

STATE OF WISCONSIN

Assembly Journal

Eightieth Regular Session

TUESDAY, February 8, 1972.

10:00 A.M.

The assembly met.

The speaker in the chair.

The prayer today was offered by Reverend Bryce G. Armstrong, pastor of Divine Savior United Methodist Church, 6402 Hammersley Road, Madison.

Representative McEssy led the membership in reciting the pledge of allegiance to the flag of the United States.

The roll was taken.

The result follows:

Present—Alberts, Atkinson, Azim, Baldus, Barbee, Berger, Boeckmann, Bolle, Bradley, Brown, Bultman, Byers, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Ellis, Everson, Ferrall, Froehlich, Gaulke, Giese, Greider, Groshek, Grover, Guiles, Hanna, Hanson, Helgeson, Hephner, Jackamonis, Jackson, Johnson G. K., Johnson W. A., Jones, Kafka, Kessler, Kleczka, Klicka, Korpela, LaFave, Lewison, Menos, Looby, Luckhardt, Lynn, McCormick, McDougal, McEssy, Mato, Merkel, Mielke, Miller, Mittness, Mohn, Molinaro, Nager, O'Malley, Oberle, Oestreicher, Orlich, Otte, Pabst, Quackenbush, Quinn, Robertson, Roberts, Rogers, Rutkowski, Sanasarian, Schneider, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Sicala, Slaby, Stack, Stalbaum, Sweda, Swoboda, Thompson R. M., Thompson T. G., Tobiasz, Tregoning, Vanderperren, Wackett, Wahner, Wilcox, Wilger, Willkom and Mr. Speaker—98.

Absent with leave—Conradt—1.

AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 684** offered by Representative Mittness.

Assembly amendment 1 to assembly substitute amendment 1 to **Assembly Bill 566** offered by Representative Helgeson.

Assembly amendments 2 and 3 to **Assembly Bill 907** offered by Representative LaFave.

Assembly substitute amendment 3 to **Assembly Bill 509** offered by Representatives Atkinson and Czerwinski.

Assembly amendment 1 to **Senate Bill 1** offered by Representative Atkinson.

Assembly amendment 4 to **Assembly Bill 1094** offered by Representative Sicula.

Assembly amendment 5 to **Assembly Bill 1475** offered by Representatives Quackenbush, Merkel and Schowalter.

Assembly amendment 1 to assembly amendment 1 to **Senate Bill 472** offered by Representative W. A. Johnson.

Assembly amendment 4 to **Assembly Bill 907** offered by Representative Nager.

INTRODUCTION AND REFERENCE OF BILLS

Read first time and referred:

Assembly Bill 1539

Relating to exempting fencing materials from sales tax.

By Representatives Duren, Hanson, Oberle, Hephner and Wackett; co-sponsored by Senator Roseleip.

To committee on Taxation.

Assembly Bill 1540

Relating to prohibiting smoking in hospitals and medical clinics.

By Representatives Duren, Boeckmann, Merkel and Sweda; co-sponsored by Senator Lipscomb.

To committee on Health and Social Services.

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Assembly Bill 1541

Relating to placement of state employes who smoke.
By Representative Duren.
To committee on Labor.

Assembly Bill 1542

Relating to noise devices on bicycles and providing a penalty.

By Representative Duren, by request of Mrs. Marjorie Rueckheim.

To committee on State Affairs.

PETITIONS

Assembly Petition 363

Introduced by Representative Barbee.
To committee on Highways.

Assembly Petition 364

Introduced by Representative Miller.
To committee on Highways.

Assembly Petition 365

Introduced by Representative Kleczka.
To committee on Highways.

Assembly Petition 366

Introduced by Representative Roberts.
To joint committee on Finance.

Assembly Petition 367

Introduced by Representative Schroeder.
To committee on Highways.

Assembly Petition 368

Introduced by Representative Berger.
To committee on Judiciary.

Assembly Petition 369

Introduced by Representative McDougal.
To committee on Natural Resources.

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Assembly Petition 370

Introduced by Representative Schwefel.
To committee on Education.

Assembly Petition 371

Introduced by Representative Sanasarian.
To committee on Elections.

Assembly Petition 372

Introduced by Representative Miller.
To committee on Elections.

Assembly Petition 373

Introduced by Representative Shabaz.
To committee on Elections.

Assembly Petition 374

Introduced by Representative LaFave.
To joint committee on Finance.

Assembly Petition 375

Introduced by Representative Berger.
To committee on Elections.

Assembly Petition 376

Introduced by Representative Atkinson.
To joint committee on Finance.

Assembly Petition 377

Introduced by Representative LaFave.
To committee on Transportation.

Assembly Petition 378

Introduced by Representative Shabaz.
To committee on Natural Resources.

Assembly Petition 379

Introduced by Representative Anderson.
To committee on Natural Resources.

Assembly Petition 380

Introduced by Representative Anderson.
To committee on Natural Resources.

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Assembly Petition 381

Introduced by Representative Anderson.
To committee on Natural Resources.

Assembly Petition 382

Introduced by Representative Anderson.
To committee on Natural Resources.

Assembly Petition 383

Introduced by Representative Anderson.
To committee on Natural Resources.

Assembly Petition 384

Introduced by Representative Anderson.
To committee on Natural Resources.

COMMUNICATION

**The State of Wisconsin
Department of Justice
Madison 53702**

February 8, 1972.

