

STATE OF WISCONSIN

Assembly Journal

Eightieth Regular Session

TUESDAY, January 18, 1972.

10:00 A.M.

The assembly met.

Representative Sweda in the chair.

The prayer today was offered by The Right Reverend Monsignor Theodore F. Thome, of St. Bernard's Church, 2450 Atwood Ave., Madison, Wisconsin.

Representative Grover 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, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Ellis, Everson, Ferrall, Froehlich, Gaulke, Giese, Greider, Groshek, Grover, Guiles, Hanna, Hanson, Helgeson, Hephner, Jackamonis, Jackson, Johnson G. K., Jones, Kafka, Kessler, Kleczka, Klicka, Korpela, LaFave, Lewison, Menos, 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, Sicula, Slaby, Stack, Stalbaum, Sweda, Swoboda, Thompson R. M., Thompson T. G., Tregoning, Vanderperren, Wackett, Wahner, Wilcox, Wilger and Willkom—97.

Absent—Johnson W. A.—1.

Absent with leave—Tobiasz—1.

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RESIGNATION FROM THE ASSEMBLY

Assembly Speaker

December 10, 1971.

Mr. Tom Fox, Chief Clerk
Wisconsin Assembly
220 West, State Capitol
Madison, Wisconsin

Dear Mr. Chief Clerk:

Please be advised that this letter is to be considered a letter of resignation from the assembly, effective December 13, 1971.

I would like to—at the convenience of the assembly—have the opportunity to personally thank the members and staff for their support and consideration during the 1971 Session.

In the meantime, best wishes for a successful 1972 Session.

Sincerely yours,

ROBERT T. HUBER,
Speaker.

ELECTION OF SPEAKER

Representative Earl nominated Representative Anderson for the position of speaker of the assembly.

Representative Helgeson asked unanimous consent that the assembly stand recessed for 15 minutes. Granted.

The assembly stood recessed.

10:20 A.M.

RECESS

The assembly reconvened.

10:45 A.M.

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Representative McEssy nominated Representative Froehlich for the position of speaker of the assembly.

There being no further nominations.

The roll was taken.

The vote follows:

For Anderson—Atkinson, Baldus, Barbee, Berger, Boeckmann, Bolle, Brown, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Everson, Ferrall, Froehlich, Gaulke, Groshek, Grover, Hanna, Hanson, Hephner, Jackamons, Jackson, Johnson G. K., Jones, Kessler, Kleczka, Korpela, Menos, Looby, Lynn, Mato, Mielke, Miller, Mittness, Mohn, Molinaro, Nager, O'Malley, Oberle, Oestreicher, Otte, Pabst, Roberts, Rogers, Rutkowski, Sanasarian, Schneider, Sricula, Slaby, Stack, Sweda, Thompson R. M., Wahner and Willkom—58.

For Froehlich—Alberts, Anderson, Azim, Bradley, Byers, Conradt, Ellis, Giese, Greider, Guiles, Helgeson, Kafka, LaFave, Lewison, Luckhardt, McDougal, McEssy, Merkel, Quackenbush, Robertson, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Stalbaum, Thompson T. G., Tregoning, Wackett, Wilcox and Wilger—32.

Absent or not voting—Bultman, Johnson W. A., Klicka, McCormick, Orlich, Quinn, Swoboda, Tobiasz and Vanderperren—9.

Representative Anderson was elected.

Escorted by Representatives Dueholm and Baldus, Representative Anderson came to the rostrum to take the oath as speaker which was administered by Chief Justice Hallows of the State Supreme Court.

REMARKS BY THE NEWLY ELECTED SPEAKER

Representative Anderson thanked the membership for the honor and confidence shown in him by electing him speaker and pledged to maintain the dignity and impartiality of the office of speaker.

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RESIGNATION

January 18, 1972.

**Representative Norman Anderson
Speaker of the Assembly
211 West-Capitol**

Dear Representative Anderson:

Effective this date, I hereby resign from the Joint Finance Committee.

Sincerely yours,

**ANTHONY S. EARL,
Majority Leader.**

SPEAKER'S APPOINTMENTS

January 18, 1972.

As of this date, Representative Anthony S. Earl (Dem.-Marathon 2nd) has been appointed to serve on the Assembly Rules committee to fill the vacancy created by the resignation of Robert T. Huber.

**NORMAN C. ANDERSON,
Speaker.**

January 18, 1972.

As of this date, Representative Gary K. Johnson (Dem.-Rock, 3rd) has been appointed to serve on the joint committee on Finance to fill the vacancy created by the resignation of Anthony S. Earl.

**NORMAN C. ANDERSON,
Speaker.**

AMENDMENTS OFFERED

Assembly amendment 2 to Assembly Bill 303 offered by Representative Atkinson.

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Assembly amendment 1 to assembly substitute amendment 2 to Assembly Bill 509 offered by Representative Atkinson.

Assembly substitute amendment 1 to Assembly Bill 1391 offered by Representative Czerwinski.

Assembly amendment 1 to Assembly Bill 1387 offered by Representative Czerwinski.

Assembly substitute amendment 1 to Assembly Bill 1392 offered by Representative Barbee.

Assembly amendment 1 to Assembly Bill 1330 offered by Representative Hanson.

Assembly substitute amendment 1 to Assembly Bill 1297 offered by Representative Otte.

The speaker in the chair.

INTRODUCTION AND REFERENCE OF BILLS

Read first time and referred:

Assembly Bill 1468

Relating to districting the senate and assembly based on the number of inhabitants shown by the 1970 federal census of population.

**By Representatives Sensenbrenner and Froehlich.
To committee on Elections.**

Assembly Bill 1469

Relating to placing water quality and sewerage control functions under a new department of environmental protection and transferring appropriations.

**By Representatives Conradt, Bradley and Byers.
To committee on Natural Resources.**

Assembly Bill 1470

Relating to the development of an open education plan, and making an appropriation.

**By Representatives Ferrall, Quackenbush, Brown and G. K. Johnson; co-sponsored by Senator Dorman.
To committee on Education.**

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PETITIONS

Assembly Petition 316

Introduced by Representative W. A. Johnson.
To committee on Labor.

