

STATE OF WISCONSIN

Senate Journal

1987 November Special Session

10:00 A.M.

TUESDAY, May 24, 1988

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 Kincaid 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:

Adelman, Andrea. Buettner, Chilsen, Chvala, Cowles, Czarnecki, Davis, Ellis, Engeleiter, Feingold, George, Harsdorf, Helbach, Jauch, Kincaid, Kreul, Lee, Lekan, Lorman, Moen, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 31.

Absent — Senator Lasee — 1.

Absent with leave — None.

LEAVE OF ABSENCE

By request of Senator Engeleiter, with unanimous consent, Senator Lasee was granted a leave of absence for today's session.

By request of Senator Van Sistine, with unanimous consent, the senate recessed until 12:36 P.M.

10:35 A.M.

RECESS

12:36 P.M.

The senate reconvened.

MESSAGE FROM THE ASSEMBLY

By Thomas T. Melvin, chief clerk.

Mr. President:

I am directed to inform you that the assembly adheres to its position on:

**Assembly Bill 8, Special Session.** Assembly amendment 1 to senate substitute amendment 1, agrees to a committee of Conference and appoints Representatives Tesmer, Wood and Schneiders as conferees on its part.

By request of Senator Andrea, with unanimous consent, he resigned from the Committee on Conference on **Assembly Bill 8, Special Session.**

The Chair appointed Senator Stitt as a member of the Committee on Conference on its part for **Assembly Bill 8, Special Session.**

The question was: Confirmation of Senator Stitt as a conferee?

Confirmed.

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

REPORT OF JOINT SURVEY COMMITTEE ON  
RETIREMENT SYSTEMS

Appendix to November, 1987, Special Session Senate  
Bill 9

Public Policy Involved

The WRS is one of the best funded public pension plans in the country. The funding ratio (total accrued liabilities/assets) of the WRS is presently over 90% based upon the recognized 'book value' of assets, and would be nearly 100% funded if calculated on market value. This funding level exceeds most other public pension plans.

On the other hand, surveys by the Retirement Research Committee (RRC) indicate that the WRS is about average in its benefit formula and is much more conservative in its normal retirement age requirements compared to other major public pension plans.

This legislation reduces the normal retirement age for most WRS participants to age 62 with 20 years of creditable service, but retains the age 65 normal retirement for general employees with less than 20 years. The bill also establishes an early retirement window termination on September 1, 1990, based upon a modified Rule of 85 (75-protectives). Under this rule general employees with 30 years of service could retire as early as age 55 without actuarial discount (age 52-protectives).

In addition, this legislation reduces the actuarial discount applied for those retiring after the early retirement window. The 0.4% reduction rate for each month under the normal retirement shall be reduced by 0.001% for each month of creditable service in excess of 240 (20 years). Lastly, the bill provides for an alternate improvement in the multiplier for those who are not benefited by the early retirement window. The multiplier improvement for all categories of employees is 0.05%, and hence, the multiplier for general employees not benefited by the early retirement window would be 1.65% in lieu of the present 1.6%.

This bill attempts to address many of the concerns and questions raised by interested parties relative to early retirement and normal retirement under the WRS. The economic changes and benefit reductions contained within this legislation meet or exceed the costs of the benefit improvements that are provided. Lastly, this legislation provides that employer and employee participants shall share equally in any future changes in contribution rates that are required after 1989.

RECOMMENDATION

The Joint Survey Committee on Retirement Systems is concerned only with the provisions in this legislation affecting the Department of Employee Trust Fund programs. The Committee recommends adoption of senate amendment 1 to November, 1987, Special Session Senate Bill 9 and finds that the retirement provisions in this legislation reflect good public policy if so amended.

ROBERT JAUCH  
Co-chair

JOHN VOLK  
Co-chair

Read and referred to committee on Housing,  
Government Operations and Cultural Affairs.

