

Assembly Journal

Eighty-Third Regular Session

TUESDAY, April 19, 1977.

10:00 A.M.

The assembly met.

Speaker Jackamonis in the chair.

The prayer was offered by Reverend Joe Dawson of Mount Zion Baptist Church, 2019 Fischer Street, Madison.

Representative Medinger 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, Ausman, Barczak, Barry, Bear, Behnke, Bradley, Brist, Byers, Clarenbach, Coggs, Conradt, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, Ducholm, Duren, Early, Elconin, Ellis, Engeleiter, Everson, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Gower, Groshek, Gunderson, Hanson, Hasenohrl, Hauke, Hephner, Johnson, Johnston, Kedrowski, Kincaid, Kirby, Klicka, Lallensack, Lato, Lee, Leopold, Lewis, Lingren, Litscher, Loftus, Looby, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, Metz, Miller, Mohn, Moody, Munts, Norquist, Olson, Opitz, Otte, Pabst, Plewa, Porter, Potter, Quackenbush, Roberts, Rogers, Rooney, Roth, Rutkowski, Schmidt, Schneider, Schricker, Shabaz, Snyder, Soucie, Swoboda, Tesmer, Thompson, Travis, Tregoning, Tropman, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 97.

Absent -- None.

Absent with leave -- Lewison and Murray -- 2.

AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Resolution 19** offered by Representatives Barczak and Pabst.

Assembly amendment 5 to **Assembly Joint Resolution 37** offered by Representative Duren.

Assembly amendment 1 to **Assembly Bill 15** offered by Representative Clarenbach.

Assembly amendment 1 to **Assembly Bill 48** offered by Representative Clarenbach.

Assembly amendment 2 to assembly substitute amendment 1 to **Assembly Bill 100** offered by Representatives Pabst, Hauke, Dorff, Andrea, Johnston, Hanson, Ferrall, Tuczynski, Tesmer, Bear and Thompson.

Assembly substitute amendment 1 to **Assembly Bill 136** offered by Representatives Plewa, Lewis, Medinger, Duren, Kirby, Gerlach, Merkt, Ellis, Johnston, Behnke, Hauke, Norquist, Elconin, Day, Hephner, Barry, Matty, Ausman, Schmidt, Rooney, Vanderperren and Otte.

Assembly amendment 1 to **Assembly Bill 287** offered by Representatives Barry and Miller.

Assembly amendment 1 to **Assembly Bill 323** offered by Representative Gower.

Assembly amendment 4 to **Assembly Bill 349** offered by Representative Lee.

Assembly amendment 1 to **Assembly Bill 465** offered by Representative Vanderperren.

Assembly amendment 2 to **Assembly Bill 465** offered by Representative Vanderperren.

Assembly amendment 1 to **Assembly Bill 472** offered by Representative Duren.

Assembly substitute amendment 1 to **Assembly Bill 524** offered by Representative Mohn.

Assembly amendment 1 to **Assembly Bill 532** offered by Representative Day.

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Assembly amendment 1 to **Assembly Bill 545** offered by Representative Quackenbush.

INTRODUCTION AND REFERENCE OF BILLS

Read first time and referred:

Assembly Bill 662

Relating to prohibiting courts from placing persons convicted of first-degree or 2nd-degree murder on probation.

By Representatives Matty, Behnke, Ausman, Hauke, Schmidt, Klicka, Kincaid, Tregoning, Lallensack, Plewa, Norquist, Olson, Ellis, McEssy, Gunderson, Roth, Conradt, Thompson and Shabaz.

To committee on Criminal Justice and Public Safety.

Assembly Bill 663

Relating to limitations on giving information relating to general relief, requiring record-keeping of relief paid and providing a penalty.

By Representatives Loftus and Schricker, co-sponsored by Senator Thompson.

To committee on Health and Social Services.

Assembly Bill 664

Relating to campaign financing, creating a clean election campaign fund, granting rule-making authority, making appropriations and providing penalties.

By Representatives Kedrowski, Wahner, Munts, Clarenbach, Brist, Ausman, Coggs, Rooney, Metz, Elconin, Ferrall, Travis, Rutkowski, Hasenohrl, Norquist, McClain, Jackamonis, Fischer, Dandeneau, Miller, Otte, Dueholm, Tropman, Loftus, Leopold, Andrea, Gerlach, Potter, Bear, Barry, Medinger, Everson and Engeleiter, co-sponsored by Senators Bablitch, Petri, Flynn, McKenna, Braun, VanSistine, Offner, Radosevich, Morrison, Dorman, Harnisch, Goyke, Risser, Berger, Cullen, McCallum and Thompson.

To committee on Elections.

Assembly Bill 665

Relating to division of real estate transfer fees between the state and counties.

By Representatives Ward and Menos, by request of Milwaukee County.

To committee on Revenue.

Assembly Bill 666

Relating to making the 55 mile per hour speed limit and certain other energy conservation measures permanent and relating to suspending a person's operating privilege upon the person's conviction by a court of exceeding the 55 mile per hour limit by 25 miles per hour or more.

By Representatives Vanderperren, Lallensack, Potter, Otte and Groshek, co-sponsored by Senators Parys, VanSistine, Maurer, Adelman and Radosevich.

To committee on Highways.

Assembly Bill 667

Relating to separating the department of natural resources into a statutory division of conservation and a statutory division of environmental protection, granting rule-making authority and making appropriations.

By Representatives Kincaid, Thompson, Litscher, Lallensack and Gunderson, co-sponsored by Senator Krueger.

To committee on Environmental Protection.

Assembly Bill 668

Relating to closing hours for Class "B" and "Class B" establishments.

By Representatives Kincaid, Dorff and Matty.

To committee on Excise and Fees.

Assembly Bill 669

Relating to limiting AFDC work-related transportation costs.

By Representative Gower.

To committee on Health and Social Services.

Assembly Bill 670

Relating to election of the common council in 1st class cities and the board of supervisors in populous counties.

By Representatives Elconin, Tropman, Plewa, Behnke, Leopold, Norquist, Gerlach, Johnston, Kirby, Andrea, Soucie, Barczak and Moody, co-sponsored by Senators Berger and Braun.

To committee on Local Affairs.

Assembly Bill 671

Relating to transportation of radioactive material, granting rule-making authority, establishing fees and providing a penalty.

By Representative Clarenbach.

To committee on Environmental Protection.

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Assembly Bill 672

Relating to information required to be printed on the backs of paper ballots.

By Representative DeLong, co-sponsored by Senator Chilsen.
To committee on Elections.

Assembly Bill 673

Relating to the burden of proof on claims for punitive damages, limiting claims for certain damages, changing liability for defective products and reducing the statute of limitations.

By Representatives Engeleiter, Leopold, Ausman, Barry, Matty, Gunderson, Donoghue, Fischer, Opitz, Bear, Brist, Schmidt and Ferrall, co-sponsored by Senators Theno and Krueger.

To committee on Judiciary.

Assembly Bill 674

Relating to public disclosure of income tax returns of state public officials and candidates for state public office, granting rule-making authority and providing a penalty.

By Representatives Lee and Leopold.
To committee on Elections.

Assembly Bill 675

Relating to granting creditable service for military service to public employes with less than 20 years creditable service for retirement purposes.

By Representatives Roberts, Early, Kirby and Schneider, co-sponsored by Senator Offner.

To Joint Survey Committee on Retirement Systems.

Assembly Bill 676

Relating to children with exceptional educational needs residing in state or county facilities.

By Committee on Education.
To committee on Education.

PETITIONS

Assembly Petition 58

Submitted by Lois Liddicoat consisting of 100 signatures of citizens of Dane County in support of Assembly Bill 180, relating to the discontinuance of procedures for registration of electors at polling places on election day.

By Representative Klicka.
To committee on Elections.

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Assembly Petition 59

Submitted by Fr. Dismas Treder consisting of 10 signatures of citizens of Pulaski, Wis. in support of Assembly Joint Resolution 7, relating to rescinding Wisconsin's ratification of the Equal Rights Amendment to the U.S. Constitution.

By Representative Klicka.

To committee on Judiciary.

Assembly Petition 60

A resolution submitted by the County Board of Forest County in opposition to proposed restrictions on the size of timber sales and on tree planting in county forests.

By Representative Kincaid.

To committee on Natural Resources.

Assembly Petition 61

A resolution submitted by the County Board of Forest County in favor of a legislative enactment of a freeze on equalized valuations at the 1976 level for at least the 1977-78 period pending a review of certain taxing procedures.

By Representative Kincaid.

To committee on Local Affairs.

Assembly Petition 62

A resolution submitted by the County Board of Forest County in favor of retaining the subdivision plat review function within the Department of Local Affairs and Development.

By Representative Kincaid.

To committee on Local Affairs.

Assembly Petition 63

A resolution submitted by the County Board of Forest County in favor of continued support from general revenue funds of the programs of the public health sanitarians, Division of Health, Dept. of Health and Social Services.

By Representative Kincaid.

To committee on Health and Social Services.

Assembly Petition 64

A resolution submitted by the County Board of Forest County in opposition to a recent federal court ruling which overturned Wisconsin law requiring court permission for certain marriages, and urging appeal by the Attorney General of this ruling.

By Representative Kincaid.

To committee on Health and Social Services.

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Assembly Petition 65

Submitted by the seventh grade class of John Dewey Jr. High School, West Allis, Wis. consisting of 91 signatures of students in favor of Assembly Joint Resolution 8, relating to allowing the legislature to provide property tax benefits for home improvements.

By Representative Klicka.
To committee on Revenue.

Assembly Petition 66

A resolution submitted by the Fond du Lac County Board in opposition to Senate Bill 77 and the proposed tax on live entertainment.

By Representative Bradley.
To committee on Revenue.

Assembly Petition 67

A resolution submitted by the City Council of Oshkosh in support of Assembly Bill 223, relating to state aid to municipalities and counties for revenue losses due to tax exemption of manufacturing machinery and equipment.

By Representative Bradley.
To committee on Local Affairs.

Assembly Petition 68

Submitted by Allen Kraus, Fort Atkinson consisting of 26 signatures of citizens of Jefferson County in support of elimination of the personal property tax on merchants and manufacturers inventories and farmers' livestock as proposed in Senate Bill 77.

By Representative Lorman.
To committee on Revenue.

Assembly Petition 69

Submitted by Delbert Keltz consisting of 65 signatures of the Farm Bureau in Waushara and Green Lake Counties in support of elimination of the personal property tax on merchants and manufacturers inventories and farmers' livestock as proposed in Senate Bill 77.

By Representative Goodrich.
To committee on Revenue.

