



STATE OF WISCONSIN

Assembly Journal

Ninety-Fourth Regular Session

12:25 P.M.

WEDNESDAY, October 6, 1999

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

Speaker Pro Tempore Freese in the chair.

The prayer was offered by Representative Hutchison.

Representative Sherman 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, Balow, Berceau, Black, Bock, Boyle, Brandemuehl, Carpenter, Coggs, Colon, Cullen, Duff, Foti, Freese, Gard, Goetsch, Gronemus, Grothman, Gunderson, Gundrum, Hahn, Handrick, Hasenohrl, Hebl, Hoven, Huber, Hubler, Huebsch, Hundertmark, Hutchison, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kelso, Kestell, Klusman, Kreibich, Kreuser, Krug, Krusick, La Fave, Ladwig, F. Lasee, Lassa, J. Lehman, M. Lehman, Leibham, Meyer, Meyerhofer, Miller, Montgomery, Morris–Tatum, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Plale, Plouff, Pocan, Porter, Powers, Reynolds, Rhoades, Richards, Riley, Ryba, Schneider, Schooff, Seratti, Sherman, Sinicki, Skindrud, Spillner, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Travis, Turner, Underheim, Urban, Vrakas, Walker, Ward, Wasserman, Waukau, Wieckert, Williams, Wood, Young, Ziegelbauer and Speaker Jensen – 99.

Absent with leave – None.

Vacancies – None.

EXECUTIVE COMMUNICATIONS

October 5, 1999

The Honorable Scott Jensen
Speaker of the Assembly
211 West, State Capitol
Madison, WI 53702

Re: 1999 Assembly Bill 495

Dear Speaker Jensen:

1999 Assembly Bill 495, introduced by Representative Skindrud, and co-sponsored by Senator Wirch, relates to benefit improvements, interest crediting, variable annuity option, contribution credits for employers, death benefits, credit for legislative service, recognition of income and capital gains and losses in the fixed retirement investment trust and affecting certain actuarial assumptions and liabilities under the Wisconsin retirement system.

1999 Assembly Bill 495 contains a fiscal note in excess of \$10,000. Pursuant to sec. 16.47(2), Stats., I consider this bill an emergency bill, I recommend the bill and I ask that passage of 1999 Assembly Bill 495 be permitted prior to passage of the budget bill.

Thank you for your attention to this matter.

Sincerely,
TOMMY G. THOMPSON
Governor

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Veterans Affairs
Madison

October 4, 1999

To the Honorable, the Legislature:

In compliance with section 45.35(3d)(b), Wis. Stats., as created by [1989 Wisconsin Act 36](#), the Council on Veterans Programs and the Wisconsin Department of Veterans Affairs (WDVA) submitted general summary reports of the activities and membership of the Council and the organizations represented on the Council. Five organizations had not reported by the September 30 deadline.

Attached are reports from two of the five outstanding organizations - the Federation for Culturally Diverse Veterans and the National Association For Black Veterans. Thank you for including these organizations in the report period.

Sincerely,
JOHN A. SCOCOS
Executive Director

Referred to committee on **Veterans and Military Affairs**.

Representative Vrakas asked unanimous consent that the Assembly stand recessed. Granted.

The Assembly stood recessed.

12:27 P.M.

RECESS

1:13 P.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

CALENDAR OF MONDAY, OCTOBER 4

Assembly Bill 234

Relating to: qualification of candidates for justice of the supreme court for grants from the Wisconsin election campaign fund, court fees and making an appropriation.

Representative Duff in the chair.

Representative Bock asked unanimous consent that the rules be suspended and that **Assembly Bill 377** be withdrawn from the committee on **Campaigns and Elections** and taken up at this time.

Representative Freese objected.

Representative Bock moved that the rules be suspended and that **Assembly Bill 377** be withdrawn from the committee on **Campaigns and Elections** and taken up at this time.

The question was: Shall the rules be suspended and **Assembly Bill 377** be withdrawn from the committee on **Campaigns and Elections** and taken up at this time?

The roll was taken.

