

STATE OF WISCONSIN

Senate Journal

Eighty-Eighth Regular Session

10:00 A.M.

TUESDAY, May 12, 1987

The senate met.

The senate was called to order by Fred A. Risser, president of the senate.

The senate stood for the prayer which was offered by Reverend Kenneth Engelman of First United Methodist Church, Madison.

The senate remained standing and Senator Leraan led the senate in the pledge of allegiance to the flag of the United States of America.

The roll was called and the following senators answered to their names:

Senators Adelman, Andrea, Buettner, Chilsen, Chvala, Cowles Czarnezki, Davis, Ellis, Engeleiter, Feingold, George, Harsdorf, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Leraan, Lorman, Moen, Norquist, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden -- 33.

Absent -- None.

Absent with leave -- None.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 31

Relating to the right to keep and bear arms (first consideration).

By Senators Kreul, Roshell, Kincaid and Davis; cosponsored by Representatives Welch, Goetsch, Vergeront, Musser, Brandemuehl, Van Gorden, Tregoning, Schultz and Lepak.

Read first time and referred to committee on Judiciary and Consumer Affairs.

Senate Joint Resolution 32

Relating to nonuniform taxation of historic or prehistoric property (first consideration).

By Senators Ulichny, Rude, Risser, Andrea, Plewa, Te Winkle, Kincaid, Engeleiter, Chilsen and Weeden; cosponsored by Representatives Magnuson, Zeuske, Rosenzweig, Black, Boyle, Farrow, Huelsman, Radtke, Schneiders, Vergeront, Walling and Margaret Lewis.

Read first time and referred to committee on Aging, Banking, Commercial Credit and Taxation.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 252

Relating to notice to landowners of unpaid city, town and village utility bills.

By Senators Lorman, Kreul, Kincaid and Weeden; cosponsored by Representatives Goetsch, Musser, Grobschmidt, Margaret Lewis, Lepak, Bolle, Schneiders, Boyle and Walling.

To committee on Urban Affairs, Energy, Environmental Resources and Elections.

Senate Bill 253

Relating to the rate for the fermented malt beverages tax and making an appropriation.

By Senators Lorman, Buettner, Weeden and Chilsen; cosponsored by Representatives Bell, Zweck, Huelsman and Young.

To committee on Aging, Banking, Commercial Credit and Taxation.

Senate Bill 254

Relating to creating a state policy to take affirmative action against age discrimination in the state classified service.

By Senators Feingold and Kincaid; cosponsored by Representatives Travis, Byers, Grobschmidt and Neubauer.

To committee on Aging, Banking, Commercial Credit and Taxation.

Senate Bill 255

Relating to treatment of certain federal payments to a school district in calculating the school district's shared cost.

By Senators Kreul, Van Sistine and Kincaid; cosponsored by Representatives Musser, Hamilton, Tregoning, Schultz and Lepak.

To committee on Education.

Senate Bill 256

Relating to the collection of delinquent payments for public utility service supplied by a city, village or town and granting rule-making authority.

By Senators Lasee, Roshell, Leraan and Kincaid; cosponsored by Representatives Lepak, Musser and Schneiders.

To committee on Urban Affairs, Energy, Environmental Resources and Elections.

Senate Bill 257

Relating to walks and railings on railroad bridges and trestles.

By Senators Jauch, Rude, Roshell and Moen; cosponsored by Representatives Looby and Medinger.

To committee on Transportation, Tourism and Conservation.

Senate Bill 258

Relating to purchase of beer on credit by retailers and restrictions on issuance of beer licenses to persons with indebtedness for beer.

By Senators Te Winkle and Lasee; cosponsored by Representatives Boyle, Gronemus, Holschbach, Grobschmidt, Berndt and Brandemuehl, by request of the Wisconsin Association of Convenience Stores.

To committee on Labor, Business, Insurance, Veterans and Military Affairs.

Senate Bill 259

Relating to: state and local historic preservation programs, income and franchise tax benefits for historic preservation expenses, the property taxation of historic property and archaeological sites, establishing a state main street program, creating a council on main street programs granting rule-making authority, making appropriations and imposing a penalty.

By Senators Ulichny, Rude, Risser, Andrea, Plewa, Te Winkle, Engeleiter, Chilsen, Buettner and Weeden; cosponsored by Representatives Magnuson, Zeuske, Rosenzweig, Black, Boyle, Huelsman, Schneiders, Walling, Vergeront, Farrow, Radtke, Grobschmidt and Margaret Lewis.

To committee on Economic Development, Financial Institutions and Fiscal Policies.

Senate Bill 260

Relating to requiring counties to settle for property taxes within one month after receiving the tax roll.

By Senators Leean, Kreul, Andrea, Davis and Feingold; cosponsored by Representatives Wineke, Boyle, Bolle, Berndt, Hauke, Schober, Travis, Gruszynski and Medinger.

To committee on Aging, Banking, Commercial Credit and Taxation.

Senate Bill 261

Relating to regulation of occupational therapists and occupational therapy assistants by the medical examining board, creating an occupational therapy examining council and granting rule-making authority.

By Senators Chvala, Feingold, Risser, Rude, Te Winkle, Kincaid, Ulichny, Kreul, Jauch, Lasee, Helbach, Cowles, Andrea, Weeden, Leean, Roshell, Chilsen, Buettner and Harsdorf; cosponsored by Representatives Medinger, Becker, Shoemaker, Hauke, Schneiders, Tregoning, Magnuson, Seery, Looby, Ladwig, Holschbach, Musser, Boyle, Linton, Volk, Fortis, Black, McEssy, Bell, Roberts, Potter, Vanderperren, Hasenohrl, Berndt, Goetsch, Fergus, Prosser, Schultz, Porter, Deininger, Vergeront, Larson, Radtke, Swoboda, Van Gorden, Carpenter, Ourada, Wimmer,

Brancel, Byers, Wineke, Holperin, Foti, Van Dreef, Hamilton, Zeuske, Paulson, Johnsrud, Zweck, Walling, Matty, Merkt, Bradley, Turba, Brandemuehl, Gruszynski, Coleman, Grobschmidt and Schmidt.

