

JOURNAL OF THE ASSEMBLY [December 5, 1979]

STATE OF WISCONSIN

# Assembly Journal

Eighty-Fourth Regular Session

WEDNESDAY, December 5, 1979.

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

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## AMENDMENTS OFFERED

Assembly amendment 1 to assembly substitute amendment 1 to **Assembly Bill 5** offered by Joint Committee on Finance.

Assembly substitute amendment 1 to **Assembly Bill 66** offered by committee on Health and Social Services.

Assembly amendment 2 to assembly substitute amendment 1 to **Assembly Bill 322** offered by Joint Committee on Finance.

Assembly amendment 3 to assembly substitute amendment 1 to **Assembly Bill 322** offered by Joint Committee on Finance.

Assembly amendment 4 to assembly substitute amendment 1 to **Assembly Bill 322** offered by Joint Committee on Finance.

Assembly amendment 2 to **Assembly Bill 446** offered by Joint Committee on Finance.

Assembly amendment 3 to **Assembly Bill 446** offered by Joint Committee on Finance.

Assembly amendment 1 to assembly substitute amendment 1 to **Assembly Bill 515** offered by committee on Environmental Resources.

Assembly substitute amendment 2 to **Assembly Bill 632** offered by Representative Leopold.

Assembly amendment 1 to **Assembly Bill 650** offered by Joint Committee on Finance.

Assembly amendment 2 to **Assembly Bill 657** offered by Joint Committee on Finance.

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Assembly amendment 3 to **Assembly Bill 657** offered by Joint Committee on Finance.

Assembly amendment 1 to assembly substitute amendment 1 to **Assembly Bill 699** offered by Joint Committee on Finance.

Assembly substitute amendment 1 to **Assembly Bill 751** offered by committee on State Affairs.

Assembly amendment 1 to assembly substitute amendment 1 to **Assembly Bill 764** offered by Joint Committee on Finance.

Assembly substitute amendment 1 to **Assembly Bill 779** offered by committee on Health and Social Services.

Assembly substitute amendment 1 to **Assembly Bill 835** offered by committee on State Affairs.

Assembly amendment 1 to **Assembly Bill 941** offered by Representatives Swoboda and Vanderperren, by request of Wisconsin Farm Equipment Association.

Assembly amendment 2 to **Senate Bill 19** offered by Representative Leopold.

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INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

**Assembly Bill 1076**

Relating to the use of self-propelled wheelchairs or carts by disabled persons and providing a penalty.

By Representatives Wahner and Soucie.

To committee on State Affairs.

**Assembly Bill 1077**

Relating to battery to law enforcement officers and fire fighters.

By Representative Plewa, by request of city of Milwaukee.

To committee on Criminal Justice and Public Safety.

**Assembly Bill 1078**

Relating to the transmission of corrected assessment rolls to the department of revenue.

By Representatives Fischer, Swoboda, Potter, Hopkins, Byers and Hasenohrl, co-sponsored by Senators Roshell and Chilsen.

To committee on Revenue.

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**Assembly Bill 1079**

Relating to review and disapproval of administrative rules.  
By Joint Committee for Review of Administrative Rules.  
To committee on State Affairs.

**Assembly Bill 1080**

Relating to a tax on the receipts from boxing and sparring exhibitions.  
By Representative Radtke, by request of Gordon Frank.  
To committee on Revenue.

**Assembly Bill 1081**

Relating to compensating certain victims of crimes.  
By Representatives Tuczynski, Ulichny, D. Travis, Leopold, Lee, Ferrall, Gerlach, Potter, Everson, Kirby, Smith and Jackamonis, co-sponsored by Senators Berger, Van Sistine and Adelman.  
To committee on Criminal Justice and Public Safety.

**Assembly Bill 1082**

Relating to length limitations for a combination of a truck tractor, semitrailer and load and providing a penalty.  
By Representatives Quackenbush, Vanderperren, Ellis, Andrea, Paulson, Nelsen, Pabst, Larson and McEssy, co-sponsored by Senators Harnisch, McCallum, Krueger, Opitz, Lasee and Chilsen, by request of Governor Lee Sherman Dreyfus.  
To committee on Highways.

