

STATE OF WISCONSIN

Senate Journal

Eighty-Eighth Regular Session

10:00 A.M.

THURSDAY, June 18, 1987

The senate met.

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

The senate stood for a moment of silent prayer.

The senate remained standing and Senator Kreul 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, Czarnecki, Davis, Ellis, Engeleiter, Feingold, George, Harsdorf, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Leean, 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 40

Relating to congratulating the City of Marinette on its 100th birthday.

By Senator Van Sistine.

Read and referred to committee on Senate Organization.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 297

Relating to access to health care records of nursing home private pay patients.

By Senator Adelman; cosponsored by Representative Krusick.

To committee on Agriculture, Health and Human Services.

COMMITTEE REPORTS

The committee on Judiciary and Consumer Affairs reports and recommends:

Assembly Bill 193

Relating to changing the standard of proof that must be met in modifications of child support payment determinations.

Concurrence:

Ayes, 7 -- Senators Adelman, Feingold, Chvala, Lee, Lorman, Stitt and Buettner;

Noes, 0 -- None.

LYNN ADELMAN
Chair

The committee on Senate Organization reports and recommends:

Senate Joint Resolution 39

Relating to memorializing congress to end aid to contra forces in Nicaragua.

Adoption:

Ayes, 3 -- Senators Risser, Strohl and Norquist;

Noes, 1 -- Senator Ellis.

Assembly Joint Resolution 44

Relating to commemorating Juneteenth Day.

Concurrence:

Ayes, 4 -- Senators Risser, Strohl, Norquist and Ellis;

Noes, 0 -- None.

FRED A. RISSER
Chair

By request of Senator George, with unanimous consent, the rules were suspended and **Assembly Joint Resolution 44** was withdrawn from committee on Senate Rules and taken up at this time.

Assembly Joint Resolution 44

Relating to commemorating Juneteenth Day.

Read.

Concurred in.

By request of Senator Strohl, with unanimous consent, all action was ordered immediately messaged.

By request of Senator Strohl, with unanimous consent, the senate recessed until 12:00 Noon.

10:15 A.M.

RECESS

12:00 Noon

The senate reconvened.

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

12:05 P.M.

RECESS

2:00 P.M.

The senate reconvened.

CALENDAR OF JUNE 16, 1987

Senate Bill 100

Relating to state finances and appropriations, constituting the general executive budget bill of the 1987 legislature, and making appropriations.

Read a second time.

By request of Senator Strohl, with unanimous consent, the senate recessed until 2:20 P.M.

2:05 P.M.

RECESS

2:20 P.M.

The senate reconvened.

AMENDMENTS OFFERED

Senate substitute amendment 2 by Senators Engeleiter, Ellis, Rude, Stitt, Chilsen, Harsdorf, Buettner, Cowles, Weeden, Leman, Lorman, Kreul, Davis and Lasee.

Senate amendment 1 to senate substitute amendment 1 to **Senate Bill 100** by Senators Stitt, Leman, Ellis and Kreul.

Senate amendment 2 to senate substitute amendment 1 to **Senate Bill 100** by Senators Leman, Weeden, Harsdorf and Engeleiter.

Senate amendment 3 to senate substitute amendment 1 to **Senate Bill 100** by Senators Lasee and Kreul.

Senate amendment 4 to senate substitute amendment 1 to **Senate Bill 100** by Senators Engeleiter, Weeden, Lasee, Davis, Kreul and Lorman.

Senate amendment 5 to senate substitute amendment 1 to **Senate Bill 100** by Senators Weeden, Kreul, Chilsen, Lorman and Rude.

Senate amendment 6 to senate substitute amendment 1 to **Senate Bill 100** by Senators Buettner, Rude, Harsdorf, Chilsen and Lorman.

Senate amendment 7 to senate substitute amendment 1 to **Senate Bill 100** by Senators Lorman, Rude, Leman, Kreul, Weeden and Cowles.

Senate amendment 8 to senate substitute amendment 1 to **Senate Bill 100** by Senators Chilsen, Leman, Rude and Harsdorf.

Senate amendment 9 to senate substitute amendment 1 to **Senate Bill 100** by Senator Weeden.

Senate amendment 10 to senate substitute amendment 1 to **Senate Bill 100** by Senators Cowles, Davis and Lasee.

Senate amendments 11 and 12 to senate substitute amendment 1 to **Senate Bill 100** by Senator Lasee.

