

JOURNAL OF THE ASSEMBLY (January 31, 1973)

STATE OF WISCONSIN

Assembly Journal

Eighty-First Regular Session

WEDNESDAY, January 31, 1973.

10:00 A.M.

The assembly met.

The speaker in the chair.

The prayer was offered by Reverend Alfred W. Swan, pastor of United Church of Christ, 5129 Juneau Road, Madison, Wisconsin.

Representative Munts 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 -- Alberts, Atkinson, Baldus, Barbee, Barczak, Behnke, Berger, Bolle, Bradley, Bruhy, Byers, Conta, Cyrak, Czerwinski, Day, DeLong, Donoghue, Dorff, Dueholm, Duren, Earl, Early, Elconin, Ellis, Everson, Ferrall, Flintrop, Gibson, Giese, Gower, Groshek, Grover, Hauke, Hephner, Jackamonis, Johnson, Kedrowski, Keegan, Kincaid, Kleczka, Klicka, Lallensack, Lewis, Lewison, Looby, Luckhardt, McEssy, Matty, Menos, Merkel, Mielke, Miller, Mittness, Mohn, Molinaro, Munts, Murray, Nager, Niebler, Oberle, Oestreicher, Olson, O'Malley, Opitz, Otte, Pabst, Plewa, Porter, Quackenbush, Roberts, Rogers, Rohner, Rooney, Roth, Rutkowski, Sanasarian, Schneider, Schricker, Schroeder, Sensenbrenner, Shabaz, Sicula, Sweda, Swoboda, Tesmer, Thompson, Tobiasz, Tregoning, Tropman, Vanderperren, Wackett, Wahner, Ward, Wilcox, Wilkom and Mr. Speaker -- 96.

Absent -- None.

Absent with leave -- Azim, Conradt and Quinn -- 3.

AMENDMENTS OFFERED

Assembly substitute amendment 2 to **Assembly Bill 92** offered by Representatives Nager, Barbee, McEssy and Earl.

Assembly substitute amendment 1 to **Assembly Bill 24** offered by Representatives Kleczka, Barbee and Sensenbrenner.

Assembly amendment 2 to **Assembly Joint Resolution 2** offered by Representative Earl.

INTRODUCTION AND REFERENCE OF RESOLUTIONS

Read and referred:

Assembly Resolution 14

Relating to creating a special committee on telephone and electricity rate disparities.

Whereas, citizens from various areas throughout the state of Wisconsin have expressed their concern about apparent discriminatory utility rates in this state; and

Whereas, many of these complaints concern the disparity in telephone and electric rates in different parts of the state; and

Whereas, both rural and urban areas are adversely affected by these apparent disparities; now, therefore, be it

Resolved by the assembly, That a special committee to be known as the special committee on telephone and electricity rate disparities is hereby created. The committee shall consist of 11 members, including representatives of both political parties, appointed by the speaker; and, be it further

Resolved, That the special committee may conduct hearings, receive testimony, receive complaints and suggestions relative to telephone and electric rate discrepancies, utilize legislative staff for secretarial assistance; and, be it further

Resolved, That the special committee shall report its findings and recommendations to the assembly no later than January 29, 1974.

By Representatives EARL and HEPHNER.

To Calendar.

JOURNAL OF THE ASSEMBLY (January 31, 1973)

Assembly Resolution 15

To renumber assembly rule 14; to amend assembly rule 14 (title); and to create assembly rule 14 (2), relating to adjourning the daily sessions by 9 p.m.

Analysis by the Legislative Reference Bureau

The existing rules of the assembly provide for a standard time at which the daily sessions shall begin (10 a.m.), but do not set a standard time for the evening adjournment of each daily session.

This resolution would make the hour of 9 p.m. the standard time for each day's evening adjournment unless, by a two-thirds vote of the members present, a later time is agreed to.