Assembly Petition 317

Introduced by Representative W. A. Johnson.
To committee on Labor.

Assembly Petition 318

Introduced by Representative W. A. Johnson.
To committee on Labor.

Assembly Petition 319

Introduced by Representative W. A. Johnson.
To committee on Labor.

Assembly Petition 320

Introduced by Representative W. A. Johnson.
To committee on Labor.

Assembly Petition 321

Introduced by Representative W. A. Johnson.
To committee on Labor.

Assembly Petition 322

Introduced by Representative Nager.
To committee on Highways.

Assembly Petition 323

Introduced by Representative Gaulke.
To committee on Highways.

Assembly Petition 324

Introduced by Representative Schneider.
To committee on Highways.

Assembly Petition 325

Introduced by Representative Quinn.
To committee on Highways.

Assembly Petition 326

Introduced by Representative Swoboda.
To committee on Labor.

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Assembly Petition 327

Introduced by Representative Swoboda.
To committee on Commerce and Consumer Affairs.

Assembly Petition 328

Introduced by Representative Giese.
To committee on Highways.

Assembly Petition 329

Introduced by Representative Quinn.
To committee on Highways.

Assembly Petition 330

Introduced by Representative Mittness.
To committee on Labor.

Assembly Petition 331

Introduced by Representative Schneider.
To committee on Health and Social Services.

Assembly Petition 332

Introduced by Representative McDougal.
To committee on Education.

Assembly Petition 333

Introduced by Representative Conta.
To committee on Veterans' and Military Affairs.

Assembly Petition 334

Introduced by Representative Berger.
To committee on Transportation.

Assembly Petition 335

Introduced by Representative Gaulke.
To committee on Labor.

Assembly Petition 336

Introduced by Representative Greider.
To committee on Health and Social Services.

Assembly Petition 337

Introduced by Representative Wilger.
To committee on Veterans' and Military Affairs.

Assembly Petition 338

Introduced by Representative Miller.
To committee on Education.

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Assembly Petition 339

Introduced by Representative W. A. Johnson.
To committee on Labor.

Assembly Petition 340

Introduced by Representative Jackamonis.
To committee on Highways.

Assembly Petition 341

Introduced by Representative Mittness.
To committee on Labor.

Assembly Petition 342

Introduced by Representative Otte.
To committee on Highways.

Assembly Petition 343

Introduced by Representative Boeckmann.
To committee on Highways.

Assembly Petition 344

Introduced by Representative Swoboda.
To committee on Taxation.

Assembly Petition 345

Introduced by Representative Conradt.
To committee on Highways.

Assembly Petition 346

Introduced by Representative Rogers.
To committee on Highways.

Assembly Petition 347

Introduced by Representative Froehlich.
To committee on Highways.

Assembly Petition 348

Introduced by Representative W. A. Johnson.
To committee on Labor.

Assembly Petition 349

Introduced by Representative Robertson.
To committee on Highways.

Assembly Petition 350

Introduced by Representative Schowalter.
To committee on Highways.

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Assembly Petition 351

Introduced by Representative Byers.
To committee on Highways.

Assembly Petition 352

Introduced by Representative Gaulke.
To committee on Highways.

Assembly Petition 353

Introduced by Representative W. A. Johnson.
To committee on Judiciary.

Assembly Petition 354

Introduced by Representative Klicka.
To committee on Labor.

Assembly Petition 355

Introduced by Representative Gaulke.
To committee on Natural Resources.

Assembly Petition 356

Introduced by Representative Hanson.
To committee on Health and Social Services.

Assembly Petition 357

Introduced by Representative R. M. Thompson.
To committee on Natural Resources.

Assembly Petition 358

Introduced by Representative Mittness.
To committee on Labor.

Assembly Petition 359

Introduced by Representative Hanson.
To committee on Taxation.

Assembly Petition 360

Introduced by Representative Wackett.
To committee on Highways.

Assembly Petition 361

Introduced by Representative Earl.
To committee on Natural Resources.

Assembly Petition 362

Introduced by Representative Wilger.
To committee on Highways.

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COMMUNICATIONS

November 18, 1971.

Mr. William P. Nugent
Senate Chief Clerk
State Capitol
Madison, Wisconsin 53702

Dear Mr. Nugent:

Enclosed are copies of the reports and recommendations of the State Claims Board covering claims heard by the Board.

The amounts recommended for payment under \$500 on claims included in this report have, therefore, under the provisions of s. 16.007, Wisconsin Statutes, been paid directly by the Board.

This report is for the information of the legislature. The Board would appreciate your acceptance and spreading of it upon the journal to inform the members of the legislature as to the nature of the claims which come before it for consideration.

Sincerely,

DONALD STERLINSKE,
Secretary.

Received and placed on file in the office of the chief clerk.

Pursuant to Joint Rule 36, the list is printed in the senate journal only and appears there beginning on page 2179.

December 14, 1971.

Mr. William P. Nugent
Senate Chief Clerk
State Capitol
Madison, Wisconsin 53702

Dear Mr. Nugent:

Enclosed is a copy of the State Claims Board report and recommendation covering claims for reimbursement of extraordinary police services.

The amounts recommended for payment have, under the

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provisions of s. 16.008, Wisconsin Statutes, been paid directly by the Board.

This report is for the information of the legislature. The Board would appreciate your acceptance and spreading of it upon the journal to inform the members of the legislature as to the nature of the claims which come before it for consideration.

Sincerely,

DONALD STERLINSKE,
Secretary.

Received and placed on file in the office of the chief clerk.

Pursuant to Joint Rule 36, the report is printed in full in the senate journal only and appears there beginning on page 2196.

**The State of Wisconsin
Department of Justice
Madison**

December 31, 1971.

**The Honorable, the Assembly
State Capitol
Madison, Wisconsin 53702**

Gentlemen: By 1971 Assembly Resolution 22, you request my opinion as to whether county supervisors, who are specified to be county officers in sec. 53.03 (2) (d), Stats., must not therefore be elected on a partisan basis at the general election in November in accordance with Art. XIII, sec. 1, of the Wisconsin Constitution.

