ward, Staskunas, Black, R. Young, La Fave and Wasserman; cosponsored by Senator Darling.

To committee on **State Affairs**.

Assembly Bill 719

Relating to: training services provided by the department of employment relations for nonstate governmental units.

By Representatives Ryba, Ainsworth, Plouff, Kelso, Vander Loop, Gronemus, Musser and Goetsch; cosponsored by Senators Drzewiecki and Roessler.

To committee on **Government Operations**.

Assembly Bill 720

Relating to: changes to the probate code.

By Representatives Green and Hubler.

To committee on **Judiciary**.

Assembly Bill 721

Relating to: deductibles for coverage of treatment for alcoholism and other drug abuse problems and nervous and mental disorders.

By Representatives Notestein, Harsdorf, Ourada, Bock, Turner, Musser, Robson, Plale, Brandemuehl, Boyle, R. Young, Hasenohrl, Baldwin, Riley, Hanson, L. Young, Wasserman, Kreuser, Springer, La Fave, Murat and Gronemus; cosponsored by Senators Roessler, Burke, Shibilski, Panzer, George, Darling, Clausing, Wirch and Rosenzweig.

To committee on **Insurance, Securities and Corporate Policy**.

Assembly Bill 722

Relating to: underage persons and certain billiards centers where alcohol beverages are sold and consumed.

By Representatives Baldwin, Powers, Boyle, Goetsch, F. Lasee, Musser and Grothman; cosponsored by Senators Risser, Decker and Breske.

To committee on **State Affairs**.

Assembly Bill 723

Relating to: the Wisconsin Humanities Council and making an appropriation.

By Representatives Schneider, Hasenohrl, R. Young, Boyle, Plouff, Notestein, Meyer, Murat, Robson, Staskunas, Gronemus, Plale, Wieckert, Hoven, Baldwin, Hanson, Black, Baumgart, Bock, L. Young, Hahn and Musser; cosponsored by Senators Burke, Grobschmidt, Jauch, Risser and Darling.

To committee on **Tourism and Recreation**.

Assembly Bill 724

Relating to: misappropriation of personal identifying information and providing a penalty.

By Representatives Schneider, Jensen, Dobyns, Krug, Gronemus, Travis, R. Young, Robson, Notestein, Staskunas, Hasenohrl, Powers, Plale, Springer, Otte, Murat, Musser, Ziegelbauer, Kaufert, Ladwig, Plouff, Wasserman, Albers, Ryba, F. Lasee, Porter, Turner, Seratti, Boyle and Hutchison; cosponsored by Senators Huelsman and Darling.

To committee on **Criminal Justice and Corrections**.

COMMITTEE REPORTS

The committee on **Education** reports and recommends:

Assembly Bill 399

Relating to: the issuance of alternative teaching permits and teaching licenses.

Assembly substitute amendment 1 adoption:

Ayes: 9 – Representatives Olsen, Nass, Duff, Ainsworth, Hahn, Otte, Ward, Schneider and Reynolds.

Noes: 5 – Representatives Brandemuehl, R. Young, Ziegelbauer, Dueholm and J. Lehman.

Passage as amended:

Ayes: 9 – Representatives Olsen, Nass, Duff, Ainsworth, Hahn, Otte, Ward, Schneider and Reynolds.

Noes: 5 – Representatives Brandemuehl, R. Young, Ziegelbauer, Dueholm and J. Lehman.

To joint committee on **Finance**.

Assembly Bill 674

Relating to: special education programs for children with disabilities and granting rule-making authority.

Assembly substitute amendment 1 adoption:

Ayes: 14 – Representatives Olsen, Nass, Brandemuehl, Duff, Ainsworth, Hahn, Otte, Ward, Schneider, R. Young, Reynolds, Ziegelbauer, Dueholm and J. Lehman.

Noes: 0.

Passage as amended:

Ayes: 14 – Representatives Olsen, Nass, Brandemuehl, Duff, Ainsworth, Hahn, Otte, Ward, Schneider, R. Young, Reynolds, Ziegelbauer, Dueholm and J. Lehman.

Noes: 0.

To committee on **Rules**.

Senate Bill 123

Relating to: notification of a juvenile's school if a juvenile delinquency proceeding is terminated without a finding that the juvenile has committed a delinquent act.

