

STATE OF WISCONSIN

Senate Journal

1987 November Special Session

3:51 P.M.

THURSDAY, May 19, 1988

The senate met.

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

By request of Senator Strohl, with unanimous consent, the prayer, pledge and roll of the Regular Session will be applied to the Special Session.

COMMITTEE REPORTS

The committee on Aging, Banking, Commercial Credit and Taxation reports and recommends:

Senate Bill 3, Special Session

Relating to resolving conflicts between 1987 Wisconsin Act 312 and other acts and making those acts consistent.

Introduction and adoption of senate amendment 1:

Ayes, 7 -- Senators Feingold, Plewa, Jauch, Moen, Kreul, Buettner and Weeden;

Noes, 1 -- Senator Kincaid.

Passage as amended:

Ayes, 7 -- Senators Feingold, Plewa, Jauch, Moen, Kreul, Buettner and Weeden;

Noes, 1 -- Senator Kincaid.

RUSS FEINGOLD

Chair

The committee on Judiciary and Consumer Affairs reports and recommends:

Senate Bill 8, Special Session

Relating to fixing parole dates for persons who commit first-degree murder while attempting or committing another crime.

Passage:

Ayes, 6 -- Senators Adelman, Feingold, Chvala, Lorman, Stitt and Buettner;

Noes, 0 -- None.

LYNN ADELMAN

Chair

COMMITTEE REPORTS

COMMITTEE OF CONFERENCE

on

Assembly Bill 5, Special Session

The members of the Committee of Conference on Assembly Bill 5, Special Session report and recommend. That, by the adoption of this report:

1. Prior senate action. The senate recesses from its position on senate substitute amendment 1.

2. Prior assembly action. The assembly recesses from its position on assembly amendment 1 to senate substitute amendment 1.

3. Action on this conference report. The senate and the assembly adopt and concur in Conference Substitute Amendment 1 (LRBs0812/1), which is attached to and made a part of this report.

Senator Strohl Representative Loftus
Senator Davis Representative Young
Representative Nelsen

Senator George voted no for adoption of this report.

Senator Roshell moved that Assembly Bill 10, Special Session be withdrawn from committee on Judiciary and Consumer Affairs and taken up at this time.

The question was: Shall Assembly Bill 10, Special Session be withdrawn from committee on Judiciary and Consumer Affairs and taken up at this time?

By request of Senator Roshell, with unanimous consent, the senate recessed until 5:28 P.M.

4:00 P.M.

RECESS

5:28 P.M.

The senate reconvened.

LEAVE OF ABSENCE

By request of Senator Strohl, with unanimous consent, Senator Ulichny was granted a leave of absence for the balance of today's session.

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By request of Senator Strohl, with unanimous consent, the senate recessed until 6:04 P.M.

5:29 P.M.

RECESS

6:04 P.M.

The senate reconvened.

By request of Senator Roshell, with unanimous consent, he withdrew his motion to withdraw **Assembly Bill 10, Special Session** from committee on Judiciary and Consumer Affairs to be taken up at this time.

The committee on Judiciary and Consumer Affairs reports and recommends:

Assembly Bill 6, Special Session

Relating to spearfishing enforcement aids and making appropriations.

Concurrence:

Ayes, 6 -- Senators Adelman, Feingold, Chvala, Lorman, Stitt and Buettner;

Noes, 0 -- None.

LYNN ADELMAN
Chair

Senator Strohl asked unanimous consent to suspend the rules and take up the Committee on Conference Report on **Assembly Bill 5, Special Session**.

Senator Chilsen objected.

By request of Senator Strohl, with unanimous consent, the rules were suspended and **Assembly Bill 5, Special Session** was taken up.

Assembly Bill 5, Special Session

Relating to employment and training programs; medical assistance coverage of certain children and pregnant women; child support orders in certain cases; incentives for the establishment of paternity in certain cases; income maintenance fraud and error reduction; income maintenance worker competency; studies of welfare reform; attorney representation in paternity determinations and child support and maintenance actions; default judgments in paternity cases; pilot projects under the state health insurance program; creating a council on pilot projects for the uninsured; granting rule-making authority; and making appropriations.

