

Assembly Journal

Eighty-Fourth Regular Session

FRIDAY, March 21, 1980.

9:00 A.M.

The assembly met.

Speaker Jackamonis in the chair.

The prayer was offered by Representative Goodrich.

Representative Conradt 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, Goodrich, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Hopkins, Johnson, Kedrowski, Kincaid, Kirby, Klicka, Knox, 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, Panzer, 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 -- 98.

Absent -- None.

Absent with leave -- None.

AMENDMENTS OFFERED

Assembly amendment 338 to assembly substitute amendment 1 to **Assembly Bill 1180** offered by Representative Ladwig.

Assembly amendment 339 to assembly substitute amendment 1 to **Assembly Bill 1180** offered by Representative Donoghue.

Assembly amendment 340 to assembly substitute amendment 1 to **Assembly Bill 1180** offered by Representative Donoghue.

Assembly amendment 341 to assembly substitute amendment 1 to **Assembly Bill 1180** offered by Representatives Klicka, Young, Tregoning, Byers, Schmidt, Matty, Merkt, Laatsch, Luckhardt, Radtke, Menos, Shabaz, Ladwig, Snyder, Porter, Ellis, Omernick, Bradley, Hopkins, Thompson, DeLong, Harer, Quackenbush, Harsdorf, Gagin, Conradt and Panzer.

Assembly amendment 342 to assembly substitute amendment 1 to **Assembly Bill 1180** offered by Representative Thompson.

Assembly amendment 343 to assembly substitute amendment 1 to **Assembly Bill 1180** offered by Representative Laatsch.

Assembly amendment 344 to assembly substitute amendment 1 to **Assembly Bill 1180** offered by Representatives Shabaz, Thompson, DeLong, Tregoning, Hopkins, Radtke, Robertson, R. Travis, Omernick, Stitt, Goodrich, Laatsch, Ellis, Schmidt, Merkt, Porter, Nelsen, Knox, Snyder, Prosser, Quackenbush, Harer and Matty.

Assembly amendment 345 to assembly substitute amendment 1 to **Assembly Bill 1180** offered by Representatives Stitt and R. Travis.

Assembly amendment 1 to assembly amendment 179 to assembly substitute amendment 1 to **Assembly Bill 1180** offered by Representative Lingren.

Assembly amendment 1 to assembly amendment 204 to assembly substitute amendment 1 to **Assembly Bill 1180** offered by Representative Swoboda.

Assembly amendment 1 to assembly amendment 232 to assembly substitute amendment 1 to **Assembly Bill 1180** offered by Representative Broydrick.

Assembly amendment 1 to assembly amendment 279 to assembly substitute amendment 1 to **Assembly Bill 1180** offered by Representatives Broydrick, Miller and Munts.

JOURNAL OF THE ASSEMBLY [March 21, 1980]

Assembly amendment 2 to assembly amendment 279 to assembly substitute amendment 1 to **Assembly Bill 1180** offered by Representative Broydrick.

Assembly amendment 1 to assembly amendment 301 to assembly substitute amendment 1 to **Assembly Bill 1180** offered by Representative Lingren.

Assembly amendment 1 to assembly amendment 334 to assembly substitute amendment 1 to **Assembly Bill 1180** offered by Representative Tesmer.

Assembly amendment 2 to assembly amendment 334 to assembly substitute amendment 1 to **Assembly Bill 1180** offered by Representative Tesmer.

Assembly amendment 3 to assembly amendment 334 to assembly substitute amendment 1 to **Assembly Bill 1180** offered by Representative Tesmer.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 127

Requesting the senate to agree to a committee of conference on 1979 Assembly Bill 783.

By Representative Helbach.

To calendar.

Assembly Bill 1289

Relating to separating the department of natural resources into a statutory division of conservation and a statutory division of environmental protection, reassigning program responsibilities, transferring and changing the membership on various councils, separating and creating appropriations, granting and revising rule-making authority and assigning responsibilities to the governor's commission on department of natural resources evaluation.

By Representatives Matty, Lallensack, Thompson, Bradley, Snyder, Young, Tregoning, Harer, Gagin and R. Travis.

To committee on Environmental Resources.

