

JOURNAL OF THE ASSEMBLY [March 9, 1971]

STATE OF WISCONSIN

# Assembly Journal

Eightieth Regular Session

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TUESDAY, March 9, 1971.

1:00 P.M.

The assembly met.

The speaker in the chair.

The prayer was offered by Father John Schmidt, Associate Pastor of St. Bernard's Catholic Church, 2015 Parmeter Street, Middleton, Wisconsin.

Representative Azim 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, Conradt, 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, Schowalter, Schriker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Sicula, 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—Schneider—1.

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### AMENDMENTS OFFERED

Assembly amendment 1 to Assembly Bill 321 offered Representative Grover.

Assembly substitute amendment 1 to Assembly Bill 321 offered by Representative Jackson.

Assembly amendment 3 to Assembly Bill 58 offered Representative Merkel.

Assembly substitute amendment 1 to Assembly Bill 102 offered by Representative Mittness.

Assembly substitute amendment 1 to Assembly Bill 102 offered by Representative Merkel.

Assembly amendment 1 to Assembly Bill 370 offered Representative Sanasarian.

Assembly amendment 1 to Assembly Bill 375 offered Representative Otte.

Assembly substitute amendment 1 to Assembly Bill 375 offered by Representative LaFave.

Assembly amendment 1 to Assembly Bill 319 offered Representatives McCormick and Pabst, by request of Milwaukee County.

Assembly amendment 1 to Assembly Bill 102 offered Representative Lipscomb.

Assembly amendment 2 to Assembly Bill 204 offered Representative Froehlich.

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### INTRODUCTION AND REFERENCE OF BILLS

Read first time and referred:

**Assembly Bill 440**

By Representatives Anderson, Korpela, Schrick and Gaulke and Slaby; co-sponsored by Senator Cirilli.

To committee on Natural Resources.

**Assembly Bill 441**

By Representative Hanson, by request of Leland Larson.  
To committee on Highways.

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**Assembly Bill 442**

red by

By Representatives Slaby, Oestreicher, Korpela, Groshek,  
Gaulke, Early, Oberle and Baldus.

To committee on Natural Resources.

11 214

**Assembly Bill 443**

ed by

By Representative Stalbaum.

To committee on Education.

176

**Assembly Bill 444**

By Representative Stalbaum.

To committee on Judiciary.

251

**Assembly Bill 445**

by

By Representative Stalbaum.

To committee on Highways.

17

**Assembly Bill 446**

3

By Representative Merkel.

To committee on Judiciary.

**Assembly Bill 447**

By Representative Merkel.

To committee on Judiciary.

**Assembly Bill 448**By Representatives Merkel, Giese, Wackett, Shabaz, La-  
Fave and Klicka.

To committee on Education.

**Assembly Bill 449**By Representatives Mittness, G. K. Johnson, Mielke,  
Mato, Conta, Hanson, Nager and Lipscomb; co-sponsored  
by Senators Peloquin and McKenna.

To committee on Education.

**Assembly Bill 450**By Representatives Molinaro, Sricula, Orlich, Wackett,  
Conradt, Schwefel, Everson, Byers, Tregoning, T. G. Thomp-  
son, Looby, Greider, Roberts, Wilger, Baldus, Brown, Lewi-  
son, O'Malley, Schroeder, LaFave, Atkinson and Vander-  
perren; co-sponsored by Senator Devitt, by request of Wis-  
consin Registers in Probate Association.

To committee on Judiciary.

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**Assembly Bill 451**

By Representatives Brown, Ferrall and Stalbaum; co-sponsored by Senator Dorman.

To committee on Judiciary.

**Assembly Bill 452**

By Representatives Brown, Mittness and Lipscomb.

To committee on Judiciary.

**Assembly Bill 453**

By Representatives Hephner, Wilcox, Alberts, Schneider, T. G. Thompson, Byers, Tregoning, Greider, Guiles, Ellis, McDougal, Giese, Schowalter, Duren and Vanderperren.

To committee on Natural Resources.

**Assembly Bill 454**

By Representatives Wilcox, T. G. Thompson, Byers, Kafka, Greider, Tregoning, Guiles, Ellis, McDougal, Giese and Schowalter.

To committee on Natural Resources.

**Assembly Bill 455**

By Representative Barbee.

To committee on Health and Social Services.

**Assembly Bill 456**

By Representatives Czerwinski, Pabst, Sanasarian, Orlich and Barbee, by request of Milwaukee County.

To committee on Insurance and Banking.

**Assembly Bill 457**

By Representative Sensenbrenner.

To committee on Education.

**Assembly Bill 458**

By Representative Swoboda, by request of Mr. Paul Voight, Milwaukee, Wisconsin.

To committee on Judiciary.

**Assembly Bill 459**

By Representative Helgeson.

To committee on Natural Resources.

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PETITIONS

**Assembly Petition 28**

Offered by Representative Otte.  
To joint committee on Finance.