The answer to your question is "no." The historical context in which Art. XIII, sec. 1, Wis. Const., was enacted shows that the words "county officers," as used therein, were never considered to include county supervisors. This construction of that constitutional provision is not changed by a statute subsequently enacted. Such a change could be accomplished only by an amendment to the constitution.

Section 59.03 (2) (d), Stats., was repealed and recreated by ch. 20, Laws of 1965, to read, in part, as follows:

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"(d) Election and term of supervisors. Supervisors are county officers and shall be elected for 2-year terms at the election to be held on the first Tuesday in April in even-numbered years and shall take office on the 3rd Tuesday in April of that year. . . ." (Emphasis added)

This provision was enacted as part of the statutory revision concerning county board representation which was motivated, in part at least, by *State ex rel. Sonneborn v. Sylvester* (1965), 26 Wis. 2d 43, 132 N.W. 2d 249. In that case, the court held that the then existing system of county board representation, set forth in sec. 59.03 (2), 1963 Stats., which provided that the board would be composed of town chairman and supervisors from villages and city wards, irrespective of population, was unconstitutional because it violated the equal-protection clause of the Fourteenth Amendment of the federal constitution and Art. I, sec. 1, of the Wisconsin Constitution.

Article XIII, sec. 1, Wis. Const., originally read simply as follows:

"SECTION 1. The political year for the state of Wisconsin shall commence on the first Monday in January in each year, and the general election shall be holden on the Tuesday succeeding the first Monday in November in each year."

However, the constitutional provision was subsequently amended in 1882, and presently reads:

"SECTION 1. The political year for the state of Wisconsin shall commence on the first Monday in January in each year, and the general election shall be holden on the Tuesday next succeeding the first Monday in November. The first general election for all state and county officers, except judicial officers, after the adoption of this amendment shall be holden in the year A. D. 1884, and thereafter the general election shall be held biennially. All state, county or other officers elected at the general election in the year 1881, and whose term of office would otherwise expire on the first Monday of January in the year 1884, shall hold and continue in such offices respectively until the first Monday in January in the year 1885." (Emphasis added)

One effect of the 1882 amendment was to change the general election from an annual election to a biennial election.

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However, the amendment also clearly provided that "all state and county officers, except judicial officers" would be elected at the 1882 general election and at biennial general elections thereafter.

As will become evident in the course of the subsequent discussion of the above quoted statute and constitutional provision, no matter how positive be the statutory declaration in sec. 59.03 (2) (d), Wis. Stats., that members of the county board of supervisors are "county officers," the statute cannot now have the effect of bringing that office within the constitutional requirement that county officers be elected at the November general election, unless such officers were considered as within the meaning of the term "county officers" when those words were incorporated in Art. XIII, sec. 1, Wis. Const., by the 1882 amendment.

A certain measure of ambiguity regarding the nature of the office held by a member of a county board of supervisors has admittedly persisted from the time of the initial adoption of the Wisconsin Constitution to the present day. Some of the confusion concerning the office has undoubtedly been generated by the fact that specific questions relating to the status of supervisors have often arisen in reference to a particular statute. In such instances, of course, the language of the specific statute was a primary consideration, and therefore for some purposes and in certain contexts a supervisor was considered a county officer, while under other circumstances he would not be so considered. See 1912 OAG 781; 4 OAG 957 (1915); 12 OAG 279 (1923); 14 OAG 51 (1925); 15 OAG 172 (1926); 19 OAG 268 (1930); 20 OAG 85 (1931); 25 OAG 48 (1936); 32 OAG 404 (1943); 47 OAG 32 (1958). Likewise, some uncertainty has probably resulted from the fact that although the Wisconsin Constitution does make a number of specific references to county boards of supervisors, it has remained largely silent as to the type of boards required and as to the method to be utilized in constituting such boards.

Nevertheless, although county boards have changed form a number of times because of the flexibility inherent in the fundamental law of our state, it will be noted that the organization of such boards with supervisorial districts, based principally upon minor political units or subdivisions of government within the county, was by far the dominant

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system from territorial days until such system was finally held unconstitutional in *State ex rel. Sonneborn v. Sylvester, supra*. As the court points out, at pp. 52-53 of that opinion:

"By the time our constitution was established in 1848 the state was divided into 29 counties, all of which had established a large board town-county government [consisting of the chairmen of the town boards] excepting Grant, Green, Iowa, Lafayette, and Sauk counties, which had adopted the small board or commission form [composed of three commissioners elected at large]. Thus, 'At and prior to the time of the adoption of the constitution there existed considerable diversity in town and county government in the territory of Wisconsin.' *State ex rel. Busacker v. Groth* (1907), 132 Wis. 283, 285, 112 N. W. 431. This diversity resulted in the enactment in the constitution by sec. 23, art. IV, that, 'The legislature shall establish but one system of town and county government, which shall be as nearly uniform as practicable; . . .' *Thus the type and method of composition of county boards was not resolved by the constitution* which also provided in sec. 22, 'The legislature may confer upon the boards of supervisors of the several counties of the state such powers of a local, legislative and administrative character as they shall from time to time prescribe.' (Emphasis added)

"In 1849 the new state legislature provided a town-county system which provided that towns were to be supervisorial districts but also provided for supervisors from cities. . . ."

It is hardly surprising that, upon the adoption of the constitution, the legislature would adhere to past practice and exercise the more generally accepted of the options it felt was available, by electing to establish a supervisorial system in each county which was based on representation from the various basic units of local government within such county. Under such a system the emphasis would logically be placed on the individual unit of government rather than the county government. As pointed out above, prior to the adoption of the constitution, the organization of most of the counties had been based on a system whereby election to town office was a prerequisite to county board membership, i.e., chairmen of the town boards were members of the county board *ex officio*. Under such circumstances, these

town chairmen were essentially town supervisors who were given additional responsibilities and authority when acting jointly with other town supervisors, as a county *board of town supervisors*. Conceived in this context, they could only be considered as county officers in a very general sense. Furthermore, as pointed out in my March 24, 1971, opinion to the Joint Committee on Legislative Organization, on the matter of legislative reapportionment, town government in Wisconsin not only formed the basic fabric of local government prior to the adoption of our constitution in 1848, but also continued to play an intimate role in the early evolution of the law of municipal corporations in our state. At page 6 of that opinion the following is stated:

"The early importance of town government as a basic governmental unit is demonstrated by the fact that when the village of Milwaukee incorporated as a city in 1846 each of its wards were designated as 'a separate township or town under the laws regulating town and county government' and the three aldermen of each ward were ex-officio supervisors of such towns. Also, some of the early Wisconsin villages incorporated by special acts were joined to towns for state or county elections by virtue of such acts. *Jones v. Kolb* (1882), 56 Wis. 263, 267, 14 N. W. 177. Likewise, villages organized under such general laws as ch. 70, R. S. 1858, retained the right to vote at town elections."