**To The Honorable, The Assembly
State Capitol
Madison, Wisconsin 53702**

Dear Representatives:

As you are aware, the popular election of judges has long been the favored method in our State for selecting members of the State judiciary. I was, therefore, naturally disturbed to learn of developments which have followed in the aftermath of the recent amendment to Art. VII, sec. 24, of the Wisconsin Constitution, which changed the mandatory retirement date of supreme court justices and circuit court judges from the end of the month in which the justice or judge attains the age of 70 to the July 31st following the date on which he becomes 70.

Prior to the adoption of this constitutional amendment on April 2, 1968, the fact that the mandatory retirement

date of the various judges and justices would vary obviously made any orderly transition from a retiring judge to a newly elected judge almost impossible, without some intervening period during which a gubernatorial appointee would act, since the elections for judicial offices are normally held at the spring election. As you will recall, however, upon the required second consideration of the above amendment, the proposal was approved by the legislature for a second time, by 1967 Senate Joint Resolution 96, which also directed that the amendment be submitted to the electorate on the basis of the following ballot question and explanation:

“I. Shall Section 24 of Article VII of the Constitution be amended to provide a uniform annual retirement date for Supreme Court Justices and Circuit Judges of July 31st following attainment of retirement age, instead of the month of attaining retirement age? (Note—Supreme Court Justices and Circuit Judges now must retire at the end of the month of attaining retirement age. A “yes” vote on this amendment would provide a uniform retirement date of July 31st following attainment of retirement age for all such justices and judges and would allow time for calling an April election to choose a successor thereby effecting the transition to a new judge during the summer.)” (Emphasis added.)

I find it difficult to escape the conclusion that the electorate voting on this proposition believed they were being asked, and intended by their vote, either to approve or disapprove a system whereby a successor for a retiring judge or justice would be elected at the spring election preceding the July 31st mandatory retirement date of the incumbent. Our citizens undoubtedly expected, from the wording of the proposition put to them, that a “yes” vote would have the effect indicated. If their votes did not have this effect, then the will of the electorate was effectively frustrated in a most serious matter, the alteration of the fundamental law of our State.

Certainly, the above quote from Senate Joint Resolution 96 makes it evident that the 1967 legislature did not consider the purpose of the amendment simply to extend the tenure of judges and justices from one month to almost a year beyond age 70, depending on whether a birthdate fell before or after July 31st. First of all, in the absence of the

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legislature's expressed purpose, little justification would have existed for such an unequal treatment of the senior members of our judiciary as is provided by this constitutional amendment. Further, in the absence of the legislative explanation, a "yes" vote becomes a vote not only to extend the tenure of judges beyond the month in which they attain the age of 70, but would also become a vote which would allow a governor to *appoint* judges and justices for *longer* periods of time than would otherwise have been allowed under the constitution before the amendment. It would thus appear that, if the constitutional amendment did not accomplish its announced purpose, the electorate could well have been voting for a constitutional provision which "would allow" just the opposite of that which both the legislature indicated and the electorate intended.

Subsequent to the above amendment to Art. VII, sec. 24, Wis. Const., Secretary of State Robert C. Zimmerman requested an opinion of my predecessor, Attorney General LaFollette, as to whether election notices for the April 1969 Spring election should include offices then presently filled by circuit judges who would reach retirement age before July 31, 1969. In his opinion, reported in 57 OAG 237 (1968), he advised that the constitutional amendment was not self-executing and that further legislation would be required before an April election to choose a successor could take place. At page 238 of that opinion, the following appears:

"At some future time, it is conceivable that legislation could be enacted under which a vacancy in office could be anticipated. In this way, proof that a circuit judge would attain the age of 70 prior to July 31 of any year could be a statutory ground for calling an election during the month of April preceding the judge's retirement date. This result, however, cannot be achieved without further enabling legislation. . . ."

Immediately thereafter, in January 1969, 1969 Assembly Bill 90 was introduced in the legislature. By means of this bill, the legislature attempted to insure the transition referred to in 1967 Senate Joint Resolution 96 and on the 1968 Spring election ballot, by making provision for the election of circuit court judges and supreme court justices at the Spring election preceding the mandatory retirement of the

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incumbent judge or justice. This bill was vetoed by the governor, however, and the assembly was unable to override the veto.

Subsequently, on January 20, 1971, an original proceeding was commenced in the Wisconsin Supreme Court by petition for a writ of mandamus directing the Secretary of State, Robert C. Zimmerman, to notice an election for Branch 7 of the Circuit Court for Milwaukee County to be held at the April 1971, Spring election and to insure acceptance of nomination papers and the placing of the name of the petitioner on the ballot at such election. The interpretation of Art. VII, sec. 24, Wis. Const., as well as the fact that the petitioner had waited until close to the deadline for filing nomination papers to institute his action, were both argued to the supreme court. On January 22, 1971, the court denied the petition for a writ of mandamus, without a written opinion indicating the basis for its decision. Therefore, we are without any specific guidance as to the basis upon which the court rendered its decision.

As a result of the foregoing, we are presented with a situation where the electorate has been seriously misled as to the effect of their vote on a constitutional amendment, further efforts of the legislature to implement the constitutional amendment have proved ineffectual and the matter continues unresolved. This should not be, particularly where an amendment has passed by such a decisive vote as 734,000 to 215,000 votes.