To committee on Agriculture, Health and Human Services.

Senate Bill 262

Relating to prohibiting cigarette and tobacco products sales to and purchase by certain persons, distribution of cigarettes and tobacco products for nominal or no consideration, cigarette vending machine locations, increasing cigarette and tobacco products taxes, providing funds for health programs, making an appropriation and providing a penalty.

By Senators Risser, Czarnecki, Lorman, Chvala and Buettner; cosponsored by Representatives Neubauer, Rosenzweig, Bell, Paulson, Hasenohrl, Young, Gruszynski, Vergeront, Robinson, Notestein, Magnuson, Boyle and Fortis.

To committee on Judiciary and Consumer Affairs.

Senate Bill 263

Relating to providing family leave to employes in this state for pregnancy or for the birth or adoption of a child and providing a penalty.

By Senators Risser, Te Winkle, Chvala and Czarnecki; cosponsored by Representatives Notestein, Krug, Black, Travis, Fortis, Carpenter, Young, Holperin, Barrett, Boyle, Magnuson, Berndt and Barca.

To committee on Agriculture, Health and Human Services.

By request of Senator Strohl, with unanimous consent, **Senate Joint Resolution 31** was withdrawn from committee on Judiciary and Consumer Affairs and referred to committee on Senate Rules.

COMMITTEE REPORTS

REPORT OF JOINT SURVEY COMMITTEE ON RETIREMENT SYSTEMS

Appendix to **Senate Bill 100**

Public Policy Involved

Protective Designation. Protective occupation participants have a higher multiplier and an earlier normal retirement than general employees, with corresponding higher employee and employer contribution requirements. WRS participants may be designated as protective in three ways: By specific definition under 40.02 (48), by employer designation pursuant to 40.06(1), or by appeal to the ETF Board by the employee. Provisions of the budget bill would newly require approval by DOA of any state agency designations made on or after January 1, 1987, before such designation would be effective.

This review process would include unilateral actions by the state agency heads and actions that may come out of collective bargaining or the arbitration process. In

addition, the nonstatutory language under Section 3019 might apply not only to new protective designations on and after January 1, 1987, but also to all previous designations that may have been made by state agency heads pursuant to 40.06(1), Stats. If it is the intent to only affect new designations on and after that date, the language should perhaps be clarified.

ASLCC Plan. The state's accumulated sick leave conversion plan was first established in 1971 and has gradually expanded in coverage since that date. The Legislative Audit Bureau carried out an in-depth review of the ASLCC plan in 1979 and again in 1985. The RRC has repeatedly studied the many issues raised by the Audit Bureau and, in fact, was involved in an actuarial study and the development of a significantly different conversion formula.

Since the 1979 Legislative Audit report, one of the major issues has been addressed -- that of providing actuarial funding. The legislature enacted a "step up" process in the employer contributions for the ASLCC program of 0.2% of payroll each year until the normal cost level is reached (about 1.6% of payroll). Nearly all of the other ASLCC problems alluded to in the 1979 audit report continue.

The budget bill addresses only one of the remaining issues -- the sick leave accrual and conversion process at the U.S. system. Presumably, it was the intent to address this one issue and hopefully correct or modify some of the problems therein. On the other hand, U.W. spokesmen indicate that the provisions may be inequitable to U.W. personnel, and that the specific language is confusing and lacking in specifics.

Health Ins. The budget bill also affects state employer costs for health insurance by reducing the employer paid premiums for qualifying HMO plans from the present 105% of the least costly HMO plan in that area to 100% of said plan. The state budget office indicates that the savings will be \$2.3 million, of which \$900,000 is state GPR. The affect of the proposed premium change on the bidding process by HMO plans is uncertain.

ROBERT JAUCH

Co-Chair

JOHN VOLK

Co-Chair

The committee on Education reports and recommends:

Assembly Bill 116

Relating to school board waiver of compulsory attendance.

Concurrence:

Ayes, 5 -- Senators Czarnezki, Moen, Jauch, Lorman and Rude;

Noes, 0 -- None.

Senate Bill 122

Relating to modifying the distribution schedule of state aid payments to school districts.

Introduction and adoption of senate amendment 1:
Ayes, 5 -- Senators Czarnezki, Moen, Jauch, Lorman and Rude;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Czarnezki, Moen, Jauch, Lorman and Rude;

Noes, 0 -- None.

Senate Bill 38

Relating to elected officials serving on vocational, technical and adult education district boards.

Introduction and adoption of senate substitute amendment 1:

Ayes, 5 -- Senators Czarnezki, Moen, Jauch, Lorman and Rude;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Czarnezki, Moen, Jauch, Lorman and Rude;

Noes, 0 -- None.

JOSEPH J. CZARNEZKI

Chair

The committee on Senate Organization reports and recommends:

Assembly Joint Resolution 30

Relating to observing the 200th anniversary of the adoption of the Northwest Ordinance.

Concurrence:

Ayes, 5 -- Senators Risser, Strohl, Norquist, Engeleiter and Ellis;

Noes, 0 -- None.

Assembly Joint Resolution 31

Relating to the life and public service of Louis C. Romell.