Resolved by the assembly, That:

SECTION 1. Assembly rule 14 (title) is amended to read:

Assembly Rule 14 (title) **Hour for meeting and adjournment.**

SECTION 2. Assembly rule 14 (intro.), (1) and (2) are renumbered to be assembly rule 14 (1) (intro.), (a) and (b), respectively.

SECTION 3. Assembly rule 14 (2) is created to read:

Assembly Rule 14 (2) Unless a different hour shall be agreed to by the adoption of a motion, two-thirds of the members present and constituting a quorum voting in the affirmative, each daily session of the assembly shall be adjourned no later than 9 p.m. The motion to adjourn at a time later than 9 p.m. is debatable and amendable.

By Representative PABST.

To committee on Rules.

Assembly Resolution 16

To create assembly rule 10m, relating to decorum in the assembly chamber.

Analysis by the Legislative Reference Bureau

This resolution creates a new rule of the assembly prohibiting, while the assembly is in session, the reading of newspapers or the consumption of food or beverages within the assembly chamber.

JOURNAL OF THE ASSEMBLY (January 31, 1973)

Resolved by the assembly, That:

Assembly rule 10m is created to read:

Assembly Rule 10m. **Decorum in the chamber.** No member or employe of the assembly, or other person, shall read newspapers or consume food or beverages within the assembly chamber while the assembly is in session.

By Representatives MERKEL, WACKETT and SHABAZ.

To Calendar.

Assembly Joint Resolution 25

Directing the legislative council to study certain aspects of tax preparation services.

By Representatives JOHNSON, MUNTS, SENSENBRENNER, FLINTROP, MIELKE, JACKAMONIS, MITTNESS, FERRALL, ELCONIN and DE LONG.

To committee on Taxation.

INTRODUCTION AND REFERENCE OF BILLS

Read first time and referred:

Assembly Bill 275

Relating to violations of housing codes.

By Representatives CONTA and BARBEE; co-sponsored by Senator CHILSEN.

To committee on Judiciary.

Assembly Bill 276

Relating to posting of eviction notices.

By Representatives SHABAZ and SENSENBRENNER.

To committee on Judiciary.

Assembly Bill 277

Relating to partial free residential electric service.

By Representative BARBEE.

To committee on Commerce and Consumer Affairs.

JOURNAL OF THE ASSEMBLY (January 31, 1973)

Assembly Bill 278

Relating to exempting horticultural crops from property tax.

By Representatives SWOBODA, WILCOX, ROBERTS, O'MALLEY, KLICKA, BALDUS, EARLY, TREGONING, OBERLE, SCHROEDER, MOHN, VANDERPERREN, BYERS, AZIM, THOMPSON, LUCKHARDT, MIELKE, WILLKOM, GROVER, ELLIS, DUREN, SCHRICKER, CONRADT, SHABAZ, ALBERTS, GIESE and LEWISON; co-sponsored by Senator MARTIN.

To Joint Survey Committee on Tax Exemptions.

Assembly Bill 279

Relating to payment for certain work required by a county expressway commission.

By Representatives PABST and PLEWA.

To committee on Municipalities.

Assembly Bill 280

Relating to guarantees defined and providing penalties.

By Representatives JACKAMONIS, BERGER, RUTKOWSKI, FERRALL and MIELKE; co-sponsored by Senator LA FOLLETTE.

To committee on Commerce and Consumer Affairs.

Assembly Bill 281

Relating to the visibility of certain prepackaged food and providing a penalty.

By Representative SANASARIAN.

To committee on Commerce and Consumer Affairs.

Assembly Bill 282

Relating to prohibited membership on legislative, executive and judicial committees.

By Representatives SANASARIAN and JACKAMONIS.

To committee on State Affairs.

Assembly Bill 283

Prohibiting the use of colored light to artificially enhance the appearance of food offered for sale and providing a penalty.

By Representative SANASARIAN.

To committee on Commerce and Consumer Affairs.