For these reasons, I feel it is imperative that the legislature again manifest its intent with respect to the orderly replacement of retiring judges through the electoral process, by the enactment of Joint Resolutions in this session and the next session of the legislature which propose clear constitutional provisions to that effect. By doing so, the legislature can more accurately and positively record its intent concerning the present long delays which are allowed before an election is held to replace a retiring judge or justice, and the public will be provided an opportunity to respond with reference to the question free from ambiguity.

Sincerely yours,

ROBERT W. WARREN,
Attorney General.

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The fiscal note on Senate Bill 453 has been received.

COMMITTEE REPORTS

The joint committee on Finance reports and recommends for introduction:

Assembly Bill —

Relating to changing the name of the department of industry, labor and human relations to the department of labor, placing that department under the direction of a secretary, creating an administrative review commission in that department, transferring functions of the industry, labor and human relations commission to the department and the review commission, placing the functions of the division of equal rights under that department and granting rule-making authority.

Ayes, 8; Noes, 0.

GEORGE MOLINARO,
Chairman.

The committee on Labor reports and recommends:

Assembly Bill 1293

Relating to payment of workmen's compensation claims to state employes.

Assembly amendment 1, adoption; Ayes, 11; Noes, 0 and passage; Ayes, 11; Noes, 0.

WILLIAM A. JOHNSON,
Chairman.

The committee on Education reports and recommends:

Assembly Bill 1455

Relating to tuition reimbursement for a course of study in the teaching of braille.

Passage; Ayes, 10; Noes, 1.

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Assembly Bill 1501

Relating to qualifications for office of state superintendent of public instruction.

Passage; Ayes, 6; Noes, 5.

MANNY S. BROWN,
Chairman.

The committee on Enrolled Bills reports:

Assembly Bill 27,
Assembly Bill 709,
Assembly Bill 802 and
Assembly Bill 562.

Correctly enrolled.

LLOYD A. BARBEE,
Chairman.

EXECUTIVE COMMUNICATION

State of Wisconsin
Office of the Governor
Madison, Wisconsin 53702

February 8, 1972.

Honorable Members of the
Wisconsin State Assembly

All interested members of the Legislature are cordially invited to attend signing ceremonies for **Assembly Bill 914** designating the cow (*bovis domesticus*) as the official domestic animal of Wisconsin.

The ceremonies will take place Wednesday, February 9, 1972, at 9 o'clock a.m. at the Dairy Cattle Instruction & Research Center, which is located one block directly west of the Stock Pavilion on the University of Wisconsin College of Agriculture campus.

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Representatives of major dairy breeds and principal farm organizations will be on hand for the brief ceremonies.

Sincerely,

PATRICK J. LUCEY,
Governor.

MESSAGE FROM THE SENATE

By William P. Nugent, chief clerk.

Mr. Speaker.

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

Senate Bill 193,
Senate Bill 197,
Senate Bill 561 and
Senate Bill 613.

Concurred in:

Assembly Joint Resolution 146 and
Assembly Bill 218.

And returns:

Assembly Bill 859, pursuant to Assembly Joint Resolution 146

Concurred in:

Motions Under Joint Rule 26:

A joint certificate of Congratulations by Representative O'Malley; co-sponsored by Senator Thompson to Roy Ripp on his recognition as "Outstanding Young Farmer";

A joint certificate of Congratulations by Representatives Lewison, Jones, McEssy, Conratt, Quinn, Vanderperren, Bolle, Goshek, Hanna, W. A. Johnson, Sweda, Rogers and Slaby; co-sponsored by Senator LaFave to Wesley J. "Wes" Burmeister on the occasion of his retirement as state high-way engineer;

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A joint certificate of Congratulations by Representative Earl; co-sponsored by Senator Chilsen to The City of Wausau on the occasion of its centennial celebration;

A joint certificate of Congratulations by Representative Earl; co-sponsored by Senator Chilsen for The Newman High School Marching Band on its participation in 1972 Olympic Band Tour & Competition.

ACTION ON THE SENATE MESSAGE

Senate Bill 193

Relating to creating a council to study the state welfare program, and making an appropriation.

By Senators Johnson, Lotto, Martin, Chilsen, Roseleip, Whittow, Hollander, Soik and Swan; co-sponsored by Representatives Schricker, Lynn, LaFave, Quinn, Bradley, Pabst and Merkel, by request of Task Force on Welfare Payments.

To committee on Health and Social Services.

Senate Bill 197

Relating to recovery of alimony assignments, abandonment and nonsupport.

By Senators Johnson, Lotto, Cirilli, Whittow, Chilsen, Roseleip, Knowles, Martin, Hollander, Soik and Swan; co-sponsored by Representatives Stalbaum, Lynn, Schricker, Jackson, LaFave, Quinn, Pabst and McCormick, by request of Task Force on Welfare Payments.

To committee on Judiciary.

Senate Bill 561

Relating to tuition grants for Vietnam veterans.

By Senators Roseleip, Knutson, Cirilli, Heinzen, Lotto, Swan, Devitt, Soik, Busby, Murphy, Bidwell and Keppler.

To joint committee on Finance.

Senate Bill 613

Relating to violations of housing codes.

By Senator Soik; co-sponsored by Representative Conta, by request of Lakeside Community Council.

To calendar.

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Assembly Bill 859

Relating to the dockline of the city of Kenosha.
To joint committee on Finance.