Concurrence:

Ayes, 5 -- Senators Risser, Strohl, Norquist, Engeleiter and Ellis;

Noes, 0 -- None.

Assembly Joint Resolution 32

Relating to commending the Milwaukee Brewers.

Concurrence:

Ayes, 5 -- Senators Risser, Strohl, Norquist, Engeleiter and Ellis;

Noes, 0 -- None.

Assembly Joint Resolution 33

Relating to the life and public service of James E. Doyle.

Concurrence:

Ayes, 5 -- Senators Risser, Strohl, Norquist, Engeleiter and Ellis;

Noes, 0 -- None.

FRED A. RISSER

Chair

The joint committee on Finance reports and recommends:

Senate Bill 166

Relating to establishing a speed limit of 65 miles per hour for rural interstate highways.

Introduction of senate substitute amendment 1:

Ayes, 11 -- Senators George, Norquist, Helbach and Chvala, Representatives Schneider, Travis, Coggs, Bell, Holperin, Prosser and Panzer;

Noes, 4 -- Senators Roshell, Andrea, Stitt and Davis.

Introduction and adoption of senate amendment 1 to senate substitute amendment 1:

Ayes, 15 -- Senators George, Roshell, Norquist, Helbach, Chvala, Andrea, Stitt and Davis, Representatives Schneider, Travis, Coggs, Bell, Holperin, Prosser and Panzer;

Noes, 0 -- None.

Introduction and adoption of senate amendment 2 to senate substitute amendment 1:

Ayes, 9 -- Senators George, Roshell, Norquist, Helbach, Chvala, Andrea, Stitt and Davis, Representative Holperin;

Noes, 6 -- Representatives Schneider, Travis, Coggs, Bell, Prosser and Panzer.

Adoption of senate substitute amendment 1 as amended:

Ayes, 8 -- Senators George, Roshell, Helbach, Andrea, Stitt and Davis, Representatives Holperin and Panzer;

Noes, 7 -- Senators Norquist and Chvala, Representatives Schneider, Travis, Coggs, Bell and Prosser.

Passage as amended with emergency statement attached:

Ayes, 8 -- Senators George, Roshell, Helbach, Andrea, Stitt and Davis, Representatives Holperin and Panzer;

Noes, 7 -- Senators Norquist and Chvala, Representatives Schneider, Travis, Coggs, Bell and Prosser.

GARY R. GEORGE
Senate Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Legislative Council

May 7, 1987

To the Honorable the Senate:

I am pleased to transmit to you the following report to the 1987 Legislature on legislation introduced by the Legislative Council:

RL 87- 8 -- Legislation on Private Sewage Systems (Assembly Bill 347)

I would appreciate your including this letter in the Journal for the information of the membership.

Additional copies of this report are available, on request, in the Legislative Council offices, Room 147 North, State Capitol.

Sincerely,
BONNIE REESE
Executive Secretary

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

April 28, 1987

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ROBERT DUANE HAASE of Marinette to the position of Insurance Commissioner, pursuant to the statute governing, to serve a term to expire March 1, 1991.

Respectfully,
TOMMY THOMPSON
Governor

Read and referred to committee on Labor, Business, Insurance, Veterans and Military Affairs.

State of Wisconsin
Office of the Governor

May 6, 1987

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint EUGENE G. MARTIN of River Hills to the Wisconsin Investment Board, pursuant to the statute governing, to serve a term to expire May 1, 1993.

Respectfully,
TOMMY THOMPSON
Governor

Read and referred to committee on Housing, Government Operations and Cultural Affairs.

State of Wisconsin
Office of the Governor

April 27, 1987

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint NANCY SCHRAUFNAGEL of Elroy to the Savings & Loan Review Board, pursuant to the statute governing, to serve a term to expire May 1, 1991.

Respectfully,
TOMMY THOMPSON
Governor

Read and referred to committee on Economic Development, Financial Institutions and Fiscal Policies.

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 87-60

AN ORDER to amend a shoreland-wetland zoning ordinance for Trempealeau County.

Submitted by Department of Natural Resources.

JOURNAL OF THE SENATE [May 12, 1987]

Report received from agency, May 11, 1987.
Referred to committee on Urban Affairs, Energy,
Environmental Resources and Elections, May 12, 1987.

Senate Clearinghouse Rule 86-188

Relating to practice and procedure.

Submitted by Personnel Commission.

Report received from agency, May 12, 1987.

Referred to committee on Housing, Government
Operations and Cultural Affairs, May 12, 1987.

The committee on Labor, Business, Insurance,
Veterans and Military Affairs reports and recommends:

Senate Clearinghouse Rule 87-23

Relating to annuity benefit solicitation.

No action taken.

JEROME VAN SISTINE
Chair

The joint committee on Administrative Rules reports
and recommends:

Senate Clearinghouse Rule 87-7

Relating to real estate brokerage services.

No action taken.

Pharmacy Examining Board

PHAR 1.02(8) Wis. Adm. Code, relating to the
administrative definition of practice of pharmacy.

Rules suspended:

Ayes, 8 -- Senators Plewa, Jauch, Kreul, Cowles,
Representatives Antaramian, Black, Welch
and Zeuske;

Noes, 2 -- Senator Czarnezki and Representative
Gruszynski.

JOHN R. PLEWA
Co-Chair

JOHN M. ANTARAMIAN
Co-Chair

CALENDAR OF MAY 12, 1987

Senate Bill 81

Relating to agreements between boards of school
directors and organizations representing administrators
and supervisors in 1st class cities.

Read a second time.

By request of Senator Lasee, with unanimous
consent, the senate recessed until 11:42 A.M.