As might well be expected, the general and more persistent concept of the county board, as consisting of a number of individual local (town) supervisors sitting together as a county board of local supervisors, became no more difficult to apply to city wards and villages than it had been when the only supervisors sitting on the county board were town supervisors.

The foregoing legislative history indicates, in general, that although a member of a county board may have been considered to be a county officer in the broadest and more general sense of the term, he was not usually treated as a county officer by the territorial legislatures before the adoption of the Wisconsin Constitution, nor by legislatures during the early formative years after the adoption of the Constitution.

It should be noted, however, that by virtue of the provisions of ch. 129, Laws of 1861, for a relatively short period

of time in the 1860's the election of supervisors in every county was based solely on the number of assembly districts within each county. During this period, in *State ex rel. Gill v. The Board of Supervisors of Milwaukee County* (1867), 21 Wis. *443, the court considered the case of a supervisor who found he no longer resided in the district for which he had been elected, because of changes in assembly district boundaries subsequent to his election. The question was whether such supervisor's office became vacant because he ceased to be an inhabitant of the local district "for which he shall have been elected or appointed, or within which the duties of his office are required to be discharged." Sec. 2, ch. 14, R. S. 1858. In light of the statutory provisions involved, the court held that the supervisor did not hold a local office in the sense that the incumbent must reside in the district until the end of his term, or forfeit his office, stating, at page *447, "Every supervisor is emphatically a county officer."

Although the holding in this early decision obviously requires our careful consideration, it does not appear to dispose of the question you raise. First of all, the system under consideration in the *Gill Case*, *supra*, was not representative of the usual type of board which generally existed in most counties from the first days of statehood up until the *Sonneborn* decision. It may be of some significance, in fact, that the assembly district system was abandoned shortly after this decision and that the county boards of all counties were reorganized and the system of county government changed by chs. 84 and 85, Laws of 1870, so as to provide that county board members would consist of town board chairmen and supervisors chosen from cities and incorporated villages. Moreover, the question before the court arose solely under the then current statutes, most specifically ch. 129, Laws of 1861, and did not involve any constitutional considerations. Thus, when similar questions have subsequently arisen, the case has generally been distinguished and an opposite conclusion reached, based on the substantial dissimilarities in the *statutory* language being considered in each instance. 1912 OAG 781; 16 OAG 717 (1927); 32 OAG 404 (1943).

In considering whether county supervisors are among the "county officers" referred to in Art. XIII, sec. 1, Wis. Const., it is important to note that the same legislature and the

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same legislative act which submitted the above amendment of Art. XIII, sec. 1, to a vote, i.e., ch. 290, Laws of 1882, also proposed the amendment of Art. VI, sec. 4, Wis. Const. The adoption of the latter amendment had the effect of altering the first sentence of that constitutional provision in the following manner:

"SECTION 4. Sheriffs, coroners, registers of deeds, and district attorneys, *and all other county officers except judicial officers*, shall be chosen by the electors of the respective counties, once in every two years. ; ~~as often as vacancies shall happen.~~ * * *"

An additional sentence was also added to the end of this section, which provided that vacancies in such county offices would be filled by appointment.

In view of the contemporaneous nature of both of the above amendments and the obvious similarity of language, it is quite reasonable to conclude that the term "county officers," may have been used in the same sense in both constitutional provisions. It is therefore appropriate to consider the manner in which this term, as used in Art. VI, sec. 4, has been treated by our Supreme Court.

In *State ex rel. Williams v. Samuelson* (1907), 131 Wis. 499, 111 N.W. 712, the court was confronted with the question as to whether a county supervisor of assessments was a "county officer" within the terms of Art. VI, sec. 4, Wis. Const. In concluding that such officer did not fall within the meaning of that constitutional provision, the court pointed out that a person may be considered a county officer in a broad general sense when at the same time he could not be viewed as a "county officer" in the restrictive sense in which those words are to be taken in interpreting Art. VI, sec. 4, Wis. Const. Thus, the court states, at pp. 502-504:

"Whether the office here alleged to be usurped is strictly a county office or not, it quite clearly pertains to a county, within the meaning of the law. The name of the office is 'county supervisor of assessment,' and the duties incident thereto are confined to and extend throughout the county. In the broad general sense of the term, the office is a county office.

". . .

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"Conceding for the purposes of the discussion that in the broad, most comprehensive meaning of the term 'county officers' a county supervisor of assessment would be included therein, the ultimate question is whether the language is to be taken in that sense or in a restricted sense excluding such officers."

The conclusion of the court in reference to the question under consideration appears at page 509:

"In determining whether the words 'all other county officers' were used in the constitution in their particular sense, the affirmative is suggested at once by the rule of *noscitur a sociis*. Several but not all of the principal heads of county government required to have their offices at the county seats and ordinarily in the building provided for that purpose are mentioned, followed by the term 'all other county officers except judicial officers.' In that we have a very strong indication that minor officials not usually thought of when the term 'county officials' is used were not intended to be included, but only sheriffs, coroners, registers of deeds, and the like. Such indication is emphasized, as we shall see, with striking significance by the conditions existing at the time of the formation of the constitution and at the time sec. 4, art. VI, was amended into its present form, and the way the subject has always been treated by the legislature as we have heretofore seen."

