

JOURNAL OF THE ASSEMBLY [March 4, 1981]

STATE OF WISCONSIN

Assembly Journal

Eighty-Fifth Regular Session

WEDNESDAY, March 4, 1981.

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

AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 27** offered by committee on Education.

Assembly substitute amendment 1 to **Assembly Bill 111** offered by Representative Wagner.

Assembly amendment 1 to **Assembly Bill 133** offered by Representative Everson.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 28

Providing for an advisory referendum on the question of enacting the death penalty in this state.

By Representatives Klicka, Hopkins, Matty, Tregoning, McEwen, Lewison, Porter and Conradt.

To committee on Criminal Justice and Public Safety.

Assembly Bill 210

Relating to regulation of blasting by the department of industry, labor and human relations, providing a penalty, granting rule-making authority and making an appropriation.

By Representatives Wood, Jackamonis, Everson, Becker and Tesmer, co-sponsored by Senator Braun.

To committee on Local Affairs.

Assembly Bill 211

Relating to membership and powers of credit unions and other miscellaneous changes affecting credit unions.

By Representatives Potter, Otte, Vanderperren, Shoemaker, Behnke, Matty and Looby, co-sponsored by Senators Cullen, Berger and Moody.

To committee on Insurance, Cooperatives and Risk Management.

Assembly Bill 212

Relating to the authorization of savings and loan associations and credit unions to maintain trust accounts for attorneys and real estate brokers and to provide certain services to members regarding pension savings and deferred income accounts.

By Representatives Potter, Otte, Vanderperren, Shoemaker, Behnke, Tregoning, Matty and Looby, co-sponsored by Senators Cullen, Berger and Harnisch.

To committee on Insurance, Cooperatives and Risk Management.

Assembly Bill 213

Relating to authorizing credit unions as depositories for federal, state and local public funds and making the Wisconsin higher education corporation a public depository.

By Representatives Potter, Otte, Vanderperren, Shoemaker, Behnke, Tregoning and Looby, co-sponsored by Senators Cullen and Berger.

To committee on Insurance, Cooperatives and Risk Management.

Assembly Bill 214

Relating to sales taxes on occasional sales by holders of seller's permits.

By Representative Lee, by request of Anthony Bonfiglio.

To Joint Survey Committee on Tax Exemptions.

Assembly Bill 215

Relating to restrictions applicable to the sale of alcoholic beverages at wholesale to university of Wisconsin system campuses.

By Representatives Flintrop, Helbach, Roberts, Knox and Looby.

To committee on Excise and Fees.

Assembly Bill 216

Relating to revising the warehouse laws, changing penalties and making an appropriation.

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By Representatives Vanderperren, Barry, Roberts, Bradley, Conradt, Byers, Lewison, McEssy, Everson, Andrea, Swoboda, Dorff, Behnke, Tuczynski, Looby, Otte, Plewa, Merkt, Matty, Klicka and Wagner, co-sponsored by Senators Goyke, Van Sistine, Moody, Frank, Opitz, Bidwell and Lorman.

To committee on Commerce and Consumer Affairs.

Assembly Bill 217

Relating to liability of children age 18 or over for care of parents.

By Representatives Stitt, Norquist, Shabaz, Schmidt, Young, Leopold, Robinson and Medinger.

To committee on Health and Human Services.

Assembly Bill 218

Relating to substitution of judges.

By Representatives Ladwig, Merkt, Porter, Schneiders, Stitt, Rooney, Schmidt, Klicka, Young and Quackenbush, co-sponsored by Senators Kleczka and Chilsen.

To committee on Judiciary.

Assembly Bill 219

Relating to composition of the public service commission and certain commission hearings.

By Representatives Ladwig, Merkt and Wagner, co-sponsored by Senator Chilsen.

To committee on Energy.

Assembly Bill 220

Relating to raising the legal age to 19 for drinking and obtaining retail beer and liquor licenses and providing a penalty.

By Representatives Ladwig, Goodrich, Radtke, Merkt, Prosser, Andrea, Laatsch, Menos, Harer, Klicka and Young, co-sponsored by Senators Chilsen, Lorge and Lorman.

To committee on Children and Human Development.

Assembly Bill 221

Relating to redemption of beverage containers, making an appropriation, providing for a study and creating a penalty.

By Representatives Munts, Loftus, Flintrop, Goodrich, Neubauer, Crawford, Miller, Barry, Duren, Smith and Clarenbach, co-sponsored by Senators Harnisch and Risser.