Read.

The question was: Adoption of the Committee on Conference report?

The ayes and noes were required and the vote was: ayes, 29; noes, 2; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Andrea, Buettner, Chilsen, Chvala, Cowles, Czarnezki, Davis, Ellis, Engleiter, Harsdorf, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Leean, Lorman, Moen, Plewa, Risser,

Roshell, Rude, Stitt, Strohl, Te Winkle, Van Sistine and Weeden — 29.

Noes — Senators Feingold and George — 2.

Absent or not voting — Senator Ulichny — 1.

So the Committee of Conference report was adopted.

By request of Senator Strohl, with unanimous consent, the rules were suspended and **Senate Bill 3, Special Session** was taken up.

Senate Bill 3, Special Session

Relating to resolving conflicts between 1987 Wisconsin Act 312 and other acts and making those acts consistent.

Read a second time.

The question was: Adoption of senate 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 3, Special Session

Read a third time and passed.

Senator Chilsen moved that **Assembly Bill 10, Special Session** be withdrawn from committee on Judiciary and Consumer Affairs and referred to committee on Senate Rules.

Senator Strohl raised the point of order that the motion was made at an inappropriate time.

The Chair took the point of order under advisement.

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

Senator Strohl asked unanimous consent to suspend the rules and take up **Assembly Bill 6, Special Session**.

Senator Chilsen objected.

By request of Senator Strohl, with unanimous consent, the senate recessed until 6:24 P.M.

6:20 P.M.

RECESS

6:24 P.M.

The senate reconvened.

CALENDAR OF MAY 18, 1988

Senate Bill 5, Special Session

Relating to spearfishing enforcement aids and making appropriations.

By request of Senator Strohl, with unanimous consent, **Senate Bill 5, Special Session** was laid on the table.

Senate Bill 6, Special Session

Relating to a supplemental school levy tax credit, vocational, technical and adult education district incentive grants and making appropriations.

Senator Strohl asked unanimous consent that **Senate Bill 6, Special Session** be laid on the table.

Senator Davis objected.

Senator Davis moved that **Senate Bill 6, Special Session** be laid on the table.

The question was: Shall **Senate Bill 6, Special Session** be laid on the table?

The motion prevailed.

Senator Chilsen moved that **Assembly Bill 10, Special Session** be withdrawn from committee on Judiciary and Consumer Affairs and referred to committee on Senate Rules.

Senator Strohl raised the point of order that the motion was made at an inappropriate time.

The Chair took the point of order under advisement.

CALENDAR OF MAY 19, 1988

Assembly Bill 6, Special Session

Relating to spearfishing enforcement aids and making appropriations.

Read a second time.

Senate amendment 1 offered by Senator Davis.

The question was: Adoption of senate amendment 1?

Senator Plewa moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1? Rejected.

Ordered to a third reading.

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

Assembly Bill 6, Special Session

Read a third time.

The ayes and noes were required and the vote was: ayes, 22; noes, 8; absent or not voting, 2; as follows:

Ayes — Senators Andrea, Buettner, Chilsen, Chvala, Cowles, Czarnecki, Ellis, Engeleiter, Feingold, George, Helbach, Jauch, Kincaid, Lee, Lorman, Moen, Plewa, Risser, Roshell, Strohl, Te Winkle and Van Sistine — 22.

Noes — Senators Adelman, Davis, Kreul, Lasee, Llean, Rude, Stitt and Weeden — 8.

Absent or not voting — Senators Harsdorf and Ulichny — 2.

So the bill was concurred in.

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

By request of Senator Roshell, with unanimous consent, the senate recessed until 7:06 P.M.

6:38 P.M.

RECESS

7:06 P.M.

The senate reconvened.

By request of Senator Strohl, with unanimous consent, the senate recessed until 11:41 P.M.

7:07 P.M.

RECESS

11:41 P.M.

The senate reconvened.