Assembly Bill 1290

Relating to creating a snap bean promotion and research board, providing a penalty and making an appropriation.

JOURNAL OF THE ASSEMBLY [March 21, 1980]

By Representatives Goodrich, Helbach and Thompson, co-sponsored by Senator Bablitch.

To committee on Agriculture.

COMMITTEE REPORTS

The committee on Criminal Justice and Public Safety reports and recommends:

Senate Bill 552

Relating to sexual activity between consenting adults and revising penalties.

Concurrence: Ayes: (7) Noes: (6)

To committee on Rules.

ED McCLAIN

Chairperson

The committee on Revenue reports and recommends:

Senate Bill 316

Relating to an adjustment to basis of partnership interest for reductions related to certain nondeductible losses in years prior to 1975.

Concurrence: Ayes: (7) Noes: (0)

To Joint Committee on Finance.

MARLIN SCHNEIDER

Chairperson

The members of the committee of conference on **Senate Bill 260** report and recommend, that, by the adoption of this report:

1. Both houses recede from their respective positions on assembly substitute amendment 1.

2. The Senate and the Assembly, respectively, adopt and concur in Conference substitute amendment 1 (LRB-12494/1) which is attached to and made a part of this report.

To calendar.

Representative Czerwinski

Representative Loftus

Senator Berger

Senator Offner

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 Joint Resolution 69

Assembly Bill 246

Assembly Bill 503

Assembly Bill 589

Assembly Bill 650

Assembly Bill 657

Assembly Bill 659

Assembly Bill 676

Assembly Bill 699

Assembly Bill 733

Assembly Bill 756

Assembly Bill 792

Assembly Bill 795

Assembly Bill 843

Assembly Bill 858

Assembly Bill 876

Assembly Bill 886

Assembly Bill 906

Assembly Bill 975

Assembly Bill 976

Assembly Bill 977

Assembly Bill 1057

Assembly Bill 1078

Assembly Bill 1169

Assembly amendment 1 to senate amendment 9 and recedes from its position on senate amendment 6 to **Assembly Bill 1043**

Concurred in as amended:

Assembly Bill 446 (senate amendment 1 adopted)

Assembly Bill 534 (senate amendment 1 adopted)

Assembly Bill 744 (senate amendment 2 adopted)

Assembly Bill 913 (senate amendments 2 and 5, Item II of senate amendment 2 to senate amendment 6, senate amendment 3 to senate amendment 6, and senate amendments 6, 7, 9, 10 11 and 12 adopted)

Refused to concur in: **Assembly Bill 773**

ACTION ON THE SENATE MESSAGE

Assembly Bill 446

Relating to the tax status of property leased by tax-exempt organizations.

By Representative Clarenbach, co-sponsored by Senator Bear.

JOURNAL OF THE ASSEMBLY [March 21, 1980]

To calendar.

Assembly Bill 534

Relating to permitting parents or guardians to contract with school districts for pupil transportation.

By Representatives Jackamonis and Duren, co-sponsored by Senators Bear and Moody.

To calendar.

Assembly Bill 744

Relating to strip searches and providing a penalty.

By Representatives Rutkowski, Ferrall, Otte, Hauke, Gerlach, Flintrop, Jackamonis, Omernick, Donoghue, Coggs, Medinger, Wahner, Leopold, Ulichny, Metz, Wagner, Miller and Young, co-sponsored by Senators Strohl, Flynn, Risser, Adelman, Moody, Radosevich and Cullen.

To calendar.

Assembly Bill 913

Relating to the mental health commitment laws.

By committee on Health and Social Services, by request of Senators Braun and Kleczka, Milwaukee County and the Advisory Committee on Mental Commitment Standards and Procedures.

To calendar.

EXECUTIVE COMMUNICATIONS

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:

Assembly Bill	Chapter No.	Date Approved
164 -----	138-----	March 20, 1980
385 -----	139-----	March 20, 1980
456 -----	140-----	March 20, 1980
528 -----	141-----	March 20, 1980
561 -----	142-----	March 20, 1980
577 -----	143-----	March 20, 1980
588 -----	144-----	March 20, 1980
608 -----	145-----	March 20, 1980
635 -----	146-----	March 20, 1980

JOURNAL OF THE ASSEMBLY [March 21, 1980]

667 ----- 147----- March 20, 1980
738 ----- 148----- March 20, 1980
972 ----- 149----- March 20, 1980

Respectfully submitted,
LEE SHERMAN DREYFUS
Governor

CALENDAR OF FRIDAY, MARCH 21, 1980

Assembly Bill 205

Relating to a minimum tax on tax preference items.

