

STATE OF WISCONSIN
Assembly Journal
Eighty-Seventh Regular Session

TUESDAY, June 11, 1985.

10:00 A.M.

The assembly met.

Speaker Loftus in the chair.

The prayer was offered by Representative Tregoning.

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

The roll was taken.

The result follows:

Present -- Antaramian, Barca, Barrett, Becker, Bell, Berndt, Black, Bolle, Bradley, Brist, Buettner, Byers, Carpenter, Clarenbach, Clements, Coggs, M., Coggs, S., Coleman, Cowles, Crawford, Fergus, Foti, Goetsch, Grobschmidt, Gronemus, Gruszynski, Hasenohrl, Hauke, Hephner, Holperin, Holschbach, Hubler, Huelsman, Jauch, Johnsrud, Kasten, Krug, Krusick, Kunicki, Ladwig, Larson, Lepak, Margaret Lewis, Mark Lewis, Looby, McEssy, Magnuson, Manske, Matty, Medinger, Menos, Merkt, Metz, Musser, Nelsen, Neubauer, Notestein, Ourada, Panzer, Paulson, Plizka, Porter, Potter, Prosser, Radtke, Robinson, Rosenzweig, Rutkowski, Schmidt, Schneider, Schneiders, Schober, Schultz, Seery, Shoemaker, Swoboda, Tesmer, Thompson, R., Thompson, T., Travis, D., Travis, R., Tregoning, Turba, Vanderperren, Van Gorden, Vergeront, Volk, Walling, Weeden, Welch, Williams, Wimmer, Wineke, Wood, York, Young, J., Young, R., Zeuske and Speaker Loftus -- 99.

Absent -- None.

Absent with leave -- None.

Vacancies -- None.

AMENDMENTS OFFERED

Assembly amendment 1 to assembly substitute amendment 1 to **Assembly Bill 85** offered by Representatives Coleman, Rosenzweig, Manske, Welch, Ourada, Lepak and Plizka.

Assembly amendment 2 to assembly substitute amendment 1 to **Assembly Bill 85** offered by Representatives Coleman, Porter, Paulson, Kasten and Berndt.

Assembly amendment 3 to assembly substitute amendment 1 to **Assembly Bill 85** offered by Representatives T. Thompson, Schneiders, Welch, Vergeront, Tregoning, Matty, Panzer, Buettner, Porter, Rosenzweig, Ourada, Margaret Lewis, Weeden, Schober, Nelsen, York, Foti, Clements, Prosser, Wimmer, Van Gorden, Radtke, Johnsrud, Musser, McEssy, Plizka, Ladwig, Manske, Zeuske, Huelsman, Turba, Cowles, Lepak, Bradley, Goetsch, Byers, Walling, J. Young, Schmidt, Merkt, Berndt and Schultz.

Assembly amendment 1 to **Assembly Bill 135** offered by Representative Tregoning.

Assembly amendment 1 to **Assembly Bill 245** offered by Representatives Buettner, Rosenzweig and Potter.

Assembly amendment 1 to **Assembly Bill 338** offered by Representative Buettner.

**INTRODUCTION AND REFERENCE
OF PROPOSALS**

Read first time and referred:

Assembly Joint Resolution 37

Relating to requesting the legislative council to study the care and treatment of mentally ill persons.

By Representatives Notestein, Loftus, Becker, Metz, Jauch, Rosenzweig, M. Coggs, Potter, Crawford, Robinson, Volk, S. Coggs, Schmidt, Bell, Neubauer, Wimmer, Schneiders, Ourada, Shoemaker, Holperin, Seery, Wineke, Musser, Turba, Walling, Barrett, Bolle, Carpenter, R. Young, Hubler, Barca, Margaret Lewis, Magnuson, Buettner, Vergeront and J. Young, cosponsored by Senators Otte, Cullen, Engeleiter, Strohl, Moen, Lee, Ulichny, Rude, Helbach, Davis, Norquist, Kincaid, Feingold, Roshell, Risser, Andrea, Chilsen, Van Sistine, Chvala, Adelman, Theno and Lorman.

To committee on Children and Human Services.

Assembly Bill 359

Relating to battery.