10:27 A.M.

RECESS

11:42 A.M.

The senate reconvened.

The question was: Shall the bill be ordered to a third
reading?

The ayes and noes were demanded and the vote was:
ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Chvala,
Czarnezki, Feingold, George, Helbach, Jauch, Kincaid,
Lee, Moen, Norquist, Plewa, Risser, Roshell, Strohl, Te
Winkle, Ulichny and Van Sistine — 19.

Noes — Senators Buettner, Chilsen, Cowles, Davis,
Ellis, Engeleiter, Harsdorf, Kreul, Lasee, Leean,
Lorman, Rude, Stitt and Weeden — 14.

Absent or not voting — None.

So the bill was ordered to a third reading.

By request of Senator Strohl, with unanimous
consent, the bill was considered for final action at this
time.

Senate Bill 81

Read a third time and passed.

Senate Bill 88

Relating to prohibiting the sale of certain beverage
containers and providing a penalty.

Read a second time.

Senate amendment 1 to senate substitute amendment
1 offered by Senators Davis and Lee.

The question was: Adoption of senate amendment 1
to senate substitute amendment 1?

Senator Van Sistine moved rejection of senate
amendment 1 to senate substitute amendment 1.

The question was: Rejection of senate amendment 1
to senate substitute amendment 1?

The motion prevailed.

The question was: Adoption of senate substitute
amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Strohl, with unanimous
consent, the bill was considered for final action at this
time.

Senate Bill 88

Read a third time and passed.

Senate Bill 91

Relating to the cost of copies of register of deeds
records.

Read a second time.

The question was: Adoption of senate substitute
amendment 1?

Adopted.

Senator Te Winkle moved that the bill be indefinitely
postponed.

The question was: Shall the bill be indefinitely
postponed?

Senator Helbach in the chair.

11:55 A.M.

The ayes and noes were demanded and the vote was:
ayes, 13; noes, 20; absent or not voting, 0; as follows:

Ayes — Senators Andrea, Chilsen, Chvala, Feingold, Helbach, Jauch, Kincaid, Lekan, Lorman, Roshell, Rude, Te Winkle and Van Sistine — 13.

Noes — Senators Adelman, Buettner, Cowles, Czarnecki, Davis, Ellis, Engeleiter, George, Harsdorf, Kreul, Lasee, Lee, Moen, Norquist, Plewa, Risser, Stitt, Strohl, Ulichny and Weeden — 20.

Absent or not voting — None.

So the motion did not prevail.

Senator Te Winkle moved that the bill be referred to committee on Urban Affairs, Energy, Environmental Resources and Elections.

The question was: Shall the bill be referred to committee on Urban Affairs, Energy, Environmental Resources and Elections.

The motion did not prevail.

Ordered to a third reading.

By request of Senator Strohl, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 91

Read a third time and passed.

By request of Senator Strohl, with unanimous consent, the rules were suspended and the Supplemental Calendar of May 12, 1987 was considered at this time.

Senate Bill 166

Relating to establishing a speed limit of 65 miles per hour for rural interstate highways.

Read a second time.

By request of Senator Strohl, with unanimous consent, **Senate Bill 166** was placed after **Assembly Joint Resolution 33**.

Assembly Joint Resolution 15

Relating to proclaiming the 2nd week in May 1987 'Pride in Wisconsin Week'.

Read.

Senate amendment 1 offered by Senator Strohl.

Senate amendment 1 to senate amendment 1 offered by Senator Stitt.

The question was: Adoption of senate amendment 1 to senate amendment 1?

Adopted.

The question was: Adoption of senate amendment 1? Adopted.

Senate amendment 2 offered by Senators Strohl and Engeleiter.

The question was: Adoption of senate amendment 2?

By request of Senator Strohl, with unanimous consent, senate amendment 2 was returned to the author.

The question was: Shall the joint resolution be concurred in?

Concurred in as amended.

Assembly Joint Resolution 24

Relating to the outstanding public service and dedication of former State Representative Norbert Nuttleman.

Read.

Considered as privileged and taken up.
Concurred in by unanimous rising vote.

Assembly Joint Resolution 31

Relating to the life and public service of Louis C. Romell.

Read.

Considered as privileged and taken up.
Concurred in by unanimous rising vote.

Assembly Joint Resolution 33

Relating to the life and public service of James E. Doyle.

Read.

Concurred in.

Senate Bill 166

Relating to establishing a speed limit of 65 miles per hour for rural interstate highways.

Read a second time.

By request of Senator Strohl, with unanimous consent, the senate recessed until 2:00 P.M.

12:29 P.M.

RECESS

2:00 P.M.

The senate reconvened.

AMENDMENTS OFFERED

Senate amendment 2 to **Senate Bill 166** by Senators Plewa, Jauch and Czarnecki.

Senate amendment 3 to **Senate Bill 166** by Senator Davis.

Senate amendment 3 to senate substitute amendment 1 to **Senate Bill 166** by Senators Roshell and Strohl.

Senate amendment 4 to senate substitute amendment 1 to **Senate Bill 166** by Senator Chvala.

Senate amendment 5 to senate substitute amendment 1 to **Senate Bill 166** by Senator Davis.

Senate amendment 6 to senate substitute amendment 1 to **Senate Bill 166** by Senators Plewa, Jauch and Czarnecki.

Senate amendment 7 to senate substitute amendment 1 to **Senate Bill 166** by Senators Jauch, Czarnecki and Plewa.

Senate amendments 8 and 9 to senate substitute amendment 1 to **Senate Bill 166** by Senators Jauch and Czarnecki.

