

STATE OF WISCONSIN

Assembly Journal

Eightieth Regular Session

WEDNESDAY, February 10, 1971.

9:30 A.M.

The assembly met.

The speaker in the chair.

The prayer was offered by Rev. Bruce Burdick, Pastor of First Christian Church, 304 N. Hamilton St., Madison, Wisconsin.

Representative Kafka led the membership in reciting the pledge of allegiance to the flag of the United States.

The roll was taken.

The result follows:

Present—Alberts, Anderson, Atkinson, Azim, Baldus, Barbee, Berger, Boeckmann, Bolle, Bradley, Brown, Bultman, Byers, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Ellis, Everson, Ferrall, Froehlich, Gaulke, Giese, Greider, Groshek, Grover, Guiles, Hanna, Hanson, Helgeson, Hephner, Jackamonis, Jackson, Johnson G. K., Johnson W. A., Jones, Kafka, Kessler, Kleczka, Klicka, Korpela, LaFave, Lewison, Lipscomb, Looby, Luckhardt, Lynn, McCormick, McDougal, McEssy, Mato, Merkel, Mielke, Miller, Mittness, Mohn, Molinaro, Nager, O'Malley, Oberle, Oestreicher, Orlich, Otte, Pabst, Quackenbush, Quinn, Roberts, Rogers, Rutkowski, Sanasarian, Schneider, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Sricula, Slaby, Stack, Stalbaum, Sweda, Swoboda, Thompson R. M., Thompson T. G., Tobiasz, Tregoning, Vanderperren, Wackett, Wahner, Wilcox, Wilger, Willkom and Mr. Speaker—98.

Absent with leave—Conradt—1.

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AMENDMENTS OFFERED

Assembly amendment 3 to Assembly Bill 2 offered by Representative Mittness.

Assembly substitute amendment 1 to Assembly Bill 192 offered by Representative Baldus.

INTRODUCTION AND REFERENCE OF BILLS

Read first time and referred:

Assembly Bill 271

By Representatives Nager, Wahner, Tobiasz, Grover, Rogers, Conta, Ferrall, Gaulke, O'Malley, Vanderperren, Lipscomb, McCormick, Molinaro, Atkinson, Earl and Miller.
To committee on Judiciary.

Assembly Bill 272

By Representatives LaFave, Alberts, Byers, Boeckmann and Grover.

To committee on Highways.

Assembly Bill 273

By Representatives Barbee, Lipscomb and Kessler.
To committee on Labor.

Assembly Bill 274

By Representative Stalbaum.
To committee on Education.

Assembly Bill 275

By Representative Korpela; co-sponsored by Senator Cirielli.

To joint committee on Finance.

Assembly Bill 276

By Representatives W. A. Johnson, Conta, Miller, Barbee, Orlich, Earl, O'Malley, Ferrall and Mielke.
To committee on Highways.

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Assembly Bill 277

By Representative Lipscomb; co-sponsored by Senator Johnson.

To committee on Judiciary.

Assembly Bill 278

By Representatives Lipscomb and Oestreicher; co-sponsored by Senator Johnson.

To committee on Judiciary.

COMMITTEE REPORTS

The committee on Judiciary reports and recommends:

Assembly Bill 1

Relating to direct action against others for negligence.

Passage; Ayes, 11; Noes, 0.

Assembly Bill 37

Relating to waiver by the court of hearings on petitions to remarry.

Adoption of assembly amendment 1; Ayes, 10; Noes, 1 and passage; Ayes, 11; Noes, 0.

Assembly Bill 56

Relating to creating a board on judicial qualifications and making an appropriation.

Passage; Ayes, 9; Noes, 2.

MARK G. LIPSCOMB, Jr.,
Chairman.

The committee on Education reports and recommends:

Assembly Joint Resolution 10

A joint resolution relating to the use of school buildings during non-school hours by civic, religious or charitable organizations (2nd consideration).

Adoption; Ayes, 12; Noes, 1.

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Assembly Joint Resolution 17

A joint resolution relating to released time for religious instruction (2nd consideration).

Adoption; Ayes, 8; Noes, 5.

