

JOURNAL OF THE ASSEMBLY [February 6, 1980]

STATE OF WISCONSIN

Assembly Journal

Eighty-Fourth Regular Session

WEDNESDAY, February 6, 1980.

10:00 A.M.

The assembly met.

Speaker Jackamonis in the chair.

The prayer was offered by Reverend David Hamilton of Memorial Baptist Church, 201 South Main Street, Verona.

Representative Kirby 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, Cogs, Conradt, Czerwinski, DeLong, Dilweg, Donoghue, Dorff, Duren, Ellis, Everson, Ferrall, Fischer, Flintrop, Gagin, Gerlach, Goodrich, 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, Ward, Wood, Young and Mr. Speaker -- 95.

Absent -- None.

Absent with leave -- McEssy -- 1.

AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Joint Resolution 75** offered by committee on Government Operations.

Assembly substitute amendment 1 to **Assembly Bill 92** offered by committee on Financial Institutions.

Assembly amendment 1 to assembly substitute amendment 1 to **Assembly Bill 92** offered by committee on Financial Institutions.

Assembly amendment 2 to assembly substitute amendment 1 to **Assembly Bill 92** offered by committee on Financial Institutions.

Assembly amendment 2 to **Assembly Bill 279** offered by committee on Health and Social Services.

Assembly amendment 1 to **Assembly Bill 292** offered by committee on Government Operations.

Assembly amendment 2 to **Assembly Bill 292** offered by committee on Government Operations.

Assembly amendment 1 to **Assembly Bill 837** offered by committee on Government Operations.

Assembly amendment 1 to **Assembly Bill 880** offered by committee on Government Operations.

Assembly amendment 1 to **Assembly Bill 994** offered by committee on Health and Social Services.

Assembly amendment 1 to assembly substitute amendment 1 to **Assembly Bill 995** offered by committee on Judiciary.

Assembly substitute amendment 1 to **Assembly Bill 1132** offered by committee on Health and Social Services.

ADMINISTRATIVE RULES

Read and referred:

Clearinghouse Rule 80-20

Relating to a contingency plan for emergency actions in response to the discharge of hazardous substances.

Submitted by Department of Natural Resources.

To committee on Environmental Resources.

Clearinghouse Rule 80-23

Relating to the group insurance coverage of employes between the ages of 65 and 70.

Submitted by Department of Employee Trust Funds.
To committee on State Affairs.

COMMITTEE REPORTS

The committee on Environmental Resources reports and recommends:

Assembly Bill 212

Relating to state action on proposed construction of radioactive waste disposal facilities in this state.

Adoption of assembly amendment 2:

Ayes: (6) Noes: (4)

Passage: Ayes: (6) Noes: (4)

To Joint Committee on Finance.

Assembly Bill 937

Relating to the prohibition of the sale, distribution or use of 2, 4, 5-T and silvex and providing penalties.

Passage: Ayes: (5) Noes: (4)

To committee on Rules.

MARY LOU MUNTS

Chairperson

The committee on Financial Institutions reports and recommends:

Assembly Bill 1054

Relating to permitting both parents of a minor to serve as custodians of an account established under the Wisconsin uniform gift to minors act.

Adoption of assembly substitute amendment 1:

Ayes: (15) Noes: (0)

Passage: Ayes: (15) Noes: (0)

To committee on Rules.

Senate Bill 171

Relating to establishment of branch banks on sites previously occupied by branch banks.

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Adoption of assembly amendment 1:

Ayes: (15) Noes: (0)

Concurrence: Ayes: (12) Noes: (3)

To committee on Rules.

THOMAS HAUKE

Chairperson

The committee on Revenue reports and recommends:

Assembly Bill 1078

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

Adoption of assembly substitute amendment 1:

Ayes: (8) Noes: (1)

Passage: Ayes: (9) Noes: (0)

To committee on Rules.

Assembly Bill 1080

Relating to a tax on the receipts from boxing and sparring exhibitions.