**Assembly Bill 1083**

Relating to excluding certain obligations from securities regulations.  
By Representative Barry, by request of Ray Riordan, Wisconsin State Telephone Association.  
To committee on Financial Institutions.

**Assembly Bill 1084**

Relating to increasing the inheritance tax exemption for class A distributees, other than spouses.  
By Representatives Thompson, Conradt, Luckhardt, Shabaz, Rogers, Prosser, Hasenohrl, Merkt, Stitt, Everson, Dilweg, Menos, Shoemaker, Porter, Ulichny, Matty, Laatsch, Lingren, Omernick, Harer, Roberts, Goodrich, Potter, Young, Lewison, Ladwig, Klicka, DeLong, Hopkins, Kincaid and Nelsen.  
To Joint Survey Committee on Tax Exemptions.

**Assembly Bill 1085**

An act to appropriate \$6,258 from the conservation fund for payment of a claim made by Steven Janczak against the state.

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By Representative Schneider, by request of Steven Janczak.  
To Joint Committee on Finance.

**Assembly Bill 1086**

Relating to statements to the court before sentencing a criminal defendant.

By Representatives Jackamonis, Ulichny, Ferrall, D. Travis, Plewa, Wood, Duren, Miller, Norquist, Dorff, Wagner, Everson, Pabst, Kincaid, Tuczynski, Hauke, Shabaz, Thompson, DeLong, Donoghue, Matty, Schmidt, Robertson, Young, Omernick, Stitt, Ladwig and Hopkins, co-sponsored by Senators Adelman, Chilsen, Berger, Offner, Risser, Cullen, Moody, Roshell, Johnston, Opitz and Hanaway.

To committee on Criminal Justice and Public Safety.

**Assembly Bill 1087**

Relating to waiver of juvenile court jurisdiction.

By Representative Pabst.

To committee on Criminal Justice and Public Safety.

**Assembly Bill 1088**

Relating to miscellaneous corrections affecting the statutes governing the real estate examining board. (This is remedial legislation suggested by the department of regulation and licensing.)

By committee on Remedial Legislation.

To committee on Commerce and Consumer Affairs.

**Assembly Bill 1089**

Relating to the sale of beer or liquor to, and possession by, nonresidents and providing a penalty.

By Representatives Johnson, Plewa, Schneider, Jackamonis, Wagner, Roberts, Kincaid, Ferrall, Kedrowski, Barry, Rooney, Dorff, Andrea, Gerlach, Metz, Lee, DeLong and Murray, co-sponsored by Senators Cullen, Strohl, Offner, Thompson and Krueger.

To committee on State Affairs.

**Assembly Bill 1090**

Relating to establishing a system of marital partnership property shared by husband and wife.

By Representatives Munts, Ulichny, Stitt, Rutkowski, Tesmer, Shoemaker, Schmidt, Everson, Byers, Roberts, Swoboda, Wahner, Prosser, Harsdorf, Hasenohrl, Miller, Medinger, Laatsch, Lallensack, Potter, Quackenbush, Smith, Barry, Behnke, Dorff, Gerlach, Fischer, Ferrall, Andrea, Becker, Lee, Soucie, D. Travis, Wagner, Radtke, R. Travis, Vanderperren, Broydrick, Clarenbach,

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Flintrop, Harer, Helbach, Johnson, Kedrowski, Leopold, Loftus, Lingren, McClain, Menos, Conradt, Metz, Coggs, Jackamonis, Kincaid and Duren, co-sponsored by Senators Flynn, Bablitch, Adelman, Radosevich, Cullen, Berger, Goyke, Thompson, Risser, Moody, Harnisch, Braun, Bear and Roshell.

To Joint Survey Committee on Tax Exemptions.

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ADMINISTRATIVE RULES

Read and referred:

**Clearinghouse Rule 79-11**

Relating to procedures for determinations and appeals of classifications of students for tuition purposes.