And, at page 512:

"Without further discussion we are constrained to hold that the term 'all other county officers' was used in the instance in question in harmony with the statutory division of officers into state, county, and town officers existing at the time of its incorporation into the fundamental law. . . ." (Emphasis added)

In view of the foregoing statements of the court emphasizing the importance of historical perspective in determining whether a particular office is a "county office" in the constitutional sense, it appears imperative to consider more specifically how the office of supervisor was viewed immediately prior to and after the 1882 amendment to Art. XIII, sec. 1, Wis. Const. A good indication of the character of the office, at least in the minds of the contemporary legislatures, is reflected by the laws which they adopted.

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These acts constitute a contemporaneous legislative construction of this constitutional provision and as such should be accorded great deference. *Payne v. City of Racine* (1935), 217 Wis. 550, 259 N.W. 437; *State v. Johnson* (1922), 176 Wis. 107, 186 N.W. 729. As previously stated in 57 OAG 45 (1968) at page 47:

"... It is presumed that words used in a constitution are to be given the natural and popular meaning in which they were usually understood by the people at the time of adoption. *Payne v. Racine*, [supra, p. 555], *B. F. Sturtevant Co. v. Industrial Comm.*, (1925) 186 Wis. 10, 19, 202 N. W. 324. In order to discover the intent of the framers of the constitution, reference may be had to other constitutional provisions, history of the times, state of the contemporary society, and prior well known practices. *State ex rel. Zimmerman v. Dammann* (1930), 201 Wis. 84, 89, 228 N. W. 593. However, such constitutional language is to be construed in the light, not only of the conditions prevailing at the time of the adoption of the constitution, but also with reference to the changed social, economic and governmental conditions and ideals of the present time. *Borgnis v. Falk Co.* (1911), 147 Wis. 327, 349, 133 N. W. 209."

Much of the legislation pertinent to the present question was previously cited in 14 OAG 51 (1925) as supporting the conclusion that supervisors are not county officers under the provisions of Art. VI, sec. 4, Wis. Const., and therefore not governed by its provisions which establish 2-year terms for county officers. At the time of that opinion, as at present, sec. 59.03 (1) (b), Stats., provided for a 4-year term of office for Milwaukee supervisors. The following discussion of legislative history, appearing at pp. 54-55 of the opinion, appears appropriate here:

"In the revised statutes of 1878 the following provisions occur:

"SECTION 662. Every ward or part thereof of any city, and every incorporated village or part thereof, shall be represented in the county board of supervisors * * * by one supervisor, who shall be elected annually * * *."

"SECTION 663. The county board of supervisors shall consist of the chairman of each of the several towns, and the supervisor of each ward, and part of ward of every

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city, and of each incorporated village, and part of such village situated in the county.'

"* * *

"It is significant to note that the sections referred to, set forth above, are contained in ch. 36, Stats., which is headed 'OF THE COUNTY BOARD.' The following section is contained in ch. 37, R.S. 1878, and is headed 'OF COUNTY OFFICERS':

" 'SECTION 698. At the general election in the year one thousand eight hundred and seventy-eight, and biennially thereafter, there shall be elected in each county, for a regular term, the following county officers, viz.: a county clerk, treasurer, sheriff, coroner, clerk of circuit court, district attorney, register of deeds, surveyor, and in the year one thousand eight hundred and seventy-nine and biennially thereafter, a county superintendent of schools in each superintendent district thereof, * * *. The regular term of office of all county officers above named shall commence on the first Monday of January next succeeding their election, and continue two years; but each such officer including those now in office, shall hold his office until his successor is qualified.'

"This, then, shows the legislative conception in 1878, which was just prior to the adoption of the amendment. The county officers who were conceived to be such were included by the legislature in the section above set forth. *Since supervisors were not included, it would appear they were not considered county officers.* The amendment which provides for the election every two years of 'all county officers' was passed by the legislature in the year 1881. It was also passed again by ch. 290, Laws 1882, and was submitted to the people and ratified by them in November, 1882. (Emphasis added)

"Proceeding now to a consideration of the legislative enactment subsequent to the constitutional amendment, it appears that the same conception of county officers was entertained. By ch. 111, Laws 1883, the following provision was enacted:

" 'The county board of supervisors shall consist of the chairman of each of the several towns and the supervisor of each ward and part of ward of every city, and of each incorporated village and part of such village situated in

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the county; * * * nor shall any county officer, or deputy county officer be eligible to any office named in this section; provided nothing herein shall affect the power of the county clerk under section 665 of the revised statutes.'

"Here, then, is a very clear statement of the legislative conception as to whether or not supervisors were county officers. This law was passed by the legislature convening immediately after the adoption of the amendment. Many of the members were undoubtedly members of the legislatures which had passed the amendment. *It clearly shows that for the purpose of the amendment, supervisors were not considered county officers.*" (Emphasis added)

Furthermore, by the time of the 1882 constitutional amendments, elections for members of the county board were generally held in the spring. Thus, sec. 782, R.S. 1878, provided that town supervisors, including the town chairman who would sit on the county board, would be elected at the annual town meeting, held on the first Tuesday of April. Similarly, secs. 871, 875 and 882, R.S. 1878, when read together, provided that supervisors from villages would be chosen at the annual charter elections held on the first Tuesday of May in each year to "represent the village in the county board." Likewise, sec. 663, R.S. 1878, provided that electors from cities and villages would select supervisors "at the same time and in the same manner as city and village officers are elected." I consider it significant that the constitutional amendments of 1882 caused little, if any, alteration in the provisions of these statutes, and that the law generally continued to provide for the spring election of supervisors. It was ch. 178, Laws of 1883, in fact, that authorized every incorporated village or city, not existing under special charter, to change the time for holding the annual elections "from the time now fixed by law to the first Tuesday of April in each year." Likewise, when the 1874 special charter of the City of Columbus was amended at about the same time, by ch. 181, Laws of 1883, it continued to provide for the spring election of "one supervisor to represent his ward in the board of supervisors of Columbia County."

