



# STATE OF WISCONSIN Assembly Journal

## Ninety-Fifth Regular Session

3:27 P.M.

MONDAY, July 2, 2001

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 Leibham.

Representative Huebsch 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, Bies, Black, Bock, Carpenter, Coggs, Colon, Cullen, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Grothman, Gunderson, Gundrum, Hahn, Hebl, Hoven, Huber, Hubler, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Kreibich, Kreuser, Krug, Krusick, La Fave, Ladwig, F. Lasee, Lassa, J. Lehman, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Meyerhofer, Miller, Montgomery, Morris–Tatum, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Plale, Plouff, Pohan, Powers, Reynolds, Rhoades, Richards, Riley, Ryba, Schneider, Schooff, Sherman, Shilling, Sinicki, Skindrud, Starzyk, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Travis, Turner, Underheim, Urban, Vrakas, Wade, Walker, Ward, Wasserman, Wieckert, Williams, Wood, Young, Ziegelbauer and Speaker Jensen – 96.

Absent with leave – Representatives Boyle, Gronemus and Seratti – 3.

Vacancies – None.

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### LEAVES OF ABSENCE

Representative Vrakas asked unanimous consent for a leave of absence for today's session for Representative Seratti. Granted.

Representative Bock asked unanimous consent for a leave of absence for today's session for Representatives Boyle and Gronemus. Granted.

### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### Assembly Bill 455

Relating to: eliminating the condemnation authority of nongovernmental entities.

By Representatives Petrowski, Reynolds, Bies, Ryba, M. Lehman, J. Lehman, Gronemus, Freese and Suder.

To committee on **Urban and Local Affairs**.

#### Assembly Bill 456

Relating to: reduced fees for campsites in state campgrounds for state residents who have attained the age of 65.

By Representatives Petrowski, Jeskewitz, Musser, Urban, Bies, Plale, Townsend, Owens, Ryba, Hundertmark, Krawczyk and Freese; cosponsored by Senator Darling.

To committee on **Tourism and Recreation**.

#### Assembly Bill 457

Relating to: mandatory overtime hours worked by health care workers employed by health care facilities and providing penalties.

By Representatives Johnsrud, Underheim, Urban, Wasserman, La Fave, Sinicki, Carpenter, Boyle, Kestell, Meyerhofer, Cullen, Black, Berceau, Shilling, Pohan, Turner, Musser, Bock, J. Lehman, Balow, Plale, Richards, Miller, Gronemus, Coggs, Colon and Schooff; cosponsored by Senators Robson, Burke, Rosenzweig, Erpenbach, Baumgart, Grobschmidt, George, Risser and Hansen.

To committee on **Health**.

#### Assembly Bill 458

Relating to: hail-damaged vehicles and salvage vehicles, granting rule-making authority, and making an appropriation.

By Representatives Ziegelbauer, Gronemus, Huber, Kestell, Ott, Plouff, Schneider, Sykora and Townsend; cosponsored by Senator Huelsman.

To committee on **Transportation**.

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### COMMITTEE REPORTS

The committee on **Government Operations** reports and recommends:

**Assembly Bill 316**

Relating to: state purchase of a Justice Center building and granting bonding authority.

Passage:

Ayes: 4 – Representatives Wieckert, Loeffelholz, Starzyk and Steinbrink.

Noes: 0.

To joint committee on **Finance**.

*STEVE WIECKERT*  
Chairperson  
Committee on Government Operations

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**ENROLLED BILLS**

The following Assembly proposals, which have been approved by both the Assembly and Senate, have been enrolled by the Legislative Reference Bureau:

**Assembly Bill 274**

*JOHN A. SCOCOS*  
Assembly Chief Clerk

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**MESSAGE FROM THE SENATE**

By Donald J. Schneider, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Adopted and asks concurrence in:

**Senate Joint Resolution 38**  
**Senate Joint Resolution 39**

Amended and concurred in as amended:

**Assembly Joint Resolution 55** (Senate amendment 1 adopted)

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**LEAVES OF ABSENCE**

Representative Vrakas asked unanimous consent for a leave of absence for part of today's session for Representative Pettis. Granted.

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**ACTION ON THE SENATE MESSAGE**

Representative Foti asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 38** be withdrawn from the Senate message and taken up at this time. Granted.

**Senate Joint Resolution 38**

Relating to: honoring and commending the devoted public service of John T. Benson.