Concurrence:

Ayes: 14 – Representatives Olsen, Nass, Brandemuehl, Duff, Ainsworth, Hahn, Otte, Ward, Schneider, R. Young, Reynolds, Ziegelbauer, Dueholm and J. Lehman.

Noes: 0.

To committee on **Rules**.

LUTHER OLSEN
Chairperson
Committee on Education

The committee on **Judiciary** reports and recommends:

Assembly Bill 476

Relating to: awarding revising maintenance payments on the basis of debt discharge in bankruptcy.

Assembly amendment 1 adoption:

Ayes: 9 – Representatives Green, Grothman, Freese, Vrakas, Kelso, Huber, Notestein, Hubler and Cullen.

Noes: 0.

Passage as amended:

Ayes: 9 – Representatives Green, Grothman, Freese, Vrakas, Kelso, Huber, Notestein, Hubler and Cullen.

Noes: 0.

To committee on **Rules**.

MARK GREEN
Chairperson
Committee on Judiciary

MESSAGE FROM THE SENATE

By Donald J. Schneider, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Concurred in:

Assembly Joint Resolution 42

Assembly Joint Resolution 48

Assembly Bill 29

Assembly Bill 132

Assembly Bill 141

Assembly Bill 261

Assembly Bill 266

Assembly Bill 419

Assembly amendments 1 and 2 to **Senate Bill 35**

Concurred in as amended:

Assembly Bill 20 (Senate substitute amendment 1 adopted)

Assembly Bill 397 (Senate amendment 1 adopted)

ACTION ON THE SENATE MESSAGE

Assembly Bill 20

Relating to: the method of estimating the number of children residing in a school district for purposes of taking an annual school count.

By Representatives Nass, Porter, Musser, M. Lehman, Ward, Hahn, Jensen, Owens, Grothman, Ott and Gunderson.

Referred to committee on **Rules**.

Assembly Bill 397

Relating to: hospital visitation.

By Representatives Jensen and Krug.

Referred to committee on **Rules**.

SPEAKER'S COMMUNICATIONS

January 7, 1998

Charles Sanders
Assembly Chief Clerk
1 East Main Street, Suite 402
P.O. Box 8952
Madison, Wisconsin 53708

Dear Mr. Sanders:

I am writing to notify you, as Assembly Chief Clerk, that I am scheduling an election to fill the vacancy of Sergeant-at-Arms of the Assembly for January 15, 1998 at 10:01 A.M. Under Assembly Rule 1, a midterm vacancy in such an office shall be filled by an election scheduled by the Speaker as a special order of business. Pursuant to Assembly Rule 1, I am requesting that this special order of business be placed on the calendar for January 15, 1998.

Sincerely,
SCOTT R. JENSEN
Assembly Speaker

SPECIAL ORDER OF BUSINESS

AT 10:01 A.M.

ON THURSDAY, JANUARY 15

ELECTION OF SERGEANT-AT-ARMS

Representative Hanson nominated Denise Solie for the position of Assembly Sergeant-at-Arms.

There being no further nominations, the Speaker declared nominations closed.

Representative Foti asked unanimous consent that a unanimous ballot be cast with all members of the Assembly recorded as voting for Denise Solie for Assembly Sergeant-at-Arms. Granted.

For Denise Solie - Representatives Ainsworth, Albers, Baldwin, Baumgart, Black, Bock, Boyle, Brandemuehl, Carpenter, Coggs, Cullen, Dobyns, Dueholm, Duff, Foti, Freese, Gard, Goetsch, Green, Gronemus, Grothman,

Gunderson, Hahn, Handrick, Hanson, Harsdorf, Hasenohrl, Hebl, Hoven, Huber, Hubler, Huebsch, Hutchison, 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, Porter, R. Potter, Powers, Reynolds, Riley, Robson, 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 Jensen - 97.

Absent or not voting - None.

Denise Solie was elected Assembly Sergeant-at-Arms.

Representatives Skindrud and Baldwin escorted Denise Solie to the rostrum.

The oath of office was administered by Speaker Jensen.

SERGEANT-AT-ARM'S ANNOUNCEMENT

Denise Solie announced that she has reappointed Steve Kelly as Deputy Sergeant-at-Arms for the remainder of the 1997-98 session.

Representative Foti introduced a privileged resolution.

Assembly Resolution 11

Relating to: notifying the Senate and the governor of the election of the Assembly sergeant-at-arms.
By Representatives Foti and Jensen.

