

JOURNAL OF THE ASSEMBLY [September 10, 1971]

STATE OF WISCONSIN

Assembly Journal

Eightieth Regular Session

FRIDAY, September 10, 1971.

9:00 A.M.

The assembly met.

The speaker in the chair.

The prayer was offered by Reverend Finn H. Hansen of the Lutheran Social Service, 2202 Van Hise Avenue, Madison, Wisconsin.

Representative Sensenbrenner 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, Anderson, Atkinson, Azim, Baldus, Barbee, Berger, Boeckmann, Bolle, Bradley, Brown, Bultman, Byers, Conradt, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Ellis, Everson, Ferrall, Froehlich, Gaulke, Giese, Greider, Groshek, Grover, Guiles, Hanna, Hanson, Hephner, Jackamonis, Jackson, Johnson G. K., Johnson W. A., Jones, Kafka, Kessler, Kleczka, Klicka, Korpela, LaFave, Lewison, Looby, Luckhardt, Lynn, McCormick, McDougal, McEssy, Mato, Merkel, Mielke, Miller, Mittness, Mohn, Molinaro, Nager, O'Malley, Oberle, Oestreicher, Orlich, Otte, Pabst, Quackenbush, Quinn, Robertson, Roberts, Rogers, Rutkowski, Sanasarian, Schneider, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Sricula, Stack, Stalbaum, Sweda, Swoboda, Thompson R. M., Thompson T. G., Tobiasz, Tregoning, Vanderperren, Wackett, Wahner, Wilcox, Wilger, Willkom and Mr. Speaker—96.

Absent with leave—Conta, Helgeson and Slaby—3.

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AMENDMENTS OFFERED

Assembly amendment 11 to assembly substitute amendment 2 to **Senate Bill 138** offered by Representatives Sensenbrenner and T. G. Thompson.

Assembly amendment 12 to assembly substitute amendment 2 to **Senate Bill 138** offered by Representative Sensenbrenner.

Assembly amendment 1 to assembly amendment 7 to assembly substitute amendment 2 to **Senate Bill 138** offered by Representatives Tobiasz and McCormick.

Assembly amendment 2 to **Assembly Bill 484** offered by Representative Atkinson.

Assembly amendment 1 to **Assembly Bill 207** offered by Representative Grover.

INTRODUCTION AND REFERENCE OF RESOLUTIONS

Read and referred:

Assembly Resolution 37

Requesting an opinion of the attorney general on the constitutionality of 1971 **Senate Bill 138** and assembly substitute amendments 1 and 2 thereto.

*Resolved by the assembly, That the attorney general is requested to provide an opinion as expeditiously as possible as to the constitutionality of 1971 **Senate Bill 138** and assembly substitute amendments 1 and 2 to that bill in light of the U. S. Supreme Court decision in *Lemon vs. Kurtzman*.*

By Representatives Shabaz, Brown, Tregoning, Merkel, Robertson, Giese, Schneider, Sensenbrenner, Schowalter, G. K. Johnson, Ferrall, Everson, Mohn, R. M. Thompson, Bradley, Gaulke, Baldus, Dueholm, Miller, Earl, Guiles, Alberts, Conta and Wackett.

Representative Shabaz asked unanimous consent that the rules be suspended and that **Assembly Resolution 37** be taken up at this time.

Representative Stalbaum objected.

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Representative Shabaz moved that the rules be suspended and that **Assembly Resolution 37** be taken up at this time.

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

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

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

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

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

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

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

The question was: Shall the rules be suspended and **Assembly Resolution 37** be taken up at this time?

The roll was taken.

The vote follows:

Ayes—Alberts, Anderson, Bradley, Brown, Byers, Conradt, Dueholm, Earl, Ellis, Everson, Ferrall, Froehlich, Giese, Greider, Grover, Guiles, Jackamonis, Johnson G. K., Klicka, Korpela, LaFave, Lewison, Luckhardt, McEssy, Merkel, Mielke, Miller, Mittness, Mohn, Nager, Otte, Quackenbush, Robertson, Rutkowski, Schneider, Schowalter, Schroeder, Sensenbrenner, Shabaz, Sweda, Thompson R. M., Thompson T. G, Tregoning, Wackett, Wahner and Wilcox—46.