By Senators Grobschmidt, Schultz, Chvala, Erpenbach, Breske, Robson, Plache, Shibilski, Burke, Jauch, Moen, A. Lasee, Rosenzweig, Roessler, Hansen, George, Darling, Lazich, Risser, Decker and Harsdorf; cosponsored by Representatives Hahn, Schneider, Hebl, Gronemus, Sinicki, Kestell, Musser, J. Lehman, Bock, Wasserman, Montgomery, Coggs, Boyle, Olsen, Pohan, Sykora, Wade, Lippert, Nass, Ryba, Berceau, Freese, Ladwig, Turner, Miller, Meyerhofer, Albers, Plale, Krawczyk, Jeskewitz, Travis, Plouff, Ott, Huber, Lassa, Hundertmark, Owens and Gunderson.

The question was: Shall **Senate Joint Resolution 38** be concurred in?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Berceau, Bies, Black, Bock, Carpenter, Coggs, Colon, Cullen, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Grothman, Gunderson, Gundrum, Hahn, Hebl, Hoven, Huber, Hubler, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Kreibich, Kreuser, Krug, Krusick, La Fave, Ladwig, F. Lasee, Lassa, J. Lehman, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Meyerhofer, Miller, Montgomery, Morris-Tatum, Musser, Nass, Olsen, Ott, Owens, Petrowski, Plale, Plouff, Pohan, Powers, Reynolds, Rhoades, Richards, Riley, Ryba, Schneider, Schooff, Sherman, Shilling, Sinicki, Skindrud, Starzyk, Staskunas, Steinbrink, Stone, Suder, Sykora, Townsend, Travis, Turner, Underheim, Urban, Vrakas, Wade, Walker, Ward, Wasserman, Wieckert, Williams, Wood, Young, Ziegelbauer and Speaker Jensen – 95.

Noes – None.

Absent or not voting – Representatives Boyle, Gronemus, Pettis and Seratti – 4.

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 38** be immediately messaged to the Senate. Granted.

Representative Foti asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 39** be withdrawn from the Senate message and taken up at this time. Granted.

**Senate Joint Resolution 39**

Relating to: the life and public service of Ernest C. Keppler.

By Senators Baumgart, Risser, A. Lasee, Rosenzweig and Moen; cosponsored by Representatives Leibham, Kestell, Plouff, Montgomery, Krug, Nass, Gronemus, Owens, Ryba, Gunderson, Turner, Schneider, Townsend, J. Lehman, Miller, Lippert and Sykora.

The question was: Shall **Senate Joint Resolution 39** be concurred in?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 39** be immediately messaged to the Senate. Granted.

### **Assembly Joint Resolution 55**

Relating to: creating a committee of conference on 2001 Senate Bill 55, the executive budget bill of the 2001 legislature.

Assembly amendment 1 to Senate amendment 1 to **Assembly Joint Resolution 55** offered by Representatives Montgomery and Suder.

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## **LEAVES OF ABSENCE**

Representative Bock asked unanimous consent for a leave of absence for part of today's session for Representative Travis. Granted.

Representative Black moved rejection of Assembly amendment 1 to Senate amendment 1 to **Assembly Joint Resolution 55**.

The question was: Shall Assembly amendment 1 to Senate amendment 1 to **Assembly Joint Resolution 55** be rejected?

The roll was taken.

The result follows:

Ayes – Representatives Berceau, Bies, Black, Bock, Carpenter, Coggs, Colon, Cullen, Hebl, Huber, Hubler, Kreuser, Krug, La Fave, J. Lehman, Meyerhofer, Miller, Montgomery, Morris–Tatum, Ott, Plouff, Pocan, Powers, Reynolds, Richards, Ryba, Schneider, Schooff, Sherman, Shilling, Sinicki, Steinbrink, Turner, Underheim, Urban, Wasserman, Williams and Young – 38.

Noes – Representatives Ainsworth, Albers, Balow, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Grothman, Gunderson, Gundrum, Hahn, Hoven, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Kreibich, Krusick, Ladwig, F. Lasee, Lassa, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Musser, Nass, Olsen, Owens, Petrowski, Plale, Rhoades, Riley, Skindrud, Starzyk, Staskunas, Stone, Suder, Sykora, Townsend, Vrakas, Wade, Walker, Ward, Wieckert, Wood, Ziegelbauer and Speaker Jensen – 56.