COMMITTEE REPORTS  
COMMITTEE OF CONFERENCE  
on  
Assembly Bill 8, Special Session

The members of the Committee of Conference on Assembly Bill 8, Special Session report and recommend, That, by the adoption of this report:

1. Prior assembly action. The assembly adheres to its adoption of assembly amendment 1 to senate substitute amendment 1.

2. Prior senate action. The senate recedes from its rejection of assembly amendment 1 to senate substitute amendment 1 and agrees to that amendment as affected by Conference Amendment 1.

3. Action on this conference report. The senate and the assembly adopt and concur in Conference Amendment 1 (LRBa4727/1), to assembly amendment 1, to senate substitute amendment 1, to Assembly Bill 8, Special Session of this November 1987 Special Session, which is attached to and made a part of this report.

Senator Adelman	Representative Tesmer
Senator Te Winkle	Representative Wood
Senator Stitt	Representative Schneiders

By request of Senator George, with unanimous consent, the Committee on Conference report for Assembly Bill 8, Special Session was taken up.

Assembly Bill 8

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

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

The ayes and noes were required and the vote was: ayes, 28; noes, 3; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Andrea, Buettner, Chilsen, Chvala, Cowles, Czarnezki, Davis, Ellis, Engeleiter, Harsdorf, Helbach, Jauch, Kincaid, Kreul, Lee, Leean, Lorman, Moen, Plewa, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 28.

Noes — Senators Feingold, George and Risser — 3.  
Absent or not voting — Senator Lasee.

So the Committee on Conference report was adopted.

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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 2:57 P.M.

1:10 P.M.

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RECESS

2:57 P.M.

The senate reconvened.

Senator Strohl asked unanimous consent to take up **Senate Bill 9, Special Session.**

Senator Davis objected.

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

2:58 P.M.

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RECESS

3:02 P.M.

The senate reconvened.

The committee on Housing, Government Operations and Cultural Affairs 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.

Passage:

Ayes, 4 -- Senators Plewa, Van Sistine, Buettner and Cowles;

Noes, 1 -- Senator Ulichny.

JOHN PLEWA  
Chair

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CALENDAR OF MAY 24, 1988

**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.

Read a second time.

Senate amendments 1 and 2 offered by Senator Jauch.

The question was: Adoption of senate amendment 1?

The ayes and noes were demanded and the vote was: ayes, 31; noes, 0; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Andrea, Buettner, Chilsen, Chvala, Cowles, Czarnezki, Davis, Ellis, Engeleiter, Feingold, George, Harsdorf, Helbach, Jauch, Kincaid, Kreul, Lee, Lekan, Lorman, Moen, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 31.

Noes — None.

Absent or not voting — Senator Lasee — 1.

So the amendment was adopted.

The question was: Adoption of senate amendment 2?

Senator Davis moved rejection of senate amendment 2.

The question was: Rejection of senate amendment 2?

The ayes and noes were demanded and the vote was: ayes, 5; noes, 26; absent or not voting, 1; as follows:

Ayes — Senators Cowles, Davis, Ellis, Engeleiter and Stitt — 5.

Noes — Senators Adelman, Andrea, Buettner, Chilsen, Chvala, Czarnezki, Feingold, George, Harsdorf, Helbach, Jauch, Kincaid, Kreul, Lee, Lekan, Lorman, Moen, Plewa, Risser, Roshell, Rude, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 26.

Absent or not voting — Senator Lasee — 1.

So the motion did not prevail.

The question was: Adoption of senate amendment 2? Adopted.

Senate amendments 3 and 4 offered by Senators Jauch, Andrea and Strohl.

The question was: Adoption of senate amendment 3?

By request of Senator Jauch, with unanimous consent, senate amendment 3 was returned to the author.

The question was: Adoption of senate amendment 4?

Senator Davis moved rejection of senate amendment 4.

The question was: Rejection of senate amendment 4?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 17; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Buettner, Chilsen, Cowles, Davis, Ellis, Harsdorf, Kreul, Lekan, Lorman, Rude, Stitt and Weeden — 13.

Noes — Senators Andrea, Chvala, Czarnezki, Feingold, George, Helbach, Jauch, Kincaid, Lee, Moen, Plewa, Risser, Roshell, Strohl, Te Winkle, Ulichny and Van Sistine — 17.

