

JOURNAL OF THE ASSEMBLY [January 26, 1977]

STATE OF WISCONSIN

Assembly Journal

Eighty-Third Regular Session

WEDNESDAY, January 26, 1977.

9:00 A.M.

The assembly met.

Speaker Jackamonis in the chair.

The prayer was offered by Reverend Samuel Cox of Church of Christ, 4301 Mandrake Road, Madison.

Representative Andrea 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 -- Andrea, Ausman, Barczak, Barry, Bear, Behnke, Bradley, Brist, Byers, Clarenbach, Coggs, Conradt, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, Dueholm, Duren, Early, Elconin, Ellis, Engeleiter, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Gower, Groshek, Gunderson, Hanson, Hasenohrl, Hauke, Hephner, Johnson, Johnston, Kedrowski, Kincaid, Kirby, Klicka, Lallensack, Lato, Lee, Leopold, Lewis, Lewison, Lingren, Litscher, Loftus, Looby, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, Metz, Miller, Mohn, Moody, Munts, Murray, Norquist, Olson, Opitz, Otte, Pabst, Plewa, Porter, Potter, Quackenbush, Roberts, Rogers, Rooney, Roth, Rutkowski, Schmidt, Schneider, Schricker, Shabaz, Snyder, Soucie, Swoboda, Tesmer, Thompson, Travis, Tregoning, Tropman, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 98.

Absent -- None.

Absent with leave -- Everson -- 1.

Representative Wahner asked unanimous consent that the assembly dispense with the oral reading by the chief clerk of the bills and resolutions to be introduced under the second and third orders of business.

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Representative Shabaz objected.

Representative Wahner moved that the rules be suspended and that the assembly dispense with the oral reading by the chief clerk of the bills and resolutions to be introduced under the second and third orders of business.

The question was: Shall the rules be suspended and the assembly dispense with the oral reading by the chief clerk of the bills and resolutions to be introduced under the second and third orders of business?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Bear, Brist, Clarenbach, Coggs, Czerwinski, Dandeneau, Day, Dorff, Dueholm, Duren, Early, Elconin, Ferrall, Fischer, Flintrop, Gerlach, Groshek, Hanson, Hasenohrl, Hephner, Johnson, Kedrowski, Kincaid, Kirby, Lallensack, Lato, Lee, Leopold, Lingren, Litscher, Loftus, Looby, McClain, Medinger, Menos, Metz, Miller, Mohn, Moody, Munts, Murray, Norquist, Otte, Pabst, Plewa, Potter, Roberts, Rogers, Rooney, Rutkowski, Schneider, Soucie, Swoboda, Tropman, Tuczynski, Vanderperren, Wahner, Wood and Mr. Speaker -- 62.

Noes -- Ausman, Behnke, Bradley, Byers, Conradt, DeLong, Donoghue, Ellis, Engleiter, Goodrich, Gower, Gunderson, Hauke, Johnston, Klicka, Lewis, Lewison, Lorman, Luckhardt, McEssy, Matty, Merkt, Olson, Opitz, Porter, Quackenbush, Roth, Schmidt, Schricker, Shabaz, Snyder, Tesmer, Thompson, Travis, Tregoning and Ward -- 36.

Absent or not voting -- Everson -- 1.

Motion failed.

INTRODUCTION AND REFERENCE OF RESOLUTIONS

Read and referred:

Assembly Joint Resolution 17

Making an application to the Congress of the United States pursuant to article V of the constitution of the United States, for a convention for proposing an amendment to the constitution of the United States prohibiting deficit spending.

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By Representatives Shabaz, Thompson, Klicka, Lewis, Olson, Luckhardt, Travis, Litscher and Menos, co-sponsored by Senator Murphy.

To committee on State Affairs.

Assembly Joint Resolution 18

Relating to directing the legislative council to study the state's eminent domain laws.

By Representatives Potter, Hephner, Otte, Lallensack, Johnson, Munts, Looby, Tuczynski, Cogg, Pabst, Byers, Rutkowski, Miller, Brist, Norquist, Behnke, Soucie, Gerlach, Menos, Tesmer, Metz, Murray, Wood, Plewa, Hasenohrl, McClain, Kirby, Kedrowski, Leopold, Medinger, Bear, Mohn, Wahner, Gunderson, Ausman, Luckhardt and Schmidt, co-sponsored by Senators Keppler, Dorman, McKenna and Bablitch.

To calendar.

Assembly Joint Resolution 19

Directing the legislative council to study the feasibility of income taxes being paid on a staggered basis throughout the year.