COMMUNICATIONS

State of Wisconsin
Department of Revenue

January 24, 1973

Mr. Thomas S. Hanson
Chief Clerk of the Assembly
Room 220 West Capitol
Madison, Wisconsin 53702

Dear Mr. Hanson:

Pursuant to the provisions of Section 13.52 (1)(a) of the Wisconsin Statutes, I hereby appoint Daniel G. Smith to represent the Department of Revenue on the Joint Survey Committee on Tax Exemptions.

Respectfully,
EDWARD A. WIEGNER,
Secretary of Revenue

COMMITTEE REPORTS

The Joint Committee on Finance reports and recommends:

Assembly Bill 257

Relating to expenses of legislators.

Assembly amendment 1, Adoption:

Ayes (12) Noes (0)

Emergency statement recommended:

Ayes (10) Noes (2)

Passage: Ayes (10) Noes (2)

DENNIS J. CONTA,
Assembly Chairman

JOURNAL OF THE ASSEMBLY (January 31, 1973)

The committee on State Affairs reports and recommends for introduction:

Assembly Bill ———

Relating to transcript costs on review in equal employment cases and granting rule-making authority.

Ayes (7) Noes (0)

Assembly Joint Resolution ———

Relating to gubernatorial succession (1st consideration).

Ayes (5) Noes (2)

Assembly Joint Resolution ———

Relating to gubernatorial succession (2nd consideration).

Ayes (5) Noes (2)

ED JACKAMONIS,

Chairman

The committee on Health and Social Services reports and recommends:

Assembly Bill 219

Relating to indecent articles and family planning, and providing a penalty.

Passage: Ayes (7) Noes (3)

Assembly Resolution 9

Creating assembly rule 13m, relating to smoking in the assembly chamber.

Without recommendation (Assembly Rule 30).

JOSEPH C. CZERWINSKI,

Chairman

JOURNAL OF THE ASSEMBLY (January 31, 1973)

MESSAGE 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 20;

Adopted and asks concurrence in:

Senate Joint Resolution 6

Senate Joint Resolution 18,

Senate Joint Resolution 19, and

Senate Joint Resolution 20.

ACTION ON THE SENATE MESSAGE

Senate Bill 20

Relating to humane officers.

By Legislative Council.

To committee on Agriculture.

Senate Joint Resolution 6

To amend article XIII, section 2, so as in effect to repeal said section of the constitution, relating to disabilities arising from dueling (1st consideration).

By Legislative Council.

To committee on State Affairs.

Senate Joint Resolution 18

Commending President Nixon for concluding the conflict in Vietnam.

By Senators Roseleip, Murphy, Steinhilber, Johnson, Lorge and Knutson, cosponsored by Representatives Bruhy, McEssy, Roth, Giese, Lewison, Sensenbrenner, DeLong, Lewis, Ellis, Conratt,

JOURNAL OF THE ASSEMBLY (January 31, 1973)

Luckhardt, Byers, Matty, Kincaid, Porter, Rohner, Bradley, Schricker, Schroeder, Shabaz, Wilcox, Wackett, Alberts, Thompson, Opitz, Gower, Gibson, and Cyrak.

To committee on State Affairs.

Senate Joint Resolution 19

Granting the YMCA Youth in Government Committee the use of the legislative chambers on April 6 and 7, 1973.

By Senators Steinhilber and Johnson, cosponsored by Representative Earl.

Representative Earl asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 19** be taken up at this time. Granted.

The question was: Shall **Senate Joint Resolution 19** be concurred in?

Motion carried.

Representative Earl asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 19** be immediately messaged to the senate. Granted.

Senate Joint Resolution 20

In memory of Pfc. Peter M. Feierabend and the sons and daughters of Wisconsin who died in the Vietnam conflict.

By Senator Schuele, cosponsored by Representative Behnke.

Representative Earl asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 20** be taken up at this time. Granted.

