

JOURNAL OF THE ASSEMBLY [March 11, 1969]

STATE OF WISCONSIN

Assembly Journal

Seventy-Ninth Regular Session

TUESDAY, March 11, 1969.

10:00 A.M.

The assembly met.

The speaker in the chair.

The prayer was offered by Rev. James L. Witsaman, Bethany Methodist Church, 3910 Mineral Point Road, Madison, Wis. 53701.

Assemblyman Wackett led the membership in reciting the pledge of allegiance to the flag of the United States.

The roll was taken.

The result follows:

Present—Alberts, Alfonsi, Anderson, Atkinson, Azim, Baldus, Barbee, Belting, Blanchard, Boche, Bock, Boeckmann, Bolle, Bradley, Brown, Byers, Conradt, Conta, Czerwinski, Day, Dueholm, Gee, Greider, Groshek, Grover, Hanna, Helgeson, Hephner, Huber, Hutnik, Jackson, Johnson L. H., Johnson W. A., Jones, Kafka, Kenyon, Kessler, Kleczka, Klicka, Korpela, LaFave, Laper, Lewison, Lipscomb, Looby, Luckhardt, Lynn, McCormick, McDougal, McEssy, Martin, Mathews, Mato, Merkel, Mittness, Molinaro, Nager, Nikolay, Nitschke, Nuttelman, Obey, Olson, O'Malley, Orlich, Otte, Pabst, Packard, Parys, Peloquin, Quinn, Radcliffe, Rogers, Sanasarian, Schneeberg, Schowalter, Schroeder, Schwefel, Sensenbrenner, Shabaz, Sricula, Stack, Stalbaum, Steinhilber, Sweda, Tamms, Thompson, Tobiasz, Tregoning, Uehling, Vanderperren, Van Hollen, Wackett, Warren, Weisensel, Wilcox, Wilger, Wing, York and Mr. Speaker—99.

Absent with leave—Parkin—1.

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AMENDMENTS OFFERED

Assembly substitute amendment 2 to Assembly Bill 30 by Assemblyman Weisensel.

Assembly substitute amendment 2 to Assembly Bill 139 by Assemblyman Uehling.

Assembly substitute amendment 3 to Assembly Bill 139 by Assemblyman Uehling.

Assembly amendment 1 to Assembly Bill 271 by Assemblyman Froehlich.

Assembly amendment 1 to Assembly Bill 272 by Assemblyman Froehlich.

Assembly amendment 1 to Assembly Bill 80 by Assemblymen Helgeson and Byers.

Assembly substitute amendment 1 to Assembly Bill 164 by Assemblyman Kleczka.

Assembly amendment 1 to Assembly Bill 299 by Assemblyman Lewison.

Assembly amendment 1 to Assembly Bill 339 by Assemblyman Lewison.

Assembly amendment 1 to Assembly Bill 122 by Assemblyman Atkinson.

Assembly amendment 5 to Assembly Bill 4 by Assemblyman Belting.

Assembly amendment 1 to Assembly Bill 188 by Assemblyman Blanchard.

**INTRODUCTION AND REFERENCE OF
JOINT RESOLUTIONS**

Read first time and referred:

Assembly Joint Resolution 33

To amend article VI, section 4 of the constitution relating to abolishing the offices of coroner and surveyor.

By Assemblyman Mathews. To committee on State Affairs.

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INTRODUCTION AND REFERENCE
OF RESOLUTIONS

Read and referred:

Assembly Resolution 28

To create assembly rule 22m, relating to review by assembly standing committees of the executive budget bill.

By Assemblymen Baldus, Nuttelman and Lipscomb.

To committee on Rules.

INTRODUCTION AND REFERENCE OF BILLS

Read first time and referred:

Assembly Bill 465

By Assemblymen Sensenbrenner, Tamms, Wing and Schneeberg.

To committee on Elections.

Assembly Bill 466

By Assemblymen Brown and McCormick.

To committee on Judiciary.

Assembly Bill 467

By Assemblymen Rogers, Peloquin and Stack.

To committee on Elections.

Assembly Bill 468

By Assemblymen Steinhilber, Alfonsi, Hutnik, Parkin, Jones, Tobiasz, Packard, Wilcox, Pabst, York and Kleczka.

To committee on State Affairs.

Assembly Bill 469

By Assemblymen Anderson and McEssy.