Noes—Atkinson, Azim, Baldus, Barbee, Berger, Boeckmann, Bolle, Bultman, Day, Dorff, Duren, Early, Gaulke, Groshek, Hanna, Hanson, Hephner, Jackson, Johnson W. A., Jones, Kafka, Kessler, Kleczka, Looby, Lynn, McCormick, McDougal, Mato, Molinaro, O'Malley, Oberle, Oestreich, Orlich, Pabst, Roberts, Rogers, Sanasarian, Schricker, Schwefel, Sicula, Stack, Stalbaum, Swoboda, Tobiasz, Vanderperren, Wilger, Willkom and Mr. Speaker—48.

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Absent or not voting—Conta, Czerwinski, Helgeson, Quinn and Slaby—5.

Motion failed.

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

Assembly Resolution 37

To calendar.

INTRODUCTION AND REFERENCE OF BILLS

Read first time and referred:

Assembly Bill 1303

Relating to probate without an attorney.

By Representatives Pabst and Jones; co-sponsored by Senator Parys.

To committee on Judiciary.

Assembly Bill 1304

Providing for the secretary of regulation and licensing to serve at the pleasure of the governor.

By Representatives Baldus, Lynn, Boeckmann, Mohn, Hanna, Stack, Korpela, Grover and Mittness, by request of Governor Patrick J. Lucey.

To committee on State Affairs.

Assembly Bill 1305

Relating to speedy action on town annexation contests.

By Representatives Rogers, Day and Boeckmann.

To committee on Municipalities.

Assembly Bill 1306

Relating to requiring the authority condemning property by eminent domain to reimburse all reasonable costs and fees incurred by condemnees successfully appealing the amount of awards made to acquire the property.

By Representatives Roberts, Early, Wilcox, Boeckmann, Tregoning, Willkom, Mohn, Oberle, Gaulke, Day, R. M. Thompson, Vanderperren, O'Malley, Merkel, Greider, T. G. Thompson, Alberts, Byers and Kafka.

To committee on Judiciary.

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Assembly Bill 1307

Relating to effect of annexation onto certain legislative districts.

By Representatives Jackamonis, Kessler and Rutkowski.
To committee on Elections.

Assembly Bill 1308

Relating to creation of a population commission to study the effects of population growth in this state.

By Representatives Brown, Ferrall, Barbee, Mittness and Tobiasz.

To committee on State Affairs.

Assembly Bill 1309

Relating to unit price information, granting rule-making authority and providing a penalty.

By Representatives Sanasarian and Ferrall.

To committee on Commerce and Consumer Affairs.

Assembly Bill 1310

Relating to filing of credentials by clergymen before performing marriage.

By Representative Sicula.

To committee on Judiciary.

Assembly Bill 1311

Relating to minimum liability insurance for itinerant merchant truckers.

By Representative Sicula.

To committee on Judiciary.

Assembly Bill 1312

Relating to deposit of funds by a guardian.

By Representative Sicula.

To committee on Judiciary.

Assembly Bill 1313

Barring landlords from requiring security deposits in certain cases.

By Representative Froehlich.

To committee on Judiciary.

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Assembly Bill 1314

Relating to redistricting this state pursuant to the congressional apportionment based on the 1970 census of population.

By Representatives Rogers, Vanderperren, Bolle and Grover, by request of Larry Longley.

To committee on Elections.

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 92;

Motions Under Joint Rule 26:

A joint certificate of Congratulations by Senator Frank; co-sponsored by Representative Atkinson to Joseph Romanowski on being named one of the "Outstanding Young Men of America"; and

A joint certificate of Condolence by Senators Swan and LaFave; co-sponsored by Representatives Wilger and Stalbaum to the family of George Borg on his untimely death.

ACTION ON THE SENATE MESSAGE

Representative Froehlich asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 92** be taken up at this time. Granted.