Senate amendment 13 to senate substitute amendment 1 to **Senate Bill 100** by Senators Lasee, Davis and Cowles.

Senate amendments 14, 15 and 16 to senate substitute amendment 1 to **Senate Bill 100** by Senator Harsdorf.

Senate amendment 17 to senate substitute amendment 1 to **Senate Bill 100** by Senators Harsdorf, Rude and Chilsen.

Senate amendment 18 to senate substitute amendment 1 to **Senate Bill 100** by Senators Harsdorf and Buettner.

By request of Senator Strohl, with unanimous consent, that portion of Senate Rule 8(1) pertaining to the wearing of coats was suspended for the balance of the day.

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

Senator Strohl asked unanimous consent that senate substitute amendment be laid on the table.

Senator Engeleiter objected.

By request of Senator Engeleiter, with unanimous consent, senate substitute amendment 1 was placed after senate substitute amendment 2.

The question was: Adoption of senate substitute amendment 2?

Senate amendment 1 to senate substitute amendment 2 offered by Senators Weeden, Lorman and Cowles.

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

Adopted.

The question was: Adoption of senate substitute amendment 2?

Senator Strohl moved that senate substitute amendment 2 be laid on the table.

The question was: Shall senate substitute amendment 2 be laid on the table?

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

Ayes — Senators Andrea, Chvala, Czarnecki, Feingold, George, Helbach, Jauch, Kincaid, Lee, Moen, Norquist, Plewa, Risser, Roshell, Strohl, Te Winkle and Van Sistine — 17.

Noes — Senators Adelman, Buettner, Chilsen, Cowles, Davis, Ellis, Engeleiter, Harsdorf, Kreul, Lasee, Leman, Lorman, Rude, Stitt, Ulichny and Weeden — 16.

Absent or not voting — None.

So the motion prevailed.

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

Senator Strohl moved that senate amendment 1 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 1 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

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

Senator Strohl moved that senate amendment 2 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 2 to senate substitute amendment 1 be laid on the table?

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

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

Noes — Senators Adelman, Buettner, Chilsen, Cowles, Davis, Ellis, Engeleiter, Harsdorf, Kreul, Lasee, Leean, Lorman, Rude, Stitt and Weeden — 15.

Absent or not voting — None.

So the motion prevailed.

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

Senator Strohl moved that senate amendment 3 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 3 to senate substitute amendment 1 be laid on the table?

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 motion prevailed.

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

By request of Senator Ellis, with unanimous consent, senate amendment 4 to senate substitute amendment 1 was placed after senate amendment 20 to senate substitute amendment 1.

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

By request of Senator Weeden, with unanimous consent, senate amendment 5 to senate substitute amendment 1 was laid on the table.

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

Senator Strohl moved that senate amendment 6 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 6 to senate substitute amendment 1 be laid on the table?

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 motion prevailed.

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

Senator Strohl moved that senate amendment 7 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 7 to senate substitute amendment 1 be laid on the table?

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 motion prevailed.

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

Senator Strohl moved that senate amendment 8 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 8 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

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

Senator Strohl moved that senate amendment 9 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 9 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

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

Senator Strohl moved that senate amendment 10 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 10 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

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

Senator Strohl moved that senate amendment 11 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 11 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

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

Senator Norquist moved that senate amendment 12 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 12 to senate substitute amendment 1 be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 10; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Andrea, Chilsen, Chvala, Czarnezki, Feingold, George, Harsdorf, Helbach, Jauch, Kincaid, Lee, Moen, Norquist, Plewa, Risser, Roshell, Rude, Strohl, Te Winkle, Ulichny and Van Sistine — 22.

Noes — Senators Buettner, Cowles, Davis, Ellis, Kreul, Lasee, Leraan, Lorman, Stitt and Weeden — 10.

Absent or not voting — Senator Engeleiter — 1.

So the motion prevailed.

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

Senator Strohl moved that senate amendment 13 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 13 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

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

Senator Strohl moved that senate amendment 14 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 14 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

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

Senator Strohl moved that senate amendment 15 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 15 to senate substitute amendment 1 be laid on the table?

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, Leraan, Lorman, Rude, Stitt and Weeden — 14.

Absent or not voting — None.

So the motion prevailed.