MOTION UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature
Know you by these presents:

Whereas, the Tavern League of Waupaca County, Inc., has been designated the Grand Winner in the category of participation as an association in the national Tavern Owner of the Year contest, an honor signalled by the presentation of a plaque during the 22nd National Licensed Beverage Association Convention held recently in Chicago; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representative Byers, and Senator Lorge, under Joint Rule 26, heartily congratulate the Tavern League of Waupaca County and its secretary, William Sohrweide, upon this occasion of recognition of their distinguished service.

The question was: Adoption?
Motion carried.

Representative Earl asked unanimous consent that the rules be suspended and that the assembly's action on the motion be immediately messaged to the senate. Granted.

MOTIONS

Representative McEssy asked unanimous consent to be recorded as voting "No" on messaging Assembly Bill 1109 on February 3, 1972. Granted.

LEAVE OF ABSENCE

Representative Froehlich asked unanimous consent for a leave of absence for today's session for Representative Conradt. Granted.

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SPECIAL ORDER OF BUSINESS AT 10:00 A.M.

Senate Bill 453

Relating to lowering the age of majority from 21 years of age to 18 years.

Representative Duren asked unanimous consent that **Senate Bill 453** be referred to the committee on Health and Social Services.

Representative Sensenbrenner objected.

Representative Duren moved that **Senate Bill 453** be referred to the committee on Health and Social Services.

The question was: Shall **Senate Bill 453** be referred to the committee on Health and Social Services?

The roll was taken.

The vote follows:

Ayes—Azim, Duren, Giese, Hanna, Korpela, LaFave, Luckhardt, Lynn, McEssy, Merkel, Mielke, Mittness, Oestreicher, Quinn, Stack, Stalbaum, Thompson T. G., Tregoning, Wackett and Wilcox—20.

Noes—Alberts, Atkinson, Barbee, Berger, Boeckmann, Bolle, Bradley, Brown, Bultman, Byers, Conta, Czerwinski, Day, Dorff, Dueholm, Earl, Early, Ellis, Everson, Ferrall, Froehlich, Gaulke, Greider, Groshek, Grover, Guiles, Hanson, Helgeson, Hephner, Jackamonis, Jackson, Johnson G. K., Johnson W. A., Jones, Kafka, Kessler, Kleczka, Klicka, Menos, Looby, McCormick, McDougal, Mato, Miller, Mohn, Nager, O'Malley, Oberle, Orlich, Otte, Pabst, Quackenbush, Robertson, Roberts, Rogers, Rutkowski, Sana-sarian, Schneider, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Sicula, Slaby, Sweda, Swoboda, Thompson R. M., Vanderperren, Wahner, Wilger, Willkom and Mr. Speaker—74.

Absent or not voting—Baldus, Conradt, Lewison, Molinaro and Tobiasz—5.

Motion failed.

Representative Azim asked unanimous consent that **Senate Bill 453** be made a special order of business at 2:00 P.M., Today.

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Representative Earl objected.

Representative Azim moved that Senate Bill 453 be non-concurred in.

The question was: Shall Senate Bill 453 be nonconcurrent in?

The roll was taken.

The vote follows:

Ayes—Azim, Duren, Giese, McEssy, Merkel, Mittness, Molinaro, Oestreicher, Thompson T. G., Tregoning and Wilcox—11.

Noes—Alberts, Atkinson, Barbee, Berger, Boeckmann, Bolle, Bradley, Brown, Bultman, Byers, Conta, Czerwinski, Day, Dorff, Dueholm, Earl, Early, Ellis, Everson, Ferrall, Froehlich, Gaulke, Greider, Groshek, Grover, Guiles, Hanna, Hanson, Helgeson, Hephner, Jackamonis, Jackson, Johnson G. K., Johnson W. A., Jones, Kafka, Kessler, Kleczka, Klicka, Korpela, LaFave, Menos, Looby, Luckhardt, Lynn, McCormick, McDougal, Mato, Mielke, Miller, Mohn, Nager, O'Malley, Oberle, Orlich, Otte, Pabst, Quackenbush, Quinn, Robertson, Roberts, Rogers, Rutkowski, Sanasarian, Schneider, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Sicula, Slaby, Stack, Stalbaum, Sweda, Swoboda, Thompson R. M., Tobiasz, Vanderperren, Wackett, Wahner, Wilger, Willkom and Mr. Speaker—85.

Absent or not voting—Baldus, Conradt and Lewison—3.

Motion failed.

The question was: This bill having been read three times, shall the bill be concurred in?

The roll was taken.

The vote follows:

Ayes—Alberts, Atkinson, Barbee, Berger, Boeckmann, Bolle, Bradley, Brown, Bultman, Byers, Conta, Czerwinski, Day, Dorff, Dueholm, Earl, Early, Ellis, Everson, Ferrall, Froehlich, Gaulke, Greider, Groshek, Grover, Guiles, Hanna, Hanson, Helgeson, Hephner, Jackamonis, Jackson, Johnson G. K., Johnson W. A., Jones, Kafka, Kessler, Kleczka, Klicka, Korpela, LaFave, Menos, Looby, Luckhardt, Lynn,

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McCormick, McDougal, Mato, Mielke, Miller, Mittness, Mohn, Molinaro, Nager, O'Malley, Oberle, Orlich, Otte, Pabst, Quackenbush, Quinn, Robertson, Roberts, Rogers, Rutkowski, Sanasarian, Schneider, Schowalter, Schricker, Schroeder, Sensenbrenner, Shabaz, Sicula, Slaby, Stack, Stalbaum, Sweda, Swoboda, Thompson R. M., Tobiasz, Tre-goning, Vanderperren, Wackett, Wahner, Wilcox, Wilger, Willkom and Mr. Speaker—88.