To committee on Judiciary.

Assembly Bill 470

By Assemblymen Froehlich, LaFave, Steinhilber, Tregoning, Pabst, Grover and Klicka.

To committee on Highways.

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Assembly Bill 471

By Assemblymen Nuttelman, Tregoning, O'Malley and
Conradt, by request of Wisconsin Dairy Foods Assn., Inc.
To committee on Agriculture.

Assembly Bill 472

By Assemblymen Sicula and Tamms.
To committee on Education.

Assembly Bill 473

By Assemblymen Peloquin, Sweda, O'Malley, Rogers, Kor-
pela and Vanderperren.
To committee on Municipalities.

Assembly Bill 474

By Assemblymen Mittness and Korpela.
To committee on Education.

Assembly Bill 475

By Assemblymen Anderson and LaFave, by request of
the Wisconsin Professional Policemens Association and the
Wisconsin Professional Firefighters Association.
To joint Survey committee on Retirement Systems.

Assembly Bill 476

By Assemblymen Baldus, Looby, Mato, York, Groshek,
Stack, Day, Korpela and Boche.
To committee on Education.

Assembly Bill 477

By Assemblymen Froehlich, Steinhilber and Anderson.
To committee on Judiciary.

Assembly Bill 478

By Assemblymen Froehlich, Steinhilber and Anderson.
To committee on Judiciary.

Assmby Bill 479

By Assemblymen Alberts, McEssy, Alfonsi, Tobiasz,
Huber and Parys, by request of State Treasurer Harold W.
Clemens.

To committee on Municipalities.

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Assembly Bill 480

By Assemblymen Peloquin, Brown, Rogers, Radcliffe, Lipscomb, Korpela, Stack, Mato, Vanderperren, W. A. Johnson, Bolle, Conta, Looby, Nikolay, Jones and O'Malley.

To committee on Public Welfare.

Assembly Bill 481

By Assemblymen Froehlich, Hutnik, Quinn, Lewison, Alfonsi, Nitschke, Belting, Martin, L. H. Johnson, Steinhilber, Laper, Wilger, Bradley, Azim and Uehling; co-sponsored by Senators Lorge, Swan, LaFave and Lotto, by request of Governor Knowles.

To committee on Highways.

Assembly Bill 482

By Assemblymen Peloquin, Mittness, Brown, Korpela, Nikolay and Conta.

To committee on Education.

Assembly Bill 483

By joint committee on Finance.

To committee on Public Welfare.

Assembly Bill 484

By joint committee on Finance.

To committee on Highways.

Assembly Bill 485

By joint committee on Finance.

To committee on Highways.

Assembly Bill 486

By joint committee on Finance.

To committee on Highways.

Assembly Bill 487

By joint committee on Finance.

To committee on Education.

Assembly Bill 488

By joint committee on Finance.

To committee on Taxation.

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Assembly Bill 489

By Assemblyman Nikolay.
To committee on Judiciary.

PETITIONS

Assembly Petition 23

By Assemblyman Sensenbrenner.
To committee on Education.

**REPORT OF JOINT STANDING COMMITTEE ON
TAX EXEMPTIONS**

The State of Wisconsin
Legislative Council
State Capitol
Madison

March 6, 1969.

Mr. Wilmer H. Struebing
Assembly Chief Clerk

Dear Mr. Struebing:

We are transmitting herewith the report of the Joint Survey Committee on Tax Exemptions on the following bills:

Assembly Bills 100, 140 and 193

Respectfully submitted,

**JOINT SURVEY COMMITTEE
ON TAX EXEMPTIONS**

CHESTER E. DEMPSEY,
Chairman.

ROBERT O. UEHLING,
Vice-Chairman.

Referred to committee on Taxation.

**Assembly Bill 100,
Assembly Bill 140 and
Assembly Bill 193.**

STATE OF WISCONSIN
APPENDIX TO ASSEMBLY BILL 193
REPORT OF JOINT SURVEY COMMITTEE ON
TAX EXEMPTIONS

Relating to exemption of certain municipally owned road equipment from special fuel tax.

[By Assemblymen G r o s h e k , Hephner, Vanderperren, Bolle, Day and Baldus.]

Purpose of the Bill

This bill would create s. 78.40 (2) (d), exempting from the use tax on special fuel all special fuel used by municipally owned and operated trucks used for road construction and maintenance.