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

Senator Strohl moved that senate amendment 16 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 16 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

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

Senator Strohl moved that senate amendment 17 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 17 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

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

Senator Strohl moved that senate amendment 18 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 18 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

AMENDMENTS OFFERED

Senate amendments 19 and 20 to senate substitute 1 to **Senate Bill 100** by Senators Kreul and Lasee.

Senate amendment 21 to senate substitute amendment 1 to **Senate Bill 100** by Senator Kreul.

Senate amendment 22 to senate substitute amendment 1 to **Senate Bill 100** by Senator Rude.

Senate amendment 23 to senate substitute amendment 1 to **Senate Bill 100** by Senators Harsdorf and Rude.

Senate amendment 24 to senate substitute amendment 1 to **Senate Bill 100** by Senator Chilsen.

Senate amendment 25 to senate substitute amendment 1 to **Senate Bill 100** by Senator Kreul.

Senate amendments 26 and 27 to senate substitute amendment 1 to **Senate Bill 100** by Senators Kreul and Rude.

Senate amendment 28 to senate substitute amendment 1 to **Senate Bill 100** by Senators Lorman, Stitt, Lasee, Cowles and Buettner.

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Senate amendment 29 to senate substitute amendment 1 to **Senate Bill 100** by Senators Weeden, Kreul, Chilsen, Lorman and Rude.

Senate amendment 30 to senate substitute amendment 1 to **Senate Bill 100** by Senator Buettner.

Senate amendments 31 and 32 to senate substitute amendment 1 to **Senate Bill 100** by Senator Kreul.

Senate amendment 33 to senate substitute amendment 1 to **Senate Bill 100** by Senators Kreul and Davis.

Senate amendment 34 to senate substitute amendment 1 to **Senate Bill 100** by Senators Chilsen, Kreul and Harsdorf.

Senate amendment 35 to senate substitute amendment 1 to **Senate Bill 100** by Senators Chilsen and Kreul.

Senate amendment 36 to senate substitute amendment 1 to **Senate Bill 100** by Senator Chilsen.

Senate amendments 37, 38 and 39 to senate substitute amendment 1 to **Senate Bill 100** by Senator Lekan.

Senate amendment 40 to senate substitute amendment 1 to **Senate Bill 100** by Senator Adelman.

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

Senator Norquist moved that senate amendment 19 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 19 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

The question was: Adoption of senate amendment 20 to senate substitute amendment 1 to **Senate Bill 100**?

By request of Senator Norquist, with unanimous consent, senate amendment 20 to senate substitute amendment 1 was laid on the table.

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

Senator Strohl moved that senate amendment 4 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 4 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

The question was: Adoption of senate amendment 21 to senate substitute amendment 1?

By request of Senator Norquist, with unanimous consent, senate amendment 21 to senate substitute amendment 1 was laid on the table.

The question was: Adoption of senate amendment 22 to senate substitute amendment 1?

Senator Norquist asked unanimous consent that senate amendment 22 to senate substitute amendment 1 be laid on the table.

Senator Rude objected.

Senator Norquist moved that senate amendment 22 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 22 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

The question was: Adoption of senate amendment 23 to senate substitute amendment 1?

Senator Strohl moved that senate amendment 23 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 23 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

The question was: Adoption of senate amendment 24 to senate substitute amendment 1?

Senator Strohl moved that senate amendment 24 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 24 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

The question was: Adoption of senate amendment 25 to senate substitute amendment 1?

Senator Strohl moved that senate amendment 25 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 25 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

The question was: Adoption of senate amendment 26 to senate substitute amendment 1?

Senator Strohl moved that senate amendment 26 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 26 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

The question was: Adoption of senate amendment 27 to senate substitute amendment 1?

Adopted.

The question was: Adoption of senate amendment 28 to senate substitute amendment 1?

Senator Strohl moved that senate amendment 28 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 28 to senate substitute amendment 1 be laid on the table?

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, Lee, Moen, Norquist, Plewa, Risser, Roshell, Strohl, Te Winkle, Ulichny and Van Sistine — 19.

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

Absent or not voting — None.

So the motion prevailed.

The question was: Adoption of senate amendment 29 to senate substitute amendment 1?

Senator Norquist moved that senate amendment 29 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 29 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

The question was: Adoption of senate amendment 30 to senate substitute amendment 1?

Senator Strohl moved that senate amendment 30 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 30 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

The question was: Adoption of senate amendment 31 to senate substitute amendment 1?