Assembly amendment 1 to senate amendment 3 to **Assembly Bill 205** offered by Representatives Thompson, DeLong, Radtke and Shabaz.

Representative Broydrick moved rejection of assembly amendment 1 to senate amendment 3 to **Assembly Bill 205**.

The question was: Shall assembly amendment 1 to senate amendment 3 to **Assembly Bill 205** be rejected?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Becker, Behnke, Broydrick, Clarenbach, Cogg, Czerwinski, Dorff, Duren, Everson, Ferrall, Fischer, Flintrop, Gerlach, Hasenohrl, Hauke, Helbach, 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, Tesmer, Travis, D., Tuczynski, Ulichny, Vanderperren, Wagner, Ward, Wood and Mr. Speaker -- 58.

Noes -- Bradley, Byers, Conradt, DeLong, Dilweg, Donoghue, Ellis, Gagin, Goodrich, Harer, Harsdorf, Hephner, Hopkins, Klicka, Knox, Laatsch, Ladwig, Larson, Lewison, Luckhardt, McEssy, Matty, Merkt, Nelsen, Omernick, Panzer, Paulson, Porter, Prosser, Quackenbush, Radtke, Robertson, Schmidt, Shabaz, Snyder, Stitt, Thompson, Travis, R., Tregoning and Young -- 40.

Absent or not voting -- None.

Motion carried.

JOURNAL OF THE ASSEMBLY [March 21, 1980]

The question was: Shall senate amendment 3 to **Assembly Bill 205** be concurred in?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Becker, Behnke, Broydrick, Clarenbach, Coggs, Czerwinski, Dorff, Duren, Everson, Ferrall, Flintrop, Gerlach, Hasenohrl, Hauke, Helbach, Hephner, Johnson, Kedrowski, Kincaid, Kirby, Lallensack, Lee, Leopold, Lingren, Loftus, McClain, Medinger, Menos, Metz, Miller, Munts, Murray, Norquist, Omernick, Otte, Pabst, Plewa, Potter, Quackenbush, Roberts, Rogers, Rooney, Rutkowski, Schneider, Shoemaker, Smith, Soucie, Swoboda, Tesmer, Travis, D., Tuczynski, Ulichny, Vanderperren, Wagner, Ward, Wood and Mr. Speaker -- 60.

Noes -- Bradley, Byers, Conradt, DeLong, Dilweg, Donoghue, Ellis, Fischer, Gagin, Goodrich, Harer, Harsdorf, Hopkins, Klicka, Knox, Laatsch, Ladwig, Larson, Lewison, Luckhardt, McEssy, Matty, Merkt, Nelsen, Panzer, Paulson, Porter, Prosser, Radtke, Robertson, Schmidt, Shabaz, Snyder, Stitt, Thompson, Travis, R., Tregoning and Young -- 38.

Absent or not voting -- None.

Motion carried.

Representative Johnson asked unanimous consent that the rules be suspended and that the assembly's action on **Assembly Bill 205** be immediately messaged to the senate.

Representative Shabaz objected.

Senate Bill 500

Relating to energy resources, granting rule-making authority, making appropriations and providing penalties.

The question was: Shall the vote by which **Senate Bill 500** was nonconcurred in be reconsidered?

The roll was taken.

The result follows:

Ayes -- Andrea, Barry, Becker, Behnke, Broydrick, Clarenbach, Coggs, Czerwinski, Duren, Everson, Ferrall, Fischer, Flintrop, Gerlach, Hasenohrl, Hauke, Helbach, Johnson, Kedrowski, Kirby, Lee, Leopold, Lingren, Loftus, McClain, Medinger, Metz, Miller, Munts, Norquist, Otte, Pabst, Plewa, Potter, Roberts, Rogers,

Rooney, Rutkowski, Schneider, Shoemaker, Smith, Soucie, Travis, D., Tuczynski, Ulichny, Vanderperren, Ward, Wood and Mr. Speaker -- 49.