By Representatives Pabst, Lallensack, Dorff, Conradt and Behnke, co-sponsored by Senators Offner and VanSistine.

To committee on Revenue.

INTRODUCTION AND REFERENCE OF BILLS

Read first time and referred:

Assembly Bill 201

Relating to the fee for special registration plates for collectors.

By Representatives Vanderperren, Mohn, Schricker, Conradt, Lewison and McEssy, co-sponsored by Senator Martin.

To committee on Highways.

Assembly Bill 202

Relating to optional vehicle equipment.

By Representatives Vanderperren, Mohn, Schricker, Lewison, McEssy and Gerlach, co-sponsored by Senator Martin.

To committee on Highways.

Assembly Bill 203

Relating to abandoned motor vehicles, and providing a penalty.

By Representatives Vanderperren, Lallensack, Schricker, Lewison, Thompson, McEssy and Conradt, co-sponsored by Senator Martin.

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To committee on Highways.

Assembly Bill 204

Relating to assessor's plats.

By Representatives Vanderperren, Schricker, Mohn, Lewison, Thompson and Conradt, co-sponsored by Senators VanSistine and Martin.

To committee on Local Affairs.

Assembly Bill 205

Relating to permitting certain vehicles hauling snow to be registered on a monthly basis.

By Representatives Vanderperren, Groshek, Lallensack, Schricker, Everson, Lewison, McEssy and Conradt, co-sponsored by Senators Martin and VanSistine.

To committee on Highways.

Assembly Bill 206

Relating to aiding programs for physical education and recreation of the retarded and making an appropriation.

By Representatives Vanderperren, Rogers, Menos, Swoboda and Mohn, co-sponsored by Senator VanSistine.

To committee on Education.

Assembly Bill 207

Relating to free small game licenses for residents over 65 years of age.

By Representatives Soucie, Tuczynski, Dandeneau, Metz, Day, Hasenohrl, Ausman, Klicka, Kirby, Early, Barry, Fischer, Lato, Olson, Lingren and Kincaid.

To committee on Natural Resources.

Assembly Bill 208

Relating to placing mopeds for some purposes under the laws regulating bicycles instead of motor-driven cycles, and providing penalties.

By Representatives Kirby, Gerlach, Plewa, Brist, Loftus, McClain, Tuczynski, Hasenohrl and Flintrop, co-sponsored by Senators Berger and Cullen.

To committee on Highways.

Assembly Bill 209

Relating to sentencing and treatment of persons who are convicted of delivering narcotics.

By Representatives Behnke, Lallensack, Bradley, Murray, Shabaz, Swoboda, Hauke, Dorff, Ellis, Tuczynski, Kirby, Menos,

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Plewa, Vanderperren, Matty, Byers, Metz, Pabst, Roberts, Lingren, Fischer, Ward, Barry, Lato, Tesmer, Wood, Norquist, Hasenohrl, Barczak, Soucie, Brist, Leopold, Rooney, Mohn, Merkt, Gerlach, Ausman, Groshek, Johnston, Medinger, Conradt, Litscher, Tregoning, Hanson, Luckhardt, Schricker, Schmidt, Andrea, Goodrich, Wahner, Rogers, Lewison, Moody, McClain, Kincaid, Gower, Opitz, Roth, Donoghue, Porter, Travis, McEssy, Everson, Olson, Snyder, Klicka, Engeleiter, Thompson, DeLong, Day, Looby, Quackenbush, Potter, Dandeneau and Lee, co-sponsored by Senators Berger, Parys, Lorge, Cullen, Kleczka, Frank, Martin, Sensenbrenner, Krueger, Maurer, VanSistine, Theno, Murphy, McCallum, Keppler, Bidwell and Dorman.

To committee on Criminal Justice and Public Safety.

Assembly Bill 210

Relating to exempting certain employer retirement plan distributions from the state income tax.

By Representatives Schneider, Roberts, Johnson, Wahner, Donoghue, Travis, Engeleiter, Otte, Kincaid, Jackamonis, Schmidt and Porter, co-sponsored by Senators Kleczka, Chilsen, McKenna, Dorman and Berger.

To Joint Survey Committee on Tax Exemptions.

Assembly Bill 211

Relating to requiring fiscal notes for administrative rules.

By Representatives Day, Lallensack, Lato, McClain, Schricker, Murray, Hasenohrl, Byers, Lewison, Bradley, Conradt, Barry, Groshek, Schmidt, Quackenbush, Duren, Andrea and Kincaid, co-sponsored by Senators Berger and Chilsen.