Legality of the Proposal

There is no problem as to legality.

Fiscal Effect upon the State and Its Subdivisions

The revenue loss to the highway fund in the 1969-71 biennium would total \$222,000.

Public Policy Involved

Although the highway fund that receives this tax is the source of money for certain city, village and town aid payments, the present reporting and taxing of diesel fuel consumption in highway work by municipal government does seem to be an uneconomical and burdensome work requirement by the state on its political subdivisions. The bill is desirable public policy.

Respectfully submitted,

JOINT SURVEY COMMITTEE
ON TAX EXEMPTIONS

CHESTER E. DEMPSEY,
Chairman.

ROBERT O. UEHLING,
Vice-Chairman.

STATE OF WISCONSIN
APPENDIX TO ASSEMBLY BILL 140
REPORT OF JOINT SURVEY COMMITTEE ON
TAX EXEMPTIONS

Relating to personal income tax exemptions for persons over 65.

By Assemblymen Radcliffe, Peloquin, Looby and Rogers.

Purpose of the Bill

The bill would amend s. 71.09 (6) (a) to raise from \$15 to \$20 the personal income tax exemption of a taxpayer or his spouse, who in either case attains age 65 before the close of the tax year.

Legality of the Proposal

No question of legality is involved.

Fiscal Effect upon the State and Its Subdivisions

The loss in revenue to the state in the 1969-71 biennium would total \$1,349,775—the loss to the taxation districts for the same period would be \$483,660.

Public Policy Involved

The 1963 legislature granted homestead tax relief for the elderly. This law was liberalized in 1965. The following payments have been made under the relief program:

| | |
|------------|-------------|
| 1964 ----- | \$2,002,562 |
| 1965 ----- | 1,947,107 |
| 1966 ----- | 5,201,926 |
| 1967 ----- | 6,141,800 |

The bill is undesirable as a matter of public policy as it fails to fund the revenue loss.

Respectfully submitted,

JOINT SURVEY COMMITTEE
ON TAX EXEMPTIONS

CHESTER E. DEMPSEY,
Chairman.

ROBERT O. UEHLING,
Vice-Chairman.

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STATE OF WISCONSIN
APPENDIX TO ASSEMBLY BILL 100
REPORT OF JOINT SURVEY COMMITTEE ON
TAX EXEMPTIONS

Relating to the tax exemption to provide homestead tax relief.

By Assemblymen Azim and Uehling.

Purpose of the Bill

This bill would amend s. 71.09 (7) (b) to allow the executor or administrator of the estate of a person over age 65 to file a claim for homestead tax relief which the decedent might have claimed had he lived, but only for the portion of the year in which the claimant was alive. The law now provides that the claim must be filed prior to the claimant's death.

Legality of the Proposal

The constitutionality of the so-called homestead tax relief law was sustained in *State ex rel. Harvey v. Morgan* (1966), 30 Wis. 2d 1, partly on the ground that the classification embodied in the law was germane to the legislative purpose of affording relief to persons over age 65. The proposed amendment of s. 71.09 (7) (b) has no such apparent purpose, as it provides for payment of the relief to the estate of the decedent. Under the present law, the payment also may be made to the estate, but only if the claim is filed before the claimant's death. There is at best a serious question as to the constitutionality of the proposed amendment and an equally serious problem of construction.

The amendment would allow an executor or administrator to file a claim on behalf of the decedent "for that portion of the year in which the claimant was alive". Clearly this means that when a person who would be eligible for the relief dies in 1969, his executor may file a claim in 1970, based upon 1969 data. What data, however, is not specified. For example, if the decedent died March 31, 1969, without having paid any rent or real property tax in 1969, what data would be used to compute his homestead tax relief? It seems likely that the proposed amendment, if passed, would be held void because it is ambiguous.

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Fiscal Effect upon the State and Its Subdivisions

The cost of administration of the proposal to the state is estimated at \$21,883 for the 1969-71 biennium. The additional tax relief for the same period is estimated at \$670,838 for a total additional expenditure of \$692,721.

Public Policy Involved

The bill is undesirable as a matter of public policy for the reasons mentioned under the legality analysis. Further there would be no basis for establishing an accrued tax liability for a taxpayer who died prior to May 1. The May 1 assessment date becomes the basis for determining the tax levy that accrues on the third Monday in December.