Noes—Azim, Duren, Giese, McEssy, Merkel, Oestreicher, Schwefel and Thompson T. G.—8.

Absent or not voting—Baldus, Conradt and Lewison,—3.

Motion carried.

Representative Schwefel asked unanimous consent to be recorded as voting "Aye". Granted.

Representative Earl asked unanimous consent that the rules be suspended and that the assembly's action on **Senate Bill 453** be immediately messaged to the senate.

Representative Giese objected.

Representative Earl moved that the rules be suspended and that the assembly's action on **Senate Bill 453** be immediately messaged to the senate.

The question was: Shall the rules be suspended and that the assembly's action on **Senate Bill 453** be immediately messaged to the senate?

The roll was taken.

The vote follows:

Ayes—Alberts, Atkinson, Azim, Barbee, Berger, Boeckmann, Bolle, Bradley, Brown, Bultman, Byers, Conta, Czerwinski, Day, Dorff, Dueholm, Earl, Early, Ellis, Everson, Ferrall, Froehlich, Gaulke, Greider, Groshek, Grover, Guiles, Hanna, Hanson, Helgeson, Hephner, Jackamonis, Jackson, Johnson G. K., Johnson W. A., Jones, Kafka, Kessler, Kleczka, Klicka, Korpela, Menos, Looby, Lynn, McCormick, McDougal, Mato, Mielke, Miller, Mittness, Mohn, Molinaro, Nager, O'Malley, Oberle, Orlich, Otte, Pabst, Quackenbush, Quinn, Robertson, Roberts, Rogers, Rutkowski, Sanasarian, Schneider, Schowalter, Schricker,

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Schroeder, Schwefel, Sensenbrenner, Shabaz, Sicala, Slaby, Stack, Stalbaum, Sweda, Swoboda, Thompson R. M., Tobiasz, Vanderperren, Wahner, Wilger, Willkom and Mr. Speaker—85.

Noes—Duren, Giese, LaFave, Luckhardt, McEssy, Merkel, Oestreicher, Thompson T. G., Tregoning, Wackett and Wilcox—11.

Absent or not voting—Baldus, Conradt and Lewison—3.

Motion carried.

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

The assembly stood recessed.

12:10 P.M.

RECESS

2:00 P.M.

The assembly reconvened.

LEAVE OF ABSENCE

Representative Earl asked unanimous consent for a leave of absence for this morning's session for Representative Baldus. Granted.

Representative Earl asked unanimous consent that the assembly stand recessed for 15 minutes. Granted.

The assembly stood recessed.

2:11 P.M.

RECESS

2:30 P.M.

The assembly reconvened.

MOTIONS

Representative Sensenbrenner moved that Assembly Bill 541 be withdrawn from the joint committee on Finance and referred to the calendar.

The question was: Shall Assembly Bill 541 be withdrawn from the joint committee on Finance and referred to the calendar?

The roll was taken.

The vote follows:

Ayes—Alberts, Azim, Bradley, Byers, Ellis, Froehlich, Gaulke, Giese, Greider, Guiles, Helgeson, Kafka, Klicka, LaFave, Luckhardt, McDougal, Molinaro, Quinn, Roberts, Schroeder, Schwefel, Sensenbrenner, Stalbaum, Thompson T. G., Wilcox and Wilger—26.

Noes—Atkinson, Baldus, Barbee, Berger, Boeckmann, Bolle, Brown, Bultman, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Everson, Ferrall, Groshek, Grover, Hanna, Hanson, Hephner, Jackamonis, Jackson, Johnson G. K., Johnson W. A., Jones, Kessler, Kleczka, Korpela, Menos, Looby, Lynn, McCormick, McEssy, Mato, Merkel, Mielke, Miller, Mittness, Mohn, Nager, O'Malley, Oberle, Oestreicher, Orlich, Otte, Pabst, Quackenbush, Robertson, Rogers, Rutkowski, Sanasarian, Schneider, Schowalter, Schricker, Shabaz, Sricula, Slaby, Stack, Sweda, Swoboda, Thompson R. M., Tobiasz, Tregoning, Vanderperren, Wackett, Wahner, Willkom and Mr. Speaker—71.

Absent or not voting—Conradt and Lewison—2.

Motion failed.

Representative Atkinson asked unanimous consent that Assembly Bill 170 be withdrawn from the joint committee on Finance and referred to the calendar. Granted.

MOTION UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature
Know you by these presents:

Whereas, Marvin L. (Duke) Wellentin, 69, of 210 Breese Terrace, Madison, a familiar and well-liked legislative clerk in the assembly for the past 15 years, died Saturday, February 5, 1972. A Madison jeweler for 28 years, "Duke" Wellentin has also played Santa Claus on WKOW-TV; now, therefore,

The members of the Wisconsin Legislature, on the motion of Representative Earl, under Joint Rule 26, offer their heartfelt condolences to the family of this good and faithful public servant, Marvin L. (Duke) Wellentin.