Absent or not voting – Representatives Boyle, Gronemus, Pettis, Seratti and Travis – 5.

Motion failed.

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

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

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

The question was: Shall Assembly amendment 1 to Senate amendment 1 to **Assembly Joint Resolution 55** be adopted?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Bies, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Grothman, Gunderson, Gundrum, Hahn, Hoven, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Kreibich, Krusick, Ladwig, F. Lasee, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Miller, Montgomery, Musser, Nass, Olsen, Ott, Owens, Petrowski, Plale, Powers, Rhoades, Riley, Ryba, Skindrud, Starzyk, Staskunas, Stone, Suder, Sykora, Townsend, Urban, Vrakas, Wade, Walker, Ward, Wieckert, Wood, Ziegelbauer and Speaker Jensen – 61.

Noes – Representatives Balow, Berceau, Black, Bock, Carpenter, Coggs, Colon, Cullen, Hebl, Huber, Hubler, Kreuser, Krug, La Fave, Lassa, J. Lehman, Meyerhofer, Morris–Tatum, Plouff, Pocan, Reynolds, Richards, Schneider, Schooff, Sherman, Shilling, Sinicki, Steinbrink, Turner, Underheim, Wasserman, Williams and Young – 33.

Absent or not voting – Representatives Boyle, Gronemus, Pettis, Seratti and Travis – 5.

Motion carried.

The question was: Shall Senate amendment 1 to **Assembly Joint Resolution 55** be concurred in as amended?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Balow, Bies, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Grothman, Gunderson, Gundrum, Hahn, Hoven, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Kreibich, Krusick, Ladwig, F. Lasee, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Miller, Montgomery, Musser, Nass, Olsen, Ott, Owens, Petrowski, Plale, Powers, Rhoades, Riley, Ryba, Skindrud, Starzyk, Staskunas, Stone, Suder, Sykora, Townsend, Urban, Vrakas, Wade, Walker, Ward, Wieckert, Wood, Ziegelbauer and Speaker Jensen – 62.

Noes – Representatives Berceau, Black, Bock, Carpenter, Coggs, Colon, Cullen, Hebl, Huber, Hubler, Kreuser, Krug, La Fave, Lassa, J. Lehman, Meyerhofer, Morris–Tatum, Plouff, Pocan, Reynolds, Richards, Schneider, Schooff, Sherman, Shilling, Sinicki, Steinbrink, Turner, Underheim, Wasserman, Williams and Young – 32.

Absent or not voting – Representatives Boyle, Gronemus, Pettis, Seratti and Travis – 5.

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 55** be immediately messaged to the Senate. Granted.

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

The Assembly stood recessed.

5:05 P.M.

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**RECESS**

6:37 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.

Representative Pettis asked unanimous consent that his leave of absence be lifted. Granted.

Representative Schneider asked unanimous consent that the rules be suspended and that **Senate Bill 55** be immediately messaged to the Senate.

Representative Jensen objected.

Representative Schneider moved that the rules be suspended and that **Senate Bill 55** be immediately messaged to the Senate.

Representative Foti moved that the motion to suspend the rules to immediately message **Senate Bill 55** to the Senate be laid on the table.

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**POINT OF ORDER**

Representative Duff rose to the point of order that a motion to table the motion to suspend the rules to immediately message **Senate Bill 55** to the Senate was not properly before the Assembly under Assembly Rule 74 (3).

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

Representative Black moved that the rules be suspended and that **Senate Bill 55** be immediately messaged to the Senate.

Speaker Pro Tempore Freese ruled that the motion was not properly before the Assembly because there was a point of order under advisement and that removed the bill from further consideration under Assembly Rule 62 (3)(b)1.

Representative Black appealed the ruling of the Chair.

Speaker Pro Tempore Freese ruled that an appeal of the Chair was not properly before the Assembly since there was not a ruling on a point of order.

Representative Black rose to the point of order that the motion to suspend the rules and immediately message **Senate Bill 55** to the Senate was in order.

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

Representative Krug asked unanimous consent that all Democratic members of the Assembly be recorded as voting “**Aye**” on the question of shall the rules be suspended and

**Senate Bill 55** be immediately messaged to the Senate. Representative Duff objected.

Representative Krug moved that all Democratic members of the Assembly be recorded as voting “**Aye**” on the question of shall the rules be suspended and **Senate Bill 55** be immediately messaged to the Senate.

