



STATE OF WISCONSIN Assembly Journal

Ninety-Eighth Regular Session

11:45 A.M.

TUESDAY, September 25, 2007

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

Representative Zipperer in the chair.

The Assembly dispensed with the call of the roll.

AMENDMENTS OFFERED

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 446** offered by Representative Hines.

COMMITTEE REPORTS

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

Assembly Bill 377

Relating to: requiring a hospital to provide to a sexual assault victim information and, upon her request, emergency contraception and providing a penalty.

Assembly Amendment 1 adoption:

Ayes: 6 – Representatives Gundrum, Kramer, Friske, Kerkman, Kleefisch and Pridemore.

Noes: 4 – Representatives Staskunas, Hintz, Turner and Kessler.

Passage as amended:

Ayes: 6 – Representatives Gundrum, Kramer, Friske, Kerkman, Kleefisch and Pridemore.

Noes: 4 – Representatives Staskunas, Hintz, Turner and Kessler.

To committee on **Rules**.

Assembly Bill 427

Relating to: voluntary and informed consent to an abortion and requiring provision of information on domestic abuse services.

Assembly Amendment 1 adoption:

Ayes: 8 – Representatives Gundrum, Kramer, Friske, Kerkman, Kleefisch, Pridemore, Staskunas and Hintz.

Noes: 2 – Representatives Turner and Kessler.

Passage as amended:

Ayes: 8 – Representatives Gundrum, Kramer, Friske, Kerkman, Kleefisch, Pridemore, Staskunas and Hintz.

Noes: 2 – Representatives Turner and Kessler.

To committee on **Rules**.

Assembly Bill 433

Relating to: the disclosure of certain library records to law enforcement officers.

Assembly Amendment 1 adoption:

Ayes: 10 – Representatives Gundrum, Kramer, Friske, Kerkman, Kleefisch, Pridemore, Staskunas, Hintz, Turner and Kessler.

Noes: 0.

Passage as amended:

Ayes: 10 – Representatives Gundrum, Kramer, Friske, Kerkman, Kleefisch, Pridemore, Staskunas, Hintz, Turner and Kessler.

Noes: 0.

To committee on **Rules**.

Assembly Bill 479

Relating to: the admissibility of evidence of the discovery of an endangered or threatened species during the course of certain proceedings.

Passage:

Ayes: 6 – Representatives Gundrum, Kramer, Friske, Kerkman, Kleefisch and Pridemore.

Noes: 4 – Representatives Staskunas, Hintz, Turner and Kessler.

To committee on **Rules**.

Assembly Bill 498

Relating to: costs of administering tests for intoxication.

Assembly Amendment 1 adoption:

Ayes: 10 – Representatives Gundrum, Kramer, Friske, Kerkman, Kleefisch, Pridemore, Staskunas, Hintz, Turner and Kessler.

Noes: 0.

Passage as amended:

Ayes: 10 – Representatives Gundrum, Kramer, Friske, Kerkman, Kleefisch, Pridemore, Staskunas, Hintz, Turner and Kessler.

Noes: 0.

To committee on **Rules**.

Assembly Bill 499

Relating to: strangulation and suffocation, and providing a penalty.

Assembly Amendment 1 adoption:

Ayes: 10 – Representatives Gundrum, Kramer, Friske, Kerkman, Kleefisch, Pridemore, Staskunas, Hintz, Turner and Kessler.

Noes: 0.

Passage as amended:

Ayes: 10 – Representatives Gundrum, Kramer, Friske, Kerkman, Kleefisch, Pridemore, Staskunas, Hintz, Turner and Kessler.

Noes: 0.

To committee on **Rules**.

Senate Bill 129

Relating to: requiring a hospital to provide to a sexual assault victim information and, upon her request, emergency contraception and providing a penalty.

Assembly Amendment 1 adoption:

Ayes: 6 – Representatives Gundrum, Kramer, Friske, Kerkman, Kleefisch and Pridemore.

Noes: 4 – Representatives Staskunas, Hintz, Turner and Kessler.