The question was: Shall **Assembly Resolution 11** be adopted?

Motion carried.

Representative Foti introduced a privileged resolution.

Assembly Resolution 12

Relating to: commending Ruth Doyle's championship of women's rights and her accomplishments.
By Representatives Foti and Jensen.

The question was: Shall **Assembly Resolution 12** be adopted?

Motion carried.

SPECIAL GUESTS

Speaker Jensen introduced Ruth Doyle, a former member of the Wisconsin State Assembly who introduced a resolution in 1951 condemning the man who was then the sergeant-at-arms for refusing to hire a woman as a messenger. Assembly Joint Resolution 12, passed today by the Assembly, commends Ruth Doyle's championship of women's rights and her accomplishments. She is also the mother of Wisconsin's Attorney General James Doyle, who addressed the members from the rostrum on behalf of his mother.

SPECIAL GUEST

Representative Travis introduced former Assembly Speaker Tom Loftus, United States Ambassador to the Kingdom of Norway, who addressed the members from the rostrum.

Representative Green asked unanimous consent that the Assembly stand recessed until 12:00 Noon. Granted.

The Assembly stood recessed.

10:40 A.M.

RECESS

1:12 P.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

Representative Foti introduced a privileged joint resolution.

Assembly Joint Resolution 97

Relating to: the life and public service of Jule Berndt.
By Representative Harsdorf; cosponsored by Senator Clausing.

The question was: Shall **Assembly Joint Resolution 97** be adopted?

Motion carried.

Representative Harsdorf asked unanimous consent that all members of the Assembly be made coauthors of **Assembly Joint Resolution 97**. Granted.

Representative Harsdorf asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 97** be immediately messaged to the Senate. Granted.

CALENDAR OF THURSDAY, JANUARY 15

Assembly Bill 463

Relating to: unborn children who are at substantial risk of serious physical injury due to the habitual lack of self-control of their expectant mothers in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree.

The question was: Shall the vote by which **Assembly Bill 463** was passed be reconsidered?

The roll was taken.

The result follows:

Ayes – Representatives Baldwin, Black, Bock, Boyle, Carpenter, Cogg, Cullen, Dueholm, Gronemus, Hanson, Hasenohrl, Huber, Hubler, Kreuser, Krug, Kunicki, La Fave, J. Lehman, Meyer, Morris–Tatum, Murat, Notestein, Plouff, R. Potter, Riley, Robson, Schneider, Springer, Steinbrink, Travis, Turner, Wasserman, Williams, L. Young and R. Young – 35.

Noes – Representatives Ainsworth, Albers, Baumgart, Brandemuehl, Dobyns, Duff, Foti, Freese, Gard, Goetsch, Green, Grothman, Gunderson, Hahn, Handrick, Harsdorf, Hebl, Hoven, Huebsch, Hutchison, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kelso, Klusman, Kreibich, Krusick, Ladwig, F. Lasee, Lazich, M. Lehman, Linton, Lorge, Musser, Nass, Olsen, Ott, Otte, Ourada, Owens, Plale, Porter, Powers, Reynolds, Ryba, Schafer, Seratti, Skindrud, Staskunas, Sykora, Underheim, Urban, Vander Loop, Vrakas, Walker, Ward, Wieckert, Wood, Ziegelbauer, Zukowski and Speaker Jensen – 62.

Absent or not voting – None.

Motion failed.

Assembly Joint Resolution 75

Relating to: urging the U.S. navy to name the last Seawolf submarine “Manitowoc”.

The question was: Shall **Assembly Joint Resolution 75** be adopted?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 75** be immediately messaged to the Senate. Granted.

Assembly Joint Resolution 87

Relating to: declaring April 6 Tartan Day.

The question was: Shall **Assembly Joint Resolution 87** be adopted?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 87** be immediately messaged to the Senate. Granted.

Assembly Joint Resolution 88

Relating to: celebrating Wisconsin’s sesquicentennial.

The question was: Shall **Assembly Joint Resolution 88** be adopted?

Motion carried.

Representative Vrakas asked unanimous consent that all members of the Assembly be made coauthors of **Assembly Joint Resolution 88**. Granted.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 88** be immediately messaged to the Senate. Granted.

Assembly Joint Resolution 89

Relating to: honoring Wisconsin veterans.