To committee on Environmental Resources.

Assembly Bill 222

Relating to a minimum tax on tax preference items.

By Representatives Broydrick, Becker, Coggs, Loftus, Crawford, Medinger, Neubauer, Smith, Norquist, Lee, Plewa, Plous, Rogers,

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Czarnecki, Leopold, D. Travis, Williams, Roberts, Barry, Rooney, Otte, Behnke, Wagner, Tuczynski, Kunicki and Ulichny.

To committee on Revenue.

Assembly Bill 223

Relating to prescribing tax forms, notice to local officials of divisions of parcels of real property and the total valuation of divided parcels.

By Representatives Potter, Otte, Swoboda, Hasenohrl and Quackenbush, co-sponsored by Senators Goyke and Opitz, by request of The Wisconsin Real Property Listers Association and The Wisconsin County Treasurers Association.

To committee on Local Affairs.

Assembly Bill 224

Relating to the definition and use of a farm trailer.

By Representative Ellis.

To committee on Highways.

Assembly Bill 225

Relating to increasing the number of circuit judges for Outagamie county.

By Representatives Prosser, Rogers, Conradt, Byers and Hephner, co-sponsored by Senators Lorge and Hanaway.

To committee on Judiciary.

Assembly Bill 226

Relating to a prohibition against imposing a fee for completing a health or disability insurance claim form on behalf of an insured and providing a penalty.

By Representative Behnke.

To committee on Insurance, Cooperatives and Risk Management.

Assembly Bill 227

Relating to pointing a firearm at a peace officer and providing a penalty.

By Representatives Klicka, Byers, Hopkins, Porter, Prosser, Schmidt, Knox and Merkt.

To committee on Criminal Justice and Public Safety.

Assembly Bill 228

Relating to offsetting income tax credits and refunds against past-due student loans, uncollectible support payments, overpayments of aid to families with dependent children and overpayments of unemployment compensation and making appropriations.

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By Representatives Klicka, Nelsen, Larson, Berndt, Bradley, Harer, Porter, Prosser, Schmidt, Knox and Merkt.

To committee on Revenue.

Assembly Bill 229

Relating to raising the legal age to 19 for drinking and obtaining retail beer and liquor licenses and providing a penalty.

By Representatives Klicka, Nelsen, Prosser, Goodrich and Merkt.

To committee on Children and Human Development.

Assembly Bill 230

Relating to the computation of a school district's controllable cost in the 1980-81 school year.

By Representatives Flintrop, DeLong and Neubauer.

To committee on Education.

Assembly Bill 231

Relating to municipal zoning of wetlands within shoreland areas.

By Representatives Munts, Crawford, Tuczynski, Metz, Neubauer, Norquist, Plewa, Loftus, Jackamonis, Becker, Barry, D. Travis, Everson, Radtke and Behnke, co-sponsored by Senators Berger, Moody, Risser and Braun.

To committee on Environmental Resources.

Assembly Bill 232

Relating to school busses stopping at railroad crossings.

By Representative Quackenbush.

To committee on Transportation.

ADMINISTRATIVE RULES

Read and referred:

Assembly Clearinghouse Rule 79-53

Relating to outpatient treatment facility standards.

Submitted by Department of Health and Social Services.

To committee on Health and Human Services.

Referred on March 3, 1981.

Assembly Clearinghouse Rule 80-168

Relating to the regular teaching license for state certification.

Submitted by Department of Public Instruction.

To committee on Education.

Referred on March 3, 1981.

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Assembly Clearinghouse Rule 80-169

Relating to teacher certification requirements for the school counseling field.

Submitted by Department of Public Instruction.

To committee on Education.

Referred on March 3, 1981.

Assembly Clearinghouse Rule 80-170

Relating to teacher certification requirements for the instructional media field.

Submitted by Department of Public Instruction.

To committee on Education.

Referred on March 3, 1981.

Assembly Clearinghouse Rule 80-196

Relating to immunization requirements for all elementary, middle, junior and senior high school students and for children attending day care centers.

Submitted by Department of Health and Social Services.

To committee on Health and Human Services.

Referred on February 27, 1981.

Assembly Clearinghouse Rule 80-219

Relating to the chub fishery in Lake Michigan.

Submitted by Department of Natural Resources.

To committee on Tourism and Recreation.

Referred on March 4, 1981.