Representative Thompson asked unanimous consent that the entire membership be made co-sponsors of **Senate Joint Resolution 20**. Granted.

The question was: Shall **Senate Joint Resolution 20** be concurred in?

Motion carried.

Representative Earl asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 20** be immediately messaged to the senate. Granted.

MOTION UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, Mrs. Ervin Conradt, who passed away January 29, was the devoted wife of Representative Ervin Conradt and mother of Constance, Dennis, and Richard, and,

Whereas, Mrs. Conradt was an active member in her community contributing her talents and energies as a member of the First Lutheran Church of Shiocton and a past officer of the Outagamie County Easter Seal Society, and,

Whereas, she is remembered by her family and friends as a very warm, friendly and sincere individual who constantly provided for the needs and cares of her loved ones; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representative Thompson and Representative McEssy; co-sponsored by Senator Lorge and Senator Steinhilber, under Joint Rule 26, extends heartfelt sympathy and understanding to Representative Conradt and his family during their time of bereavement.

Representative McEssy asked unanimous consent that the entire membership be made co-authors of the motion under joint rule 26. Granted.

Representative McEssy asked unanimous consent that the assembly adjourn today in memory of Mrs. Ervin Conradt. Granted.

The question was: Adoption?

Motion carried.

Representative Earl asked unanimous consent that the rules be suspended and that the assembly's action on the motion be immediately messaged to the senate. Granted.

MOTION UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, Julian Johnson, a native of Holmen, Wisconsin, has recently retired as county treasurer of LaCrosse county; and

Whereas, Mr. Johnson has served the county since 1932 when he became a deputy treasurer; and

Whereas, he is a veteran of the U.S. Army Signal Corps and served in both the European and Pacific theaters, and is a member of the American Legion; and

Whereas, Mr. Johnson has served the people of the county with dedication, earning him the admiration and respect of the citizens; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representatives Gibson and Roberts; co-sponsored by Senator Knutson under Joint Rule 26, commend Julian Johnson for his fine public service, and offer him best wishes for continued success in the future.

MOTION UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, Esther M. Damke of LaCrosse, Wisconsin, has been in the service of the people of LaCrosse county since 1927; and

Whereas, during her many years as county clerk she has served the people of the county with dedication and purpose; and

Whereas, Esther Damke has been a member of the board of directors of Wisconsin Lutheran Hospital, a member of the Soil Conservation Society of America, Badger State Sportsmen and the LaCrosse Chamber of Commerce; and

JOURNAL OF THE ASSEMBLY (January 31, 1973)

Whereas, she has also been active in promoting the arts in the community with her interest in the Community Concert Association and the LaCrosse Symphony; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representatives Gibson, Roberts and Senator Knutson under Joint Rule 26, commend Esther M. Damke for her fine public service and wish her many happy years in her private life.

MOTION UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, Randy Masten, 8-year old son of Mr. and Mrs. Larry Masten, Spring Street, Chilton, and 3 other boys were walking home from school on January 12, 1973, when they decided to take a short-cut across the Manitowoc River Dam. Randy fell through the ice after the rest had successfully crossed over.

Whereas, Jeff Schmidlkofer, 8, son of Mr. and Mrs. Gerald Schmidlkofer, 104 Jefferson Street, Chilton, tried to reach Randy, but couldn't. He then made a life chain with Tim and Jeff Hemauer, son of Mr. and Mrs. Ray Hemauer, 52 Baldwin Street, Chilton, holding on to each others ankles. Jeff spread himself on the ice and grabbed Randy and all boys tugged until he was out of the water.

Whereas, water level was over Randy's head. Jeff then went to the aid of a service station owner, Mr. Andy Bruckner, 430 Reed Street, Chilton, who carried Randy to his station and summoned his parents.

The Members of the Wisconsin Legislature, on the motion of Representative Hephner congratulate all involved on their quick thinking and successful application of the life-saving techniques learned as Cub Scouts.