Senate Joint Resolution 92

Relating to the life and public service of George M. Borg.

By Entire Membership of Senate; co-sponsored by Representatives Wilger and Stalbaum.

The question was: Concurrence?

Motion carried.

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Representative Anderson asked unanimous consent that the rules be suspended and that the assembly's action on **Senate Joint Resolution 92** be immediately messaged to the senate. Granted.

Representative Anderson asked unanimous consent that the rules be suspended and that the motion be taken up at this time. Granted.

A joint certificate of Congratulations by Senator Frank; co-sponsored by Representative Atkinson to Joseph Romanowski, on being named one of the "Outstanding Young Men of America."

The question was: Concurrence?
Motion carried.

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

Representative Anderson asked unanimous consent that the rules be suspended and that the motion be taken up at this time. Granted.

A joint certificate of Condolence by Senators Swan and LaFave; co-sponsored by Representatives Wilger and Stalbaum to the family of George Borg on his untimely death.

The question was: Concurrence?
Motion carried.

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

MOTION UNDER JOINT RULE 26

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

Whereas, Dr. T. O. Goeres, prominent Lodi business and community leader died suddenly on June 21, 1971 at the age of 89; and

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Whereas, "Doc" Goeres, founder of the Lodi Canning Company, a charter member of the Lodi Rotary Club and a member of the Chamber of Commerce, was an integral part of the Lodi community for over 60 years, serving as Lodi's first mayor, as chairman of the civic improvement commission for 26 years, as president of the Lodi Parent-Teacher Association and as fund drive chairman for the construction of the Lodi Good Samaritan Center; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representative R. M. Thompson and Senator Bidwell, under Joint Rule 26, who share in the loss of a man whose many civic contributions will not soon be forgotten, extend their sincere condolences to the family of Dr. T. O. Goeres.

The question was: Adoption?

Motion carried.

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

MOTIONS

LEAVE OF ABSENCE

Representative Anderson asked unanimous consent for a leave of absence for today's session for Representatives Conta and Slaby. Granted.

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

CALENDAR OF TUESDAY, JUNE 22

Senate Bill 138

Relating to state grants for students attending private schools, changing the name of the higher educational aids board, providing income and gift tax exemptions and making an appropriation.

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Representative McCormick asked unanimous consent that assembly amendment 8 to assembly substitute amendment 2 to **Senate Bill 138** be laid on the table. Granted.

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

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

Representative McCormick moved that assembly amendment 9 to assembly substitute amendment 2 to **Senate Bill 138** be rejected.

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

The question was: Shall assembly amendment 9 to assembly substitute amendment 2 to **Senate Bill 138** be rejected?

The roll was taken.

The vote follows:

Ayes—Atkinson, Azim, Baldus, Barbee, Berger, Boeckmann, Bolle, Bultman, Day, Dorff, Duren, Early, Ellis, Ferrall, Froehlich, Gaulke, Groshek, Grover, Hanna, Hephner, Jackamonis, Jackson, Johnson W. A., Jones, Kafka, Kessler, Kleczka, LaFave, Lewison, Looby, Lynn, McCormick, McDougal, McEssy, Mato, Mohn, Molinaro, O'Malley, Oberle, Orlich, Otte, Pabst, Quackenbush, Quinn, Roberts, Rogers, Rutkowski, Sanasarian, Schwefel, Sicula, Stack, Stalbaum, Swoboda, Tobiasz, Vanderperren, Wahner, Wilger, Willkom and Mr. Speaker—59.

Noes—Alberts, Anderson, Bradley, Brown, Byers, Conradt, Dueholm, Earl, Everson, Giese, Greider, Guiles, Hanson, Johnson G. K., Klicka, Korpela, Luckhardt, Merkel, Mielke, Miller, Mittness, Nager, Robertson, Schneider, Schowalter, Schricker, Schroeder, Sensenbrenner, Shabaz, Sweda, Thompson R. M., Thompson T. G., Tregoning, Wackett and Wilcox—35.

Absent or not voting—Conta, Czerwinski, Helgeson, Oestreicher and Slaby—5.