The result follows:

Ayes – Representatives Balow, Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Gronemus, Hasenohrl, Hebl, Huber, Hubler, Kreuser, Krug, Krusick, La Fave, Lassa, J. Lehman, Meyer, Meyerhofer, Miller, Morris–Tatum, Plale, Plouff, Pocan, Reynolds, Richards, Riley, Ryba, Schneider, Schooff, Sherman, Sinicki, Staskunas, Steinbrink, Travis, Turner, Wasserman, Waukau, Williams, Wood, Young and Ziegelbauer – 45.

Noes – Representatives Ainsworth, Albers, Brandemuehl, Duff, Foti, Freese, Gard, Goetsch, Grothman, Gunderson, Gundrum, Hahn, Handrick, Hoven, Huebsch, Hundertmark, Hutchison, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kelso, Kestell, Klusman, Kreibich, Ladwig, F. Lasee, M. Lehman, Leibham, Montgomery, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Porter, Powers, Rhoades, Seratti, Skindrud, Spillner, Stone, Suder, Sykora, Townsend, Underheim, Urban, Vrakas, Walker, Ward, Wieckert and Speaker Jensen – 54.

Absent or not voting – None.

Motion failed.

Assembly Bill 234

Relating to: qualification of candidates for justice of the supreme court for grants from the Wisconsin election campaign fund, court fees and making an appropriation.

The question was: **Assembly Bill 234**, having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Brandemuehl, Duff, Foti, Freese, Gard, Goetsch, Grothman, Gundrum, Hahn, Handrick, Hebl, Hoven, Huebsch, Hundertmark, Hutchison, Jeskewitz, Johnsrud, Kedzie, Kelso, Kestell, Klusman, Kreibich, Kreuser, Krusick, Ladwig, F. Lasee, Lassa, J. Lehman, M. Lehman, Leibham, Meyer, Meyerhofer, Miller, Montgomery, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Plale, Plouff, Porter, Powers, Rhoades, Schooff, Seratti, Skindrud, Spillner, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Travis, Underheim, Urban, Vrakas, Walker, Ward, Waukau, Wieckert and Speaker Jensen – 68.

Noes – Representatives Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Gronemus, Gunderson, Hasenohrl, Huber, Hubler, Kaufert, Krug, La Fave, Morris–Tatum, Pocan, Reynolds, Richards, Riley, Ryba, Schneider, Sherman, Sinicki, Turner, Wasserman, Williams, Wood, Young and Ziegelbauer – 31.

Absent or not voting – None.

Motion carried.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 234** be immediately messaged to the Senate. Granted.

Speaker Pro Tempore Freese in the chair.

Assembly Bill 266

Relating to: requiring certain educational agencies to install filtering software on computers connected to the internet and making an appropriation.

The question was: **Assembly Bill 266** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Bock, Brandemuehl, Carpenter, Cullen, Duff, Foti, Freese, Gard, Goetsch, Gronemus, Grothman, Gunderson, Gundrum, Hahn, Handrick, Hasenohrl, Hebl, Hoven, Huber, Huebsch, Hundertmark, Hutchison, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kelso, Kestell, Klusman, Kreibich, Krusick, La Fave, Ladwig, F. Lasee, Lassa, M. Lehman, Leibham, Meyer, Meyerhofer, Montgomery, Musser, Nass, Ott, Owens, Petrowski, Pettis, Plale, Porter, Powers, Reynolds, Rhoades, Ryba, Schooff, Seratti, Skindrud, Staskunas, Steinbrink,

Stone, Suder, Sykora, Townsend, Turner, Underheim, Urban, Vrakas, Walker, Ward, Wasserman, Waukau, Wieckert, Wood, Ziegelbauer and Speaker Jensen – 76.

Noes – Representatives Berceau, Black, Boyle, Coggs, Colon, Hubler, Kreuser, Krug, J. Lehman, Miller, Morris–Tatum, Olsen, Plouff, Pocan, Richards, Riley, Schneider, Sherman, Sinicki, Spillner, Travis, Williams and Young – 23.