**Assembly Petition 29**

Offered by Representative Mittness.  
To committee on Natural Resources.

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COMMITTEE REPORTS

The committee on Judiciary reports and recommends:

**Assembly Bill 214**

Relating to a 7% interest charge on money judgments  
from time of verdict until satisfaction of judgment.  
Passage; Ayes, 11; Noes, 0.

**Assembly Bill 236**

Relating to creation of environmental courts.  
Indefinite postponement; Ayes, 9; Noes, 2.

**Assembly Bill 238**

Relating to assignment of mother's wages for child support.  
Passage; Ayes, 10; Noes, 0; Not Voting, 1.

**Senate Bill 40**

Relating to taxable attorney's fees for small claims appeals.  
Concurrence; Ayes, 11; Noes, 0.

**Senate Bill 42**

Relating to the right of habeas corpus for inmates of  
central state hospital.  
Concurrence; Ayes, 11; Noes, 0.

MARK G. LIPSCOMB, JR.,  
Chairman.

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The committee on Environmental Quality reports and recommends:

**Assembly Bill 256**

Relating to solid waste disposal sites and standards.

Indefinite postponement; Ayes, 3; Noes, 2.

**Assembly Bill 259**

Relating to solid waste disposal.

Indefinite postponement; Ayes, 3; Noes, 2.

JAMES J. LYNN,  
Chairman.

The committee on Education reports and recommends for introduction:

**Assembly Bill —**

Relating to military leaves of absence for teachers.

Ayes, 12; Noes, 1.

**Assembly Bill —**

Relating to prohibiting termination of employment of a female for pregnancy.

Ayes, 12; Noes, 1.

MANNY S. BROWN,  
Chairman.

The committee on Education reports and recommends:

**Assembly Bill 34**

Relating to determination of pupils enrolled for state aids to education.

Assembly substitute amendment 1, adoption; Ayes, 13; Noes, 0 and indefinite postponement; Ayes, 11; Noes, 2.

**Assembly Bill 46**

Relating to counting private school pupils in their school districts of residence for state school aid purposes and making an appropriation.

Indefinite postponement; Ayes, 12; Noes, 1.

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**Assembly Bill 84**

Relating to resident status at public institutions of higher education when a student's parents move from the state.  
Without recommendation (Assembly Rule 30)

**Assembly Bill 109**

Relating to state aid for interest costs on construction expenses stemming from school district consolidations, and making an appropriation.

Indefinite postponement; Ayes, 9; Noes, 4.

**Assembly Bill 217**

Relating to tuition refunds for canceled classes at the university of Wisconsin and state universities.

Indefinite postponement; Ayes, 11; Noes, 2.

MANNY S. BROWN,  
Chairman.

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**REPORT OF JOINT SURVEY COMMITTEE ON  
TAX EXEMPTIONS**

**ASSEMBLY BILL 133**

**Public Policy Involved**

This proposal is not desirable as a matter of public policy. Recent federal income tax law changes have made losses by gentlemen farmers more difficult to offset against other income. Moreover, the proposal would discriminate against the legitimate farmer who supplements his income from another source, by refusing to allow him to offset any farm loss against any other income. Someone with the same total gross income derived from two non-farm businesses would be able to offset a loss in one against a profit in the other.

Respectfully submitted,

JOINT SURVEY COMMITTEE  
ON TAX EXEMPTIONS

HARVEY L. DUEHOLM,  
Chairman.

**Assembly Bill 133**

To committee on Agriculture.

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REPORT OF JOINT SURVEY COMMITTEE ON  
TAX EXEMPTIONS

ASSEMBLY BILL 134

Public Policy Involved

This is desirable as a matter of public policy. The Homestead Relief Act permits one claimant to file a claim for property tax relief against the property taxes he paid. The law assumes that this claimant will be the head of the household and that he will have paid all the property taxes due on the property, but this need not be so in the case of brothers, or brother and sister, or even unrelated persons who due to force of circumstances share the cost of a homestead on some permanent basis. Under the present law, only one of these persons may file a claim and then only for the portion of the property tax he paid on his share of the property. Thus a portion of the tax relief, based on total property taxes paid, is lost. This proposal corrects that inequity.

Respectfully submitted,

JOINT SURVEY COMMITTEE  
ON TAX EXEMPTIONS

HARVEY L. DUEHOLM,

Chairman.

Assembly Bill 134

To committee on Taxation.

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REPORT OF JOINT SURVEY COMMITTEE ON  
TAX EXEMPTIONS

ASSEMBLY BILL 177

This proposal is desirable public policy because it simplifies the interest computation on unpaid sales taxes and refunds and clarifies two exemption sections by limiting them to what was originally intended.

Respectfully submitted,

JOINT SURVEY COMMITTEE  
ON TAX EXEMPTIONS

HARVEY L. DUEHOLM,

Chairman.

Assembly Bill 177

To committee on Taxation.