Assembly Petition 70

Submitted by Oliver Propst, Beaver Dam, Wis. consisting of 66 signatures of citizens of Wisconsin in support of the elimination of the personal property tax on merchants and manufacturers inventories and farmers' livestock as proposed in Senate Bill 77.

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**By Representative Hanson.
To committee on Revenue.**

Assembly Petition 71

Submitted by Jerry Kamps consisting of signatures of 470 citizens of Wisconsin in support of Senate Joint Resolution 4, relating to the establishment of state-operated lotteries.

**By Representative Rogers.
To committee on Revenue.**

OPINION OF THE ATTORNEY GENERAL

OAG 36-77

April 13, 1977

**Mr. Everett E. Bolle
Director of Legislative Services
Wisconsin State Assembly
220 West, State Capitol
Madison, Wisconsin 53702**

Dear Mr. Bolle:

1977 Assembly Resolution No. 13 requests my opinion whether vitamins are drugs within the meaning of sec. 450.06, Stats., and whether vitamins may be sold by stores other than pharmacies.

Section 450.06, Stats., provides in part:

“The term ‘drug’, as used in this chapter, means:

“(1) Articles recognized in the official U.S. Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in persons or other animals; and

“(2) All other articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in persons or other animals; and

“(3) Articles (other than food) intended to affect the structure or any function of the body of persons or other animals; and

“(4) Articles intended for use as a component of any articles specified in subs. (1), (2) or (3)”

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Section 450.04, Stats., provides in part:

“(2) No person shall sell ... drugs ... unless he be a registered pharmacist ...

“(3) This shall not interfere ... with the sale of proprietary medicines in sealed packages, labeled to comply with the federal and state pure food and drug law, with directions for using, and the name and location of the manufacturer”

Proprietary drugs are those which are manufactured on the basis of a secret formula, patented formula, or otherwise protected formula, and which are sold by the manufacturer already packaged and with directions for use under a name chosen by the manufacturer. See 40 OAG 341 (1951).

I am assuming for purposes of this opinion that the vitamins contemplated in the opinion request are recognized in either the official U.S. Pharmacopoeia, the official Homeopathic Pharmacopoeia of the United States, or official National Formulary, and consequently that they are not proprietary drugs. See *State v. Wakeen*, 263 Wis. 401, 57 N.W.2d 364 (1953), in which the court pointed out that because items are listed in the Pharmacopoeia and the Formulary along with the formula for their manufacture, therefore, the formula being in no sense “secret,” the article cannot be a proprietary medicine. See also 14 OAG 18 (1925); 24 OAG 415 (1935). I note that compounds of articles listed in one of the three publications, which are sold under names similar to those articles, for example, “asperline” instead of “aspirin,” and for the treatment of similar ailments, have in the past been considered by this office to be drugs and not proprietary medicines. See 28 OAG 90 (1939).

In several opinions issued by former Attorneys General it has been suggested that because an article is listed in one of the three publications mentioned in sec. 450.06(1), Stats., it is necessarily a drug within the meaning of that statute. See, for example, 16 OAG 780 (1927); 24 OAG 415 (1935). In 37 OAG 410, 412 (1948), however, in what I believe to be a more accurate reading of the statutory language, it was stated that the articles in question were drugs because “they are included in the United States Pharmacopoeia and National Formulary *and* ... they are intended for use in the diagnosis, cure, mitigation, treatment or prevention of diseases.” (Emphasis added.) In other words, an article is not a drug within the meaning of sec. 450.06(1), Stats., merely because

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it is listed in one of the three publications; it must also be "intended for use" for one of the purposes set forth. To hold that the phrase "intended for use" is merely descriptive of all the articles listed in the publications would render one section of the statute without independent purpose. Statutes are to be construed if possible in such a way that every portion is given separate effect and no word or phrase is mere surplusage. *State v. Franklin*, 49 Wis.2d 484, 182 N.W.2d 289 (1971); *State ex rel. Knudsen v. Board of Education*, 43 Wis.2d 58, 165 N.W.2d 295 (1969). Therefore, the better construction of sec. 450.06(1), Stats., is that the phrase "intended for use" is not merely descriptive of the articles listed in the three publications, but is instead a standard on the basis of which to differentiate among them.

In the Federal Food, Drug and Cosmetic Act, 21 U.S.C. sec. 301 *et seq.*, the definition of "drug" set forth in sec. 321(a)(2)(g)(1) is substantially the same as that in sec. 450.06, Stats., except that subpart (A) provides, without limitation on the basis of the use to which the articles are put, that the term "drug" includes:

"(A) articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them"

In *National Nutritional Foods Ass'n. v. Food and Drug Admin.*, 504 F.2d 761, 788-789 (2d Cir. 1974), *cert. denied*, 420 U.S. 946 (1974), the Court stated that merely because vitamins are listed in the U.S. Pharmacopoeia and the National Formulary they are not necessarily drugs within the meaning of 21 U.S.C. sec. 321. Thereafter in *National Nutritional Foods Ass'n. v. Weinberger*, 512 F.2d 688, 702 (2d Cir. 1975), *cert. denied*, 423 U.S. 827 (1975), the Court reaffirmed its earlier statement. On remand, 418 F. Supp. 394, 398, the district court pointed out that if an article were considered a drug merely because it was listed in the U.S. Pharmacopoeia of the National Formulary, then *all* vitamins must be drugs because all are listed in them; yet these publications themselves classify vitamins as either prophylactic (food) or therapeutic (drug) depending upon the dosage per capsule. Therefore the Court held that the better interpretation of the phrase "recognized in" the U.S. Pharmacopoeia or National Formulary, as used in 21 U.S.C. sec. 321, is "recognized as drugs" in them.

In the case of sec. 450.06(1), Stats., even the recognition of an article as a drug in the U.S. Pharmacopoeia or the National

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Formulary may not be sufficient reason to consider it a drug within the meaning of the statute. The Federal Food, Drug and Cosmetic Act is largely a labeling act. It is directed in part toward protection of public health and safety, but it also serves to prevent fraud on consumers by providing the public with accurate information about the content of a wide variety of articles intended for public consumption. Sections 450.04 and 450.06, Stats., in contrast, are police measures designed exclusively to protect the health of the state's citizens through regulation of the sale of drugs which contain potentially harmful ingredients. Being enforced by a penalty provision, see sec. 450.05, Stats., they are to be strictly construed. See 50 OAG 200, 203-204 (1961).

Therefore, before an article should be classified as a drug within the meaning of sec. 450.06(1), Stats., the determination must be made of whether it is "intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in persons or other animals." Statements to the contrary in former opinions of the Attorney General are hereby disavowed. In the alternative, granting that vitamins are "intended to affect the structure or any function of the body of persons or other animals," it must also be determined whether they are "food," so as to be outside the scope of sec. 450.06(3), Stats.

In prior opinions of the Attorney General it has been stated that the addition of a drug in harmless quantities to food does not transform the food itself into a "drug" within the meaning of the predecessor statutes to sec. 450.06, Stats. Thus in 14 OAG 18 (1927), tincture of iodine was found to be a drug within the meaning of then sec. 151.04(3), Stats., and consequently could be sold only under the supervision of a registered pharmacist. Yet in 14 OAG 131 (1927), it was stated that salt containing a small amount of sodium iodide is a food and not a drug and therefore could be sold as food if properly labeled. The opinion relied in part on the fact that there was an insufficient amount of iodide in the salt to make it poisonous or deleterious to the health of the average person.

In 50 OAG 200 (1961), the question was presented whether oatmeal reducing cookies containing methyl-cellulose are "drugs" merely because they contain one ingredient which is itself a drug, where the only function which the methyl-cellulose performs is to absorb water and expand in the stomach, creating a feeling of fullness.* The answer was held to "depend largely upon the determination of whether substances which are occasionally used in the treatment of illness must then be considered solely as drugs."

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Ultimately it was found that the cookies are not drugs, in part because:

“It is difficult to conceive that the legislature intended to treat as a drug every article which a person consumes for the purpose of helping to correct some bodily condition. ...”

Like methyl-cellulose, vitamins are a component of a wide variety of foods; and like obesity, vitamin deficiency is usually the result of poor eating habits rather than being a “disease” per se. I recognize that in some cases, as of persons suffering from scurvy or rickets, a vitamin deficiency may be so severe as to constitute a disease. I presume that for such persons vitamins of a particular variety and dosage would be prescribed, and that a druggist would be required to compound and sell them. In the ordinary case, however, vitamins are purchased merely as a diet supplement and are not intended to be used for the diagnosis, cure, mitigation, treatment or prevention of disease. Therefore it is my opinion that vitamins are ordinarily food supplements and not drugs, and consequently need not be sold under the supervision of a registered pharmacist.

See also *Board of Pharmacy v. Quackenbush & Co.*, 39 A.2d 28, 22 N.J. Misc. 334 (1940); *Department of State v. Kroeger Grocery & Baking Co.*, 40 N.E.2d 375 (1942), Ind. App., rev'd. on other grounds, 46 N.E.2d 237; *King v. Board of Medical Examiners*, 151 P.2d 282, 286, 65 Cal. App. 2d 644 (1944), in all of which vitamins were found to be diet supplements, therefore food, and not drugs.

Support for this conclusion is found also in *National Nutritional Foods Ass'n. v. Weinberger*, *supra*, which involved a challenge to an FDA regulation classifying vitamins A and D, in tablets or capsules above a specified dosage, as drugs, and below that dosage as food. In enacting the regulation, which the Court upheld, the Commissioner had concluded that vitamins up to a certain dosage are merely food supplements. They are neither injurious to the health of the average person nor used by him as other than a dietary supplement. Above that dosage, however, the vitamins were found to have no nutritional advantages. On the contrary, at least in the cases of vitamins A and D, they were found to be actively harmful to the health of most individuals, and to serve no function except for those persons suffering from vitamin deficiency to such an extent that it constituted an actual sickness, and who consequently required abnormally high dosages of vitamins which served the function of curing or mitigating the effects of the disease. Recognizing that a uniform agency rule

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cannot establish a maximum dosage tailored to individual need, the U.S. Government Recommended Daily Allowances for vitamins set forth in 21 C.F.R. sec. 80.1(f)(1) (1976), were chosen as reasonable outer limits, above which the vitamins ceased to serve a nutritional function and became suitable only for use in the treatment of disease.

In conclusion, this office cannot undertake to establish the dosage limits per capsule at which vitamins cease to be food and become drugs within the meaning of sec. 450.06, Stats. Rather, under the statute as presently written and absent additional legislation, that determination must be made on a case-by-case basis as the issue may arise. Nevertheless, I trust that the discussion above has given you an indication of the considerations which govern in cases where the classification may be open to doubt.