Motion carried.

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

Representative Schneider moved that assembly amendment 10 to assembly substitute amendment 2 to Senate Bill 138 be rejected.

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

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

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

The question was: Shall assembly amendment 10 to assembly substitute amendment 2 to Senate Bill 138 be rejected?

The roll was taken.

The vote follows:

Ayes—Atkinson, Azim, Barbee, Berger, Boeckmann, Bolle, Bultman, Czerwinski, Dorff, Duren, Ellis, Froehlich, Groshek, Hanna, Hephner, Jackson, Johnson W. A., Jones, Kafka, Kessler, Kleczka, Klicka, LaFave, Looby, Lynn, McCormick, McDougal, McEssy, Mato, Molinaro, O'Malley, Oberle, Oestreicher, Orlich, Pabst, Quackenbush, Quinn, Rogers, Sanasarian, Schneider, Schwefel, Sensenbrenner, Sicula, Stack, Stalbaum, Swoboda, Tobiasz, Vanderperren, Willkom and Mr. Speaker—50.

Noes—Alberts, Anderson, Baldus, Bradley, Brown, Byers, Conradt, Day, Dueholm, Earl, Early, Everson, Ferrall, Gaulke, Giese, Greider, Grover, Guiles, Hanson, Jackamonis, Johnson G. K., Korpela, Lewison, Luckhardt, Mielke, Miller, Mittness, Mohn, Nager, Otte, Robertson, Roberts, Rutkowski, Schowalter, Schricker, Schroeder, Shabaz, Sweda, Thompson R. M., Thompson T. G., Tregoning, Wackett, Wahner, Wilcox and Wilger—45.

Absent or not voting—Conta and Slaby—2.

Paired—Merkel for rejection, Helgeson against rejection—2.

Motion carried.

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

Representative Berger moved that assembly amendment 11 to assembly substitute amendment 2 to Senate Bill 138 be rejected.

The question was: Shall assembly amendment 11 to assembly substitute amendment 2 to Senate Bill 138 be rejected?

The roll was taken.

The vote follows:

Ayes—Alberts, Atkinson, Azim, Baldus, Berger, Boeckmann, Bolle, Brown, Bultman, Byers, Czerwinski, Dorff, Dueholm, Duren, Earl, Early, Ellis, Everson, Ferrall, Froehlich, Giese, Groshek, Grover, Hanna, Hanson, Hephner, Jackamonis, Jackson, Johnson G. K., Johnson W. A., Jones, Kafka, Kessler, Kleczka, Korpela, LaFave, Lewison, Looby, Lynn, McCormick, McDougal, McEssy, Mato, Mielke, Miller, Mittness, Molinaro, Nager, O'Malley, Oberle, Oestreicher, Orlich, Otte, Pabst, Quackenbush, Quinn, Roberts, Rogers, Rutkowski, Sanasarian, Schwefel, Shabaz, Sricula, Stack, Stalbaum, Swoboda, Tobiasz, Vanderperren, Wahner, Willkom and Mr. Speaker—71.

Noes—Anderson, Barbee, Bradley, Conradt, Day, Gaulke, Greider, Guiles, Klicka, Luckhardt, Merkel, Mohn, Robertson, Schneider, Schowalter, Schricker, Schroeder, Sensenbrenner, Sweda, Thompson R. M., Thompson T. G., Tregoning, Wackett, Wilcox and Wilger—25.

Absent or not voting—Conta, Helgeson and Slaby—3.

Motion carried.

Representative Berger moved that assembly amendment 12 to assembly substitute amendment 2 to Senate Bill 138 be rejected.

The question was: Shall assembly amendment 12 to assembly substitute amendment 2 to Senate Bill 138 be rejected?

The roll was taken.