Assembly amendment 1 to **Assembly Joint Resolution 89** offered by Representative Johnsrud.

The question was: Shall Assembly amendment 1 to **Assembly Joint Resolution 89** be adopted?

Motion carried.

The question was: Shall **Assembly Joint Resolution 89** be adopted?

Motion carried.

Representative Brandemuehl asked unanimous consent that all members of the Assembly be made coauthors of **Assembly Joint Resolution 89**. Granted.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 89** be immediately messaged to the Senate. Granted.

Assembly Joint Resolution 90

Relating to: honoring Wisconsin Indian tribes.

The question was: Shall **Assembly Joint Resolution 90** be adopted?

Motion carried.

Representative Ladwig asked unanimous consent that all members of the Assembly be made coauthors of **Assembly Joint Resolution 90**. Granted.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 90** be immediately messaged to the Senate. Granted.

Assembly Joint Resolution 91

Relating to: significant Wisconsin persons.

Assembly amendment 1 to **Assembly Joint Resolution 91** offered by Representative Krug.

The question was: Shall Assembly amendment 1 to **Assembly Joint Resolution 91** be adopted?

Motion carried.

Assembly amendment 2 to **Assembly Joint Resolution 91** offered by Representative Handrick.

The question was: Shall Assembly amendment 2 to **Assembly Joint Resolution 91** be adopted?

Motion carried.

Assembly amendment 3 to **Assembly Joint Resolution 91** offered by Representative Dobyns.

The question was: Shall Assembly amendment 3 to **Assembly Joint Resolution 91** be adopted?

Motion carried.

Assembly amendment 4 to **Assembly Joint Resolution 91** offered by Representative Black.

Representative Black asked unanimous consent that Assembly amendment 4 to **Assembly Joint Resolution 91** be withdrawn and returned to the author. Granted.

Assembly amendment 5 to **Assembly Joint Resolution 91** offered by Representative Plale.

The question was: Shall Assembly amendment 5 to **Assembly Joint Resolution 91** be adopted?

Motion carried.

Assembly amendment 6 to **Assembly Joint Resolution 91** offered by Representative Murat.

Representative Murat asked unanimous consent that Assembly amendment 6 to **Assembly Joint Resolution 91** be withdrawn and returned to the author. Granted.

Assembly amendment 7 to **Assembly Joint Resolution 91** offered by Representative Huebsch.

The question was: Shall Assembly amendment 7 to **Assembly Joint Resolution 91** be adopted?

Motion carried.

Assembly amendment 8 to **Assembly Joint Resolution 91** offered by Representatives Bock, Coggs and Hanson.

The question was: Shall Assembly amendment 8 to **Assembly Joint Resolution 91** be adopted?

Motion carried.

Assembly amendment 9 to **Assembly Joint Resolution 91** offered by Representative Murat.

The question was: Shall Assembly amendment 9 to **Assembly Joint Resolution 91** be adopted?

Motion carried.

The question was: Shall **Assembly Joint Resolution 91** be adopted?

Motion carried.

Representative Dobyms asked unanimous consent that all members of the Assembly be made coauthors of **Assembly Joint Resolution 91**. Granted.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 91** be immediately messaged to the Senate. Granted.

Assembly Joint Resolution 92

Relating to: Wisconsin firsts.

Assembly amendment 1 to **Assembly Joint Resolution 92** offered by Representative Handrick.

The question was: Shall Assembly amendment 1 to **Assembly Joint Resolution 92** be adopted?

Motion carried.

The question was: Shall **Assembly Joint Resolution 92** be adopted?

Motion carried.

Representative Jeskewitz asked unanimous consent that all members of the Assembly be made coauthors of **Assembly Joint Resolution 92**. Granted.

Representative Grothman asked unanimous consent to be withdrawn as a coauthor of **Assembly Joint Resolution 92**. Granted.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 92** be immediately messaged to the Senate. Granted.

Assembly Joint Resolution 93

Relating to: significant Wisconsin events.

The question was: Shall **Assembly Joint Resolution 93** be adopted?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 93** be immediately messaged to the Senate. Granted.

Assembly Joint Resolution 94

Relating to: Wisconsin women's accomplishments and significant Wisconsin events.

Assembly substitute amendment 1 to **Assembly Joint Resolution 94** offered by Representative R. Potter.

