

STATE OF WISCONSIN
Assembly Journal
November 1987 Special Session

10:00 A.M.

TUESDAY, May 24, 1988

The assembly met in Room 421 South of the Capitol, because the Assembly Chamber was being renovated.

Speaker Loftus in the chair.

The prayer was offered by Representative Linton.

Representative Schneider 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, 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, Hamilton, 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, Robson, Rosenzweig, Rutkowski, Schmidt, Schneider, Schneiders, Schober, Schultz, Seery, Shoemaker, Swoboda, Tesmer, Thompson, Travis, Tregoning, Turba, Vanderperren, Van Dreel, Van Gorden, Vergeront, Volk, Walling, Welch, Williams, Wimmer, Wineke, Wood, York, Young, Zeuske, Zweck and Speaker Loftus — 94.

Absent — None.

Absent with leave — Barrett, Hasenohrl, Gruszynski and Underheim — 4.

Vacancies — 85th Assembly District — 1.

EXECUTIVE COMMUNICATIONS

Executive Order Number 39A

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), 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 and state and local expenditures, and dispute settlement procedure in local government employment.

In testimony whereof, I have hereunto 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 twentieth day of May in the year one thousand nine hundred and eighty-eight.

TOMMY G. THOMPSON
Governor

By the Governor:

DOUGLAS La FOLLETTE
Secretary of State

LEAVES OF ABSENCE

Representative Hauke asked unanimous consent for a leave of absence for today's session for Representatives Barrett, Hasenohrl and Gruszynski. Granted.

Representative Nelsen asked unanimous consent for a leave of absence for today's session for Representative Underheim. Granted.

Representative Hauke moved that the assembly adhere to its position on assembly amendment 1 to senate substitute amendment 1 to **Assembly Bill 8**, November 1987 Special Session, and appoint a committee of conference.

The question was: Shall the assembly adhere to its position on assembly amendment 1 to senate substitute amendment 1 to **Assembly Bill 8**, November 1987 Special Session, and appoint a committee of conference?

Motion carried.

The speaker appointed Representatives Tesmer, Wood and Schneiders as conferees on the part of the assembly on **Assembly Bill 8**, November 1987 Special Session.

Representative Hauke asked unanimous consent that the rules be suspended and that **Assembly Bill 8**, November 1987 Special Session, be immediately messaged to the senate. Granted.

JOURNAL OF THE ASSEMBLY [May 24, 1988]

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

The assembly stood recessed.

10:16 A.M.

RECESS

1:03 P.M.

The assembly reconvened.

Speaker pro tempore Clarenbach in the chair.

MESSAGE FROM THE SENATE

By Donald J. Schneider, chief clerk.

Mr. Speaker:

I am directed to inform you that the senate has:

Appointed Senator Stitt to replace Senator Andrea, resigned, to the November 1987 Special Session **Assembly Bill 8** committee of conference.

Adopted and asks concurrence in:

Committee of conference report on **Assembly Bill 8**, November 1987 Special Session.

ACTION ON THE SENATE MESSAGE

Assembly Bill 8, November 1987 Special Session

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

By committee on Assembly Organization, by request of Governor Tommy G. Thompson.

To calendar.

The question was: Shall the report of the committee of conference on **Assembly Bill 8**, November 1987 Special Session, be concurred in?

The roll was taken.

The result follows:

Ayes — Antaramian, Barca, Becker, Bell, Berndt, Black, Bolle, Boyle, Bradley, Brancel, Brandemuehl, Byers, Carpenter, Coleman, Deininger, Farrow, Fergus, Fortis, Foti, Gard, Goetsch, Grobschmidt, Gronemus, Hamilton, 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, Robson, Rosenzweig, Rutkowski, Schmidt, Schneider, Schneiders, Schober, Schultz, Seery, Shoemaker, Swoboda, Tesmer, Thompson, Travis, Tregoning, Turba, Vanderperren, Van Dreel, Van Gorden, Vergeront, Volk, Walling, Welch,

Wimmer, Wineke, Wood, Zeuske, Zweck and Speaker Loftus — 87.

Noes — Bock, Clarenbach, Coggs, M., Coggs, S. and Williams — 5.

Absent or not voting — Barrett, Hasenohrl, — 2.

Paired for — Gruszynski and Underheim — 2.

Paired against — York and Young — 2.

Motion carried.

Representative Hauke asked unanimous consent that the rules be suspended and that the assembly's action on **Assembly Bill 8**, November 1987 Special Session, be immediately messaged to the senate. Granted.

The assembly stood informal.

1:40 P.M.

The assembly reconvened.

Speaker Loftus in the chair.

Representative Clarenbach asked unanimous consent for a quorum call. Granted.