Adoption of assembly amendment 1:

Ayes: (9) Noes: (0)

Passage: Ayes: (9) Noes: (0)

To Joint Committee on Finance.

Senate Bill 26

Relating to the costs of property revaluations performed by the department of revenue.

Adoption of assembly substitute amendment 1:

Ayes: (9) Noes: (0)

Concurrence: Ayes: (9) Noes: (0)

To committee on Rules.

MARLIN SCHNEIDER

Chairperson

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MESSAGE FROM THE SENATE

By Donald J. Schneider, chief clerk.

Mr. Speaker:

I am directed to inform you that the senate has concurred in:

Assembly Bill 110
Assembly Bill 277
Assembly Bill 459
Assembly Bill 507
Assembly Bill 517
Assembly Bill 688

Passed and asks concurrence in:

Senate Bill 396
Senate Bill 461
Senate Bill 462

Concurred in as amended:

Assembly Bill 462 (senate amendment 1 adopted)
Assembly Bill 636 (senate amendment 1 adopted)

ACTION ON THE SENATE MESSAGE

Senate Bill 396

Relating to procedure in cases before the court of appeals.

By committee on Judiciary and Consumer Affairs, by request of the Judicial Council.

To committee on Judiciary.

Senate Bill 461

Relating to authority for the joint committee for review of administrative rules to authorize and extend the application period of emergency rules.

By Joint Committee for Review of Administrative Rules.

To Joint Committee for Review of Administrative Rules.

Senate Bill 462

Relating to review and disapproval of administrative rules.

By Joint Committee for Review of Administrative Rules.

To calendar.

Assembly Bill 462

Relating to fees for the garnishment of the earnings of public officers and employees.

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By Representatives Kirby, Tuczynski, Leopold, Wahner, Rutkowski, Klicka, Gerlach, Pabst, Lee and Behnke, by request of Milwaukee County.

To committee on Rules.

Assembly Bill 636

Relating to revisions of the alternative energy system tax credit, making an appropriation and providing penalties.

By Representatives Gerlach, Metz, Clarenbach, Jackamonis, Andrea, Leopold, Medinger, Ferrall, Thompson, Behnke, Lingren, Potter, Munts, McClain, Flintrop, Duren, Omernick, Porter, Merkt, Fischer, Laatsch, Rutkowski, Lorman and Plewa, co-sponsored by Senators Braun, Berger, Swan and Harnisch.

To committee on Rules.

COMMUNICATIONS

January 30, 1980

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 79-27 Legislation Relating to Strengthening the Family
(S.B. 444)

RL 79-28 Legislation Relating to Commitment of Criminal
Defendants Upon a Finding of Not Guilty by Reason of
Mental Disease or Defect (S.B. 147)

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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Representative Rooney asked unanimous consent that the assembly stand recessed for one hour. Granted.

The assembly stood recessed.

10:35 A.M.

RECESS

12:05 P.M.

The assembly reconvened.

Representative Plewa asked unanimous consent to be recorded on the following questions from Thursday afternoon, January 31. Granted.

The question was: Shall assembly amendment 2 to Assembly Bill 282 be adopted? Aye

The question was: Assembly Bill 282 having been read three times, shall the bill pass? Aye

The question was: Shall assembly amendment 2 to assembly substitute amendment 1 to Assembly Bill 818 be adopted? Aye

The question was: Shall Assembly Bill 818 be laid on the table? Aye

The question was: Shall assembly amendment 3 to Assembly Bill 902 be laid on the table? Aye

The question was: Assembly Bill 902 having been read three times, shall the bill pass? Aye

The question was: Assembly Bill 908 having been read three times, shall the bill pass? Aye

The question was: Assembly Bill 974 having been read three times, shall the bill pass? Aye

The question was: Assembly Bill 179 having been read three times, shall the bill pass? Aye

The question was: Senate Bill 152 having been read three times, shall the bill be concurred in? Aye

The question was: Shall Senate Bill 156 be nonconcurrent in? No

LEAVES OF ABSENCE

Representative Thompson asked unanimous consent for a leave of absence for today's session for Representative McEssy. Granted.

