

JOURNAL OF THE ASSEMBLY [February 2, 1977]

STATE OF WISCONSIN

Assembly Journal

Eighty-Third Regular Session

WEDNESDAY, February 2, 1977.

9:00 A.M.

The assembly met.

Speaker Jackamonis in the chair.

The prayer was offered by Mr. James Lundgren, Wisconsin Area Director for Inter Varsity Christian Fellowship, 2271 Manley Drive, Sun Prairie.

Representative Tropman 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, 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, Miller, Mohn, Moody, Munts, Murray, Norquist, Olson, Opitz, Otte, Pabst, Plewa, Porter, 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 -- 94.

Absent -- None.

Absent with leave -- Dueholm, Everson, Lewison, Metz and Potter -- 5.

AMENDMENTS OFFERED

Assembly amendment 1 to Assembly Bill 227 offered by Representative Hephner.

Assembly substitute amendment 1 to Assembly Bill 227 offered by Representatives Ferrall, Jackamonis and Wahner.

Assembly amendment 1 to assembly substitute amendment 1 to Assembly Bill 227 offered by Representative Hephner.

INTRODUCTION AND REFERENCE OF BILLS

Read first time and referred:

Assembly Bill 251

Relating to authorizing towns to furnish road machine work and materials to private landowners.

By Representatives Vanderperren, Day, Hasenohrl, Byers, Gunderson, Schricker, Potter, Conradt and Duren, co-sponsored by Senators Martin, Cullen and Krueger.

To committee on Local Affairs.

Assembly Bill 252

Relating to individual mailed notice of property taxes to property owners.

By Representative Pabst.

To committee on Local Affairs.

Assembly Bill 253

Relating to evaluation of nuclear power plants and declaring a 5-year moratorium on such plants.

By Representative Clarenbach.

To committee on Environmental Protection.

Assembly Bill 254

Relating to permitting irrevocable burial trusts.

By Representatives Dandeneau, Soucie and McClain, co-sponsored by Senator Dorman.

To committee on State Affairs.

Assembly Bill 255

Relating to raising the drinking age to 19.

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By Representatives Duren, Litscher, Otte, Everson, Barry, Dandeneau, Potter, Dueholm, Behnke, Lallensack and Vanderperren, co-sponsored by Senators Chilsen and McKenna.

To committee on Judiciary.

Assembly Bill 256

Relating to various changes in the laws concerning school busses.

By Joint Committee for Review of Administrative Rules.

To committee on Transportation.

Assembly Bill 257

Relating to providing a work procedure sentencing alternative if a defendant fails to pay a fine or costs.

By Representatives Pabst, Dorff, Kirby, Ellis, Rogers, Schneider, Andrea, McEasy and Gerlach, co-sponsored by Senator VanSistine.

To committee on Criminal Justice and Public Safety.

Assembly Bill 258

Relating to creating a board on port development in the department of transportation, granting rule-making authority and making appropriations.

By Representatives Murray, Vanderperren, Swoboda, Menos, Lallensack, Potter, Norquist, Schricker, Dorff, Metz, Ward, Groshek, Hasenohrl, Rooney, Wahner, Tropman, Elconin, Behnke, Mohn, Andrea, Kirby, Gerlach, Czerwinski and Kedrowski, co-sponsored by Senators Theno, Berger and VanSistine.

To committee on Transportation.

Assembly Bill 259

Relating to redemption of containers in which fermented malt beverages or carbonated beverages are sold, and providing a penalty.

By Representatives Munts, Flintrop, Ausman, Litscher, Gunderson, Loftus, Miller, Hanson, Kedrowski, Dueholm, Brist, McClain, Duren, Metz, Clarenbach and Quackenbush, co-sponsored by Senator Harnisch.

To committee on Environmental Protection.

COMMITTEE REPORTS

The committee on Environmental Protection reports and recommends:

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Assembly Bill ——— (Irb 484/1)

Relating to air contaminant project applications and confidentiality of related records.

Introduction: Ayes: (9) Noes: (3)

MARY LOU MUNTS
Chairperson

The Joint Survey Committee on Tax Exemptions reports and recommends:

Assembly Bill 210

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

Adoption of Report: Ayes: (8) Noes: (0)
Referred to Joint Committee on Finance.

MARLIN D. SCHNEIDER
Chairperson

The committee on State Affairs reports and recommends:

Assembly Joint Resolution 10

Permitting the legislature to authorize certain nonprofit organizations to conduct raffle games as regulated by law (2nd consideration).

Adoption: Ayes: (12) Noes: (0)
Referred to calendar.

JOHN R. PLEWA
Chairperson

The committee on Veterans and Military Affairs reports and recommends:

Assembly Bill 54

Relating to increasing the general obligation bonding authority for the veterans first mortgage loan program.