The question was: Shall Assembly substitute amendment 1 to **Assembly Joint Resolution 94** be adopted?

Motion carried.

The question was: Shall **Assembly Joint Resolution 94** be adopted?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 94** be immediately messaged to the Senate. Granted.

Assembly Joint Resolution 95

Relating to: celebrating the achievements of Wisconsin's African-Americans.

Assembly amendment 1 to **Assembly Joint Resolution 95** offered by Representatives Riley, Coggs and Morris-Tatum.

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

Motion carried.

Representative Ladwig asked unanimous consent that **Assembly Joint Resolution 95** be laid on the table. Granted.

Senate Joint Resolution 22

Relating to: naming a Seawolf submarine the "Manitowoc".

The question was: Shall **Senate Joint Resolution 22** be concurred in?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 22** be immediately messaged to the Senate. Granted.

Senate Joint Resolution 29

Relating to: the life and public service of Arthur Lenroot.

The question was: Shall **Senate Joint Resolution 29** be concurred in?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 29** be immediately messaged to the Senate. Granted.

Senate Joint Resolution 30

Relating to: proclaiming Statehood Day Weekend.

The question was: Shall **Senate Joint Resolution 30** be concurred in?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 30** be immediately messaged to the Senate. Granted.

Assembly Joint Resolution 19

Relating to: establishing a sister-state relationship with the Cap Vert Region of Senegal.

Representative Morris-Tatum moved that the rules be suspended and that **Assembly Joint Resolution 19** be withdrawn from the committee on **State-Federal Relations** and referred to the committee on **Rules**.

The question was: Shall the rules be suspended and **Assembly Joint Resolution 19** be withdrawn from the committee on **State-Federal Relations** and referred to the committee on **Rules**?

The roll was taken.

The result follows:

Ayes – Representatives Baldwin, Baumgart, Black, Bock, Boyle, Carpenter, Coggs, Cullen, Dobyns, Dueholm, Gronemus, Hanson, Hasenohrl, Hebl, Huber, Hubler, Kreuser, Krug, Krusick, Kunicki, La Fave, J. Lehman, Linton, Lorge, Meyer, Morris-Tatum, Murat, Notestein, Plale, Plouff, R. Potter, Reynolds, Riley, Robson, Ryba, Schneider, Springer, Staskunas, Steinbrink, Travis, Turner, Vander Loop, Wasserman, Williams, Wood, L. Young, R. Young and Ziegelbauer – 48.

Noes – Representatives Ainsworth, Albers, Brandemuehl, Duff, Foti, Freese, Gard, Goetsch, Green, Grothman, Gunderson, Hahn, Handrick, Harsdorf, Hoven, Huebsch, Hutchison, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kelso, Klusman, Kreibich, Ladwig, F. Lasee, Lazich, M. Lehman, Musser, Nass, Olsen, Ott, Otte, Ourada, Owens, Porter,

Powers, Schafer, Seratti, Skindrud, Sykora, Underheim, Urban, Vrakas, Walker, Ward, Wieckert, Zukowski and Speaker Jensen – 49.

Absent or not voting – None.

Motion failed.

Representative Ladwig asked unanimous consent that **Assembly Joint Resolution 95** be taken from the table and taken up at this time. Granted.

Assembly Joint Resolution 95

Relating to: celebrating the achievements of Wisconsin's African-Americans.

Assembly amendment 2 to **Assembly Joint Resolution 95** offered by Representative Morris-Tatum.

Representative Riley asked unanimous consent that the entire membership of the Assembly made coauthors of Assembly amendment 2 to **Assembly Joint Resolution 95**. Granted.

The question was: Shall Assembly amendment 2 to **Assembly Joint Resolution 95** be adopted?

Motion carried.

The question was: Shall **Assembly Joint Resolution 95** be adopted?

Motion carried.

Representative Riley asked unanimous consent that all members of the Assembly be made coauthors of **Assembly Joint Resolution 95**. Granted.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 95** be immediately messaged to the Senate. Granted.

RULING ON THE POINT OF ORDER

Speaker Pro Tempore Freese ruled **well taken** the point of order raised by Representative Foti on Tuesday, November 18, 1997, that the motion to withdraw **Assembly Bill 421** from the joint survey committee on Retirement Systems was not in order.