Assembly Bill 58

An act relating to the authority of cooperative educational service agencies and increasing state aids thereto, changing the name of agency school committees and making an appropriation.

Passage; Ayes, 12; Noes, 1.

Assembly Bill 59

An act relating to state payment of agency school committee expenses and making an appropriation.

Passage; Ayes, 13; Noes, 0.

Assembly Bill 140

An act relating to referenda requirements applicable to borrowing by certain school districts.

Passage; Ayes, 13; Noes, 0.

Assembly Bill 143

An act relating to spring elections for school board members.

Passage; Ayes, 13; Noes, 0.

MANNY S. BROWN,
Chairman.

Representative Anderson asked unanimous consent that the assembly recess until 10:30 A.M. Granted.

9:45 A.M.

RECESS

11:00 A.M.

The assembly reconvened.

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MESSAGES FROM THE SENATE

By William P. Nugent, chief clerk.

Mr. Speaker:

I am directed to inform you that the senate has passed and asks concurrence in:

Senate Bill 89

ACTION ON THE SENATE MESSAGE

Senate Bill 89

By joint committee on Finance.
To calendar.

Mr. Speaker:

I am directed to inform you that the senate has adopted and asks concurrence in:

Senate Joint Resolution 15

Representative Anderson asked unanimous consent that the rules be suspended and that Senate Joint Resolution 15 be taken up at this time. Granted.

The chief clerk read the title.

The question was: Concurrence?
Motion carried.

Representative Anderson asked unanimous consent that the rules be suspended and that the assembly's action on Senate Joint Resolution 15 be immediately messaged to the senate. Granted.

MOTIONS

MOTION UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature
Know you by these presents:

Whereas, Dan Devine was recently named general manager and head coach of the Green Bay Packers; and

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Whereas, the many Packer backers in the state are intently awaiting the return of the team to the top of the professional football world under Mr. Devine's proven leadership and capabilities; and

Whereas, the citizens of Green Bay and the state have supported the Packers through feast and famine and richly deserve a return to championship status; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representatives Quinn, McEssy, Vanderperren and Kafka, under Joint Rule 26, extend congratulations and welcome to Dan Devine and wish him success in bringing back the "Pack."

The question was: Adoption?

Motion carried.

Representative Sicula asked unanimous consent to be recorded as voting "Aye" on all of the following questions:

Rejection of amendment 4 to Assembly Bill 72, rejection of substitute amendment 1 to Assembly Bill 72, rejection of amendment 5 to Assembly Bill 72, engrossment of Assembly Bill 72, passage of Assembly Bill 72, concurrence in Senate Bill 21, concurrence in Senate Bill 22, concurrence in Senate Bill 24, concurrence in Senate Bill 25, concurrence in Senate Bill 26, concurrence in Senate Bill 64, concurrence in Senate Bill 65. Granted.

Representative Sicula asked unanimous consent to be recorded as voting "No" on the question of indefinite postponement of Assembly Bill 72. Granted.

Representative Dueholm asked unanimous consent that Assembly Joint Resolution 25 be withdrawn from the committee on Taxation and referred to the joint Survey committee on Tax Exemptions. Granted.

Representative Dueholm asked unanimous consent that Assembly Bill 225 be withdrawn from committee on Taxation and referred to the joint Survey committee on Tax Exemptions. Granted.

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Representative Dueholm asked unanimous consent that **Assembly Joint Resolution 1** be withdrawn from committee on Taxation and referred to the joint Survey committee on Tax Exemptions. Granted.

CALENDAR OF FEBRUARY 5 CONSIDERATION OF MOTIONS FOR RECONSIDERATION

Assembly Resolution 11

Directing the assembly Commerce and Consumer Affairs committee to investigate the public service commission.

Representative Froehlich asked unanimous consent that **Assembly Resolution 11** be returned to its author.

Representative Sanasarian objected.

The question was: Shall the vote by which **Assembly Resolution 11** was adopted be reconsidered?

The roll was taken.

The vote follows:

Ayes—Alberts, Azim, Bradley, Byers, Ellis, Froehlich, Giese, Greider, Guiles, Helgeson, Jones, Kafka, Kleczka, Klicka, LaFave, Lewison, Luckhardt, McDougal, Merkel, Quackenbush, Roberts, Schowalter, Schricker, Schroeder, Sensenbrenner, Shabaz, Stalbaum, Thompson T. G., Tregoning, Wackett, Wilcox and Wilger—32.