Respectfully submitted,

**JOINT SURVEY COMMITTEE
ON TAX EXEMPTIONS**

CHESTER E. DEMPSEY,
Chairman.

ROBERT O. UEHLING,
Vice-Chairman.

MESSAGE FROM THE SENATE

By William P. Nugent, chief clerk.

Mr. Speaker:

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

Motion under Joint Rule 26:

A joint certificate of Commendation by Assemblyman Sensenbrenner; co-sponsored by Senator Soik, for Evan C. Schwemer on the occasion of his retirement as President of the Village of Fox Point; and

A joint certificate of Commendation by Assemblyman Bradley; co-sponsored by Senator Draheim, for the Omro High School Basketball Team for winning the Little-Nine Conference Basketball Title.

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MESSAGE FROM THE SENATE

By William P. Nugent, chief clerk.

Mr. Speaker:

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

Senate Joint Resolution 31

Passed and asks concurrence in:

Senate Bill 208

ACTION ON SENATE MESSAGE

Read and referred:

Senate Joint Resolution 31

To committee on Highways.

Senate Bill 208

Assemblyman Alfonsi asked unanimous consent that the rules be suspended, and that **Senate Bill 208** be taken up at this time. Granted.

Senate Bill 208

Relating to prerequisites to issuing a license to practice medicine and surgery in the state of Wisconsin to Dr. Jose Q. Tolentino of the Philippines.

The question was: Shall **Senate Bill 208** be ordered to a third reading?

Assemblyman Alfonsi asked unanimous consent that **Senate Bill 208** be made a special order at 11:00 o'clock today. Granted.

MOTIONS

Assemblyman Huber asked unanimous consent that the assembly today adjourn in honor of Assemblyman Anderson's 41st birthday. Granted.

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LEAVE OF ABSENCE

Assemblyman Alfonsi asked unanimous consent for leave of absence for today's session for the following: Assemblyman Parkin. Granted.

Assemblyman Alfonsi rose to point of order that the hour of 10:15 A.M. had arrived, the time of special order set for **Assembly Joint Resolution 32**.

The chair ruled the point of order well taken.

SPECIAL ORDER AT 10:15 A.M.

Assembly Joint Resolution 32

To amend enrolled senate joint resolution 20 (6th "resolved" clause) (3), specifying that the joint committee established thereunder is subject to section 14.90 of the statutes.

The question was: Shall assembly amendment 1 be adopted?

Motion carried.

The question was: Shall **Assembly Joint Resolution 32** be adopted?

The roll was taken.

The vote follows:

Ayes—Alberts, Alfonsi, Atkinson, Azim, Baldus, Belting, Blanchard, Boche, Bock, Boeckmann, Bolle, Bradley, Brown, Byers, Conradt, Day, Dueholm, Gee, Greider, Groshek, Grover, Hanna, Helgeson, Huber, Hutnik, Jackson, Johnson L. H., Johnson W. A., Jones, Kafka, Kenyon, Kleczka, Klicka, Korpela, LaFave, Laper, Lewison, Looby, Luckhardt, Lynn, McCormick, McDougal, McEssy, Martin, Mathews, Mato, Merkel, Molinaro, Nitschke, Nuttelman, Obey, Olson, O'Malley, Orlich, Otte, Pabst, Packard, Parys, Peloquin, Radcliffe, Rogers, Schneeberg, Schowalter, Schroeder, Schwefel, Sensenbrenner, Shabaz, Stack, Stalbaum, Steinhilber, Sweda, Tamms, Thompson, Tobiasz, Tregoning, Uehling, Vanderperren, Van Hollen, Wackett, Warren, Weisensel, Wilcox, Wilger, Wing, York and Mr. Speaker—86.

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Noes—Anderson, Barbee, Hephner, Lipscomb, Nager, Nikolay, Sanasarian and Sricula—8.

Absent or not voting—Conta, Czerwinski, Kessler, Mittness, Parkin and Quinn—6.

Motion carried.

Assemblyman Alfonsi asked unanimous consent that the assembly's action on **Assembly Joint Resolution 32** be immediately messaged to the senate. **Granted.**

Assemblyman Alfonsi asked unanimous consent that the assembly stand recessed for one-half hour. **Granted.**

10:25 A.M.

RECESS

11:35 A.M.

The assembly reconvened.

