

JOURNAL OF THE ASSEMBLY [January 22, 1980]

STATE OF WISCONSIN

Assembly Journal

January 1980 Special Session

TUESDAY, January 22, 1980.

9:30 A.M.

The assembly met.

Speaker Jackamonis in the chair.

The prayer was offered by Reverend Andrew Eytzen of Evangel Temple, 4525 Diamond Drive, Madison.

Representative Harsdorf 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, Flintrop, Gagin, Gerlach, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Hopkins, Johnson, Kedrowski, Kincaid, Kirby, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lee, Leopold, Lewison, Lingren, Loftus, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, Metz, Miller, Munts, Murray, Nelsen, Norquist, Omernick, Otte, Pabst, Paulson, Plewa, Porter, Potter, Prosser, Quackenbush, Radtke, Roberts, Robertson, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Shabaz, Shoemaker, Smith, Snyder, Soucie, Stitt, Swoboda, Tesmer, Thompson, Travis, D., Travis, R., Tregoning, Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood, Young and Mr. Speaker -- 96.

Absent -- None.

Absent with leave - Goodrich -- 1.

AMENDMENTS OFFERED

Assembly amendment 1 to Assembly Joint Resolution 1, January 1980 Special Session offered by Representatives Wood and Becker.

EXECUTIVE COMMUNICATIONS

A Proclamation

I, Lee Sherman Dreyfus, Governor of the State of Wisconsin, pursuant to Section 11 of Article IV and Section 4 of Article V of the Constitution of Wisconsin, do hereby require the convening of a special session of the Legislature to take place at the Capitol in Madison on the 22nd day of January, A.D., 1980, at nine thirty o'clock a.m., solely for the purpose of considering and acting upon the following specific pieces of legislative business, to-wit:

- (1) Revising penalties for committing felonies with a dangerous weapon, including establishing a mandatory minimum sentence and restricting eligibility for probation and parole.
- (2) Amending Section 8 of Article I of the Wisconsin Constitution to authorize the Legislature by statute to permit circuit courts to deny release on bail for a limited period to accused persons in exceptional felony cases.
- (3) Restricting the authority of a court to release on bail with a 10% cash deposit defendants accused of certain crimes.
- (4) Revising battery provisions, and establishing mandatory minimum sentences and restricting probation and parole for persons convicted of battery to peace officers, persons 62 and older and disabled persons.

In Testimony Whereof, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this 15th day of January in the year of Our Lord, one thousand nine hundred eighty.

LEE SHERMAN DREYFUS
Governor

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By the Governor:
VEL PHILLIPS
Secretary of State

MOTIONS

Representative Wahner introduced a privileged resolution.

Assembly Resolution 1, January 1980 Special Session

Relating to the rules of the assembly in the January 1980 special session.

By Representative Jackamonis.

Representative Wahner asked unanimous consent that the assembly stand informal for five minutes. Granted.

9:50 A.M.

9:58 A.M.

The assembly reconvened.

Assembly amendment 1 to **Assembly Resolution 1**, January 1980 Special Session offered by Representative Shabaz.

Representative Wahner moved rejection of assembly amendment 1 to **Assembly Resolution 1**, January 1980 Special Session.

Representative Shabaz asked unanimous consent to introduce a bill. Granted.

Assembly Bill 1, January 1980 Special Session

Relating to bail for certain persons accused of crimes.

By Representative Ladwig, by request of Governor Lee Sherman Dreyfus.

To committee on Criminal Justice and Public Safety.

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

Assembly Joint Resolution 1, January 1980 Special Session

Relating to revising the right to bail (first consideration).

By Representative Prosser, by request of Governor Lee Sherman Dreyfus.

To committee on Criminal Justice and Public Safety.

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Representative Shabaz asked unanimous consent to introduce a bill. Granted.

Assembly Bill 2, January 1980 Special Session

Relating to penalties for felonies committed with a dangerous weapon.

By Representatives Shabaz and Thompson, by request of Governor Lee Sherman Dreyfus.

To committee on Criminal Justice and Public Safety.

Representative Shabaz asked unanimous consent to introduce a bill. Granted.

Assembly Bill 3, January 1980 Special Session

Relating to revising battery provisions and providing penalties.

By Representatives Shabaz and Thompson, by request of Governor Lee Sherman Dreyfus.

To committee on Criminal Justice and Public Safety.

Representative Shabaz asked unanimous consent that assembly amendment 1 to **Assembly Resolution 1**, January 1980 Special Session be withdrawn and returned to the author. Granted.