In light of the foregoing, it is quite evident that the legislature did not conceive of supervisors of county boards as being county officers within the meaning of Art. XIII, sec. 1, Wis. Const., and did not intend that the 1882 amendment

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to that provision require the election of county supervisors at the November general election. Since the purpose of the construction of a constitutional amendment is to give effect to the intent of its framers and of the people who adopted it, *Kayden Industries, Inc. v. Murphy* (1967), 34 Wis. 2d 718, 150 N.W. 2d 447, the fact that supervisors are now designated as county officers under the provisions of sec. 59.03 (2) (d), Wis. Stats., is not controlling.

Sincerely yours,

ROBERT W. WARREN,
Attorney General.

CAPTION: Although county supervisors are specified to be "county officers" in sec. 59.03 (2) (d), Wis. Stats., they are not "county officers" within the meaning of Art. XIII, sec. 1, Wis. Const., which provide "all state and county officers, except judicial officers" be elected at the November general election.

COMMITTEE REPORTS

The committee on Municipalities reports and recommends:

Assembly Bill 1229

Relating to county acquisition of transportation systems.

Assembly amendment 2, adoption; Ayes, 10; Noes, 2 and passage; Ayes, 10; Noes, 2.

Assembly Bill 1315

Relating to authorizing municipalities to establish and regulate certain lanes on public streets as temporary total pedestrian usage ways, and authorizing to limit the use of such streets to pedestrian traffic.

Passage; Ayes, 11; Noes, 0; Not Voting, 1.

Assembly Bill 1316

Relating to permitting municipalities to designate certain streets or sidewalks as bicycle ways, and authorizing local authorities to limit the use of such streets or sidewalks to bicycle traffic.

Passage; Ayes, 11; Noes, 0; Not Voting, 1.

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Assembly Bill 1317

Relating to establishment and regulation of mass transit ways by municipalities.

Passage; Ayes, 11; Noes, 0; Not Voting, 1.

Senate Bill 35

Relating to annexation of town islands.

Concurrence; Ayes, 10; Noes, 2.

EDWARD NAGER,
Chairman.

The committee on Labor reports and recommends:

Assembly Bill 1182

Relating to permitting youths to take lawn care employment.

Passage; Ayes, 9; Noes, 1.

Assembly Bill 1197

Relating to providing seats for workers.

Passage; Ayes, 7; Noes, 3.

WILLIAM A. JOHNSON,
Chairman.

The committee on State Affairs reports and recommends:

Assembly Bill 890

Relating to state reimbursement by counties for salaries of court reporters.

Assembly amendment 1, adoption; Ayes, 6; Noes, 0 and passage; Ayes, 6; Noes, 0.

Assembly Bill 1055

Relating to special assessments and charges by towns.

Passage; Ayes, 7; Noes, 0.

Assembly Bill 1162

Relating to authorizing levy of a county admissions tax.

Assembly amendment 1, adoption; Ayes, 7; Noes, 0 and passage; Ayes, 5; Noes, 2.

ALVIN BALDUS,
Chairman.

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The joint committee on Finance reports and recommends:

Assembly Joint Resolution 85

Directing the legislative council to study franchising businesses.

Adoption; Ayes, 10; Noes, 0.

Assembly Bill 56

Relating to creating a board on judicial qualifications and making an appropriation.

Indefinite postponement; Ayes, 6; Noes, 5.

Assembly Bill 106

Relating to renewal of driver's licenses for people in military service and voluntary surrender of licenses.

Passage; Ayes, 11; Noes, 0.

Assembly Bill 183

Relating to cryogenic interment, and granting rule-making power.

Passage; Ayes, 7; Noes, 4.

Assembly Bill 229

Relating to requiring a department of natural resources permit for diversion of water from lakes.

Passage; Ayes, 9; Noes, 3.

Assembly Bill 230

Relating to real property tax exemptions.

Passage; Ayes, 12; Noes, 0.

Assembly Bill 341

Relating to exempting veterans attending state institutions of higher education full time from tuition and fees.

Assembly substitute amendment 3, adoption; Ayes, 10; Noes, 1 and passage; Ayes, 10, Noes, 1.

Assembly Bill 422

Relating to requiring safety eye protective devices.

Indefinite postponement; Ayes, 6; Noes, 5.

Assembly Bill 440

Relating to gathering and harvesting wild rice by Indians and granting rule-making authority.

Passage; Ayes, 10; Noes, 2.

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Assembly Bill 488

Relating to removing the gross weight limit on registration of vehicles used for transportation of certain dairy products.

Passage; Ayes, 11; Noes, 1.

Assembly Bill 496

Relating to appeal of parole and revocation decisions.

Passage; Ayes, 10; Noes, 0.

Assembly Bill 509

Relating to creating a state housing appeals board, and making an appropriation.

Assembly substitute amendment 2, adoption; Ayes, 9; Noes, 2 and passage, Ayes, 9; Noes, 2.

Assembly Bill 593

Relating to boating regulations.

Assembly substitute amendment 2, adoption; Ayes, 9; Noes, 1 and passage; Ayes, 7; Noes, 2.

Assembly Bill 636

Relating to representation of minority and disadvantaged groups in the administration of programs affecting them, and granting rule-making power to the secretary of administration.

Assembly substitute amendment 1, adoption; Ayes, 11; Noes, 0 and passage; Ayes, 9; Noes, 1.

Assembly Bill 641

Relating to free statute books to vocational school libraries.

Passage; Ayes, 10; Noes, 1.

Assembly Bill 666

Relating to an increase in state aid for driver education and in certain vehicle operators' license fees, and making an appropriation.

Assembly substitute amendment 1, adoption; Ayes, 11; Noes, 1 and passage; Ayes, 11; Noes, 2.

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Assembly Bill 743

Relating to economic assistance and housing loans for veterans.

Passage; Ayes, 11; Noes, 0.

Assembly Bill 759

Relating to labeling and regulating the sale of cleaning products containing phosphorus, and prohibiting the sale of enzyme detergents.

Assembly amendment 3, adoption; Ayes, 9; Noes, 0 and passage; Ayes, 9; Noes, 1.

Assembly Bill 779

Relating to adjusting cost of legislative document services.

Passage; Ayes, 9; Noes, 1.

Assembly Bill 853

Relating to eliminating the state forestation tax.

Indefinite postponement; Ayes, 5; Noes, 4.

