

JOURNAL OF THE ASSEMBLY [February 8, 1978]

STATE OF WISCONSIN

Assembly Journal

Eighty-Third Regular Session

WEDNESDAY, February 8, 1978.

9:00 A.M.

The assembly met.

Speaker pro tempore Kedrowski in the chair.

The prayer was offered by Reverend James Niederloh of Zion Lutheran Church, 2165 Linden Avenue, Madison.

Representative Dorff 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, Becker, Behnke, Bradley, Brist, Broydrick, Byers, Clarenbach, Cogs, Conradt, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, Dueholm, Duren, Ellis, Engeleiter, Everson, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Gower, Groshek, Gunderson, Hanson, Harsdorf, 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, 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 -- 98.

Absent -- None.

Absent with leave -- Metz -- 1.

AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Joint Resolution 79** offered by committee on Criminal Justice and Public Safety.

Assembly substitute amendment 2 to **Assembly Bill 349** offered by committee on Revenue.

Assembly substitute amendment 2 to **Assembly Bill 697** offered by Representative Kirby.

Assembly substitute amendment 1 to **Assembly Bill 719** offered by committee on Criminal Justice and Public Safety.

Assembly amendment 2 to assembly substitute amendment 3 to **Assembly Bill 780** offered by Representatives Jackamonis, Metz and Lee.

Assembly amendment 3 to assembly substitute amendment 3 to **Assembly Bill 780** offered by Representatives Jackamonis and Lee.

Assembly substitute amendment 3 to **Assembly Bill 901** offered by Representative Travis.

Assembly amendment 1 to **Assembly Bill 947** offered by committee on Criminal Justice and Public Safety.

Assembly amendment 2 to assembly substitute amendment 1 to **Assembly Bill 969** offered by Representative Gower.

Assembly amendment 1 to **Assembly Bill 1005** offered by Representative Clarenbach.

Assembly amendment 2 to **Assembly Bill 1005** offered by Representative Clarenbach.

Assembly amendment 3 to **Assembly Bill 1005** offered by Representative Clarenbach.

Assembly amendment 3 to **Assembly Bill 1073** offered by Representatives Vanderperren, Conradt, McEssy and Lewison.

Assembly amendment 1 to **Assembly Bill 1147** offered by Representative Ducholm.

Assembly substitute amendment 1 to **Senate Bill 292** offered by Representatives Gerlach, Wood, Medinger, Barczak, McClain and Andrea.

JOURNAL OF THE ASSEMBLY [February 8, 1978]

Assembly amendment 1 to **Senate Bill 303** offered by committee on Education.

Assembly amendment 2 to **Senate Bill 303** offered by committee on Education.

Assembly amendment 4 to **Senate Bill 409** offered by Representative Gower.

INTRODUCTION AND REFERENCE OF RESOLUTIONS

Read and referred:

Assembly Resolution 34

Relating to review of administrative rules by assembly committees and report on such review.

By Representative Lee.

To committee on Rules.

INTRODUCTION AND REFERENCE OF BILLS

Read first time and referred:

Assembly Bill 1201

Relating to rewards for information leading to the arrest and conviction of drug pushers.

By Representatives Klicka, Merkt, Thompson, Behnke, Luckhardt, Lewison, Matty, Menos, Swoboda, Porter, Travis, Ellis, Lewis, Schricker, Conradt, Bradley, Snyder, Olson, Hauke, Rooney, Tregoning, DeLong, Gower and Lato, co-sponsored by Senator Murphy.

To committee on Criminal Justice and Public Safety.

Assembly Bill 1202

Relating to consolidation and revision of existing law relating to warehouses, cold storage facilities and locker plants, adding penalties and granting rule-making authority.

By committee on Commerce and Consumer Affairs, by request of Department of Agriculture, Trade and Consumer Protection.

To committee on Commerce and Consumer Affairs.

JOURNAL OF THE ASSEMBLY [February 8, 1978]

Assembly Bill 1203

Relating to eliminating the sales and use taxes on bingo supplies, increasing the bingo gross receipts tax, exempting bingo supplies and equipment from gambling laws, miscellaneous bingo changes, and providing a penalty.

By Representatives Plewa, Flintrop and Gunderson.
To committee on Revenue.

Assembly Bill 1204

Relating to the rights of pedestrians and providing a penalty.
By Representatives Clarenbach and Duren.
To committee on Highways.

COMMITTEE REPORTS

The committee on Internal Management reports and recommends:

Assembly Bill ——— (Irb 4534)

Relating to various changes in state printing authorization, specifications and procedures.

Introduction: Ayes: (8) Noes: (1)

Assembly Joint Resolution 75

Directing the legislative council to establish a special committee to determine the need for a formal mechanism for continuing review of the statutes.

Adoption: Ayes: (8) Noes: (0)
To committee on Rules.

Assembly Bill 767

Relating to required information to be supplied on statements of economic interests by state public officials.

Adoption of assembly substitute amendment 1:
Ayes: (8) Noes: (1)

Passage: Ayes: (9) Noes: (0)
To committee on Rules.

KEVIN SOUCIE
Chairperson

The committee on Judiciary reports and recommends:

JOURNAL OF THE ASSEMBLY [February 8, 1978]

Assembly Bill 131

Relating to criminal trespass to land.

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

To committee on Rules.

JAMES RUTKOWSKI

Chairperson

MESSAGE FROM THE SENATE

By Donald J. Schneider, chief clerk.

Mr. Speaker:

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

Assembly Bill 389

Assembly Bill 446

Assembly Bill 450

Assembly Bill 463

Assembly Bill 479

Assembly Bill 483

Assembly Bill 632

Assembly Bill 640

Assembly Bill 698

Passed and asks concurrence in:

Senate Bill 143

Senate Bill 251

Senate Bill 414

Senate Bill 422

Senate Bill 454

Senate Bill 494

Senate Bill 563

Senate Bill 564

Senate Bill 585

Concurred in as amended:

Assembly Joint Resolution 56 (Senate amendment 1 adopted)

Assembly Bill 237 (Senate amendment 1 to senate substitute amendment 1 and senate substitute amendment 1 adopted)

JOURNAL OF THE ASSEMBLY [February 8, 1978]

ACTION ON THE SENATE MESSAGE

Senate Bill 143

Relating to escapes from custody and providing penalties.

