

STATE OF WISCONSIN
Assembly Journal
Eighty-Eighth Regular Session

2:00 P.M.

THURSDAY, May 19, 1988

The assembly met.

Speaker pro tempore Clarenbach in the chair.

The prayer was offered by Representative Linton.

Representative York 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, Bock, Bolle, Boyle, Bradley, Brancel, Brandemuehl, Byers, Carpenter, Clarenbach, Coggs, M., Coggs, S., Coleman, Deininger, Farrow, Fergus, Fortis, Foti, Gard, Goetsch, Grobschmidt, Gronemus, Gruszynski, Hamilton, Hasenohrl, Hauke, Holperin, Holschbach, Hubler, Huelsman, Johnsrud, Junkermann, Krug, Krusick, Kunicki, Ladwig, Larson, Lepak, Margaret Lewis, Mark Lewis, Linton, Looby, McEssy, Magnuson, Medinger, Merkt, Musser, Nelsen, Neubauer, Notestein, Ott, Ourada, Panzer, Paulson, Porter, Potter, Prosser, Radtke, Roberts, Robinson, Robson, Rosenzweig, Rutkowski, Schmidt, Schneider, Schneiders, Schober, Schultz, Seery, Shoemaker, Swoboda, Tesmer, Thompson, Travis, Tregoning, Turba, Underheim, Vanderperren, Van Dreel, Van Gorden, Vergeront, Volk, Walling, Welch, Williams, Wimmer, Wineke, Wood, York, Young, Zeuske and Speaker Loftus — 98.

Absent — None.

Absent with leave — Zweck — 1.

Vacancies — None.

MESSAGE FROM THE SENATE

By Donald J. Schneider, chief clerk.

Mr. Speaker:

I am directed to inform you that the senate has concurred in:

Assembly Bill 1025

Assembly Bill 1026

LEAVES OF ABSENCE

Representative Medinger asked unanimous consent for a leave of absence for today's session for Representative Zweck. Granted.

Representative Medinger asked unanimous consent that the rules be suspended and that **Assembly Bill 680** be withdrawn from the calendar and taken up at this time. Granted.

Assembly Bill 680

Relating to creating a subunit on jails in a subunit of the department of health and social services, program standards for jails and houses of correction, jail officer training, emergency detention of individuals alleged to be mentally ill, drug dependent or developmentally disabled based on information reported by probation and parole agents, mental health commitment standards and procedures for inmates of prisons, jails and houses of correction, supervision of persons under a criminal mental health commitment who are conditionally released, granting rule-making authority and making an appropriation.

Representative Medinger asked unanimous consent for the following division of the vetoed item of **Assembly Bill 680**:

Part 1. Section 53.365(1)(b).

Part 2. Balance of the veto.

Granted.

The question was: Shall part 1 of the vetoed item of **Assembly Bill 680** pass notwithstanding the objections of the governor?

The roll was taken.

The result follows:

Ayes — Antaramian, Barca, Barrett, Becker, Bell, Berndt, Black, Bock, Bolle, Boyle, Carpenter, Clarenbach, Coggs, M., Coggs, S., Fergus, Fortis, Grobschmidt, Gronemus, Gruszynski, Hamilton, Hasenohrl, Hauke, Holperin, Holschbach, Hubler, Johnsrud, Krug, Krusick, Kunicki, Mark Lewis, Linton, Looby, Magnuson, Medinger, Merkt, Musser, Neubauer, Notestein, Potter, Radtke, Roberts, Robinson, Robson, Rutkowski, Schneider, Seery, Shoemaker, Swoboda, Tesmer, Thompson, Travis, Vanderperren, Van Dreel, Volk, Williams, Wineke, Wood, Young, Zeuske and Speaker Loftus — 60.

Noes — Brancel, Brandemuehl, Byers, Coleman, Deininger, Farrow, Foti, Gard, Goetsch, Huelsman, Junkermann, Ladwig, Larson, Lepak, Margaret Lewis, McEssy, Nelsen, Ott, Ourada, Panzer, Paulson, Porter, Prosser, Rosenzweig, Schmidt, Schneiders, Schober, Schultz, Tregoning, Turba, Underheim, Van Gorden, Vergeront, Walling, Welch, Wimmer and York — 37.

