

JOURNAL OF THE ASSEMBLY [February 1, 1979]

STATE OF WISCONSIN

Assembly Journal

Eighty-Fourth Regular Session

THURSDAY, February 1, 1979.

10:00 A.M.

The assembly met.

Speaker Jackamonis in the chair.

The prayer was offered by Reverend Harvey Schweppe of Monona United Methodist Church, 606 Nichols Road, Madison.

Representative Swoboda 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 -- Andrea, Barczak, Barry, Becker, Behnke, Bradley, Broydrick, Byers, Clarenbach, Coggs, Conradt, Czerwinski, DeLong, Dilweg, Donoghue, Dorff, Duren, Ellis, Everson, Ferrall, Fischer, Gagin, Gerlach, Goodrich, Gunderson, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Hopkins, Johnson, Johnston, Kedrowski, Kincaid, Kirby, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lee, Leopold, Lewis, Lewison, Lingren, Loftus, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, Metz, Miller, Munts, Murray, Norquist, Omernick, Opitz, Otte, Pabst, Paulson, Plewa, Porter, Potter, Prosser, Quackenbush, Radtke, Roberts, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Shabaz, Shoemaker, Smith, Snyder, Soucie, Swoboda, Tesmer, Thompson, Travis, D., Travis, R., Tregoning, Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood, Young and Mr. Speaker -- 98.

Absent -- None.

Absent with leave -- Flintrop -- 1.

INTRODUCTION AND REFERENCE OF RESOLUTIONS

Read and referred:

Assembly Joint Resolution 28

Relating to memorializing congress to allow the use of marijuana for medical purposes.

By Representatives Lingren, Czerwinski, Kedrowski, McClain, Cogg, Gunderson and Lorman, co-sponsored by Senators Thompson, Bear, Moody and Murphy.

To committee on Health and Social Services.

Assembly Joint Resolution 29

For the purpose of requesting appropriate action by the congress, either acting by consent of two-thirds of both houses, or, upon the application of the legislatures of two-thirds of the several states, calling a constitutional convention to propose an amendment to the federal constitution to require, with certain exceptions, that the total of all federal appropriations may not exceed the total of all estimated federal revenues in any fiscal year.

By Representatives Shabaz, Thompson, Porter, Johnston, Lewison, Merkt, Bradley, Klicka, Laatsch, Omernick, Conrad, Luckhardt, Gagin, Hopkins, Pabst, Prosser, Behnke, Ladwig, Matty, DeLong, Goodrich, Harer, Opitz, Gunderson and Lewis, co-sponsored by Senators Berger, Murphy, Lorge, Bidwell, Krueger, Chilsen, Swan and Lasee.

To committee on State-Federal Relations.

INTRODUCTION AND REFERENCE OF BILLS

Read first time and referred:

Assembly Bill 96

Relating to granting protective occupation participant credit to supervisors and youth counselors who work with children adjudged delinquent at certain state institutions.

By Representatives Donoghue, Opitz, Byers, Lewis, Thompson, Hasenohrl, Duren and Luckhardt, co-sponsored by Senator Krueger.

To Joint Survey Committee on Retirement Systems.

Assembly Bill 97

Relating to fees for state trails.

By Representatives Donoghue, Opitz, Byers, Lewis, Barry and Kincaid, co-sponsored by Senator Krueger.

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To committee on Tourism, Recreation and Economic Development.

Assembly Bill 98

Relating to raising the drinking age to 19 and providing a penalty.

By Representatives Vanderperren, Lallensack, Potter, Otte and Everson, co-sponsored by Senators Cullen, Chilsen and Bidwell.

To committee on State Affairs.

Assembly Bill 99

Relating to payment of special fuel taxes.

By Representatives Bradley, Vanderperren, Lallensack, DeLong, Ellis, McEssy and Fischer, co-sponsored by Senator Lorge.

To committee on Revenue.

Assembly Bill 100

Relating to the transfer of a portion of the sales tax to the transportation fund.

By Representatives Bradley, Conradt, Porter, DeLong, Ellis, McEssy and Thompson, co-sponsored by Senator Lorge.

To committee on Revenue.

Assembly Bill 101

Relating to retention of 1976 payment levels for fire department dues paid for 1978.

By Representatives Barry, Thompson, Lewis, Rogers, Fischer, Kincaid, Schneider, Hasenohrl and Wahner, co-sponsored by Senators Thompson, Lasee and Radosevich.

To committee on Local Affairs.