The vote follows:

Ayes—Atkinson, Azim, Baldus, Barbee, Berger, Boeck-

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mann, Bolle, Bultman, Czerwinski, Dorff, Duren, Everson, Froehlich, Groshek, Grover, Hanna, Hanson, Hephner, Jackson, Johnson W. A., Jones, Kafka, Kessler, Kleczka, Korpela, LaFave, Looby, Lynn, McCormick, McDougal, McEssy, Mato, Molinaro, O'Malley, Oberle, Oestreicher, Orlich, Otte, Pabst, Quackenbush, Quinn, Rogers, Schneider, Schriker, Schwefel, Sricula, Stack, Swoboda, Thompson T. G., Tobiasz, Vanderperren, Wahner, Willkom and Mr. Speaker—54.

Noes—Alberts, Anderson, Bradley, Brown, Byers, Conradt, Day, Dueholm, Earl, Early, Ellis, Ferrall, Gaulke, Giese, Greider, Guiles, Jackamonis, Johnson G. K., Klicka, Lewison, Luckhardt, Merkel, Mielke, Miller, Mittness, Mohn, Nager, Robertson, Roberts, Rutkowski, Schowalter, Schroeder, Sensenbrenner, Shabaz, Stalbaum, Sweda, Thompson R. M., Tregoning, Wackett, Wilcox and Wilger—41.

Absent or not voting—Conta, Helgeson, Sanasarian and Slaby—4.

Motion carried.

Representative Tobiasz asked unanimous consent that assembly amendment 7 to assembly substitute amendment 2 to Senate Bill 138 be withdrawn from the table. Granted.

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

Representative Dueholm moved that assembly amendment 1 to assembly amendment 7 to assembly substitute amendment 2 to Senate Bill 138 be rejected.

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

Representative Froehlich asked unanimous consent that Representative Dueholm be allowed to make a statement. Granted.

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

The question was: Shall assembly amendment 1 to assembly amendment 7 to assembly substitute amendment 2 to Senate Bill 138 be rejected?

The roll was taken.

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The vote follows:

Ayes—Alberts, Anderson, Azim, Baldus, Barbee, Bradley, Brown, Byers, Conradt, Day, Dueholm, Earl, Early, Everson, Ferrall, Gaulke, Giese, Greider, Grover, Guiles, Hanson, Jackamonis, Johnson G. K., Klicka, Korpela, LaFave, Lewison, Luckhardt, McDougal, Merkel, Mielke, Miller, Mittness, Mohn, Nager, Robertson, Roberts, Schneider, Schowalter, Schricker, Schroeder, Sensenbrenner, Shabaz, Sweda, Thompson R. M., Thompson T. G., Tregoning, Wackett and Wilcox—49.

Noes—Atkinson, Berger, Boeckmann, Bolle, Bultman, Czerwinski, Dorff, Duren, Ellis, Froehlich, Groshek, Hanna, Hephner, Jackson, Johnson W. A., Jones, Kafka, Kessler, Kleczka, Looby, Lynn, McCormick, McEssy, Mato, Molinaro, O'Malley, Oberle, Oestreicher, Orlich, Otte, Pabst, Quackenbush, Quinn, Rogers, Rutkowski, Sanasarian, Schwefel, Sricula, Stack, Stalbaum, Swoboda, Tobiasz, Vanderperren, Wahner, Wilger, Willkom and Mr. Speaker—47.

Absent or not voting—Conta, Helgeson and Slaby—3.

Motion carried.

The question was: Shall assembly amendment 7 to assembly substitute amendment 2 to Senate Bill 138 be adopted?

The roll was taken.

The vote follows:

Ayes—Alberts, Atkinson, Baldus, Barbee, Berger, Boeckmann, Bolle, Brown, Bultman, Byers, Czerwinski, Day, Dorff, Duren, Early, Ellis, Froehlich, Greider, Groshek, Grover, Hanna, Hephner, Jackson, Johnson W. A., Jones, Kafka, Kessler, Kleczka, LaFave, Looby, Luckhardt, Lynn, McCormick, McEssy, Mato, Molinaro, O'Malley, Oberle, Oestreicher, Orlich, Otte, Pabst, Quackenbush, Quinn, Robertson, Roberts, Rogers, Rutkowski, Sanasarian, Schowalter, Schwefel, Sensenbrenner, Shabaz, Sricula, Stack, Stalbaum, Sweda, Thompson R. M., Thompson T. G., Tobiasz, Tregoning, Vanderperren, Wahner, Wilcox, Wilger, Willkom and Mr. Speaker—67.