By Representatives Tesmer, Hauke and Rutkowski, cosponsored by Senators Plewa, Andrea and Chvala.

To committee on Criminal Justice and Public Safety.

Assembly Bill 360

Relating to authorizing town sanitary districts to be public depositors.

By Representatives Bradley, Schultz and Ladwig.
To committee on Financial Institutions and Insurance.

Assembly Bill 361

Relating to providing state aid to counties, cities and certain villages for public health services, state grants to assist the development of multiple county, county or city-county health departments, granting rule-making authority and making appropriations.

By Representatives Robinson, Shoemaker, Medinger, Holschbach, Hasenohrl and Musser, cosponsored by Senators Otte, Moen, Hanaway, Chilsen, Feingold and Van Sistine.

To committee on Health.

Assembly Bill 362

Relating to criminal trespass to dwellings and providing a penalty.

By Representatives Matty, Schneiders, Merkt, J. Young, Welch, Plizka and Musser, cosponsored by Senator Lorman.

To committee on Criminal Justice and Public Safety.

Assembly Bill 363

Relating to arson.

By Representatives Matty, Schneiders, Merkt and J. Young.

To committee on Criminal Justice and Public Safety.

Assembly Bill 364

Relating to penalties for felonies committed with a dangerous weapon.

By Representatives Matty, J. Young, Lepak and Welch.

To committee on Criminal Justice and Public Safety.

Assembly Bill 365

Relating to approval of plans for private interceptor main sewers and building sewers.

By Joint Committee for Review of Administrative Rules.

To committee on Environmental Resources.

Assembly Bill 366

Relating to allowing property taxpayers to elect quarterly payments of their real property taxes.

By Representatives Hephner, Wineke, Loftus, Shoemaker, Williams, Foti, Lepak, Antaramian and Barca.

To committee on Ways and Means.

Assembly Bill 367

Relating to withdrawal of towns from county zoning ordinances.

By Legislative Council.

To committee on Urban and Local Affairs.

COMMITTEE REPORTS

The committee on Commerce and Consumer Affairs reports and recommends:

Senate Bill 17

Relating to authorizing a board of harbor commissioners to acquire, charter and operate vessels for use in foreign and domestic commerce.

Adoption of assembly amendment 1:

Ayes: (9) Noes: (0)

Concurrence: Ayes: (9) Noes: (0)

To committee on Rules.

POLLY WILLIAMS

Chairperson

The committee on State Affairs reports and recommends:

Assembly Bill 10

Relating to designating the trilobite as Wisconsin's state fossil.

Passage: Ayes: (6) Noes: (3)

To committee on Rules.

Assembly Bill 16

Relating to designating the American water spaniel as the state dog.

Passage: Ayes: (6) Noes: (3)

To committee on Rules.

Assembly Bill 219

Relating to sales by certain cigarette dealers.

Passage: Ayes: (9) Noes: (0)

To committee on Rules.

RICHARD SHOEMAKER

Chairperson

MESSAGE FROM THE SENATE

By Donald J. Schneider, chief clerk.

Mr. Speaker:

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

Senate Bill 178

Senate Bill 231

Concurred in:

Assembly Joint Resolution 30

Assembly Bill 8

Assembly Bill 99

Assembly Bill 185

Assembly amendment 1 to **Senate Bill 150**

Nonconcurrent in:

Assembly amendments 2 and 3 to **Senate Bill 150**

ACTION ON THE SENATE MESSAGE

Senate Bill 178

Relating to minimum shared revenue payments for decommissioned utility plants, distributions of property tax collections, real estate transfer fee exemptions,

settlement of Wisconsin state property tax relief credits, discontinuing the authorization to counties to make adjustments of real estate transfer fees, revenue bonding for construction and maintenance of joint civic facilities, appeals to the department of revenue of determinations made by a board of review and requiring notice by cities upon termination of a tax incremental district.

By Senator Kincaid; cosponsored by Representative Neubauer, by request of the Department of Revenue.

To committee on Ways and Means.

Senate Bill 231

Relating to continuing the regulation of maximum finance charges on open-end consumer credit transactions.