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Representative Johnson asked unanimous consent that the assembly stand recessed until 3:00 P.M. Granted.

The assembly stood recessed.

12:10 P.M.

RECESS

3:05 P.M.

The assembly reconvened.

CALL OF THE ASSEMBLY

Representative Johnson demanded a call of the assembly. There were sufficient seconds.

The sergeant-at-arms was directed to close the doors and the chief clerk to call the roll.

The chief clerk called the roll.

Members absent with leave - McEssy.

Members absent without leave - Andrea, Luckhardt and Ward.

CALENDAR OF WEDNESDAY, FEBRUARY 6, 1980

Assembly Bill 40

Relating to restricting the pay of a public employe receiving a retirement benefit from a public employe retirement system, granting rule-making authority, providing a penalty and making an appropriation.

The question was: Shall the vetoed portion of **Assembly Bill 40** pass notwithstanding the objections of the governor?

The roll was taken.

The result follows:

Ayes -- Becker, Kirby and Rogers -- 3.

Noes -- Barczak, Barry, Behnke, Bradley, Broydrick, Byers, Clarenbach, Coggs, Conradt, Czerwinski, DeLong, Dilweg, Donoghue, Dorff, Duren, Ellis, Everson, Ferrall, Fischer, Flintrop,

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Gagin, Gerlach, Goodrich, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Hopkins, Johnson, Kedrowski, Kincaid, Klicka, Laatsch, Lallensack, Larson, Lee, Leopold, Lewison, Lingren, Loftus, Luckhardt, McClain, Matty, Medinger, Menos, Merkt, Miller, Munts, Murray, Nelsen, Norquist, Omernick, Otte, Pabst, Paulson, Plewa, Porter, Potter, Prosser, Quackenbush, Radtke, Roberts, Robertson, Rooney, Rutkowski, Schmidt, Schneider, Shabaz, Shoemaker, Smith, Snyder, Soucie, Stitt, Swoboda, Tesmer, Thompson, Travis, D., Travis, R., Tregoning, Tuczynski, Ulichny, Vanderperren, Wagner, Wood, Young and Mr. Speaker -- 88.

Absent or not voting -- Andrea, Ladwig, McEssy, Metz and Ward -- 5.

Motion failed.

Assembly Bill 64

Relating to limitation of the defense of noncooperation of the insured under a motor vehicle insurance policy.

The question was: Shall **Assembly Bill 64** pass notwithstanding the objections of the governor?

The roll was taken.

The result follows:

Ayes -- None.

Noes -- Barczak, Barry, Becker, Behnke, Bradley, Broydrick, Byers, Clarenbach, Cogg, Conradt, Czerwinski, DeLong, Dilweg, Donoghue, Dorff, Duren, Ellis, Everson, Ferrall, Fischer, Flintrop, Gagin, Gerlach, Goodrich, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Hopkins, Johnson, Kedrowski, Kincaid, Kirby, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lee, Leopold, Lewison, Lingren, Loftus, Luckhardt, McClain, 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, Wood, Young and Mr. Speaker -- 93.

Absent or not voting -- Andrea, McEssy and Ward -- 3.

Motion failed.

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Assembly Bill 243

Relating to a prohibition against imposing a fee for completing a health or disability insurance claim form on behalf of an insured, and providing a penalty.

Representative Johnson asked unanimous consent that **Assembly Bill 243** be placed after **Assembly Bill 275**. Granted.

Assembly Bill 275

Relating to authorization of Wisconsin credit unions to do business in other states and of foreign credit unions to do business in Wisconsin, and granting rule-making authority.