Representative Earl asked unanimous consent that the motions be taken up en masse. Granted.

The question was: Adoption?

JOURNAL OF THE ASSEMBLY (January 31, 1973)

Motion carried.

Representative Earl asked unanimous consent that the rules be suspended and that the assembly's action on the motions be immediately messaged to the senate. Granted.

MOTIONS

Representative Sicula asked unanimous consent that **Assembly Bill 47** and **Assembly Bill 50** be withdrawn from the committee on Insurance and Banking and referred to the committee on Commerce and Consumer Affairs. Granted.

Representative Kincaid asked unanimous consent to introduce a joint resolution. Granted.

Assembly Joint Resolution 26

Relating to the life and public service of President Harry S. Truman.

By Representatives WARD, KINCAID, DAY and LEWIS; co-sponsored by Senators RISSER and KRUEGER.

Representative Ward asked unanimous consent to take up **Assembly Joint Resolution 26** at this time. Granted.

Assembly Joint Resolution 26

Relating to the life and public service of President Harry S. Truman.

The question was: Shall **Assembly Joint Resolution 26** be adopted?

Motion carried.

Representative Earl asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 26** be immediately messaged to the senate. Granted.

Representative Ellis moved reconsideration of the vote by which **Assembly Joint Resolution 12** was engrossed. Entered.

JOURNAL OF THE ASSEMBLY (January 31, 1973)

Representative Alberts asked unanimous consent that the assembly stand recessed for twenty minutes. Granted.

The assembly stood recessed.

10:45 A.M.

RECESS

11:30 A.M.

The assembly reconvened.

Representative Gower asked unanimous consent to introduce a resolution. Granted.

Assembly Resolution 17

Relating to an investigation by the committee on health and social services into the closing of certain state institutions.

Whereas, the governor's task force on offender rehabilitation has, in its recently released final report, recommended the phasing out of the Wisconsin prisons and that convicted prisoners be placed in community-based facilities; and

Whereas, it appears from the petition presented to Governor Patrick J. Lucey on or about November 2, 1972, and from the general report for citizens sentiment on this issue that this recommendation may not be well-advised; and

Whereas, it is reported that the executive budget to be presented to the legislature by the governor on February 1, 1973, for the 1973-75 biennium may drastically reduce the recommended appropriation for operation of the Wisconsin state reformatory and the Lincoln boys school resulting in their closing by the end of the biennium; and

Whereas, it is anticipated that by the same method the governor will recommend the sale of the Adams county juvenile facility to the federal government and the phasing out of operation or closing of the Kettle Moraine boys school; and

JOURNAL OF THE ASSEMBLY (January 31, 1973)

Whereas, the assembly desires to elicit intelligent reaction and expert opinion on the desirability or advisability of these moves prior to those recommendations of the executive budget in order to render that recommendation more intelligent and responsive; now, therefore, be it

Resolved by the assembly, That the assembly hereby directs its committee on health and social services, between February 15 and March 19, 1973, to conduct at least one public hearing on the proposed referendum to citizens at each of the following locations: Madison, Waukesha, Hayward, Merrill, Green Bay, and Fond du Lac, and at such other locations as the committee deems advisable, and that the committee fully reports the contents of these hearings to the assembly by no later than April 1, 1973; and, be it further

Resolved, That the assembly hereby empowers its Committee on Health and Social Services to exercise the powers specified under section 13.45 of the statutes for legislative committees, and to compel testimony in conjunction with these hearings so that a record of these proceedings is had and maintained.

By Representatives GOWER, VANDERPERREN, WILCOX, SWOBODA, BRUHY, TREGONING, KINCAID, DONOGHUE, THOMPSON, DELONG, BRADLEY, OPITZ, ALBERTS, QUINN, LEWIS, CYRAK, WACKETT, NIEBLER, LUCKHARDT, SCHROEDER, QUACKENBUSH, GIBSON, OLSON and ROTH.

