

JOURNAL OF THE ASSEMBLY [September 7, 1977]

STATE OF WISCONSIN

Assembly Journal

Eighty-Third Regular Session

WEDNESDAY, September 7, 1977.

9:00 A.M.

The assembly met.

Speaker Jackamonis in the chair.

The prayer was offered by Reverend Robert Galitz of the First Congregational Church, United Church of Christ of Waukesha.

Representative Otte 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, Dueholm, Duren, 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, Lewison, Lingren, Litscher, Loftus, Looby, Lorman, Luckhardt, McClain, McEassy, Matty, Medinger, Menos, Merkt, Metz, Miller, Mohn, Moody, Munts, Murray, 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, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 97.

Absent -- None.

Absent with leave -- None.

AMENDMENTS OFFERED

Assembly amendment 1 to Assembly Bill 115 offered by Representative McClain.

Assembly amendment 1 to assembly substitute amendment 1 to Assembly Bill 690 offered by Representative Barczak.

Assembly substitute amendment 1 to Assembly Bill 736 offered by committee on Education.

Assembly substitute amendment 1 to Assembly Bill 757 offered by committee on Agriculture.

Assembly substitute amendment 1 to Assembly Bill 785 offered by committee on Natural Resources.

Assembly substitute amendment 1 to Assembly Bill 860 offered by committee on State Affairs.

Assembly amendment 1 to Assembly Bill 894 offered by Representative Thompson.

Assembly amendment 1 to Senate Bill 114 offered by committee on Local Affairs.

Assembly amendment 1 to Senate Bill 17 offered by Representatives Gerlach and Barczak.

Assembly amendment 1 to assembly substitute amendment 1 to Senate Bill 195 offered by committee on State Affairs.

Assembly amendment 2 to assembly substitute amendment 1 to Senate Bill 195 offered by committee on State Affairs.

Assembly amendment 3 to assembly substitute amendment 1 to Senate Bill 195 offered by committee on State Affairs.

INTRODUCTION AND REFERENCE OF RESOLUTIONS

Read and referred:

Assembly Joint Resolution 69

Directing the legislative council to conduct a review of the Wisconsin constitution.

By Representatives Brist, Wahner, Kirby and Kincaid, co-sponsored by Senators Flynn and Bablitch.

To committee on State Affairs.

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Assembly Joint Resolution 70

To amend section 9 of article VII of the constitution, relating to filling judicial vacancies (first consideration).

By Representative Gower.

To committee on Judiciary.

Assembly Joint Resolution 71

To create section 13 of article XIII of the constitution, relating to limiting the activities of units of government providing goods or services which could be furnished by private business (first consideration).

By Representatives Klicka, Merkt, Lewis, Matty, Conradt, Thompson, Lewison, Opitz, Luckhardt, Snyder, Ausman and Olson, co-sponsored by Senators Murphy, Lasee and Keppler.

To committee on State Affairs.

INTRODUCTION AND REFERENCE OF BILLS

Read first time and referred:

Assembly Bill 947

Relating to criminal trespass to land by use of a vehicle and providing a penalty.

By Representatives Schmidt, Hephner, Hanson, McClain, Schricker, Lee, Day, Mohn, Conradt and Kincaid.

To committee on Criminal Justice and Public Safety.

Assembly Bill 948

Relating to sales, use and property tax exemptions for solar energy conversion devices.

By Representatives Hanson, Rooney, Tuczynski, Ferrall, Hasenohrl and Kincaid, co-sponsored by Senator Cullen.

To Joint Survey Committee on Tax Exemptions.

Assembly Bill 949

Relating to the levying of a local income tax to offset real property taxes.

By Representatives Hanson, Rooney and Tuczynski.

To committee on Revenue.

Assembly Bill 950

Relating to sales and use tax exemption on electricity used for agricultural irrigation.