Noes -- Barczak, Bradley, Byers, Conradt, DeLong, Dilweg, Donoghue, Ellis, Gagin, Goodrich, Harer, Harsdorf, Hephner, Hopkins, Kincaid, Klicka, Knox, Laatsch, Ladwig, Lallensack, Larson, Lewison, Luckhardt, McEssy, Matty, Menos, Merkt, Murray, Nelsen, Omernick, Panzer, Paulson, Porter, Prosser, Quackenbush, Radtke, Robertson, Schmidt, Shabaz, Snyder, Stitt, Swoboda, Tesmer, Thompson, Travis, R., Tregoning, Wagner and Young -- 48.

Absent or not voting -- Dorff -- 1.

Motion carried.

Representative Hauke asked unanimous consent to be recorded as voting "No" on the previous question. Granted.

Representative Andrea asked unanimous consent to be recorded as voting "No" on the previous question. Granted.

Representative Shabaz moved nonconcurrency in **Senate Bill 500**.

Representative Johnson asked unanimous consent that **Senate Bill 500** be laid on the table. Granted.

Assembly Bill 663

Relating to prohibiting discrimination against specific geographical areas in the granting of home improvement loans and mortgage loans and the issuance of property insurance policies, granting rule-making authority and providing penalties.

The question was: Shall the vote by which **Assembly Bill 663** was passed be reconsidered?

The roll was taken.

The result follows:

Ayes -- Bradley, Byers, Conradt, DeLong, Dilweg, Donoghue, Duren, Ellis, Gagin, Goodrich, Harer, Harsdorf, Hephner, Hopkins, Klicka, Knox, Laatsch, Ladwig, Larson, Lewison, Luckhardt, McEssy, Matty, Merkt, Nelsen, Omernick, Otte, Panzer, Paulson, Porter, Prosser, Quackenbush, Radtke, Robertson, Schmidt, Shabaz, Shoemaker, Snyder, Stitt, Thompson, Travis, R., Tregoning and Young -- 43.

JOURNAL OF THE ASSEMBLY [March 21, 1980]

Noes -- Andrea, Barczak, Barry, Becker, Behnke, Broydrick, Clarenbach, Coggs, Czerwinski, Dorff, Everson, Ferrall, Fischer, Flintrop, Gerlach, Hasenohrl, Hauke, Helbach, Johnson, Kedrowski, Kincaid, Kirby, Lallensack, Lee, Leopold, Lingren, Loftus, McClain, Medinger, Menos, Metz, Miller, Munts, Murray, Norquist, Pabst, Plewa, Potter, Roberts, Rogers, Rooney, Rutkowski, Schneider, Smith, Soucie, Swoboda, Tesmer, Travis, D., Tuczynski, Ulichny, Vanderperren, Wagner, Ward, Wood and Mr. Speaker -- 55.

Absent or not voting -- None.

Motion failed.

Representative Rooney asked unanimous consent that the assembly stand recessed for fifteen minutes. Granted.

The assembly stood recessed.

10:00 A.M.

RECESS

12:15 P.M.

The assembly reconvened.

Representative Johnson asked unanimous consent that the assembly stand recessed until 1:30 P.M. Granted.

The assembly stood recessed.

12:16 P.M.

RECESS

1:45 P.M.

The assembly reconvened.

Representative Rooney asked unanimous consent that the assembly stand recessed for five minutes. Granted.

The assembly stood recessed.

1:46 P.M.

RECESS

9:05 P.M.

The assembly reconvened.

MOTIONS

Representative Johnson asked unanimous consent to return to the third order of business. Granted.

COMMITTEE REPORTS

The Joint Survey Committee on Debt Management reports and recommends:

Assembly Bill 1284

Relating to the office of the state public defender, the council on criminal justice, requiring the construction of and providing bonding for a medium/maximum correction facility, directing the building commission to choose one of 2 sites for the medium/maximum correctional facility and making appropriations.

Adoption of report: Ayes: (5) Noes: (0)
To Joint Committee on Finance.