By Senators Cullen, Chvala, Kincaid, Lee, Feingold, Otte, Van Sistine, Andrea and Plewa; cosponsored by Representatives D. Travis, Williams, M. Coggs, Seery, Becker, Grobschmidt, Volk, Barrett, Looby, Holschbach, R. Young, Gruszynski, Barca, S. Coggs and Notestein.

To committee on Commerce and Consumer Affairs.

Senate Bill 150

Relating to implementation of the marital property act and granting rule-making authority.

By Legislative Council.

To committee on Rules.

PETITIONS

Assembly Petition 9

Submitted by Julia Holverson and Mary Horton consisting of 364 signatures of citizens of Dane county urging the Wisconsin legislature to remove the Libby property from consideration as a Dane county landfill site.

By Representative Magnuson.

To committee on Environmental Resources.

Assembly Petition 10

Submitted by 130 citizens of Green Bay in opposition to residency requirements for municipal employees.

By Representative Vanderperren.

To committee on Labor.

Assembly Petition 11

Submitted by Carol Simon consisting of approximately 1650 signatures of citizens of Wisconsin in opposition to the killing of animals by means of decompression.

By Representative Krusick.

To committee on State Affairs.

COMMUNICATIONS

The chief clerk reports the following proposals correctly enrolled:

Assembly Joint Resolution 3

Assembly Joint Resolution 8

JOANNE DUREN

Assembly Chief Clerk

The following is the text of 1985 Assembly Joint Resolution 3 as amended by senate amendment 1 which was adopted by the senate on May 28, 1985 and concurred in by the assembly on June 6, 1985.

ENROLLED JOINT RESOLUTION

To amend so as in effect *to repeal* sections 1 to 6 of article III and section 5 of article XIII; *to amend* section 1 of article XIII; and *to create* sections 1, 2 and 3 of article III of the constitution, *relating to* removing obsolete provisions of the state constitution regarding elections and suffrage so as to revise the article on suffrage without impeding any voting rights granted under the constitution or laws of this state (2nd consideration).

Whereas, the 1983 legislature proposed an amendment to the constitution by 1983 Assembly Joint Resolution 33 (1983 Enrolled Joint Resolution 30) and agreed to it by a majority of the members elected to each of the 2 houses, which amendment reads as follows:

SECTION 1. Section 1 to 6 of article III of the constitution are amended so as in effect to repeal said sections:

~~[Article III] Section 1. Every person, of the age of twenty one years or upwards, belonging to either of the following classes, who shall have resided in the state for one year next preceding any election, and in the election district where he offers to vote such time as may be prescribed by the legislature, not exceeding thirty days, shall be deemed a qualified elector at such election:~~

~~(1) Citizens of the United States.~~

~~(2) Persons of Indian blood, who have once been declared by law of congress to be citizens of the United States, any subsequent law of congress to the contrary notwithstanding.~~

~~(3) The legislature may at any time extend, by law, the right of suffrage to persons not herein enumerated; but no such law shall be in force until the same shall have been submitted to a vote of the people at a general election, and approved by a majority of all the votes cast on that question at such election; and provided further, that the legislature may provide for the registration of electors, and prescribe proper rules and regulations therefor.~~

~~Section 2. No person under guardianship, non compos mentis or insane shall be qualified to vote at any election; nor shall any person convicted of~~

~~treason or felony be qualified to vote at any election unless restored to civil rights.~~

~~Section 3. All votes shall be given by ballot except for such township officers as may by law be directed or allowed to be otherwise chosen.~~

~~Section 4. No person shall be deemed to have lost his residence in this state by reason of his absence on business of the United States or of this state.~~

~~Section 5. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of being stationed within the same.~~

~~Section 6. Laws may be passed excluding from the right of suffrage all persons who have been or may be convicted of bribery or larceny, or of any infamous crime, and depriving every person who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election from the right to vote at such election.~~

SECTION 2. Section 1, 2 and 3 of article III of the constitution are created to read:

[Article III] Section 1. Every United States citizen age 18 or older who is a resident of an election district in this state is a qualified elector of that district.

