

STATE OF WISCONSIN

# Assembly Journal

November 1977 Special Session

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THURSDAY, December 1, 1977.

The chief clerk makes the following entries under the above date:

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## EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor  
Madison

To the Honorable, the Assembly:

The following bill, originating in the assembly, has been approved, signed and deposited in the office of the Secretary of State:

Assembly Bill	Chapter No.	Date Approved
1,ss (partial veto)	----- 193-----	November 30, 1977

Respectfully submitted,  
MARTIN J. SCHREIBER  
Acting Governor

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## GOVERNOR'S VETO MESSAGES

November 30, 1977

To the Honorable Members of the Assembly:

I have approved Special Session **Assembly Bill 1** as Chapter 193, Laws of 1977, and deposited it in the office of the Secretary of State.

Special Session **Assembly Bill 1** is an excellent piece of legislation for which the members of the legislature should be commended. It provides Wisconsin with one of the toughest laws in the nation to deal with drinking drivers.

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I have exercised the partial veto authority in four areas. Three of the vetoes delete provisions which require the prior approval of administrative rules. The fourth veto is simply a technical correction.

Prior legislative approval of administrative rules would unnecessarily involve the legislature in policy implementation and administrative detail -- traditionally an executive branch function. While the legislature has a responsibility to insure that the legislative intent of **Assembly Bill 1** is adequately reflected in the proposed administrative rules, this can and is being accomplished by existing legislative oversight procedures. Currently, legislative standing committees receive and have an opportunity to review all proposed administrative rules. They can require an administrative agency to meet with them to discuss the proposed administrative rules. After administrative rules are adopted, the Joint Committee for the Review of Administrative Rules has the authority under ss. 13.56 (2), Wis. Stats., to suspend existing administrative rules. This combination of legislative oversight of agency administrative rule-making is adequate. Additional oversight authority is unnecessary.

I am also aware of an Attorney General's opinion of May 20, 1974, which concluded that an administrative rule may not be suspended or revoked by joint resolution of the legislature (whether or not authorized by law) or by action of a legislative standing or joint committee. In the Attorney General's view, there may be some situations where the legislature can empower itself or one of its committees to approve or disapprove administrative rules, but such power would have to be subject to judicial review and other limitations not provided by this bill. The Attorney General's opinion causes doubt as to the constitutionality of this administrative rule provision and provides a further basis for its disapproval.

The final veto deletes a phrase from the provision that "The laboratory of hygiene shall furnish each sheriff's department in this state with an ample supply of urine and blood specimen containers to permit all law enforcement officers to comply with the requirements of this section." The words "each sheriff's department in this state with" are deleted. This language is a carry-over from the prior implied consent law. The intent of the section is for the laboratory of hygiene to furnish an ample supply of urine and blood specimen containers to permit all law enforcement officers to administer the appropriate chemical tests. Therefore,

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the reference to "each sheriff's department" is unintentionally restrictive, serves no purpose, and should be eliminated.

Respectfully submitted,  
**MARTIN J. SCHREIBER**  
Acting Governor

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**MESSAGE FROM THE SENATE**

By Donald J. Schneider, chief clerk.

Mr. Speaker:

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

A joint certificate of commendation by Representative Donoghue; co-sponsored by Senator Krueger for the T. B. Scott Free Library on the occasion of receiving the Outstanding Library of the State Award.

A joint certificate of commendation by Representatives Potter and Otte; co-sponsored by Senator Keppler for Ray Van Handel, Sr. on the occasion of his retirement.

A joint certificate of congratulations by Representative Pabst; co-sponsored by Senators Parys, Sensenbrenner and Adelman for Ben Marcus on the occasion of his receiving the Walt Disney Humanitarian Award.

A joint certificate of commendation by Representative Donoghue; co-sponsored by Senator Krueger for the Merrill Football Team on the occasion of being victorious.

A joint certificate of congratulations by Representative Matty; co-sponsored by Senator Van Sistine for the Coleman Cougars on the occasion of their football victories.

A joint certificate of congratulations by Representative Donoghue; co-sponsored by Senator Krueger for the Tomahawk High School Track Team on the occasion of their undefeated season.

A joint certificate of condolence by Representatives Thompson and Tregoning; co-sponsored by Senator Bidwell for the family of Leo F. Mulcahy on the occasion of his death.

A joint certificate of commendation by Representative Kedrowski; co-sponsored by Senator Theno for Bob Poppe on the

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occasion of his retirement after 30 years of service to the Town of Highbridge as Postmaster.