Representative Earl asked unanimous consent that the entire membership be made co-authors of the motion.

The question was: Adoption?
Motion carried.

Representative Dueholm asked unanimous consent that **Assembly Bill 1476** be withdrawn from the committee on Taxation and referred to the joint Survey committee on Tax Exemptions. Granted.

Representative Dueholm asked unanimous consent that **Assembly Bill 1497** be withdrawn from the committee on Taxation and referred to the joint Survey committee on Tax Exemptions. Granted.

Representative Froehlich asked unanimous consent that assembly amendment 2 to **Assembly Bill 1285** be returned to its author. Granted.

Representative Froehlich asked unanimous consent that **Senate Bill 428** be withdrawn from the committee on Judiciary and referred to the calendar. Granted.

Representative W. A. Johnson asked unanimous consent that **Assembly Bill 918** be withdrawn from the committee on Judiciary and referred to the calendar.

Representative Shabaz objected.

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Representative W. A. Johnson moved that **Assembly Bill 918** be withdrawn from the committee on Judiciary and referred to the calendar.

The question was: Shall **Assembly Bill 918** be withdrawn from the committee on Judiciary and referred to the calendar?

The roll was taken.

The vote follows:

Ayes—Atkinson, Baldus, Berger, Boeckmann, Bolle, Brown, Bultman, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Everson, Ferrall, Groshek, Grover, Hanna, Hephner, Jackamonis, Johnson G. K., Johnson W. A., Jones, Kafka, Kessler, Kleczka, Korpela, Menos, Looby, McCormick, Mato, Mielke, Miller, Nager, Orlich, Otte, Pabst, Roberts, Rogers, Rutkowski, Sanasarian, Sricula, Sweda, Swoboda, Vanderperren, Wahner, Willkom and Mr. Speaker—50.

Noes—Alberts, Azim, Bradley, Byers, Ellis, Froehlich, Gaulke, Giese, Greider, Guiles, Helgeson, Jackson, Klicka, LaFave, Luckhardt, Lynn, McDougal, McEssy, Merkel, Mittness, Mohn, Molinaro, O'Malley, Oberle, Oestreicher, Quackenbush, Quinn, Robertson, Schneider, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Slaby, Stalbaum, Thompson R. M., Thompson T. G., Tobiasz, Trengoning, Wackett, Wilcox and Wilger—44.

Absent or not voting—Barbee, Conradt, Hanson, Lewison and Stack—5.

Motion carried.

Representative Hanson asked unanimous consent to be recorded as voting "Aye". Granted.

Representative W. A. Johnson asked unanimous consent that **Assembly Bill 1199** be withdrawn from the committee on Judiciary and referred to the calendar.

Representative Shabaz objected.

Representative W. A. Johnson moved that **Assembly Bill 1199** be withdrawn from the committee on Judiciary and referred to the calendar.

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Representative Shabaz asked unanimous consent to read from a printed document. Granted.

The question was: Shall **Assembly Bill 1199** be withdrawn from the committee on Judiciary and referred to the calendar?

The roll was taken.

The vote follows:

Ayes—Berger, Boeckmann, Bultman, Conta, Czerwinski, Dorff, Dueholm, Duren, Early, Everson, Groshek, Grover, Hanna, Hanson, Hephner, Johnson G. K., Johnson W. A., Kessler, Kleczka, Menos, Lynn, Mato, Miller, Mohn, Molinaro, Nager, Otte, Pabst, Roberts, Rogers, Rutkowski, Sanasarian, Stack, Stalbaum, Sweda, Swoboda, Wahner and Willkom—38.

Noes—Alberts, Azim, Baldus, Barbee, Bolle, Bradley, Brown, Byers, Day, Earl, Ellis, Ferrall, Froehlich, Gaulke, Giese, Greider, Guiles, Helgeson, Jackamonis, Jackson, Jones, Kafka, Klicka, Korpela, LaFave, Looby, Luckhardt, McCormick, McDougal, McEssy, Merkel, Mielke, Mittness, O'Malley, Oberle, Oestreicher, Orlich, Quackenbush, Quinn, Robertson, Schneider, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Sicula, Slaby, Thompson R. M., Thompson T. G., Tregoning, Vanderperren, Wackett, Wilcox, Wilger and Mr. Speaker—57.

Absent or not voting—Atkinson, Conradt, Lewison and Tobiasz—4.

Motion failed.

Representative W. A. Johnson asked unanimous consent that **Assembly Bill 1206** be withdrawn from the committee on Judiciary and referred to calendar.

Representative Shabaz objected.

Representative W. A. Johnson moved that **Assembly Bill 1206** be withdrawn from the committee on Judiciary and referred to the calendar.

The question was: Shall **Assembly Bill 1206** be withdrawn from the committee on Judiciary and referred to the calendar?

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The roll was taken.

The vote follows:

Ayes—Berger, Boeckmann, Czerwinski, Duren, Early, Grover, Hanna, Hanson, Hephner, Jackamonis, Johnson W. A., Kessler, Korpela, Menos, Mato, Molinaro, Otte, Pabst, Roberts, Rogers, Stack, Swoboda, Tobiasz and Willkom—24.