Assemblyman Quinn requested that he be recorded as voting, "Aye" on adoption of **Assembly Joint Resolution 32**. **Granted.**

CALENDAR OF MARCH 7, 1969

**SECOND READING AND AMENDMENT OF
ASSEMBLY BILLS**

Assembly Bill 80

Relating to longevity pay increases for state employes.

The question was: Shall the bill be ordered engrossed and read a third time?

Assemblyman Alfonsi asked unanimous consent that **Assembly Bill 80** be referred to joint committee on Finance. **Granted.**

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CALENDAR OF MARCH 11, 1969
CONSIDERATION OF RESOLUTIONS

Assembly Joint Resolution 8

Relating to an interim study of imitation foods.

The question was: Shall **Assembly Joint Resolution 8** be adopted?

The roll was taken.

The vote follows:

Ayes—Alberts, Alfonsi, Anderson, Azim, Baldus, Barbee, Belting, Blanchard, Boche, Bock, Boeckmann, Bolle, Bradley, Brown, Byers, Conradt, Conta, Day, Dueholm, Gee, Greider, Groshek, Grover, Hanna, Helgeson, Hephner, Huber, Hutnik, Jackson, Johnson L. H., Johnson W. A., Jones, Kafka, Kenyon, Kessler, Kleczka, Klicka, Korpela, LaFave, Laper, Lewison, Lipscomb, Looby, Luckhardt, Lynn, McCormick, McDougal, McEssy, Martin, Mathews, Mato, Merkel, Mittness, Molinaro, Nager, Nitschke, Nuttelman, Obey, Olson, O'Malley, Orlich, Otte, Pabst, Packard, Parys, Peloquin, Quinn, Rogers, Sanasarian, Schneeberg, Schowalter, Schroeder, Schwefel, Sensenbrenner, Shabaz, Sricula, Stack, Stalbaum, Steinhilber, Sweda, Tamms, Thompson, Tobiasz, Tregoning, Uehling, Vanderperren, Van Hollen, Wackett, Warren, Weisensel, Wilcox, Wilger, Wing, York and Mr. Speaker—95.

Noes—Nikolay and Radcliffe—2.

Absent or not voting—Atkinson, Czerwinski and Parkin—3.

Motion carried.

Assemblyman Alfonsi asked unanimous consent that the assembly's action on **Assembly Joint Resolution 8** be immediately messaged to the senate. Granted.

SECOND READING AND AMENDMENT
OF ASSEMBLY BILLS

Assembly Bill 143

Relating to disabled hunters.

The question was: Shall the bill be ordered engrossed and read a third time?

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Assemblyman Alberts offered an amendment. Entered.

The question was: Shall assembly amendment 1 be adopted?

Assemblyman Anderson offered an amendment. Entered.

The question was: Shall amendment 1 to assembly amendment 1 be adopted?

Assemblyman Anderson asked unanimous consent that Assembly Bill 143 be laid on the table. Granted.

Assembly Bill 144

Relating to approval of water, sewage and refuse system, plant or extension plans by the department of natural resources.

The question was: Shall assembly amendment 1 be adopted?

Assemblyman Atkinson asked unanimous consent that the Assembly Chief Clerk make a correction. Granted.

The question was: Shall assembly amendment 1 be adopted?

Motion carried.

Assemblyman Nitschke in the chair.

The question was: Shall the bill be ordered engrossed and read a third time?

Assemblyman Azim moved that the bill be indefinitely postponed?

The question was: Shall the bill be indefinitely postponed?

The roll was taken.

The vote follows:

Ayes—Azim, Brown, Dueholm, Jackson, Johnson W. A., Jones, Kessler, Lipscomb, McCormick, Mathews, Mittness, Nikolay, Pabst, Parys, Sanasarian and Tobiasz—16.

Noes—Alberts, Alfonsi, Anderson, Atkinson, Baldus, Barbee, Belting, Blanchard, Boche, Bock, Boeckmann, Bolle, Bradley, Byers, Conradt, Conta, Czerwinski, Day, Gee, Greider, Groshek, Grover, Hanna, Helgeson, Hephner, Huber, Hutnik, Johnson L. H., Kafka, Kenyon, Kleczka, Klicka, Korpela, LaFave, Laper, Lewison, Looby, Luckhardt, Lynn,

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McDougal, McEssy, Martin, Mato, Merkel, Molinaro, Nager, Nitschke, Nuttelman, Obey, Olson, O'Malley, Orlich, Otte, Packard, Peloquin, Quinn, Radcliffe, Rogers, Schneeberg, Schowalter, Schroeder, Schwefel, Sensenbrenner, Shabaz, Sicula, Stack, Stalbaum, Steinhilber, Sweda, Tamms, Thompson, Tregoning, Uehling, Vanderperren, Van Hollen, Wackett, Warren, Weisensel, Wilcox, Wilger, Wing, York and Mr. Speaker—83.

