

JOURNAL OF THE ASSEMBLY [November 11, 1977]

STATE OF WISCONSIN

Assembly Journal

November 1977 Special Session

FRIDAY, November 11, 1977.

10:00 A.M.

The assembly met.

Speaker pro tempore Kedrowski in the chair.

The prayer was offered by Reverend Vernon Visick of Madison Campus Ministry, 731 State Street, Madison.

Representative Lee 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, Barry, Bear, Becker, Behnke, Bradley, Brist, Byers, Clarenbach, Coggs, Conradt, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, Dueholm, Duren, Elconin, Ellis, Engeleiter, Everson, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Gower, Groshek, Gunderson, Hanson, Harsdorf, 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, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 98.

Absent -- None.

Absent with leave -- Barczak -- 1.

CALL OF THE ASSEMBLY

Representative Lingren demanded a call of the assembly. There were sufficient seconds.

The sergeant-at-arms was directed to close the doors and the chief clerk to call the roll.

The chief clerk called the roll.

Members absent with leave - None.

Members absent without leave - Barczak, Ferrall, Jackamonis, Klicka, Lewis and Looby.

Representative Wahner asked unanimous consent that the call of the assembly be lifted. Granted.

MESSAGE FROM THE SENATE

By Donald J. Schneider, chief clerk.

Mr. Speaker:

I am directed to inform you that the senate has nonconcurred in:

Assembly amendment 1 to **Senate Bill 1**, November 1977 Special Session

ACTION ON THE SENATE MESSAGE

Senate Bill 1, November 1977 Special Session

Relating to the implementation of a court of appeals and making appropriations.

By committee on Senate Organization, by request of Acting Governor Martin J. Schreiber.

Representative Wahner asked unanimous consent that **Senate Bill 1**, November 1977 Special Session be taken from the senate message and taken up at this time. Granted.

Representative Elconin moved that the assembly recede from its position on assembly amendment 1 to **Senate Bill 1**, November 1977 Special Session.

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The question was: Shall the assembly recede from its position on assembly amendment 1 to **Senate Bill 1**, November 1977 Special Session?

The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barry, Bear, Becker, Behnke, Bradley, Brist, Byers, Clarenbach, Coggs, Conradt, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, Dueholm, Duren, Elconin, Ellis, Engeleiter, Everson, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Gower, Gunderson, Hanson, Harsdorf, 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, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 97.

Noes -- None.

Absent or not voting -- Barczak and Groshek -- 2.

Motion carried.

Representative Groshek asked unanimous consent to be recorded as voting "Aye" on the previous question. Granted.

Representative Wahner asked unanimous consent that the rules be suspended and that **Senate Bill 1**, November 1977 Special Session 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 Representative Barczak. Granted.

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Assembly Bill 1, November 1977 Special Session

Relating to operating a motor vehicle while under the influence of an intoxicant or controlled substance, revocation of an operators' license on refusal to submit to tests for being under the influence of an intoxicant or controlled substance, occupational licenses, providing penalties, providing rule-making authority and increasing an appropriation.

Representative Duren moved nonconcurrency in senate amendment 1 to **Assembly Bill 1, November 1977 Special Session.**

Representative Lato asked unanimous consent that the assembly observe a minute of silent prayer in honor of Armistice Day. Granted.

Speaker Jackamonis in the chair.

The question was: Shall senate amendment 1 to **Assembly Bill 1, November 1977 Special Session** be nonconcurrent in?

The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Behnke, Bradley, Byers, Conradt, DeLong, Donoghue, Dorff, Duren, Ellis, Engeleiter, Everson, Goodrich, Gower, Gunderson, Harsdorf, Hauke, Hephner, Johnston, Kincaid, Klicka, Lato, Lewis, Lewison, Lingren, Litscher, Lorman, Luckhardt, McEssy, Matty, Menos, Merkt, Murray, Olson, Opitz, Pabst, Porter, Quackenbush, Rogers, Roth, Schmidt, Schricker, Shabaz, Snyder, Swoboda, Tesmer, Thompson, Travis, Tregoning, Tuczynski, Ward and Wood -- 53.

Noes -- Barry, Bear, Becker, Brist, Clarenbach, Coggs, Czerwinski, Dandeneau, Day, Dueholm, Elconin, Ferrall, Fischer, Flintrop, Gerlach, Groshek, Hanson, Hasenohrl, Johnson, Kedrowski, Kirby, Lallensack, Lee, Leopold, Loftus, Looby, McClain, Medinger, Metz, Miller, Mohn, Moody, Munts, Norquist, Otte, Plewa, Potter, Roberts, Rooney, Rutkowski, Schneider, Soucie, Vanderperren, Wahner and Mr. Speaker -- 45.