A quorum was present.

4:40 P.M.

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 9, November 1987 Special Session

ACTION ON THE SENATE MESSAGE

Senate Bill 9, November 1987 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 committee on Senate Organization, by request of Governor Tommy G. Thompson.

To calendar.

Assembly amendment 1 to **Senate Bill 9**, November 1987 Special Session, offered by Representative Nelsen.

Assembly amendment 2 to **Senate Bill 9**, November 1987 Special Session, offered by Representative Welch.

Assembly amendment 3 to **Senate Bill 9**, November 1987 Special Session, offered by Representative York.

Representative Nelsen asked unanimous consent assembly amendments 1 and 2 to **Senate Bill 9**, November 1987 Special Session, be placed behind assembly amendment 3 to **Senate Bill 9**, November 1987 Special Session. Granted.

Representative Volk moved rejection of assembly amendment 3 to **Senate Bill 9**, November 1987 Special Session.

The question was: Shall assembly amendment 3 to **Senate Bill 9**, November 1987 Special Session be rejected?

The roll was taken.

The result follows:

Ayes — Antaramian, Barca, Becker, Bell, Black, Bock, Bolle, Boyle, Byers, Carpenter, Clarenbach, Coggs, M., Coggs, S., Fergus, Fortis, Grobschmidt, Gronemus, Hamilton, Hauke, Holperin, Holschbach, Hubler, Krug, Krusick, Kunicki, Ladwig, Larson, Mark Lewis, Linton, Looby, McEssy, Magnuson, Medinger, Musser, Neubauer, Notestein, Porter, Potter, Roberts, Robson, Rutkowski, Schneider, Schultz, Seery, Shoemaker, Swoboda, Tesmer, Thompson, Travis, Vanderperren, Van Dreel, Van Gorden, Volk, Williams, Wineke, Wood, Young, Zweck and Speaker Loftus — 59.

Noes — Berndt, Bradley, Brancel, Brandemuehl, Coleman, Deininger, Farrow, Foti, Gard, Goetsch, Huelsman, Johnsrud, Junkermann, Lepak, Margaret Lewis, Merkt, Nelsen, Ott, Ourada, Panzer, Paulson, Prosser, Radtke, Rosenzweig, Schmidt, Schneiders, Schober, Tregoning, Turba, Vergeront, Walling, Welch, Wimmer, York and Zeuske — 35.

Absent or not voting — Barrett, Gruszynski, Hasenohrl and Underheim — 4.

Motion carried.

Representative Nelsen asked unanimous consent that assembly amendment 1 to **Senate Bill 9**, November 1987 Special Session, be laid on the table. Granted.

Representative Neubauer moved rejection of assembly amendment 2 to **Senate Bill 9**, November 1987 Special Session.

Representative Neubauer moved that assembly amendment 2 to **Senate Bill 9**, November 1987 Special Session, be laid on the table.

The question was: Shall assembly amendment 2 to **Senate Bill 9**, November 1987 Special Session, be laid on the table?

The roll was taken.

The result follows:

Ayes — Antaramian, Barca, Becker, Bell, Black, Bock, Bolle, Boyle, Byers, Carpenter, Clarenbach, Coggs, M., Coggs, S., Fergus, Fortis, Grobschmidt,

Gronemus, Hamilton, Hauke, Holperin, Holschbach, Hubler, Krug, Krusick, Kunicki, Larson, Mark Lewis, Linton, Looby, McEssy, Magnuson, Medinger, Musser, Neubauer, Notestein, Paulson, Potter, Roberts, Robson, Rosenzweig, Rutkowski, Schneider, Seery, Shoemaker, Tesmer, Thompson, Travis, Vanderperren, Van Dreel, Volk, Williams, Wineke, Wood, Young, Zweck and Speaker Loftus — 56.

Noes — Berndt, Bradley, Brancel, Brandemuehl, Coleman, Deininger, Farrow, Foti, Gard, Goetsch, Huelsman, Johnsrud, Junkermann, Ladwig, Lepak, Margaret Lewis, Merkt, Nelsen, Ott, Ourada, Panzer, Porter, Prosser, Radtke, Schmidt, Schneiders, Schober, Schultz, Swoboda, Tregoning, Turba, Van Gorden, Vergeront, Walling, Welch, Wimmer, York and Zeuske — 38.

Absent or not voting — Barrett, Gruszynski, Hasenohrl and Underheim — 4.

Motion carried.

Assembly amendment 4 to **Senate Bill 9**, November 1987 Special Session, offered by Representative Neubauer.

Representative Nelsen moved rejection of assembly amendment 4 to **Senate Bill 9**, November 1987 Special Session.