As to your second question, sec. 450.04, Stats., provides that drugs, except for proprietary drugs, may be sold only by a registered pharmacist or a registered assistant pharmacist acting under the supervision of a registered pharmacist. Since it is my conclusion, however, that vitamins are in the ordinary case food and not drugs, sec. 450.04, Stats., does not apply, and they may be sold in stores other than pharmacies.

Sincerely yours,
BRONSON C. La FOLLETTE
Attorney General

CAPTION:

Vitamins not intended for use in the diagnosis, cure, investigation, treatment or prevention of diseases are not drugs within the meaning of sec. 450.06, Stats., and may be sold in stores other than pharmacies.

* In this opinion methyl-cellulose was found to be a drug within the meaning of then ch. 151, Stats., because it was included in the United States Pharmacopoeia. This statement is obviously inconsistent with my reading of present sec. 450.06(1), Stats. See above.

COMMITTEE REPORTS

The committee on Enrolled Bills reports and recommends:

Assembly Bill 42
Assembly Bill 77

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Assembly Bill 79

Assembly Bill 86

Correctly enrolled.

GERVASE HEPHNER

Chairperson

The committee on Education reports and recommends:

Assembly Bill ——— (1rb 2012)

Relating to the destruction of obsolete school records.

Introduction: Ayes: (13) Noes: (0)

RICHARD FLINTROP

Chairperson

The committee on Insurance and Banking reports and recommends:

Assembly Bill 487

Relating to miscellaneous savings and loan provisions.

Introduction and adoption of assembly amendment 1:

Ayes: (13) Noes: (0)

Introduction and adoption of assembly amendment 2:

Ayes: (13) Noes: (0)

Introduction and adoption of assembly amendment 3:

Ayes: (13) Noes: (1)

Introduction and adoption of assembly amendment 4:

Ayes: (13) Noes: (1)

Passage: Ayes: (12) Noes: (2)

To committee on Rules.

THOMAS HANSON

Chairperson

The Joint Committee on Finance reports and recommends:

Assembly Bill 352

Relating to establishing energy efficiency standards for air conditioners, permitting the department of agriculture to revise the standards after review, prohibiting the sale of air conditioners not in compliance with the standards, requiring a consumer energy information pamphlet, requiring manufacturers to submit certification statements and to conduct tests of air conditioners, granting rule-making authority and providing a penalty.

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Adoption of assembly amendment 1:

Ayes: (14) Noes: (0)

Introduction and adoption of assembly amendment 2:

Ayes: (14) Noes: (0)

Emergency statement recommended:

Ayes: (14) Noes: (0)

Passage: Ayes: (14) Noes: (0)

To committee on Rules.

Assembly Bill 353

Relating to establishing a natural gas conservation program including prohibiting pilot lights, requiring utility-sponsored consumer education programs and prohibiting nonessential uses of natural gas under the public service commission, granting rule-making authority and providing a penalty.

Introduction and adoption of assembly amendment 1 to assembly amendment 1:

Ayes: (14) Noes: (0)

Adoption of assembly amendment 1:

Ayes: (14) Noes: (0)

Passage: Ayes: (14) Noes: (0)

To committee on Rules.

GARY JOHNSON
Assembly Chairperson

The committee on Natural Resources reports and recommends:

Assembly Bill 52

Relating to retaining a fee for issuing fish and game licenses.

Passage: Ayes: (13) Noes: (0)

To Joint Committee on Finance.

Assembly Bill 303

Relating to civil actions for damages for unlawful taking, destruction or possession of certain wild animals, birds and fish.

Introduction and adoption of assembly amendment 1:

Ayes: (13) Noes: (0)

Introduction and adoption of assembly amendment 2:

Ayes: (13) Noes: (0)

Introduction and adoption of assembly amendment 3:

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Ayes: (12) Noes: (1)

Passage: Ayes: (13) Noes: (0)
To Joint Committee on Finance.

Assembly Bill 305

Relating to requiring all hunters to wear back tags.

Introduction and adoption of assembly amendment 1:
Ayes: (9) Noes: (1)

Introduction and adoption of assembly amendment 2:
Ayes: (12) Noes: (1)

Passage: Ayes: (12) Noes: (1)
To committee on Rules.

LAURENCE DAY
Chairperson

The committee on Tourism and Economic Development reports and recommends:

Assembly Joint Resolution 37

Directing the legislative council to study the need for weather modification legislation.

Introduction and adoption of assembly amendment 4:
Ayes: (8) Noes: (1)

Adoption: Ayes: (8) Noes: (1)
To committee on Rules.

JOANNE DUREN
Chairperson

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison

To the Honorable, the Assembly:

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

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Assembly Bill Chapter No. Date Approved
95 ----- 7 ----- April 15, 1977

Sincerely,
PATRICK J. LUCEY
Governor

MESSAGE FROM THE SENATE

By Donald J. Schneider, chief clerk.

Mr. Speaker:

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

Senate Bill 10
Senate Bill 26
Senate Bill 73
Senate Bill 75
Senate Bill 147
Senate Bill 169

Concurred in as amended:

Assembly Bill 94 (Senate amendment 1 adopted)

ACTION ON THE SENATE MESSAGE

Senate Bill 10

Relating to notice to creditors and examination and adjustment of claims by probate registrars.

By Senator Berger.

To committee on Judiciary.

Senate Bill 26

Relating to the handgun waiting period for law enforcement agencies and officers.

By Senators Sensenbrenner and Kleczka.

To committee on Criminal Justice and Public Safety.

Senate Bill 73

Relating to the time limit for circulation of direct legislation petitions.

By Committee on Judiciary and Consumer Affairs.

To committee on Elections.

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Senate Bill 75

Relating to reduction of the time limitation period for commencement of actions for contribution based on tort.

By Committee on Judiciary and Consumer Affairs.

To committee on Judiciary.

Senate Bill 147

Relating to allowing jury trials on primary and general election days.

By committee on Judiciary and Consumer Affairs, by request of Milwaukee County.

To committee on Judiciary.

Senate Bill 169

Relating to local government financing of medical clinics.

By Senators Radosevich, Harnisch, Van Sistine, Morrison, Cullen and Theno; co-sponsored by Representatives Kedrowski, Lingren, Lato, Schricker and Norquist.

To committee on Local Affairs.

Assembly Bill 94

Relating to marriage of first cousins with proof of sterility.

By Representatives Thompson and Munts, by request of Howard Bauhs, Portage.

To Calendar.

MOTIONS

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

Assembly Joint Resolution 48

Urging John R. Moses to continue in the position of secretary of veterans affairs.

By Representative Lallensack.

To committee on Rules.

Representative Lewis moved reconsideration of the vote by which **Assembly Bill 216** was passed. Entered.

Representative Lallensack asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 48** be withdrawn from the committee on Rules and taken up at this time.

Representative Wahner objected.

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Representative Lallensack moved that the rules be suspended and that **Assembly Joint Resolution 48** be withdrawn from the committee on Rules and taken up at this time.

The question was: Shall the rules be suspended and **Assembly Joint Resolution 48** be withdrawn from the committee on Rules and taken up at this time?

The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barczak, Barry, Bear, Bradley, Byers, Conradt, DeLong, Donoghue, Dorff, Ellis, Everson, Fischer, Goodrich, Gower, Gunderson, Hasenohrl, Hephner, Johnston, Kincaid, Klicka, Lallensack, Lato, Leopold, Lorman, Luckhardt, McEssy, Matty, Menos, Merkt, Moody, Olson, Opitz, Pabst, Porter, Potter, Quackenbush, Roth, Schmidt, Schricker, Shabaz, Snyder, Swoboda, Tesmer, Thompson, Travis, Tregoning, Tuczynski, Vanderperren and Wood -- 51.

Noes -- Behnke, Brist, Clarenbach, Coggs, Czerwinski, Dandeneau, Ducholm, Duren, Early, Elconin, Engeleiter, Ferrall, Flintrop, Gerlach, Hanson, Hauke, Johnson, Kedrowski, Kirby, Lee, Lewis, Lingren, Litscher, Loftus, Looby, McClain, Medinger, Metz, Miller, Mohn, Munts, Norquist, Otte, Plewa, Roberts, Rogers, Rooney, Rutkowski, Schneider, Soucie, Tropman, Wahner, Ward and Mr. Speaker -- 44.

Absent or not voting -- Day, Groshek, Lewison and Murray -- 4.

Motion failed.

Representative Wahner asked unanimous consent that **Assembly Bill 114** be withdrawn from the fifteenth order of business and placed at the foot of the eleventh order of business on the calendar of Tuesday, April 19. Granted.

Representative Gower moved that **Assembly Bill 416** be withdrawn from the committee on Internal Management and placed on the calendar.

The question was: Shall **Assembly Bill 416** be withdrawn from the committee on Internal Management and placed on the calendar?

The roll was taken.

The result follows:

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Ayes -- Bradley, Byers, Conradt, DeLong, Ellis, Goodrich, Gower, Hephner, Johnston, Klicka, Lewis, Luckhardt, McEssy, Menos, Merkt, Olson, Opitz, Porter, Quackenbush, Roth, Schricker, Shabaz, Snyder, Swoboda, Thompson, Travis, Tregoning and Tuczynski -- 28.

Noes -- Andrea, Ausman, Barczak, Barry, Bear, Behnke, Brist, Clarenbach, Coggs, Czerwinski, Dandeneau, Day, Donoghue, Dorff, Dueholm, Duren, Early, Elconin, Engeleiter, Everson, Ferrall, Fischer, Flintrop, Gerlach, Gunderson, Hanson, Hasenohrl, Hauke, Johnson, Kedrowski, Kincaid, Kirby, Lallensack, Lato, Lee, Leopold, Lingren, Litscher, Loftus, Looby, Lorman, McClain, Matty, Medinger, Metz, Miller, Mohn, Moody, Munts, Norquist, Otte, Pabst, Plewa, Potter, Roberts, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Soucie, Tesmer, Tropman, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 68.

Absent or not voting -- Groshek, Lewison and Murray -- 3.

Motion failed.

CALENDAR OF FRIDAY, APRIL 15, 1977

Assembly Bill 218

Relating to cancellation of dealerships.

The question was: Shall assembly amendment 1 to **Assembly Bill 218** be adopted?

Motion carried.

Assembly amendment 1 to assembly amendment 2 to **Assembly Bill 218** offered by Representative Shabaz.

Representative Hauke moved rejection of assembly amendment 1 to assembly amendment 2 to **Assembly Bill 218**.

Representative Early in the chair.

The question was: Shall assembly amendment 1 to assembly amendment 2 to **Assembly Bill 218** be rejected?

The roll was taken.