By request of the Chair, 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 concurred in:

Senate Bill 3, Special Session
Assembly Bill 5, Special Session, Committee of Conference Report

By request of Senator Adelman, with unanimous consent, **Assembly Bill 8, Special Session** was withdrawn from committee on Judiciary and Consumer Affairs and referred to committee on Senate Rules.

By request of Senator Strohl, with unanimous consent, the rules were suspended and **Assembly Bill 8, Special Session** was taken up.

Assembly Bill 8, Special Session

Relating to parole and probation for persons convicted of crimes punishable by life imprisonment.

Read a second time.

Senate substitute amendment 1 offered by Senator Strohl.

The question was: Adoption of senate substitute amendment 1?

Senator Engeleiter 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, 10; noes, 21; absent or not voting, 1; as follows:

Ayes — Senators Buettner, Chilsen, Cowles, Davis, Ellis, Engeleiter, Kreul, Lasee, Leean and Stitt — 10.

Noes — Senators Adelman, Andrea, Chvala, Czarnezki, Feingold, George, Helbach, Jauch, Kincaid, Lee, Lorman, Moen, Plewa, Risser, Roshell, Rude, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 21.

Absent or not voting — Senator Harsdorf — 1.

So the amendment was not rejected.

The question was: Adoption of senate substitute amendment 1?

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

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

Senator Strohl 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 ayes and noes were demanded and the vote was: ayes, 19; noes, 13; absent or not voting, 0; as follows:

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

Noes — Senators Buettner, Chilsen, Cowles, Davis, Ellis, Engeleiter, Harsdorf, Kreul, Lasee, Leean, Rude, Stitt and Weeden — 13.

Absent or not voting — None.

So the amendment was rejected.

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.

Assembly Bill 8, Special Session

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 25; noes, 7; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Chvala, Czarnezki, Davis, Ellis, Engeleiter, Feingold, Helbach, Jauch, Kincaid, Kreul, Lasee, Lee, Leean, Lorman, Moen, Plewa, Roshell, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 25.

Noes — Senators Buettner, Chilsen, Cowles, George, Harsdorf, Risser and Rude — 7.

Absent or not voting — None.

Concurred in as amended.

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

Senator Strohl asked unanimous consent that the senate recess until 2:30 A.M.

Senator Chilsen objected.

Senator Strohl moved that the senate recess until 2:30 A.M.

The question was: Shall the senate recess until 2:30 A.M.?

The motion prevailed.

By request of Senator Strohl, with unanimous consent, the senate recessed until 2:30 A.M.

12:06 A.M.

RECESS

2:30 A.M.

The senate reconvened.

Ruling of the Chair

The Senator from the 21st, Senator Strohl, raised the point of order that the motion made by the Senator from the 29th, Senator Chilsen, to withdraw a bill was not proper under the 4th Order of Business.

On page 1708, Journal of the Senate 1977 Session the Chair ruled that motions to withdraw from committee are restricted to the 8th Order of Business: Motions may be offered. The 8th order at that time is now the 14th Order of Business. It is the opinion of the Chair that motion may be only under the 14th Order of Business. Therefore the point of order is well taken.

A subsequent point of order was raised that a motion to withdraw a bill under the 10th order of business is not proper. The Senator from the 29th also questioned the purpose of the 10th Order of Business: Consideration of Motions and Resolutions.

The Historic Parliamentary purpose of an order of business such as the Senates 10th Order was to have a proper location to list pending motions for consideration as well as Resolutions. The Senate has frequently scheduled resolutions for 10th Order. However, it has not used the 10th Order for consideration of motions. Normal Parliamentary Practice would be for a motion to be made on the 14th Order and that motion would be considered on the next day's calendar under the 10th Order of Business.

However, the practice of the Senate has been to consider motions when they are presented under the 14th Order, hence the use of the 10th Order to consider motions has not been necessary.

For the reasons stated in the previous point on this same question The Point of Order is well taken.