Absent or not voting — Bradley and Zweck — 2.

Motion failed.

Representative Travis asked unanimous consent that the rules be suspended and that vetoed item D-33 of **Assembly Bill 850** be withdrawn from the calendar and taken up at this time. Granted.

Assembly Bill 850

An act relating to state finances and appropriations, constituting the 1988 annual budget bill, and making appropriations.

D-33. Possession and Regulation of Firearms

Sections 201j and 472zkr

Representative Travis asked unanimous consent for the following division of vetoed item D-33 of **Assembly Bill 850**:

Part 1. Section 201j.

Part 2. Section 472zkr.

Granted.

The question was: Shall part 1 of vetoed item D-33 of **Assembly Bill 850** pass notwithstanding the objections of the governor?

The roll was taken.

The result follows:

Ayes — Antaramian, Barca, Barrett, Becker, Bell, Black, Bock, Boyle, Carpenter, Clarenbach, Coggs, M., Coggs, S., Fergus, Fortis, Gruszynski, Krug, Kunicki, Magnuson, Neubauer, Notestein, Robson, Schmidt, Seery, Travis, Williams, Wineke, Young and Speaker Loftus — 28.

Noes — Berndt, Bolle, Bradley, Brancel, Brandemuehl, Byers, Coleman, Deininger, Farrow, Foti, Gard, Goetsch, Grobschmidt, Gronemus, Hamilton, Hasenohrl, Hauke, Holperin, Holschbach, Hubler, Huelsman, Johnsrud, Junkermann, Krusick, Ladwig, Larson, Lepak, Margaret Lewis, Mark Lewis, Linton, Looby, McEssy, Medinger, Merkt, Musser, Nelsen, Ott, Ourada, Panzer, Paulson, Porter, Potter, Prosser, Radtke, Roberts, Robinson, Rosenzweig, Rutkowski, Schneider, Schneiders, Schober, Schultz, Shoemaker, Swoboda, Tesmer, Thompson, Tregoning, Turba, Underheim, Vanderperren, Van Dreel, Van Gorden, Vergeront, Volk, Walling, Welch, Wimmer, Wood, York and Zeuske — 70.

Absent or not voting — Zweck — 1.

Motion failed.

The question was: Shall part 2 of vetoed item D-33 of **Assembly Bill 850** pass notwithstanding the objections of the governor?

The roll was taken.

The result follows:

Ayes — Antaramian, Barca, Barrett, Becker, Bell, Black, Bock, Boyle, Carpenter, Clarenbach, Coggs, M., Coggs, S., Fergus, Fortis, Gruszynski, Krug, Kunicki,

Magnuson, Neubauer, Notestein, Robson, Schmidt, Seery, Travis, Williams, Wineke, Young and Speaker Loftus — 28.

Noes — Berndt, Bolle, Bradley, Brancel, Brandemuehl, Byers, Coleman, Deininger, Farrow, Foti, Gard, Goetsch, Grobschmidt, Gronemus, Hamilton, Hasenohrl, Hauke, Holperin, Holschbach, Hubler, Huelsman, Johnsrud, Junkermann, Krusick, Ladwig, Larson, Lepak, Margaret Lewis, Mark Lewis, Linton, Looby, McEssy, Medinger, Merkt, Musser, Nelsen, Ott, Ourada, Panzer, Paulson, Porter, Potter, Prosser, Radtke, Roberts, Robinson, Rosenzweig, Rutkowski, Schneider, Schneiders, Schober, Schultz, Shoemaker, Swoboda, Tesmer, Thompson, Tregoning, Turba, Underheim, Vanderperren, Van Dreel, Van Gorden, Vergeront, Volk, Walling, Welch, Wimmer, Wood, York and Zeuske — 70.

Absent or not voting — Zweck — 1.

Motion failed.

Representative Mark Lewis asked unanimous consent that the rules be suspended and that vetoed item B-15 of **Assembly Bill 850** be withdrawn from the calendar and taken up at this time. Granted.

B-15. Property Tax—Rental Equipment

Sections 206e and 3204 (47) (cr)

The question was: Shall vetoed item B-15 of **Assembly Bill 850** pass notwithstanding the objections of the governor?

The roll was taken.