To Joint Committee for Review of Administrative Rules.

Assembly Bill 212

Relating to the cost of duplicate deer hunting licenses.

By Representatives Day, Vanderperren, Lallensack, Byers, Schricker, Murray, Groshek, Conradt, Lato, Hasenohrl, Bradley, Schmidt, Soucie, McClain and Lewison, co-sponsored by Senator Berger.

To committee on Natural Resources.

Assembly Bill 213

Relating to mandatory use of seat belts by school bus operators and providing a penalty.

By Representatives Schneider, Duren, Tuczynski, Hasenohrl and Plewa, co-sponsored by Senator Risser, by request of Department of Transportation.

To committee on Transportation.

Assembly Bill 214

Relating to establishing minimum safety, health and comfort requirements for railroad engines and providing a penalty.

By Representatives Schricker, Kedrowski, McEssy, Byers, Vanderperren, Schmidt, Murray, Ward, Thompson, Hasenohrl, Looby, Dueholm, Mohn and Groshek, co-sponsored by Senators Martin, McKenna and Theno.

To committee on Transportation.

Assembly Bill 215

Relating to acceptable identification for electors registering at the polls or not appearing on registry lists without corroboration.

By Representatives Engeleiter, Kedrowski, Barczak, Johnston, Schmidt, Menos, Matty, Klicka and Merkt.

To committee on Elections.

Assembly Bill 216

Relating to limitation of commencement of action, cause of action for right of privacy, damages and survival of actions.

By Representatives Ferrall, Flintrop, Jackamonis, Rogers, Rutkowski, Munts, Brist, Bear, Dandeneau, Tropman, Elconin, Tesmer, Loftus, Moody, Medinger, Czerwinski, Soucie, Metz, Dueholm, Tuczynski, Kirby, Behnke, Coggs, McClain, Norquist, Leopold, Dorff, Mohn, Johnson, Clarenbach and Kedrowski, co-sponsored by Senators Dorman, Flynn, Berger, Adelman, Risser, Frank, Peloquin, Radosevich, Braun, Morrison, Maurer and Swan.

To committee on Judiciary.

MOTIONS

Representative Wahner asked unanimous consent that **Assembly Resolution 10** be taken from the table and taken up at this time.

Representative Shabaz objected.

Representative Wahner moved that **Assembly Resolution 10** be taken from the table and taken up at this time.

Representative Shabaz asked unanimous consent that **Assembly Resolution 10** be made a special order of business at 9:00 A.M. on Thursday, January 27.

Representative Wahner objected.

The question was: Shall **Assembly Resolution 10** be taken from the table and taken up at this time?

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The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Bear, Behnke, Brist, Clarenbach, Coggs, Czerwinski, Dandeneau, Day, Dorff, Dueholm, Duren, Early, Elconin, Ferrall, Fischer, Flintrop, Gerlach, Groshek, Hanson, Hasenohrl, Hauke, Hephner, Johnson, Kedrowski, Kirby, Lallensack, Lato, Lee, Leopold, Lingren, Litscher, Loftus, Looby, McClain, Medinger, Menos, Metz, Miller, Mohn, Moody, Munts, Murray, Norquist, Otte, Pabst, Plewa, Potter, Roberts, Rogers, Rooney, Rutkowski, Schneider, Soucie, Swoboda, Tesmer, Tropman, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 65.

Noes -- Ausman, Bradley, Byers, Conradt, DeLong, Donoghue, Ellis, Engeleiter, Goodrich, Gower, Gunderson, Johnston, Kincaid, Klicka, Lewis, Lewison, Lorman, Luckhardt, McEssy, Matty, Merkt, Olson, Opitz, Porter, Quackenbush, Roth, Schmidt, Schricker, Shabaz, Snyder, Thompson, Travis and Tregoning -- 33.

Absent or not voting -- Everson -- 1.

Motion carried.

Representative DeLong asked unanimous consent that the assembly stand recessed for thirty minutes. Granted.

The assembly stood recessed.

9:30 A.M.

RECESS

10:55 A.M.

The assembly reconvened.

Assembly Resolution 10

Relating to the authorized staffing pattern for the 1977 assembly.

Assembly amendment 1 to Assembly Resolution 10 offered by Representative Hauke.

Representative Wahner moved rejection of assembly amendment 1 to Assembly Resolution 10.

The question was: Shall assembly amendment 1 to Assembly Resolution 10 be rejected?