By Representatives Hanson, Hasenohrl, Tuczynski and Mohn, co-sponsored by Senator Cullen.

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To Joint Survey Committee on Tax Exemptions.

Assembly Bill 951

Relating to printing of voters' informational pamphlets by the state and making an appropriation.

By Representative Brist.

To committee on Elections.

Assembly Bill 952

Relating to rights of witnesses and secrecy at grand juries.

By Representatives Czerwinski, Rutkowski and Thompson, co-sponsored by Senator Flynn.

To committee on Criminal Justice and Public Safety.

COMMITTEE REPORTS

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

Assembly Bill 148

Relating to revision of laws on child abuse and neglect and increasing penalties.

Adoption of assembly substitute amendment 1:

Ayes: (13) Noes: (0)

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

To Joint Committee on Finance.

MICHAEL ELCONIN

Chairperson

The committee on Judiciary reports and recommends:

Assembly Bill 870

Relating to permitting taxation of witness fees against the plaintiff in a traffic regulation action.

Passage: Ayes: (9) Noes: (1)

To Joint Committee on Finance.

JAMES RUTKOWSKI

Chairperson

The committee on Local Affairs reports and recommends:

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Assembly Bill 564

Relating to appointing the head of the county auditing department.

Passage: Ayes: (12) Noes: (0)

To committee on Rules.

Assembly Bill 588

Relating to authorizing county referenda.

Passage: Ayes: (11) Noes: (1)

To committee on Rules.

Assembly Bill 620

Relating to publication of notice to cut noxious weeds.

Passage: Ayes: (12) Noes: (0)

To committee on Rules.

Assembly Bill 630

Relating to inspection of one- and 2-family dwelling construction.

Passage: Ayes: (8) Noes: (4)

To committee on Rules.

Assembly Bill 670

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

Passage: Ayes: (10) Noes: (2)

To committee on Rules.

Assembly Bill 688

Relating to permitting cities and villages to bond senior citizen centers without referendum.

Passage: Ayes: (10) Noes: (1)

To committee on Rules.

Assembly Bill 764

Relating to authorizing cities of the 1st class to adopt executive budget procedures.

Adoption of assembly substitute amendment 1:

Ayes: (13) Noes: (0)

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Passage: Ayes: (13) Noes: (0)
To committee on Rules.

GARY BARCZAK
Chairperson

The committee on Revenue reports and recommends:

Assembly Joint Resolution 8

Relating to allowing the legislature to provide property tax benefits for home improvements (1st consideration).

Adoption: Ayes: (11) Noes: (1)
To Joint Committee on Finance.

MARLIN SCHNEIDER
Chairperson

MOTIONS

Representative Quackenbush moved reconsideration of the vote by which Senate Bill 91 was concurred in. Entered.

Representative Opitz moved that Assembly Bill 836 be taken from the table and taken up at this time.

Representative Opitz asked unanimous consent to withdraw his motion. Granted.

Representative Opitz moved that Assembly Bill 836 be taken from the table and re-referred to the committee on Environmental Protection.

The question was: Shall Assembly Bill 836 be taken from the table and re-referred to the committee on Environmental Protection?

The roll was taken.

The result follows:

Ayes -- Ausman, Bradley, Byers, Conradt, DeLong, Donoghue, Ellis, Engeleiter, Goodrich, Gower, Gunderson, Hephner, Johnston, Klicka, Lewis, Lewison, Lorman, Luckhardt, McEssy, Matty, Merkt, Olson, Opitz, Porter, Quackenbush, Roth, Schmidt, Schricker, Shabaz, Snyder, Thompson, Travis, Tregoning and Ward -- 34.