The result follows:

Ayes — Antaramian, Barca, Bell, Berndt, Bolle, Carpenter, Coggs, M., Coggs, S., Fergus, Fortis, Foti, Grobschmidt, Hamilton, Hasenohrl, Holperin, Holschbach, Hubler, Huelsman, Larson, Mark Lewis, Linton, Looby, McEssy, Magnuson, Medinger, Panzer, Paulson, Potter, Roberts, Rutkowski, Shoemaker, Swoboda, Underheim, Vanderperren, Van Dreel, Volk, Williams, Wood, Young and Speaker Loftus — 40.

Noes — Barrett, Black, Bock, Boyle, Bradley, Brancel, Brandemuehl, Byers, Clarenbach, Coleman, Deininger, Farrow, Gard, Goetsch, Gronemus, Gruszynski, Hauke, Johnsrud, Junkermann, Krug, Krusick, Kunicki, Ladwig, Lepak, Margaret Lewis, Merkt, Musser, Nelsen, Neubauer, Notestein, Ott, Ourada, Porter, Prosser, Radtke, Robinson, Robson, Rosenzweig, Schmidt, Schneider, Schneiders, Schober, Schultz, Seery, Tesmer, Thompson, Travis, Tregoning, Turba, Van Gorden, Vergeront, Walling, Welch, Wimmer, Wineke, York and Zeuske — 57.

Absent or not voting — Becker and Zweck — 2.

Motion failed.

GOVERNOR'S VETO MESSAGE

May 19, 1988

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 1016** in its entirety. This bill would establish various retirement benefit improvements for participants in the Wisconsin Retirement System (WRS), implement partial, limited cost controls and make minor changes in the mediation/arbitration law. The substantial increases in retirement benefits outweigh any potential gain from the temporary, weakened controls.

I have emphasized repeatedly the need to control government spending. I cannot support a permanent retirement benefit improvement that offers only increased costs to the taxpayers while in return providing the taxpayers with temporary restraint of expenditures and tax levies of minimal effectiveness. This bill is not just an early retirement bill but a substantial and unnecessary benefit improvement bill with tremendous continuing costs. Annually, taxpayers contribute \$603.7 million to the Wisconsin Retirement System of which \$184.8 million is contributed through the state and \$418.9 million through local units of government. The contributions made by local units of government are equivalent to more than 15% of property taxes. The benefit improvements in this bill would burden taxpayers with an additional \$35.0 million in taxes annually.

In the past, I have unequivocally stressed that any retirement benefit increase must be accompanied by practical and effective methods to control state and local taxes. This can be accomplished with workable limits on expenditures and levies.

The cost control provisions of AB 1016 are now fatally flawed. The flaw centers on the existing labor contract adjustment. The adjustment was originally intended to allow existing contract obligations to be met without forcing local governments to make severe program reductions. While it was a reasonable proposal in the context of a first year freeze on on spending and permanent controls, as implemented in AB 1016 it is no longer reasonable.

The unfortunate and considerable delay in the passage of AB 1016 has enabled some parties to circumvent the controls in advance of their enactment. AB 1016 controls are limited to four years. The scheduled cost increases of a contract signed before its effective date can be added to the allowable levy and spending increases. This is on top of whatever increase is already allowed in the spending limit. Consider the example of a local government with a \$1.0 million budget with a \$700,000 compensation package. With a 4% increase in the cost of living, the spending limit otherwise allows an increase of \$40,000, or 4%. If the compensation package calls for an increase of 7%, the additional costs of meeting the contract is \$49,000. Rather than adding the cost of the contract above the 4% allowed growth, AB 1016 allows

the full increase, \$49,000. The resulting allowed increase is \$89,000 (\$40,000 plus \$49,000) or nearly a 9% increase, more than double the cost of living.

While AB 1016 has been in limbo, parties have scrambled to settle expensive multi-year (up to four-year) contracts with the sole purpose of evading the limits on spending and taxing. This has proceeded to the point that some governments may never be subject to effective limits under a bill with only a four year duration. When the conference committee decided to allow the full increase in the contract to be added to the allowable spending limit, it allowed this tactic to continue.

The arbitration procedures retained by the conference committee invite further attempts at evasion. The committee declined to resolve the ambiguity of whether retroactive decisions of an arbitrator qualify for the existing contract exemption. Parties may be able to misuse the arbitration process to evade the controls even after they are effective.

