



STATE OF WISCONSIN

Assembly Journal

April 1998 Extraordinary Session

2:10 P.M.

TUESDAY, April 28, 1998

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

Speaker Pro Tempore Freese in the chair.

Representative Foti asked unanimous consent that the prayer, pledge of allegiance and attendance roll call from the April 1998 Special Session be applied to the April 1998 Extraordinary Session. Granted.

The prayer was offered by Representative Wood.

Representative Dobyms led the membership in reciting the pledge of allegiance to the flag of the United States of America.

The roll was taken.

The result follows:

Present – Representatives Ainsworth, Albers, Baldwin, Baumgart, Black, Bock, Boyle, Brandemuehl, Carpenter, Cogg, Cullen, Dobyms, 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, 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, Spillner, Springer, Staskunas, Steinbrink, Stone, Sykora, Travis, Turner, Underheim, Urban, Vander Loop, Vrakas, Walker, Ward, Wasserman, Wieckert, Williams, Wood, L. Young, R. Young, Ziegelbauer, Zukowski and Speaker Jensen – 98.

Absent with leave – None.

Vacancies – 84th Assembly District – 1.

AMENDMENTS OFFERED

Assembly substitute amendment 3 to **Assembly Bill 308** offered by Representative Huebsch.

Assembly substitute amendment 2 to **Senate Bill 274** offered by committee on **Education**.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 129

Relating to: the life and public service of Richard Weinke.

By committee on Rules, by request of Representative Spillner and Senator Welch.

To committee on **Rules**.

COMMITTEE REPORTS

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

Senate Bill 274

Relating to: removal of disruptive pupils from the class and granting rule-making authority.

Assembly substitute amendment 2 adoption:

Ayes: 11 – Representatives Olsen, Nass, Hahn, Otte, Ward, Schneider, R. Young, Reynolds, Ziegelbauer, Dueholm and J. Lehman.

Noes: 0.

Concurrence as amended:

Ayes: 7 – Representatives Olsen, Nass, Hahn, Otte, Ward, Reynolds and J. Lehman.

Noes: 4 – Representatives Schneider, R. Young, Ziegelbauer and Dueholm.

To committee on **Rules**.

LUTHER OLSEN

Chairperson

Committee on Education

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

Senate Bill 40

Relating to: the election of certain persons to a city, village or town planning commission.

Concurrence:

Ayes: 8 – Representatives Dobyns, Wieckert, Ott, Urban, Ziegelbauer, Schneider, L. Young and Plale.

Noes: 0.

To committee on **Rules**.

JOHN DOBYNS

Chairperson

Committee on Government Operations

CALENDAR OF TUESDAY, APRIL 28

Assembly Joint Resolution 129

Relating to: the life and public service of Richard Weinke.

The question was: Shall **Assembly Joint Resolution 129** be adopted?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 129** be immediately messaged to the Senate. Granted.

Assembly Bill 549

Relating to: issuance of administrative warnings by the medical examining board, disciplinary actions against physicians, granting rule-making authority and providing a penalty.

The question was: **Assembly Bill 549** having been read three times, shall the bill be passed?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 549** be immediately messaged to the Senate. Granted.

Assembly Bill 807

Relating to: requiring notice to persons affected by zoning actions that change the allowable use of their property.

The question was: **Assembly Bill 807** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Brandemuehl, Foti, Freese, Gard, Goetsch, Green, Gronemus, Grothman, Gunderson, Hahn, Harsdorf, Huebsch, Hutchison, Johnsrud, Kedzie, Kelso, Klusman, Kreibich, Ladwig, F. Lasee, Musser, Nass, Olsen, Otte, Ourada, Owens, Porter, Powers, Schafer, Seratti, Skindrud, Spillner, Stone, Sykora, Underheim, Vrakas, Ward, Wieckert, Zukowski and Speaker Jensen – 42.