Senate amendments 10 and 11 to senate substitute amendment 1 to **Senate Bill 166** by Senator Jauch.

JOURNAL OF THE SENATE [May 12, 1987]

By request of Senator Engeleiter, with unanimous consent, the Senate returned to the fifth order of business.

Senate Petition 9

A petition by 56 Republican members of the Wisconsin Legislature requesting that the Republican membership on the joint committee on Finance be increased to a more fair and proportional representation of the minority party's seats in the Legislature.

By Senator Engeleiter.

Read and referred to committee on Senate Organization.

CALENDAR OF MAY 12, 1987

Senate Bill 166

Relating to establishing a speed limit of 65 miles per hour for rural interstate highways.

Read a second time.

The question was: Adoption of senate amendment 1 to senate substitute amendment 1?

Senator Te Winkle raised the point of order that senate substitute amendment 1 was not germane.

The chair ruled the point of order not well taken.

The question was: Adoption of senate amendment 1 to senate substitute amendment 1?

Adopted.

The question was: Adoption of senate amendment 2 to senate substitute amendment 1?

Adopted.

Senate amendment 1 to senate amendment 3 to senate substitute amendment 1 offered by Senator Lee.

The question was: Adoption of senate amendment 1 to senate amendment 3 to senate substitute amendment 1?

Senator Roshell moved rejection of senate amendment 1 to senate amendment 3 to senate substitute amendment 1.

The question was: Rejection of senate amendment 1 to senate amendment 3 to senate substitute amendment 1?

By request of Senator Lee, with unanimous consent, senate amendment 3 to senate substitute amendment 1 was placed after senate amendment 7 to senate substitute amendment 1.

The question was: Adoption of senate amendment 4 to senate substitute amendment 1?

Senator Roshell moved rejection of senate amendment 4 to senate substitute amendment 1.

The question was: Rejection of senate amendment 4 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 23; noes, 10; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Andrea, Buettner, Davis, Engeleiter, George, Harsdorf, Kincaid, Kreul, Lasee, Lee, Leean, Lorman, Norquist, Plewa, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden -- 23.

Noes -- Senators Chilsen, Chvala, Cowles, Czarnezki, Ellis, Feingold, Helbach, Jauch, Moen and Risser -- 10.
Absent or not voting -- None.

So the motion prevailed.

The question was: Adoption of senate amendment 5 to senate substitute amendment 1?

Senator Ellis moved rejection of senate amendment 5 to senate substitute amendment 1.

The question was: Rejection of senate amendment 5 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes -- Senators Andrea, Buettner, Ellis, George, Harsdorf, Kincaid, Kreul, Lasee, Lee, Leean, Lorman, Roshell, Rude, Stitt, Te Winkle, Ulichny and Van Sistine -- 17.

Noes -- Senators Adelman, Chilsen, Chvala, Cowles, Czarnezki, Davis, Engeleiter, Feingold, Helbach, Jauch, Moen, Norquist, Plewa, Risser, Strohl and Weeden -- 16.
Absent or not voting -- None.

So the motion prevailed.

The question was: Adoption of senate amendment 6 to senate substitute amendment 1?

Senator Roshell moved rejection of senate amendment 6 to senate substitute amendment 1.

The question was: Rejection of senate amendment 6 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

Ayes -- Senators Andrea, Buettner, Cowles, Davis, Engeleiter, Feingold, George, Harsdorf, Kreul, Lasee, Leean, Lorman, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden -- 20.

Noes -- Senators Adelman, Chilsen, Chvala, Czarnezki, Ellis, Helbach, Jauch, Kincaid, Lee, Moen, Norquist, Plewa and Risser -- 13.
Absent or not voting -- None.

So the motion prevailed.

The question was: Adoption of senate amendment 7 to senate substitute amendment 1?

Senator Roshell raised the point of order that senate amendment 7 to senate substitute amendment 1 was not germane.

The chair ruled the point of order not well taken.

Senator George moved rejection of senate amendment 7 to senate substitute amendment 1.

The question was: Rejection of senate amendment 7 to senate substitute amendment 1?

The motion prevailed.

The question was: Rejection of senate amendment 1 to senate amendment 3 to senate substitute amendment 1?

By request of Senator Lee, with unanimous consent, senate amendment 1 to senate amendment 3 to senate substitute amendment 1 was returned to the author.

Senate amendment 2 to senate amendment 3 to senate substitute amendment 1 offered by Senators Lee and Roshell.

The question was: Adoption of senate amendment 2 to senate amendment 3 to senate substitute amendment 1?

Adopted.

The question was: Adoption of senate amendment 3 to senate substitute amendment 1?

Senator Moen moved rejection of senate amendment 3 to senate substitute amendment 1.

The question was: Rejection of senate amendment 3 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 16; noes, 17; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Chilsen, Cowles, Czarnezki, Davis, Ellis, Feingold, Helbach, Jauch, Lee, Moen, Norquist, Risser, Stitt, Ulichny and Van Sistine -- 16.

Noes -- Senators Andrea, Buettner, Chvala, Engeleiter, George, Harsdorf, Kincaid, Kreul, Lasee, Lorman, Plewa, Roshell, Rude, Strohl, Te Winkle and Weeden -- 17.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Adoption of senate amendment 3 to senate substitute amendment 1?

Adopted.

The question was: Adoption of senate amendment 8 to senate substitute amendment 1?

By request of Senator Jauch, with unanimous consent, senate amendment 8 to senate substitute amendment 1 was placed after senate amendment 12 to senate substitute amendment 1.

The question was: Adoption of senate amendment 9 to senate substitute amendment 1 to Senate Bill 166?

