

Assembly Journal

Eighty-Third Regular Session

TUESDAY, February 1, 1977.

10:00 A.M.

The assembly met.

Speaker Jackamonis in the chair.

The prayer was offered by Reverend Kyle Simplot of First Christian Church, 304 North Hamilton, Madison.

Representative McEssy 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, Conratt, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, Ducholm, 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, 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, Schricker, Shabaz, Snyder, Soucie, Swoboda, Tesmer, Thompson, Travis, Tregoning, Tropman, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 96.

Absent -- None.

Absent with leave -- Everson, Lewison and Schneider -- 3.

AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 97** offered by Representative Rooney.

INTRODUCTION AND REFERENCE OF RESOLUTIONS

Read and referred:

Assembly Resolution 11

Requesting an opinion of the attorney general with regard to the constitutionality of federalizing the Wisconsin income tax.

By Representatives Gower, Klicka, Tregoning, Lewis, Thompson, Lewison, Olson, Bradley, Schmidt and Ausman.

To calendar.

Assembly Joint Resolution 21

Granting the use of the legislative chambers on Saturday, February 26, 1977, for the 1977 Model Legislative Session of the Wisconsin Junior Chamber of Commerce.

By Representatives Jackamonis and Wahner, co-sponsored by Senator Berger.

To calendar.

INTRODUCTION AND REFERENCE OF BILLS

Read first time and referred:

Assembly Bill 228

Relating to diverse changes in the motor vehicle rules of the road.

By Legislative Council.

To committee on Highways.

Assembly Bill 229

Relating to removal of unlawfully parked vehicles from the highways.

By Legislative Council.

To committee on Highways.

Assembly Bill 230

Relating to miscellaneous highway sign regulations, providing penalties and granting rule-making authority.

JOURNAL OF THE ASSEMBLY [February 1, 1977]

By Legislative Council.
To committee on Highways.

Assembly Bill 231

Relating to leaving keys in vehicle ignitions and providing a penalty.

By Legislative Council.
To committee on Highways.

Assembly Bill 232

Relating to the penalty for driving after license revocation or suspension.

By Legislative Council.
To committee on Highways.

Assembly Bill 233

Relating to speed limits on highways within cities or villages.

By Legislative Council.
To committee on Highways.

Assembly Bill 234

Relating to angle parking on state trunk highways and connecting streets.

By Legislative Council.
To committee on Highways.

Assembly Bill 235

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

By Representatives Vanderperren, Lewison and Schricker, co-sponsored by Senator Martin.
To committee on Highways.

Assembly Bill 236

Relating to various changes in the laws concerning school busses.

By Representatives Luckhardt, Hephner, Thompson, Swoboda, Byers, Snyder, Shabaz, McEssy, Tregoning, Ausman, Matty, Lewison, Gunderson, DeLong, Schricker, Schmidt, Klicka, Porter, Lorman, Goodrich, Merkt, Olson, Engeleiter, Johnston, Donoghue, Lewis, Opitz, Travis, Conradt, Litscher, Day, Kedrowski, Medinger, Brist, Dorff, Roth and Hanson.

To committee on Highways.

Assembly Bill 237

Relating to awarding costs and fees if an action, special proceeding, cross complaint or counterclaim is determined to be frivolous.

By Representatives Hanson, Rooney, Rogers, Roth, Kincaid, Plewa, Kirby, Byers, Gunderson, Tuczynski, Potter, Gerlach, Tregoning, Lallensack, Dandeneau, Roberts, Barczak, Dorff, Schmidt, Donoghue, Norquist, Ward, Menos, Day, Murray, Lewison, Conradt, Bradley and Engeleiter.

To committee on Judiciary.

Assembly Bill 238

Relating to detention of county jail inmates in a house of correction and transfer and commitment of prisoners possessing Huber law privileges.

By Representatives Tesmer and Hauke, co-sponsored by Senator Frank, by request of Milwaukee County.

To committee on Criminal Justice and Public Safety.

Assembly Bill 239

Relating to the appointment of deputy district attorneys in counties with a population of 200,000 or more.

By Representatives Tesmer, Hauke and Rutkowski, co-sponsored by Senators Frank, Braun, Flynn and Adelman, by request of Milwaukee County.

To committee on Criminal Justice and Public Safety.

Assembly Bill 240

Relating to use of amygdalin (laetrile).

By Representatives Lewis, Flintrop, Klicka, Matty, Clarenbach, Bradley, Ward, Tregoning, Coggs, DeLong, Gunderson, Lewison, Goodrich, Luckhardt, Byers and Schricker, co-sponsored by Senators Martin, Parys and Swan.