Absent or not voting – None.

Motion carried.

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

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 266** be immediately messaged to the Senate. Granted.

Assembly Bill 478

Relating to: physical health examinations of pupils.

The question was: **Assembly Bill 478** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Black, Bock, Boyle, Brandemuehl, Carpenter, Coggs, Colon, Cullen, Duff, Foti, Freese, Gard, Goetsch, Gronemus, Grothman, Gunderson, Gundrum, Hahn, Handrick, Hasenohrl, Hebl, Hoven, Huber, Hubler, Huebsch, Hundertmark, Hutchison, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kelso, Kestell, Klusman, Kreibich, Kreuser, Krusick, La Fave, Ladwig, F. Lasee, Lassa, J. Lehman, M. Lehman, Leibham, Meyer, Meyerhofer, Miller, Montgomery, Morris–Tatum, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Plale, Plouff, Pocan, Porter, Powers, Reynolds, Rhoades, Ryba, Schooff, Seratti, Sherman, Sinicki, Skindrud, Spillner, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Turner, Underheim, Urban, Vrakas, Walker, Ward, Wasserman, Waukau, Wieckert, Williams, Wood, Young, Ziegelbauer and Speaker Jensen – 93.

Noes – Representatives Berceau, Krug, Richards, Riley, Schneider and Travis – 6.

Absent or not voting – None.

Motion carried.

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

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 478** be immediately messaged to the Senate. Granted.

Assembly Bill 481

Relating to: access by a parent to records relating to the parent’s child.

The question was: **Assembly Bill 481** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Boyle, Brandemuehl, Coggs, Colon, Cullen, Duff, Foti, Freese, Gard, Goetsch, Gronemus, Grothman, Gunderson, Gundrum, Hahn, Handrick, Hasenohrl, Hebl, Hoven, Huber, Hubler, Huebsch, Hundertmark, Hutchison, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kelso, Kestell, Klusman, Kreibich, Kreuser, Krusick, La Fave, Ladwig, F. Lasee, M. Lehman, Leibham, Meyer, Meyerhofer, Montgomery, Morris–Tatum, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Plale, Porter, Powers, Reynolds, Rhoades, Ryba, Schooff, Seratti, Sherman, Skindrud, Spillner, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Travis, Turner, Underheim, Urban, Vrakas, Walker, Ward, Wasserman, Waukau, Wieckert, Williams, Wood, Young, Ziegelbauer and Speaker Jensen – 85.

Noes – Representatives Berceau, Black, Bock, Carpenter, Krug, Lassa, J. Lehman, Miller, Plouff, Pocan, Richards, Riley, Schneider and Sinicki – 14.

Absent or not voting – None.

Motion carried.

Representative Coggs asked unanimous consent to be recorded as voting “**No**” on the previous question. Granted.

Representative Ladwig asked unanimous consent that the rules be suspended and that **Assembly Bill 481** be immediately messaged to the Senate. Granted.

Representative Vrakas asked unanimous consent that the Assembly stand recessed. Granted.

The Assembly stood recessed.

1:35 P.M.

RECESS

4:25 P.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

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 56
Assembly Joint Resolution 67
Assembly Joint Resolution 68
Assembly Joint Resolution 69

Assembly Joint Resolution 73
Assembly Joint Resolution 74
Assembly Joint Resolution 75
Assembly Bill 449

CALENDAR OF WEDNESDAY, OCTOBER 6

Assembly Bill 495

Relating to: benefit improvements, interest crediting, variable annuity option, contribution credits for employers, death benefits, credit for legislative service, recognition of income and capital gains and losses in the fixed retirement investment trust and affecting certain actuarial assumptions and liabilities under the Wisconsin retirement system.

Representative Kaufert asked unanimous consent to be made a coauthor of **Assembly Bill 495**. Granted.

The question was: Shall Assembly amendment 1 to **Assembly Bill 495** be adopted?

Motion carried.

The question was: Shall Assembly amendment 2 to **Assembly Bill 495** be adopted?