Submitted by University of Wisconsin System Board of Regents.

To committee on Education.

**Clearinghouse Rule 79-47**

Relating to individual electric metering for multi-dwelling buildings, mobile home parks and commercial establishments.

Submitted by Public Service Commission.

To committee on Energy.

**Clearinghouse Rule 79-48**

Relating to motor vehicle sales finance companies.

Submitted by Office of the Commissioner of Banking.

To committee on Financial Institutions.

**Clearinghouse Rule 79-55**

Relating to rules of the Personnel Commission.

Submitted by Personnel Commission.

To committee on Government Operations.

**Clearinghouse Rule 79-56**

Relating to retail food establishments.

Submitted by Department of Agriculture, Trade and Consumer Protection.

To committee on Commerce and Consumer Affairs.

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COMMITTEE REPORTS

The committee on Environmental Resources reports and recommends:

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**Assembly Bill 515**

Relating to wetland protection, revising shoreland zoning, creating tax exemptions and deductions, creating a penalty and creating and revising appropriations.

Adoption of assembly amendment 1 to assembly substitute amendment 1:

Ayes: (8) Noes: (2)

Adoption of assembly substitute amendment 1:

Ayes: (9) Noes: (1)

Passage: Ayes: (6) Noes: (3) Not Voting: (1)

To Joint Committee on Finance.

MARY LOU MUNTS

Chairperson

The committee on Health and Social Services reports and recommends:

**Assembly Bill 159**

Relating to disposal of an aborted fetus and providing a penalty.

Passage: Ayes: (9) Noes: (3)

To committee on Rules.

**Assembly Bill 343**

Relating to state aid to cities and counties for the provision of health services, granting rule-making authority and making an appropriation.

Adoption of assembly amendment 1 to assembly substitute amendment 1:

Ayes: (12) Noes: (0)

Adoption of assembly amendment 2 to assembly substitute amendment 1:

Ayes: (12) Noes: (0)

Adoption of assembly amendment 3 to assembly substitute amendment 1:

Ayes: (12) Noes: (0)

Adoption of assembly amendment 4 to assembly substitute amendment 1:

Ayes: (12) Noes: (0)

Adoption of assembly substitute amendment 1:

Ayes: (10) Noes: (2)

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Passage: Ayes: (8) Noes: (4)  
To Joint Committee on Finance.

**Assembly Bill 438**

Relating to establishing a catastrophic illness insurance program, making appropriations and granting rule-making authority.

Adoption of assembly amendment 1:  
Ayes: (11) Noes: (1)

Passage: Ayes: (8) Noes: (4)  
To Joint Committee on Finance.

**Assembly Bill 858**

Relating to dogs for the deaf.

Passage: Ayes: (8) Noes: (2)  
To committee on Rules.

**Senate Bill 75**

Relating to extension of state medical malpractice plan to podiatrists.

Adoption of assembly amendment 1:  
Ayes: (11) Noes: (1)

Concurrence: Ayes: (11) Noes: (1)  
To committee on Rules.

**Senate Bill 310**

Relating to correcting improper cross-references concerning nursing homes.

Concurrence: Ayes: (11) Noes: (0)  
To committee on Rules.

JOSEPH CZERWINSKI  
Chairperson

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EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor  
Madison

To the Honorable, the Assembly:

The following bills, originating in the assembly, have been approved, signed and deposited in the office of the Secretary of State:

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Assembly Bill	Chapter No.	Date Approved
1024 -----	86 -----	November 30, 1979
890 -----	87 -----	November 30, 1979
69 -----	88 -----	November 30, 1979
457 -----	89 -----	November 30, 1979
458 -----	90 -----	November 30, 1979
512 -----	91 -----	November 30, 1979
737 -----	92 -----	November 30, 1979
87 -----	98 -----	December 5, 1979
204 -----	99 -----	December 5, 1979
522 -----	100 -----	December 5, 1979
554 -----	101 -----	December 5, 1979

Respectfully submitted,  
LEE SHERMAN DREYFUS  
Governor

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GOVERNOR'S VETO MESSAGES

December 5, 1979

To the Honorable Members of the Assembly:

I am returning **Assembly Bill 64** without my approval.