On November 18, 1997, the Gentleman from the 72nd had moved to suspend rule 15 (1) (a) & (5), so **Assembly Bill 421** could be withdrawn from the Joint Survey Committee on Retirement and taken up. The Gentleman from the 38th raised a point of order that this motion was not in order per Wisconsin Statutes Section 13.50 (6).

The Gentleman from the 72nd then rose on the point of order and cited from the previous rulings of the chair three cases where precedent had been established.

On October 28, 1983, Speaker Loftus ruled a motion out of order under section 13.50 (6) of the Wisconsin Statutes. (Note: Under s. 13.50 (6), stats., when a proposal must be referred to the Joint Survey Committee and has been so referred, "such proposal shall not be considered further by either house until the Joint Survey Committee has submitted a report, in writing, setting forth an opinion on the legality of

the proposal, the fiscal effect upon the state and its subdivisions and its desirability as a matter of public policy".) On October 6, 1981, Speaker Jackamonis ruled a similar motion out of order citing section 13.50 of the Wisconsin Statutes. On February 2, 1982, President Risser ruled on a point of order citing the same statutes.

Representative Schneider believed all three of these rulings came before the decision in *State ex rel. Lafollette v. Stitt*, 114 W (2d) 358, 338 NW (2d) 684 (1983). That case stands for the proposition that the court will invalidate legislation only for constitutional violations, not for violations of legislative rules in the statutes or elsewhere. Representative Schneider went on to propose that section 13.50 (6) is nothing more than a legislative rule like 15 (1) (a) & (5) or Joint rule 96 and they can all be suspended. Representative Schneider presented to the chair a memorandum from Peter Dykman, Acting Chief of the Legislative Reference Bureau in support of his contention that this particular statute was merely a rule and it could be suspended.

As presiding officer I took the point of order under advisement. Since then I have read the Stitt opinion, the previous rulings of the chair, as well as Masons manual, and assembly rule books dating as far back as 1943. I also looked at the relevant Wisconsin Statutes, when they were created and their correlation to the rules of the Legislature. Section 13.50 (6) was created in 1963 as [Chapter 153, laws of 1963](#) as 13.44 (9) with exact wording as it appears today. In 1977, through Assembly Resolution 6, assembly rule 26 was first created which is our current rule 15 (1). It appears to me that the legislative intent behind the statutes was to create a process that had to be followed and was not to be circumvented.

I then looked at the sequencing of the previous rulings along with the Supreme Court decision. The Jackamonis and Risser decision were handed down prior to the Supreme Court Decision and the Loftus decision came after the Supreme Court decision.

This ruling presents this institution with a dilemma. If these statutes are merely rules that we can easily disregard, then long standing traditions and requirements that this institution has followed will cease to exist. For example, we would no longer need to have appropriation bills referred to the Joint Committee on Finance, in fact we would no longer even be required to have a Joint Committee on Finance. Legislation submitting referenda to the voters would no longer need to contain the precise wording of the question which is submitted to the voters. The required General Fund Balance in the statutes could simply be ignored. Legislation that spends money could be passed at any time, even before the budget passes.

A question remains as to why previous legislatures first created statutes then 14 years later created the same as a rule. I believe they wanted a process that would not allow for certain procedures to be bypassed. The Stitt decision I believe merely supports the notion that it is for the Legislature to decide and enforce its own rules. We clearly have the authority to suspend our own rules with a 2/3rds vote or by unanimous consent. It is this chair's ruling that we do not have the authority to suspend statutes when points of order are made. I believe the precedent that has been established by

Speakers Jackamonis and Loftus and President Risser which occurred before and after the Stitt decision still stands.

As a cosponsor of the bill, it would be very desirable for me to simply disregard these previous rulings and help the bill become law. However, I believe strongly in the institution and its precedents, and therefore I must find the point of order well taken. It is clear to me that we can ignore our own rules but we cannot suspend statutes. This decision was based on these three previous rulings and the precedent that was established by placing both legislative statutes and rules as an order of process for legislation to pass.

Representative Schneider 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, Grothman, Gunderson, Hahn, Handrick, Harsdorf, Hoven, Huebsch, Hutchison, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kelso, Klusman, Kreibich, Ladwig, F. Lasee, Lazich, M. Lehman, Lorge, Musser, Nass, Olsen, Ott, Otte, Ourada, Owens, Porter, Powers, Schafer, Seratti, Skindrud, Sykora, Underheim, Urban, Vrakas, Walker, Ward, Wieckert, Zukowski and Speaker Jensen – 51.