The result follows:

Ayes -- Barry, Bear, Behnke, Brist, Clarenbach, Coggs, Dandeneau, Day, Dueholm, Duren, Elconin, Ferrall, Fischer, Flintrop, Gerlach, Hanson, Hasenohrl, Hauke, Johnson, Johnston, Kincaid, Kirby, Lallensack, Lato, Lee, Leopold, Lingren, Litscher,

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Loftus, Lorman, McClain, Medinger, Menos, Metz, Miller, Mohn, Moody, Munts, Norquist, Pabst, Quackenbush, Roberts, Rooney, Roth, Rutkowski, Schneider, Soucie, Swoboda, Tesmer, Travis, Tropman, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 57.

Noes -- Andrea, Ausman, Barczak, Bradley, Byers, Conradt, Czerwinski, DeLong, Donoghue, Dorff, Early, Ellis, Engeleiter, Goodrich, Gower, Gunderson, Hephner, Kedrowski, Klicka, Lewis, Looby, Luckhardt, McEssy, Matty, Merkt, Olson, Opitz, Otte, Plewa, Porter, Potter, Rogers, Schmidt, Schricker, Shabaz, Snyder, Thompson and Tregoning -- 38.

Absent or not voting -- Everson, Groshek, Lewison and Murray -- 4.

Motion carried.

The speaker in the chair.

The question was: Shall assembly amendment 2 to **Assembly Bill 218** be adopted?

Motion carried.

Assembly amendment 1 to assembly amendment 3 to **Assembly Bill 218** offered by Representative Olson.

The question was: Shall assembly amendment 1 to assembly amendment 3 to **Assembly Bill 218** be adopted?

Motion carried.

The question was: Shall assembly amendment 3 to **Assembly Bill 218** be adopted?

Motion carried.

The question was: Shall assembly amendment 4 to **Assembly Bill 218** be adopted?

Motion carried.

POINT OF ORDER

Representative Hauke rose to the point of order that assembly amendment 5 to **Assembly Bill 218** was not germane under Assembly Rule 50.

The speaker ruled the point of order well taken.

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Representative Hauke moved rejection of assembly amendment 6 to **Assembly Bill 218**.

The question was: Shall assembly amendment 6 to **Assembly Bill 218** be rejected?

The roll was taken.

The result follows:

Ayes -- Ausman, Barczak, Barry, Bear, Behnke, Brist, Clarenbach, Coggs, Dandeneau, Day, DeLong, Donoghue, Dueholm, Duren, Elconin, Engeleiter, Ferrall, Fischer, Flintrop, Gunderson, Hanson, Hasenohrl, Hauke, Johnson, Johnston, Kirby, Lallensack, Lato, Lee, Leopold, Lingren, Litscher, Loftus, Lorman, McClain, Matty, Medinger, Menos, Metz, Miller, Mohn, Moody, Munts, Norquist, Otte, Pabst, Plewa, Porter, Potter, Quackenbush, Roberts, Rooney, Rutkowski, Schmidt, Schneider, Soucie, Swoboda, Tesmer, Tropman, Tuczynski, Vanderperren, Wahner, Wood and Mr. Speaker -- 64.

Noes -- Andrea, Bradley, Byers, Conradt, Czerwinski, Dorff, Early, Ellis, Gerlach, Goodrich, Gower, Hephner, Kedrowski, Klicka, Lewis, Looby, Luckhardt, McEssy, Merkt, Olson, Opitz, Rogers, Roth, Schricker, Shabaz, Snyder, Thompson, Travis, Tregoning and Ward -- 30.

Absent or not voting -- Everson, Groshek, Kincaid, Lewison and Murray -- 5.

Motion carried.

Assembly amendment 7 to **Assembly Bill 218** offered by Representative Olson.

Representative Hauke moved rejection of assembly amendment 7 to **Assembly Bill 218**.

The question was: Shall assembly amendment 7 to **Assembly Bill 218** be rejected?

The roll was taken.

The result follows:

Ayes -- Barczak, Barry, Bear, Behnke, Brist, Clarenbach, Coggs, Dandeneau, Day, Dueholm, Duren, Elconin, Ferrall, Fischer, Flintrop, Gerlach, Hanson, Hasenohrl, Hauke, Johnson, Johnston, Kedrowski, Kincaid, Kirby, Lallensack, Lato, Lee, Leopold, Lingren, Litscher, Loftus, Looby, Lorman, McClain, Matty, Medinger, Menos, Metz, Miller, Mohn, Moody, Munts,

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Norquist, Otte, Pabst, Plewa, Potter, Roberts, Rooney, Rutkowski, Schneider, Soucie, Swoboda, Tesmer, Tropman, Tuczynski, Vanderperren, Wahner, Wood and Mr. Speaker -- 60.

Noes -- Andrea, Ausman, Bradley, Byers, Conradt, Czerwinski, DeLong, Donoghue, Dorff, Early, Ellis, Engeleiter, Goodrich, Gower, Gunderson, Hephner, Klicka, Lewis, Luckhardt, McEssy, Merkt, Olson, Opitz, Porter, Quackenbush, Rogers, Roth, Schmidt, Schricker, Shabaz, Snyder, Thompson, Travis, Tregoning and Ward -- 35.

Absent or not voting -- Everson, Groshek, Lewison and Murray -- 4.

Motion carried.

Assembly amendment 8 to **Assembly Bill 218** offered by Representative Olson.

Representative Hauke moved rejection of assembly amendment 8 to **Assembly Bill 218**.

The question was: Shall assembly amendment 8 to **Assembly Bill 218** be rejected?

Motion carried.

Assembly amendment 9 to **Assembly Bill 218** offered by Representative Barczak.

POINT OF ORDER

Representative Hauke rose to the point of order that assembly amendment 9 to **Assembly Bill 218** was not germane under Assembly Rule 50.

The speaker ruled the point of order not well taken.

Representative Hauke moved rejection of assembly amendment 9 to **Assembly Bill 218**.

The question was: Shall assembly amendment 9 to **Assembly Bill 218** be rejected?

The roll was taken.

The result follows:

Ayes -- Barry, Bear, Behnke, Brist, Clarenbach, Coggs, Dandeneau, Day, DeLong, Ducholm, Duren, Elconin, Ferrall, Fischer, Flintrop, Gerlach, Hanson, Hasenohrl, Hauke, Johnson,

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Johnston, Lallensack, Lato, Lee, Leopold, Lingren, Litscher, Loftus, Lorman, McClain, Medinger, Menos, Metz, Miller, Mohn, Moody, Munts, Norquist, Otte, Pabst, Plewa, Potter, Quackenbush, Roberts, Rooney, Roth, Rutkowski, Soucie, Swoboda, Tesmer, Thompson, Travis, Tropman, Tuczynski, Vanderperren, Wahner, Wood and Mr. Speaker -- 58.

Noes -- Andrea, Ausman, Barczak, Bradley, Byers, Conradt, Czerwinski, Donoghue, Dorff, Early, Ellis, Engeleiter, Goodrich, Gower, Gunderson, Hephner, Kedrowski, Kincaid, Kirby, Klicka, Lewis, Looby, Luckhardt, McEssy, Matty, Merkt, Olson, Opitz, Porter, Rogers, Schmidt, Schneider, Schricker, Shabaz, Snyder, Tregoning and Ward -- 37.

Absent or not voting -- Everson, Groshek, Lewison and Murray -- 4.

Motion carried.

Assembly amendment 10 to **Assembly Bill 218** offered by Representatives Olson and Hauke.

The question was: Shall assembly amendment 10 to **Assembly Bill 218** be adopted?

Motion carried.

Assembly amendment 11 to **Assembly Bill 218** offered by Representative Snyder.

Representative Hauke moved rejection of assembly amendment 11 to **Assembly Bill 218**.

The question was: Shall assembly amendment 11 to **Assembly Bill 218** be rejected?

The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barczak, Barry, Bear, Behnke, Brist, Clarenbach, Coggs, Dandeneau, Day, Donoghue, Dueholm, Duren, Elconin, Engeleiter, Ferrall, Flintrop, Gerlach, Gunderson, Hanson, Hasenohrl, Hauke, Johnson, Johnston, Kedrowski, Kincaid, Kirby, Lallensack, Lato, Lee, Leopold, Lingren, Litscher, Loftus, Looby, Lorman, McClain, Matty, Medinger, Menos, Metz, Miller, Mohn, Moody, Munts, Norquist, Otte, Pabst, Plewa, Potter, Quackenbush, Roberts, Rooney, Roth, Rutkowski, Schmidt, Schneider, Soucie, Swoboda, Tesmer, Tropman, Tuczynski, Vanderperren, Wahner, Wood and Mr. Speaker -- 67.

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Noes -- Bradley, Byers, Conradt, Czerwinski, DeLong, Dorff, Early, Ellis, Fischer, Goodrich, Gower, Hephner, Klicka, Lewis, Luckhardt, McEssy, Merkt, Olson, Opitz, Porter, Rogers, Schricker, Shabaz, Snyder, Thompson, Travis, Tregoning and Ward -- 28.

Absent or not voting -- Everson, Groshek, Lewison and Murray -- 4.

Motion carried.

Assembly amendment 12 to Assembly Bill 218 offered by Representative Shabaz.

Representative Hauke moved rejection of assembly amendment 12 to Assembly Bill 218.

Representative Shabaz moved that Assembly Bill 218 be referred to the committee on Judiciary.

The question was: Shall Assembly Bill 218 be referred to the committee on Judiciary?

The roll was taken.

The result follows:

Ayes -- Bradley, Byers, Conradt, Czerwinski, Dorff, Early, Goodrich, Gower, Hephner, Kedrowski, Kirby, Klicka, Lewis, Looby, Luckhardt, McEssy, Merkt, Olson, Opitz, Roth, Schmidt, Schricker, Shabaz, Snyder, Thompson and Tregoning -- 26.

Noes -- Andrea, Ausman, Barczak, Barry, Bear, Behnke, Brist, Clarenbach, Coggs, Dandeneau, Day, DeLong, Donoghue, Dueholm, Duren, Elconin, Ellis, Engeleiter, Ferrall, Fischer, Flintrop, Gerlach, Gunderson, Hanson, Hasenohrl, Hauke, Johnson, Johnston, Kincaid, Lallensack, Lato, Lee, Leopold, Lingren, Litscher, Loftus, Lorman, McClain, Matty, Medinger, Menos, Metz, Miller, Mohn, Moody, Munts, Norquist, Otte, Pabst, Plewa, Porter, Potter, Quackenbush, Roberts, Rogers, Rooney, Rutkowski, Schneider, Soucie, Swoboda, Tesmer, Travis, Tropman, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 69.

Absent or not voting -- Everson, Groshek, Lewison and Murray -- 4.

Motion failed.

The question was: Shall assembly amendment 12 to Assembly Bill 218 be rejected?