Assembly Bill 102

Relating to the transfer of a portion of the sales and use tax into the transportation fund.

By Representatives Vanderperren, Lallensack, Barczak, Smith, Byers, Menos, Conradt, Bradley, Lewison, Matty, Hasenohrl, Kincaid, Rooney, McEssy, Swoboda and Kedrowski, co-sponsored by Senators Van Sistine and Cullen.

To committee on Revenue.

Assembly Bill 103

Relating to authorization of school districts and others to utilize savings or checking accounts in public depositories.

By Representatives Tuczynski, Hasenohrl, Potter, Swoboda, R. Travis, Fischer, Bradley, Lorman, Gerlach and Radtke.

To committee on Financial Institutions.

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Assembly Bill 104

Relating to utility advertising practices.

By Representatives Kirby, Tuczynski, Behnke, Norquist, Broydrick, Hasenohrl, Becker, Loftus, Coggs, D. Travis, McClain, Munts, Soucie, Lingren, Rogers, Wahner, Ulichny, Ferrall and Jackamonis, co-sponsored by Senators Adelman, Braun, Berger, Offner, Cullen, Moody, Radosevich and Flynn.

To committee on Energy.

Assembly Bill 105

Relating to requiring counties to reimburse deputy sheriffs for attorney fees, costs and judgments in civil actions.

By Representatives McClain and Loftus, by request of Wisconsin County Police Association.

To committee on Judiciary.

Assembly Bill 106

Relating to exempting interspousal transfers from estate and inheritance taxes.

By Representatives Swoboda, Kincaid, Vanderperren, Hasenohrl, Porter, Barry, Menos, Lallensack, Fischer, Andrea, Rogers, Byers, Tregoning, Luckhardt, Merkt, Schmidt, Tesmer, Ward, Gunderson, Smith, Murray, Metz, Everson, Lewis, Potter and Wood, co-sponsored by Senators Van Sistine and Goyke.

To Joint Survey Committee on Tax Exemptions.

Assembly Bill 107

Relating to creation of the controlled substances therapeutic research program, and patient qualification and review board granting rule-making authority and making an appropriation.

By Representatives Lingren, Czerwinski, Kedrowski, McClain, Clarenbach, Coggs, Kirby, Ferrall, Norquist, Becker, Gunderson, Lorman and Young, co-sponsored by Senators Thompson, Cullen, Braun, Bear, Moody, Risser and Murphy.

To committee on Health and Social Services.

Assembly Bill 108

Relating to regulating the harvest of wild ginseng, granting rule-making authority and providing a penalty.

By Representatives Duren, Lewison, Harsdorf, Barry, Lorman, Otte, Tregoning, Harer and Loftus, co-sponsored by Senators Harnisch, Bear, Lorge, Moody and Roshell.

To committee on Environmental Resources.

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Assembly Bill 109

Relating to implementing the merger of the Wisconsin retirement fund, the state teachers retirement system, the Milwaukee teachers retirement fund and certain other public retirement and disability programs, the group insurance board and program, making various changes related to those employe benefit programs, the joint survey committee on retirement systems, retirement research committee, granting rule-making authority, making an appropriation and providing a penalty.

By Representatives McClain, Wood, Ferrall, Tuczynski, Kedrowski, Jackamonis, Johnson, Munts and Lingren, co-sponsored by Senators Offner, Lorge and Thompson.

To Joint Survey Committee on Retirement Systems.

Assembly Bill 110

Relating to claims against the state for wrongful imprisonment by persons who are convicted of a crime.

By Representatives Barry, Norquist, Wahner, Andrea, Lewis, Klicka, Becker, Coggs, Donoghue, Paulson, Plewa, Loftus, Fischer, Clarenbach, McClain, Everson and Behnke, co-sponsored by Senators Thompson, Risser, Bear and Offner.

To committee on Judiciary.

Assembly Bill 111

An act to appropriate \$113,023.19 from the general fund for payment of a claim made by Kenny Ray Reichoff against the state.

By Representatives Barry, Lewis, Klicka, Andrea, Becker, Coggs, Donoghue, Paulson, Clarenbach and Everson, co-sponsored by Senator Offner.

To Joint Committee on Finance.

MESSAGE FROM THE SENATE

By Donald J. Schneider, chief clerk.