Senator Strohl moved that senate amendment 31 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 31 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

The question was: Adoption of senate amendment 32 to senate substitute amendment 1?

Senator Strohl moved that senate amendment 32 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 32 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

The question was: Adoption of senate amendment 33 to senate substitute amendment 1?

By request of Senator Norquist, with unanimous consent, senate amendment 33 to senate substitute amendment 1 was laid on the table.

The question was: Adoption of senate amendment 34 to senate substitute amendment 1?

Senator Norquist moved that senate amendment 34 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 34 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

The question was: Adoption of senate amendment 35 to senate substitute amendment 1?

Senator Norquist moved that senate amendment 35 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 35 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

The question was: Adoption of senate amendment 36 to senate substitute amendment 1?

Senator Strohl moved that senate amendment 36 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 36 to senate substitute amendment 1 be laid on the table?

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, 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, Lcean, Lorman, Rude, Stitt and Weeden — 14.

Absent or not voting — None.

So the motion prevailed.

The question was: Adoption of senate amendment 37 to senate substitute amendment 1?

Senator Strohl moved that senate amendment 37 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 37 to senate substitute amendment 1 be laid on the table?

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, 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, Lcean, Lorman, Rude, Stitt and Weeden — 14.

Absent or not voting — None.

So the motion prevailed.

By request of Senator Strohl, with unanimous consent, the Senate returned to the eighth order of business.

MESSAGE FROM THE ASSEMBLY

By Thomas T. Melvin, chief clerk.

Mr. President:

I am directed to inform you that the assembly has passed and asks concurrence in:

Assembly Bill 483

MESSAGE FROM THE ASSEMBLY
CONSIDERED

Assembly Bill 483

Relating to unemployment compensation, council on unemployment compensation meetings, granting rule-making authority, providing a penalty and making appropriations.

By Representatives Looby, Loftus, Hauke and Nelsen, cosponsored by Senators Van Sistine, Risser, Strohl and Engeleiter, by request of Unemployment Compensation Advisory Council.

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

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The question was: Adoption of senate amendment 38 to senate substitute amendment 1?

Senator Norquist moved that senate amendment 38 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 38 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

The question was: Adoption of senate amendment 39 to senate substitute amendment 1 to **Senate Bill 100**?

By request of Senator Leean, with unanimous consent, senate bill 39 to senate substitute amendment 1 was returned to the author.

The question was: Adoption of senate amendment 40 to senate substitute amendment 1?

Senator Strohl moved that senate amendment 40 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 40 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

AMENDMENTS OFFERED

Senate amendment 41 to senate substitute amendment 1 to **Senate Bill 100** by Senators Rude, Harsdorf and Kreul.

Senate amendments 42, 43 and 44 to senate substitute amendment 1 to **Senate Bill 100** by Senator Harsdorf.

Senate amendment 45 to senate substitute amendment 1 to **Senate Bill 100** by Senators Rude and Kreul.

Senate amendment 46 to senate substitute amendment 1 to **Senate Bill 100** by Senators Rude, Harsdorf, Lasee, Kreul, Weeden and Leean.

Senate amendment 47 to senate substitute amendment 1 to **Senate Bill 100** by Senators Strohl, Risser, Norquist, George, Van Sistine, Lee, Roshell,

Moen, Plewa, Chvala, Helbach, Te Winkle, Feingold, Jauch, Czarnezki and Andrea.

Senate amendment 48 to senate substitute amendment 1 to **Senate Bill 100** by Senator Buettner.

Senate amendment 49 to senate substitute amendment 1 to **Senate Bill 100** by Senator George.

Senate amendment 50 to senate substitute amendment 1 to **Senate Bill 100** by Senators Chilsen and Kreul.

Senate amendment 51 to senate substitute amendment 1 to **Senate Bill 100** by Senator Engeleiter.

Senate amendment 52 to senate substitute amendment 1 to **Senate Bill 100** by Senator Rude.

The question was: Adoption of senate amendment 41 to senate substitute amendment 1?

Senator Strohl moved that senate amendment 41 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 41 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

The question was: Adoption of senate amendment 42 to senate substitute amendment 1?

By request of Senator Strohl, with unanimous consent, senate amendment 42 to senate substitute amendment 1 was laid on the table.

The question was: Adoption of senate amendment 43 to senate substitute amendment 1?

By request of Senator Strohl, with unanimous consent, senate amendment 43 to senate substitute amendment 1 was laid on the table.