Speaker Pro Tempore Freese ruled the motion not properly before the Assembly because there was no motion or vote that existed and that Representative Krug’s motion was dilatory under Assembly Rule 69 (4).

Representative Krug appealed the ruling of the Chair that the motion was dilatory under Assembly Rule 69 (4).

Speaker Pro Tempore Freese took the appeal under advisement.

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**MESSAGE FROM THE SENATE**

By Donald J. Schneider, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Nonconcurred in:

Assembly amendment 1 to Senate amendment 1 to **Assembly Joint Resolution 55**

**Assembly Joint Resolution 55**

Relating to: creating a committee of conference on 2001 Senate Bill 55, the executive budget bill of the 2001 legislature.

The question was: Shall the Assembly recede from its position on Assembly amendment 1 to Senate amendment 1 to **Assembly Joint Resolution 55**?

The roll was taken.

The result follows:

Ayes – Representatives Balow, Berceau, Black, Bock, Carpenter, Coggs, Colon, Cullen, Hebl, Huber, Hubler, Kreuser, Krug, La Fave, Lassa, J. Lehman, Meyerhofer, Miller, Morris–Tatum, Plale, Plouff, Pocan, Reynolds, Richards, Ryba, Schneider, Schooff, Sherman, Shilling, Sinicki, Staskunas, Turner, Underheim, Wasserman, Williams and Young – 36.

Noes – Representatives Ainsworth, Albers, Bies, Duff, J. Fitzgerald, Foti, Freese, Friske, Gard, Grothman, Gunderson, Gundrum, Hahn, Hoven, Huebsch, Hundertmark, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kestell, Krawczyk, Kreibich, Krusick, Ladwig, F. Lasee, M. Lehman, Leibham, Lippert, Loeffelholz, McCormick, D. Meyer, Montgomery, Musser, Nass, Olsen, Ott, Owens, Petrowski, Pettis, Powers, Rhoades, Riley, Skindrud, Starzyk, Steinbrink, Stone, Suder, Sykora, Townsend, Urban, Vrakas, Wade, Walker, Ward, Wieckert, Wood, Ziegelbauer and Speaker Jensen – 59.

Absent or not voting – Representatives Boyle, Gronemus, Seratti, Travis – 4 .

Motion failed.

Representative Jensen asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 55** be immediately messaged to the Senate. Granted.

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

The Assembly stood recessed.

Monday, July 2, 8:30 P.M.

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## RECESS

Thursday, July 5, 12:33 P.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

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## MESSAGE FROM THE SENATE

By Donald J. Schneider, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Adhered to its position on:

Nonconcurrence in Assembly amendment 1 to Senate amendment 1 to **Assembly Joint Resolution 55**

### **Assembly Joint Resolution 55**

Relating to: creating a committee of conference on 2001 Senate Bill 55, the executive budget bill of the 2001 legislature.

Representative Foti moved that the Assembly recede from its position on Assembly amendment 1 to Senate amendment 1 to **Assembly Joint Resolution 55**.

The question was: Shall the Assembly recede from its position on Assembly amendment 1 to Senate amendment 1 to **Assembly Joint Resolution 55**?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that the Assembly's action on **Assembly Joint Resolution 55** be immediately messaged to the Senate. Granted.

### **Senate Bill 55**

Relating to: state finances and appropriations, constituting the executive budget act of the 2001 legislature.

Pursuant to **Assembly Joint Resolution 55**, the Assembly appoints Representatives Jensen, Gard, Foti and Black as conferees on the committee of Conference.

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## REFERENCE BUREAU CORRECTIONS

### **Assembly Bill 3**

1. Page 66, line 9: delete "of".

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Assembly Amendment 103 to Assembly Substitute Amendment 1 to **Senate Bill 55**

1. Page 2, line 24: delete "and the" and substitute "the".

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## VISITORS

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

Bruce Hundertmark from Clintonville, guest and husband of Representative Hundertmark.

Elmer Owens from Oshkosh, guest and husband of Representative Owens.

Congressman Tom Barrett from Milwaukee, guest of Representative Ott.

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## ADJOURNMENT

Representative Foti moved that the Assembly stand adjourned until 12:35 P.M. on Thursday, July 5.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

12:34 P.M.