Motion carried.

Assembly amendment 3 to **Assembly Bill 495** offered by Representatives Klusman and Ziegelbauer.

Representative Krug moved rejection of Assembly amendment 3 to **Assembly Bill 495**.

The question was: Shall Assembly amendment 3 to **Assembly Bill 495** be rejected?

The roll was taken.

The result follows:

Ayes – Representatives Balow, Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Freese, Gronemus, Hahn, Handrick, Hasenohrl, Hebl, Huber, Hubler, Johnsrud, Kaufert, Kreuser, Krug, Krusick, La Fave, Lassa, J. Lehman, M. Lehman, Meyer, Meyerhofer, Miller, Morris–Tatum, Musser, Petrowski, Plale, Plouff, Pocan, Reynolds, Richards, Riley, Ryba, Schneider, Schooff, Seratti, Sherman, Sinicki, Staskunas, Steinbrink, Sykora, Travis, Turner, Underheim, Waukau, Williams, Wood and Young – 54.

Noes – Representatives Ainsworth, Albers, Brandemuehl, Duff, Foti, Gard, Goetsch, Grothman, Gunderson, Gundrum, Hoven, Huebsch, Hundertmark, Hutchison, Jeskewitz, Kedzie, Kelso, Kestell, Klusman, Kreibich, Ladwig, F. Lasee, Leibham, Montgomery, Nass, Olsen, Ott, Owens, Pettis, Porter, Powers, Rhoades, Skindrud, Spillner, Stone, Suder, Townsend, Urban, Vrakas, Walker, Ward, Wasserman, Wieckert, Ziegelbauer and Speaker Jensen – 45.

Absent or not voting – None.

Motion carried.

Assembly amendment 4 to **Assembly Bill 495** offered by Representatives Vrakas and Schneider.

The question was: Shall Assembly amendment 4 to **Assembly Bill 495** be adopted?

Motion carried.

Assembly amendment 5 to **Assembly Bill 495** offered by Representative Klusman.

POINT OF ORDER

Representative Duff rose to the point of order that Assembly amendment 5 to **Assembly Bill 495** was not properly before the Assembly because it required a report from the joint survey committee on **Retirement Systems**.

Speaker Pro Tempore Freese ruled the point of order **not well taken**.

Representative Black moved rejection of Assembly amendment 5 to **Assembly Bill 495**.

The question was: Shall Assembly amendment 5 to **Assembly Bill 495** be rejected?

The roll was taken.

The result follows:

Ayes – Representatives Albers, Balow, Berceau, Black, Bock, Boyle, Brandemuehl, Carpenter, Coggs, Colon, Cullen, Foti, Freese, Gard, Gronemus, Gunderson, Hahn, Handrick, Hasenohrl, Hebl, Hoven, Huber, Hubler, Huebsch, Hundertmark, Johnsrud, Kaufert, Kreibich, Kreuser, Krug, Krusick, La Fave, Ladwig, Lassa, J. Lehman, M. Lehman, Meyer, Meyerhofer, Miller, Montgomery, Morris–Tatum, Musser, Olsen, Petrowski, Pettis, Plale, Plouff, Pocan, Porter, Powers, Reynolds, Rhoades, Richards, Riley, Ryba, Schneider, Schooff, Seratti, Sherman, Sinicki, Skindrud, Spillner, Staskunas, Steinbrink, Suder, Sykora, Townsend, Travis, Turner, Underheim, Vrakas, Wasserman, Waukau, Wieckert, Williams, Wood, Young and Ziegelbauer – 78.

Noes – Representatives Ainsworth, Duff, Goetsch, Grothman, Gundrum, Hutchison, Jeskewitz, Kedzie, Kelso, Kestell, Klusman, F. Lasee, Leibham, Nass, Ott, Owens, Stone, Urban, Walker, Ward and Speaker Jensen – 21.

Absent or not voting – None.

Motion carried.

Assembly amendment 6 to **Assembly Bill 495** offered by Representative Klusman.

Representative Skindrud moved rejection of Assembly amendment 6 to **Assembly Bill 495**.