Senator Roshell moved rejection of senate amendment 9 to senate substitute amendment 1.

The question was: Rejection of senate amendment 9 to senate substitute amendment 1?

The motion prevailed.

The question was: Adoption of senate amendment 10 to senate substitute amendment 1?

By request of Senator Jauch, with unanimous consent, senate amendment 10 to senate substitute amendment 1 was returned to the author.

The question was: Adoption of senate amendment 11 to senate substitute amendment 1?

Senator Roshell moved rejection of senate amendment 11 to senate substitute amendment 1.

The question was: Rejection of senate amendment 11 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Andrea, Buettner, Ellis, George, Harsdorf, Kincaid, Kreul, Lasee, Lorman, Roshell, Stitt, Strohl, Te Winkle, Ulichny and Van Sistine -- 17.

Noes -- Senators Chilsen, Chvala, Cowles, Czarnezki, Davis, Engeleiter, Feingold, Helbach, Jauch, Lee, Moen, Norquist, Plewa, Risser, Rude and Weeden -- 16.

Absent or not voting -- None.

So the motion prevailed.

Senate amendment 12 to senate substitute amendment 1 offered by Senators Jauch and Czarnezki.

The question was: Adoption of senate amendment 12 to senate substitute amendment 1?

Senator Roshell moved rejection of senate amendment 12 to senate substitute amendment 1.

The question was: Rejection of senate amendment 12 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

Ayes -- Senators Andrea, Buettner, Davis, Ellis, Engeleiter, George, Harsdorf, Kincaid, Kreul, Lasee, Lorman, Norquist, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden -- 20.

Noes -- Senators Adelman, Chilsen, Chvala, Cowles, Czarnezki, Feingold, Helbach, Jauch, Lee, Lorman, Moen, Plewa and Risser -- 13.

Absent or not voting -- None.

So the motion prevailed.

The question was: Adoption of senate amendment 8 to senate substitute amendment 1?

Senator Roshell moved rejection of senate amendment 8 to senate substitute amendment 1.

The question was: Rejection of senate amendment 8 to senate substitute amendment 1?

The motion prevailed.

JOURNAL OF THE SENATE [May 12, 1987]

Senate amendment 13 to senate substitute amendment 1 offered by Senators Czarnezki, Jauch, Engeleiter, Strohl and Plewa.

Senate amendment 1 to senate amendment 13 to senate substitute amendment 1 offered by Senator Rude.

The question was: Adoption of senate amendment 1 to senate amendment 13 to senate substitute amendment 1?

Senator Czarnezki moved rejection of senate amendment 1 to senate amendment 13 to senate substitute amendment 1.

The question was: Rejection of senate amendment 1 to senate amendment 13 to senate substitute amendment 1?

Senator Te Winkle raised the point of order that senate amendment 1 to senate amendment 13 to senate substitute amendment 1 was not germane.

The chair ruled the point of order not well taken.

Senator Ellis appealed the ruling of the chair.

The question was: Shall the decision of the chair stand as the judgment of the senate?

The ayes and noes were required and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Andrea, Chvala, Czarnezki, Feingold, George, Helbach, Jauch, Kincaid, Lee, Moen, Norquist, Plewa, Risser, Roshell, Strohl, Te Winkle, Ulichny and Van Sistine -- 19.

Noes -- Senators Buettner, Chilsen, Cowles, Davis, Ellis, Engeleiter, Harsdorf, Kreul, Lasee, Leean, Lorman, Rude, Stitt and Weeden -- 14.

Absent or not voting -- None.

So the decision of the chair shall stand as the judgment of the senate.

The question was: Rejection of senate amendment 1 to senate amendment 13 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 18; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Buettner, Chilsen, Chvala, Czarnezki, Davis, Engeleiter, Feingold, Helbach, Jauch, Lee, Norquist, Risser, Strohl and Van Sistine -- 15.

Noes -- Senators Andrea, Cowles, Ellis, George, Harsdorf, Kincaid, Kreul, Lasee, Leean, Lorman, Moen, Plewa, Roshell, Rude, Stitt, Te Winkle, Ulichny and Weeden -- 18.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Adoption of senate amendment 1 to senate amendment 13 to senate substitute amendment 1?

The question was: Adoption of senate amendment 1 to senate amendment 13 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 18; absent or not voting, 0; as follows:

Ayes -- Senators Andrea, Chilsen, Cowles, Ellis, Kincaid, Kreul, Lasee, Leean, Lorman, Moen, Roshell, Rude, Stitt, Ulichny and Weeden -- 15.

Noes -- Senators Adelman, Buettner, Chvala, Czarnezki, Davis, Engeleiter, Feingold, George, Harsdorf, Helbach, Jauch, Lee, Norquist, Plewa, Risser, Strohl, Te Winkle and Van Sistine -- 18.

Absent or not voting -- None.

So the amendment failed to be adopted.

Senate amendment 2 to senate amendment 13 to senate substitute amendment 1 offered by Senator Leean.

The question was: Adoption of senate amendment 2 to senate amendment 13 to senate substitute amendment 1?

Senator Czarnezki moved rejection of senate amendment 2 to senate amendment 13 to senate substitute amendment 1.

The question was: Rejection of senate amendment 2 to senate amendment 13 to senate substitute amendment 1 to **Senate Bill 166**?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Buettner, Chvala, Czarnezki, Davis, Ellis, Feingold, George, Harsdorf, Helbach, Jauch, Lee, Norquist, Plewa, Risser, Strohl, Te Winkle and Van Sistine -- 18.

Noes -- Senators Andrea, Chilsen, Cowles, Engeleiter, Kincaid, Kreul, Lasee, Leean, Lorman, Moen, Roshell, Rude, Stitt, Ulichny and Weeden -- 15.

