

JOURNAL OF THE ASSEMBLY [February 8, 1977]

STATE OF WISCONSIN

Assembly Journal

Eighty-Third Regular Session

TUESDAY, February 8, 1977.

10:00 A.M.

The assembly met.

Speaker Jackamonis in the chair.

The prayer was offered by Reverend R. Carl Zwart of First Baptist Church of Baraboo.

Representative Menos 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, Conrad, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, Duren, Early, Elconin, Ellis, Engeleiter, 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 -- 96.

Absent -- None.

Absent with leave -- Ducholm, Everson and Ferrall -- 3.

AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Senate Joint Resolution 9** offered by Representative Hauke.

Assembly substitute amendment 1 to **Assembly Bill 3** offered by Representatives Clarenbach and Rogers.

Assembly amendment 1 to **Assembly Bill 40** offered by Representative Gower.

Assembly amendment 1 to **Assembly Bill 61** offered by Representative Barczak.

Assembly substitute amendment 1 to **Assembly Bill 71** offered by Representatives Plewa, Gerlach and Barczak.

Assembly substitute amendment 1 to **Assembly Bill 139** offered by Representative Lewis.

INTRODUCTION AND REFERENCE OF RESOLUTIONS

Read and referred:

Assembly Resolution 12

Relating to open and closed partisan assembly caucuses.

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

To committee on Rules.

Assembly Resolution 13

Requesting an opinion of the attorney general concerning whether vitamins are considered drugs.

By Representative Jackamonis.

To calendar.

Assembly Resolution 14

Permitting the distribution of a written report in lieu of first reading under the 2nd and 3rd orders of business.

By Representatives Jackamonis and Wahner.

To calendar.

Assembly Joint Resolution 23

Adopting, renumbered into a topical sequence and with the modifications shown, the joint rules observed at the conclusion of the 1975 regular session as the joint rules of the 1977 legislature.

By Representatives Jackamonis, Wahner and Ferrall.

To calendar.

INTRODUCTION AND REFERENCE OF BILLS

Read first time and referred:

Assembly Bill 281

Relating to the definition of optometry and permitting the use of pharmaceutical agents for diagnostic purposes.

By The Committee on Health and Social Services.

To committee on Health and Social Services.

Assembly Bill 282

Relating to defense against forcible entry.

By Representative Opitz.

To committee on Criminal Justice and Public Safety.

Assembly Bill 283

Relating to permitting opticians and optometrists to advertise the cost of eyeglasses and contact lenses and granting rule-making authority.

By Representatives Norquist, Czerwinski and Behnke, co-sponsored by Senators Flynn and Berger.

To committee on State Affairs.

Assembly Bill 284

Relating to penalties for parking violations occurring in state office buildings and facilities and in capitol park.

By Representatives Pabst and Klicka.

To committee on Internal Management.

Assembly Bill 285

Prohibiting the department of industry, labor and human relations from promulgating daily overtime pay standards for one year.

By The Joint Committee for Review of Administrative Rules.

To committee on Internal Management.

Assembly Bill 286

Relating to authorizing school districts to determine and vary the length of a school day.

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By The Joint Committee for Review of Administrative Rules.
To committee on Education.

Assembly Bill 287

Relating to authorizing creation of municipal electric companies.

By Representatives Lallensack, Everson, Hasenohri, Rogers, Schricker, Lewison, Hanson, Mohn, Byers, Munts, Opitz, Roberts, Early, Dueholm, Quackenbush, Kincaid, Goodrich, Luckhardt, Litscher, Loftus, Barry, Miller, Swoboda, Clarenbach, Fischer, Travis, Thompson, Brist, Lewis, Ellis, Potter and Matty, co-sponsored by Senators Martin, Berger, Krueger, Bidwell, Thompson, Cullen, Theno, Lorge, Radosovich, Adelman, Goyke, Harnisch, Keppler, Risser, Chilsen and VanSistine.

To committee on Commerce and Consumer Affairs.

Assembly Bill 288

Relating to making various changes in the law on eminent domain.

By Representatives Potter, Hephner, Everson, Otte, Lallensack, Groshek, Dandeneau, Behnke, Rogers and Hanson, co-sponsored by Senator Keppler.

To committee on Judiciary.

Assembly Bill 289

Permitting common, union high, unified and city school districts and school districts in cities of the 1st class to contract for courses with nonsectarian organizations offering educational services.