Noes – Representatives Baldwin, Baumgart, Black, Bock, Boyle, Carpenter, Coggs, Cullen, Dueholm, Gronemus, Hanson, Hasenohrl, Hebl, Huber, Hubler, Kreuser, Krug, Krusick, Kunicki, La Fave, J. Lehman, Linton, Meyer, Morris–Tatum, Murat, Notestein, Plale, Plouff, R. Potter, Reynolds, Riley, Robson, Ryba, Schneider, Springer, Staskunas, Steinbrink, Travis, Turner, Vander Loop, Wasserman, Williams, Wood, L. Young, R. Young and Ziegelbauer – 46.

Absent or not voting – None.

Motion carried.

Representative Hahn asked unanimous consent that all members of the Assembly be made coauthors of **Assembly Joint Resolution 75, Assembly Joint Resolution 87, Assembly Joint Resolution 93, Assembly Joint Resolution 94, Senate Joint Resolution 22, Senate Joint Resolution 29, and Senate Joint Resolution 30**. Granted.

Assembly Bill 497

Relating to: seizure of motor vehicles for offenses related to driving while under the influence of an intoxicant.

The question was: **Assembly Bill 497** having been read three times, shall the bill be passed?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 497** be immediately messaged to the Senate. Granted.

Assembly Bill 453

Relating to: the publication of a noxious weeds notice by a city, village or town.

The question was: Shall **Assembly Bill 453** be ordered engrossed and read a third time?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 453** be given a third reading. Granted.

The question was: **Assembly Bill 453** having been read three times, shall the bill be passed?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 453** be immediately messaged to the Senate.

Representative Schneider objected.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 453** be immediately messaged to the Senate. Granted.

Assembly Bill 486

Relating to: holding juveniles in municipal lockup facilities and granting rule-making authority.

The question was: Shall **Assembly Bill 486** be ordered engrossed and read a third time?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 486** be given a third reading. Granted.

The question was: **Assembly Bill 486** having been read three times, shall the bill be passed?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 486** be immediately messaged to the Senate. Granted.

Assembly Bill 609

Relating to: eliminating some of the school district and cooperative educational service agency reporting requirements and granting rule-making authority.

Assembly amendment 1 to **Assembly Bill 609** offered by Representative Nass.

The question was: Shall Assembly amendment 1 to **Assembly Bill 609** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 609** be ordered engrossed and read a third time?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 609** be given a third reading. Granted.

The question was: **Assembly Bill 609** having been read three times, shall the bill be passed?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 609** be immediately messaged to the Senate. Granted.

Assembly Bill 711

Relating to: proceeds from the sale of sesquicentennial commemorative registration plates and making an appropriation.

The question was: Shall **Assembly Bill 711** be ordered engrossed and read a third time?

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 711** be given a third reading. Granted.

The question was: **Assembly Bill 711** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Baldwin, Baumgart, Black, Bock, Boyle, Brandemuehl, Carpenter, Coggs, Cullen, Dobyns, Dueholm, Duff, Foti, Freese, Gard, Goetsch, Green, Gronemus, Gunderson, Hahn, Handrick, Hanson, Harsdorf, Hasenohrl, Hebl, Hoven, Huber, Hubler, Huebsch, Hutchison, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kelso, Klusman, Kreibich, Kreuser, Krug, Krusick, Kunicki, La Fave, Ladwig, J. Lehman, M. Lehman, Linton, Lorge, Meyer, Morris–Tatum, Murat, Musser, Nass, Notestein, Olsen, Ott, Otte, Ourada, Owens, Plale, Plouff, Porter, R. Potter, Powers, Reynolds, Riley, Robson, Ryba, Schafer, Schneider, Seratti, Skindrud, Springer, Staskunas, Steinbrink, Sykora, Travis, Turner, Underheim, Urban, Vander Loop, Vrakas, Walker, Ward, Wieckert, Williams, Wood, L. Young, R. Young, Ziegelbauer, Zukowski and Speaker Jensen – 93.

Noes – Representatives Grothman, F. Lasee, Lazich and Wasserman – 4.

Absent or not voting – None.

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 711** be immediately messaged to the Senate. Granted.