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Noes -- Andrea, Barczak, Barry, Bear, Behnke, Brist, Clarenbach, Coggs, Czerwinski, Dandeneau, Day, Dorff, Dueholm, Duren, Elconin, Everson, Ferrall, Fischer, Flintrop, Gerlach, Groshek, Hanson, Hasenohrl, Hauke, Johnson, Kedrowski, Kincaid, Kirby, Lallensack, Lato, Lee, Leopold, Lingren, Litscher, Loftus, Looby, McClain, Medinger, Menos, Metz, Miller, Mohn, Moody, Munts, Murray, Norquist, Otte, Pabst, Plewa, Potter, Roberts, Rogers, Rooney, Rutkowski, Schneider, Soucie, Swoboda, Tesmer, Tuczynski, Vanderperren, Wahner, Wood and Mr. Speaker -- 63.

Absent or not voting -- None.

Motion failed.

CALENDAR OF WEDNESDAY, SEPTEMBER 7, 1977

Assembly Resolution 26

Requesting an opinion of the attorney general concerning the constitutionality of section 70.11 (24) of the statutes relating to a property tax assessment for improvements in conservation areas.

The question was: Shall **Assembly Resolution 26** be adopted?

Motion carried.

Assembly Bill 819

Relating to sexual abuse and exploitation of minors and possession of recordings or photographs of sexual abuse and providing a penalty.

Representative Shabaz asked unanimous consent that **Assembly Bill 819** be placed at the foot of the eleventh order of business on the calendar of Wednesday, September 7. Granted.

Assembly Bill 139

Relating to prohibiting possession of a dangerous weapon by a convicted felon and providing a penalty.

The question was: Shall assembly substitute amendment 2 to **Assembly Bill 139** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 139** be ordered engrossed and read a third time?

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Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 139** be given a third reading. Granted.

Representative Miller moved that **Assembly Bill 139** be laid on the table.

Representative Wahner asked unanimous consent that the assembly remain informal awaiting the arrival of the senate. Granted.

10:00 A.M.

JOINT CONVENTION

The assembly was called to order by the speaker.

The sergeant-at-arms announced the arrival of the senate.

The houses went into joint convention.

Senate president pro tempore Risser presiding.

Escorted by Senators Bablitch and Sensenbrenner and Representatives Schneider and Potter, Acting Governor Martin J. Schreiber took his place at the rostrum to deliver his address.

Pursuant to joint rule 73 the address is printed in the senate journal only.

Representative Wahner moved that the joint convention arise.

The question was: Shall the joint convention arise?

Motion carried.

10:50 A.M.

The assembly reconvened.

LEAVES OF ABSENCE

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

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Assembly Bill 139

Relating to prohibiting possession of a dangerous weapon by a convicted felon and providing a penalty.

Representative Miller asked unanimous consent to withdraw her motion to table **Assembly Bill 139**. Granted.

The question was: **Assembly Bill 139** having been read three times, shall the bill pass?

The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barczak, Barry, Bear, Behnke, Bradley, Brist, Byers, Clarenbach, Conradt, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, Dueholm, Duren, Elconin, Ellis, Engeleiter, Everson, Ferrall, Fischer, Gerlach, Goodrich, Gower, Groshek, Gunderson, Hanson, Hasenohrl, Hauke, Hephner, Johnson, Johnston, Kedrowski, Kincaid, Kirby, Klicka, Lallensack, Lato, Lee, Leopold, Lewis, Lewison, Lingren, Litscher, Loftus, Looby, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, Metz, Miller, Mohn, Murray, 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, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 93.

Noes -- Coggs, Flintrop and Munts -- 3.

Absent or not voting -- Moody -- 1.

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 139** be immediately messaged to the senate. Granted.

Assembly Bill 502

Relating to applications for court orders to wiretap in multibranch circuit courts.

The question was: Shall assembly substitute amendment 1 to **Assembly Bill 502** be adopted?

Motion carried.

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The question was: Shall **Assembly Bill 502** be ordered engrossed and read a third time?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 502** be given a third reading. Granted.

The question was: **Assembly Bill 502** having been read three times, shall the bill pass?