Senator Fred A. Risser
President of the Senate

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 amended and concurred in as amended:

Assembly Bill 8, Special Session Assembly amendment 1 to senate substitute amendment 1

By request of Senator Strohl, with unanimous consent, the rules were suspended and **Assembly Bill 8, Special Session** was taken up.

Assembly Bill 8, Special Session

Relating to parole and probation for persons convicted of crimes punishable by life imprisonment.

Read.

The question was: Concurrence in assembly amendment 1 to senate substitute amendment 1?

Senator Strohl moved nonconcurrence in assembly amendment 1 to senate substitute amendment 1.

The question was: Nonconcurrence in assembly amendment 1 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 12; absent or not voting, 0; as follows:

Ayes — Senators Adelman, Andrea, Chilsen, Chvala, Czarnecki, Feingold, George, Helbach, Jauch, Kincaid, Lee, Lorman, Moen, Plewa, Risser, Roshell, Strohl, Te Winkle, Ulichny and Van Sistine — 20.

Noes — Senators Buettner, Cowles, Davis, Ellis, Engleleiter, Harsdorf, Kreul, Lasee, Lekan, Rude, Stitt and Weeden — 12.

Absent or not voting — None.

So the motion prevailed.

By request of Senator Strohl, with unanimous consent, a committee of conference was requested.

The Chair appoints as conferees on its part, Senators Adelman, Te Winkle and Andrea.

The question was: Confirmation of the conferees on **Assembly Bill 8, Special Session**?

Confirmed.

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

Senator Strohl asked unanimous consent to recess.

Senator Chilsen objected.

By request of Senator Roshell, with unanimous consent, the senate recessed until 3:02 A.M.

2:44 A.M.

RECESS

3:02 A.M.

The Senate reconvened.

State of Wisconsin
Office of the Governor

A Proclamation

I, Tommy G. Thompson, Governor of the State of Wisconsin, pursuant to Article IV, Section 11 and Article V, section 4 of the Constitution of Wisconsin, do amend Executive Order #28 (dated 11/17/87) and #37 (dated 5/16/88), which required the convening of a **Special Session** of the Legislature at the Capitol in Madison on November 18, 1987 at 9:00 A.M., by adding to its business consideration and action upon the following specific legislative business:

1. To enact legislation relating to the Wisconsin retirement system, fixed retirement investment trusts and transferring funds, limiting property tax levies, dispute settlement procedure in local government employment and granting rule-making authority.

In testimony whereof I have set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this nineteenth day of May in the year one thousand nine hundred and eighty-eight.

TOMMY G. THOMPSON
Governor

State of Wisconsin
Office of the Governor

A Proclamation

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1. To enact legislation relating to the Wisconsin retirement system, fixed retirement investment trusts and transferring funds, limiting property tax levies and state and local expenditures, and dispute settlement procedure in local government employment.

In testimony whereof I have set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this

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twentieth day of May in the year
one thousand nine hundred and
eighty-eight.

TOMMY G. THOMPSON
Governor

By request of the Chair, with unanimous consent, the senate returned to the fourth order of business.

The committee on Senate Organization reports and recommends:

Senate Bill 9, Special Session

Relating to the Wisconsin retirement system, fixed retirement investment trusts and transferring funds, limiting property tax levies and state and local expenditures, and dispute settlement procedure in local government employment.

By request of Governor Tommy G. Thompson.

Introduction:

Ayes, 5 -- Senators Risser, Strohl, Van Sistine, Engeleiter and Ellis;

Noes, 0 -- None.

Read first time and referred to Joint Survey committee on Retirement Systems.

Fred A. Risser
Chair

Senator Chilsen asked unanimous consent to go to the fourteenth order of business.

Senator Strohl objected.

Senator Chilsen moved that the senate go to the fourteenth order of business.

The question was: Shall the senate go to the fourteenth order of business?

Senator Strohl asked unanimous consent to adjourn until 10:00 A.M. Tuesday, May 24.

Senator Chilsen objected.

Senator Strohl moved the senate adjourn.

The question was: Shall the senate adjourn?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 0; as follows:

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

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 senate adjourned.

3:11 A.M.