Absent or not voting -- Barczak -- 1.

Motion carried.

The question was: Shall senate amendment 2 to **Assembly Bill 1, November 1977 Special Session** be concurred in?

Motion carried.

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The question was: Shall senate amendment 8 to Assembly Bill 1, November 1977 Special Session be concurred in?

Motion carried.

The question was: Shall senate amendment 11 to Assembly Bill 1, November 1977 Special Session be concurred in?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that Assembly Bill 1, November 1977 Special Session be immediately messaged to the senate. Granted.

Representative Wahner asked unanimous consent that the assembly stand recessed until 2:00 P.M. Granted.

The assembly stood recessed.

11:35 A.M.

RECESS

2:10 P.M.

The assembly reconvened.

Representative Wahner asked unanimous consent that the assembly stand recessed until 3:00 P.M. Granted.

The assembly stood recessed.

2:15 P.M.

RECESS

3:05 P.M.

The assembly reconvened.

MESSAGE FROM THE SENATE

By Donald J. Schneider, chief clerk.

Mr. Speaker:

I am directed to inform you that the senate has recessed from its position on senate amendment 1 to Assembly Bill 1, November 1977 Special Session, and

Concurred in as amended:

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Assembly substitute amendment 1 to **Senate Bill 2**, November 1977 Special Session

(Senate amendments 2, 3, 4 and 5 to assembly substitute amendment 1 adopted)

ACTION ON THE SENATE MESSAGE

Senate Bill 2, November 1977 Special Session

Relating to eliminating the personnel functions of the department of administration, altering the functions of the personnel board, creating a department of employment relations, a division of personnel, an affirmative action council and a personnel commission, making diverse changes in the statutes relating to state personnel procedures, changing the award of veterans preference points in state and local civil service examination, granting rule-making authority and transferring and making appropriations.

By committee on Senate Organization, by request of Acting Governor Martin J. Schreiber.

To Calendar.

CALENDAR OF FRIDAY, NOVEMBER 11, 1977

Senate Bill 2, November 1977 Special Session

Relating to eliminating the personnel functions of the department of administration, altering the functions of the personnel board, creating a department of employment relations, a division of personnel, an affirmative action council and a personnel commission, making diverse changes in the statutes relating to state personnel procedures, changing the award of veterans preference points in state and local civil service examination, granting rule-making authority and transferring and making appropriations.

Representative Shabaz moved nonconcurrency in senate amendment 2 to assembly substitute amendment 1 to **Senate Bill 2**, November 1977 Special Session.

CALL OF THE ASSEMBLY

Representative Shabaz demanded a call of the assembly. There were sufficient seconds.

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The sergeant-at-arms was directed to close the doors and the chief clerk to call the roll.

The chief clerk called the roll.

Members absent with leave - Barczak.

Members absent without leave - Lorman, Soucie and Ward.

LEAVES OF ABSENCE

Representative Thompson asked unanimous consent for a leave of absence for the balance of today's session for Representative Lorman. Granted.

Representative Wahner asked unanimous consent that the call of the assembly be lifted. Granted.

The question was: Shall senate amendment 2 to assembly substitute amendment 1 to **Senate Bill 2**, November 1977 Special Session be nonconcurrent in?

The roll was taken.

The result follows:

Ayes -- Ausman, Bradley, Byers, Conradt, DeLong, Donoghue, Ellis, Engeleiter, Goodrich, Gower, Gunderson, Harsdorf, Hephner, Johnston, Klicka, Lewis, Lewison, Luckhardt, McEssy, Matty, Merkt, Olson, Opitz, Porter, Quackenbush, Roth, Schmidt, Schricker, Shabaz, Snyder, Thompson, Travis, Tregoning and Ward -- 34.

Noes -- Andrea, Barry, Bear, Becker, Behnke, Brist, Clarenbach, Coggs, Czerwinski, Dandeneau, Day, Dorff, Dueholm, Duren, Elconin, Everson, Ferrall, Fischer, Flintrop, Gerlach, Groshek, Hanson, Hasenohri, Hauke, 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, Tesmer, Tuczynski, Vanderperren, Wahner, Wood and Mr. Speaker -- 63.