The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barczak, Barry, Bear, Behnke, Bradley, Byers, Clarenbach, Coggs, Conradt, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, Dueholm, Duren, 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, Lewison, Lingren, Litscher, Loftus, Looby, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, Metz, Miller, Munts, Murray, 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, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 93.

Noes -- None.

Absent or not voting -- Brist, Lewis, Mohn and Moody -- 4.

Motion carried.

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

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

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 502** be immediately messaged to the senate. Granted.

Assembly Bill 729

Relating to licenses of fermented malt beverages wholesalers.

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The question was: Shall assembly amendment 1 to **Assembly Bill 729** be adopted?

The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barry, Bear, Behnke, Bradley, Brist, Byers, Clarenbach, Coggs, Conradt, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, Duren, Elconin, Ellis, Engeleiter, Fischer, Gerlach, Goodrich, Gower, Gunderson, Hanson, Hasenohrl, Hauke, Hephner, Johnston, Kincaid, Kirby, Lallensack, Lato, Lee, Leopold, Lewison, Lingren, Litscher, Loftus, Looby, Lorman, McClain, McEssy, Matty, Medinger, Menos, Metz, Mohn, Murray, Norquist, Opitz, Otte, Plewa, Porter, Potter, Quackenbush, Roberts, Rooney, Roth, Rutkowski, Schmidt, Schneider, Schricker, Soucie, Swoboda, Tesmer, Travis, Tregoning, Vanderperren, Ward, Wood and Mr. Speaker -- 74.

Noes -- Dueholm, Everson, Ferrall, Flintrop, Johnson, Kedrowski, Klicka, Lewis, Merkt, Miller, Munts, Olson, Pabst, Rogers, Shabaz, Snyder, Thompson, Tuczynski and Wahner -- 19.

Absent or not voting -- Barczak, Groshek, Luckhardt and Moody -- 4.

Motion carried.

The question was: Shall assembly amendment 2 to **Assembly Bill 729** be adopted?

Motion carried.

Assembly amendment 3 to **Assembly Bill 729** offered by Representative Loftus.

Representative Dorff moved rejection of assembly amendment 3 to **Assembly Bill 729**.

POINT OF ORDER

Representative Hauke rose to the point of order that assembly amendment 3 to **Assembly Bill 729** was not germane under Assembly Rule 50 (3) (f).

The speaker ruled the point of order well taken.

Representative Flintrop moved that **Assembly Bill 729** be referred to the committee on Commerce and Consumer Affairs.

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The question was: Shall **Assembly Bill 729** be referred to the committee on Commerce and Consumer Affairs?

The roll was taken.

The result follows:

Ayes -- Ausman, Barry, Bear, Brist, Clarenbach, Coggs, Day, DeLong, Donoghue, Dueholm, Duren, Elconin, Ellis, Everson, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Gower, Gunderson, Hanson, Hasenohrl, Johnson, Johnston, Kedrowski, Kincaid, Kirby, Klicka, Lato, Lee, Leopold, Lewis, Lingren, Litscher, Loftus, Lorman, McClain, Matty, Medinger, Merkt, Miller, Mohn, Munts, Murray, Norquist, Olson, Otte, Pabst, Plewa, Quackenbush, Roberts, Roth, Rutkowski, Schmidt, Schneider, Shabaz, Snyder, Soucie, Swoboda, Tesmer, Thompson, Travis, Tregoning, Tuczynski, Wahner, Wood and Mr. Speaker -- 68.

Noes -- Andrea, Barczak, Behnke, Bradley, Byers, Conradt, Czerwinski, Dandeneau, Dorff, Engeleiter, Groshek, Hauke, Hephner, Lallensack, Lewison, Looby, Luckhardt, McEssy, Menos, Metz, Opitz, Porter, Potter, Rogers, Rooney, Schricker, Vanderperren and Ward -- 28.

Absent or not voting -- Moody -- 1.

Motion carried.