Passage: Ayes: (8) Noes: (0)
Referred to Joint Committee on Finance.

FRANCIS J. LALLENSACK
Chairperson

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CONSIDERATION OF MOTIONS
FOR RECONSIDERATION

Assembly Resolution 10

Relating to the authorized staffing pattern for the 1977 assembly.

The question was: Shall the vote by which **Assembly Resolution 10** was adopted be reconsidered?

The roll was taken.

The result follows:

Ayes -- Ausman, Bradley, Byers, Conradt, DeLong, Donoghue, Ellis, Engeleiter, Goodrich, Gower, Gunderson, Hauke, Johnston, Klicka, Lewis, Lorman, Luckhardt, McEssy, Matty, Merkt, Olson, Opitz, Porter, Quackenbush, Roth, Schmidt, Schricker, Shabaz, Snyder, Thompson, Travis and Tregoning -- 32.

Noes -- Andrea, Barczak, Barry, Bear, Behnke, Brist, Clarenbach, Coggs, Czerwinski, Dandeneau, Day, Dorff, 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, Miller, Mohn, Moody, Munts, Murray, Norquist, Otte, Pabst, Plewa, Roberts, Rogers, Rooney, Rutkowski, Schneider, Soucie, Swoboda, Tesmer, Tropman, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 62.

Absent or not voting -- Ducholm, Everson, Lewison, Metz and Potter -- 5.

Motion failed.

CALENDAR OF WEDNESDAY, FEBRUARY 2, 1977

Assembly Bill 77

Relating to the size of containers for intoxicating liquor.

The question was: Shall **Assembly Bill 77** be ordered engrossed and read a third time?

The roll was taken.

The result follows:

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Ayes -- Andrea, Ausman, Barczak, Barry, Bear, Behnke, Bradley, Brist, Byers, Clarenbach, Coggs, Conradt, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, Duren, Early, Elconin, Ellis, Engeleiter, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Gower, Groshek, Gunderson, Hanson, Hasenohrl, Hauke, Hephner, Johnson, Johnston, Kincaid, Kirby, Klicka, Lallensack, Lato, Lee, Leopold, Lewis, Lingren, Litscher, Loftus, Looby, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, Miller, Mohn, Moody, Munts, Murray, Norquist, Olson, Opitz, Otte, Pabst, Plewa, Porter, 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 -- 93.

Noes -- Kedrowski -- 1.

Absent or not voting -- Ducholm, Everson, Lewison, Metz and Potter -- 5.

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that Assembly Bill 77 be given a third reading. Granted.

The question was: Assembly Bill 77 having been read three times, shall the bill pass?

The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barczak, Barry, Bear, Behnke, Bradley, Brist, Byers, Clarenbach, Coggs, Conradt, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, 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, Miller, Mohn, Moody, Munts, Murray, Norquist, Olson, Opitz, Otte, Pabst, Plewa, Porter, Quackenbush, Roberts, Roth, Rutkowski, Schmidt, Schneider, Schricker, Shabaz, Snyder, Soucie, Swoboda, Tesmer, Thompson, Travis, Tregoning, Tropman, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 92.

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Noes -- Rogers and Rooney -- 2.

Absent or not voting -- Dueholm, Everson, Lewison, Metz and Potter -- 5.

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 77** be immediately messaged to the senate. Granted.

Assembly Bill 79

Relating to removing certain restrictions on the amount of liquor that may be sold for off-premise consumption and changing certain references to English-size containers to metric equivalents.

Assembly amendment 1 to **Assembly Bill 79** offered by Representative Behnke.

Representative Dorff moved rejection of assembly amendment 1 to **Assembly Bill 79**.

The question was: Shall assembly amendment 1 to **Assembly Bill 79** be rejected?

The roll was taken.

The result follows:

Ayes -- Andrea, Barry, Bear, Bradley, Clarenbach, Conradt, Dandeneau, DeLong, Dorff, Duren, Ellis, Ferrall, Goodrich, Hanson, Hephner, Johnston, Klicka, Lallensack, Lee, Leopold, Lewis, Loftus, Looby, Luckhardt, Merkt, Miller, Mohn, Moody, Porter, Quackenbush, Rogers, Roth, Rutkowski, Schmidt, Shabaz, Snyder, Soucie, Swoboda, Travis, Tregoning, Tuczynski, Vanderperren, Wahner and Ward -- 44.

Noes -- Ausman, Barczak, Behnke, Brist, Byers, Coggs, Czerwinski, Day, Donoghue, Early, Elconin, Engeleiter, Flintrop, Gerlach, Gower, Groshek, Gunderson, Hasenohrl, Hauke, Johnson, Kedrowski, Kincaid, Kirby, Lato, Lingren, Litscher, Lorman, McClain, McEssy, Matty, Medinger, Menos, Munts, Murray, Norquist, Olson, Opitz, Otte, Pabst, Plewa, Roberts, Rooney, Schneider, Schricker, Tesmer, Thompson, Tropman, Wood and Mr. Speaker -- 49.