The question was: Shall assembly amendment 4 to **Senate Bill 9**, November 1987 Special Session, be rejected?

The roll was taken.

The result follows:

Ayes — Berndt, Bolle, Bradley, Brandemuehl, Deininger, Farrow, Gard, Goetsch, Gronemus, Holperin, Hubler, Huelsman, Johnsrud, Junkermann, Kunicki, Ladwig, Margaret Lewis, Mark Lewis, Linton, Medinger, Merkt, Musser, Nelsen, Ott, Ourada, Panzer, Prosser, Roberts, Schmidt, Schneider, Schneiders, Schober, Schultz, Tregoning, Turba, Van Gorden, Vergeront, Walling, Welch, Wimmer, Wineke, York, Young and Zeuske — 44.

Noes — Antaramian, Barca, Becker, Bell, Black, Bock, Boyle, Brancel, Byers, Carpenter, Clarenbach, Coggs, M., Coggs, S., Coleman, Fergus, Fortis, Foti, Grobschmidt, Hamilton, Hauke, Holschbach, Krug, Krusick, Larson, Lepak, Looby, McEssy, Magnuson, Neubauer, Notestein, Paulson, Porter, Potter, Radtke, Robson, Rosenzweig, Rutkowski, Seery, Shoemaker, Swoboda, Tesmer, Thompson, Travis, Vanderperren, Van Dreel, Volk, Williams, Wood, Zweck and Speaker Loftus — 50.

Absent or not voting — Barrett, Gruszynski, Hasenohrl and Underheim — 4.

Motion failed.

JOURNAL OF THE ASSEMBLY [May 24, 1988]

Representative Schneider moved that assembly amendment 4 to **Senate Bill 9**, November 1987 Special Session, be laid on the table.

The question was: Shall assembly amendment 4 to **Senate Bill 9**, November 1987 Special Session, be laid on the table?

The roll was taken.

The result follows:

Ayes — Berndt, Bolle, Bradley, Brandemuehl, Deininger, Farrow, Gard, Goetsch, Gronemus, Holperin, Holschbach, Hubler, Johnsrud, Junkermann, Kunicki, Ladwig, Larson, Margaret Lewis, Mark Lewis, Linton, Medinger, Merkt, Musser, Nelsen, Ott, Ourada, Panzer, Paulson, Prosser, Roberts, Schneider, Schneiders, Schober, Schultz, Tregoning, Turba, Van Gorden, Vergeront, Walling, Welch, Wimmer, Wineke, York, Young, Zeuske and Speaker Loftus — 46.

Noes — Antaramian, Barca, Becker, Bell, Black, Bock, Boyle, Brancel, Byers, Carpenter, Clarenbach, Coggs, M., Coggs, S., Coleman, Fergus, Fortis, Foti, Grobschmidt, Hamilton, Hauke, Huelsman, Krug, Krusick, Lepak, Looby, McEssy, Magnuson, Neubauer, Notestein, Porter, Potter, Radtke, Robson, Rosenzweig, Rutkowski, Schmidt, Seery, Shoemaker, Swoboda, Thompson, Travis, Vanderperren, Van Dreel, Volk, Williams, Wood and Zweck — 47.

Absent or not voting — Barrett, Gruszynski, Hasenohrl, Tesmer and Underheim — 5.

Motion failed.

Representative Thompson asked unanimous consent to be recorded as voting "Aye" on the previous question. Granted.

Representative Tesmer asked unanimous consent to be recorded as voting "Aye" on the previous question. Granted.

Representative Hauke asked unanimous consent that **Senate Bill 9**, November 1987 Special Session, be laid on the table. Granted.

MESSAGE FROM THE SENATE

By Donald J. Schneider, chief clerk.

Mr. Speaker:

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

Assembly Bill 10, November 1987 Special Session (senate amendments 1, 2 and 3 to senate substitute amendment 1 and senate substitute amendment 1 adopted)

ACTION ON THE SENATE MESSAGE

Assembly Bill 10, November 1987 Special Session

Relating to obscenity, defining obscene material and obscene performance and providing penalties.

By committee on Assembly Organization, by request of Governor Tommy G. Thompson.

To calendar.

The question was: Shall senate substitute amendment 1 to **Assembly Bill 10**, November 1987 Special Session, be concurred in?

Motion carried.

Representative Hauke asked unanimous consent that the rules be suspended and that the assembly's action on **Assembly Bill 10**, November 1987 Special Session, be immediately messaged to the senate. Granted.

Representative Hauke asked unanimous consent that **Senate Bill 9**, November 1987 Special Session, be taken from the table and taken up at this time. Granted.

Senate Bill 9, November 1987 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.

Representative Schneider moved that assembly amendment 4 to **Senate Bill 9**, November 1987 Special Session, be laid on the table.