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The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barczak, Barry, Bear, Behnke, Brist, Clarenbach, Coggs, Dandeneau, Day, DeLong, Donoghue, Dueholm, Duren, Elconin, Ellis, Engeleiter, Ferrall, Fischer, Flintrop, Gerlach, Gunderson, Hanson, Hasenohrl, Hauke, Hephner, Johnson, Johnston, Kedrowski, Kincaid, Kirby, Lallensack, Lato, Lee, Leopold, Lingren, Litscher, Loftus, Looby, Lorman, McClain, Matty, Medinger, Menos, Metz, Miller, Mohn, Moody, Munts, Norquist, Otte, Pabst, Plewa, Porter, Potter, Quackenbush, Roberts, Rogers, Rooney, Roth, Rutkowski, Schmidt, Schneider, Soucie, Swoboda, Tesmer, Travis, Tropman, Tuczynski, Vanderperren, Wahner, Wood and Mr. Speaker -- 74.

Noes -- Bradley, Byers, Conradt, Czerwinski, Dorff, Early, Goodrich, Gower, Klicka, Lewis, Luckhardt, McEssy, Merkt, Olson, Opitz, Schricker, Shabaz, Snyder, Thompson, Tregoning and Ward -- 21.

Absent or not voting -- Everson, Groshek, Lewison and Murray -- 4.

Motion carried.

The question was: Shall Assembly Bill 218 be ordered engrossed and read a third time?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that Assembly Bill 218 be given a third reading. Representative Shabaz objected.

Representative Wahner moved that the rules be suspended and that Assembly Bill 218 be given a third reading.

The question was: Shall the rules be suspended and Assembly Bill 218 be given a third reading?

The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barczak, Barry, Bear, Behnke, Brist, Clarenbach, Coggs, Dandeneau, Day, Donoghue, Dueholm, Duren, Elconin, Ellis, Engeleiter, Ferrall, Fischer, Flintrop, Gerlach, Gunderson, Hanson, Hasenohrl, Hauke, Johnson, Johnston, Kedrowski, Kincaid, Kirby, Lallensack, Lato, Lee, Leopold, Lingren, Litscher, Loftus, Lorman, McClain, Matty, Medinger,

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Menos, Metz, Miller, Mohn, Moody, Munts, Norquist, Otte, Pabst, Plewa, Potter, Roberts, Rooney, Rutkowski, Schneider, Soucie, Swoboda, Tesmer, Tropman, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 66.

Noes -- Bradley, Byers, Conradt, Czerwinski, DeLong, Dorff, Early, Goodrich, Gower, Hephner, Klicka, Lewis, Looby, Luckhardt, McEssy, Merkt, Olson, Opitz, Porter, Quackenbush, Rogers, Roth, Schmidt, Schricker, Shabaz, Snyder, Thompson, Travis and Tregoning -- 29.

Absent or not voting -- Everson, Groshek, Lewison and Murray -- 4.

Motion carried.

Representative Dorff moved indefinite postponement of Assembly Bill 218.

The question was: Shall Assembly Bill 218 be indefinitely postponed?

The roll was taken.

The result follows:

Ayes -- Andrea, Bradley, Byers, Conradt, Czerwinski, Dorff, Early, Goodrich, Hephner, Kedrowski, Kirby, Klicka, Lewis, Looby, Luckhardt, McEssy, Merkt, Olson, Opitz, Porter, Rogers, Schricker, Shabaz, Snyder, Tregoning and Ward -- 26.

Noes -- Ausman, Barczak, Barry, Bear, Behnke, Brist, Clarenbach, Coggs, Dandeneau, Day, DeLong, Donoghue, Dueholm, Duren, Elconin, Ellis, Engeleiter, Ferrall, Fischer, Flintrop, Gerlach, Gower, Gunderson, Hanson, Hasenohrl, Hauke, Johnson, Johnston, Kincaid, Lallensack, Lato, Lee, Leopold, Lingren, Litscher, Loftus, Lorman, McClain, Matty, Medinger, Menos, Metz, Miller, Mohn, Moody, Munts, Norquist, Otte, Pabst, Plewa, Potter, Quackenbush, Roberts, Rooney, Roth, Rutkowski, Schmidt, Schneider, Soucie, Swoboda, Tesmer, Thompson, Travis, Tropman, Tuczynski, Vanderperren, Wahner, Wood and Mr. Speaker -- 69.

Absent or not voting -- Everson, Groshek, Lewison and Murray -- 4.

Motion failed.

The question was: Assembly Bill 218 having been read three times, shall the bill pass?

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The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barczak, Barry, Bear, Behnke, Brist, Clarenbach, Coggs, Dandeneau, Day, DeLong, Donoghue, Dueholm, Duren, Elconin, Ellis, Engeleiter, Ferrall, Fischer, Flintrop, Gerlach, Gower, Gunderson, Hanson, Hasenohrl, Hauke, Johnson, Johnston, Kincaid, Kirby, Lallensack, Lato, Lee, Leopold, Lingren, Litscher, Loftus, Looby, Lorman, McClain, Matty, Medinger, Menos, Metz, Miller, Mohn, Moody, Munts, Norquist, Olson, Otte, Pabst, Plewa, Porter, Potter, Quackenbush, Roberts, Rooney, Roth, Rutkowski, Schmidt, Schneider, Soucie, Swoboda, Tesmer, Thompson, Travis, Tropman, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 75.

Noes -- Bradley, Byers, Conradt, Czerwinski, Dorff, Early, Goodrich, Hephner, Kedrowski, Klicka, Lewis, Luckhardt, McEssy, Merkt, Opitz, Rogers, Schricker, Shabaz, Snyder and Tregoning -- 20.

Absent or not voting -- Everson, Groshek, Lewison and Murray -- 4.

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that Assembly Bill 218 be immediately messaged to the senate. Granted.

LEAVES OF ABSENCE

Representative Wahner asked unanimous consent for a leave of absence for today's session for Representative Groshek, for this morning's session for Representative Murray and for today's session from 11:30 A.M. on for Representative Everson. Granted.

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

Representative Wahner asked unanimous consent that the assembly stand recessed until 4:30 P.M. Granted.

The assembly stood recessed.

12:40 P.M.

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RECESS

4:35 P.M.

The assembly reconvened.

CALL OF THE ASSEMBLY

Representative Wahner 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 -- Everson, Groshek and Lewison.

Members absent without leave -- Bradley, Gower, Klicka, Lato, Murray and Ward.

LEAVES OF ABSENCE

Representative Wahner asked unanimous consent for a leave of absence for this afternoon's session for Representative Murray. Granted.

Representative Thompson asked unanimous consent for a leave of absence for this afternoon's session for Representative Gower. Granted.

CALENDAR OF TUESDAY, APRIL 19, 1977

Assembly Bill 309

Relating to filling vacancies in the office of county executive in counties having a population of 500,000 or more.

The question was: Shall **Assembly Bill 309** be ordered engrossed and read a third time?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 309** be given a third reading. Granted.

The question was: **Assembly Bill 309** having been read three times, shall the bill pass?

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The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barczak, Barry, Bear, Behnke, Bradley, Brist, Byers, Clarenbach, Coggs, Conradt, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, Dueholm, Duren, Early, Elconin, Ellis, Engleleiter, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Groshek, Gunderson, Hanson, Hasenohrl, Hauke, Hephner, Johnson, Johnston, Kedrowski, Kincaid, Kirby, Klicka, Lallensack, Lato, Lee, Leopold, Lewis, Lingren, Litscher, Loftus, Looby, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, Metz, Miller, Mohn, Moody, Munts, Norquist, Olson, Opitz, Otte, Pabst, Plewa, Porter, Potter, Quackenbush, Roberts, Rogers, Rooney, Roth, Rutkowski, Schmidt, Schneider, Schricker, Shabaz, Snyder, Soucie, Swoboda, Tesmer, Thompson, Travis, Tregoning, Tropman, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 95.

Noes -- None.

Absent or not voting -- Everson, Gower, Lewison and Murray -- 4.

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 309** be immediately messaged to the senate. Granted.

Assembly Bill 394

Relating to enactment of annexation ordinances.

Representative Shabaz moved indefinite postponement of **Assembly Bill 394**.

The question was: Shall **Assembly Bill 394** be indefinitely postponed?

The roll was taken.

The result follows:

Ayes -- Ausman, Bradley, Byers, Conradt, DeLong, Donoghue, Groshek, Gunderson, Hephner, Kincaid, Klicka, Lato, Lewis, Luckhardt, Matty, Merkt, Mohn, Olson, Opitz, Potter, Quackenbush, Rogers, Schmidt, Schricker, Shabaz, Thompson and Tregoning -- 27.

Noes -- Andrea, Barczak, Barry, Bear, Behnke, Brist, Clarenbach, Coggs, Czerwinski, Dandeneau, Day, Dorff, Dueholm,

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Duren, Early, Elconin, Ellis, Engeleiter, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Hanson, Hasenohrl, Hauke, Johnson, Johnston, Kedrowski, Kirby, Lallensack, Lee, Leopold, Lingren, Litscher, Loftus, Looby, Lorman, McClain, McEssy, Medinger, Menos, Metz, Miller, Moody, Munts, Norquist, Otte, Pabst, Plewa, Porter, Roberts, Roth, Rutkowski, Schneider, Snyder, Soucie, Swoboda, Tesmer, Travis, Tropman, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 67.

Absent or not voting -- Everson, Gower, Lewison, Murray and Rooney -- 5.

Motion failed.

The question was: Shall Assembly Bill 394 be ordered engrossed and read a third time?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that Assembly Bill 394 be given a third reading. Granted.

The question was: Assembly Bill 394 having been read three times, shall the bill pass?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Bear, Behnke, Brist, Clarenbach, Coggs, Czerwinski, Dandeneau, Day, Dorff, Dueholm, Duren, Early, Elconin, Ellis, Engeleiter, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Hanson, Hasenohrl, Hauke, Johnson, Johnston, Kedrowski, Kirby, Lallensack, Lee, Leopold, Lingren, Litscher, Loftus, Looby, Lorman, McClain, McEssy, Medinger, Menos, Metz, Miller, Moody, Munts, Norquist, Otte, Pabst, Plewa, Porter, Roberts, Roth, Rutkowski, Schneider, Snyder, Soucie, Swoboda, Tesmer, Travis, Tropman, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 67.

Noes -- Ausman, Bradley, Byers, Conradt, DeLong, Donoghue, Groshek, Gunderson, Hephner, Kincaid, Klicka, Lato, Lewis, Luckhardt, Matty, Merkt, Mohn, Olson, Opitz, Potter, Quackenbush, Rogers, Schmidt, Schricker, Shabaz, Thompson and Tregoning -- 27.

Absent or not voting -- Everson, Gower, Lewison, Murray and Rooney -- 5.