Assembly Bill 803

Relating to certain restrictions on the amount of liquor that may be sold for off-premise consumption.

Assembly amendment 1 to **Assembly Bill 803** offered by Representative Dorff.

Speaker pro tempore Kedrowski in the chair.

The question was: Shall assembly amendment 1 to **Assembly Bill 803** be adopted?

The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barczak, Barry, Bear, Brist, Byers, Clarenbach, Coggs, Conradt, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, Dueholm, Duren, Elconin, Ellis, Engeleiter, Everson, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Gower, Groshek, Gunderson, Hanson, Hasenohrl, Hauke, Hephner,

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Johnson, Johnston, Kedrowski, Kincaid, Kirby, Klicka, Lallensack, Lato, Lee, Leopold, Lewis, Lewison, Lingren, Litscher, Loftus, Looby, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, Metz, Miller, Mohn, Munts, Murray, 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, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 94.

Noes -- None.

Absent or not voting -- Behnke, Bradley and Moody -- 3.

Motion carried.

The question was: Shall **Assembly Bill 803** be ordered engrossed and read a third time?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 803** be given a third reading. Granted.

The question was: **Assembly Bill 803** having been read three times, shall the bill pass?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 803** be immediately messaged to the senate. Granted.

Assembly Bill 259

Relating to redemption of containers in which fermented malt beverages or carbonated beverages are sold, and providing a penalty.

Representative Shabaz moved rejection of assembly substitute amendment 1 to **Assembly Bill 259**.

Assembly amendment 1 to assembly substitute amendment 1 to **Assembly Bill 259** offered by Representatives Gunderson and Ausman.

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POINT OF ORDER

Representative Opitz rose to the point of order that assembly amendment 1 to assembly substitute amendment 1 to **Assembly Bill 259** was not germane under Assembly Rule 50 (3) (f).

The chair ruled the point of order not well taken.

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

The assembly stood recessed.

12:05 P.M.

RECESS

3:10 P.M.

The assembly reconvened.

Speaker Jackamonis in the chair.

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 -- None.

Members absent without leave -- Clarenbach, Ducholm, Hauke, Klicka, Lewis, Tregoning and Ward -- 7.

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

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

INTRODUCTION AND REFERENCE OF BILLS

Read first time and referred:

Assembly Bill 953

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME, council 24, and its appropriate affiliated locals, AFL-CIO, covering employes in the professional social services bargaining unit, and authorizing an expenditure of funds.

By Joint Committee on Employment Relations.

To Calendar.

Assembly Bill 954

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME, council 24, and its appropriate affiliated locals, AFL-CIO, covering employes in the professional research, statistics and analysis bargaining unit, and authorizing an expenditure of funds.

By Joint Committee on Employment Relations.

To Calendar.

Assembly Bill 955

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME, council 24, and its appropriate affiliated locals, AFL-CIO, covering employes in the technical bargaining unit, and authorizing an expenditure of funds.

By Joint Committee on Employment Relations.

To Calendar.

Assembly Bill 956

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME, council 24, and its appropriate affiliated locals, AFL-CIO, covering employes in the security and public safety bargaining unit, and authorizing an expenditure of funds.

By Joint Committee on Employment Relations.

To Calendar.

Assembly Bill 957

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME, council 24, and its appropriate affiliated locals, AFL-CIO, covering employes in the blue collar and nonbuilding trades bargaining unit, and authorizing an expenditure of funds.

By Joint Committee on Employment Relations.

To Calendar.

Assembly Bill 958

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin State Employees Union, AFSCME, council 24, and its appropriate affiliated locals, AFL-CIO, covering employes in the clerical and related bargaining unit, and authorizing an expenditure of funds.

By Joint Committee on Employment Relations.
To Calendar.

POINT OF ORDER

Representative Olson rose to the point of order that Assembly Bills 953, 954, 955, 956, 957 and 958 were not properly before the assembly because they were introduced as the result of an illegal strike by state employes.