To committee on Health and Social Services.

Assembly Bill 241

Relating to eliminating dual filing for business debts under the uniform commercial code.

By Representatives Lallensack, Vanderperren, Potter, Dandeneau, Looby, Menos, Mohn, Murray, Lewis, Wood, Hasenohrl, Otte, Litscher, Kedrowski and Loftus.

To committee on Insurance and Banking.

Assembly Bill 242

Relating to mayors and presidents of councils presiding over council meetings in 2nd, 3rd and 4th class cities.

JOURNAL OF THE ASSEMBLY [February 1, 1977]

By Representative Barczak.
To committee on Local Affairs.

Assembly Bill 243

Relating to filling of vacancies in the office of chairperson of the county board in counties having a population of 500,000 or more.

By Representative Barczak.
To committee on Local Affairs.

Assembly Bill 244

Relating to exempting certain motor trucks from stopping at weighing stations and providing a penalty.

By Representatives Tregoning, Gower, Klicka, Schricker, Lewis, Snyder, Conradt and Lewison.
To committee on Highways.

Assembly Bill 245

Relating to qualification of political parties advocating the use of force or violation of the law.

By Representatives Gower, Klicka and Lewis.
To committee on Judiciary.

Assembly Bill 246

Relating to the statute of limitations for old-age assistance liens.

By Representatives Gower, Klicka and Lewis, co-sponsored by Senator Petri.

To committee on Judiciary.

Assembly Bill 247

Relating to free small game hunting licenses for residents 62 years of age or older.

By Representatives Gower, Klicka, Bradley, Ellis, Schricker, Schmidt and Lewison.

To committee on Natural Resources.

Assembly Bill 248

Relating to the amount of personal property owned by a recipient of public assistance.

By Representatives Gower, Klicka, Luckhardt, Ellis, Snyder, Conradt, Shabaz, Tregoning and Thompson.

To committee on Health and Social Services.

Assembly Bill 249

Relating to initiating paternity proceedings where appropriate in order to receive aid to families with dependent children and providing penalties.

JOURNAL OF THE ASSEMBLY [February 1, 1977]

By Representatives Gower, Klicka, Ellis, Tregoning, Lewis, Luckhardt, Goodrich, Opitz, Snyder, Conradt, Shabaz, Thompson and Merkt.

To committee on Health and Social Services.

Assembly Bill 250

Relating to deleting certain rule-making authority of the secretary of health and social services in regard to community mental health, mental retardation, alcoholism and drug abuse services.

By Representatives Gower, Klicka, Thompson, Lewis, Bradley and Tregoning.

To committee on Health and Social Services.

OPINION OF THE ATTORNEY GENERAL

**The State of Wisconsin
Department of Justice
Madison**

January 27, 1977

**Mr. Everett E. Bolle
Director of Legislative Services
Wisconsin State Assembly
220 West, State Capitol
Madison, Wisconsin 53702**

Dear Mr. Bolle:

1975 Assembly Resolution 42 requests an opinion of the Attorney General on whether 1975 Assembly Bill 1021, if enacted, would violate Wis. Const. art. IV, sec. 26.

The issue presented is currently being litigated in the case of *DOA v. WERC and AFSCME Council 24*, a Dane County Circuit Court case. In accordance with a long-standing policy of this office, opinions are not issued on questions that are the subject of current litigation.

There is a definite possibility that the case will be appealed to and finally resolved by the Supreme Court. When there is a final determination, the issue should be resolved by a court decision.

It is possible that the case now in litigation will be decided on grounds other than the constitutional issue presented. If this occurs

JOURNAL OF THE ASSEMBLY [February 1, 1977]

and the issue is not resolved at that time, we will revive the request for this opinion and promptly respond.

Very truly yours,
WILLIAM H. WILKER
Asst. Attorney General

COMMITTEE REPORTS

The Joint Committee for Review of Administrative Rules reports and recommends:

Assembly Bill ——— (lrb 2433/1)

Relating to various changes in the laws concerning school busses.

Introduction: Ayes: (6) Noes: (0)

SENATOR DAVID BERGER
Co-Chairperson

MESSAGE FROM THE SENATE

By Donald J. Schneider, chief clerk.

Mr. Speaker:

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

A joint certificate of congratulations by Senator Thompson; co-sponsored by Representative Wood for Laura Catherine Roesling on the occasion of her 100th birthday.

A joint certificate of condolence by Senator Morrison; co-sponsored by Representative Duren for Mrs. Laura Nohr on the occasion of the death of her husband Harry.

A joint certificate of commendation by Senators Sensenbrenner and McCallum; co-sponsored by Representatives Lewis and Merkt for William F. Steinert on the occasion of his retirement.