By Representatives Tropman, Flintrop, Metz, Schneider, Goodrich, Coggs, Engeleiter, Lingren and Lee, co-sponsored by Senators Braun, Berger, Swan and Offner.

To committee on Education.

Assembly Bill 290

Relating to towing of disabled vehicles on expressways in counties with a population of 500,000 or more.

By Representatives Opitz, Engeleiter, Barczak, Gerlach, Snyder, Johnston, Lingren, Merkt, Lewis, Tuczynski and Menos.

To committee on Highways.

Assembly Bill 291

Relating to income tax exemption for senior citizens.

By Representatives Rogers, Vanderperren, Lato, Conradt, Roth, Tregoning, Lallensack, Schricker and Byers, co-sponsored by Senators Petri, Goyke, Chilsen, Keppler and Krueger.

To Joint Survey Committee on Tax Exemptions.

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Assembly Bill 292

Relating to requirements for alcoholics and persons addicted to controlled substances to meet to obtain motor vehicle operators' licenses.

By Representatives Early, Wood and Schmidt.
To committee on Highways.

Assembly Bill 293

Relating to license fees for Class "A" retail beer licenses.

By Representatives Behnke, Barczak and Hauke.
To committee on Excise and Fees.

Assembly Bill 294

Relating to the requirement that owners or operators of accident vehicles report accidents resulting in property damage of \$200 or more to authorities and providing a penalty.

By Representatives Vanderperren, Lallensack, Groshek, Conratt, Gerlach, Bradley, Schricker, Lewison, Tregoning, Day, McEssy and Everson, co-sponsored by Senator VanSistine.

To committee on Highways.

Assembly Bill 295

Relating to petition for flood plain zoning.

By Representatives Thompson, Litscher, Byers, Schricker, Donoghue and DeLong, co-sponsored by Senator Bidwell.

To committee on Natural Resources.

Assembly Bill 296

Relating to limiting liability of landowners who permit people to gather wood from their land.

By Representatives Munts and Kedrowski.
To committee on Judiciary.

Assembly Bill 297

Relating to making the honey bee the state insect.

By Representative Matty, by request of The Third Grade Class of Holy Family School, Marinette, Wisconsin.

To committee on Agriculture.

Assembly Bill 298

Relating to licensing and supervision of driver schools.

By Representatives Plewa, Lingren and Kirby, by request of The Department of Transportation.

To committee on Transportation.

Assembly Bill 299

Relating to testing of infants for metabolic disorders and creating a council on infant health screening.

By Representatives Czerwinski, Gunderson, Tropman, Schricker, Kedrowski, Lingren, Metz, Otte, Plewa, Lato, Tuczynski, Ferrall, Wahner, Jackamonis, Rutkowski, Bear, Dandeneau, Loftus, Coggs, Munts, Elconin, Rogers, Norquist, Moody, Lee, Johnston and Ausman, co-sponsored by Senators Offner and Berger.

To committee on Health and Social Services.

Assembly Bill 300

Relating to service on statutory bodies by members of the legislature, and reimbursement of legislators for actual and necessary expenses.

By Representatives Jackamonis and Wahner.

To committee on State Affairs.

Assembly Bill 301

Relating to utility advertising practices and granting rule-making authority.

By Representatives Kirby, Tuczynski, Elconin, Hasenohrl, Clarenbach, Metz, Jackamonis, Soucie, Norquist, Lee, Fischer, Flintrop, McClain, Lato, Wahner, Dandeneau, Rutkowski, Munts, Miller, Mohn and Behnke, co-sponsored by Senators Berger, Morrison, Braun, McKenna, Flynn, Cullen and Swan.

To committee on Commerce and Consumer Affairs.

Assembly Bill 302

Relating to requiring citizen complaints against police officers to be by civil suit.

By Representatives Pabst, Tuczynski and Johnston, co-sponsored by Senators Flynn and Berger.

To committee on Judiciary.

COMMITTEE REPORTS

The committee on Commerce and Consumer Affairs reports and recommends:

Assembly Bill 147

Relating to allowing the unloading of petroleum shipments prior to inspection.

Passage: Ayes: (7) Noes: (1)

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To calendar.

MIDGE MILLER
Chairperson

The committee on Criminal Justice and Public Safety reports and recommends:

Assembly Bill 95

Relating to allowing counties to establish jail extensions for temporary confinement purposes.

Introduction and adoption of assembly amendment 1:

Ayes: (9) Noes: (0)

Passage: Ayes: (8) Noes: (1)

To calendar.