Absent or not voting—Parkin—1.

Motion failed.

The question was: Shall the bill be ordered engrossed and read a third time?

Motion carried.

Assemblyman Alfonsi asked unanimous consent, that the rules be suspended and that **Assembly Bill 144** be given a third reading.

Assemblyman W. A. Johnson objected.

Assemblyman Alfonsi moved that the rules be suspended, and that **Assembly Bill 144** be given a third reading.

The question was: Shall the rules be suspended and that **Assembly Bill 144** be given a third reading?

The roll was taken.

The vote follows:

Ayes—Alberts, Alfonsi, Atkinson, Azim, Baldus, Belting, Blanchard, Boche, Bock, Boeckmann, Bolle, Bradley, Byers, Conradt, Day, Gee, Greider, Groshek, Grover, Hanna, Helgeson, Hephner, Huber, Hutnik, Johnson L. H., Kafka, Kenyon, Kleczka, Klicka, Korpela, LaFave, Laper, Lewison, Looby, Luckhardt, Lynn, McDougal, McEssy, Martin, Mato, Merkel, Nitschke, Nuttelman, Obey, Olson, O'Malley, Orlich, Otte, Packard, Peloquin, Quinn, Radcliffe, Rogers, Schneeberg, Schowalter, Schroeder, Schwefel, Sensenbrenner, Shabaz, Sicula, Stalbaum, Steinhilber, Sweda, Tamms, Thompson, Tregoning, Uehling, Vanderperren, Van Hollen, Wackett, Warren, Weisensel, Wilcox, Wilger, Wing, York and Mr. Speaker—77.

Noes—Anderson, B a r b e e, Brown, Conta, Czerwinski, Dueholm, Jackson, Johnson W. A., Jones, Kessler, Lips-

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comb, McCormick, Mathews, Mittness, Molinaro, Nager, Nikolay, Pabst, Parys, Sanasarian, Stack and Tobiasz—22.

Absent or not voting—Parkin—1.

Motion carried.

The question was: This bill having been read three times, Shall the bill pass?

Assemblyman Mittness asked unanimous consent that **Assembly Bill 144** be referred to joint committee on Finance.

Assemblyman Alfonsi objected.

Assemblyman Mittness moved that **Assembly Bill 144** be referred to joint committee on Finance.

The roll was taken.

The vote follows:

Ayes—Anderson, Barbee, Brown, Conta, Czerwinski, Dueholm, Jackson, Johnson W. A., Jones, Kessler, Kleczka, Korpela, Lipscomb, Looby, McCormick, Mathews, Mittness, Molinaro, Nager, Nikolay, Orlich, Pabst, Parys, Peloquin, Radcliffe, Rogers, Sanasarian, Sicula Tobiasz and Warren—30.

Noes—Alberts, Alfonsi, Atkinson, Azim, Baldus, Belting, Blanchard, Boche, Bock, Boeckmann, Bolle, Bradley, Byers, Conradt, Day, Gee, Greider, Groshek, Grover, Hanna, Helgeson, Hephner, Huber, Hutnik, Johnson L. H., Kafka, Kenyon, Klicka, LaFave, Laper, Lewison, Luckhardt, Lynn, McDougal, McEssy, Martin, Mato, Merkel, Nitschke, Nuttelman, Obey, Olson, O'Malley, Otte, Packard, Quinn, Schneeberg, Schowalter, Schroeder, Schwefel, Sensenbrenner, Shabaz, Stack, Stalbaum, Steinhilber, Sweda, Tamms, Thompson, Tregoning, Uehling, Vanderperren, Van Hollen, Wackett, Weisensel, Wilcox, Wilger, Wing, York and Mr. Speaker—69.

Absent or not voting—Parkin—1.

Motion failed.

The question was: This bill having been read three times, shall the bill pass?