The issue addressed in this bill also was incorporated in Senate Bill 146, the comprehensive insurance revision bill, which I have signed into law. Senate Bill 146 treats the issue in a more desirable and comprehensive fashion. **Assembly Bill 64** would be duplicative.

Respectfully submitted,  
LEE SHERMAN DREYFUS  
Governor

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December 5, 1979

To the Honorable Members of the Assembly:

I am returning **Assembly Bill 243** without my approval. This bill attempts to address in a small way the rapidly rising costs of health services by prohibiting the charging of fees for the completion of any health or disability insurance claim form. In principle, it is a difficult bill to oppose. Some providers apparently charge exorbitant fees for this necessary part of processing insurance claims. I call on the State Medical Society to look carefully at this issue.



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However, while I applaud legislative efforts to curb rising health care costs, I have vetoed this bill because I believe the mechanism falls short of achieving that goal. The assumption is questionable that providers will cease incorporating that cost in their fees just because the state says fees may not be charged. A more likely result is that additional costs will be spread across the board. I do not see costs going down from this, they may only be more difficult to discern.

In addition, the Insurance Commissioner is charged with enforcing this prohibition. That office currently has almost no contact with the health care providers affected by this proposal and lacks the resources in personnel and funding to start up now. The benefit derived from this bill is only marginal at best and does not outweigh the cost of enforcement.

For these reasons, I have vetoed this bill.

Respectfully submitted,  
LEE SHERMAN DREYFUS  
Governor

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### COMMUNICATIONS

Notice of Intent received from Council on Criminal Justice to apply for Federal Assistance for 1979 Monitoring Report.

Comments due by December 7, 1979.

To committee on Criminal Justice and Public Safety.

Notice of Intent received from Recreation Resources Center, University of Wisconsin Extension to apply for Federal Assistance for Public Transportation to Recreation Areas.

Comments due by December 5, 1979.

To committee on Tourism, Recreation and Economic Development.

Notice of Intent received from University of Wisconsin Extension to apply for Federal Assistance for "Coordination of Training and Development of Jailers."

Comments due by December 7, 1979.

To committee on Criminal Justice and Public Safety.

Notice of Intent received from Division of Policy and Budget, Department of Health and Social Services to apply for Federal Assistance for Youth Development Plan.

Comments due by December 10, 1979.

To committee on Criminal Justice and Public Safety.

November 14, 1979

Mr. Marcel Dandeneau  
Assembly Chief Clerk  
329 West, State Capitol  
Madison, WI 53702

Dear Mr. Dandeneau:

I am pleased to transmit to you the following Reports to the 1979 Legislature on legislation introduced by the Legislative Council:

RL 79-24 Legislation Relating to Constitutional and Statutory Revision (A.J.R. 76, 77, 78, 79 and A.B. 880)

RL 79-25 Legislation Relating to Care of the Mentally Ill (A.B. 994)

RL 79-26 Legislation Relating to Care of the Mentally Ill (S.B. 402)

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of these Reports are available, on request, in the Legislative Council offices, Room 147 North, State Capitol.

Thank you.

Cordially,  
BONNIE REESE  
Executive Secretary

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November 12, 1979

Representative Edward G. Jackamonis  
Speaker, Wisconsin Assembly  
Room 211 West, Capitol  
Madison, WI 53702

Dear Ed:

As you know, I have been extremely busy with the various committee assignments during the current session. While I appreciate each area of responsibility, I feel that better coordination of effort would be accomplished on the Small Business Committee if you could appoint a new vice chairman of that committee to replace me.

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I am, therefore, resigning that position although I do want to be kept on as a member of the committee.