MICHAEL ELCONIN
Chairperson

The committee on Local Affairs reports and recommends:

Assembly Bill 53

Relating to issuance of summons by a city or village attorney in proceedings to enforce city or village regulations.

Passage: Ayes: (11) Noes: (0)

To calendar.

Assembly Bill 61

Relating to exempting from levy limits sewage treatment service charges assessed by a separate taxing unit of government.

Passage: Ayes: (8) Noes: (4)

To calendar.

GARY BARCZAK
Chairperson

The committee on Natural Resources reports and recommends:

Assembly Bill ——— (Irb 946)

Relating to reservations for state park and forest campgrounds.

Introduction: Ayes: (13) Noes: (0)

Assembly Bill ——— (Irb 949)

Relating to civil actions for damages for unlawful taking, destruction or possession of certain wild animals, birds and fish.

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Introduction: Ayes: (13) Noes: (0)

Assembly Bill ——— (lrb 1041)

Relating to requiring all hunters to wear back tags.

Introduction: Ayes: (13) Noes: (0)

LAURENCE DAY
Chairperson

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 110

Adopted and asks concurrence in:

Senate Joint Resolution 9

ACTION ON THE SENATE MESSAGE

Senate Bill 110

Relating to various changes in the laws concerning school busses.

By Joint Committee for Review of Administrative Rules.
To committee on Transportation.

Senate Joint Resolution 9

Relating to a revised structure of the judicial branch including a unified court system with administrative authority vested in the chief justice, authorizing creation of a court of appeals, and providing for court system disciplinary proceedings (second consideration).

By Committee on Judiciary and Consumer Affairs.
To calendar.

MOTIONS

Representative Hauke asked unanimous consent that **Senate Joint Resolution 9** be withdrawn from the calendar of Thursday, February 10 and referred to the committee on Judiciary.

Representative Rutkowski objected.

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Representative Hauke moved that **Senate Joint Resolution 9** be withdrawn from the calendar of Thursday, February 10 and referred to the committee on Judiciary.

The question was: Shall **Senate Joint Resolution 9** be withdrawn from the calendar of Thursday, February 10 and referred to the committee on Judiciary?

The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barczak, Behnke, Bradley, Byers, Conradt, DeLong, Donoghue, Duren, Engeleiter, Goodrich, Gower, Gunderson, Hauke, Hephner, Johnston, Kincaid, Klicka, Lewis, Lewison, Litscher, Luckhardt, Menos, Merkt, Olson, Opitz, Pabst, Porter, Quackenbush, Rooney, Roth, Schmidt, Shabaz, Thompson, Travis, Tregoning and Wood -- 38.

Noes -- Barry, Bear, Brist, Clarenbach, Coggs, Czerwinski, Dandeneau, Day, Dorff, Early, Elconin, Fischer, Gerlach, Groshek, Hanson, Hasenohrl, Johnson, Kedrowski, Kirby, Lallensack, Lato, Lee, Leopold, Lingren, Loftus, Looby, Lorman, McClain, McEssy, Matty, Medinger, Metz, Miller, Mohn, Moody, Munts, Murray, Norquist, Otte, Plewa, Potter, Roberts, Rogers, Rutkowski, Schneider, Schricker, Snyder, Soucie, Swoboda, Tesmer, Tropman, Tuczynski, Vanderperren, Wahner, Ward and Mr. Speaker -- 56.

Absent or not voting -- Dueholm, Ellis, Everson, Ferrall and Flintrop -- 5.

Motion failed.

Representative Thompson moved reconsideration of the vote by which **Assembly Bill 227** was ordered to a third reading. Entered.

Representative Wahner moved that the rules be suspended and the motion for reconsideration of the vote by which **Assembly Bill 227** was ordered to a third reading be taken up at this time.

The question was: Shall the rules be suspended and the motion for reconsideration of the vote by which **Assembly Bill 227** was ordered to a third reading be taken up at this time?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Bear, Behnke, Brist, Clarenbach, Coggs, Czerwinski, Dandeneau, Day, Donoghue, Dorff, Duren,

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Early, Elconin, Ferrall, Fischer, Gerlach, Groshek, Hanson, Hasenohrl, Johnson, Kedrowski, Kincaid, Kirby, Lallensack, Lato, Lee, Leopold, Lingren, Loftus, Looby, McClain, Medinger, Metz, Miller, Mohn, Moody, Munts, Murray, Norquist, Otte, Pabst, Plewa, Potter, Roberts, Rogers, Rooney, Rutkowski, Schneider, Soucie, Tesmer, Tropman, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 59.