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

To committee on Criminal Justice and Public Safety.

Senate Bill 251

Relating to place of trial in actions against insurance companies growing out of negligence.

By Senators Murphy and Frank; co-sponsored by Representatives Lewison and Klicka.

To committee on Judiciary.

Senate Bill 414

Relating to reporting of child abuse, mental injury or neglect and providing a penalty.

By Senators Bablitch, Dorman, Maurer, Radosevich, Petri, Offner, Berger, Cullen, McKenna, Peloquin, Adelman, Morrison, Risser, Flynn and Braun; co-sponsored by Representatives Clarenbach, Rutkowski, Flintrop, Schricker, Hasenohrl and Wahner.

To committee on Rules.

Senate Bill 422

Relating to authorizing limited use of user charges to recover capital costs and operating expenses by a metropolitan sewerage commission and sewerage district in a county containing a city of the 1st class and by a sewerage commission of a city of the 1st class.

By Senator Braun.

To committee on Local Affairs.

Senate Bill 454

Relating to principal and income for trusts and estates.

By Senators Flynn, Frank and Murphy, by request of State Bar of Wisconsin, Real Property, Probate and Trust Law Section.

To committee on Judiciary.

Senate Bill 494

Relating to sentencing a person after a probation revocation.

By Senator Flynn, by request of the Judicial Council.

To committee on Judiciary.

JOURNAL OF THE ASSEMBLY [February 8, 1978]

Senate Bill 563

Relating to changing procedure in nonconsumer replevin actions.

By committee on Judiciary and Consumer Affairs, by request of Attorney General Bronson C. La Follette.

To committee on Judiciary.

Senate Bill 564

Relating to the procedure used by a creditor to attach property of his or her debtor.

By committee on Judiciary and Consumer Affairs, by request of Attorney General Bronson C. La Follette.

To committee on Judiciary.

Senate Bill 585

Relating to disclaimers of transfers of property or an interest in property.

By Senators Flynn, Adelman, Harnisch, Frank and Murphy, by request of The Real Property, Probate and Trust Law Section of the State Bar of Wisconsin.

To committee on Judiciary.

Assembly Joint Resolution 56

Relating to directing the joint legislative council to study forest fires.

By Representatives Thompson, Schneider, Groshek, Day and Quackenbush, co-sponsored by Senators Bidwell and Harnisch.

To Calendar.

Assembly Bill 237

Relating to awarding costs and fees if an action, special proceeding, cross complaint or counterclaim is determined to be frivolous.

By Representatives Hanson, Rooney, Rogers, Roth, Kincaid, Plewa, Kirby, Byers, Gunderson, Tuczynski, Potter, Gerlach, Tregoning, Lallensack, Dandeneau, Roberts, Barczak, Dorff, Schmidt, Donoghue, Norquist, Ward, Menos, Day, Murray, Lewison, Conradt, Bradley and Engeleiter.

To Calendar.

MOTIONS

Representative Ellis moved reconsideration of the vote by which **Assembly Bill 338** was indefinitely postponed. Entered.

JOURNAL OF THE ASSEMBLY [February 8, 1978]

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 - Czerwinski, Metz, Otte and Ward.

LEAVES OF ABSENCE

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

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

Speaker Jackamonis in the chair.

CALENDAR OF WEDNESDAY, FEBRUARY 8, 1978

Assembly Bill 1075

Relating to juries and providing penalties.

The question was: Shall assembly amendment 1 to **Assembly Bill 1075** be adopted?

Motion carried.

Assembly amendment 2 to **Assembly Bill 1075** offered by Representative Shabaz.

The question was: Shall assembly amendment 2 to **Assembly Bill 1075** be adopted?

Motion carried.

Assembly amendment 3 to **Assembly Bill 1075** offered by Representative Shabaz.

JOURNAL OF THE ASSEMBLY [February 8, 1978]

Representative Rutkowski moved rejection of assembly amendment 3 to **Assembly Bill 1075**.

The question was: Shall assembly amendment 3 to **Assembly Bill 1075** be rejected?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Bear, Becker, Behnke, Brist, Broydrick, Clarenbach, Coggs, Czerwinski, Dandeneau, Day, Dorff, Dueholm, Duren, Everson, Ferrall, Fischer, Flintrop, Gerlach, Groshek, Hanson, Hasenohrl, Hauke, Johnson, Kedrowski, Kincaid, Kirby, Lallensack, Lato, Lee, Leopold, Lingren, Loftus, Looby, McClain, Matty, Medinger, Miller, Mohn, Moody, Munts, Norquist, Otte, Pabst, Plewa, Potter, Roberts, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Soucie, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 61.

Noes -- Ausman, Bradley, Byers, Conratt, DeLong, Donoghue, Ellis, Engeleiter, Goodrich, Gower, Gunderson, Harsdorf, Hephner, Johnston, Klicka, Lewis, Lewison, Litscher, Lorman, Luckhardt, McEssy, Menos, Merkt, Murray, Olson, Opitz, Porter, Quackenbush, Roth, Schricker, Shabaz, Snyder, Swoboda, Tesmer, Thompson, Travis and Tregoning -- 37.

Absent or not voting -- Metz -- 1.

Motion carried.

Assembly amendment 4 to **Assembly Bill 1075** offered by Representatives Ausman and Gunderson.

Representative Rutkowski moved rejection of assembly amendment 4 to **Assembly Bill 1075**.

Representative Murray moved that assembly amendment 4 to **Assembly Bill 1075** be laid on the table.