Sincerely yours,  
WAYNE W. WOOD  
State Representative

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SPEAKER'S APPOINTMENTS

November 30, 1979

Marcel Dandeneau, Chief Clerk  
329 West  
State Capitol  
Madison, WI 53702

Dear Marcel:

This is to inform you that I have, as of this date, appointed Representative Richard Shoemaker as Vice-Chairperson of the Assembly Committee on Small Business to replace Representative Wayne Wood who has resigned as Vice-Chairperson.

ED JACKAMONIS  
Speaker

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November 30, 1979

Marcel Dandeneau, Chief Clerk  
329 West  
State Capitol  
Madison, WI 53702

Dear Marcel:

This is to inform you that I have, as of this date, appointed Representative Louise Tesmer to the Assembly Committee on Local Affairs to replace Representative Joseph Czerwinski, who has resigned from the committee.

ED JACKAMONIS  
Speaker

OPINION OF THE ATTORNEY GENERAL

OAG 114-79

November 28, 1979

The Honorable Edward Jackamonis  
Speaker of the Assembly  
Room 211 West, State Capitol  
Madison, Wisconsin 53702

Dear Speaker Jackamonis:

The Committee on Assembly Organization requests that I review the opinion of this office reported in 60 Op. Att'y Gen. 276 (1971). That opinion states that the offices of town clerk and town treasurer are "probably incompatible" because the safeguards inherent in the statutory "check-order system" of disbursements by the town treasurer upon the order of the town clerk would "largely disappear where the same individual wears two hats." 60 Op. Att'y Gen. 276, 279 (1971). The guarded conclusion in that opinion evidenced a reluctance on the part of my predecessor that an opinion of this office be the vehicle for announcing such a result.

The check-order system, (sec. 66.042, Stats.) which requires the signature of the clerk to make sure that the board has authorized the expenditure, that it was budgeted, and the signature of the treasurer to insure that money is available and to authorize money out of the town treasury, has no practical value if the same person wearing two separate hats merely signs twice. An alternative system of drawing checks is provided for villages and cities of the second, third and fourth classes for approval of claims. Sec. 66.042(1), (7). Such procedure is not applicable to towns.

If I were writing on a clean slate I might very well reach a contrary conclusion to the one stated in 60 Op. Att'y Gen. 276 (1971). Statutorily authorized consolidation of similar offices in cities and villages, through the use of municipal home rule, suggests that such offices are not necessarily incompatible. See secs. 61.195, 62.09(3)(c), and 66.01, Stats. If such offices are not incompatible in cities and villages, it is difficult to conclude they would be incompatible in towns.

This conclusion is supported in part by the statutes relating to towns. As 60 Op. Att'y Gen. 276, 277 (1971) points out, sec. 60.19(1)(a), Stats., could be viewed as contemplating dual office holding "with respect to some offices." This statement was made in obvious reference to the language of sec. 60.19(1)(a), Stats., which provides that "no person may hold the offices of treasurer and

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assessor at the same time." That statutory language implies that two town offices (other than treasurer and assessor) can be held by the same person simultaneously, if not otherwise incompatible, though such offices probably may not be consolidated, except where specifically authorized under secs. 60.19(1)(a) and 60.60(3), Stats. Note that sec. 60.60(3), Stats., provides that under such circumstances the town officer would not be entitled to the compensation established for both such offices but only for one of the offices.

I would also point out that I am advised that the offices of town clerk and town treasurer are combined in a number of towns throughout the state.

61 Op. Att'y Gen. 276 (1971) is not obviously wrong and it has become part of the fabric of the law, acquiesced in by successive Legislatures. I am reluctant to withdraw or rescind the opinion and I will not do so. The reluctance with which my predecessor reached his conclusion continues to be warranted and I would urge that the Legislature take another look at this issue in light of the fact that these offices have been combined in municipalities other than towns with no discernible effect on the operations of those local governments.

Sincerely yours,  
BRONSON C. La FOLLETTE  
Attorney General

Caption:

60 Op. Att'y Gen. 276 (1971) discussed. The conclusion in that opinion is questionable. Until the law is changed offices of town clerk and town treasurer are probably incompatible.