The speaker ruled the point of order not timely.

Assembly Bill 259

Relating to redemption of containers in which fermented malt beverages or carbonated beverages are sold, and providing a penalty.

The question was: Shall assembly amendment 1 to assembly substitute amendment 1 to **Assembly Bill 259** be adopted?

The roll was taken.

The result follows:

Ayes -- Ausman, Barry, Bear, Brist, Clarenbach, DeLong, Ducholm, Duren, Elconin, Ellis, Everson, Ferrall, Flintrop, Gerlach, Goodrich, Gunderson, Hanson, Johnson, Johnston, Kedrowski, Lato, Litscher, Loftus, Matty, Metz, Miller, Mohn, Moody, Munts, Norquist, Olson, Quackenbush, Rooney, Roth, Schmidt, Tesmer, Thompson, Travis, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 43.

Noes -- Andrea, Barczak, Behnke, Bradley, Byers, Coggs, Conradt, Czerwinski, Dandeneau, Day, Donoghue, Dorff, Engeleiter, Fischer, Gower, Groshek, Hasenohrl, Hauke, Hephner, Kincaid, Kirby, Klicka, Lallensack, Lee, Leopold, Lewis, Lewison, Lingren, Looby, Lorman, Luckhardt, McClain, McEssy, Medinger, Menos, Merkt, Murray, Opitz, Otte, Pabst, Plewa, Porter, Potter, Roberts, Rogers, Rutkowski, Schneider, Schricker, Shabaz, Snyder, Soucie, Swoboda, Tregoning and Tuczynski -- 54.

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Absent or not voting -- None.

Motion failed.

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

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

Representative Behnke moved that **Assembly Bill 259** be re-referred to the committee on Environmental Protection.

The question was: Shall **Assembly Bill 259** be re-referred to the committee on Environmental Protection?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Behnke, Bradley, Byers, Coggs, Conradt, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, Elconin, Ellis, Engeleiter, Ferrall, Fischer, Gerlach, Gower, Groshek, Hasenohrl, Hauke, Hephner, Johnson, Johnston, Kincaid, Kirby, Klicka, Lallensack, Lato, Lee, Leopold, Lewis, Lewison, Lingren, Looby, Lorman, Luckhardt, McEssy, Matty, Medinger, Menos, Merkt, Metz, Mohn, Murray, Norquist, Olson, Opitz, Otte, Pabst, Plewa, Porter, Potter, Roberts, Rogers, Rooney, Roth, Rutkowski, Schmidt, Schneider, Schricker, Shabaz, Snyder, Soucie, Swoboda, Tesmer, Thompson, Tregoning, Tuczynski, Vanderperren, Ward and Wood -- 74.

Noes -- Ausman, Barry, Bear, Brist, Clarenbach, Dueholm, Duren, Everson, Flintrop, Goodrich, Gunderson, Hanson, Kedrowski, Litscher, Loftus, McClain, Miller, Moody, Munts, Quackenbush, Travis, Wahner and Mr. Speaker -- 23.

Absent or not voting -- None.

Motion carried.

Assembly Bill 214

Relating to establishing minimum safety, health and comfort requirements for railroad engines and providing a penalty.

The question was: Shall assembly amendment 1 to assembly substitute amendment 1 to **Assembly Bill 214** be adopted?

Motion carried.

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Assembly amendment 1 to assembly amendment 2 to assembly substitute amendment 1 to **Assembly Bill 214** offered by Representatives Hauke, Schricker and Lewison.

The question was: Shall assembly amendment 1 to assembly amendment 2 to assembly substitute amendment 1 to **Assembly Bill 214** be adopted?

Motion carried.

The question was: Shall assembly amendment 2 to assembly substitute amendment 1 to **Assembly Bill 214** be adopted?

Motion carried.