The question was: Shall assembly amendment 4 to **Assembly Bill 1075** be laid on the table?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Bear, Broydrick, Clarenbach, Coggs, Czerwinski, Dandeneau, Day, Dorff, Dueholm, Everson, Ferrall,

JOURNAL OF THE ASSEMBLY [February 8, 1978]

Flintrop, Gerlach, Groshek, Hanson, Hasenohrl, Hauke, Hephner, Johnson, Kedrowski, Lallensack, Lato, Lee, Leopold, Lingren, Litscher, Looby, McClain, Miller, Mohn, Moody, Munts, Murray, Otte, Pabst, Plewa, Porter, Potter, Roberts, Rogers, Rutkowski, Schneider, Soucie, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 51.

Noes -- Ausman, Barry, Becker, Behnke, Bradley, Brist, Byers, Conradt, DeLong, Donoghue, Duren, Ellis, Engeleiter, Fischer, Goodrich, Gower, Gunderson, Harsdorf, Johnston, Kincaid, Kirby, Klicka, Lewis, Lewison, Loftus, Lorman, Luckhardt, McEssy, Matty, Medinger, Menos, Merkt, Norquist, Olson, Opitz, Quackenbush, Rooney, Roth, Schmidt, Schricker, Shabaz, Snyder, Swoboda, Tesmer, Thompson, Travis and Tregoning -- 47.

Absent or not voting -- Metz -- 1.

Motion carried.

Assembly amendment 5 to **Assembly Bill 1075** offered by Representative Rutkowski.

The question was: Shall assembly amendment 5 to **Assembly Bill 1075** be adopted?

Motion carried.

Assembly amendment 6 to **Assembly Bill 1075** offered by Representative Rutkowski.

The question was: Shall assembly amendment 6 to **Assembly Bill 1075** be adopted?

Motion carried.

Assembly amendment 7 to **Assembly Bill 1075** offered by Representative Quackenbush.

Representative Rutkowski moved rejection of assembly amendment 7 to **Assembly Bill 1075**.

The question was: Shall assembly amendment 7 to **Assembly Bill 1075** be rejected?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Bear, Becker, Behnke, Brist, Broydrick, Coggs, Czerwinski, Dandeneau, Day, Dorff, Dueholm, Ferrall, Fischer, Flintrop, Gerlach, Groshek, Hanson, Hasenohrl,

JOURNAL OF THE ASSEMBLY [February 8, 1978]

Hauke, Johnson, Kedrowski, Kincaid, Kirby, Lallensack, Lato, Lee, Leopold, Lingren, Litscher, Loftus, Looby, McClain, Miller, Mohn, Moody, Munts, Norquist, Olson, Otte, Pabst, Plewa, Potter, Rogers, Rooney, Rutkowski, Schneider, Soucie, Tesmer, Tuczynski, Vanderperren, Wahner, Ward and Mr. Speaker -- 56.

Noes -- Ausman, Bradley, Byers, Conradt, DeLong, Donoghue, Duren, Ellis, Engeleiter, Everson, Goodrich, Gower, Gunderson, Harsdorf, Hephner, Johnston, Klicka, Lewis, Lewison, Lorman, Luckhardt, McEssy, Matty, Medinger, Menos, Merkt, Murray, Opitz, Porter, Quackenbush, Roberts, Roth, Schmidt, Schricker, Shabaz, Snyder, Swoboda, Thompson, Travis, Tregoning and Wood -- 41.

Absent or not voting -- Clarenbach and Metz -- 2.

Motion carried.

Assembly amendment 8 to **Assembly Bill 1075** offered by Representatives Jackamonis and Rutkowski.

The question was: Shall assembly amendment 8 to **Assembly Bill 1075** be adopted?

Motion carried.

Assembly amendment 9 to **Assembly Bill 1075** offered by Representatives Murray, Looby, Mohn and Hasenohrl.

Representative Rutkowski moved rejection of assembly amendment 9 to **Assembly Bill 1075**.

The question was: Shall assembly amendment 9 to **Assembly Bill 1075** be rejected?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Bear, Becker, Broydrick, Clarenbach, Coggs, Czerwinski, Dandeneau, Dueholm, Ferrall, Fischer, Flintrop, Gerlach, Hanson, Johnson, Kedrowski, Kincaid, Kirby, Lee, Leopold, Lingren, Loftus, McClain, Miller, Moody, Munts, Norquist, Otte, Plewa, Rogers, Rutkowski, Soucie, Tuczynski, Wahner, Ward and Mr. Speaker -- 38.

Noes -- Ausman, Behnke, Bradley, Brist, Byers, Conradt, Day, DeLong, Donoghue, Dorff, Duren, Ellis, Engeleiter, Everson, Goodrich, Gower, Groshek, Gunderson, Harsdorf, Hasenohrl, Hauke, Hephner, Johnston, Klicka, Lallensack, Lato, Lewis,

JOURNAL OF THE ASSEMBLY [February 8, 1978]

Lewison, Litscher, Looby, Lorman, Luckhardt, McEssy, Matty, Medinger, Menos, Merkt, Mohn, Murray, Olson, Opitz, Pabst, Porter, Potter, Quackenbush, Roberts, Rooney, Roth, Schmidt, Schneider, Schricker, Shabaz, Snyder, Swoboda, Tesmer, Thompson, Travis, Tregoning, Vanderperren and Wood -- 60.

Absent or not voting -- Metz -- 1.

Motion failed.

Representative Rutkowski moved that assembly amendment 9 to **Assembly Bill 1075** be laid on the table.

The question was: Shall assembly amendment 9 to **Assembly Bill 1075** be laid on the table?

The roll was taken.

The result follows:

Ayes -- Andrea, Barry, Bear, Becker, Brist, Broydrick, Clarenbach, Coggs, Czerwinski, Dandeneau, Day, Dorff, Ducholm, Ferrall, Fischer, Flintrop, Gerlach, Hanson, Johnson, Kedrowski, Kincaid, Kirby, Lato, Lee, Leopold, Lingren, Loftus, McClain, Medinger, Menos, Miller, Moody, Munts, Norquist, Otte, Pabst, Plewa, Potter, Roberts, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Soucie, Swoboda, Travis, Tuczynski, Wahner, Ward and Mr. Speaker -- 51.