Noes—Alberts, Atkinson, Azim, Baldus, Barbee, Bolle, Bradley, Brown, Bultman, Byers, Conta, Day, Dorff, Dueholm, Earl, Ellis, Everson, Ferrall, Froehlich, Gaulke, Giese, Greider, Groshek, Guiles, Helgeson, Jackson, Johnson G. K., Jones, Kafka, Kleczka, Klicka, LaFave, Looby, Luckhardt, Lynn, McCormick, McDougal, McEssy, Merkel, Mielke, Miller, Mittness, Mohn, Nager, O'Malley, Oberle, Oestreicher, Orlich, Quackenbush, Quinn, Robertson, Rutkowski, Sana-sarian, Schneider, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Sicula, Slaby, Stalbaum, Sweda, Thompson R. M., Thompson T. G., Tregoning, Vanderperren, Wackett, Wahner, Wilcox, Wilger and Mr. Speaker—73.

Absent or not voting—Conradt and Lewison—2.

Motion failed.

Representative Alberts asked unanimous consent that **Assembly Bill 462** be withdrawn from the joint committee on Finance and referred to the calendar. Granted.

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

Assembly Bill 1543

Relating to furnishing liquor to certain nonresidents and providing a penalty.

By Representative Azim.

Representative Azim asked unanimous consent that **Assembly Bill 1543** be made a special order of business at 10:00 A.M. tomorrow.

Representative Earl objected.

Representative Earl asked unanimous consent to make a statement. Granted.

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Representative O'Malley asked unanimous consent that **Assembly Bill 1323** be withdrawn from the joint committee on Finance and referred to the calendar. Granted.

Representative G. K. Johnson asked unanimous consent that **Assembly Bill 1010** be withdrawn from the table and be taken up at this time. Granted.

Assembly Bill 1010

Relating to mental health procedures.

Assembly amendment 1 to assembly substitute amendment 4 to **Assembly Bill 1010** offered by Representative G. K. Johnson.

The question was: Shall assembly amendment 1 to assembly substitute amendment 4 to **Assembly Bill 1010** be adopted?

Motion carried.

Representative Sensenbrenner moved rejection of assembly substitute amendment 4 to **Assembly Bill 1010**.

Representative G. K. Johnson asked unanimous consent to read from a printed document. Granted.

Representative Merkel asked unanimous consent to speak on substitute amendment 1 and substitute amendment 4. Granted.

Representative LaFave asked unanimous consent to speak on the amendment and the bill. Granted.

Representative Wilcox moved that **Assembly Bill 1010** be laid on the table.

Representative Czerwinski asked unanimous consent to make a statement. Granted.

Representative Wilcox asked unanimous consent to make a statement. Granted.

Representative Sensenbrenner asked unanimous consent to make a statement. Granted.

Representative Merkel asked unanimous consent to make a statement. Granted.

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The question was: Shall **Assembly Bill 1010** be laid on the table?

The roll was taken.

The vote follows:

Ayes—Azim, Baldus, Boeckmann, Bolle, Bradley, Brown, Day, Dueholm, Earl, Ellis, Froehlich, Gaulke, Greider, Groshek, Grover, Guiles, Hephner, Jackson, Johnson W. A., Jones, Kafka, Kleczka, Klicka, Lewison, Menos, Lynn, McCormick, McEssy, Mato, Mohn, Oberle, Otte, Pabst, Quackenbush, Quinn, Roberts, R o g e r s , Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Slaby, Stalbaum, Sweda, Swoboda, Thompson R. M., Thompson T. G., Tregoning, Wilcox, Wilger, Willkom and Mr. Speaker—53.

Noes—Alberts, Atkinson, Barbee, Berger, B u l t m a n , Byers, Conta, Czerwinski, Dorff, Duren, Early, Everson, Ferrall, Giese, Hanna, H a n s o n , Helgeson, Jackamonis, Johnson G. K., Kessler, Korpela, LaFave, Looby, Luckhardt, McDougal, Merkel, Mielke, Miller, Mittness, Molinaro, Nager, O'Malley, Oestreicher, Orlich, Robertson, Rutkowski, Sanasarian, Schneider, Schowalter, Sicula, Stack, Tobiasz, Vanderperren, Wackett and Wahner—45.

Absent or not voting—Conradt—1.

Motion carried.

CALENDAR OF WEDNESDAY, JANUARY 19, 1972

Assembly Bill 1198

Relating to evidence of illegal advertising.

Representative Helgeson moved that **Assembly Bill 1198** be indefinitely postponed.

The question was: Shall the bill be indefinitely postponed?

The roll was taken.

The vote follows:

Ayes—Alberts, Atkinson, Azim, Baldus, Bradley, Byers, Conradt, Day, Ellis, Everson, Froehlich, Gaulke, Giese, Greider, Groshek, Guiles, Hanna, Helgeson, Hephner,

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Kafka, Klicka, LaFave, Lewison, Menos, Luckhardt, Lynn, McDougal, McEssy, Merkel, Mohn, Quackenbush, Quinn, Robertson, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Stalbaum, Swoboda, Thompson R. M., Thompson T. G., Tregoning, Wackett, Wilcox, Wilger and Willkom—48.

Noes—Barbee, Berger, Boeckmann, Bolle, Brown, Bultman, Conta, Czerwinski, Dorff, Dueholm, Duren, Earl, Early, Ferrall, Grover, Hanson, Jackamonis, Jackson, Johnson G. K., Johnson W. A., Jones, Kessler, Kleczka, Korpela, Looby, McCormick, Mato, Mielke, Miller, Mittness, Molinaro, Nager, O'Malley, Oberle, Oestreicher, Orlich, Otte, Pabst, Roberts, Rogers, Rutkowski, Sanasarian, Schneider, Sicula, Slaby, Stack, Sweda, Tobiasz, Vanderperren, Wahner and Mr. Speaker—51.