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The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barczak, Bear, Behnke, Brist, Byers, Clarenbach, Coggs, Czerwinski, Dandeneau, Day, Donoghue, Dorff, Dueholm, Duren, Early, Elconin, Ellis, Engeleiter, Ferrall, Fischer, Flintrop, Gerlach, Groshek, Gunderson, Hanson, Hasenohrl, Hephner, Johnson, Kedrowski, Kincaid, Kirby, Lallensack, Lato, Lee, Leopold, Lingren, Loftus, Looby, Lorman, McClain, Matty, Medinger, Menos, Metz, Miller, Mohn, Moody, Munts, Murray, Norquist, Otte, Pabst, Plewa, Potter, Roberts, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Soucie, Swoboda, Travis, Tropman, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 72.

Noes -- Barry, Bradley, Conradt, DeLong, Goodrich, Gower, Hauke, Johnston, Klicka, Lewis, Lewison, Litscher, Luckhardt, McEssy, Merkt, Olson, Opitz, Porter, Quackenbush, Roth, Schricker, Shabaz, Snyder, Tesmer, Thompson and Tregoning -- 26.

Absent or not voting -- Everson -- 1.

Motion carried.

Representative Travis asked unanimous consent to be recorded as voting "No" on the previous question. Granted.

Assembly amendment 2 to **Assembly Resolution 10** offered by Representative Gower.

Representative Wahner moved rejection of assembly amendment 2 to **Assembly Resolution 10**.

The question was: Shall assembly amendment 2 to **Assembly Resolution 10** be rejected?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Bear, Behnke, Brist, Byers, Clarenbach, Coggs, Czerwinski, Dandeneau, Day, Donoghue, Dorff, Dueholm, Duren, Early, Elconin, Ferrall, Fischer, Flintrop, Gerlach, Groshek, Gunderson, Hanson, Hasenohrl, Hauke, Hephner, Johnson, Kedrowski, Kincaid, Kirby, Lallensack, Lato, Lee, Leopold, Lingren, Litscher, Loftus, Looby, Luckhardt, McClain, Matty, Medinger, Menos, Metz, Miller, Mohn, Moody,

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Munts, Murray, Norquist, Otte, Pabst, Plewa, Potter, Roberts, Rogers, Rooney, Rutkowski, Schneider, Soucie, Swoboda, Tesmer, Tropman, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 71.

Noes -- Ausman, Bradley, Conradt, DeLong, Ellis, Engeleiter, Goodrich, Gower, Johnston, Klicka, Lewis, Lewison, Lorman, McEssy, Merkt, Olson, Opitz, Porter, Quackenbush, Roth, Schmidt, Schricker, Shabaz, Snyder, Thompson, Travis and Tregoning -- 27.

Absent or not voting -- Everson -- 1.

Motion carried.

Representative Luckhardt asked unanimous consent to be recorded as voting "No" on the previous question. Granted.

Assembly amendment 3 to **Assembly Resolution 10** offered by Representatives Matty, Roth, Travis, Lorman, Pabst, Rogers, Tesmer and Ward.

Representative Wahner moved rejection of assembly amendment 3 to **Assembly Resolution 10**.

The question was: Shall assembly amendment 3 to **Assembly Resolution 10** be rejected?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Bear, Brist, Clarenbach, Coggs, Czerwinski, Dandeneau, Day, Dorff, Dueholm, Duren, Early, Elconin, Ferrall, Fischer, Flintrop, Gerlach, Gower, Groshek, Hanson, Hasenohrl, Johnson, Kedrowski, Kirby, Klicka, Lallensack, Lato, Lee, Leopold, Lewis, Lewison, Lingren, Loftus, Looby, Luckhardt, McClain, Medinger, Merkt, Metz, Miller, Mohn, Moody, Munts, Murray, Norquist, Otte, Plewa, Porter, Potter, Quackenbush, Roberts, Rooney, Rutkowski, Schneider, Shabaz, Snyder, Soucie, Swoboda, Tropman, Tuczynski, Vanderperren, Wahner, Wood and Mr. Speaker -- 66.

Noes -- Ausman, Behnke, Bradley, Byers, Conradt, DeLong, Donoghue, Ellis, Engeleiter, Goodrich, Gunderson, Hauke, Hephner, Johnston, Kincaid, Litscher, Lorman, McEssy, Matty, Menos, Olson, Opitz, Pabst, Rogers, Roth, Schmidt, Schricker, Tesmer, Thompson, Travis, Tregoning and Ward -- 32.