Noes -- Ausman, Barczak, Behnke, Bradley, Byers, Conradt, DeLong, Donoghue, Duren, Ellis, Engeleiter, Everson, Goodrich, Gower, Groshek, Gunderson, Harsdorf, Hasenohrl, Hauke, Hephner, Johnston, Klicka, Lallensack, Lewis, Lewison, Litscher, Looby, Lorman, Luckhardt, McEssy, Matty, Merkt, Mohn, Murray, Olson, Opitz, Porter, Quackenbush, Roth, Schricker, Shabaz, Snyder, Tesmer, Thompson, Tregoning, Vanderperren and Wood -- 47.

Absent or not voting -- Metz -- 1.

Motion carried.

Assembly amendment 10 to **Assembly Bill 1075** offered by Representative Snyder.

Representative Rutkowski moved rejection of assembly amendment 10 to **Assembly Bill 1075**.

JOURNAL OF THE ASSEMBLY [February 8, 1978]

Representative Snyder asked unanimous consent that assembly amendment 10 to **Assembly Bill 1075** be laid on the table. Granted.

Representative Shabaz moved that assembly amendment 4 to **Assembly Bill 1075** be taken from the table.

The question was: Shall assembly amendment 4 to **Assembly Bill 1075** be taken from the table?

The roll was taken.

The result follows:

Ayes -- Ausman, Barczak, Behnke, Bradley, Brist, Byers, Conradt, DeLong, Donoghue, Duren, Ellis, Engeleiter, Everson, Goodrich, Gower, Groshek, Gunderson, Harsdorf, Hasenohrl, Hauke, Hephner, Johnston, Kincaid, Kirby, Klicka, Lallensack, Lewis, Lewison, Litscher, Looby, Lorman, Luckhardt, McEssy, Matty, Menos, Merkt, Mohn, Murray, Olson, Opitz, Quackenbush, Roth, Schmidt, Schricker, Shabaz, Snyder, Swoboda, Tesmer, Thompson, Travis, Tregoning, Vanderperren and Wood -- 53.

Noes -- Andrea, Barry, Bear, Becker, Broydrick, Clarenbach, Coggs, Czerwinski, Dandeneau, Day, Dorff, Dueholm, Ferrall, Fischer, Flintrop, Gerlach, Hanson, Johnson, Kedrowski, Lato, Lee, Leopold, Lingren, Loftus, McClain, Medinger, Miller, Moody, Munts, Norquist, Otte, Pabst, Plewa, Porter, Potter, Roberts, Rogers, Rooney, Rutkowski, Schneider, Soucie, Tuczynski, Wahner, Ward and Mr. Speaker -- 45.

Absent or not voting -- Metz -- 1.

Motion carried.

Representative Rutkowski moved rejection of assembly amendment 4 to **Assembly Bill 1075**.

The question was: Shall assembly amendment 4 to **Assembly Bill 1075** be rejected?

The roll was taken.

The result follows:

Ayes -- Bear, Clarenbach, Czerwinski, Dandeneau, Ferrall, Fischer, Gerlach, Hanson, Johnson, Kedrowski, Lee, Leopold, Lingren, McClain, Miller, Moody, Munts, Norquist, Otte, Plewa, Potter, Roberts, Rutkowski, Schneider, Soucie, Tuczynski, Wahner and Mr. Speaker -- 28.

JOURNAL OF THE ASSEMBLY [February 8, 1978]

Noes -- Andrea, Ausman, Barczak, Barry, Becker, Behnke, Bradley, Brist, Broydrick, Byers, Coggs, Conradt, Day, DeLong, Donoghue, Dorff, Dueholm, Duren, Ellis, Engeleiter, Everson, Flintrop, Goodrich, Gower, Groshek, Gunderson, Harsdorf, Hasenohrl, Hauke, Hephner, Johnston, Kincaid, Kirby, Klicka, Lallensack, Lato, Lewis, Lewison, Litscher, Loftus, Looby, Lorman, Luckhardt, McEssy, Matty, Medinger, Menos, Merkt, Mohn, Murray, Olson, Opitz, Pabst, Porter, Quackenbush, Rogers, Rooney, Roth, Schmidt, Schricker, Shabaz, Snyder, Swoboda, Tesmer, Thompson, Travis, Tregoning, Vanderperren, Ward and Wood -- 70.

Absent or not voting -- Metz -- 1.

Motion failed.

The question was: Shall assembly amendment 4 to **Assembly Bill 1075** be adopted?

The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barry, Behnke, Bradley, Brist, Broydrick, Byers, Coggs, Conradt, Day, DeLong, Donoghue, Dorff, Duren, Ellis, Engeleiter, Everson, Fischer, Flintrop, Goodrich, Gower, Groshek, Gunderson, Harsdorf, Hasenohrl, Hauke, Hephner, Johnston, Kedrowski, Kincaid, Kirby, Klicka, Lallensack, Lato, Lewis, Lewison, Litscher, Loftus, Looby, Lorman, Luckhardt, McEssy, Matty, Medinger, Menos, Merkt, Mohn, Murray, Olson, Opitz, Pabst, Porter, Quackenbush, Rogers, Rooney, Roth, Schmidt, Schricker, Shabaz, Snyder, Swoboda, Tesmer, Thompson, Travis, Tregoning, Vanderperren, Ward and Wood -- 69.

Noes -- Barczak, Bear, Becker, Clarenbach, Czerwinski, Dandeneau, Dueholm, Ferrall, Gerlach, Hanson, Johnson, Lee, Leopold, Lingren, McClain, Miller, Moody, Munts, Norquist, Otte, Plewa, Potter, Roberts, Rutkowski, Schneider, Soucie, Tuczynski, Wahner and Mr. Speaker -- 29.