Noes—Anderson, Azim, Bradley, Conradt, Dueholm, Earl, Everson, Ferrall, Giese, Guiles, Hanson, Jackamonis, John-

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son G. K., Klicka, Korpela, McDougal, Merkel, Mielke, Miller, Mittness, Mohn, Nager, Schneider, Schricker, Schroeder and Wackett—26.

Absent or not voting—Conta, Gaulke, Helgeson, Lewison, Slaby and Swoboda—6.

Motion carried.

Representative Gaulke asked unanimous consent to be recorded as voting “Aye”. Granted.

Representative Sensenbrenner moved that assembly substitute amendment 2 to Senate Bill 138 be rejected.

The question was: Shall assembly substitute amendment 2 to Senate Bill 138 be rejected?

The roll was taken.

The vote follows:

Ayes—Alberts, Anderson, Barbee, Bradley, Byers, Dueholm, Earl, Early, Ellis, Everson, Giese, Greider, Guiles, Hanson, Jackamonis, Klicka, Korpela, Luckhardt, Merkel, Mielke, Mittness, Mohn, Nager, Quackenbush, Robertson, Schneider, Schowalter, Schricker, Schroeder, Sensenbrenner, Shabaz, Thompson R. M., Thompson T. G., Tregoning, Wackett and Wilcox—36.

Noes—Atkinson, Azim, Baldus, Berger, Boeckmann, Bolle, Brown, Bultman, Conradt, Day, Dorff, Duren, Ferrall, Froehlich, Gaulke, Groshek, Grover, Hanna, Hephner, Jackson, Johnson G. K., Johnson W. A., Jones, Kafka, Kessler, Kleczka, LaFave, Lewison, Looby, Lynn, McCormick, McDougal, McEssy, Mato, Molinaro, O’Malley, Oberle, Oestreicher, Orlich, Otte, Pabst, Quinn, Roberts, Rogers, Rutkowski, Sanasarian, Schwefel, Sricula, Stack, Stalbaum, Sweda, Swoboda, Tobiasz, Vanderperren, Wahner, Wilger, Willkom and Mr. Speaker—58.

Absent or not voting—Conta, Czerwinski, Helgeson, Miller and Slaby—5.

Paired—Conta for rejecting, Czerwinski against rejection—2.

Motion failed.

Representative Miller asked unanimous consent to be recorded as voting “Aye”. Granted.

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The question was: Shall assembly substitute amendment 2 to Senate Bill 138 be adopted?

The roll was taken.

The vote follows:

Ayes—Atkinson, Azim, Baldus, Berger, Boeckmann, Bolle, Brown, Bultman, Day, Dorff, Duren, Early, Ferrall, Froehlich, Gaulke, Groshek, Grover, Hanna, Hephner, Jackson, Johnson G. K., Johnson W. A., Jones, Kafka, Kessler, Kleczka, Korpela, LaFave, Lewison, Looby, Lynn, McCormick, McDougal, McEssy, Mato, Miller, Molinaro, O'Malley, Oberle, Oestreicher, Orlich, Otte, Pabst, Quinn, Roberts, Rogers, Rutkowski, Sanasarian, Schwefel, Sricula, Stack, Stalbaum, Swoboda, Tobiasz, Vanderperren, Wahner, Wilger, Willkom and Mr. Speaker—59.

Noes—Alberts, Anderson, Barbee, Bradley, Byers, Conradt, Dueholm, Earl, Ellis, Everson, Giese, Greider, Guiles, Hanson, Jackamonis, Klicka, Luckhardt, Merkel, Mielke, Mittness, Mohn, Nager, Quackenbush, Robertson, Schneider, Schowalter, Schricker, Schroeder, Sensenbrenner, Shabaz, Sweda, Thompson R. M., Thompson T. G., Tregoning, Wackett and Wilcox—36.

Absent or not voting—Helgeson and Slaby—2.