Absent or not voting -- Barczak and Lorman -- 2.

Motion failed.

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The question was: Shall senate amendment 2 to assembly substitute amendment 1 to **Senate Bill 2**, November 1977 Special Session be concurred in?

Motion carried.

Representative Thompson moved nonconcurrency in senate amendment 3 to assembly substitute amendment 1 to **Senate Bill 2**, November 1977 Special Session.

The question was: Shall senate amendment 3 to assembly substitute amendment 1 to **Senate Bill 2**, November 1977 Special Session be nonconcurred in?

The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Bradley, Byers, Conradt, DeLong, Donoghue, Dorff, Duren, Ellis, Engeleiter, Everson, Goodrich, Gower, Gunderson, Harsdorf, Hephner, Johnston, Kincaid, Klicka, Lato, Lewis, Lewison, Litscher, Luckhardt, McEssy, Matty, Merkt, Olson, Opitz, Pabst, Porter, Quackenbush, Rogers, Roth, Schmidt, Schrieker, Shabaz, Snyder, Thompson, Travis, Tregoning and Ward -- 43.

Noes -- Barry, Bear, Becker, Behnke, Brist, Clarenbach, Coggs, Czerwinski, Dandeneau, Dueholm, Elconin, Ferrall, Fischer, Flintrop, Gerlach, Groshek, Hanson, Hasenohrl, Hauke, Johnson, Kedrowski, Kirby, Lallensack, Lee, Leopold, Lingren, Loftus, Looby, McClain, Medinger, Menos, Metz, Miller, Mohn, Moody, Munts, Murray, Norquist, Otte, Plewa, Potter, Roberts, Rooney, Rutkowski, Schneider, Soucie, Swoboda, Tesmer, Tuczynski, Vanderperren, Wahner, Wood and Mr. Speaker -- 53.

Absent or not voting -- Barczak, Day and Lorman -- 3.

Motion failed.

The question was: Shall senate amendment 3 to assembly substitute amendment 1 to **Senate Bill 2**, November 1977 Special Session be concurred in?

The roll was taken.

The result follows:

Ayes -- Barry, Bear, Becker, Behnke, Brist, Clarenbach, Coggs, Czerwinski, Dandeneau, Dueholm, Elconin, Ferrall, Fischer, Flintrop, Gerlach, Groshek, Hanson, Hasenohrl, Hauke, Johnson,

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Kedrowski, Kirby, Lallensack, Lee, Leopold, Lingren, Loftus, Looby, McClain, Medinger, Menos, Metz, Miller, Mohn, Moody, Munts, Murray, Norquist, Otte, Plewa, Potter, Roberts, Rogers, Rooney, Rutkowski, Schneider, Soucie, Swoboda, Tesmer, Tuczynski, Vanderperren, Wahner, Wood and Mr. Speaker -- 54.

Noes -- Andrea, Ausman, Bradley, Byers, Conradt, DeLong, Donoghue, Dorff, Duren, Ellis, Engeleiter, Everson, Goodrich, Gower, Gunderson, Harsdorf, Hephner, Johnston, Kincaid, Klicka, Lato, Lewis, Lewison, Litscher, Luckhardt, McEssy, Matty, Merkt, Olson, Opitz, Pabst, Porter, Quackenbush, Roth, Schmidt, Schricker, Shabaz, Snyder, Thompson, Travis, Tregoning and Ward -- 42.

Absent or not voting -- Barczak, Day and Lorman -- 3.

Motion carried.

Assembly amendment 1 to senate amendment 4 to assembly substitute amendment 1 to **Senate Bill 2**, November 1977 Special Session offered by Representative Loftus.

The question was: Shall assembly amendment 1 to senate amendment 4 to assembly substitute amendment 1 to **Senate Bill 2**, November 1977 Special Session be adopted?

Motion carried.

The question was: Shall senate amendment 4 to assembly substitute amendment 1 to **Senate Bill 2**, November 1977 Special Session be concurred in?

The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barry, Bear, Becker, Behnke, Bradley, Brist, Byers, Clarenbach, Coggs, Conradt, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, Dueholm, Duren, Elconin, Ellis, Engeleiter, Everson, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Gower, Groshek, Gunderson, Hanson, Harsdorf, Hasenohrl, Hauke, Hephner, Johnson, Johnston, Kedrowski, Kincaid, Kirby, Klicka, Lallensack, Lato, Lee, Leopold, Lewis, Lewison, Lingren, Litscher, Looby, 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,

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Soucie, Swoboda, Tesmer, Thompson, Travis, Tregoning, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 96.