Noes – Representatives Baldwin, Baumgart, Black, Bock, Boyle, Carpenter, Coggs, Cullen, Dobyns, Dueholm, Duff, Handrick, Hanson, Hasenohrl, Hebl, Hoven, Huber, Hubler, Jeskewitz, Kaufert, Kreuser, Krug, Krusick, Kunicki, La Fave, J. Lehman, M. Lehman, Linton, Lorge, Meyer, Morris–Tatum, Murat, Notestein, Ott, Plale, Plouff, R. Potter,

Reynolds, Riley, Robson, Ryba, Schneider, Springer, Staskunas, Steinbrink, Travis, Turner, Urban, Vander Loop, Walker, Wasserman, Williams, Wood, L. Young, R. Young and Ziegelbauer – 56.

Absent or not voting – None.

Motion failed.

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

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

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

Assembly Bill 886

Relating to: prohibiting a person 12 years of age or over who has been adjudicated delinquent for committing a serious crime or who has a delinquency petition pending for a serious crime from day care licensure, certification, employment, contracting or residence.

Representative Morris–Tatum moved that **Assembly Bill 886** be laid on the table.

The question was: Shall **Assembly Bill 886** be laid on the table?

The roll was taken.

The result follows:

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

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

Absent or not voting – None.

Motion failed.

The question was: **Assembly Bill 886**, having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Brandemuehl, Dobyns, Duff, Foti, Freese, Gard, Goetsch, Green, Grothman, Gunderson, Hahn, Handrick, Hanson, Harsdorf, Hoven,

Huebsch, Hutchison, Jeskewitz, Johnsrud, Kaufert, Kedzie, Kelso, Klusman, Kreibich, Krusick, Ladwig, F. Lasee, M. Lehman, Lorge, Murat, Musser, Nass, Olsen, Ott, Otte, Ourada, Owens, Porter, Powers, Robson, Schafer, Seratti, Skindrud, Spillner, Stone, Sykora, Turner, Underheim, Urban, Vrakas, Walker, Ward, Wasserman, Wieckert, Wood, Zukowski and Speaker Jensen – 59.

Noes – Representatives Baldwin, Baumgart, Black, Bock, Boyle, Carpenter, Coggs, Cullen, Dueholm, Gronemus, Hasenohrl, Hebl, Huber, Hubler, Kreuser, Krug, Kunicki, La Fave, J. Lehman, Linton, Meyer, Morris–Tatum, Notestein, Plale, Plouff, R. Potter, Reynolds, Riley, Ryba, Schneider, Springer, Staskunas, Steinbrink, Travis, Vander Loop, Williams, L. Young, R. Young and Ziegelbauer – 39.

Absent or not voting – None.

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 886** be immediately messaged to the Senate.

Representative Morris–Tatum objected.

Representative Foti moved that the rules be suspended and that **Assembly Bill 886** be immediately messaged to the Senate.

The question was: Shall the rules be suspended and **Assembly Bill 886** be immediately messaged to the Senate?

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, Krusick, Ladwig, F. Lasee, M. Lehman, Lorge, Musser, Nass, Olsen, Ott, Otte, Ourada, Owens, Porter, Powers, Schafer, Seratti, Skindrud, Spillner, Stone, Sykora, Underheim, Urban, Vrakas, Walker, Ward, Wieckert, Zukowski and Speaker Jensen – 53.

Noes – Representatives Baldwin, Baumgart, Black, Bock, Boyle, Carpenter, Coggs, Cullen, Dueholm, Gronemus, Hanson, Hasenohrl, Hebl, Huber, Hubler, Kreuser, Krug, Kunicki, La Fave, J. Lehman, Linton, Meyer, Morris–Tatum, Murat, Notestein, Plale, Plouff, R. Potter, Reynolds, Riley, Robson, Ryba, Schneider, Springer, Staskunas, Steinbrink, Travis, Turner, Vander Loop, Wasserman, Williams, Wood, L. Young, R. Young and Ziegelbauer – 45.

Absent or not voting – None.

Motion carried.

Senate Bill 274

Relating to: removal of disruptive pupils from the class and granting rule-making authority.

Assembly amendment 1 to Assembly substitute amendment 2 to **Senate Bill 274** offered by Representatives R. Young, Dueholm and Schneider.

POINT OF ORDER

Representative Underheim rose to the point of order that Assembly amendment 1 to Assembly substitute amendment 2 to **Senate Bill 274** was not germane under Assembly Rule 54 (3)(f).