Assembly Bill 871

Relating to establishment of large electric generating facilities and high-voltage transmission lines.

Passage; Ayes, 10; Noes, 0.

Assembly Bill 996

Relating to publication of a summary of the proposed budget of a municipality.

Passage; Ayes, 9; Noes, 0.

Assembly Bill 1064

Relating to determination of protective occupation participation and clarification of normal retirement date.

Assembly amendment 1, adoption; Ayes, 9; Noes, 0; assembly amendment 2, adoption; Ayes, 9; Noes, 0 and passage; Ayes, 9; Noes, 0.

Assembly Bill 1239

Relating to the establishment of an educational facility and youth conservation camp located at Poynette as an authorized building project, and making an appropriation.

Passage; Ayes, 7; Noes, 2.

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Assembly Bill 1357

Relating to creation of the Wisconsin state American revolution bicentennial commission and making an appropriation.

Assembly amendment 1, adoption; Ayes, 11; Noes, 0 and passage; Ayes, 12; Noes, 0.

GEORGE MOLINARO,
Chairman.

The joint committee on Finance reports for introduction:
Assembly Bill —

Relating to reimbursement for skilled nursing home care for patients in certain county homes, infirmaries and hospitals.

Ayes, 9; Noes, 0.

GEORGE MOLINARO,
Chairman.

EXECUTIVE COMMUNICATION

**State of Wisconsin
Office of the Governor
Madison, Wisconsin 53702**

January 12, 1972.

**William Nugent, Chief Clerk
Wisconsin State Senate
Tom Fox, Chief Clerk
Wisconsin State Assembly**

Dear Sirs: I respectfully request permission to address a Joint Session of the legislature on Wednesday, January 19, 1972, at 10 a.m. My address will deal with the annual budget review and priority legislation for this session.

Sincerely,

PATRICK J. LUCEY,
Governor.

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GOVERNOR'S VETOES

Assembly Bill 289

Referred to calendar.

Assembly Bill 319

Referred to calendar.

Assembly Bill 734

Referred to calendar.

Representative Earl asked unanimous consent that the assembly stand recessed until 2:00 P.M. Granted.

The assembly stood recessed.

11:30 A.M.

RECESS

2:20 P.M.

The assembly reconvened.

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

Representative Earl asked unanimous consent that the following bills and resolutions be withdrawn from the table and be referred to the calendar.

Assembly Joint Resolution 1,	Assembly Bill 135,
Assembly Joint Resolution 25,	Assembly Bill 152,
Assembly Joint Resolution 73,	Assembly Bill 162,
Assembly Joint Resolution 80,	Assembly Bill 186,
Assembly Joint Resolution 86,	Assembly Bill 199,
Assembly Joint Resolution 93,	Assembly Bill 201,
Assembly Joint Resolution 98,	Assembly Bill 253,
Assembly Joint Resolution 110,	Assembly Bill 257,
Assembly Resolution 37,	Assembly Bill 269,
Assembly Bill 11,	Assembly Bill 276,
Assembly Bill 14,	Assembly Bill 300,
Assembly Bill 17,	Assembly Bill 316,
Assembly Bill 21,	Assembly Bill 355,
Assembly Bill 62,	Assembly Bill 370,

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Assembly Bill 380,	Assembly Bill 897,
Assembly Bill 407,	Assembly Bill 906,
Assembly Bill 428,	Assembly Bill 946,
Assembly Bill 454,	Assembly Bill 956,
Assembly Bill 464,	Assembly Bill 960,
Assembly Bill 482,	Assembly Bill 1049,
Assembly Bill 607,	Assembly Bill 1089,
Assembly Bill 611,	Assembly Bill 1096,
Assembly Bill 622,	Assembly Bill 1105,
Assembly Bill 638,	Assembly Bill 1110,
Assembly Bill 648,	Assembly Bill 1119,
Assembly Bill 649,	Assembly Bill 1121,
Assembly Bill 652,	Assembly Bill 1141,
Assembly Bill 656,	Assembly Bill 1180,
Assembly Bill 672,	Senate Joint Resolution 5,
Assembly Bill 676,	Senate Joint Resolution 29,
Assembly Bill 691,	Senate Joint Resolution 34,
Assembly Bill 697,	Senate Joint Resolution 54,
Assembly Bill 726,	Senate Bill 118,
Assembly Bill 735,	Senate Bill 181,
Assembly Bill 748,	Senate Bill 227,
Assembly Bill 797,	Senate Bill 251,
Assembly Bill 801,	Senate Bill 277,
Assembly Bill 827,	Senate Bill 278,
Assembly Bill 842,	Senate Bill 279,
Assembly Bill 845,	Senate Bill 451 and
Assembly Bill 850,	Senate Bill 477.
Assembly Bill 894,	

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

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

Representative Earl moved that the list of bills read by himself be withdrawn from the table and be referred to the calendar.

The question was: Shall the list of bills read by Representative Earl be withdrawn from the table and be referred to the calendar?

The roll was taken.

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The vote follows:

Ayes—Baldus, Barbee, Berger, Bolle, Bradley, Brown, Bultman, Conradt, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Ellis, Everson, Ferrall, Froehlich, Gaulke, Groshek, Grover, Hanna, H a n s o n, Jackamonis, Jackson, Johnson G. K., Jones, Kafka, Kessler, Kleczka, Korpela, LaFave, Menos, Looby, Lynn, McCormick, McEssy, Mato, Mielke, Miller, Mittness, Mohn, Molinaro, Nager, O'Malley, Oberle, Oestreicher, Orlich, Otte, P a b s t, Quackenbush, Robertson, Roberts, Rogers, Rutkowski, Sanasarian, Schneider, Sicala, Slaby, Stack, Sweda, Swoboda, Thompson R. M., Vanderperren, Wahner, Willkom and Mr. Speaker—69.

Noes—Alberts, Atkinson, Azim, Boeckmann, Byers, Giese, Greider, Guiles, Helgeson, Hephner, Klicka, Lewison, Luckhardt, McDougal, Merkel, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, S h a b a z, Stalbaum, Thompson T. G., Tregoning, Wackett, Wilcox and Wilger—27.