Assembly amendment 2 to **Assembly Resolution 1**, January 1980 Special Session offered by Representative Shabaz.

Representative Wahner moved rejection of assembly amendment 2 to **Assembly Resolution 1**, January 1980 Special Session.

The question was: Shall assembly amendment 2 to **Assembly Resolution 1**, January 1980 Special Session be rejected?

The roll was taken.

The result follows:

Ayes -- Barry, Becker, Behnke, Broydrick, Clarenbach, Coggs, Czerwinski, Duren, Ferrall, Fischer, Flintrop, Gerlach, Hasenohrl, Hauke, Helbach, Johnson, Kedrowski, Kincaid, Kirby, Lallensack, Lee, Leopold, Lingren, Loftus, McClain, Medinger, Metz, Miller, Munts, Murray, Norquist, Otte, Pabst, Plewa, Potter, Roberts, Rogers, Rooney, Rutkowski, Schneider, Shoemaker, Smith, Soucie, Tesmer, Travis, D., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Wood and Mr. Speaker -- 52.

Noes -- Andrea, Barczak, Bradley, Byers, Conradt, DeLong, Dilweg, Donoghue, Dorff, Ellis, Everson, Gagin, Harer, Harsdorf, Hephner, Hopkins, Klicka, Laatsch, Ladwig, Larson, Lewison, Luckhardt, McEssy, Matty, Menos, Merkt, Nelsen, Omernick,

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Paulson, Porter, Prosser, Quackenbush, Radtke, Robertson, Schmidt, Shabaz, Snyder, Stitt, Swoboda, Thompson, Travis, R., Tregoning, Ward and Young -- 44.

Absent or not voting -- Goodrich -- 1.

Motion carried.

POINT OF ORDER

Representative Wahner rose to the point of order that the hour of 10:00 A.M. had arrived and, therefore, the assembly was in extraordinary session.

Representative Shabaz stated that the assembly was in special session pursuant to Article IV, Section 11 of the Wisconsin Constitution.

The speaker ruled well taken the point of order raised by Representative Wahner that the assembly was in extraordinary session. He ruled that a regular session or an extraordinary session called by the legislature takes precedence over a special session called by the governor and cited two precedents as the basis for his ruling: 1) the June 19, 1962 ruling of senate president pro tempore Panzer and, 2) the December 10, 1963 ruling of assembly speaker Haase.

Representative Shabaz appealed the ruling of the chair.

Representative Shabaz moved that the rules be suspended and that **Assembly Bill 1**, January 1980 Special Session be withdrawn from the committee on Criminal Justice and Public Safety and taken up at this time.

The speaker ruled the motion out of order.

The question was: Shall the decision of the chair stand as the judgement of the assembly?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Becker, Behnke, Broydrick, Clarenbach, Coggs, Dorff, Duren, Everson, Ferrall, Fischer, Flintrop, Gerlach, Hasenohrl, Hauke, Helbach, Hephner, Johnson, Kedrowski, Kincaid, Kirby, Lallensack, Lee, Leopold, Lingren, Loftus, McClain, Medinger, Menos, Metz, Miller, Munts, Murray, Norquist, Otte, Pabst, Plewa, Potter, Roberts, Rogers, Rooney, Rutkowski, Schneider, Shoemaker, Smith, Soucie, Swoboda,

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Tesmer, Travis, D., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood and Mr. Speaker -- 59.

Noes -- Bradley, Byers, Conradt, DeLong, Dilweg, Donoghue, Ellis, Gagin, Harer, Harsdorf, Hopkins, Klicka, Laatsch, Ladwig, Larson, Lewison, Luckhardt, McEssy, Matty, Merkt, Nelsen, Omernick, Paulson, Porter, Prosser, Quackenbush, Radtke, Robertson, Schmidt, Shabaz, Snyder, Stitt, Thompson, Travis, R., Tregoning and Young -- 36.

Absent or not voting -- Czerwinski and Goodrich -- 2.

Motion carried.

The assembly recessed the special session and went into extraordinary session pursuant to the speaker's ruling.

11:15 A.M.

RECESS

12:18 P.M.

The assembly reconvened.

Representative Wahner asked unanimous consent that the assembly stand recessed until 2:01 P.M. Granted.

The assembly stood recessed.

12:19 P.M.

RECESS

4:20 P.M.

The assembly reconvened.

Representative Wahner moved that the assembly stand adjourned until 10:00 A.M. tomorrow.

The question was: Shall the assembly stand adjourned?

Motion carried.

The assembly stood adjourned.

4:21 P.M.