The question was: Shall Assembly amendment 6 to **Assembly Bill 495** be rejected?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Berceau, Black, Bock, Boyle, Brandemuehl, Carpenter, Coggs, Colon, Cullen, Duff, Foti, Freese, Gard, Gronemus, Gunderson, Hahn, Handrick, Hasenohrl, Hebl, Hoven, Huber, Hubler, Huebsch, Hundertmark, Hutchison, Johnsrud, Kaufert, Kelso, Kreibich, Kreuser, Krug, Krusick, Ladwig, Lassa, J. Lehman, M. Lehman, Meyer, Meyerhofer, Miller, Montgomery, Morris–Tatum, Musser, Olsen, Owens, Petrowski, Pettis, Plale, Plouff, Pocan, Porter, Powers, Reynolds, Rhoades, Richards, Riley, Ryba, Schneider, Schooff, Seratti, Sherman, Sinicki, Skindrud, Spillner, Staskunas, Steinbrink, Sykora, Townsend, Travis, Turner, Underheim, Vrakas, Wasserman, Waukau, Wieckert, Williams, Wood, Young and Speaker Jensen – 81.

Noes – Representatives Goetsch, Grothman, Gundrum, Jeskewitz, Kedzie, Kestell, Klusman, La Fave, F. Lasee, Leibham, Nass, Ott, Stone, Suder, Urban, Walker, Ward and Ziegelbauer – 18.

Absent or not voting – None.

Motion carried.

The question was: Shall **Assembly Bill 495** be ordered engrossed and read a third time?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 495** be given a third reading. Granted.

The question was: **Assembly Bill 495** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Albers, Balow, Berceau, Black, Bock, Boyle, Brandemuehl, Carpenter, Coggs, Colon, Cullen, Freese, Gard, Gronemus, Gunderson, Hahn, Handrick, Hasenohrl, Hebl, Huber, Hubler, Huebsch, Hundertmark, Hutchison, Johnsrud, Kaufert, Kelso, Kestell, Kreibich, Kreuser, Krug, Krusick, La Fave, Ladwig, Lassa, J. Lehman, M. Lehman, Meyer, Meyerhofer, Miller, Montgomery, Morris–Tatum, Musser, Olsen, Ott, Petrowski, Pettis, Plale, Plouff, Pocan, Porter, Powers, Reynolds, Rhoades, Richards, Riley, Ryba, Schneider, Schooff, Seratti, Sherman, Sinicki, Skindrud, Spillner, Staskunas, Steinbrink, Suder, Sykora, Townsend, Travis, Turner, Vrakas, Wasserman, Waukau, Wieckert, Williams, Wood, Young and Speaker Jensen – 79.

Noes – Representatives Ainsworth, Duff, Foti, Goetsch, Grothman, Gundrum, Hoven, Jeskewitz, Kedzie, Klusman, F. Lasee, Leibham, Nass, Owens, Stone, Underheim, Urban, Walker, Ward and Ziegelbauer – 20.

Absent or not voting – None.

Motion carried.

Representatives Travis, Miller, Hebl, Pocan, Musser, Black, Turner and Berceau asked unanimous consent to be made coauthors of **Assembly Bill 495**. Granted.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 495** be immediately messaged to the Senate. Granted.

Representative Albers asked unanimous consent to be withdrawn as a coauthor of **Assembly Bill 225**. Granted.

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

The Assembly stood recessed.

5:50 P.M.

RECESS

8:35 P.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

Representative Foti asked unanimous consent for a quorum call. Granted.

A quorum was present.

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 Bill 495

Adopted and asks concurrence in:

Committee of Conference report on **Assembly Bill 133**

ACTION ON THE SENATE MESSAGE

Assembly Bill 133

Relating to: state finances and appropriations, constituting the executive budget act of the 1999 legislature.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 78

Relating to: the procedures of the legislature regarding the report of the committee of conference on 1999 Assembly Bill 133.

By Representative Cullen.

To committee on **Rules**.