The question was: Shall **Assembly Bill 275** pass notwithstanding the objections of the governor?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Becker, Behnke, Bradley, Broydrick, Byers, Clarenbach, Coggs, Conradt, Czerwinski, DeLong, Dilweg, Donoghue, Dorff, Duren, Ellis, Ferrall, Fischer, Flintrop, Gagin, Gerlach, Goodrich, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Hopkins, Johnson, Kedrowski, Kincaid, Kirby, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lee, Leopold, Lewison, Lingren, Loftus, Luckhardt, McClain, 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, Wood, Young and Mr. Speaker -- 93.

Noes -- None.

Absent or not voting -- Everson, McEssy and Ward -- 3.

Motion carried.

Representative Everson asked unanimous consent to be recorded as voting "Aye" on the previous question. Granted.

Assembly Bill 243

Relating to a prohibition against imposing a fee for completing a health or disability insurance claim form on behalf of an insured, and providing a penalty.

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The question was: Shall **Assembly Bill 243** pass notwithstanding the objections of the governor?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Becker, Behnke, Broydrick, Clarenbach, Coggs, Czerwinski, Dorff, Duren, Ferrall, Flintrop, Hasenohrl, Hauke, Helbach, Hephner, Johnson, Kedrowski, Kincaid, Kirby, Lallensack, Lee, Leopold, Loftus, Medinger, Menos, Metz, Miller, Munts, Murray, Norquist, Otte, Pabst, Plewa, Radtke, Roberts, Rogers, Rooney, Rutkowski, Schneider, Shoemaker, Smith, Soucie, Tesmer, Travis, D., Tuczynski, Ulichny, Vanderperren, Wagner, Wood and Mr. Speaker -- 51.

Noes -- Barry, Bradley, Byers, Conradt, DeLong, Dilweg, Donoghue, Ellis, Everson, Fischer, Gagin, Gerlach, Goodrich, Harer, Harsdorf, Hopkins, Klicka, Laatsch, Ladwig, Larson, Lewison, Lingren, Luckhardt, McClain, Matty, Merkt, Nelsen, Omernick, Paulson, Porter, Potter, Prosser, Quackenbush, Robertson, Schmidt, Shabaz, Snyder, Stitt, Swoboda, Thompson, Travis, R., Tregoning and Young -- 43.

Absent or not voting -- McEssy and Ward -- 2.

Motion failed.

Assembly Bill 312

Relating to multicounty mosquito control districts.

All members being present or absent with leave, the call of the assembly was lifted.

The question was: Shall **Assembly Bill 312** pass notwithstanding the objections of the governor?

The roll was taken.

The result follows:

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

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Swoboda, Travis, D., Tuczynski, Ulichny, Vanderperren, Wagner, Ward, Wood and Mr. Speaker -- 64.

Noes -- Bradley, Byers, DeLong, Donoghue, Ellis, Gagin, Goodrich, Harer, Hopkins, Klicka, Laatsch, Ladwig, Luckhardt, Matty, Merkt, Nelsen, Omernick, Pabst, Porter, Prosser, Radtke, Robertson, Schmidt, Shabaz, Snyder, Stitt, Tesmer, Thompson, Travis, R., Tregoning and Young -- 31.

Absent or not voting -- McEssy -- 1.

Motion carried.

Representative Johnson asked unanimous consent that the rules be suspended and that **Assembly Bill 312** be immediately messaged to the senate. Granted.

LEGISLATIVE REFERENCE BUREAU CORRECTIONS

Assembly substitute amendment 1 to **Assembly Bill 891**

On page 4, line 11, substitute "by" for "be".

VISITORS

During today's session, the following visitors honored the assembly by their presence, and were welcomed by the presiding officer and the members:

Junko Itoh, Melrose-Mindoro High School foreign exchange student from Fukui, Japan accompanied by Mr. and Mrs. Dave Norgaard, guests of Representative Roberts.

Gary Quammen from Medford, guest of Representative Larson.

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

The question was: Shall the assembly stand adjourned?

Motion carried.

The assembly stood adjourned.

4:00 P.M.