The question was: Shall assembly substitute amendment 1 to **Assembly Bill 214** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 214** be ordered engrossed and read a third time?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 214** be given a third reading. Granted.

The question was: **Assembly Bill 214** having been read three times, shall the bill pass?

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, Elconin, Ellis, Engeleiter, Everson, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Gower, Groshek, Gunderson, Hasenohrl, Hauke, Hephner, Johnson, Johnston, Kedrowski, Kincaid, Kirby, Klicka, Lallensack, Lato, Lee, Leopold, Lewis, Lewison, Lingren, Litscher, Loftus, Looby, Lorman, McClain, McEssy, Matty, Medinger, Menos, Merkt, Metz, Miller, Mohn, Moody, Munts, Murray, Norquist, Opitz, Otte, Pabst, Plewa, Porter, Potter, Quackenbush, Roberts, Rogers, Rooney, Roth, Rutkowski, Schmidt, Schneider, Schricker, Snyder, Soucie, Swoboda, Tesmer, Thompson, Travis, Tregoning, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 93.

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Noes -- Hanson, Luckhardt, Olson and Shabaz -- 4.

Absent or not voting -- None.

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 214** be immediately messaged to the senate. Granted.

Assembly Bill 819

Relating to sexual abuse and exploitation of minors and possession of recordings or photographs of sexual abuse and providing a penalty.

The question was: Shall assembly amendment 1 to **Assembly Bill 819** be adopted?

Motion carried.

The question was: Shall assembly amendment 2 to **Assembly Bill 819** be adopted?

Motion carried.

Assembly amendment 3 to **Assembly Bill 819** offered by Representative Shabaz.

Representative Shabaz asked unanimous consent that assembly amendment 3 to **Assembly Bill 819** be withdrawn and returned to the author. Granted.

Assembly amendment 4 to **Assembly Bill 819** offered by Representatives Shabaz, Elconin, Lewis and Snyder.

The question was: Shall assembly amendment 4 to **Assembly Bill 819** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 819** be ordered engrossed and read a third time?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 819** be given a third reading. Granted.

The question was: **Assembly Bill 819** 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, Byers, Clarenbach, Coggs, Conradt, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, Dueholm, Duren, 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, Lewison, Lingren, Litscher, Loftus, Looby, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, Metz, Miller, Mohn, Moody, Munts, Murray, 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, Tuczynski, Vanderperren, Ward, Wood and Mr. Speaker -- 95.

Noes -- None.

Absent or not voting -- Bradley and Wahner -- 2.

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 819** be immediately messaged to the senate. Granted.

Senate Bill 261

An act to amend various provisions of the statutes for the purpose of codifying the laws concerning police and fire departments in cities of the 1st class.

The question was: Shall **Senate Bill 261** be ordered to a third reading?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Senate Bill 261** be given a third reading. Granted.

The question was: **Senate Bill 261** having been read three times, shall the bill be concurred in?

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, Dueholm, Duren, 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, Lewison, Lingren, Litscher, Loftus, Looby, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, Metz, Miller, Mohn, Moody, Munts, Murray, 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, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 97.

Noes -- None.

Absent or not voting -- None.

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Senate Bill 261** be immediately messaged to the senate. Granted.

LEGISLATIVE REFERENCE BUREAU CORRECTIONS

Assembly Joint Resolution 59

On page 2, lines 9 and 10, delete "consecutively serve as" and substitute "be".

Assembly substitute amendment 1 to Senate Bill 14

On page 1, line 1, delete "chapter 164 and".

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, Sharon and Mark Burkart from Green Bay, guests of Representatives Metz and Swoboda.

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John O'Shea and Ralph Jirikowic from Milwaukee, guests of Representative Pabst.

Mr. and Mrs. Loyd Potterton from Spooner, guests of Representative Schricker.

Judge Beyers from Green Bay, guest of Representative Vanderperren.

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.

5:25 P.M.