Representative Cullen asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 78** be withdrawn from the committee on **Rules** and taken up at this time.

Representative Foti objected.

Representative Cullen moved that the rules be suspended and that **Assembly Joint Resolution 78** be withdrawn from the committee on **Rules** and taken up at this time.

The question was: Shall the rules be suspended and **Assembly Joint Resolution 78** be withdrawn from the committee on **Rules** and taken up at this time?

The roll was taken.

The result follows:

Ayes – Representatives Balow, Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Gronemus, Hasenohrl, Hebl, Huber, Hubler, Kreuser, Krug, Krusick, La Fave, Lassa, J. Lehman, Meyer, Meyerhofer, Miller, Morris–Tatum, Plale, Plouff, Pocan, Reynolds, Richards, Riley, Ryba, Schneider, Schooff, Sherman, Sinicki, Staskunas, Steinbrink, Travis, Turner, Wasserman, Waukau, Williams, Wood, Young and Ziegelbauer – 45.

Noes – Representatives Ainsworth, Albers, Brandemuehl, Duff, Foti, Freese, Gard, Goetsch, Grothman, Gunderson, Gundrum, Hahn, Handrick, Hoven, Huebsch, Hundertmark, Hutchison, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kelso, Kestell, Klusman, Kreibich, Ladwig, F. Lasee, M. Lehman, Leibham, Montgomery, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Porter, Powers, Rhoades, Seratti, Skindrud, Spillner, Stone, Suder, Sykora, Townsend, Underheim, Urban, Vrakas, Walker, Ward, Wieckert and Speaker Jensen – 54.

Absent or not voting – None.

Motion failed.

Assembly Bill 133

Relating to: state finances and appropriations, constituting the executive budget act of the 1999 legislature.

Representative Hubler asked for a division of the question on concurrence in the committee of conference report on **Assembly Bill 133**.

Speaker Pro Tempore Freese took the request under advisement.

The Assembly stood informal.

9:15 P.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

9:20 P.M.

The Chair denied the request by Representative Hubler for a division of the question on concurrence in the committee of conference report on **Assembly Bill 133**.

POINT OF ORDER

Representative Hubler rose to the point of order that the committee of conference report on **Assembly Bill 133** is divisible under Assembly Rule 80.

Speaker Pro Tempore Freese took the point of order under advisement.

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

The Assembly stood recessed.

9:37 P.M.

RECESS

10:10 P.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

RULING ON THE POINT OF ORDER

The Chair ruled **not well taken** the point of order raised by Representative Hubler that the committee of conference report on **Assembly Bill 133** is divisible.

The complete text of the Chair follows:

“The Lady from the 75th had raised a Point Of Order that didn’t basically agree with the Chair declaring her motion to divide the Conference Committee Report. She raised a Point Of Order that the Conference Committee Report could be divided, as I understood it, into Sections 1, 2, and 3. I believe her original motion was to divide it into Item 3.

The Chair has spent some time trying to work through this particular Point Of Order to make sure because I am sure that the Lady will ask that it become precedent in the rulings of the Chair. So the Chair has taken some time looking at Assembly Rules, Joint Rules, Senate Rules, Mason’s Manual and Jefferson’s Manual to try to resolve this issue. The Lady from the 75th and the Gentleman from the 44th make the Point Of Order that we can divide it into different components based on Assembly Rule 80(4).

Assembly Rule 80(4) lists what is not divisible and because the Report On Committees doesn’t happen to show up there it is the belief, I believe, of the Lady from the 75th and the Gentleman from the 44th that because it is merely not stated there, that it is divisible. One has to, I believe, look at Assembly Rule 80(1), which is “any member may request a division of simple amendments and motions involving distinct and independent propositions or concurrent action if they are severable without being rewritten or restated and the question shall be divided if each separate proposition or action to be voted on is complete and proper, regardless of the action taken on the other portions of the original question.”