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Absent or not voting -- Everson -- 1.

Motion carried.

Representative Shabaz moved rejection of Assembly Resolution 10.

Assembly amendment 4 to Assembly Resolution 10 offered by Representative Gower.

Representative Wahner moved rejection of assembly amendment 4 to Assembly Resolution 10.

The question was: Shall assembly amendment 4 to Assembly Resolution 10 be rejected?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Bear, Behnke, Brist, Clarenbach, Coggs, Czerwinski, Dandeneau, Day, Dorff, Dueholm, Duren, Early, Elconin, Ferrall, Fischer, Flintrop, Gerlach, Groshek, Hanson, Hasenohrl, Hauke, Hephner, Johnson, Kedrowski, Kirby, Klicka, Lallensack, Lato, Lee, Leopold, Lewis, Lingren, Litscher, Loftus, Looby, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, Metz, Miller, Mohn, Moody, Munts, Murray, Norquist, Otte, Pabst, Plewa, Porter, Potter, Roberts, Rogers, Rooney, Roth, Rutkowski, Schneider, Soucie, Swoboda, Tregoning, Tropman, Tuczynski, Vanderperren, Wahner, Wood and Mr. Speaker -- 72.

Noes -- Ausman, Bradley, Byers, Conradt, DeLong, Donoghue, Ellis, Engeleiter, Goodrich, Gower, Gunderson, Johnston, Kincaid, Lewison, Lorman, Olson, Opitz, Quackenbush, Schmidt, Schricker, Shabaz, Snyder, Tesmer, Thompson, Travis and Ward -- 26.

Absent or not voting -- Everson -- 1.

Motion carried.

The question was: Shall Assembly Resolution 10 be rejected?

The roll was taken.

The result follows:

Ayes -- Bradley, Byers, Conradt, DeLong, Donoghue, Ellis, Engeleiter, Goodrich, Gower, Gunderson, Hauke, Johnston, Klicka, Lewis, Lewison, Litscher, Lorman, Luckhardt, McEssy, Merkt,

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Olson, Opitz, Porter, Quackenbush, Roth, Schmidt, Schricker, Shabaz, Snyder, Thompson, Travis and Tregoning -- 32.

Noes -- Andrea, Ausman, Barczak, Barry, Bear, Behnke, Brist, Clarenbach, Coggs, Czerwinski, Dandeneau, Day, Dorff, Dueholm, Duren, Early, Elconin, Ferrall, Fischer, Flintrop, Gerlach, Groshek, Hanson, Hasenohrl, Hephner, Johnson, Kedrowski, Kincaid, Kirby, Lallensack, Lato, Lee, Leopold, Lingren, Loftus, Looby, McClain, Matty, Medinger, Menos, Metz, Miller, Mohn, Moody, Munta, Murray, Norquist, Otte, Pabst, Plewa, Potter, Roberts, Rogers, Rooney, Rutkowski, Schneider, Soucie, Swoboda, Tesmer, Tropman, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 66.

Absent or not voting -- Everson -- 1.

Motion failed.

The question was: Shall Assembly Resolution 10 be adopted?

Motion carried.

LEAVES OF ABSENCE

Representative Ferrall asked unanimous consent for a leave of absence for today's session for Representative Everson. Granted.

ANNOUNCEMENTS

The speaker announced the following committee assignments.

Representative Lee is appointed to the committee on Criminal Justice and Public Safety and removed from the committee on Commerce and Consumer Affairs.

Representative McClain is appointed to the committee on Criminal Justice and Public Safety and removed from the committee on Judiciary.

Representative Clarenbach is appointed to the committee on Judiciary.

Representative Travis is appointed to the Joint Survey Committee on Tax Exemptions.

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VISITORS

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

Siegfried Bolz from **Frankfurt, Germany**, guest of **Representative Donoghue**.

Students from **Central Wisconsin Christian High School**, accompanied by **Mr. John Post** from **Waupun**, guests of **Representative Lewis**.

Richard MianECKi from **Green Bay**, guest of **Representatives Gower and Vanderperren**.

Leo DeGreif from **Green Bay**, guest of **Representative Gower**.

Robert Rasmussen, **Polk County District Attorney**, **John Schneider**, **George Griffin** and **Mike Schannon**, guests of **Representative Ducholm**.

Representative Wahner moved that the assembly stand adjourned until 10:00 A.M. tomorrow.

The question was: Shall the assembly stand adjourned?

Motion carried.

The assembly stood adjourned.

12:05 P.M.