Noes -- Loftus -- 1.

Absent or not voting -- Barczak and Lorman -- 2.

Motion carried.

The question was: Shall senate amendment 5 to assembly substitute amendment 1 to **Senate Bill 2**, November 1977 Special Session be concurred in?

The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barry, Bear, Becker, Behnke, Bradley, Brist, Byers, Clarenbach, Coggs, Conradt, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, Dueholm, Duren, Elconin, Ellis, Engeleiter, Everson, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Gower, Groshek, Gunderson, Hanson, Harsdorf, Hasenohrl, Hauke, Hephner, Johnson, Johnston, Kedrowski, Kincaid, Kirby, Klicka, Lallensack, Lato, Lee, Leopold, Lewis, Lewison, Lingren, Litscher, Loftus, Looby, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, Metz, Miller, Mohn, Moody, 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, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 96.

Noes -- Munts -- 1.

Absent or not voting -- Barczak and Lorman -- 2.

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Senate Bill 2**, November 1977 Special Session be immediately messaged to the senate. Granted.

Representative Leopold introduced a privileged joint resolution.

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INTRODUCTION AND REFERENCE OF RESOLUTIONS

Read and referred:

Assembly Joint Resolution 2, November 1977 Special Session

Relating to the life and public service of Frank E. Schaeffer Jr.

By Representative Leopold and all members of the assembly, co-sponsored by Senator Parys, by request of Harout Sanasarian.

Representative Wahner asked unanimous consent that the following changes be made in **Assembly Joint Resolution 2**, November 1977 Special Session. Granted.

On page 1, line 3, delete "including Harout Sanasarian,".

On page 1, line 8, delete "by Harout".

On page 1, line 9, delete "Sanasarian".

The question was: Shall **Assembly Joint Resolution 2**, November 1977 Special Session be adopted?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 2**, November 1977 Special Session be immediately messaged to the senate. Granted.

Representative Wahner introduced a privileged joint resolution.

Assembly Joint Resolution 3, November 1977 Special Session

Relating to the adjournment sine die of the November 1977 special session.

By Representatives Jackamonis, Wahner, Ferrall and Kedrowski, co-sponsored by Senators Risser, Bablitch and Kleczka.

The question was: Shall **Assembly Joint Resolution 3**, November 1977 Special Session be adopted?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 3**, November 1977 Special Session be immediately messaged to the senate. Granted.

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SPECIAL GUEST

Speaker Jackamonis introduced Acting Governor Martin J. Schreiber who briefly addressed the members of the assembly.

Representative Wahner asked unanimous consent that the assembly stand informal for five minutes. Granted.

Representative Wahner asked unanimous consent that the assembly adjourn in honor of the 31st birthday of assembly messenger Billy Tollison. Granted.

Representative Schneider asked unanimous consent that the assembly adjourn in honor of Representative McEssy. Granted.

Representative Schneider asked unanimous consent that the assembly adjourn in honor of all veterans. Granted.

Representative Roberts asked unanimous consent that the assembly adjourn in honor of the birthday of Representative Schneider which is Wednesday, November 16. Granted.

Representative Kincaid asked unanimous consent that the assembly adjourn in honor of his son John. Granted.

COMMITTEE REPORTS

The committee on Enrolled Bills reports and recommends:

Assembly Bill 1, November 1977 Special Session

Assembly Bill 2, November 1977 Special Session

Assembly Bill 3, November 1977 Special Session

Report correctly enrolled.

GERVASE HEPHNER
Chairperson

MESSAGE FROM THE SENATE

By Donald J. Schneider, chief clerk.

Mr. Speaker:

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

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Assembly amendment 1 to senate amendment 4 to assembly substitute amendment 1 to Senate Bill 2, November 1977 Special Session

Assembly Joint Resolution 3, November 1977 Special Session.

VISITORS

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

Mrs. G. P. Williams from Green Bay, guest of Representative Metz.

Wally and Jean Skora from Kenosha, guest of Representative Olson.

Wayne Fry from Baraboo, guest of Representative Litscher.

Representative Wahner moved that the assembly stand adjourned pursuant to **Assembly Joint Resolution 3, November 1977 Special Session.**

The question was: Shall the assembly stand adjourned?

Motion carried.

The assembly stood adjourned.

4:15 P.M.