The roll was taken.

The vote follows:

Ayes—Alberts, Alfonsi, Anderson, Atkinson, Baldus, Barbee, Belting, Blanchard, Boche, Bock, Boeckmann, Bolle,

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Bradley, Byers, Conradt, Conta, Day, Dueholm, Gee, Greider, Groshek, Grover, Hanna, Helgeson, Hephner, Huber, Hutnik, Johnson L. H., Kafka, Kenyon, Kleczka, Klicka, Korpela, LaFave, Laper, Lewison, Looby, Luckhardt, Lynn, McDougal, McEssy, Martin, Mato, Merkel, Nitschke, Nuttelman, Obey, Olson, O'Malley, Orlich, Otte, Packard, Peloquin, Quinn, Radcliffe, Rogers, Schneeb erg, Schowalter, Schroeder, Schwefel, Sensenbrenner, Shabaz, Sicula, Stack, Stalbaum, Steinhilber, Sweda, Tamms, Thompson, Tregoning, Uehling, Vanderperren, Van Hollen, Wackett, Warren, Weisensel, Wilcox, Wilger, Wing, York and Mr. Speaker—81.

Noes—Azim, Brown, Czerwinski, Jackson, Johnson W. A., Jones, Kessler, Lipscomb, McCormick, Mathews, Mittness, Molinaro, Nager, Nikolay, Pabst, Parys, Sanasarian and Tobiasz—18.

Absent or not voting—Parkin—1.

Motion carried.

Assemblyman Alfonsi asked unanimous consent that the assembly's action on Assembly Bill 144 be immediately messaged to the senate. Granted.

Assembly Bill 180

Relating to the definition of air pollution for county regulation.

The question was: Shall the bill be ordered engrossed and read a third time?

The roll was taken.

The vote follows:

Ayes—Alberts Alfonsi, Anderson, Atkinson, Azim, Baldus, Barbee, Belting, Blanchard, Boche, Bock, Boeckmann, Bolle, Brown, Byers, Conradt, Conta, Czerwinski, Dueholm, Gee, Greider, Groshek, Grover, Hanna, Helgeson, Hephner, Huber, Jackson, Johnson L. H., Johnson W. A., Jones, Kafka, Kenyon, Kessler, Kleczka, Klicka, Korpela, LaFave, Laper, Lewison, Lipscomb, Looby, Lynn, McCormick, McDougal, McEssy, Martin, Mathews, Mato, Molinaro, Nager, Nikolay, Nitschke, Nuttelman, Obey, O'Malley, Orlich, Otte, Pabst, Packard, Parys, Peloquin, Quinn, Radcliffe, Rogers, Sanasarian, Schneeberg, Schowalter, Schroeder, Schwefel, Sensenbrenner, Shabaz, Sicula, Stack, Stalbaum, Steinhilber, Sweda, Tamms, Thompson, Tobiasz, Tregoning, Uehling,

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Vanderperren, Wackett, Warren, Weisensel, Wilcox, Wilger and Mr. Speaker—89.

Noes—Bradley, Day, Hutnik, Luckhardt, Merkel, Olson, Van Hollen, Wing and York—9.

Absent or not voting—Mittness and Parkin—2.

Motion carried.

Assemblyman Alfonsi asked unanimous consent that the rules be suspended and that Assembly Bill 180 be given a third reading. Granted.

The question was: This bill having been read three times, shall the bill pass?

Assemblyman Olson asked unanimous consent that Assembly Bill 180 be referred to committee on Agriculture.

Assemblyman Hanna objected.

Assemblyman Olson moved that Assembly Bill 180 be referred to committee on Agriculture.

The roll was taken.

The vote follows:

Ayes—Alfonsi, Azim, Blanchard, Boche, Bock, Bradley, Conradt, Day, Gee, Greider, Groshek, Helgeson, Hephner, Hutnik, Johnson L. H., Kenyon, Klicka, Laper, Lewison, Luckhardt, McDougal, McEssy, Martin, Merkel, Nitschke, Nuttelman, Olson, O'Malley, Packard, Rogers, Schneeberg, Schowalter, Schroeder, Schwefel, Shabaz, Stalbaum, Steinhilber, Sweda, Tamms, Thompson, Tregoning, Vanderperren, Van Hollen, Wackett, Weisensel, Wilcox, Wilger, Wing, York and Mr. Speaker—50.