Absent or not voting—None.

Motion failed.

Representative Shabaz asked unanimous consent to read from a printed document. Granted.

Representative G. K. Johnson asked unanimous consent that the assembly adjourn in honor of the 13th Wedding Anniversary of Representative Mielke. Granted.

Representative Helgeson asked unanimous consent that the assembly adjourn in honor of the birthday of Representative Lewison on February 7. Granted.

AMENDMENTS OFFERED

Assembly amendment 8 to Assembly Bill 1477 offered by Representatives Molinaro and Dorff.

Assembly amendment 1 to Senate Bill 503 offered by Representative Sensenbrenner.

Assembly substitute amendment 1 to Senate Bill 463 offered by Representative Grover.

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Assembly amendment 9 to Assembly Bill 1477 offered by Representatives Helgeson and Froehlich.

Assembly amendment 2 to assembly substitute amendment 4 to Assembly Bill 1010 offered by Representative Oestreicher.

Assembly amendment 3 to assembly substitute amendment 4 to Assembly Bill 1010 offered by Representative G. K. Johnson.

Assembly amendment 15 to Assembly Bill 1356 offered by Representatives Bultman, Kessler, Sanasarian and Barbee.

Assembly amendment 1 to Assembly Bill 1432 offered by Representative Baldus.

CHIEF CLERK'S CORRECTIONS

as provided by Legislative Reference Bureau

Assembly Bill 1494

On page 3, line 4, substitute "shows" for "foars".

Assembly Bill 1522

The unnumbered line is designated "13" and in that line substitute "29.60" for "!w.60".

Assembly Bill 1524

In line 13, substitute "30.19" for "30.18".

VISITORS

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

Jerry Stenz from Stevens Point, Wisconsin, Dennis J. Goddard, Roman Dragula, Emil Mechelkamp, Al Zurawski, Charles Tuten and Carl Jocius from Stevens Point, Wisconsin, guests of Representative Groshek.

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Mr. and Mrs. Archie Drehmel, David Zimbauer and Eugene Casgrove from Augusta, Wisconsin, guests of Representative Mato.

Henry Hlau, James H. Schultz, Karl Magnussen, Victor Schemm from Watertown, Wisconsin, G. R. Hartman and C. A. Hartman from Jefferson, Wisconsin and students from Palmyra High School, Wisconsin, guests of Representative Wackett.

Richard Schara, John Brey, Ron Palmer and Gary Meyer, Senior High School students from Reedsburg High School, Reedsburg, Wisconsin, Bill Hopper, John Rindfleisch, Vern Gruenewald and Judy Barton from Baraboo, Wisconsin and Pete Litscher, Sauk County Farmers Union official from Baraboo, Wisconsin, guests of Representative Giese.

Bev and Robert Pontell from Woodboro, Wisconsin, Stanley and Arlene Pedersen from Rhinelander, Wisconsin and Jerry Strniz from Stevens Point, Wisconsin, guests of Representative Gaulke.

Mr. and Mrs. Andrew Waterman from Wisconsin Dells, guests of Representative T. G. Thompson and Representative R. M. Thompson.

Duane Foulkes and Curtis Tlugum from Fall River, guests of Representative R. M. Thompson.

Sacred Hearts School—Junior High students—from Sun Prairie, Wisconsin, guests of Representative Everson.

Donovan Redetzke from Marshfield, Wisconsin, guest of Representative Oestreicher.

Tom Barr and David Olson from Oshkosh, Wisconsin, guests of Representative Guiles.

Donald Breitzkreutz from Hartford, Wisconsin, guest of Representative Schroeder.

Robert Klapper from Montello, Wisconsin, guest of Representative T. G. Thompson.

John G. Eitel, William A. Rehnk, Mike and Sue Beam and Joseph Caker from Phillips, Wisconsin, guests of Representative Slaby.

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James Barr, Fred Barr, Bernyce Barr, Jacob Barr and Ruth Barr from Willard, Wisconsin, guests of Representative Oberle.

Richard Mellen and Garclan Heiptas from Green Bay and DePere, Wisconsin, guests of Representative Quinn.

Mrs. Alice Owens and Mr. Terry Owens from Chilton, Wisconsin, guests of Representative Hephner.

Terry Warnke and Andy Sciano from Green Lake, Wisconsin, guests of Representative Wilcox.

Vinton W. Bacon from Whitefish Bay, Wisconsin, guest of Representative Sensenbrenner.

Leo Preisler, Chris Van Dix Horn, Barbara Preisler and Andrew Sciamo from Kingston, Wisconsin, guests of Representative Wilcox.

Jerry Morey and Al Hermsen from Stevens Point, Wisconsin, guests of Representative Groshek.

David Pierre Bibcav, John R. Mubpixy, Richard Agnew and Larry Barr from Chippewa Falls, Wisconsin, guests of Representative Willkom.

Jim Pucci, National Tavern Owner of the Year 1971 from Waukesha, Wisconsin, guest of Representative Jackamonis.

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

**The question was: Shall the assembly stand adjourned?
The motion carried.**

The assembly stood adjourned.

5:35 P.M.