Absent or not voting -- None.

So the motion prevailed.

Senate amendment 3 to senate amendment 13 to senate substitute amendment 1 offered by Senator Engeleiter.

The question was: Adoption of senate amendment 3 to senate amendment 13 to senate substitute amendment 1?

Senator Czarnezki moved rejection of senate amendment 3 to senate amendment 13 to senate substitute amendment 1.

The question was: Rejection of senate amendment 3 to senate amendment 13 to senate substitute amendment 1.

The ayes and noes were demanded and the vote was: ayes, 22; noes, 11; absent or not voting, 0; as follows:

Ayes -- Senators Andrea, Chvala, Ellis, Feingold, George, Harsdorf, Helbach, Jauch, Kincaid, Kreul,

Lasee, Lee, Lorman, Moen, Norquist, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny and Van Sistine -- 22.

Noes -- Senators Adelman, Buettner, Chilsen, Cowles, Czarnezki, Davis, Engeleiter, Leraan, Plewa, Risser and Weeden -- 11.

Absent or not voting -- None.

So the motion prevailed.

The question was: Adoption of senate amendment 13 to senate substitute amendment 1?

Senator Roshell moved rejection of senate amendment 13 to senate substitute amendment 1.

The question was: Rejection of senate amendment 13 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 16; noes, 17; absent or not voting, 0; as follows:

Ayes -- Senators Andrea, Ellis, Harsdorf, Kincaid, Kreul, Lasee, Leraan, Lorman, Moen, Norquist, Roshell, Rude, Stitt, Te Winkle, Ulichny and Van Sistine -- 16.

Noes -- Senators Adelman, Buettner, Chilsen, Chvala, Cowles, Czarnezki, Davis, Engeleiter, Feingold, George, Helbach, Jauch, Lee, Plewa, Risser, Strohl and Weeden -- 17.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Adoption of senate amendment 13 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Buettner, Chilsen, Chvala, Cowles, Czarnezki, Davis, Engeleiter, Feingold, George, Helbach, Jauch, Lee, Plewa, Risser, Strohl and Weeden -- 17.

Noes -- Senators Andrea, Ellis, Harsdorf, Kincaid, Kreul, Lasee, Leraan, Lorman, Moen, Norquist, Roshell, Rude, Stitt, Te Winkle, Ulichny and Van Sistine -- 16.

Absent or not voting -- None.

So the amendment was adopted.

Senator Rude moved that **Senate Bill 166** be referred to committee on Transportation, Tourism and Conservation.

The question was: Shall **Senate Bill 166** be referred to committee on Transportation, Tourism and Conservation?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 19; absent or not voting, 0; as follows:

Ayes -- Senators Chvala, Ellis, Feingold, Helbach, Jauch, Kincaid, Kreul, Lasee, Leraan, Lorman, Moen, Rude, Stitt and Te Winkle -- 14.

Noes -- Senators Adelman, Andrea, Buettner, Chilsen, Cowles, Czarnezki, Davis, Engeleiter, George,

Harsdorf, Lee, Norquist, Plewa, Risser, Roshell, Strohl, Ulichny, Van Sistine and Weeden -- 19.

Absent or not voting -- None.

So the motion did not prevail.

Senate amendment 14 to senate substitute amendment 1 offered by Senators Lee and Roshell.

The question was: Adoption of senate amendment 14 to senate substitute amendment 1?

Adopted.

Senate amendment 15 to senate substitute amendment 1 offered by Senators Te Winkle and Lasee.

The question was: Adoption of senate amendment 15 to senate substitute amendment 1?

Senator Lee moved rejection of senate amendment 15 to senate substitute amendment 1.

The question was: Rejection of senate amendment 15 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 18; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Chilsen, Chvala, Cowles, Czarnezki, Feingold, Helbach, Jauch, Lee, Moen, Norquist, Plewa, Risser, Strohl and Van Sistine -- 15.

Noes -- Senators Andrea, Buettner, Davis, Ellis, Engeleiter, George, Harsdorf, Kincaid, Kreul, Lasee, Leraan, Lorman, Roshell, Rude, Stitt, Te Winkle, Ulichny and Weeden -- 18.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Adoption of senate amendment 15 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes -- Senators Andrea, Buettner, Chilsen, Davis, Ellis, Engeleiter, Harsdorf, Kincaid, Kreul, Lasee, Leraan, Moen, Roshell, Rude, Stitt, Te Winkle, Ulichny and Weeden -- 18.

Noes -- Senators Adelman, Chvala, Cowles, Czarnezki, Feingold, George, Helbach, Jauch, Lee, Lorman, Norquist, Plewa, Risser, Strohl and Van Sistine -- 15.

Absent or not voting -- None.

So the amendment was adopted.

The question was: Adoption of senate substitute amendment 1?

By request of Senator Roshell, with unanimous consent, the senate recessed until 6:02 P.M.

5:42 P.M.

RECESS

6:02 P.M.

The senate reconvened.

Senator Roshell moved reconsideration of the vote by which senate amendment 15 to senate substitute amendment 1 to **Senate Bill 166** was adopted.

The question was: Reconsideration of the vote by which senate amendment 15 to senate substitute amendment 1 was adopted?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Andrea, Chvala, Cowles, Czarnecki, Feingold, George, Helbach, Jauch, Lee, Norquist, Plewa, Risser, Roshell, Strohl, Ulichny and Van Sistine -- 17.