The question was: Adoption of senate amendment 44 to senate substitute amendment 1?

Senator Strohl moved that senate amendment 44 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 44 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

The question was: Adoption of senate amendment 45 to senate substitute amendment 1?

Senator Strohl moved that senate amendment 45 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 45 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

The question was: Adoption of senate amendment 46 to senate substitute amendment 1?

Senator Strohl moved that senate amendment 46 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 46 to senate substitute amendment 1 be laid on the table?

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, 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, Llean, Lorman, Rude, Stitt and Weeden — 14.

Absent or not voting — None.

So the motion prevailed.

The question was: Adoption of senate amendment 47 to senate substitute amendment 1.

By request of Senator Strohl, with unanimous consent, senate amendment 47 to senate substitute amendment 1 was placed after senate amendment 52 to senate substitute amendment 1 to **Senate Bill 100**.

The question was: Adoption of senate amendment 48 to senate substitute amendment 1?

Senator Strohl moved that senate amendment 48 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 48 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

The question was: Adoption of senate amendment 49 to senate substitute amendment 1?

Adopted.

The question was: Adoption of senate amendment 50 to senate substitute amendment 1?

Senator Strohl moved that senate amendment 50 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 50 to senate substitute amendment 1 be laid on the table?

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, 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, Llean, Lorman, Rude, Stitt and Weeden — 14.

Absent or not voting — None.

So the motion prevailed.

The question was: Adoption of senate amendment 51 to senate substitute amendment 1?

Senator Strohl moved that senate amendment 51 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 51 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

The question was: Adoption of senate amendment 52 to senate substitute amendment 1?

Senator Strohl moved that senate amendment 52 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 52 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

The question was: Adoption of senate amendment 47 to senate substitute amendment 1?

Ruling of the Chair

Senator Davis raised the point of order that senate amendment 47 to senate substitute amendment 1 was not properly before the senate.

The Senator from the 11th, Senator Davis, has raised the point of order that pursuant to Section 13.50(6)(a) and Joint Rules 41 and 42 senate amendment 47 to senate substitute amendment 1 to **Senate Bill 100** (the Executive Budget Bill) was required to be referred to the Joint Survey committee on Retirement Systems and have a report submitted.

Senate amendment 47 does contain provisions affecting the public retirement system.

Section 13.50(6)(a) directs that:

“No bill or amendment thereto creating or modifying any system for, or making any provision for, the retirement of or payment of pensions to public officers or employes, shall be acted upon by the legislature until it has been referred to the joint survey committee on retirement systems and such committee has submitted a written report on the proposed bill.”

Joint Rule 41(b) directs that:

“Executive budget bills introduced under section 16.47(1) of the statutes are exempt from the fiscal estimate requirement under par.(a) but shall, if they contain provisions affecting a public retirement fund or providing a tax exemption, be analyzed as to those provisions by the respective joint survey committee.”

Joint Rule 42(b) reads in part as follows:

“Bills affecting a public retirement fund shall be referred to the joint survey committee on retirement systems under section 13.50 of the statutes.”

The question is whether the language above requires each amendment to be referred to the Joint Survey committee on Retirement Systems and that a written report be submitted on each amendment.

Several previous rulings of the chair have application in this case. On October 10, 1973 (1973 Senate Journal page 1691) in response to a point of order raised by Senator McKenna that a retirement bill was improperly before the senate for a number of reasons, one being that a report was not received on all amendments; the chair's ruling reads in part as follows:

"there is no requirement for a report by the committee on amendments".

On November 9, 1977 (1977 Senate Journal page 140) the chair ruled on a point of order raised by Senator Sensenbrenner that the Joint Survey committee on Retirement Systems was required to act on senate substitute amendments 1 and 2 to Special Session Senate Bill 2.

The chair's ruling reads in part:

"To read Senate Rule 54 as requiring such a report for each amendment and substitute amendment would be a perversion of the rules and present unlimited opportunity for delay."

Section 13.50(6)(b) reads as follows:

"No bill or amendment thereto creating or modifying any system for the retirement of public employes shall be considered by either house until the written report required by par.(a) has been submitted to the chief clerk. Each such bill shall then be referred to a standing committee in the house in which introduced. The report of the joint survey committee shall be printed as an appendix to the bill and attached thereto as are amendments."