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Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 394** be immediately messaged to the senate. Granted.

LEAVES OF ABSENCE

Representative Wahner asked unanimous consent for a leave of absence for the balance of today's session for Representative Rooney. Granted.

Assembly Bill 427

Relating to registration for picketing and demonstrations in state fair park and providing a penalty.

Assembly substitute amendment 2 to **Assembly Bill 427** offered by Representatives Kirby, Plewa and Lee.

Assembly amendment 1 to assembly substitute amendment 2 to **Assembly Bill 427** offered by Representative Wood.

Representative Thompson moved rejection of assembly amendment 1 to assembly substitute amendment 2 to **Assembly Bill 427**.

Representative Barczak moved that **Assembly Bill 427** be laid on the table.

Representative Ferrall asked unanimous consent that the call of the assembly be lifted. Granted.

The question was: Shall **Assembly Bill 427** be laid on the table?

The roll was taken.

The result follows:

Ayes -- Ausman, Barczak, Behnke, Byers, DeLong, Donoghue, Dorff, Ellis, Engeleiter, Goodrich, Groshek, Gunderson, Hauke, Hephner, Johnston, Kincaid, Klicka, Lallensack, Lewis, Litscher, Lorman, Luckhardt, McEssy, Matty, Menos, Merkt, Olson, Opitz, Pabst, Porter, Potter, Quackenbush, Roth, Schmidt, Shabaz, Snyder, Swoboda, Thompson, Travis, Tregoning and Vanderperren
-- 41.

Noes -- Andrea, Barry, Bear, Bradley, Brist, Clarenbach, Cogg, Conradt, Czerwinski, Dandeneau, Day, Dueholm, Duren, Early, Elconin, Ferrall, Fischer, Flintrop, Gerlach, Hanson,

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Hasenohrl, Johnson, Kedrowski, Kirby, Lato, Lee, Leopold, Lingren, Loftus, Looby, McClain, Medinger, Metz, Miller, Mohn, Moody, Munts, Norquist, Otte, Plewa, Roberts, Rogers, Rutkowski, Schneider, Schricker, Soucie, Tesmer, Tropman, Tuczynski, Wahner, Ward, Wood and Mr. Speaker -- 53.

Absent or not voting -- Everson, Gower, Lewison, Murray and Rooney -- 5.

Motion failed.

The question was: Shall assembly amendment 1 to assembly substitute amendment 2 to **Assembly Bill 427** be rejected?

The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barczak, Barry, Bear, Behnke, Bradley, Brist, Byers, Clarenbach, Coggs, Conradt, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, Dueholm, Duren, Early, Elconin, Ellis, Engeleiter, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Groshek, Gunderson, Hanson, Hasenohrl, Hephner, Johnson, Johnston, Kedrowski, Kincaid, Kirby, Klicka, Lallensack, Lato, Lee, Leopold, Lewis, Lingren, Litscher, Loftus, Looby, Lorman, Luckhardt, McClain, McEssy, Matty, Menos, Merkt, Metz, Miller, Mohn, Moody, Munts, Norquist, Olson, Opitz, Otte, Pabst, Plewa, Porter, Potter, Quackenbush, Roberts, Rogers, Roth, Rutkowski, Schmidt, Schneider, Schricker, Shabaz, Snyder, Soucie, Swoboda, Tesmer, Thompson, Travis, Tregoning, Tropman, Tuczynski, Vanderperren, Wahner, Ward and Mr. Speaker -- 91.

Noes -- Hauke, Medinger and Wood -- 3.

Absent or not voting -- Everson, Gower, Lewison, Murray and Rooney -- 5.

Motion carried.

Representative McClain moved rejection of assembly substitute amendment 2 to **Assembly Bill 427**.

The question was: Shall assembly substitute amendment 2 to **Assembly Bill 427** be rejected?

The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barczak, Barry, Bear, Behnke, Bradley, Brist, Byers, Coggs, Conradt, Dandeneau, Day, DeLong, Donoghue, Dorff, Elconin, Ellis, Engeleiter, Flintrop, Gerlach,

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Goodrich, Groshek, Gunderson, Hasenohrl, Hauke, Hephner, Johnson, Johnston, Kedrowski, Kincaid, Klicka, Lallensack, Lewis, Lingren, Litscher, Looby, Lorman, Luckhardt, McClain, McEssy, Matty, Menos, Merkt, Metz, Mohn, Munts, Norquist, Olson, Opitz, Otte, Pabst, Porter, Potter, Quackenbush, Roberts, Rogers, Roth, Rutkowski, Schmidt, Schneider, Schricker, Shabaz, Snyder, Soucie, Swoboda, Tesmer, Thompson, Travis, Tregoning, Tropman, Tuczynski, Vanderperren, Wood and Mr. Speaker -- 75.

Noes -- Clarenbach, Czerwinski, Dueholm, Duren, Early, Ferrall, Fischer, Hansen, Kirby, Lato, Lee, Leopold, Loftus, Medinger, Miller, Moody, Plewa, Wahner and Ward -- 19.

Absent or not voting -- Everson, Gower, Lewison, Murray and Rooney -- 5.

Motion carried.

Assembly amendment 1 to assembly substitute amendment 1 to Assembly Bill 427 offered by Representative Wood.

Representative Thompson moved rejection of assembly amendment 1 to assembly substitute amendment 1 to Assembly Bill 427.

The question was: Shall assembly amendment 1 to assembly substitute amendment 1 to Assembly Bill 427 be rejected?

The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barczak, Barry, Bear, Bradley, Brist, Byers, Clarenbach, Coggs, Conradt, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, Dueholm, Early, Elconin, Ellis, Engleiter, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Groshek, Gunderson, Hanson, Hasenohrl, Hauke, Hephner, Johnston, Kedrowski, Kincaid, Kirby, Lato, Lee, Leopold, Lewis, Litscher, Loftus, Looby, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Merkt, Metz, Miller, Mohn, Moody, Munts, Norquist, Olson, Opitz, Otte, Pabst, Plewa, Porter, Potter, Quackenbush, Roberts, Rogers, Roth, Rutkowski, Schmidt, Schneider, Schricker, Shabaz, Soucie, Thompson, Travis, Tregoning, Tropman, Tuczynski, Vanderperren, Wahner, Ward and Mr. Speaker -- 83.

Noes -- Behnke, Duren, Johnson, Klicka, Lallensack, Lingren, Menos, Snyder, Swoboda, Tesmer and Wood -- 11.

Absent or not voting -- Everson, Gower, Lewison, Murray and Rooney -- 5.

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Motion carried.

Representative Shabaz moved rejection of assembly substitute amendment 1 to **Assembly Bill 427**.

Assembly amendment 2 to assembly substitute amendment 1 to **Assembly Bill 427** offered by Representative Behnke.

Representative McClain moved rejection of assembly amendment 2 to assembly substitute amendment 1 to **Assembly Bill 427**.

POINT OF ORDER

Representative Ferrall rose to the point of order that assembly amendment 2 to assembly substitute amendment 1 to **Assembly Bill 427** was not germane under Assembly Rule 50.

The speaker ruled the point of order not well taken.

Representative Barczak moved that **Assembly Bill 427** be laid on the table.

The question was: Shall **Assembly Bill 427** be laid on the table?

The roll was taken.

The result follows:

Ayes -- Ausman, Barczak, Behnke, Bradley, Byers, Conradt, DeLong, Donoghue, Dorff, Ellis, Engeleiter, Goodrich, Groshek, Gunderson, Hauke, Hephner, Kincaid, Klicka, Lallensack, Lewis, Litscher, Lorman, Luckhardt, McEssy, Matty, Menos, Merkt, Olson, Opitz, Otte, Pabst, Porter, Quackenbush, Roberts, Roth, Schmidt, Schneider, Schricker, Shabaz, Snyder, Swoboda, Thompson, Travis, Tregoning and Vanderperren -- 45.

Noes -- Andrea, Barry, Bear, Brist, Clarenbach, Coggs, Czerwinski, Dandeneau, Day, Dueholm, Duren, Early, Elconin, Ferrall, Fischer, Flintrop, Gerlach, Hanson, Hasenohrl, Johnson, Johnston, Kedrowski, Kirby, Lato, Lee, Leopold, Lingren, Loftus, Looby, McClain, Medinger, Metz, Miller, Mohn, Moody, Munts, Norquist, Plewa, Potter, Rogers, Rutkowski, Soucie, Tesmer, Tropman, Tuczynski, Wahner, Ward, Wood and Mr. Speaker -- 49.

Absent or not voting -- Everson, Gower, Lewison, Murray and Rooney -- 5.

Motion failed.

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The question was: Shall assembly amendment 2 to assembly substitute amendment 1 to **Assembly Bill 427** be rejected?

The roll was taken.

The result follows:

Ayes -- Andrea, Barry, Bear, Brist, Clarenbach, Coggs, Czerwinski, Dandeneau, Day, Dueholm, Duren, Early, Elconin, Engeleiter, Ferrall, Fischer, Flintrop, Gerlach, Gunderson, Hanson, Hasenohrl, Johnson, Kedrowski, Kirby, Lallensack, Lato, Lee, Leopold, Lingren, Loftus, Looby, McClain, Medinger, Metz, Miller, Mohn, Moody, Munts, Norquist, Plewa, Potter, Roberts, Rogers, Rutkowski, Schmidt, Schneider, Soucie, Tesmer, Tropman, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 55.

Noes -- Ausman, Barczak, Behnke, Bradley, Byers, Conradt, DeLong, Donoghue, Dorff, Ellis, Goodrich, Groshek, Hauke, Hephner, Johnston, Kincaid, Klicka, Lewis, Litscher, Lorman, Luckhardt, McEssy, Matty, Menos, Merkt, Olson, Opitz, Otte, Pabst, Porter, Quackenbush, Roth, Schricker, Shabaz, Snyder, Swoboda, Thompson, Travis and Tregoning -- 39.

Absent or not voting -- Everson, Gower, Lewison, Murray and Rooney -- 5.

Motion carried.

The question was: Shall assembly substitute amendment 1 to **Assembly Bill 427** be rejected?

The roll was taken.

The result follows:

Ayes -- Ausman, Barczak, Behnke, Bradley, Byers, Conradt, DeLong, Donoghue, Dorff, Ellis, Goodrich, Groshek, Hauke, Hephner, Johnston, Kincaid, Klicka, Lallensack, Lewis, Litscher, Lorman, Luckhardt, McEssy, Matty, Menos, Merkt, Olson, Opitz, Pabst, Porter, Quackenbush, Roth, Schricker, Shabaz, Snyder, Swoboda, Thompson, Travis, Tregoning and Vanderperren -- 40.