Absent or not voting — Senator Lasee — 1.

So the motion did not prevail.

The question was: Adoption of senate amendment 4?

Senate amendment 1 to senate amendment 4 offered by Senator Davis.

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

Senator Jauch moved rejection of senate amendment 1 to senate amendment 4.

The question was: Rejection of senate amendment 1 to senate amendment 4?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 14; absent or not voting, 1; as follows:

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

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

Absent or not voting — Senator Lasee — 1.

So the motion prevailed.

The question was: Adoption of senate amendment 4?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 14; absent or not voting, 1; as follows:

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

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

Absent or not voting — Senator Lasee — 1.

So the amendment was adopted.

Senate amendments 5, 6 and 7 to **Senate Bill 9, Special Session** offered by Senator Davis.

The question was: Adoption of senate amendment 5?

Senator Jauch moved rejection of senate amendment 5.

The question was: Rejection of senate amendment 5?

The ayes and noes were demanded and the vote was: ayes, 24; noes, 7; absent or not voting, 1; as follows:

Ayes — Senators Andrea, Buettner, Chvala, Czarnezki, Feingold, George, Harsdorf, Helbach, Jauch, Kincaid, Kreul, Lee, Llean, Lorman, Moen, Plewa, Risser, Roshell, Rude, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 24.

Noes — Senators Adelman, Chilsen, Cowles, Davis, Ellis, Engeleiter and Stitt — 7.

Absent or not voting — Senator Lasee — 1.

So the motion prevailed.

The question was: Adoption of senate amendment 6?

Senator Jauch moved rejection of senate amendment 6.

The question was: Rejection of senate amendment 6?

The ayes and noes were demanded and the vote was: ayes, 24; noes, 6; absent or not voting, 2; as follows:

Ayes — Senators Andrea, Buettner, Chilsen, Chvala, Czarnezki, Feingold, George, Harsdorf, Helbach, Jauch, Kincaid, Kreul, Lee, Llean, Moen, Plewa, Risser, Roshell, Rude, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 24.

Noes — Senators Adelman, Cowles, Davis, Ellis, Lorman and Stitt — 6.

Absent or not voting — Senators Engeleiter and Lasee — 2.

So the motion prevailed.

The question was: Adoption of senate amendment 7?

Senator Jauch moved rejection of senate amendment 7.

The question was: Rejection of senate amendment 7?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 9; absent or not voting, 2; as follows:

Ayes — Senators Andrea, Buettner, Chvala, Czarnezki, Feingold, George, Helbach, Jauch, Kincaid, Kreul, Lee, Llean, Moen, Plewa, Risser, Roshell, Rude, Strohl, Te Winkle, Ulichny and Van Sistine — 21.

Noes — Senators Adelman, Cowles, Davis, Ellis, Engeleiter, Harsdorf, Lorman, Stitt and Weeden — 9.

Absent or not voting — Senators Chilsen and Lasee — 2.

So the motion prevailed.

Senate amendment 8 offered by Senators Czarnezki, Ulichny, Plewa and Adelman.

The question was: Adoption of senate amendment 8? Adopted.

Senate amendment 9 offered by Senators Harsdorf and Jauch.

The question was: Adoption of senate amendment 9?

Senator George moved rejection of senate amendment 9.

The question was: Rejection of senate amendment 9?

The ayes and noes were demanded and the vote was: ayes, 8; noes, 23; absent or not voting, 1; as follows:

Ayes — Senators Chvala, Czarnezki, Feingold, George, Helbach, Plewa, Risser and Van Sistine — 8.

Noes — Senators Adelman, Andrea, Buettner, Chilsen, Cowles, Davis, Ellis, Engeleiter, Harsdorf, Jauch, Kincaid, Kreul, Lee, Llean, Lorman, Moen, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny and Weeden — 23.

Absent or not voting — Senator Lasee — 1.

So the motion did not prevail.

The question was: Adoption of senate amendment 9?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 10; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Buettner, Chilsen, Cowles, Davis, Ellis, Engeleiter, Harsdorf, Jauch, Kincaid, Kreul, Lee, Llean, Lorman, Moen, Roshell, Rude, Stitt, Strohl, Te Winkle and Weeden — 21.