The question was: Shall assembly amendment 4 to **Senate Bill 9**, November 1987 Special Session, be laid on the table?

The roll was taken.

The result follows:

Ayes — Berndt, Bolle, Bradley, Brandemuehl, Deininger, Farrow, Gard, Goetsch, Gronemus, Holperin, Holschbach, Hubler, Johnsrud, Junkermann, Kunicki, Ladwig, Larson, Margaret Lewis, Mark Lewis, Linton, Medinger, Merkt, Musser, Nelsen, Ott, Ourada, Panzer, Paulson, Prosser, Roberts, Schneider, Schneiders, Schober, Schultz, Tesmer, Thompson, Tregoning, Turba, Van Gorden, Vergeront, Walling, Welch, Wimmer, Wineke, York, Young, Zeuske and Speaker Loftus — 48.

Noes — Antaramian, Barca, Becker, Bell, Black, Bock, Boyle, Brancel, Byers, Carpenter, Clarenbach, Coggs, M., Coggs, S., Coleman, Fergus, Fortis, Foti, Grobschmidt, Hamilton, Hauke, Huelsman, Krug, Krusick, Lepak, Looby, McEssy, Magnuson, Neubauer, Notestein, Porter, Potter, Radtke, Robson, Rosenzweig, Rutkowski, Schmidt, Seery, Shoemaker, Swoboda, Thompson, Travis, Vanderperren, Van Dreel, Volk, Williams, Wood and Zweck — 46.

Absent or not voting — Barrett, Gruszynski, Hasenohrl and Underheim — 4.

JOURNAL OF THE ASSEMBLY [May 24, 1988]

Motion carried.

Assembly amendment 5 to **Senate Bill 9**, November 1987 Special Session, offered by Representatives Becker, Bock, Notestein, Bell, Carpenter, Krug and Seery.

Representative Neubauer moved that assembly amendment 5 to **Senate Bill 9**, November 1987 Special Session, be laid on the table.

The question was: Shall assembly amendment 5 to **Senate Bill 9**, November 1987 Special Session, be laid on the table?

Motion carried.

The question was: Shall **Senate Bill 9**, November 1987 Special Session, be ordered to a third reading?

Motion carried.

Representative Hauke asked unanimous consent that the rules be suspended and that **Senate Bill 9**, November 1987 Special Session, be given a third reading. Granted.

The question was: **Senate Bill 9**, November 1987 Special Session, having been read three times, shall the bill be concurred in?

The roll was taken.

The result follows:

Ayes — Antaramian, Barca, Becker, Bell, Berndt, Black, Bock, Bradley, Byers, Clarenbach, Coggs, S., Coleman, Deininger, Fergus, Fortis, Gard, Grobschmidt, Gronemus, Hamilton, Hauke, Holperin, Holschbach, Hubler, Johnsrud, Krusick, Kunicki, Ladwig, Larson, Mark Lewis, Linton, Looby, McEssy, Magnuson, Medinger, Musser, Neubauer, Notestein, Ourada, Panzer, Paulson, Porter, Potter, Prosser, Roberts, Robson, Rosenzweig, Schneider, Schneiders, Schultz, Seery, Shoemaker, Swoboda, Tesmer, Thompson, Travis, Vanderperren, Van Dreel, Van Gorden, Volk, Williams, Wimmer, Wineke, Wood, Zeuske, Zweck and Speaker Loftus — 66.

Noes — Bolle, Boyle, Brancel, Brandemuehl, Carpenter, Coggs, M., Farrow, Goetsch, Huelsman,

Junkermann, Lepak, Margaret Lewis, Merkt, Nelsen, Ott, Radtke, Rutkowski, Schmidt, Schober, Tregoning, Turba, Vergeront, Walling and Welch — 24.

Absent or not voting — Barrett and Hasenohrl — 2.

Paired for — Underheim, Gruszynski and Young —

3.

Paired against — Foti, Krug and York — 3.

Motion carried.

Representative Hauke asked unanimous consent that the rules be suspended and that **Senate Bill 9**, November 1987 Special Session, be immediately messaged to the senate. Granted.

Representative Zweck asked unanimous consent that the assembly adjourn in honor of the birth of his son Dustin. 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:

Students from St. Paul's Lutheran School in Onalaska accompanied by teachers Duane Schlender and Lillian Raabe and parents Carol Sculdt and Tom Caponigro, guests of Representative Roberts.

Representative Hauke moved that the assembly stand adjourned pursuant to **Assembly Joint Resolution 3**, November 1987 Special Session.

The question was: Shall the assembly stand adjourned?

Motion carried.

The assembly stood adjourned.

5:56 P.M.