Noes -- Andrea, Barry, Bear, Brist, Clarenbach, Coggs, Czerwinski, Dandeneau, Day, Dueholm, Duren, Early, Elconin, Engeleiter, Ferrall, Fischer, Flintrop, Gerlach, Gunderson, Hanson, Hasenohrl, Johnson, Kedrowski, Kirby, Lato, Lee, Leopold, Lingren, Loftus, Looby, McClain, Medinger, Metz, Miller, Mohn, Moody, Munts, Norquist, Otte, Plewa, Potter, Roberts, Rogers,

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Rutkowski, Schmidt, Schneider, Soucie, Tesmer, Tropman, Tuczynski, Wahner, Ward, Wood and Mr. Speaker -- 54.

Absent or not voting -- Everson, Gower, Lewison, Murray and Rooney -- 5.

Motion failed.

Representative Shabaz moved that assembly substitute amendment 1 to Assembly Bill 427 be laid on the table.

The question was: Shall assembly substitute amendment 1 to Assembly Bill 427 be laid on the table?

The roll was taken.

The result follows:

Ayes -- Barczak, Behnke, Bradley, Byers, Conradt, DeLong, Dorff, Ellis, Goodrich, Groshek, Hauke, Hephner, Johnston, Kincaid, Klicka, Lallensack, Lewis, Litscher, Lorman, Luckhardt, McEssy, Matty, Menos, Merkt, Olson, Pabst, Porter, Quackenbush, Roth, Schmidt, Schricker, Shabaz, Snyder, Swoboda, Thompson, Travis and Tregoning -- 37.

Noes -- Andrea, Ausman, Barry, Bear, Brist, Clarenbach, Cogg, Czerwinski, Dandeneau, Day, Donoghue, Dueholm, Duren, Early, Elconin, Engeleiter, Ferrall, Fischer, Flintrop, Gerlach, Gunderson, Hanson, Hasenohrl, Johnson, Kedrowski, Kirby, Lato, Lee, Lingren, Loftus, Looby, McClain, Medinger, Metz, Miller, Mohn, Moody, Munts, Norquist, Otte, Plewa, Potter, Roberts, Rogers, Rutkowski, Schneider, Soucie, Tesmer, Tropman, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 55.

Absent or not voting -- Everson, Gower, Leopold, Lewison, Murray, Opitz and Rooney -- 7.

Motion failed.

The question was: Shall assembly substitute amendment 1 to Assembly Bill 427 be adopted?

Motion carried.

The question was: Shall Assembly Bill 427 be ordered engrossed and read a third time?

Motion carried.

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Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 427** be given a third reading. Representative Pabst objected.

Representative Wahner moved that the rules be suspended and that **Assembly Bill 427** be given a third reading.

The question was: Shall the rules be suspended and **Assembly Bill 427** be given a third reading?

The roll was taken.

The result follows:

Ayes -- Andrea, Barry, Bear, Brist, Clarenbach, Coggs, Czerwinski, Dandeneau, Day, Donoghue, Dueholm, Duren, Early, Elconin, Ferrall, Fischer, Flintrop, Gerlach, Groshek, Gunderson, Hanson, Hasenohrl, Johnson, Kedrowski, Kirby, Lallensack, Lato, Lee, Lingren, Loftus, Looby, McClain, Medinger, Metz, Miller, Mohn, Moody, Munts, Norquist, Otte, Plewa, Potter, Roberts, Rogers, Rutkowski, Schneider, Soucie, Tesmer, Tropman, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 55.

Noes -- Ausman, Barczak, Behnke, Bradley, Byers, Conratt, DeLong, Dorff, Ellis, Engeleiter, Goodrich, Hauke, Hephner, Johnston, Kincaid, Klicka, Lewis, Litscher, Lorman, Luckhardt, McEssy, Matty, Menos, Merkt, Olson, Opitz, Pabst, Porter, Quackenbush, Roth, Schmidt, Schricker, Shabaz, Snyder, Swoboda, Thompson, Travis and Tregoning -- 38.

Absent or not voting -- Everson, Gower, Leopold, Lewison, Murray and Rooney -- 6.

Motion failed.

Representative Ferrall moved reconsideration of the vote by which **Assembly Bill 427** was ordered to a third reading. Entered.

Assembly Bill 428

An act requiring for one year 14 gauge steel for the bottom and sidewalls of 500 to 1,000 gallon capacity steel septic tanks.

Assembly amendment 1 to **Assembly Bill 428** offered by Representatives Schricker, Plewa and Kirby.

The question was: Shall assembly amendment 1 to **Assembly Bill 428** be adopted?

Motion carried.

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The question was: Shall **Assembly Bill 428** be ordered engrossed and read a third time?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 428** be given a third reading. Granted.

The question was: **Assembly Bill 428** having been read three times, shall the bill pass?

The roll was taken.

The result follows:

Ayes -- Ausman, Barczak, Barry, Bear, Behnke, Bradley, Brist, Byers, Clarenbach, Coggs, Conradt, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, Dueholm, Duren, Early, Elconin, Ellis, Engeleiter, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Groshek, Gunderson, Hanson, Hasenohrl, Hauke, Hephner, Johnson, Johnston, Kedrowski, Kincaid, Kirby, Klicka, Lallensack, Lato, Lee, Leopold, Lewis, Lingren, Litscher, Loftus, Looby, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, Metz, Miller, Mohn, Moody, Munts, Norquist, Olson, Opitz, Otte, Pabst, Plewa, Porter, Potter, Quackenbush, Roberts, Rogers, Roth, Rutkowski, Schmidt, Schneider, Schricker, Shabaz, Snyder, Soucie, Swoboda, Tesmer, Thompson, Travis, Tregoning, Tropman, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 93.

Noes -- None.

Absent or not voting -- Andrea, Everson, Gower, Lewison, Murray and Rooney -- 6.

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 428** be immediately messaged to the senate. Granted.

Representative Wahner asked unanimous consent to return to the fifth order of business. Granted.

COMMITTEE REPORTS

The committee on Judiciary reports and recommends:

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Senate Joint Resolution 32

To create a special joint committee for investigation of the conduct of the personnel board.

Concurrence: Ayes: (13) Noes: (0)

To committee on Rules.

Assembly Bill 323

Relating to reducing penalties and the coverage of crimes between consenting adults.

Adoption of assembly amendment 1:

Ayes: (13) Noes: (0)

Passage: Ayes: (8) Noes: (5)

To committee on Rules.

Assembly Bill 538

Relating to interference with the custody of a child and providing penalties.

Introduction and adoption of assembly amendment 1:

Ayes: (13) Noes: (0)

Passage: Ayes: (13) Noes: (0)

To committee on Rules.

JAMES RUTKOWSKI
Chairperson

Assembly Bill 457

Relating to the maximum amount of loans to one borrower by a savings and loan association (suggested as remedial legislation by the office of commissioner of savings and loan).

The question was: Shall **Assembly Bill 457** be ordered engrossed and read a third time?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 457** be given a third reading. Granted.

The question was: **Assembly Bill 457** having been read three times, shall the bill pass?

The roll was taken.

The result follows:

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Ayes -- Andrea, Ausman, Barczak, Barry, Bear, Behnke, Bradley, Brist, Byers, Clarenbach, Coggs, Conradt, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, Ducholm, Duren, Early, Elconin, Ellis, Engeleiter, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Groshek, Gunderson, Hanson, Hasenohrl, Hauke, Hephner, Johnson, Johnston, Kedrowski, Kincaid, Kirby, Klicka, Lallensack, Lato, Lee, Leopold, Lewis, Lingren, Litscher, Loftus, Looby, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, Metz, Miller, Mohn, Moody, Munts, Norquist, Olson, Opitz, Otte, Pabst, Plewa, Porter, Potter, Quackenbush, Roberts, Rogers, Roth, Rutkowski, Schmidt, Schneider, Schricker, Shabaz, Snyder, Soucie, Swoboda, Tesmer, Thompson, Travis, Tregoning, Tropman, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 94.

Noes -- None.

Absent or not voting -- Everson, Gower, Lewison, Murray and Rooney -- 5.

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 457** be immediately messaged to the senate. Granted.

Assembly Bill 114

Relating to eliminating 2 course requirements for teacher certification.

Representative Duren moved indefinite postponement of **Assembly Bill 114**.

The question was: Shall **Assembly Bill 114** be indefinitely postponed?

The roll was taken.

The result follows:

Ayes -- Ausman, Barry, Behnke, Bradley, Brist, Byers, Clarenbach, Coggs, Conradt, Day, Donoghue, Dorff, Dueholm, Duren, Early, Ellis, Fischer, Groshek, Gunderson, Hanson, Hasenohrl, Hauke, Hephner, Kedrowski, Kincaid, Lallensack, Lato, Leopold, Lewis, Litscher, Loftus, Luckhardt, Matty, Menos, Merkt, Mohn, Pabst, Potter, Quackenbush, Roberts, Schmidt, Schneider, Schricker, Snyder, Swoboda, Tesmer, Thompson, Travis, Tregoning, Vanderperren, Ward and Wood -- 52.

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Noes -- Andrea, Barczak, Bear, Czerwinski, Dandeneau, DeLong, Elconin, Engeleiter, Ferrall, Flintrop, Gerlach, Goodrich, Johnson, Johnston, Kirby, Klicka, Lee, Lingren, Looby, Lorman, McClain, McEssy, Medinger, Metz, Miller, Moody, Munts, Norquist, Olson, Opitz, Otte, Plewa, Porter, Rogers, Roth, Rutkowski, Shabaz, Soucie, Tropman, Tuczynski, Wahner and Mr. Speaker -- 42.

Absent or not voting -- Everson, Gower, Lewison, Murray and Rooney -- 5.

Motion carried.

MESSAGE FROM THE SENATE

By Donald J. Schneider, chief clerk.

Mr. Speaker:

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

A joint certificate of commendation by Representatives Lorman and Luckhardt; co-sponsored by Senators McKenna and McCallum for the Watertown Girls Basketball Team on winning the class A State Basketball Championship.

A joint certificate of congratulations by Representative Kincaid; co-sponsored by Senator Krueger for the Laona Basketball Team on being the Northern Lakes Conference Champs.

A joint certificate of commendation by Representative Kincaid; co-sponsored by Senator Krueger for Charles Ludeman on being the Northern Lakes Conference wrestling champion.

A joint certificate of congratulations by Representative Lewison; co-sponsored by Senator Offner for Eastman Mutual Fire Insurance Company on 100 years of business.

A joint certificate of congratulations by Representative Johnson; co-sponsored by Senator Cullen for Beloit Catholic High School on winning the W.I.S.A.A. Class B State Basketball Championship.