Noes — Senators Andrea, Chvala, Czarnezki, Feingold, George, Helbach, Plewa, Risser, Ulichny and Van Sistine — 10.

Absent or not voting — Senator Lasee — 1.

So the amendment was adopted.

By request of Senator Ulichny, with unanimous consent, the journal showed that she would have voted "aye" on the previous roll call.

Senate amendment 10 offered by Senators George and Feingold.

The question was: Adoption of senate amendment 10?

Senator Jauch moved rejection of senate amendment 10.

The question was: Rejection of senate amendment 10?

The ayes and noes were demanded and the vote was: ayes, 23; noes, 8; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Andrea, Buettner, Chilsen, Cowles, Czarnezki, Ellis, Engeleiter, Harsdorf, Helbach, Jauch, Kincaid, Kreul, Lee, Llean, Lorman, Moen, Plewa, Roshell, Rude, Strohl, Te Winkle and Weeden — 23.

Noes — Senators Chvala, Davis, Feingold, George, Risser, Stitt, Ulichny and Van Sistine — 8.

Absent or not voting — Senator Lasee.

So the motion prevailed.

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 9, Special Session**

Read a third time.

The ayes and noes were required and the vote was: ayes, 24; noes, 7; absent or not voting, 1; as follows:

Ayes — Senators Andrea, Buettner, Chilsen, Chvala, Czarnezki, Ellis, Engeleiter, Feingold, Harsdorf, Helbach, Jauch, Kincaid, Kreul, Llean, Lorman, Moen, Plewa, Risser, Roshell, Rude, Strohl, Te Winkle, Van Sistine and Weeden — 24.

Noes — Senators Adelman, Cowles, Davis, George, Lee, Stitt and Ulichny — 7.

Absent or not voting — Senator Lasee — 1.

So the bill passed.

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

By request of Senator Andrea, with unanimous consent, the journal showed that he would have voted "no" on rejection of senate amendment 10.

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

The committee on Judiciary and Consumer Affairs reports and recommends:

#### **Assembly Bill 10, Special Session**

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

Concurrence:

Ayes, 4 -- Senators Adelman, Lorman, Stitt and Buettner;

Noes, 2 -- Senators Feingold and Chvala.

LYNN ADELMAN  
Chair

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#### **MESSAGE FROM THE ASSEMBLY**

By Thomas T. Melvin, chief clerk.

Mr. President:

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

**Assembly Bill 8, Special Session.** Committee of Conference Report

By request of Senator Strohl, with unanimous consent, the Senate took up **Assembly Bill 10, Special Session.**

#### **Assembly Bill 10, Special Session**

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

Read a second time.

Senate substitute amendment 1 offered by Senators Strohl and Engeleiter.

Senate amendment 1 to senate substitute amendment 1 offered by Senators Stitt and Ulichny.

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

Adopted.

Senate amendment 2 to senate substitute amendment 1 offered by Senator Strohl.

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

Adopted.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Strohl, with unanimous consent, the Senate returned to the second reading of **Assembly Bill 10, Special Session.**

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

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

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 10, Special Session**

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 27; noes, 4; absent or not voting, 1; as follows:

Ayes — Senators Adelman, Andrea, Buettner, Chilsen, Cowles, Czarnezki, Davis, Ellis, Engeleiter, Harsdorf, Helbach, Jauch, Kincaid, Kreul, Lee, Llean, Lorman, Moen, Plewa, Roshell, Rude, Stitt, Strohl, Te Winkle, Ulichny, Van Sistine and Weeden — 27.

Noes — Senators Chvala, Feingold, George and Risser — 4.

Absent or not voting — Senator Lasee — 1.

So the bill was concurred in as amended.

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 5:53 P.M.

5:26 P.M.

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RECESS

5:53 P.M.

The senate reconvened.

Upon motion of Senator Strohl the senate adjourned pursuant to **Assembly Joint Resolution 3, Special Session.**

5:54 P.M.