Representative Underheim withdrew his point of order that Assembly amendment 1 to Assembly substitute amendment 2 to **Senate Bill 274** was not germane under Assembly Rule 54 (3)(f).

Representative Underheim moved that Assembly amendment 1 to Assembly substitute amendment 2 to **Senate Bill 274** be laid on the table.

The question was: Shall Assembly amendment 1 to Assembly substitute amendment 2 to **Senate Bill 274** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Baumgart, Brandemuehl, Dobyns, Duff, Foti, Freese, Gard, Green, Grothman, Gunderson, Hahn, Handrick, Huebsch, Hutchison, Jeskewitz, Klusman, Kreibich, Krusick, Ladwig, F. Lasee, M. Lehman, Lorge, Musser, Ott, Otte, Owens, Porter, Powers, Schafer, Skindrud, Stone, Sykora, Underheim, Urban, Vrakas, Walker, Ward, Wieckert, Zukowski and Speaker Jensen – 42.

Noes – Representatives Baldwin, Black, Bock, Boyle, Carpenter, Coggs, Cullen, Dueholm, Goetsch, Gronemus, Hanson, Harsdorf, Hasenohrl, Hebl, Hoven, Huber, Hubler, Johnsrud, Kaufert, Kedzie, Kelso, Kreuser, Krug, Kunicki, La Fave, J. Lehman, Linton, Meyer, Morris–Tatum, Murat, Nass, Notestein, Olsen, Ourada, Plale, Plouff, R. Potter, Reynolds, Riley, Robson, Ryba, Schneider, Seratti, Spillner, Springer, Staskunas, Steinbrink, Travis, Turner, Vander Loop, Wasserman, Williams, Wood, L. Young, R. Young and Ziegelbauer – 56.

Absent or not voting – None.

Motion failed.

The question was: Shall Assembly amendment 1 to Assembly substitute amendment 2 to **Senate Bill 274** be adopted?

Motion carried.

Assembly amendment 2 to Assembly substitute amendment 2 to **Senate Bill 274** offered by Representatives R. Young, Dueholm and Schneider.

The question was: Shall Assembly amendment 2 to Assembly substitute amendment 2 to **Senate Bill 274** be adopted?

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, 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, 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, Spillner, Springer, Staskunas, Steinbrink, Stone, Sykora, Travis, Turner, Underheim, Urban, Vander Loop, Vrakas, Walker, Ward, Wasserman, Wieckert, Williams, Wood, L. Young, R. Young, Ziegelbauer, Zukowski and Speaker Jensen – 98.

Noes – None.

Absent or not voting – None.

Motion carried.

Assembly amendment 3 to Assembly substitute amendment 2 to **Senate Bill 274** offered by Representative Nass.

Representative Underheim moved that Assembly amendment 3 to Assembly substitute amendment 2 to **Senate Bill 274** be laid on the table.

The question was: Shall Assembly amendment 3 to Assembly substitute amendment 2 to **Senate Bill 274** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives Albers, Baumgart, Boyle, Brandemuehl, Carpenter, Cullen, Dobyns, Dueholm, Duff, Foti, Freese, Gard, Goetsch, Gunderson, Hahn, Handrick, Hanson, Harsdorf, Hasenohrl, Hebl, Hoven, Huber, Hubler, Huebsch, Hutchison, Jeskewitz, Johnsrud, Kaufert, Klusman, Kreibich, Kreuser, Krug, Krusick, Kunicki, Ladwig, F. Lasee, J. Lehman, M. Lehman, Linton, Lorge, Meyer, Murat, Musser, Olsen, Ott, Otte, Ourada, Owens, Plale, Plouff, Porter, R. Potter, Powers, Reynolds, Robson, Schneider, Skindrud, Spillner, Springer, Steinbrink, Stone, Sykora, Turner, Underheim, Urban, Vander Loop, Walker, Ward, Wasserman, Wieckert, Ziegelbauer and Speaker Jensen – 72.