Absent or not voting -- Metz -- 1.

Motion carried.

Assembly amendment 11 to **Assembly Bill 1075** offered by Representative Schmidt.

JOURNAL OF THE ASSEMBLY [February 8, 1978]

Representative Schmidt asked unanimous consent that assembly amendment 11 to **Assembly Bill 1075** be withdrawn and returned to the author. Granted.

Assembly amendment 12 to **Assembly Bill 1075** offered by Representative Snyder.

Representative Rutkowski moved rejection of assembly amendment 12 to **Assembly Bill 1075**.

The question was: Shall assembly amendment 12 to **Assembly Bill 1075** be rejected?

The roll was taken.

The result follows:

Ayes -- Andrea, Bear, Becker, Brist, Broydrick, Clarenbach, Coggs, Czerwinski, Dandeneau, Day, Dorff, Dueholm, Ferrall, Fischer, Flintrop, Gerlach, Groshek, Hanson, Hasenohrl, Johnson, Kedrowski, Kincaid, Kirby, Lato, Lee, Leopold, Lingren, Loftus, Looby, McClain, Medinger, Miller, Mohn, Moody, Munts, Murray, Norquist, Otte, Pabst, Plewa, Potter, Roberts, Rooney, Rutkowski, Schneider, Soucie, Tuczynski, Vanderperren, Wahner, Ward and Mr. Speaker -- 51.

Noes -- Ausman, Barczak, Barry, Behnke, Bradley, Byers, Conradt, DeLong, Donoghue, Duren, Ellis, Engeleiter, Everson, Goodrich, Gower, Gunderson, Harsdorf, Hauke, Hephner, Johnston, Klicka, Lallensack, Lewis, Lewison, Litscher, Lorman, Luckhardt, McEssy, Matty, Menos, Merkt, Olson, Opitz, Porter, Quackenbush, Rogers, Roth, Schmidt, Schricker, Shabaz, Snyder, Swoboda, Tesmer, Thompson, Travis, Tregoning and Wood -- 47.

Absent or not voting -- Metz -- 1.

Motion carried.

Assembly amendment 13 to **Assembly Bill 1075** offered by Representative Snyder.

Representative Rutkowski moved rejection of assembly amendment 13 to **Assembly Bill 1075**.

Speaker pro tempore Kedrowski in the chair.

The question was: Shall assembly amendment 13 to **Assembly Bill 1075** be rejected?

JOURNAL OF THE ASSEMBLY [February 8, 1978]

The roll was taken.

The result follows:

Ayes -- Andrea, Barry, Bear, Becker, Broydrick, Clarenbach, Cogg, Czerwinski, Dandeneau, Day, Dueholm, Duren, Fischer, Flintrop, Gerlach, Hanson, Hasenohrl, Johnson, Kedrowski, Kirby, Lato, Lee, Leopold, Lingren, Loftus, Looby, McClain, Medinger, Miller, Mohn, Moody, Munts, Norquist, Otte, Plewa, Potter, Roberts, Rooney, Rutkowski, Schneider, Soucie, Tuczynski, Vanderperren, Wahner, Ward and Mr. Speaker -- 46.

Noes -- Ausman, Barczak, Behnke, Bradley, Brist, Byers, Conradt, DeLong, Donoghue, Dorff, Ellis, Engeleiter, Everson, Ferrall, Goodrich, Gower, Groshek, Gunderson, Harsdorf, Hauke, Hephner, Johnston, Kincaid, Klicka, Lallensack, Lewis, Lewison, Litscher, Lorman, Luckhardt, McEssy, Matty, Menos, Merkt, Murray, Olson, Opitz, Pabst, Porter, Quackenbush, Rogers, Roth, Schmidt, Schricker, Shabaz, Snyder, Swoboda, Tesmer, Thompson, Travis, Tregoning and Wood -- 52.

Absent or not voting -- Metz -- 1.

Motion failed.

The question was: Shall assembly amendment 13 to **Assembly Bill 1075** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 1075** be ordered engrossed and read a third time?

The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barczak, Barry, Becker, Behnke, Bradley, Brist, Broydrick, Byers, Clarenbach, Cogg, Conradt, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, Dueholm, Duren, Ellis, Engeleiter, Everson, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Gower, Groshek, Gunderson, Hanson, Harsdorf, 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, Miller, Mohn, Moody, Munts, Murray, Norquist, Olson, Opitz, Otte, Pabst, Plewa, Porter, Potter, Quackenbush, Roberts, Rogers, Rooney, Roth, Rutkowski, Schmidt, Schneider, Schricker, Shabaz,

JOURNAL OF THE ASSEMBLY [Februaury 8, 1978]

Snyder, Soucie, Swoboda, Tesmer, Thompson, Travis, Tregoning, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker — 97.

Noes — None.

Absent or not voting — Bear and Metz — 2.

Motion carried.

Representative Ferrall asked unanimous consent that the rules be suspended and that **Assembly Bill 1075** be given a third reading. Granted.

The question was: **Assembly Bill 1075** having been read three times, shall the bill pass?

The roll was taken.

The result follows:

Ayes — Andrea, Ausman, Barczak, Barry, Bear, Becker, Behnke, Bradley, Brist, Broydrick, Byers, Clarenbach, Coggs, Conradt, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, Dueholm, Duren, Ellis, Engeleiter, Everson, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Gower, Groshek, Gunderson, Hanson, Harsdorf, Hasenohrl, Hauke, Hephner, Johnson, Johnston, Kedrowski, Kincaid, Kirby, Lallensack, Lato, Lee, Leopold, Lewis, Lewison, Lingren, Litscher, Loftus, Looby, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, 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 — Klicka and Metz — 2.

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 1075** be immediately messaged to the senate. Granted.

JOURNAL OF THE ASSEMBLY [February 8, 1978]

Assembly Bill 936

Relating to sale of motor fuel by metric measure and providing a penalty.