LEAVES OF ABSENCE

Representative Thompson asked unanimous consent for a leave of absence for today's session for Representatives Azim, Conradt and Quinn. Granted.

Representative Tesmer asked unanimous consent to be recorded as voting as follows on roll calls of January 24, 1973. Granted.

The question was: Shall the rules be suspended and that Assembly Joint Resolution 22 be taken up at this time? No

The question was: Shall Assembly Joint Resolution 22 be made a special order of business at 10:30 A.M. tomorrow? No

JOURNAL OF THE ASSEMBLY (January 31, 1973)

The question was: Shall Assembly Joint Resolution 12 be rejected? No

The question was: Shall assembly substitute amendment 1 to Assembly Joint Resolution 14 be rejected? Aye

The question was: Shall Assembly Joint Resolution 14 be adopted? Aye

Representative Gower asked unanimous consent that the rules be suspended and that **Assembly Resolution 17** be taken up at this time.

Representative Earl objected.

Representative Gower moved that the rules be suspended that **Assembly Resolution 17** be taken up at this time.

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

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

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

Representative Earl asked unanimous consent for Representative Shabaz to make a statement.

Representative Shabaz objected.

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

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

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

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

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

JOURNAL OF THE ASSEMBLY (January 31, 1973)

Representative Otte asked unanimous consent that **Assembly Resolution 17** be referred to the committee on Health and Social Services.

Representative Shabaz objected.

The question was: Shall the rules be suspended that **Assembly Resolution 17** be taken up at this time?

The roll was taken.

The result follows:

Ayes -- Alberts, Bradley, Bruhy, Byers, Cyrak, DeLong, Donoghue, Ellis, Gibson, Gower, Kincaid, Klicka, Lewis, Lewison, Luckhardt, McEssy, Matty, Menos, Niebler, Olson, Opitz, Porter, Quackenbush, Rohner, Roth, Schricker, Schroeder, Sensenbrenner, Shabaz, Thompson, Tregoning, Wackett and Wilcox -- 33.

Noes -- Atkinson, Baldus, Barbee, Barczak, Behnke, Berger, Bolle, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Elconin, Everson, Ferrall, Flintrop, Groshek, Grover, Hauke, Hephner, Jackamonis, Johnson, Kedrowski, Keegan, Kleczka, Lallensack, Looby, Merkel, Mielke, Miller, Mittness, Mohn, Molinaro, Munts, Murray, Nager, Oberle, Oestreicher, O'Malley, Otte, Pabst, Plewa, Roberts, Rogers, Rooney, Rutkowski, Sanasarian, Schneider, Sicula, Sweda, Swoboda, Tesmer, Tobiasz, Tropman, Vanderperren, Wahner, Ward, Willkom and Mr. Speaker -- 62.

Absent or not voting -- Azim, Conradt, Giese and Quinn -- 4.

Motion failed.

Representative Czerwinski asked unanimous consent that the assembly adjourn today in honor of the birthday of Representative Sicula. 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:

JOURNAL OF THE ASSEMBLY (January 31, 1973)

Students of 7th and 8th grades of Ridgeway Elementary School, accompanied by teachers, Bill Van Schymdel, Bob Duckert and Tom Strutt, farmer and Farm Bureau member from Ridgeway, Wisconsin, guests of Representative Duren.

John Valenti, Supervisor, 11th Dist., from Milwaukee, Wisconsin, guest of Representative Tobiasz.

Viola Schneider, Town Assessor of Town of Fox Lake, and Robert Kachelski, city Editor of Daily Citizen of Beaver Dam, from Beaver Dam, Wisconsin, guests of Representative Cyrak, Representative Luckhardt and Representative Wilcox.

Representative Earl moved that the assembly stand adjourned until 9:30 A.M. tomorrow.

The question was: Adjournment?

Motion carried.

The assembly stood adjourned.

12:05 P.M.