COMMITTEE REPORTS

The committee on Education reports and recommends:

Assembly Bill 27

Relating to cooperative educational service agency annual meetings and termination of membership on a CESA board of control.

Adoption of assembly substitute amendment 1:

Ayes: (13) Noes: (0)

Passage: Ayes: (13) Noes: (0)

To committee on Rules.

Assembly Bill 28

Relating to school board elections in a common or union high school district.

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Adoption of assembly substitute amendment 1:

Ayes: (13) Noes: (0)

Passage: Ayes: (10) Noes: (3)

To committee on Rules.

RICHARD FLINTROP

Chairperson

The committee on Tourism and Recreation reports and recommends:

Assembly Bill 48

Relating to authorizing the department of natural resources to exchange certain lands for other lands.

Passage: Ayes: (9) Noes: (0)

To Joint Committee on Finance.

Assembly Bill 52

Relating to transportation of deer.

Passage: Ayes: (9) Noes: (0)

To committee on Rules.

LLOYD KINCAID

Chairperson

The committee on Revenue reports and recommends:

Assembly Clearinghouse Rule 80-201

Relating to indexing the income tax brackets applicable to individuals, estates and trusts.

Approval: Ayes: (7) Noes: (0)

Assembly Clearinghouse Rule 80-202

Relating to the sales and use tax status of motor vehicles used by licensed Wisconsin retail motor vehicle dealers.

Refused Approval: (Unanimous consent)

To Joint Committee for Review of Administrative Rules.

MARLIN SCHNEIDER

Chairperson

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SPEAKER'S APPOINTMENTS

I am making the following appointments to the Committees created by **Assembly Resolution 8**:

Children and Human Development

Stephen Leopold, Chairperson
Walter Kunicki, Vice-Chairperson
Marlin Schneider
John Medinger
Richard Flintrop
Dismas Becker
Lois Plous
Tommy Thompson
Jule Berndt
June Jaronitzky
Lolita Schneiders

Consumer and Commercial Credit

Gervase Hephner, Chairperson
Stephen Leopold, Vice-Chairperson
Eugene Dorff
Marlin Schneider
Robert Behnke
Tom Hauke
Jim Rooney
Phil Tuczynski
Mordecai Lee
Annette Williams
Esther Luckhardt
George Klicka
Joseph Tregoning
James Ladwig
Mary Panzer

Insurance, Cooperatives and Risk Management

Calvin Potter, Chairperson
Jim Rooney, Vice-Chairperson
Gervase Hephner
Robert Behnke
John Plewa
Richard Matty
Robert Larson
Jule Berndt

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Reapportionment

Thomas Hauke, Co-Chairperson
Bill Broydrick, Co-Chairperson
Louise Tesmer
Chester Gerlach
Cal Potter
Marcia Coggs
David Travis
David Helbach
Richard Shoemaker
Patricia Goodrich
John Shabaz
Earl Schmidt
David Prosser
Randall Radtke

Urban Affairs and Housing

Mordecai Lee, Chairperson
John Robinson, Vice-Chairperson
Gary Barczak
Mary Lou Munts
Wayne Wood
Marcia Coggs
Dismas Becker
Bill Broydrick
Barbara Ulichny
Vernon Holschbach
Sheehan Donoghue
Donald Stitt
Randall Knox
Betty Jo Nelsen

I am making the following appointments to committees which existed prior to the adoption of **Assembly Resolution 8**:

Environmental Resources

Gary Johnson

Excise and Fees

Gary Barczak

Local Affairs

Wayne Wood to replace Mordecai Lee as Chairperson of the Committee

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Joe Andrea to replace John Robinson as Vice-Chairperson of the Committee

(Both Mordecai Lee and John Robinson will continue to serve on the Committee.)

Retirement Systems, Joint Survey Committee on

Joe Looby to serve as a member and as Assembly Vice-Chairperson to replace Jim Rooney, who has resigned from the Committee.

Rules

Tom Murray to replace Wayne Wood, who has resigned from the Committee

State-Federal Relations

Joanne Duren to serve as member and as Chairperson of the Committee to replace Gary Barczak, who has resigned both as the Chairperson and as a member of the Committee.

Transportation

Tom Murray as a member and as Chairperson of the Committee to replace Wayne Wood, who has resigned from the Committee.