Assembly Bill 1285

Relating to increasing the excise tax on motor fuel and special fuel, adjusting the appropriations for connecting highways, swing and lift bridges and highway maintenance, increasing automobile registration fees and other transportation fees, imposing vehicle permit fees based on the excess size and weight of the vehicle, changing the computation of the cost factor for local transportation aids, authorizing the contracting of public debt for highway construction, providing inflationary supplements for department of transportation appropriations, granting rule-making authority and making an appropriation.

Adoption of report: Ayes: (5) Noes: (0)
To Joint Committee on Finance.

DANIEL FISCHER
Assembly Chairperson

Representative Johnson asked unanimous consent that **Assembly Bill 1180** be taken from the calendar of Tuesday, March 18 and laid on the table. Granted.

Representative Johnson asked unanimous consent that a calendar be established for Saturday, March 22, 1980. Granted.

Assembly Resolution 24

Relating to scheduling of business by the assembly committee on rules.

Representative Shabaz moved rejection of **Assembly Resolution 24**.

The question was: Shall **Assembly Resolution 24** be rejected?

The roll was taken.

The result follows:

Ayes -- Bradley, Byers, Conradt, DeLong, Dilweg, Donoghue, Ellis, Gagin, Goodrich, Harer, Harsdorf, Hephner, Hopkins, Klicka, Knox, Laatsch, Ladwig, Larson, Lewison, Luckhardt, McEssy, Matty, Medinger, Merkt, Nelsen, Omernick, Panzer, Paulson, Porter, Prosser, Quackenbush, Radtke, Robertson, Schmidt, Shabaz, Shoemaker, Snyder, Stitt, Thompson, Travis, D., Travis, R., Tregoning and Young -- 43.

Noes -- Andrea, Barczak, Barry, Becker, Behnke, Broydrick, Clarenbach, Coggs, Dorff, Duren, Everson, Ferrall, Fischer, Flintrop, Gerlach, Hasenohrl, Hauke, Helbach, Johnson, Kedrowski, Kincaid, Kirby, Lallensack, Lee, Leopold, Lingren, Loftus, McClain, Menos, Metz, Miller, Munts, Murray, Norquist, Otte, Pabst, Plewa, Potter, Roberts, Rogers, Rooney, Rutkowski, Schneider, Smith, Soucie, Swoboda, Tesmer, Tuczynski, Ulichny, Vanderperren, Wagner, Ward, Wood and Mr. Speaker -- 54.

Absent or not voting -- Czerwinski -- 1.

Motion failed.

The question was: Shall **Assembly Resolution 24** be adopted?

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, Johnson, Kedrowski, Kincaid, Kirby, Lallensack, Lee, Leopold, Lingren, Loftus, McClain, Menos, Metz, Miller, Munts, Murray, Norquist, Otte, Pabst, Plewa, Potter, Roberts, Rogers, Rooney, Rutkowski, Schneider, Shoemaker, Smith, Soucie, Swoboda, Tesmer, Travis, D., Tuczynski, Ulichny, Vanderperren, Wagner, Ward, Wood and Mr. Speaker -- 56.

JOURNAL OF THE ASSEMBLY [March 21, 1980]

Noes -- Bradley, Byers, Conradt, Czerwinski, DeLong, Dilweg, Donoghue, Ellis, Gagin, Goodrich, Harer, Harsdorf, Hephner, Hopkins, Klicka, Knox, Laatsch, Ladwig, Larson, Lewison, Luckhardt, McEassy, Matty, Medinger, Merkt, Neisen, Omernick, Panzer, Paulson, Porter, Prosser, Quackenbush, Radtke, Robertson, Schmidt, Shabaz, Snyder, Stitt, Thompson, Travis, R., Tregoning and Young -- 42.

Absent or not voting -- None.

Motion carried.

Representative Behnke asked unanimous consent that the assembly adjourn in honor of the Wautoma High School basketball team which won a class B semifinal game today. Granted.

Representative DeLong asked unanimous consent that the assembly adjourn in honor of the Elkhorn High School basketball team which won a class B semifinal game today. Granted.

Representative Johnson moved that the assembly stand adjourned until 9:00 A.M. tomorrow.

The question was: Shall the assembly stand adjourned?

Motion carried.

The assembly stood adjourned.

9:20 P.M.