So the Chair looked, taking the advice that the Lady from the 75th and the Gentleman from the 44th were telling the Chair

that this is a Report on the Committee On Conference. It is not an amendment, they report, because it is not specifically talked about in Assembly Rule 80(4). Therefore, it is divisible. It is the Chair's opinion, that under Assembly Rule 80(1), which governs what is divisible, this simply is not an amendment. It is not a simple amendment. Actually, if we were even to take conference amendment 1, which is an amendment to the Assembly Substitute Amendment, I think members can easily see that this is just not a simple amendment. It is rather complex. It's actually a little longer than *Gone With the Wind*, and has quite a bit more intrigue in it, I think.

So, it is clearly, to the Chair, not a division of a simple amendment because as the Lady from the 75th and Gentleman from the 44th pointed out in their Points Of Order, that it was a report that should be divided based on the fact that it didn't show up in 80(4).

Then the Chair went one step further just to have a little more comfort because if it were an amendment, could this amendment be divided and taken up in three different components? It is the Chair's belief that under Assembly Rule 80(1), that each question if they were divided, Question 1, Question 2 and Question 3 and were separate propositions or actions to be voted on, would be complete and proper regardless of the action taken on the others. And it is this Chair's opinion that they would not be, as the Chair was asking during the point of order that was being raised if Section 1 were adopted and Section 2 and Section 3 were not, could the bill stand on its own? The Chair's belief is, no it could not. If Section 2 were adopted but not Sections 1 and 3 the same situation. Or, if only Section 3 were adopted without negating the actions taken by the Senate and Assembly, could it stand on its own? It is the Chair's belief that it could not.

But wanting to make sure because knowing the Lady from the 75th was going to be fairly persistent and the Gentleman from the 44th is a scholar of the rules, I wanted to make sure that I wasn't not reading this properly and when one looks at the Joint Rules, Joint Rule 3(3) "approval of the Conference Report by roll call vote in each house sufficient to constitute final passage of the proposal shall be final passage of the bill or Joint Resolution in the form and with the changes proposed by the report." And the Joint Rules really are silent on whether or not we can amend the Conference Report.

So the Chair looked at Senate Rules which are somewhat more obscure than ours and really not to the point, so the Chair looked at what other rules are available to us to determine and under Assembly Rule 91(1) "in the absence of pertinent Assembly or Joint Rules questions of parliamentary procedure shall be decided according to applicable rules of parliamentary practice and Jefferson's Manual which are not inconsistent with constitutional or statutory provisions relating to the functioning of the legislature."

So, upon reading about the statutory provisions, we did a search of the Wisconsin Statutes and Constitution to see if there is something that would apply there. Of course, that didn't help us. So the Chair then referred to Jefferson's

Manual. And, if members want to take a look on page 47 in the section on Conferences on page 48 as well and the ending of this regarding conference committees "and each party reports in writing to its respective house the substance of what is said on both sides and entered into the Journal."

And that is the report we have before us. "This report can not be amended or altered as that of the committee may be." So, the backup for Assembly Rules and Joint Rules was Jefferson's Manual but also wanting to make sure that that is the established precedent, I looked to Mason's Manual which is the manual we often refer to as well and under Section 770 (2) it says "in voting in a conference committee, the committee of each house votes separately. The committee on conference from each house submits its report to the house from which it was appointed, "which we have. "The report upon being received may be treated like other reports except that the report of the conference committee is usually given higher precedence."

That's why we're here at 10:00 p.m. "Under no condition, including suspension of the rules may the house alter or amend the Report of the Committee, but must adopt or refuse to adopt the report in the form submitted."

So it is the opinion of the Chair that the Lady from the 75th's Point Of Order is **not well taken** based on those following reasons."

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 79

Relating to: the procedures of the legislature regarding the report of the committee of conference on 1999 Assembly Bill 133.

By Representative Cullen.
To committee on **Rules**.

POINT OF ORDER

Representative Cullen rose to the point of order that **Assembly Joint Resolution 79** was privileged.

Speaker Pro Tempore Freese took the point of order under advisement.

RULING ON THE POINT OF ORDER

The Chair ruled **well taken** that the point of order raised by Representative Cullen that **Assembly Joint Resolution 79** was privileged.