Proponents of AB 1016 have argued that early retirement provisions in the bill will generate property tax relief through salary savings. The reality of this bill is that savings generated from early retirement could and would be used to increase spending. This does not result in property tax relief.

Existing WRS benefits provide public employes with retirement annuities highly competitive with those found in other public systems and the private sector. I will not break my compact with the taxpayers of this state by supporting a benefit improvement adding over \$35 million annually to state and local government costs without corresponding measures to reduce the tax burden in other areas.

Respectfully submitted,
TOMMY G. THOMPSON
Governor

Representative Hauke asked unanimous consent that that the rules be suspended and that **Assembly Bill 1016** be withdrawn from the calendar and taken up at this time. Granted.

Assembly Bill 1016

Relating to the Wisconsin retirement system, fixed retirement investment trusts and transferring funds and to dispute settlement procedure in local government employment.

Representative Nelsen asked unanimous consent that the assembly stand recessed for ten minutes. Granted.

The assembly stood recessed.

9:27 P.M.

RECESS

10:20 P.M.

The assembly reconvened.

CALL OF THE ASSEMBLY

Representative Hauke requested a call of the assembly. There were sufficient seconds.

The sergeant-at-arms was directed to close the doors and the chief clerk to call the roll.

The chief clerk called the roll.

Representative Hauke asked unanimous consent that the assembly stand recessed for fifteen minutes. Granted.

The assembly stood recessed.

10:30 P.M.

RECESS

10:47 P.M.

The assembly reconvened.

All members of the assembly being present or absent with leave, the call of the assembly was lifted.

The question was: Shall **Assembly Bill 1016** pass notwithstanding the objections of the governor?

The roll was taken.

The result follows:

Ayes — Antaramian, Barca, Barrett, Becker, Bell, Berndt, Black, Bock, Boyle, Byers, Carpenter, Clarenbach, Coggs, M., Coggs, S., Coleman, Fergus, Fortis, Gard, Grobschmidt, Gronemus, Gruszynski, Hamilton, Hasenohrl, Hauke, Holperin, Holschbach, Hubler, Johnsrud, Junkermann, Krusick, Kunicki, Ladwig, Larson, Mark Lewis, Linton, Looby, McEssy, Magnuson, Medinger, Musser, Neubauer, Notestein, Ourada, Paulson, Porter, Potter, Roberts, Robson, Rosenzweig, Rutkowski, Schmidt, Schneider, Schneiders, Schultz, Seery, Shoemaker, Swoboda, Tesmer, Thompson, Travis, Vanderperren, Van Dreel, Van Gorden, Volk, Walling, Williams, Wimmer, Wineke, Wood, Young and Speaker Loftus — 71.

Noes — Bolle, Bradley, Brancel, Brandemuehl, Deininger, Farrow, Foti, Goetsch, Huelsman, Lepak, Margaret Lewis, Merkt, Nelsen, Ott, Panzer, Prosser,

Radtke, Robinson, Schober, Tregoning, Turba, Underheim, Vergeront, Welch, York and Zeuske — 26.

Absent or not voting — None.

Paired for — Zweck — 1.

Paired against — Krug — 1.

Motion carried.

Representative Hauke asked unanimous consent that the rules be suspended and that **Assembly Bill 1016** be immediately messaged to the senate. Granted.

Representative Wineke asked unanimous consent that the assembly adjourn in honor of the birthday of former major league baseball player Willie Mays. Granted.

Representative Swoboda asked unanimous consent that the assembly adjourn in honor of the birthday of his wife Jan. Granted.

VISITORS

During today's session, the following visitors honored the assembly by their presence, and were welcomed by the presiding officer and the members:

Mark Rosenbaum, John Becker, Lula Ward and Kenneth Topel, guests of Representative Grobschmidt.

Fourth grade students from Eagle Elementary School, guests of Representative Wimmer.

Former State Representative Ken Merkel, guest of Representative Schneider.

Representative Hauke moved that the assembly stand adjourned pursuant to **Assembly Joint Resolution 1**.

The question was: Shall the assembly stand adjourned pursuant to **Assembly Joint Resolution 1**?

Motion carried.

The assembly stood adjourned.

11:35 P.M.