Noes—Alberts, Anderson, Atkinson, Baldus, Barbee, Belting, Boeckmann, Bolle, Brown, Byers, Conta, Czerwinski, Dueholm, Grover, Hanna, Huber, Jackson, Johnson W. A., Jones, Kafka, Kessler, Kleczka, Korpela, LaFave, Lipscomb, Looby, Lynn, McCormick, Mathews, Mato, Mittness, Molinaro, Nager, Nikolay, Obey, Orlich, Otte, Pabst, Parys, Peloquin, Quinn, Radcliffe, Sanasarian, Sensenbrenner, Sicula, Stack, Tobiasz, Uehling and Warren—49.

Absent or not voting—Parkin—1.

Motion carried.

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SECOND READING AND AMENDMENT OF
SENATE BILLS

Senate Bill 108

Relating to motor fuel tax procedures, licenses and invoices.

The question was: Shall the bill be ordered to a third reading?

Motion carried.

Assemblyman Alfonsi asked unanimous consent that the rules be suspended and that **Senate Bill 108** be given a third reading. Granted.

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

Motion carried.

Assemblyman Alfonsi asked unanimous consent that the assembly's action on **Senate Bill 108** be immediately messaged to the senate. Granted.

Assemblyman Alfonsi rose to point of order that the hour of 11:00 A.M. had arrived, the time of special order for **Senate Bill 208**.

The chair ruled the point of order well taken.

SPECIAL ORDER

Senate Bill 208

Relating to prerequisites to issuing a license to practice medicine and surgery in the state of Wisconsin to Dr. Jose Q. Tolentino of the Philippines.

The question was: Shall **Senate Bill 208** be ordered to a third reading?

Assemblyman Sweda offered an amendment. Entered.

The question was: Shall assembly amendment 1, be adopted?

Motion carried.

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The question was: Shall the bill be ordered to a third reading?

Motion carried.

Assemblyman Alfonsi asked unanimous consent, that the rules be suspended and that **Senate Bill 208** be given a third reading. Granted.

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

Motion carried.

Assemblyman Alfonsi asked unanimous consent that the assembly's action on **Senate Bill 208** 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:

Mr. Paul Voight of Top o' the Thumb Area of Door County, guest of Assemblymen L. H. Johnson and Schneeberg.

Esther and Ruth Joers from Milwaukee, Wis., guests of Assemblyman Tamms.

Mr. and Mrs. James Demitros from Milwaukee, Wis., and Edmund D. Duzynski from Milwaukee, guests of Assemblyman Sanasarian.

Laverne Bonnin and Judy Kuhn from Jackson, Wis., guests of Assemblyman Schroeder.

Al Raetz and George Miller from Ozaukee County, Wis., guests of Assemblyman Schowalter.

S. J. Martin, 21565 Sierra Dr., Waukesha, Wis., guest of Assemblymen Merkel and Mathews.

Mr. and Mrs. Dick Van Sustine from Appleton, Wis., guests of Assemblymen Froehlich and Conradt.

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Mr. and Mrs. Robert Peck from Manitowoc, Wis., guests of Assemblymen Helgeson and Bolle.

Georgia Schricker, Diane McWilliams, Carol Coen, Linda Eiden, Tom Bowen and Miss Mary Cirilli, daughter of Senator Cirilli, from Janesville, Wis., guests of Assemblyman Mittness.

CHIEF CLERK'S CORRECTION

Assembly Bill 369

On page 2, line 5, substitute a comma for the period and substitute "the" for "The".

Assembly Bill 332

On page 2, line 23 score the sentence starting with the word "If" and continue through the word "affected." in line 26.

Assembly Bill 427

On page 2, line 9, after "trust" insert "fund".

Assembly Bill 400

On page 3, line 4, substitute "face" for "fact".

Assembly Bill 410

On page 5, line 11, substitute "minimum" for "munimum".

Assembly Bill 437

On page 3, line 11, substitute "estate" for "state".

Assembly Bill 449

In lines 12 and 13, substitute "*under ch. 138,*" for "under ch. 138,".

Pursuant to the request by Assemblyman Huber that the assembly adjourn today in honor of the 41st birthday of Assemblyman Anderson, Assemblyman Alfonsi moved that the assembly adjourn.

Motion carried.

12:30 P.M.