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The committee on Natural Resources reports and recommends:

### Assembly Bill 115

Relating to composition of the natural resources board.  
Passage; Ayes, 11; Noes, 2.

### Assembly Bill 204

Relating to prohibiting snowmobile operation during fire-arm deer hunting season.

Assembly amendment 1, adoption; Ayes, 13; Noes, 0 and passage; Ayes, 8; Noes, 5.

LEWIS T. MITTNESS,  
Chairman.

The committee on Municipalities reports and recommends:

### Assembly Bill 187

Relating to lease of subterranean space under any street, alley or public place in cities of the first class.

Assembly amendment 1, adoption; Ayes, 13; Noes, 0 and passage; Ayes, 13; Noes, 0.

EDWARD NAGER,  
Chairman.

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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 concurred in:

### Motions Under Joint Rule 26:

A Joint Certificate of Congratulations by Representatives Azim and Duren; co-sponsored by Senator Roselep to the Riverdale High School Wrestling Team—Gary Gutnecht and Tim Drone won State Championships in their respective classes.

A Joint Certificate of Commendation by Representatives Roberts and Greider; co-sponsored by Senator Knutson to

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Dr. Sigurd B. Gunderson, Sr., and Alf H. Gunderson on their retirement from the staff of the Gunderson Clinic and La Crosse Lutheran Hospital.

A Joint Certificate of Congratulations by Representative Schowalter; co-sponsored by Senator Keppler to the Port Washington High School Wrestling Team who won the 28th annual State Wrestling Tournament.

A Joint Certificate of Congratulations by Representative Early; co-sponsored by Senator Knowles for the River Falls High School Wrestling Team on their fine showing at the state meet.

A Joint Certificate of Commendation by Representative Jones; co-sponsored by Senator LaFave for John Wesley Thompson on his completion of 45 years of state service.

Concurred in:

Assembly Joint Resolution 38 and  
Assembly Joint Resolution 39.

Adopted and asks concurrence in:

Senate Joint Resolution 5

Passed and asks concurrence in:

Senate Bill 39 and  
Senate Bill 77.

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ACTION ON THE SENATE MESSAGE

Read first time and referred:

Senate Joint Resolution 5

By Legislative Council.  
To calendar.

Senate Bill 39

By Legislative Council.  
To committee on Highways.

Senate Bill 77

By Senator Roseleip.  
To committee on Natural Resources.

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## MESSAGE FROM THE SENATE

By William P. Nugent, chief clerk.

Mr. Speaker:

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

Motion Under Joint Rule 26:

A Joint Certificate of Congratulations by Senator Bidwell; co-sponsored by Representative R. M. Thompson to Constance Hayes on the occasion of being crowned "Queen of Portage".

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## ACTION ON THE SENATE MESSAGE

Representative Anderson asked unanimous consent that the rules be suspended and that Motion Under Joint Rule 26 be taken up at this time. Granted.

The question was: Concurrence?

Motion carried.

Representative Anderson asked unanimous consent that the rules be suspended and that the assembly's action on Motion Under Joint Rule 26 be immediately messaged to the senate. Granted.

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## MOTIONS

Representative Anderson asked unanimous consent that Assembly Bill 435 be withdrawn from the joint committee on Finance and be referred to the joint Survey committee on Retirement Systems. Granted.

Representative Anderson asked unanimous consent for a leave of absence for today's session for Representative Schneider. Granted.

Representative Rogers moved reconsideration of the vote by which Engrossment of Assembly Bill 92 failed. Entered.

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## CHIEF CLERK'S CORRECTION

as provided by Legislative Reference Bureau

Assembly Bill 383

On page 2, lines 1 and 9, substitute "46.21" for "42.21".

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### **Assembly Bill 214**

On page 1, line 13, substitute "271.04" for "217.04".

### **Assembly Bill 303**

On page 2, line 20, substitute "443" for "101".

On page 2, line 24, and on page 3, lines 1 and 4, substitute "443.01" for "101.31".

On page 3, line 7, substitute "443.02" for "101.315".

### **Assembly Bill 379**

On page 4, line 14, substitute "22.40," for "22.400".

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## 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. Tim Early, Tim Early and Dave Richardson, River Falls, Wisconsin, guests of Representative Early.

Bill Burmester, Washburn county guest of Representative Schricker.

Mr. and Mrs. Fred Streble and Mr. and Mrs. Lawrence Johnson, Green Bay, Wisconsin, guests of Representative Vanderperren.

Seventh grade students of the Greendale Intermediate school, Greendale, Wisconsin, guests of Representative Rutkowski.

Girl Scouts and Cadets from St. Monica's School, accompanied by Mrs. Banholzer, Mrs. Ladd and Mrs. Hayes, Whitefish Bay, Wisconsin, guests of Representative Sensenbrenner.

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Representative Anderson moved the assembly adjourn until 9:00 A.M., Wednesday, March 10, 1971.

The question was: Adjournment?  
Motion carried.

The assembly stood adjourned.

1:35 P.M.