Veterans and Military Affairs

Gus Menos as Chairperson of the Committee

Marlin Schneider as Vice-Chairperson of the Committee

Gary Barczak as a member of the Committee

I am making the following appointments to various positions upon which Assembly members serve:

Building Commission

Lary Swoboda to replace Marlin Schneider, who has resigned from the Commission

Traffic Law Enforcement Council

Tom Murray to replace Wayne Wood, who has resigned from the Council

The following members will serve ex-officio in the designated position as a result of other appointments:

Retirement Research Committee

Joe Looby, Assembly Vice-Chairperson (Ex-Officio)

Vietnam Era Veterans Education Grants Council

Gus Menos (Ex-Officio)

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Wisconsin Housing Finance Authority

Wayne Wood (Ex-Officio)

ED JACKAMONIS

Speaker

COMMUNICATIONS

March 1, 1981

Honorable Donald J. Schneider

Honorable David R. Kedrowski

Gentlemen:

The following rules have been published and are in effect:

Clearinghouse Rule 79-49 effective 3-1-81

Clearinghouse Rule 80-21 effective 3-1-81

Clearinghouse Rule 80-92 effective 3-1-81

Clearinghouse Rule 80-102 effective 3-1-81

Clearinghouse Rule 80-103 effective 3-1-81

Clearinghouse Rule 80-106 effective 3-1-81

Clearinghouse Rule 80-125 effective 3-1-81

Clearinghouse Rule 80-161 effective 3-1-81

Clearinghouse Rule 80-172 effective 3-1-81

Clearinghouse Rule 80-175 effective 3-1-81

Clearinghouse Rule 80-187 effective 3-1-81

GARY POULSON

Assistant Revisor

Summary of Requests for Formal Attorney General's Opinions

Summary: May county adopt ordinance broader than state law proscribing discrimination by contractors bidding on county contracts?

Opinion ID Number: F80121601

Requested by: Corporation Counsel of Dane County

Assigned to: Mr. Murphy

Estimated Date of Issuance: By March 16, 1981

To committee on Aging, Women and Minorities

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Summary: What are proper legal services for a state agency being investigated by Personnel Commission for employment discrimination?

Opinion ID Number: F81011501
Requested by: Personnel Commission
Assigned to: Mr. Hoornstra's Unit
Estimated Date of Issuance: By April 15, 1981
To committee on Government Operations.

Summary: Does business without professional engineering staff that uses "engineer" in its name violate sec. 443.01, Stats.?

Opinion ID Number: F81012001
Requested by: Department of Regulation and Licensing
Assigned to: Mr. Rice's Unit
Estimated Date of Issuance: By April 20, 1981
To committee on Commerce and Consumer Affairs.

Summary: Does holding a Las Vegas night with play money, usable for prizes, violate Wisconsin law?

Opinion ID Number: F81012301
Requested by: District Attorney of Fond du Lac County
Assigned to: Mr. Wilker
Estimated Date of Issuance: By April 23, 1981
To committee on State Affairs.

Summary: May City Council lawfully increase retirement benefits of incumbent city elected officials?

Opinion ID Number: F81012302
Requested by: Assembly
Assigned to: Mr. Vergeront
Estimated Date of Issuance: By April 23, 1981
To committee on Local Affairs.

Summary: May County Department of Social Services pay for legal representation either to District Attorney, Corporation Counsel, or fee counsel?

Opinion ID Number: F81012101
Requested by: Department of Health and Social Services
Assigned to: Mr. Wilker
Estimated Date of Issuance: By April 21, 1981
To committee on Health and Human Services.

Summary: Under sec. 977.98 (5)(f) is state or county liable for fees of appointed counsel?

Opinion ID Number: F81020301
Requested by: Public Defender

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Assigned to: Mr. Murphy

Estimated Date of Issuance: By May 3, 1981

To committee on Criminal Justice and Public Safety.

Summary: May women serve as security officers in county jails?

Opinion ID Number: F81022001

Requested by: Corporation Counsel of Racine County

Assigned to: Mr. Armstrong

Estimated Date of Issuance: By May 20, 1981

To committee on Criminal Justice and Public Safety.

Anyone interested in a pending opinion may submit written briefs or comments to the Office of the Attorney General. Please indicate the opinion ID number. Copies of the request are available for inspection at 114 East, State Capitol.

LEGISLATIVE REFERENCE BUREAU CORRECTIONS

Assembly Bill 61

Page 3, line 11: substitute "remuneration" for "renumeration".