A joint certificate of condolence by Representatives Roberts and Medinger; co-sponsored by Senator Offner for the family of D. Russell Wartinbee on his death.

A joint certificate of congratulations by Representative Roberts; co-sponsored by Senator Offner for the West Salem Panthers Basketball Team on going to the state tournament in its first year as a team.

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A joint certificate of congratulations by Representative Roberts; co-sponsored by Senator Offner for Eugene and Susan Waldenberger on the birth of their three daughters.

The following motions under joint rule 7 were adopted pursuant to Assembly Rule 73.

MOTION UNDER JOINT RULE 7

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, His Excellency the Most Reverend William E. Cousins, D.D. Archbishop of Milwaukee is celebrating the 50th anniversary of his ordination to the holy priesthood; and

Whereas, Archbishop Cousins has faithfully served the people of Milwaukee as a devoted leader providing moral guidance and religious inspiration; and

Whereas, his leadership has earned him the respect and gratitude of the people in his diocese and throughout Wisconsin; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representative Jackamonis and the entire membership of the Assembly, co-sponsored by the entire membership of the Senate under Joint Rule 7, congratulate Archbishop Cousins on the occasion of his 50th year in the priesthood and his many accomplishments and wish him happiness in the future.

MOTION UNDER JOINT RULE 7

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, John Taft, Minneapolis, Minnesota, has provided the University of Wisconsin with one of its finest captains, playing in 156 games in his four year hockey career at the University of Wisconsin, scoring 36 goals and 105 assists; and

Whereas, John played on two NCAA Hockey championship teams, captained the 1976 United States Olympic Hockey Team and was named to the 1977 NCAA All Tourney Hockey Team; and

Whereas, John has earned the respect of the fans with his consistent style of play and total dedication to the hockey program; now, therefore,

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The Members of the Wisconsin Legislature, on the motion of Representatives Gunderson and Loftus and Senator Risser under Joint Rule 7, commend John Taft for his outstanding contribution to the University of Wisconsin Hockey program and wish him continued success in the future.

MOTION UNDER JOINT RULE 7

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, George Gwozdecky, Thunder Bay, Ontario, has played in 96 games in his four year career on the University of Wisconsin Hockey Team, scoring 21 goals and 22 assists; and

Whereas, George electrified the Dane County Coliseum with his enthusiasm, earning him the instant admiration of the fans and creating the new cheer - "Let George Do It"; and

Whereas, George's total dedication has shown in his spark and enthusiasm in the team effort in winning the WCHA Championship and NCAA Hockey Championship; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representatives Gunderson and Loftus and Senator Risser under Joint Rule 7, commend George Gwozdecky for his spirit, enthusiasm and dedication in making the Badger Hockey program a success and wish George continued success in the future.

MOTION UNDER JOINT RULE 7

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, David Lundeen, Minneapolis, Minnesota, has played in 141 hockey games in his four year career at the University of Wisconsin, scoring 60 goals and 81 assists; and

Whereas, David "Scruffy" Lundeen has exemplified the fighting spirit that led the Badgers to the WCHA Hockey title and NCAA National Championship; and

Whereas, David has earned the respect of the fans, teammates and opponents for his spirited play and skating ability; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representatives Gunderson and Loftus and Senator Risser under Joint Rule 7, commend David Lundeen for the excellent contribution he has made to the success of the Badger Hockey Program and wish him continued success in the future.

MOTION UNDER JOINT RULE 7

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, Steve Alley, Anoka, Minnesota, has been a tremendous asset to the University of Wisconsin Hockey Program, twice serving as a Tri-Captain of the team, scoring 75 goals and 90 assists in 159 games in his four year Badger career; and

Whereas, Steve played on two NCAA Championship Hockey teams, scoring the winning goal in the 1977 championship game, played on the 1976 United States Olympic Hockey Team; and

Whereas, Steve's on ice performance has earned him the respect of players and fans; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representatives Gunderson and Loftus and Senator Risser under Joint Rule 7, commend Steve Alley for his outstanding contribution to the success of the University of Wisconsin Hockey Program and wish him continued success in the future.

MOTION UNDER JOINT RULE 7

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, David Herbst, Hibbing, Minnesota, has played in 103 games in his three years on the Badger Hockey team, scoring 30 goals and 38 assists; and

Whereas, Herbie exemplifies the spirit of hard work, determination and faith in one's own abilities, Herbie has contributed an enormous amount of effort in making the University of Wisconsin Hockey team a success and his determination and ability have displayed a total team effort in winning the 1977 NCAA Championship; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representatives Gunderson and Loftus and Senator Risser under Joint Rule 7, commend David Herbst for his outstanding career and contribution to the success of the University of Wisconsin Hockey Program and wish him continued success in the future.

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MOTION UNDER JOINT RULE 7

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, our law enforcement officers are committed to the goal of making our communities places in which all our citizens can take great pride in working, living and raising their families; and

Whereas, our law enforcement officers are seldom recognized for their dedication to the protection of the rights and freedoms of all citizens which often times involves great personal sacrifice and risk to their own safety and well-being; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representatives Dorff and Andrea and Senator Maurer under Joint Rule 7, do hereby express deep appreciation from all citizens to the Kenosha law enforcement officers for their dedication to upholding the law and in effect the standards of the community they represent.

MOTION UNDER JOINT RULE 7

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, Mel Shimek has given 30 years of unselfish service to the people of Menomonee Falls as a member of the Menomonee Falls school board; and

Whereas, Mr. Shimek has been involved in all phases of school board work, lending his special expertise to the areas of physical education and athletic programs and related facilities; and

Whereas, as the school system of Menomonee Falls has experienced tremendous growth during the period of his service and Mel Shimek responded with professional and innovative approaches to the solutions of the attendant problems associated with such growth; and

Whereas, this exemplary community service was performed in addition to his responsibilities as an instructor and track coach for Marquette University for over 45 years; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representative Lingren under Joint Rule 7, commend Mel Shimek, upon his retirement from the Menomonee Falls school board, for his outstanding contributions to the education and personal development of the young people of his community.

MOTION UNDER JOINT RULE 7

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, John W. Wyngaard has, through 4 decades of constant coverage of Wisconsin State government, earned the title "Dean of the Capitol Press Corps"; and

Whereas, his constant efforts for accuracy and fairness have provided Wisconsin readers with a unique insight into state government and the course of public policy; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representative Wahner and Senator McKenna under Joint Rule 7, salute John W. Wyngaard for his 40 years of able and forthright reporting and wish him a speedy recovery from his present illness.

MOTION UNDER JOINT RULE 7

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, Oliver O'Hearn, former mayor of the village of Melrose for 19 years, passed away on March 21, 1977 in La Crosse; and

Whereas, Mr. O'Hearn was a prominent businessman in the community, former member of the school board and was active in community affairs, including the local Elks, Masonic Order, Rotary Club, Zor Temple and the Ancient Accepted Scottish Rite; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representative Roberts and Senator Offner under Joint Rule 7, extend their sincere condolences to Mrs. Helen O'Hearn and the other members of the family on the occasion of Mr. O'Hearn's passing.

MOTION UNDER JOINT RULE 7

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, Joseph Battalio recently retired after having served diligently and faithfully for 20 years as the Clinton Postmaster; and

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Whereas, Joseph Battalio is a credit to his community and the state of Wisconsin; and

Whereas, the state of Wisconsin and the village of Clinton have been fortunate to have Mr. Battalio as a citizen; and

Whereas, Joseph Battalio has demonstrated his commitment to public service in other local activities such as: President of the Chamber of Commerce, President of the Kiwanis, Chairman of the United Givers Fund for 3 years, and board member for 4 years and board member of Meadows Park Nursing Home; and

Whereas, Joseph Battalio is hereby commended as a civic-minded individual and for the outstanding manner in which he carried out his responsibilities; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representative DeLong under Joint Rule 7, pay tribute to Joseph Battalio for his contribution to the betterment of the village of Clinton and the state of Wisconsin and wish him many happy years of retirement.

MOTION UNDER JOINT RULE 7

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, J.F. Sampsell has retired after 30 years as Chairman of the Town of Harrison, Waupaca County; and

Whereas, during those years J.F. Sampsell served with distinction for a period of 19 years as a member of the Waupaca County Board of Supervisors; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representative Byers under Joint Rule 7, recognize J.F. Sampsell for his years of devoted service to his community, to Waupaca County and to the State of Wisconsin and extend best wishes on the occasion of his retirement.

MOTION UNDER JOINT RULE 7

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, the Air Force Reserve has operated a flying wing at General B. Mitchell Field since February, 1952, known as the 924th Reserve Training Wing, the 438th Fighter Bomber Wing, the 440th Troop Carrier Wing and the 440th Tactical Airlife Wing; and

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Whereas, the wing has distinguished itself by being named the outstanding reserve flying unit in the nation in 1963, 1964, 1966 and 1968; and

Whereas, the wing was one of the eight reserve wings recalled to active duty during the 1962 Cuban Crisis, and has provided volunteer aircrews for foreign missions during the Dominican Republic Crisis in 1965 and the Vietnam conflict; and

Whereas, the Milwaukee based wing will officially mark the 25th anniversary of flying activities on the 22nd day of April, 1977; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representative Snyder and Senator Kleczka under Joint Rule 7, pay tribute to this Milwaukee-based wing, that because of its exemplary and distinguished service, had received well-deserved national acclaim, and commend them on the dedicated manner in which they have carried out their duties above and beyond the call of duty.

VISITORS

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

Juniors from Slinger High School, accompanied by teachers Roger Kacmarynski and Vic Erickson, from Slinger, guests of Representative Merkt.

Fourth grade students from Waunakee Elementary School, accompanied by teachers and chaperones Mrs. Dishno, Mrs. Smeltzer, Mrs. Padgham, Mr. VanDerBurg, Mrs. Kaltenberg, Mrs. VanSistine, Mrs. Tibbitts, Mrs. Endres, Mrs. Ripp, Mrs. Willems, Mrs. Borstad, Mrs. Jalinski and Mrs. Miller from Waunakee, guests of Representative Loftus.

Andrea Cerbins, John Santiago, Lisa VanHorn, Mikey Kraus, Terri Hartwig, John Hiens and Jody Schutte from Monroe Senior High School, guests of Representative Tregoning.

Joe Delveaux from Green Bay, guest of Representatives Metz, Vanderperren and Gower.

Members of the Westside Community Center from Milwaukee and surrounding area, guests of Representatives Engeleiter, Barczak, Opitz, Leopold and Plewa.

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Fourth grade students accompanied by their teacher, Mr. Kleist from Williams Bay Elementary School, guests of Representatives Porter and DeLong.

Claude Barta and William Kryson from Manitowoc, guests of Representative Lallensack.

Representative Wahner 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.

6:40 P.M.