A joint certificate of commendation by Representative Gower; co-sponsored by Senator Petri for Don C. Leibelt on the occasion of receiving the FFA Award.

**Adopted and asks concurrence in:**

A joint certificate of commendation by Senators Murphy and Adelman; co-sponsored by Representatives Snyder, Shabaz, Engeleiter, Jackamonis, Lingren and Rutkowski for Judge William G. Callow on the occasion of his years of public service to Waukesha county.

A joint certificate of commendation by Senator Adelman; co-sponsored by Representative Rutkowski for Harry E. Guzniczak on the occasion of his 25th year as superintendent of the Franklin School District.

A joint certificate of commendation by Senator Lorge; co-sponsored by Representatives Byers and Roth for Chet Krause on the occasion of the 25th anniversary of Krause Publications.

A joint certificate of commendation by Senator Theno; co-sponsored by Representative Kedrowski for the Park Falls Chamber of Commerce on the occasion of the 25th anniversary of "Flambeau Rama".

A joint certificate of commendation by Senator Petri; co-sponsored by Representative Gower for John D. Kehoe on the occasion of his service to his community.

A joint certificate of commendation by Senator Bablitch; co-sponsored by Representative Wahner for Norman J. Taugher on the occasion of his retirement from state service.

A joint certificate of condolence by Senator Bablitch; co-sponsored by Representative Groshek for the family of Elwin W. Sigmund on the occasion of his death.

The above motions under Joint Rule 7 were concurred in pursuant to Assembly Rule 73.

The following motions under Joint Rule 7 were adopted pursuant to Assembly Rule 73.

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**MOTION UNDER JOINT RULE 7**

**The State of Wisconsin \* \* \* Citation by the Legislature**

**Know you by these presents:**

**Whereas, Bob Poppe has retired after nearly 30 years of service to the Town of Highbridge as its head Postmaster; and**

**Whereas, Bob Poppe has carried out the duties of Postmaster in a most commendable manner; and**

**Whereas, Bob Poppe made himself available to the town folk to assist them in a variety of services that go beyond his required duties; and**

**Whereas, Bob Poppe's genuine interest in people has made the post office a main local point for community activity; now, therefore,**

**The Members of the Wisconsin Legislature, on the motion of Representative Kedrowski and Senator Theno under Joint Rule 7, commend Bob Poppe for his unselfish service to the people of Highbridge and extend Bob Poppe best wishes on his retirement.**

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**MOTION UNDER JOINT RULE 7**

**The State of Wisconsin \* \* \* Citation by the Legislature**

**Know you by these presents:**

**Whereas, the Tomahawk High School Track Team, comprised of a group of fine young Americans, emerged victorious in its endeavors with an undefeated season winning the sectional, regional and state championships; and**

**Whereas, the "Hatchets" won the Class B, boys division, in Madison on November 5 scoring 25 points; and**

**Whereas, having won the Lumberjack Conference title for the last five years, the Tomahawk High School Track Team by its performance and behavior, both on and off the field of athletic endeavor is a credit to their school, community and the State of Wisconsin; now, therefore,**

**The Members of the Wisconsin Legislature, on the motion of Representative Donoghue and Senator Krueger under Joint Rule 7, extend sincere congratulations on the exceptional performance of**

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the Tomahawk High School Track Team and express their wish that they continue to excel in future endeavors.

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**MOTION UNDER JOINT RULE 7**

**The State of Wisconsin \* \* \* Citation by the Legislature**

**Know you by these presents:**

Whereas, the Merrill Blue Jays, under the guidance of their coach, Ira Rebella, have emerged victorious having tied with Stevens Point for first place in the Wisconsin Valley Conference; and

Whereas, the Merrill Blue Jays represented their school and community with an outstanding accomplishment and good sportsmanship; and

Whereas, the Merrill "Blue Jays" are personification of true Champions by their notable performance presenting football as a clean, respectable and competitive sport; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representative Donoghue and Senator Krueger under Joint Rule 7, extend sincere congratulations on the performance of the Merrill Blue Jays and express their wish that they continue to excel in future endeavors.

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**MOTION UNDER JOINT RULE 7**

**The State of Wisconsin \* \* \* Citation by the Legislature**

**Know you by these presents:**

Whereas, Ben Marcus, board chairman and president of the Marcus Corporation, is a highly successful and respected businessman who operates 71 movie theaters, 104 restaurants and 9 motels and hotels; and

Whereas, Mr. Marcus is well known for his voluntary and charitable activities both in Wisconsin and nationally; and

Whereas, Mr. Marcus recently received the "Walt Disney Humanitarian Award" at the annual meeting of the National Association of Theater Owners; now, therefore,

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The Members of the Wisconsin Legislature, on the motion of Representative Pabst and Senators Parys, Sensenbrenner and Adelman under Joint Rule 7, congratulate Ben Marcus and wish him continued success in the future.