Noes – Representatives Ainsworth, Baldwin, Black, Bock, Coggs, Green, Gronemus, Grothman, Kedzie, Kelso, La Fave, Morris-Tatum, Nass, Notestein, Riley, Ryba, Schafer, Seratti, Staskunas, Travis, Vrakas, Williams, Wood, L. Young, R. Young and Zukowski – 26.

Absent or not voting – None.

Motion carried.

The question was: Shall Assembly substitute amendment 2 to **Senate Bill 274** be adopted?

Motion carried.

The question was: Shall **Senate Bill 274** be ordered to a third reading?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Senate Bill 274** be given a third reading. Granted.

The question was: **Senate Bill 274** having been read three times, shall the bill be concurred in as amended?

The roll was taken.

The result follows:

Ayes – Representatives Ainsworth, Albers, Baldwin, Baumgart, Black, Bock, Brandemuehl, Carpenter, Coggs, Cullen, Dobyns, Dueholm, Duff, Foti, Freese, Gard, Goetsch, Green, Gronemus, Gunderson, Hahn, Handrick, Hanson, Harsdorf, Hasenohrl, Hebl, Huber, Huebsch, Hutchison, Jeskewitz, Johnsrud, Kaufert, Kelso, Klusman, Kreibich, Kreuser, Krug, Krusick, Kunicki, La Fave, Ladwig, F. Lasee, J. Lehman, Linton, Lorge, Meyer, Murat, Musser, Nass, Notestein, Olsen, Ott, Otte, Ourada, Owens, Plale, Plouff, Porter, R. Potter, Powers, Riley, Robson, Ryba, Schafer, Schneider, Seratti, Skindrud, Spillner, Springer, Staskunas, Steinbrink, Stone, Sykora, Travis, Turner, Underheim, Urban, Vander Loop, Vrakas, Walker, Ward, Wasserman, Wieckert, Wood, L. Young, R. Young, Ziegelbauer and Speaker Jensen – 88.

Noes – Representatives Boyle, Grothman, Hoven, Hubler, Kedzie, M. Lehman, Morris-Tatum, Reynolds, Williams and Zukowski – 10.

Absent or not voting – None.

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that **Senate Bill 274** be immediately messaged to the Senate. Granted.

Representative Kunicki asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 130** be introduced. Granted.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 130

Relating to: revival of specified proposals for further consideration.

By Representative Kunicki.

To committee on **Assembly Organization**.

Representative Kunicki moved that the rules be suspended and that **Assembly Joint Resolution 130** be withdrawn from the committee on **Assembly Organization** and taken up at this time.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 130** be withdrawn from the committee on **Assembly Organization** and taken up at this time. Granted.

Assembly Joint Resolution 130

Relating to: revival of specified proposals for further consideration.

POINT OF ORDER

Representative Foti rose to the point of order that **Assembly Joint Resolution 130** was not properly before the Assembly under Assembly Rule **93 (1)** and Joint Rule **81 (2)**.

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

Representative Hubler 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, M. Lehman, Lorge, Musser, Nass, Olsen, Ott, Otte, Ourada, Owens, Porter, Powers, Schafer, Seratti, Skindrud, Spillner, Stone, Sykora, Underheim, Urban, Vrakas, Walker, Ward, Wieckert, Zukowski and Speaker Jensen – 52.

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.

MOTIONS

Representative Foti asked unanimous consent that **Senate Bill 371** be withdrawn from the committee on **Rules** and referred to the committee on **Housing**. Granted.

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

The Assembly stood recessed.

3:09 P.M.

RECESS

3:17 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 as amended:

Assembly Joint Resolution 81

ACTION ON THE SENATE MESSAGE

Assembly Joint Resolution 81

Relating to: urging the U.S. secretary of agriculture to immediately change the federal milk pricing system.

The question was: Shall Senate amendment 1 to **Assembly Joint Resolution 81** be concurred in?

Motion carried.

Representative Foti asked unanimous consent that the rules be suspended and that the Assembly’s action on **Assembly Joint Resolution 81** be immediately messaged to the Senate. Granted.

ADJOURNMENT

Representative Foti moved that the April 1998 Extraordinary Session of the Assembly stand adjourned until 10:02 A.M. on Thursday, April 30.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

3:20 P.M.