Section 2. Laws may be enacted:

- (1) Defining residency.
- (2) Providing for registration of electors.
- (3) Providing for absentee voting.
- (4) Excluding from the right of suffrage persons:
 - (a) Convicted of a felony, unless restored to civil rights.
 - (b) Adjudged by a court to be incompetent or partially incompetent, unless the judgment specifies that the person is capable of understanding the objective of the elective process or the judgment is set aside.

(5) Subject to ratification by the people at a general election, extending the right of suffrage to additional classes.

Section 3. All votes shall be by secret ballot.

SECTION 3. Section 1 of article XIII of the constitution is amended to read:

[Article XIII] Section 1. The political year for ~~this state of Wisconsin~~ shall commence on the first Monday ~~in~~ of January in each year, and the general election shall be ~~holden~~ held on the Tuesday next succeeding the first Monday ~~in~~ of November in even-numbered years. ~~The first general election for all state and county officers, except judicial officers, after the adoption of this amendment shall be holden in the year A.D. 1884, and thereafter the general election shall be held biennially. All state, county or other officers elected at the general election in the year 1881, and whose term of office~~

~~would otherwise expire on the first Monday of January in the year 1884, shall hold and continue in such offices respectively until the first Monday in January in the year 1885.~~

SECTION 4. Section 5 of article XIII of the constitution is amended so as in effect to repeal said section:

[Article XIII] Section 5. ~~All persons residing upon Indian lands, within any county of the state, and qualified to exercise the right of suffrage under this constitution, shall be entitled to vote at the polls which may be held nearest their residence, for state, United States or county officers. Provided, that no person shall vote for county officers out of the county in which he resides.~~

Be it further resolved, That this proposed amendment be referred to the legislature to be chosen at the next general election and that it be published for 3 months previous to the time of holding such election.

Now, therefore, be it resolved by the assembly, the senate concurring, That the foregoing amendment to the constitution is agreed to by the 1985 legislature; and, be it further

Resolved, That the foregoing amendment be submitted to a vote of the people at the election to be held on the first Tuesday of April, 1986; and, be it further

Resolved, That the questions concerning ratification of the foregoing amendment be stated on the ballot as follows:

Question 1: "Suffrage defined by general law. Shall article III of the constitution be repealed and recreated so as:

(1) To remove the existing detailed provisions as to who may or may not vote (many of which are obsolete); and

(2) To substitute, instead, a new article that:

(a) Preserves the right of a secret ballot;

(b) Specifies that every U.S. citizen aged 18 or over who is a resident of an election district in this state is a qualified voter; and

(c) Provides that the legislature may enact laws on 1) residency, 2) voter registration, 3) absentee voting, 4) concerning the exclusion from the right to vote of convicted felons and persons adjudged by a court to be incompetent, and 5) extending, subject to ratification by the people at a general election, the right of suffrage to additional classes?"

Question 2: "Modernizing constitution text. Shall section 1 of article XIII of the constitution be amended to remove transitional and obsolete provisions and text, so as to make the section concerning the political year and general election conform to modern practice and usage?"

JOURNAL OF THE ASSEMBLY [June 11, 1985]

Question 3: "Deletion of obsolete provision. Shall section 5 of article XIII of the constitution be repealed so as to remove an obsolete provision regarding where persons may vote if they reside on 'Indian lands'?"

MOTIONS

Representative Becker asked unanimous consent that the rules be suspended and that **Assembly Bill 296** be withdrawn from the committee on Rules and placed under the twelfth order of business on today's calendar. Granted.

Representative Kunicki asked unanimous consent that the assembly adjourn in honor of the birthday of Representative Shoemaker. Granted.

Representative Matty asked unanimous consent that the assembly adjourn in honor of actor John Wayne. Granted.

Representative Walling asked unanimous consent that the assembly adjourn in honor of all retiring teachers. Granted.

Representative R. Travis asked unanimous consent that the assembly adjourn in honor of Milwaukee Brewer relief pitcher Rollie Fingers. Granted.

Representative Becker moved that the assembly stand adjourned until 9:30 A.M. tomorrow.

The question was: Shall the assembly stand adjourned?

Motion carried.

The assembly stood adjourned.

10:25 A.M.