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**MOTION UNDER JOINT RULE 7**

The State of Wisconsin \* \* \* Citation by the Legislature

Know you by these presents:

Whereas, Leo F. Mulcahy served soil and water conservation districts throughout the state as a representative of the state board of soil and water conservation districts from 1965 to 1973; and

Whereas, in 1973 he assumed the position of statewide specialist in wetlands, water quality programs, land use and management programs and other areas, and in 1974 became director of special programs for the board; and

Whereas, in 1977 he attained the rank of professor within the university of Wisconsin system; and

Whereas, his dedication and devotion to the strength and progress of Wisconsin's soil and water conservation districts is well known and widely appreciated; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representatives Thompson and Tregoning and Senator Bidwell under Joint Rule 7, express their sorrow at the death of Professor Leo F. Mulcahy and, on behalf of the people of this state, pay tribute for his faithful services on behalf of the conservation and better management of our precious natural resources.

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**MOTION UNDER JOINT RULE 7**

The State of Wisconsin \* \* \* Citation by the Legislature

Know you by these presents:

Whereas, the Coleman Cougars, under the guidance of coach Mueller, emerged as "Number 1" among the state Class C schools in the WIAA post-season computerized playoff ratings and along with the state honors their victories have wrapped up the M & O conference crown; and

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Whereas, with this "Number 1" rating, the Cougars earned a shot at the state grid crown; and

Whereas, the Coleman Cougars are personification of true champions by their notable performance presenting football as a clean, respectable and competitive sport; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representative Matty and Senator Van Sistine under Joint Rule 7, extend sincere congratulations on the exceptional performance of the Coleman Cougars Football Team and express their wish that they continue to excel in future endeavors.

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### MOTION UNDER JOINT RULE 7

The State of Wisconsin \* \* \* Citation by the Legislature

Know you by these presents:

Whereas, Don C. Leibelt, Green Bay, has been awarded the National FFA's highest honorary degree, the Honorary American Farmer Degree, during its golden anniversary convention having been selected from the more than 11,500 teachers of vocational agriculture in the nation; and

Whereas, Mr. Leibelt was named the state's outstanding young agriculture instructor by the Wisconsin Instructors in Vocational Agriculture, and in 1971 he was the state and national winner of the Agribusiness Career Exploration Award sponsored by the National Vocational Agriculture Teachers Association; and

Whereas, the Green Bay Area Jaycees honored Leibelt as the Outstanding Young Educator for 1973; and

Whereas, he was named the state's Outstanding Young Educator by the Wisconsin Jaycees in 1974; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representative Gower and Senator Petri under Joint Rule 7, commend Don C. Leibelt, a man of outstanding leadership, on his outstanding performance in the Future Farmers of America, his dedication to the field of agriculture and for his exemplary contributions to his community and the State of Wisconsin.

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MOTION UNDER JOINT RULE 7

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Know you by these presents:

Whereas, Ellwood Carter, Osseo, recently retired after having diligently and faithfully served as a mail carrier for the past 22 years; and

Whereas, the amazing accomplishment by Ellwood Carter is that he served as mail carrier for 22 years without a single accident (his recent route size had been 67 miles and 231 boxes); and

Whereas, Ellwood Carter is hereby commended as a civic-minded individual and for the outstanding manner in which he carried out his responsibilities; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representative Gunderson under Joint Rule 7, pay tribute to Ellwood Carter for his exemplary service and dedication as an employee of the United States Government and wish him many happy years of retirement.

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MOTION UNDER JOINT RULE 7

The State of Wisconsin \* \* \* Citation by the Legislature

Know you by these presents:

Whereas, the River Falls Cross Country Team, under the guidance of their Head Coach, Warren Kinzel and Co-Captains, Bill Cook and Mike Smith, will be attending the cross country meet for the NCAA Division III National Championship in Cleveland, Ohio; and

Whereas, the performance and behavior of the River Falls Team is a credit to their school, community and the State of Wisconsin; and

Whereas, the following team members will be attending: Dave Poethke, Howard Robinson, James Hoffmeister, Randy Backhaus, Michael Smith, Brian Gaus, William Cook and Bob Reimann; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representative Harsdorf under Joint Rule 7, extend sincere

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congratulations on their exceptional performance and wish them success at the cross country meet in Cleveland.