Since the statutes require the bill to be referred to a standing committee after a report is submitted it is clear that the bill and amendments thereto are to be referred at the time of introduction and that rereferral of amendments after an initial report was submitted was not contemplated, nor is it required.

Tax exemption bills which are handled by a statutory committee similar in structure and operation to the joint retirement committee, are required to have only a single report and rereferral upon introduction of an amendment is not required.

Joint Rules 41 and 42 relate to preparation of fiscal estimates. Joint Rule 41(2) clearly states that:

"Fiscal estimates are required on original bills only and not on substitute amendments or amendments."

Therefore, it is clear to the chair that reports are required under these rules only for bills.

It is therefore the opinion of the chair that a referral of senate amendment 47 to senate substitute amendment 1 to **Senate Bill 100** to; and a report by, the Joint Survey committee on Retirement Systems, is not required and the point of order is not well taken.

FRED A. RISSER
President of the Senate

By request of Senator Strohl, with unanimous consent, senate amendment 47 to senate substitute amendment 1 was placed after senate amendment 53 to senate substitute amendment 1.

Senate amendment 53 to senate substitute amendment 1 to **Senate Bill 100** offered by Senator Rude.

The question was: Adoption of senate amendment 53 to senate substitute amendment 1?

Senator Strohl moved that senate amendment 53 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 53 to senate substitute amendment 1 be laid on the table?

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 motion prevailed.

Senate amendment 1 to senate amendment 47 to senate substitute amendment 1 offered by Senators Lorman, Davis, Leean and Buettner.

The question was: Adoption of senate amendment 1 to senate amendment 47 to senate substitute amendment 1?

Senator Strohl moved that senate amendment 1 to senate amendment 47 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 1 to senate amendment 47 to senate substitute amendment 1 be laid on the table?

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

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

Noes — Senators Adelman, Buettner, Chilsen, Cowles, Davis, Ellis, Engeleiter, Harsdorf, Kreul, Lasee, Leean, Lorman, Rude, Stitt and Weeden — 15.

Absent or not voting — None.

So the motion prevailed.

Senate amendment 2 to senate amendment 47 to senate substitute amendment 1 offered by Senator Weeden.

The question was: Adoption of senate amendment 2 to senate amendment 47 to senate substitute 1?

Senator Strohl moved that senate amendment 2 to senate amendment 47 to senate substitute amendment 1 to **Senate Bill 100** be laid on the table.

The question was: Shall senate amendment 2 to senate amendment 47 to senate substitute amendment 1 be laid on the table?

The motion prevailed.

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Senate amendment 3 to senate amendment 47 to senate substitute amendment 1 offered by Senator Strohl.

The question was: Adoption of senate amendment 3 to senate amendment 47 to senate substitute amendment 1?

Adopted.

Senate amendment 4 to senate amendment 47 to senate substitute amendment 1 offered by Senator Leean.

Senator Norquist moved that senate amendment 4 to senate amendment 47 to senate substitute amendment 1 be laid on the table.

The question was: Shall senate amendment 4 to senate amendment 47 to senate substitute amendment 1 be laid on the table?

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 motion prevailed.

The question was: Adoption of senate amendment 47 to senate substitute amendment 1?

Adopted.

The question was: Adoption of senate substitute amendment 1?

Adopted.

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

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, Czarnezki, Feingold, George, Helbach, Jauch, Kincaid, Lee, Moen, Norquist, Plewa, Risser, Roshell, Strohl, Te Winkle and Van Sistine — 18.

Noes — Senators Buettner, Chilsen, Cowles, Davis, Ellis, Engeleiter, Harsdorf, Kreul, Lasee, Leean, Lorman, Rude, Stitt, Ulichny and Weeden — 15.

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 100

Read a third time.

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 bill passed.

Senator Davis raised the point of order that **Senate Bill 100** did not pass as a three-fourths vote was necessary.

The chair took the point of order under advisement.

The senate stood informal for twenty minutes.

6:45 P.M.

The senate reconvened.

7:05 P.M.

RULING OF THE CHAIR

The Senator from the 11th, Senator Davis, raised the point of order that **Senate Bill 100** (the Executive Budget Bill) was not passed and that in accordance with the provisions of Article IV, Section 26 and Joint Rule 12(2)(a) a three-fourths majority of all members elected (25) is required to pass the bill. The vote on passage was 19 Ayes - 14 Noes.