The question was: Shall **Assembly Bill 936** be ordered engrossed and read a third time?

Motion carried.

Representative Shabaz moved reconsideration of the vote by which **Assembly Bill 936** was ordered to a third reading. Entered.

Assembly Bill 1047

An act to appropriate \$80,000 from the transportation fund for payment of a claim made by Hammersley Construction Company, Inc. against the state.

The question was: Shall **Assembly Bill 1047** be indefinitely postponed?

The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barczak, Barry, Bear, Becker, Behnke, Bradley, Brist, Broydrick, Byers, Clarenbach, Coggs, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, Dueholm, Duren, Ellis, Engeleiter, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Gower, Groshek, Gunderson, Hanson, Harsdorf, 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, Miller, Mohn, Moody, Munts, Murray, Norquist, 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 and Wood -- 94.

Noes -- Conradt, Everson and Olson -- 3.

Absent or not voting -- Metz and Mr. Speaker -- 2.

Motion carried.

Representative Ferrall asked unanimous consent that the motion for reconsideration of the vote by which **Assembly Bill 936** was ordered to a third reading be taken up at this time.

Representative Snyder objected.

JOURNAL OF THE ASSEMBLY [February 8, 1978]

Representative Ferrall moved that the rules be suspended and that the motion for reconsideration of the vote by which **Assembly Bill 936** was ordered to a third reading be taken up at this time.

The question was: Shall the rules be suspended and the motion for reconsideration of the vote by which **Assembly Bill 936** was ordered to a third reading be taken up at this time?

The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barczak, Barry, Bear, Becker, Behnke, Brist, Broydrick, Byers, Clarenbach, Coggs, Czerwinski, Dandeneau, Day, Donoghue, Dorff, Dueholm, Everson, Ferrall, Fischer, Flintrop, Gerlach, Groshek, Gunderson, Hanson, Harsdorf, Hasenohrl, Hauke, Johnson, Kedrowski, Kincaid, Kirby, Lallensack, Lato, Lee, Leopold, Lingren, Litscher, Loftus, Looby, Lorman, McClain, Medinger, Menos, Miller, Mohn, Moody, Munts, Murray, Norquist, Otte, Pabst, Plewa, Potter, Roberts, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Schricker, Soucie, Swoboda, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 70.

Noes -- Bradley, Conradt, DeLong, Duren, Ellis, Engeleiter, Goodrich, Gower, Hephner, Johnston, Klicka, Lewis, Lewison, Luckhardt, McEssy, Matty, Merkt, Olson, Opitz, Porter, Quackenbush, Roth, Shabaz, Snyder, Tesmer, Thompson, Travis and Tregoning -- 28.

Absent or not voting -- Metz -- 1.

Motion carried.

Assembly Bill 936

Relating to sale of motor fuel by metric measure and providing a penalty.

The question was: Shall the vote by which **Assembly Bill 936** was ordered to a third reading be reconsidered?

The roll was taken.

The result follows:

Ayes -- Barry, Bear, Clarenbach, Conradt, DeLong, Duren, Ellis, Engeleiter, Goodrich, Klicka, Lewis, Lewison, Luckhardt, McEssy, Menos, Merkt, Opitz, Plewa, Porter, Quackenbush,

JOURNAL OF THE ASSEMBLY [February 8, 1978]

Rogers, Rooney, Roth, Shabaz, Snyder, Swoboda, Tesmer, Thompson, Tregoning and Mr. Speaker -- 30.

Noes -- Andrea, Ausman, Barczak, Becker, Behnke, Bradley, Brist, Broydrick, Byers, Coggs, Czerwinski, Dandeneau, Day, Donoghue, Dorff, Dueholm, Everson, Ferrall, Fischer, Flintrop, Gerlach, Gower, Groshek, Gunderson, Hanson, Harsdorf, Hasenohrl, Hauke, Hephner, Johnson, Johnston, Kedrowski, Kincaid, Kirby, Lallensack, Lato, Lee, Leopold, Lingren, Litscher, Loftus, Looby, Lorman, McClain, Matty, Medinger, Miller, Mohn, Moody, Munts, Murray, Norquist, Olson, Otte, Pabst, Potter, Roberts, Rutkowski, Schmidt, Schneider, Schricker, Soucie, Travis, Tuczynski, Vanderperren, Wahner, Ward and Wood -- 68.

Absent or not voting -- Metz -- 1.

Motion failed.

The question was: **Assembly Bill 936** having been read three times, shall the bill pass?

The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barczak, Barry, Bear, Becker, Behnke, Brist, Broydrick, Byers, Clarenbach, Coggs, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, Dueholm, Engeleiter, Everson, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Gower, Groshek, Gunderson, Hanson, Harsdorf, Hasenohrl, Hauke, Hephner, Johnson, Johnston, Kedrowski, Kincaid, Kirby, Lallensack, Lato, Lee, Leopold, Lingren, Litscher, Loftus, Looby, Lorman, Luckhardt, McClain, McEssy, Medinger, Miller, Mohn, Moody, Munts, Murray, Norquist, Olson, Opitz, Otte, Pabst, Porter, Potter, Quackenbush, Roberts, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Schricker, Soucie, Travis, Tregoning, Tuczynski, Vanderperren, Wahner, Ward and Wood -- 80.

Noes -- Bradley, Conradt, Duren, Ellis, Klicka, Lewis, Lewison, Matty, Menos, Merkt, Plewa, Roth, Shabaz, Snyder, Swoboda, Tesmer, Thompson and Mr. Speaker -- 18.

Absent or not voting -- Metz -- 1.

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 936** be immediately messaged to the senate. Granted.

JOURNAL OF THE ASSEMBLY [February 8, 1978]

Assembly Bill 678

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

Representative Thompson asked unanimous consent that **Assembly Bill 678** be placed at the foot of the calendar of Wednesday, February 8. Granted.

Speaker Jackamonis in the chair.

Assembly Bill 720

Relating to appointment of town assessors.