Paired—Czerwinski for adoption, Conta against adoption—2.

Motion carried.

POINT OF ORDER

Representative Ferrall raised the point of order that Senate Bill 138 must be referred to the joint Survey committee on Tax Exemptions according to Section 13.52 (5) of the Wisconsin Statutes.

RULING ON THE POINT OF ORDER

The speaker ruled the point of order not well taken for the following reasons:

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At first blush, this proposal reduces the income of the State of Wisconsin from income tax revenues and would, therefore, appear to be in the nature of a tax exemption. Bills granting a tax exemption must be referred to the joint Survey committee on Tax Exemptions before they are passed, so that the legislature can be apprised of their probable fiscal effect.

However, because of technicality in the structure of this proposal, and the wording of the powers and duties of the joint committee on Tax Exemptions under Section 13.52 (5) (intro.) of the statutes, it is my opinion that 1971 Senate Bill 138, in the present form, does not require such referral:

Section 13.52 (5) (intro.) reads in part: "It is the purpose of this committee to "analyze for the legislature any proposal "relating to the exemption of property or persons from any state or local taxes. . ."

Proposed Section 71.09 (11) (a) (intro.), contained in the present substitute amendment, states in part: "There may be deducted from the tax, *after the same has been computed according to the rates of this section*, an amount for parents of resident students enrolled in private schools. . ."

In other words, *nothing* will be *exempted* from the assessment of the Wisconsin state income tax which is not now exempted. The tax is assessed according to the provisions already found in the statutes. Only after the parent of a private school student has ascertained the amount of income tax payable which he owes to the State of Wisconsin does he then compute the amount of a credit, to be deducted from the tax due, to which he would be entitled under the present proposal.

Whether or not to grant such a credit to the parents of pupils in private school is a social welfare policy decision to be made by the legislature. It is, in my opinion, not a question of tax exemption.

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LEAVE OF ABSENCE

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

Representative Sensenbrenner appealed the ruling of the chair.

The question was: Shall the decision of the presiding officer stand as the judgment of the assembly?

The roll was taken.

The vote follows:

Ayes—Anderson, Atkinson, Azim, Baldus, Barbee, Berger, Boeckmann, Bolle, Bradley, Bultman, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Ellis, Everson, Ferrall, Froehlich, Gaulke, Groshek, Grover, Hanna, Hanson, Hephner, Jackamonis, Jackson, Johnson G. K., Johnson W. A., Jones, Kafka, Kessler, Kleczka, LaFave, Looby, Lynn, McCormick, McDougal, Mato, Mielke, Molinaro, O'Malley, Oberle, Oestreicher, Orlich, Otte, Pabst, Quinn, Roberts, Rogers, Rutkowski, Sanasarian, Schneider, Schricker, Schwefel, Sicula, Stack, Stalbaum, Sweda, Swoboda, Thompson R. M., Thompson T. G., Tobiasz, Vanderperren, Wahner, Wilger, Willkom and Mr. Speaker—70.

Noes—Alberts, Brown, Byers, Conradt, Giese, Greider, Guiles, Klicka, Korpela, Lewison, Luckhardt, Merkel, Miller, Mittness, Mohn, Nager, Quackenbush, Robertson, Schowalter, Schroeder, Sensenbrenner, Shabaz, Tregoning, Wackett and Wilcox—25.

Absent or not voting—Conta, Helgeson, McEssy and Slaby—4.

Motion carried.

The ruling of the chair was upheld.

VISITORS

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

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presiding officer and the members:

Mr. and Mrs. Florian Mishalski from Greenfield, Wisconsin, and Dr. Ken Mishalski, Mr. and Mrs. Sam Lopez and Liz Lopez from Escondido, California, guests of Representative Rutkowski.

Mr. Harold J. Gee from Milwaukee, Wisconsin, guest of Representative Barbee.

Representative Anderson moved that the assembly stand adjourned until 2:00 P.M., Tuesday, September 14, 1971.

The question was: Adjournment?

Motion carried.

The assembly stood adjourned.

12:20 P.M.