Noes—Anderson, Atkinson, Baldus, Barbee, Berger, Boeckmann, Bolle, Brown, Bultman, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Everson, Ferrall, Gaulke, Groshek, Grover, Hanna, Hanson, Hephner, Jackamonis, Jackson, Johnson G. K., Johnson W. A., Kessler, Korpela, Lipscomb, Looby, Lynn, McCormick, McEssy, Mato, Mielke, Miller, Mittness, Mohn, Molinaro, Nager, O'Malley, Oberle, Oestreicher, Orlich, Otte, Pabst, Quinn, Rogers, Rutkowski, Sanasarian, Schneider, Schwefel, Sicala, Slaby, Stack, Sweda, Swoboda, Thompson R. M., Tobiasz, Vanderperren, Wahner, Willkom and Mr. Speaker—66.

Absent or not voting—Conradt—1.

Motion failed.

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SECOND READING AND AMENDMENT OF
SENATE BILLS

Senate Bill 23

An act to appropriate \$10,000 from the general fund for payment of a claim made by Jerry Lee Hohlt against the state.

Representative Wackett asked unanimous consent that Senate Bill 23 be referred to the joint committee on Finance. Granted.

Senate Bill 27

An act to appropriate \$4,000 from the highway fund for payment of a claim made by Streu construction company against the state.

The question was: Shall the bill be ordered engrossed and read a third time?

Motion carried.

Representative Anderson asked unanimous consent, that the rules be suspended and that Senate Bill 27 be given a third reading. Granted.

The question was: This bill having been read three times, Shall the bill be concurred in?

The roll was taken.

The vote follows:

Ayes—Alberts, Anderson, Atkinson, Azim, Baldus, Barbee, Bolle, Bradley, Brown, Bultman, Byers, Conta, Day, Dorff, Dueholm, Earl, Early, Ellis, Everson, Ferrall, Froehlich, Gaulke, Giese, Greider, Groshek, Grover, Guiles, Hanson, Helgeson, Jackamonis, Jackson, Johnson G. K., Johnson W. A., Jones, Kafka, Kessler, Kleczka, Korpela, LaFave, Lewison, Lipscomb, Looby, Luckhardt, Lynn, McCormick, McDougal, McEssy, Mato, Miller, Mittness, Mohn, Molinaro, Nager, O'Malley, Oestreicher, Orlich, Otte, Pabst, Quackenbush, Quinn, Rogers, Rutkowski, Sanasarian, Schneider, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Sicula, Stack, Stalbaum, Sweda, Thompson R. M., Thompson T. G., Tobiasz, Tregoning, Vanderperren, Wackett, Wahner, Wilcox, Wilger, Willkom and Mr. Speaker—85.

Noes—Berger, Boeckmann, Czerwinski, Duren, Hanna,

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Hephner, Klicka, Merkel, Mielke, Oberle, Roberts, Slaby and Swoboda—13.

Absent or not voting—Conradt—1.

Motion carried.

Representative Anderson asked unanimous consent that the rules be suspended and that the assembly's action on Senate Bill 27 be immediately messaged to the senate. Granted.

CALENDAR OF TUESDAY, FEBRUARY 9
SECOND READING AND AMENDMENT OF
ASSEMBLY BILLS

Assembly Joint Resolution 4

To amend article VII, section 13 of the constitution, relating to authorizing the supreme court to suspend or remove members of the judiciary (1st consideration).

Representative Froehlich asked unanimous consent that Assembly Joint Resolution 4 be temporarily laid on the table. Granted.

Assembly Bill 2

An act relating to uniform annual observances of certain legal public holidays on Mondays.

Representative Mittness moved rejection of assembly amendment 1 to Assembly Bill 2.

The question was: Rejection?

The roll was taken.