Article IV, Section 26 reads as follows:

‘The legislature shall never grant any extra compensation to any public officer, agent, servant or contractor, after the services shall have been rendered or the contract entered into; nor shall the compensation of any public officer be increased or diminished during his term of office except that when any increase or decrease provided by the legislature in the compensation of the justices of the supreme court or judges of any court of record shall become effective as to any such justice or judge, it shall be effective from such date as to each of such justices or judges. This section shall not apply to increased benefits for persons who have been or shall be granted benefits of any kind under a retirement system when such increased benefits are provided by a legislative act passed on a call of ayes and noes by a three-fourths vote of all the members elected to both houses of the legislature, which act shall provide for sufficient state funds to cover the costs of the increased benefits.’

Joint Rule 12(2)(a) makes reference to the special vote requirement of Article IV, Section 26 of the constitution.

The Chair would remind the membership that it is not the right of the Chair to rule on the constitutionality of a proposal. However, it is the responsibility of the Presiding Officer to enforce the rules of the body and insure compliance with established parliamentary practice to include those procedures required by the state constitution.

The Senator from the 11th, Senator Davis, made reference to language on page 27 of senate amendment 47 to senate substitute amendment 1 to Senate Bill 100, relating to military service credit and transfer of \$230,000,000 from the transaction amortization account of the fixed retirement investment trust to the appropriate reserve of the fixed retirement investment trust.

The first point in reference to military credits does not have an impact on the benefits of those persons currently receiving an annuity. The amendment allows credit for military service to certain current employes. The second point, relating to the transfer of funds is an accounting transaction that once again does not provide an increase in benefits. The transfer of funds has an effective date of July 1, 1987. The date of occurrence of the transfer does not have an impact on the benefits of current annuitants. The chair is aware that a portion of the dollars being transferred will be used as a special investment dividend to provide an increase to persons currently receiving a supplemental benefit. Additional language in the amendment dictates that the amount of this dividend shall be equal to a supplemental benefit currently received by these annuitants.

The resolution which inserted the current retirement language in Article IV, Section 26 was 1973 Senate Joint Resolution 15. The ratification question put to the voters was: Shall Section 26 of Article IV of the Constitution be amended to permit the legislature to increase the pensions of persons who have already retired under any public retirement system (such retirement benefits already may be granted to teachers), and to require the state to provide sufficient state funds to cover the costs of the increased benefits to all persons retired under a public retirement fund? In addition, the Joint Survey committee on Retirement Systems report on Senate Joint Resolution 15 spoke only to the legislature taking action to increase benefits for "retired" persons.

The purpose of the new language was to enable the legislature to increase pensions for those persons who are retired, not to further restrict the legislature's authority to increase benefits for current employes. The Supreme Court recognized the legislature's authority to increase benefits for those who are currently employed in State ex. rel. Dudgeon v Levitan, 181 Wis. 326, 193 N.W. 499 (1923).

The commonly accepted interpretation of the language contained in Article IV, Section 26, is that the special vote requirement applies when increased benefits are provided to persons who have been granted benefits or have left employment covered by the system and are

eligible for benefits at a future date. The chair concurs with this interpretation of Article IV, Section 26 of the Constitution.

The chair has not located language in senate amendment 47 or senate substitute amendment 1 that would provide for an increase in benefits to any current annuitant or person who is no longer in employment covered by the system that is eligible for benefits in the future.

Therefore, it is the opinion of the Chair that Article IV, Section 26 of the Constitution and Joint Rule 12(2)(b) do not apply to passage of Senate Bill 100, and the point of order is not well taken.

FRED A. RISSER
President of the Senate

Senator Davis 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 demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

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

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

Absent or not voting — Senator Lee — 1.

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

By request of Senator Strohl, with unanimous consent, all action was ordered immediately messaged.

By request of Senator Strohl, with unanimous consent, the Senate returned to the fourth order of business.

COMMITTEE REPORTS

The committee on Employment Relations reports and recommends for introduction:

Senate Bill 298

Relating to coverage of the state compensation plan.
Introduction:

Ayes, 6 -- Senators Risser and Strohl,
Representatives Loftus, Hauke, Schneider
and Nelsen;

Noes, 0 -- None.

FRED A. RISSER
Senate Chair

TOM LOFTUS
Assembly Chair

Read first time and referred to committee on Senate Rules.

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**Upon motion of Senator Strohl the senate adjourned
until 10:00 A.M. Tuesday, June 23.**

7:15 P.M.