The above motions under joint rule 26 were concurred in pursuant to Assembly Rule 73.

The following motions under joint rule 26 were adopted pursuant to Assembly Rule 73.

JOURNAL OF THE ASSEMBLY [February 1, 1977]

MOTION UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, Irene B. Haberman is retiring after many years of active service in Green Lake County, and

Whereas, among the numerous positions she has held are: Register in Probate and Court Reporter for Green Lake County (the position she presently holds); charter member and continuously active in Business and Professional Women's Club in Green Lake; member of Green Lake School Board; during World War II she was active in Green Lake County Red Cross Chapter and she worked as a volunteer nurse's aide in Berlin Memorial Hospital, and

Whereas, this civic minded individual, Mrs. Haberman, is also an active member of the Green Lake County Republican Executive Committee and the Green Lake County Republican Women's Club; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representative Goodrich under Joint Rule 26, commend Irene B. Haberman for her many years of service and dedication to her country, the state of Wisconsin, and her home community and extend their best wishes for a long and happy retirement.

MOTION UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, Pam Wels, daughter of Mr. and Mrs. Joseph Wels, Monroe, won the Talent Find and 1977 Miss Wisconsin Farm Bureau title, and

Whereas, this is the first time in the history of the young farmers' program in Wisconsin the same person has won both the Talent Find and Miss Farm Bureau title, and

Whereas, Pam won the title after competing with 48 other county Farm Bureau queens, and

Whereas, her grace and charm assure an exceptionally rewarding reign as Wisconsin's Miss Farm Bureau, and

JOURNAL OF THE ASSEMBLY [February 1, 1977]

Whereas, Pam Wels has made a substantial contribution to her home community and Green County by winning this well deserved proclamation; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representative Tregoning under Joint Rule 26, congratulate this young lady on her outstanding performance and express the wish that she continue to excel in all her future endeavors.

MOTIONS

Representative Hauke asked unanimous consent that **Assembly Bill 218** be withdrawn from the committee on Commerce and Consumer Affairs and referred to the committee on Small Business. Representative Norquist objected.

Representative Hauke moved that the rules be suspended and that **Assembly Bill 218** be withdrawn from the committee on Commerce and Consumer Affairs and referred to the committee on Small Business.

Representative Norquist withdrew his objection.

Representative Hauke asked unanimous consent that **Assembly Bill 218** be withdrawn from the committee on Commerce and Consumer Affairs and referred to the committee on Small Business. Granted.

Representative Groshek asked unanimous consent that **Assembly Bill 128** be withdrawn from the committee on Transportation and referred to the committee on Highways. Granted.

CALENDAR OF TUESDAY, FEBRUARY 1, 1977

Assembly Joint Resolution 18

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

Assembly amendment 1 to **Assembly Joint Resolution 18** offered by Representatives Potter and Wahner.

The question was: Shall assembly amendment 1 to **Assembly Joint Resolution 18** be adopted?

Motion carried.

JOURNAL OF THE ASSEMBLY [February 1, 1977]

The question was: Shall **Assembly Joint Resolution 18** be adopted?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 18** be immediately messaged to the senate. Granted.

MESSAGE FROM THE SENATE

By Donald J. Schneider, chief clerk.

Mr. Speaker:

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

Senate Joint Resolution 12

ACTION ON THE SENATE MESSAGE

Senate Joint Resolution 12

Relating to the life and public service of Jerome A. Martin.

By The Entire Membership of the Senate; co-sponsored by The Entire Membership of the Assembly.

The question was: Shall **Senate Joint Resolution 12** be concurred in?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 12** be immediately messaged to the senate. Granted.

LEAVES OF ABSENCE

Representative Ferrall asked unanimous consent for a leave of absence for today's session for Representative Schneider and for this week's sessions for Representative Everson. Granted.

Representative Thompson asked unanimous consent for a leave of absence for this week's sessions for Representative Lewison. Granted.

LEGISLATIVE REFERENCE BUREAU CORRECTIONS

Assembly Bill 69

1. On page 1, line 3, substitute "(1) (d)" for "(2) (d)"; and "(1) (e)" for "(2) (e)".
2. On page 7, in both lines 13 and 15, substitute "(1) (d)" for "(2) (d)".
3. On page 7, line 14, substitute "(1) (e)" for "(2) (e)".

VISITORS

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

Mr. Dennis Lato from Gilman, guest of Representative Lato.

Representative Wahner moved that the assembly stand adjourned until 9:00 A.M. tomorrow.

The question was: Shall the assembly stand adjourned?

Motion carried.

The assembly stood adjourned.

10:40 A.M.