Mr. Speaker:

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

Senate Joint Resolution 1

Passed and asks concurrence in:

Senate Bill 15

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ACTION ON THE SENATE MESSAGE

Senate Joint Resolution 1

To amend sections 1m and 1n of article V and sections 1m, 1n and 1p of article VI of the constitution so as in effect to repeal said sections; and to amend section 9 of article IV, sections 1, 7 and 8 of article V, section 1 of article VI and section 10 of article XIII of the constitution, relating to gubernatorial succession (2nd consideration).

By Senators Flynn, Risser, Offner, Thompson, Van Sistine, Kleczka, Bear and Bablitch; co-sponsored by Representatives Jackamonis, Ferrall, Munts, Leopold, Behnke, Kincaid, Lingren, Lee, Everson, Roberts, Broydrick, Hauke, Medinger and Andrea.

To committee on State Affairs.

Senate Bill 15

Relating to public membership on the legislative council mining committee at the discretion of the legislative council.

By Senator Risser.

To Calendar.

CALENDAR OF THURSDAY, FEBRUARY 1, 1979

Assembly Resolution 6

Granting the use of the assembly chambers on Saturday, February 24, 1979, for the 1979 Model Legislative Session of the Wisconsin Jaycees.

The question was: Shall **Assembly Resolution 6** be adopted?

Motion carried.

Assembly Bill 17

Relating to terms of current members of school boards in 1st class cities.

The question was: Shall **Assembly Bill 17** be ordered engrossed and read a third time?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Becker, Behnke, Broydrick, Byers, Clarenbach, Coggs, Czerwinski, DeLong, Dilweg, Donoghue, Dorff, Duren, Everson, Ferrall, Fischer, Gerlach, Goodrich,

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Gunderson, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Hopkins, Johnson, Kedrowski, Kincaid, Kirby, Ladwig, Lallensack, Larson, Lee, Leopold, Lewison, Lingren, Loftus, Lorman, McClain, Medinger, Menos, Metz, Miller, Munts, Murray, Norquist, Omernick, Opitz, Otte, Pabst, Paulson, Plewa, Potter, Prosser, Radtke, Roberts, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Shoemaker, Smith, Soucie, Swoboda, Tesmer, Travis, D., Travis, R., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood, Young and Mr. Speaker -- 80.

Noes -- Bradley, Conradt, Ellis, Gagin, Klicka, Laatsch, Lewis, Luckhardt, McEssy, Matty, Merkt, Porter, Quackenbush, Shabaz, Snyder, Thompson and Tregoning -- 17.

Absent or not voting -- Flintrop and Johnston -- 2.

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 17** be given a third reading. Granted.

The question was: **Assembly Bill 17** having been read three times, shall the bill pass?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Becker, Behnke, Broydrick, Byers, Clarenbach, Cogs, Czerwinski, DeLong, Dilweg, Donoghue, Dorff, Duren, Everson, Ferrall, Fischer, Gerlach, Goodrich, Gunderson, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Hopkins, Johnson, Johnston, Kedrowski, Kincaid, Kirby, Laatsch, Ladwig, Lallensack, Larson, Lee, Leopold, Lewison, Lingren, Loftus, Lorman, McClain, Medinger, Menos, Metz, Miller, Munts, Murray, Norquist, Omernick, Opitz, Otte, Pabst, Paulson, Plewa, Potter, Prosser, Radtke, Roberts, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Shoemaker, Smith, Soucie, Swoboda, Tesmer, Travis, D., Travis, R., Tregoning, Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood, Young and Mr. Speaker -- 83.

Noes -- Bradley, Conradt, Ellis, Gagin, Klicka, Lewis, Luckhardt, McEssy, Matty, Merkt, Porter, Quackenbush, Shabaz, Snyder and Thompson -- 15.

Absent or not voting -- Flintrop -- 1.

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Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 17** be immediately messaged to the senate. Granted.

LEAVES OF ABSENCE

Representative Wahner asked unanimous consent for a leave of absence for today's session for Representative Flintrop. Granted.

Representative Wahner asked unanimous consent that the assembly adjourn in honor of Representative Broydrick and Cynthia Kukor, a member of the City of Milwaukee Common Council, who will be married on Saturday. Granted.

LEGISLATIVE REFERENCE BUREAU CORRECTIONS

Assembly Bill 72

1. On lines 1 and 4, substitute "(30)" for "(3)".

Representative Wahner moved that the assembly stand adjourned until 10:00 A.M. on Tuesday, February 6.

The question was: Shall the assembly stand adjourned?

Motion carried.

The assembly stood adjourned.

10:20 A.M.