MOTIONS

Representative Gard asked unanimous consent that the rules be suspended and that **Assembly Bill 289** be withdrawn from joint committee on **Finance** and referred to the committee on **Rules**. Granted.

Representative Gard asked unanimous consent that the rules be suspended and that **Assembly Bill 319** be withdrawn from joint committee on **Finance** and referred to the committee on **Rules**. Granted.

Representative Gard asked unanimous consent that the rules be suspended and that **Assembly Bill 399** be withdrawn

from joint committee on **Finance** and referred to the committee on **Rules**. Granted.

Representative Gard asked unanimous consent that the rules suspended and that **Assembly Bill 586** be withdrawn from joint committee on **Finance** and referred to the committee on **Rules**. Granted.

Representative Gard asked unanimous consent that the rules suspended and that **Assembly Bill 445** be withdrawn from joint committee on **Finance** and referred to the committee on **Rules**. Granted.

ANNOUNCEMENTS

Representative Baumgart asked unanimous consent that the Assembly adjourn in honor and recognition of Aldo Leopold, who was listed numerous times during the celebration in Belmont yesterday, when the Assembly commemorated Wisconsin's Sesquicentennial. Granted.

Representative Jeskewitz asked unanimous consent that the Assembly adjourn in honor of her new grandson, Collin James, born to her daughter Jayne Hartmann, and her husband Bill, on January 1, 1998 – the first day of Wisconsin's Sesquicentennial. Granted.

Representative Schafer asked unanimous consent that the Assembly adjourn in memory of Agnes Burich, who passed away on Monday, January 12, 1998. Granted.

Representative Schafer asked unanimous consent that the Assembly adjourn in honor of his mother-in-law, Anita Biletzky, who celebrated her 50th birthday on Wednesday, January 14, 1998. Granted.

Representative Ward asked unanimous consent that the Assembly adjourn in memory of Ken Kirby, for his 51 years of service to the Town of Sumner in Jefferson County. Granted.

Representative Riley asked unanimous consent that the Assembly adjourn in honor of Sena Krug of the Assembly Sergeant-at-Arms staff, who will be celebrating her 26th birthday on Sunday, January 18th. Granted.

Representative Gronemus asked unanimous consent that the Assembly adjourn in honor of her husband, Lambert Gronemus, on the occasion of his 72nd birthday. Granted.

Representative Morris-Tatum asked unanimous consent that the Assembly adjourn in memory of Rashan Stamper, who recently died in an accident at the young age of 18. Granted.

Representative Vrakas asked unanimous consent that the Assembly adjourn in memory of Dorothea Bundy, who will be remembered for her volunteer efforts on behalf of Waukesha County. Granted.

Representative Vrakas and Bock asked unanimous consent that the Assembly adjourn in memory of Sam Bartolotta, who recently passed away. He made Wisconsin famous with his top-notch fireworks displays around the state and country. Granted.

Representative Ward asked unanimous consent that the Assembly adjourn in honor of Aaron Moede of his office staff, who is leaving after 5 years of service to go to Graduate School. Granted.

Representative Coggs asked unanimous consent that the Assembly adjourn in memory of Kojo Kazmende, who was recently murdered at the young age of 26. Granted.

Representative R. Young asked unanimous consent that the Assembly adjourn in honor of her newborn grandchildren, Celia Rose Chambers, born on November 25, 1997 and Daniel Isaac Dedina, born on January 8, 1998. Granted.

Representative Hanson asked unanimous consent that the Assembly adjourn in honor of Governor Tommy G. Thompson, for changing the time of his State of the State Address next Tuesday from 7:00 P.M. to 6:00 P.M., to accommodate those wanting to attend the first UW Women's basketball game in the new Kohl Center. Granted.

Representative Kelso asked unanimous consent that the Assembly adjourn in honor of the Green Bay Packers on winning their second straight National Football Conference Title, advancing them to their second straight Super Bowl to be played in San Diego on Sunday, January 25th. 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:

Representative-elect Joan Wade Spillner, who will be sworn in on Tuesday, January 20th, guest of Representative Green.

George Rock and Herbert Buettner from White Lake in Forest County, guests of Representatives Baumgart and Seratti.

ADJOURNMENT

Representative Foti moved that the Assembly stand adjourned until 10:00 A.M. on Tuesday, January 20.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

3:09 P.M.