Noes -- Ausman, Barry, Bradley, Byers, Conradt, DeLong, Ellis, Engeleiter, Goodrich, Gower, Gunderson, Hauke, Hephner, Johnston, Klicka, Lewis, Lewison, Litscher, Lorman, Luckhardt, McEssy, Matty, Menos, Merkt, Olson, Opitz, Porter, Quackenbush, Roth, Schmidt, Schricker, Shabaz, Snyder, Swoboda, Thompson, Travis and Tregoning -- 37.

Absent or not voting -- Dueholm, Everson and Flintrop -- 3.

Motion failed.

Representative Shabaz asked unanimous consent that **Assembly Resolution 12** be withdrawn from the committee on Rules and taken up at this time.

Representative Wahner objected.

CALENDAR OF TUESDAY, FEBRUARY 8, 1977

Assembly Joint Resolution 10

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

The question was: Shall **Assembly Joint Resolution 10** 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, Coggs, Conradt, Czerwinski, Day, DeLong, Donoghue, Dorff, Duren, Early, Elconin, Engeleiter, Fischer, Flintrop, Gerlach, Goodrich, Gower, Groshek, Gunderson, Hasenohrl, Hauke, Hephner, Johnson, Johnston, Kedrowski, Kincaid, Kirby, Klicka, Lallensack, Lato, Lee, Leopold, Lewis, Lewison, Lingren, Litscher, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, Mohn, Moody, Murray, Norquist, Olson, Opitz, Otte, Pabst, Plewa, Porter, Potter,

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Quackenbush, Roberts, Rogers, Rooney, Roth, Rutkowski, Schmidt, Schricker, Shabaz, Snyder, Soucie, Swoboda, Tesmer, Thompson, Travis, Tregoning, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 85.

Noes -- Clarenbach, Dandeneau, Hanson, Loftus, Looby, Metz, Miller, Munts and Schneider -- 9.

Absent or not voting -- Dueholm, Ellis, Everson, Ferrall and Tropman -- 5.

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 10** be given a third reading. Granted.

The question was: **Assembly Joint Resolution 10** having been read three times, shall the joint resolution be adopted?

The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barczak, Barry, Bear, Behnke, Bradley, Brist, Byers, Coggs, Conradt, Czerwinski, Day, DeLong, Donoghue, Dorff, Duren, Early, Elconin, Ellis, Engeleiter, Fischer, Flintrop, Gerlach, Goodrich, Gower, Groshek, Gunderson, Hasenohrl, Hauke, Hephner, Johnson, Johnston, Kedrowski, Kincaid, Kirby, Klicka, Lallensack, Lato, Lee, Leopold, Lewison, Lingren, Litscher, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, Mohn, Moody, 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, Tuczynski, Vanderperren, Wahner, Ward and Mr. Speaker -- 84.

Noes -- Clarenbach, Dandeneau, Hanson, Lewis, Loftus, Looby, Metz, Miller, Munts, Schneider and Wood -- 11.

Absent or not voting -- Dueholm, Everson, Ferrall and Tropman -- 4.

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 10** be immediately messaged to the senate. Granted.

LEAVES OF ABSENCE

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

Representative Olson asked unanimous consent that the assembly adjourn in honor of the birthday of Representative Lewison. Granted.

Representative Wahner asked unanimous consent that the assembly adjourn in honor of the birthday of the assembly voting machine operator, Kish Mohan. Granted.

Representative Travis asked unanimous consent to be made a co-author of **Assembly Bill 164**. 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 of Verona Middle School, accompanied by teachers Mrs. Norman, Mr. Meyer, Mrs. Heffron, Mrs. Meyer, Mr. Nemecek and Mr. Dunn, guests of Representative Barry.

Debbie Pedretti, Russ Hauser and Jerry Tabbert from Holmen, guests of Representative Roberts.

Students and teachers from Greendale Intermediate School, guests of Representatives Rutkowski and Plewa.

David Anderson, Kathy Yauch and Amy Hintze, guests of Representative Donoghue.

Rick Tank, Jim Eagon, Kathy Schaefer, Mack Stearns and Pat Pockette from Stevens Point, guests of Representative Groshek.

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

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The question was: Shall the assembly stand adjourned?

Motion carried.

The assembly stood adjourned.

11:10 A.M.