The vote follows:

Ayes—Anderson, Baldus, Barbee, Berger, Brown, Conta, Czerwinski, Day, Dueholm, Earl, Ellis, Ferrall, Gaulke, Grover, Guiles, Helgeson, Jackamonis, Jackson, Johnson G. K., Kessler, Kleczka, Korpela, Luckhardt, McCormick, Mielke, Miller, Mittness, Mohn, Oestreicher, Orlich, Otte, Pabst, Roberts, Rogers, Rutkowski, Sanasarian, Schneider,

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Schwefel, Sicula, Slaby, Stack, Thompson R. M. and Wahner—43.

Noes—Alberts, Atkinson, Azim, Boeckmann, Bolle, Bradley, Bultman, Byers, Dorff, Duren, Early, Everson, Froehlich, Giese, Greider, Groshek, Hanna, Hanson, Hephner, Johnson W. A., Jones, Kafka, Klicka, LaFave, Lewison, Lipscomb, Looby, Lynn, McDougal, McEssy, Mato, Merkel, Molinaro, Nager, Oberle, Quackenbush, Quinn, Schowalter, Schricker, Schroeder, Sensenbrenner, Shabaz, Stalbaum, Sweda, Swoboda, Thompson T. G., Tobiasz, Tregoning, Wackett, Wilcox, Wilger, Willkom and Mr. Speaker—53.

Absent or not voting—Conradt, O'Malley and Vanderperren—3.

Motion failed.

Representative Mittness requested a roll call. There were sufficient seconds.

Representative Schwefel asked unanimous consent that he be recorded as voting "no" instead of "aye" on the question of rejection of assembly amendment 1 to Assembly Bill 2. Granted.

The question was: Adoption?

The roll was taken.

The vote follows:

Ayes—Alberts, Atkinson, Azim, Boeckmann, Bolle, Bradley, Bultman, Byers, Dorff, Duren, Early, Ellis, Everson, Gaulke, Giese, Greider, Groshek, Hanna, Hanson, Hephner, Jackson, Johnson W. A., Jones, Kafka, Kleczka, Klicka, LaFave, Lewison, Lipscomb, Looby, Luckhardt, Lynn, McCormick, McDougal, McEssy, Mato, Merkel, Mielke, Molinaro, Nager, O'Malley, Oberle, Otte, Quackenbush, Rogers, Schowalter, Schricker, Schroeder, Schwefel, Shabaz, Stack, Stalbaum, Sweda, Swoboda, Thompson R. M., Thompson T. G., Tobiasz, Tregoning, Vanderperren, Wackett, Wilcox, Wilger and Mr. Speaker—63.

Noes—Anderson, Baldus, Barbee, Berger, Brown, Conta, Czerwinski, Day, Dueholm, Earl, Ferrall, Froehlich, Grover, Guiles, Helgeson, Jackamonis, Johnson G. K., Kessler, Korpela, Miller, Mittness, Mohn, Oestreicher, Orlich, Pabst, Quinn, Roberts, Rutkowski, Sanasarian, Schneider, Sensenbrenner, Sicula, Slaby, Wahner and Willkom—35.

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Absent or not voting—Conradt—1.

Motion carried.

Assembly amendment 2 to Assembly Bill 2 offered by Representative Berger.

Representative Shabaz moved rejection of assembly amendment 2 to Assembly Bill 2.

Representative Wilcox asked unanimous consent to make a statement. Granted.

Representative Wilcox asked unanimous consent to read from a printed document. 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:

Ermine Jones, Milwaukee, Wisconsin, wife and guest of Representative Jones.

Paul Lund, Ellsworth, Wisconsin, guest of Representative Early.

Elmer Weiland, Washara County Board Chairman, Wautoma, Wisconsin, Erv Albarn, member Washara County Board, Lohrville, Wisconsin, Henry Lauritzen, member Washara County Board, Wild Rose, Wisconsin, guests of Representative Wilcox.

Dr. Brown, President, Nicolet College, Mr. and Mrs. Moore, Oneida County Surveyor, Rhinelander, Wisconsin, guests of Representative Gaulke.

Mr. and Mrs. Jerry Kitzinger, Marinette, Wisconsin, guests of Representative LaFave.

Representative Anderson moved the assembly adjourn until 10:00 A.M., Thursday, February 11, 1971.

The question was: Adjournment?

Motion carried.

The assembly stood adjourned.

12:05 P.M.