POINT OF ORDER

Representative Duff rose to the point of order that **Assembly Joint Resolution 79** was not properly before the Assembly because a committee of conference report can not be amended.

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

Representative Cullen 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, Duff, Foti, Freese, Gard, Goetsch, Grothman, Gunderson, Gundrum, Hahn, Handrick, Hoven, Huebsch, Hundertmark, Hutchison, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kelso, Kestell, Klusman, Kreibich, Ladwig, F. Lasee, M. Lehman, Leibham, Montgomery, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Porter, Powers, Rhoades, Seratti, Skindrud, Spillner, Stone, Suder, Sykora, Townsend, Underheim, Urban, Vrakas, Walker, Ward, Wieckert and Speaker Jensen – 54.

Noes – Representatives Balow, Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Cullen, Gronemus, Hasenohrl, Hebl, Huber, Hubler, Kreuser, Krug, Krusick, La Fave, Lassa, J. Lehman, Meyer, Meyerhofer, Miller, Morris–Tatum, Plale, Plouff, Pocan, Reynolds, Richards, Riley, Ryba, Schneider, Schooff, Sherman, Sinicki, Staskunas, Steinbrink, Travis, Turner, Wasserman, Waukau, Williams, Wood, Young and Ziegelbauer – 45.

Absent or not voting – None.

Motion carried.

Assembly Bill 133

Relating to: state finances and appropriations, constituting the executive budget act of the 1999 legislature.

The question was: Shall the Committee of Conference report on **Assembly Bill 133** be concurred in?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Berceau, Black, Bock, Brandemuehl, Carpenter, Colon, Cullen, Duff, Foti, Freese, Gard, Goetsch, Gronemus, Gunderson, Hahn, Handrick, Hasenohrl, Hebl, Hoven, Huber, Huebsch, Hundertmark, Hutchison, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Kreibich, Kreuser, Krusick, La Fave, Ladwig, Lassa, J. Lehman, M. Lehman, Leibham, Meyer, Meyerhofer, Miller, Montgomery, Musser, Olsen, Ott, Owens, Petrowski, Pettis, Plale, Plouff, Pocan, Porter, Powers, Reynolds, Rhoades, Riley, Ryba, Schooff, Seratti, Sherman, Sinicki, Skindrud, Spillner, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Travis, Turner, Underheim,

Urban, Vrakas, Walker, Ward, Wasserman, Waukau, Wieckert and Speaker Jensen – 82.

Noes – Representatives Boyle, Coggs, Grothman, Gundrum, Hubler, Kelso, Klusman, Krug, F. Lasee, Morris–Tatum, Nass, Richards, Schneider, Williams, Wood, Young and Ziegelbauer – 17.

Absent or not voting – None.

Representative Foti asked unanimous consent that the rules be suspended and that the Assembly's action on **Assembly Bill 133** be immediately messaged to the Senate. Granted.

ANNOUNCEMENTS

Representative Jensen asked unanimous consent that the Assembly adjourn in honor of Chad Taylor and Carrie Hoeper, two of his staff members who will be leaving his office. Granted.

Representative Hutchison asked unanimous consent that the Assembly adjourn in memory of Jim Prunty who was a truly great Irishman. Granted.

Representative Gronemus asked unanimous consent that the Assembly adjourn in honor of her husband, Bert, and their fiftieth wedding anniversary on October 12. Granted.

Representative Gard asked unanimous consent that the Assembly adjourn in honor of the fiftieth wedding anniversary of Gene and Vi Zeuske. 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:

Candice Ruetz from Mt. Pleasant, guest and intern of Representative Ladwig.

Mother of Representative Spillner, Barb Wade, and Myrel Hodge, guests of Representative Spillner.

Mr. Chuck Wenzel from Stratford, guest of Representative Suder.

ADJOURNMENT

Representative Foti moved that the Assembly stand adjourned until 10:00 A.M. on Tuesday, October 26 pursuant to **Senate Joint Resolution 1**.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

11:40 P.M.