The question was: Shall assembly substitute amendment 1 to **Assembly Bill 720** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 720** be ordered engrossed and read a third time?

The roll was taken.

The result follows:

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

Noes -- Dandeneau, Looby, Medinger, Soucie and Ward -- 5.

Absent or not voting -- Metz -- 1.

Motion carried.

Representative Ferrall moved reconsideration of the vote by which **Assembly Bill 720** was ordered to a third reading. Entered.

JOURNAL OF THE ASSEMBLY [February 8, 1978]

Representative Shabaz asked unanimous consent that the motion for reconsideration of the vote by which **Assembly Bill 720** was ordered to a third reading be taken up at this time.

Representative Soucie objected.

Representative Kedrowski moved that the rules be suspended and that the motion for reconsideration of the vote by which **Assembly Bill 720** was ordered to a third reading be taken up at this time.

The question was: Shall the rules be suspended and the motion for reconsideration of the vote by which **Assembly Bill 720** was ordered to a third reading be taken up at this time?

The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barczak, Barry, Bear, Becker, Behnke, Bradley, Brist, Byers, Clarenbach, Conratt, Czerwinski, Day, DeLong, Donoghue, Dorff, Dueholm, Duren, Ellis, Engeleiter, Everson, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Gower, Groshek, Gunderson, Hanson, Harsdorf, Hasenohrl, Hauke, Hephner, Johnson, Johnston, Kedrowski, Kincaid, Kirby, Klicka, Lallensack, Lato, Lewis, Lewison, Lingren, Litscher, Lorman, Luckhardt, McClain, Matty, Medinger, Menos, Merkt, Mohn, Moody, Munts, Murray, Olson, Opitz, Otte, Pabst, Plewa, Porter, Potter, Quackenbush, Roberts, Rogers, Rooney, Roth, Rutkowski, Schmidt, Schneider, Schricker, Shabaz, Snyder, Swoboda, Tesmer, Thompson, Travis, Tuczynski, Vanderperren, Wahner, Wood and Mr. Speaker -- 85.

Noes -- Broydrick, Coggs, Dandeneau, Lee, Leopold, Loftus, Looby, McEssy, Miller, Norquist, Soucie, Tregoning and Ward -- 13.

Absent or not voting -- Metz -- 1.

Motion carried.

The question was: Shall the vote by which **Assembly Bill 720** was ordered to a third reading be reconsidered?

The roll was taken.

The result follows:

Ayes -- Dandeneau, Lee, Leopold, Looby and Soucie -- 5.

JOURNAL OF THE ASSEMBLY [February 8, 1978]

Noes -- Andrea, Ausman, Barczak, Barry, Bear, Becker, Behnke, Bradley, Brist, Broydrick, Byers, Clarenbach, Coggs, Conradt, Czerwinski, Day, DeLong, Donoghue, Dorff, Dueholm, Duren, Ellis, Engeleiter, Everson, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Gower, Groshek, Gunderson, Hanson, Harsdorf, Hasenohrl, Hauke, Hephner, Johnson, Johnston, Kedrowski, Kincaid, Kirby, Klicka, Lallensack, Lato, Lewis, Lewison, Lingren, Litscher, Loftus, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Miller, Mohn, Moody, Munts, Murray, Norquist, Olson, Opitz, Otte, Pabst, Plewa, Porter, Potter, Quackenbush, Roberts, Rogers, Rooney, Roth, Rutkowski, Schmidt, Schneider, Schricker, Shabaz, Snyder, Swoboda, Tesmer, Thompson, Travis, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 91.

Absent or not voting -- Merkt, Metz and Tregoning -- 3.

Motion failed.

The question was: **Assembly Bill 720** having been read three times, shall the bill pass?

The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barczak, Barry, Bear, Becker, Behnke, Bradley, Brist, Broydrick, Byers, Clarenbach, Coggs, Conradt, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, Dueholm, Duren, Ellis, Engeleiter, Everson, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Gower, Groshek, Gunderson, Hanson, Harsdorf, 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, Miller, Mohn, Moody, Munts, Murray, Norquist, Olson, Opitz, Otte, Pabst, Plewa, Porter, Potter, Quackenbush, Roberts, Rogers, Rooney, Roth, Rutkowski, Schmidt, Schneider, Schricker, Shabaz, Snyder, Swoboda, Tesmer, Thompson, Travis, Tregoning, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 97.

Noes -- Soucie -- 1.

Absent or not voting -- Metz -- 1.

Motion carried.

JOURNAL OF THE ASSEMBLY [February 8, 1978]

Representative Ferrall asked unanimous consent that the rules be suspended and that **Assembly Bill 720** be immediately messaged to the senate. Granted.

Assembly Bill 773

Relating to allowing town clerks to be either appointed or elected.

The question was: Shall assembly substitute amendment 1 to **Assembly Bill 773** be adopted?

Motion carried.

Representative Vanderperren moved indefinite postponement of **Assembly Bill 773**.

The question was: Shall **Assembly Bill 773** be indefinitely postponed?

The roll was taken.

The result follows:

Ayes -- Becker, Bradley, Broydrick, Byers, Conradt, Day, Donoghue, Dueholm, Duren, Everson, Goodrich, Gower, Groshek, Hasenohrl, Hephner, Kincaid, Klicka, Lallensack, Lato, Lee, Leopold, Lewis, Lewison, Litscher, Looby, McClain, McEssy, Medinger, Menos, Merkt, Murray, Norquist, Olson, Pabst, Porter, Quackenbush, Roberts, Rogers, Rooney, Schmidt, Schneider, Schricker, Shabaz, Soucie, Swoboda, Thompson, Travis, Tregoning, Tuczynski, Vanderperren, Wahner and Ward -- 52.