Concurrence as amended:

Ayes: 6 – Representatives Gundrum, Kramer, Friske, Kerkman, Kleefisch and Pridemore.

Noes: 4 – Representatives Staskunas, Hintz, Turner and Kessler.

To committee on **Rules**.

MARK GUNDRUM
Chairperson
Committee on Judiciary and Ethics

RULING ON THE POINT OF ORDER

On Tuesday, September 18th (page 278 of the Assembly Journal), Representative Schneider rose to a point of order that **Assembly Bill 506** was not properly before the Assembly because it required an emergency statement pursuant to s. [16.47\(2\)](#) of the Wisconsin Statutes.

Speaker Pro Tempore Gottlieb ruled the point of order **not well taken**. The full text of the ruling by the Speaker Pro Tempore Gottlieb follows:

“The Gentleman from the 72nd raised a point of order that, under section [16.47\(2\)](#) of the statutes, this bill, Assembly Bill 506, is not properly before the body because it is an appropriation bill over \$10,000 and it does not have the required emergency statement.

I find the point of order to be not well taken.

We assume the normal case. Usually the budget bill is an executive budget bill. But I think it’s clearly understood that that doesn’t have to be the case, that we can pass a budget bill that is not the executive budget bill. That has happened in previous sessions when we passed a legislative budget bill.

I think it is also clearly understood that if we were to pass a complete and entire legislative budget bill, that that would not require an emergency statement because it would be the budget bill.

So, the question here is whether Assembly Bill 506 is, or is not, a budget bill. If it is an appropriation bill but not a budget bill, then the Gentleman from the 72nd’s point is well taken. But if it is, in fact, a legislative budget bill, then the point of order would not be well taken.

The Gentleman from the 72nd made the point that it just so happens that the bill appropriates over half of the state general fund budget, and that it could just as easily be a bill to just fund the Arts Board, or that it could be a bill for a \$10,001 appropriation. I think therein lies the issue of how we interpret the question of whether this is, in fact, a budget bill.

There are certain things that argue in favor of making a determination that this is, in fact, a legislative budget bill.

The first one is that it appropriates a significant percentage of state money for the coming biennium.

Second, we should also look at the legislative intent and the intent of the authors of the bill. The authors of the bill have been clear in their intent that what they are introducing here, and bringing before the body, is a legislative budget bill.

There is also historic precedent for considering this to be a legislative budget bill. In 1971, the budget conference committee got bogged down on the governor’s budget bill, 1971 Assembly Bill 414. While the conference committee was still meeting, senate members of the conference committee introduced 1971 Senate Bill 805. This bill addressed only general school aids and property tax relief. It was introduced as a budget bill and passed the Senate. The Senate Journal does not indicate that there was an emergency statement attached to the bill. The Assembly acted on this bill by passing an assembly substitute amendment that contained the entire state budget. It was eventually passed by the Senate as well. The 1971-73 biennial budget, therefore, originated in a bill that was passed by the Senate while the budget conference committee was still negotiating the governor’s budget bill. The governor’s budget bill, Assembly Bill 414, was recorded in the journal as failed to pass.

Clearly, the legislature has the authority to enact a legislative budget bill without an emergency statement. It is, likewise, clear that Assembly Bill 506 is intended to be a legislative budget bill.

It is, for all these reasons, that the chair rules the point of order raised by the Gentleman from the 72nd is not well taken.”

COMMUNICATIONS

September 20, 2007

Patrick Fuller
Assembly Chief Clerk
17 West Main Street, Suite 401
Madison, WI 53708

Dear Chief Clerk Fuller:

I was not in attendance during the Assembly floor session on September 18, 2007. I would like the Assembly Journal to reflect that, had I been in attendance, I would have voted in favor of Assembly Bill 506 and Assembly Bill 507.

Thank you for your attention to this matter.

Sincerely,
JEFF MURSAU
State Representative
36th Assembly District

ADJOURNMENT

Representative Kleefisch moved that the Assembly stand adjourned until 10:00 A.M. on Thursday, September 27.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

11:46 A.M.