Absent or not voting -- Dueholm, Everson, Fischer, Lewison, Metz and Potter -- 6.

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Motion failed.

The question was: Shall assembly amendment 1 to **Assembly Bill 79** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 79** be ordered engrossed and read a third time?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 79** be given a third reading. Granted.

The question was: **Assembly Bill 79** having been read three times, shall the bill pass?

The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barczak, Barry, Bear, Behnke, Bradley, Brist, Byers, Clarenbach, Coggs, Conradt, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, 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, Miller, Mohn, Moody, Munts, Murray, Norquist, Olson, Opitz, Otte, Pabst, Plewa, Porter, 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 -- 93.

Noes -- None.

Absent or not voting -- Dueholm, Everson, Lewison, Merkt, Metz and Potter -- 6.

Motion carried.

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

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Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 79** be immediately messaged to the senate. Granted.

Assembly Bill 86

Relating to a tax table for intoxicating liquor containers in metric sizes.

The question was: Shall assembly amendment 1 to **Assembly Bill 86** be adopted?

Motion carried.

The question was: Shall assembly amendment 2 to **Assembly Bill 86** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 86** be ordered engrossed and read a third time?

The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barczak, Barry, Bear, Behnke, Bradley, Brist, Byers, Clarenbach, Coggs, Conrady, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, 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, Miller, Mohn, Moody, Munts, Murray, Norquist, Olson, Opitz, Otte, Pabst, Plewa, Porter, 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 -- 94.

Noes -- None.

Absent or not voting -- Dueholm, Everson, Lewison, Metz and Potter -- 5.

Motion carried.

Representative Wahner asked unanimous consent that **Assembly Bill 86** be referred to the joint committee on Finance. Granted.

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Representative Wahner asked unanimous consent that **Assembly Bill 86** be withdrawn from the joint committee on Finance and taken up at this time. Granted.

The question was: Shall **Assembly Bill 86** be ordered engrossed and read a third time?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 86** be given a third reading. Granted.

The question was: **Assembly Bill 86** having been read three times, shall the bill pass?

The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barczak, Barry, Bear, Behnke, Bradley, Brist, Byers, Clarenbach, Coggs, Conradt, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, Duren, Early, Elconin, Ellis, Engeleiter, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Gower, Groshek, Gunderson, Hanson, Hasenohrl, Hauke, Hephner, Johnson, Johnston, Kedrowski, Kincaid, Kirby, Lallensack, Lato, Lee, Leopold, Lingren, Litscher, Loftus, Looby, Lorman, McClain, McEssy, Medinger, Menos, Miller, Mohn, Moody, Munts, Murray, Norquist, Olson, Opitz, Otte, Pabst, Plewa, Quackenbush, Roberts, Rogers, Rooney, Roth, Rutkowski, Schmidt, Schneider, Schricker, Snyder, Soucie, Swoboda, Tesmer, Thompson, Travis, Tropman, Tuczynski, Vanderperren, Wahner, Ward and Mr. Speaker -- 85.

Noes -- Klicka, Lewis, Luckhardt, Matty, Merkt, Porter, Shabaz, Tregoning and Wood -- 9.

Absent or not voting -- Dueholm, Everson, Lewison, Metz and Potter -- 5.

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 86** be immediately messaged to the senate. Granted.

Assembly Bill 227

Relating to space assignments in the capitol.

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

The assembly stood recessed.

9:35 A.M.

RECESS

10:15 A.M.

The assembly reconvened.

Representative Wahner asked unanimous consent that **Assembly Bill 227** be laid on the table. Granted.

LEAVES OF ABSENCE

Representative Wahner asked unanimous consent for a leave of absence for today's session for Representatives Dueholm, Everson, Metz and Potter. Granted.

Representative Dandeneau asked unanimous consent that the assembly adjourn in honor of the birthday of Representative Soucie. Granted.

Representative Rogers asked unanimous consent to be withdrawn as a co-author of **Assembly Bill 46**. Granted.

Representative Travis asked unanimous consent to be made a co-author of **Assembly Bill 150**. Granted.

Representative Shabaz asked unanimous consent that the assembly's action on **Assembly Bill 86** be expunged.

Representative Wahner objected.

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 Nashotah School, guests of Representative Lingren.

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Representative Wahner moved that the assembly stand adjourned until 9:30 A.M. tomorrow.

The question was: Shall the assembly stand adjourned?

Motion carried.

The assembly stood adjourned.

10:30 A.M.