Noes -- Andrea, Ausman, Barczak, Barry, Bear, Behnke, Brist, Clarenbach, Coggs, Czerwinski, Dandeneau, DeLong, Dorff, Ellis, Engeleiter, Ferrall, Fischer, Flintrop, Gerlach, Gunderson, Hanson, Harsdorf, Hauke, Johnson, Johnston, Kedrowski, Kirby, Lingren, Loftus, Lorman, Matty, Miller, Mohn, Moody, Munts, Opitz, Otte, Plewa, Potter, Roth, Rutkowski, Snyder, Tesmer, Wood and Mr. Speaker -- 45.

Absent or not voting -- Luckhardt and Metz -- 2.

Motion carried.

Assembly Bill 792

Relating to the composition of municipal boards of canvassers for municipal elections and allegations necessary to obtain a recount.

JOURNAL OF THE ASSEMBLY [February 8, 1978]

The question was: Shall assembly substitute amendment 1 to **Assembly Bill 792** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 792** be ordered engrossed and read a third time?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 792** be given a third reading. Granted.

The question was: **Assembly Bill 792** having been read three times, shall the bill pass?

The roll was taken.

The result follows:

Ayes -- Andrea, Ausman, Barczak, Barry, Bear, Becker, Behnke, Bradley, Brist, Broydrick, Byers, Clarenbach, Coggs, Conradt, Czerwinski, Dandeneau, Day, DeLong, Donoghue, Dorff, Dueholm, Duren, Ellis, Engeleiter, Everson, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Gower, Groshek, Gunderson, Hanson, Harsdorf, 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, 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 -- 98.

Noes -- None.

Absent or not voting -- Metz -- 1.

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 792** be immediately messaged to the senate. Granted.

Assembly Bill 851

Relating to county auditor positions.

JOURNAL OF THE ASSEMBLY [February 8, 1978]

Representative Wahner asked unanimous consent that **Assembly Bill 851** be placed at the head of the eleventh order of business on the calendar of Thursday, February 9. Granted.

Assembly Bill 678

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

Assembly amendment 1 to **Assembly Bill 678** offered by Representative McEssy.

Representative Barczak moved rejection of assembly amendment 1 to **Assembly Bill 678**.

The question was: Shall assembly amendment 1 to **Assembly Bill 678** be rejected?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Bear, Becker, Behnke, Broydrick, Clarenbach, Cogg, Czerwinski, Dandeneau, Dorff, Dueholm, Ellis, Ferrall, Fischer, Flintrop, Gerlach, Groshek, Hanson, Hasenohrl, Hauke, Johnson, Kedrowski, Kincaid, Kirby, Lato, Lee, Leopold, McClain, Medinger, Menos, Miller, Mohn, Moody, Munts, Norquist, Otte, Pabst, Plewa, Potter, Roberts, Rutkowski, Schneider, Soucie, Swoboda, Tesmer, Travis, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 53.

Noes -- Ausman, Barry, Bradley, Brist, Byers, Conradt, Day, DeLong, Donoghue, Duren, Engeleiter, Everson, Goodrich, Gower, Gunderson, Harsdorf, Hephner, Johnston, Klicka, Lallensack, Lewis, Lewison, Lingren, Litscher, Loftus, Looby, Lorman, Luckhardt, McEssy, Matty, Merkt, Murray, Olson, Opitz, Porter, Quackenbush, Rogers, Rooney, Roth, Schmidt, Schricker, Shabaz, Snyder, Thompson and Tregoning -- 45.

Absent or not voting -- Metz -- 1.

Motion carried.

Assembly amendment 2 to **Assembly Bill 678** offered by Representative McEssy.

Representative Barczak moved rejection of assembly amendment 2 to **Assembly Bill 678**.

JOURNAL OF THE ASSEMBLY [February 8, 1978]

The question was: Shall assembly amendment 2 to **Assembly Bill 678** be rejected?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Bear, Broydrick, Clarenbach, Coggs, Czerwinski, Dandeneau, Day, Dueholm, Ellis, Everson, Ferrall, Fischer, Flintrop, Gerlach, Groshek, Hanson, Hasenohrl, Hauke, Johnson, Kedrowski, Kincaid, Kirby, Lato, Lee, Leopold, Litscher, Loftus, McClain, Medinger, Menos, Miller, Mohn, Moody, Munts, Norquist, Otte, Pabst, Plewa, Potter, Rooney, Rutkowski, Schneider, Soucie, Tesmer, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 53.

Noes -- Ausman, Becker, Behnke, Bradley, Brist, Byers, Conradt, DeLong, Donoghue, Dorff, Duren, Engeleiter, Goodrich, Gower, Gunderson, Harsdorf, Hephner, Johnston, Klicka, Lallensack, Lewis, Lewison, Lingren, Looby, Lorman, Luckhardt, McEssy, Matty, Merkt, Murray, Olson, Opitz, Porter, Quackenbush, Roberts, Rogers, Roth, Schmidt, Schricker, Shabaz, Snyder, Swoboda, Thompson, Travis and Tregoning -- 45.

Absent or not voting -- Metz -- 1.

Motion carried.

The question was: Shall **Assembly Bill 678** be ordered engrossed and read a third time?

Motion carried.

Representative Ferrall asked unanimous consent that the rules be suspended and that **Assembly Bill 678** be given a third reading. Granted.

The question was: **Assembly Bill 678** having been read three times, shall the bill pass?

The roll was taken.

The result follows:

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

JOURNAL OF THE ASSEMBLY [February 8, 1978]

Kedrowski, Kincaid, Kirby, Klicka, Lallensack, Lato, Lee, Leopold, Lewis, Lewison, Lingren, Litscher, Loftus, Looby, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, 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, Travis, Tregoning, Tuczynski, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 97.

Noes -- None.

Absent or not voting -- Metz and Thompson -- 2.

Motion carried.

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

Representative Ferrall asked unanimous consent that the rules be suspended and that **Assembly Bill 678** be immediately messaged to the senate. Granted.

VISITORS

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

Gerald Ackeret from Dorchester, guest of Representative Lato.

Terry Brennan and Jim Brennan, guests of Representative Ellis.

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.

11:25 A.M.