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**MOTION UNDER JOINT RULE 7**

**The State of Wisconsin \* \* \* Citation by the Legislature**

Know you by these presents:

Whereas, Mr. Jim Marcks overcame a physical disability early in life; and

Whereas, he went on to graduate from the University of Wisconsin and since that time has been teaching agricultural education; and

Whereas, Mr. Marcks has been active in numerous community activities and organizations; and

Whereas, through all of these efforts he has displayed the ability to lead and inspire others; and

Whereas, Mr. Marcks is joined in this honor by his six daughters, Donna, Cathy, Sue, Barb, Joan and Ann; now, therefore,

The Members of the Wisconsin Legislature on the motion of Representative Swoboda under Joint Rule 7, does hereby commend Mr. Marcks and his family on presenting the Luxemburg-Casco area with an excellent example of community involvement.

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**MOTION UNDER JOINT RULE 7**

**The State of Wisconsin \* \* \* Citation by the Legislature**

Know you by these presents:

Whereas, Don Lind, Berlin, upon the discovery of a fire in the back of his dynamite-laden truck and realizing the potential danger of a holocaust resulting from the explosion of the gas tank or caps which were in his pocket which could detonate the dynamite; and

Whereas, Don Lind, despite this threat to his own life, drove his truck to an empty field after having avoided farmyards, people out-of-doors, and gas connections; and

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Whereas, Don Lind, by his cool-headed action saved property and lives; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representatives Byers and Goodrich under Joint Rule 7, commend Don Lind for this singularly outstanding act of bravery which ensued from his exceptional level-thinking and his concern for the well-being of his fellow-humans.

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**MOTION UNDER JOINT RULE 7**

The State of Wisconsin \* \* \* Citation by the Legislature

Know you by these presents:

Whereas, Mr. and Mrs. Ernst Pribbernow, Dale, will observe their 65th wedding anniversary on November 21, 1977; and

Whereas, Ernst and Clara have taken an active part in making Wisconsin a better place in which to live and their high principles of character and exemplary life style have made their home community of Dale proud to have had them as a devoted team, and

Whereas, their willingness to sacrifice and their unselfish compatibility has truly been an inspiration and shining beacon to all who have experienced the pleasure of their acquaintance; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representative Conradt under Joint Rule 7, congratulate Ernst and Clara Pribbernow on the occasion of their 65th wedding anniversary and wish both of them many more happy years together.

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**MOTION UNDER JOINT RULE 7**

The State of Wisconsin \* \* \* Citation by the Legislature

Know you by these presents:

Whereas, the T. B. Scott Free Library, Merrill, was given the award as the Outstanding Library in the State of Wisconsin for 1977 by the State Library Association; and

Whereas, by being recipient of this award the T. B. Scott Free Library is hereby recognized as an outstanding example of what a library can do and be in a small community; and

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Whereas, in 1974 the Library received recognition as a Wisconsin Registered Landmark and was entered in the National Register of Historical Places; and

Whereas, the T. B. Scott Free Library has provided 66 years of service to the people of Merrill and the surrounding area by keeping them informed as well as offering a variety of attractive programs; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representative Donoghue and Senator Krueger under Joint Rule 7, commend the T. B. Scott Free Library and its staff, both past and present, for their contribution to the community and the State of Wisconsin and extend wishes for the utmost of success and many more productive years in the field of learning.

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### MOTION UNDER JOINT RULE 7

The State of Wisconsin \* \* \* Citation by the Legislature

Know you by these presents:

Whereas, Ray Van Handel Sr., was one of the six signers of the Sheboygan County Historical Society's original articles of incorporation on May 31, 1923; and

Whereas, Ray Van Handel Sr., now a retired commercial artist, has used his talents to design impressive calligraphy, drawings and sketches for the museum's publicity brochures and informational materials, in addition to maintaining the various collections of the society's museum; and

Whereas, Ray Van Handel Sr., as a lifelong county resident, has shared a wealth of local historical information with the Sheboygan County Historical Society and area residents through his extensive personal collection of Indian relics, his award winning stamp collection, old letters, and other historic documents and artifacts important to the history of Sheboygan County; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representatives Potter and Otte and Senator Keppler under Joint Rule 7, let us commend Ray Van Handel Sr. upon the occasion of his retirement from the Executive Board of the Sheboygan County Historical Society after 54 years as a faithful member of the society involved in every aspect of its work.