Noes -- Senators Buettner, Chilsen, Davis, Ellis, Engeleiter, Harsdorf, Kincaid, Kreul, Lasee, Llean, Lorman, Moen, Rude, Stitt, Te Winkle and Weeden -- 16.

Absent or not voting -- None.

So the motion prevailed.

The question was: Adoption of senate amendment 15 to senate substitute amendment 1?

Senator Lee moved rejection of senate amendment 15 to senate substitute amendment 1.

The question was: Rejection of senate amendment 15 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Andrea, Chvala, Czarnecki, Feingold, George, Helbach, Jauch, Lee, Moen, Norquist, Plewa, Risser, Roshell, Strohl, Ulichny and Van Sistine -- 17.

Noes -- Senators Buettner, Chilsen, Cowles, Davis, Ellis, Engeleiter, Harsdorf, Kincaid, Kreul, Lasee, Llean, Lorman, Rude, Stitt, Te Winkle and Weeden -- 16.

Absent or not voting -- None.

So the motion prevailed.

Senate amendment 16 to senate substitute amendment 1 offered by Senator Plewa.

The question was: Adoption of senate amendment 16 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 12; noes, 21; absent or not voting, 0; as follows:

Ayes -- Senators Andrea, Chilsen, Chvala, Helbach, Jauch, Moen, Plewa, Roshell, Stitt, Te Winkle, Ulichny and Van Sistine -- 12.

Noes -- Senators Adelman, Buettner, Cowles, Czarnecki, Davis, Ellis, Engeleiter, Feingold, George, Harsdorf, Kincaid, Kreul, Lasee, Lee, Llean, Lorman, Norquist, Risser, Rude, Strohl and Weeden -- 21.

Absent or not voting -- None.

So the amendment failed to be adopted.

Senate amendment 17 to senate substitute amendment 1 offered by Senators Lee and Andrea.

The question was: Adoption of senate amendment 17 to senate substitute amendment 1?

Senator Engeleiter moved rejection of senate amendment 17 to senate substitute amendment 1.

The question was: Rejection of senate amendment 17 to senate substitute amendment 1?

The motion did not prevail.

The question was: Adoption of senate amendment 17 to senate substitute amendment 1?

Adopted.

Senate amendment 18 to senate substitute amendment 1 offered by Senator Chilsen.

The question was: Adoption of senate amendment 18 to senate substitute amendment 1?

Senator Lee moved rejection of senate amendment 18 to senate substitute amendment 1.

The question was: Rejection of senate amendment 18 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Andrea, Chvala, Czarnecki, Feingold, George, Helbach, Jauch, Lee, Moen, Norquist, Plewa, Risser, Roshell, Strohl, Te Winkle, Ulichny and Van Sistine -- 18.

Noes -- Senators Buettner, Chilsen, Cowles, Davis, Ellis, Engeleiter, Harsdorf, Kincaid, Kreul, Lasee, Llean, Lorman, Rude, Stitt and Weeden -- 15.

Absent or not voting -- None.

So the motion prevailed.

Senate amendment 19 to senate substitute amendment 1 offered by Senator Lorman.

The question was: Adoption of senate amendment 19 to senate substitute amendment 1?

Senator Lee moved rejection of senate amendment 19 to senate substitute amendment 1.

The question was: Rejection of senate amendment 19 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Andrea, Chvala, Czarnecki, Feingold, George, Helbach, Jauch, Kincaid,

JOURNAL OF THE SENATE [May 12, 1987]

Lee, Moen, Norquist, Plewa, Risser, Rude, Strohl, Te Winkle, Ulichny and Van Sistine -- 19.

Noes -- Senators Buettner, Chilsen, Cowles, Davis, Ellis, Engeleiter, Harsdorf, Kreul, Lasee, Leean, Lorman, Roshell, Stitt and Weeden -- 14.

Absent or not voting -- None.

So the motion prevailed.

Senator Plewa moved reconsideration of the vote by which senate amendment 13 to senate substitute amendment 1 was adopted.

The question was: Reconsideration of the vote by which senate amendment 13 to senate substitute amendment 1 was adopted?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 19; absent or not voting, 0; as follows:

Ayes -- Senators Andrea, Ellis, Kincaid, Lasee, Leean, Lorman, Moen, Norquist, Plewa, Roshell, Rude, Te Winkle, Ulichny and Van Sistine -- 14.

Noes -- Senators Adelman, Buettner, Chilsen, Chvala, Cowles, Czarnezki, Davis, Engeleiter, Feingold, George, Harsdorf, Helbach, Jauch, Kreul, Lee, Risser, Stitt, Strohl and Weeden -- 19.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Adoption of senate substitute amendment 1?

Senator Te Winkle moved rejection of senate substitute amendment 1.

The question was: Rejection of senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 11; absent or not voting, 0; as follows:

Ayes -- Senators Andrea, Chilsen, Cowles, Davis, Ellis, Engeleiter, George, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Leean, Lorman, Moen, Plewa, Roshell, Rude, Stitt, Te Winkle, Ulichny and Van Sistine -- 22.

Noes -- Senators Adelman, Buettner, Chvala, Czarnezki, Feingold, Jauch, Lee, Norquist, Risser, Strohl and Weeden -- 11.

Absent or not voting -- None.

So the motion prevailed.

The question was: Adoption of senate amendment 1?

By request of Senator Roshell, with unanimous consent, the senate recessed until 8:45 P.M.

7:05 P.M.

RECESS

8:45 P.M.

The senate reconvened.

AMENDMENTS OFFERED

Senate amendment 4 to Senate Bill 166 by Senator Roshell.

Upon motion of Senator Strohl the senate adjourned until 10:00 A.M. Wednesday, May 13.

8:46 P.M.