Absent or not voting—Johnson W. A., Quinn and Tobiasz—3.

Motion carried.

CALENDAR OF TUESDAY, JANUARY 18, 1972

EXECUTIVE COMMUNICATIONS

Assembly Bill 120

Relating to purchase of firearms by Wisconsin residents in contiguous states.

The question was: Shall Assembly Bill 120 pass notwithstanding the objections of the Governor?

The roll was taken.

The vote follows:

Ayes—None.

Noes—Alberts, Atkinson, Azim, Baldus, Barbee, Berger, Boeckmann, Bolle, Bradley, Brown, Bultman, Byers, Conradt, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Ellis, Everson, Ferrall, Froehlich, Gaulke, Giese,

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Greider, Groshek, Grover, Guiles, Hanna, Hanson, Helgeson, Hephner, Jackamonis, Jackson, Johnson G. K., Jones, Kafka, Kessler, Kleczka, Klicka, Korpela, LaFave, Lewison, Menos, Looby, Luckhardt, Lynn, McCormick, McDougal, McEssy, Mato, Merkel, Mielke, Miller, Mittness, Mohn, Molinaro, Nager, O'Malley, Oberle, Oestreicher, Orlich, Otte, Pabst, Quackenbush, Robertson, Roberts, Rogers, Rutkowski, Sanasarian, Schneider, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Sricula, Slaby, Stack, Stalbaum, Sweda, Swoboda, Thompson R. M., Thompson T. G., Tregoning, Vanderperren, Wackett, Wahner, Wilcox, Wilger, Willkom and Mr. Speaker—96.

Absent or not voting—Johnson W. A., Quinn and Tobiasz—3.

Motion failed.

Assembly Bill 187

Relating to lease of subterranean space under any street, alley or public place in cities of the first class.

The question was: Shall Assembly Bill 187 pass notwithstanding the objections of the Governor?

The roll was taken.

The vote follows:

Ayes—Boeckmann, Bradley, Bultman, Conradt, Conta, Czerwinski, Duren, Gaulke, Jackson, Jones, Kleczka, Menos, Miller, Pabst, Rutkowski, Schneider, Schwefel, Sensenbrenner and Wahner—19.

Noes—Alberts, Atkinson, Azim, Baldus, Barbee, Berger, Bolle, Brown, Byers, Day, Dorff, Dueholm, Earl, Early, Ellis, Everson, Ferrall, Froehlich, Giese, Greider, Groshek, Grover, Guiles, Hanna, Hanson, Helgeson, Hephner, Jackamonis, Johnson G. K., Kafka, Kessler, Klicka, Korpela, LaFave, Lewison, Looby, Luckhardt, Lynn, McCormick, McDougal, Mato, Merkel, Mielke, Mittness, Mohn, Molinaro, Nager, O'Malley, Oberle, Oestreicher, Orlich, Otte, Quackenbush, Robertson, Roberts, Rogers, Sanasarian, Schowalter, Schricker, Schroeder, Shabaz, Sricula, Slaby, Stack, Stalbaum, Sweda, Swoboda, Thompson R. M., Thompson T. G., Tregoning, Vanderperren, Wackett, Wilcox, Wilger, Willkom and Mr. Speaker—76.

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Absent or not voting—Johnson W. A., McEssy, Quinn and Tobiasz—4.

Motion failed.

**MESSAGES FROM THE SENATE AND ACTION
THEREON**

Assembly Joint Resolution 20

Relating to establishing a second state home for veterans.

The question was: Concurrence in senate amendment 2?

Motion carried.

Representative Earl asked unanimous consent that the rules be suspended and that the assembly's action on **Assembly Joint Resolution 20** be immediately messaged to the senate. Granted.

Assembly Bill 63

Relating to alterations in child labor laws and creating a council on child labor in the department of industry, labor and human relations.

Representative Earl asked unanimous consent that **Assembly Bill 63** be laid on the table.

Representative Helgeson objected.

Representative Helgeson moved non-concurrence in senate amendment 1.

The question was: Shall senate amendment 1 be non-concurred in?

Motion carried.

Representative Sensenbrenner moved that a committee of Conference on **Assembly Bill 63** be requested and that the speaker appoint members on the part of the assembly.

The question was: Shall a committee of Conference on **Assembly Bill 63** be requested and that the speaker appoint members on the part of the assembly?

Motion carried.

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Assembly Bill 292

Relating to proof of age requirements for persons seeking official identification cards.

The question was: Concurrence in senate amendment 2?
Motion carried.

Representative Earl asked unanimous consent that the rules be suspended and that the assembly's action on Assembly Bill 292 be immediately messaged to the senate. Granted.

Assembly Bill 694

Relating to state identification card applications.

The question was: Concurrence in senate amendment 1?
Motion carried.

Representative Earl asked unanimous consent that the rules be suspended and that the assembly's action on Assembly Bill 694 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, the Wauwatosa East High School Red Raider Band was named Wisconsin's official ambassador to the 1972 Tournament of Roses Parade; and

Whereas, honors are nothing new to the 114-member marching band, which has appeared at the New York World's Fair, represented the United States at the Montreal World Exposition, participated in the 1970 Washington D.C. Cherry Blossom Festival, and carried away 14 consecutive first place awards in Wisconsin school music competition; and

Whereas, without the concerted effort of the band members, who washed 1,000 cars, collected 63 tons of scrap-paper, manned concession stands, sold fruitcakes and engaged in other fund-raising activities, the trip to Pasadena would not have been possible; now, therefore,

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The Members of the Wisconsin Legislature, on the motion of Representative Klicka and Senator Roseleip, under Joint Rule 26, extend their heartiest congratulations to the members of the Wauwatosa East High School Red Raider Band and their director, Orville A. Matthias, on their outstanding performance and dedication.

The question was: Adoption?

Motion carried.

Representative Earl 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

PRIVILEGED RESOLUTION

Representative Froehlich asked unanimous consent to introduce a resolution, have it treated as privileged and be taken up at this time. Granted.

Assembly Resolution 45

Congratulating Kermit H. Hahn of Appleton, Wisconsin, on 50 years of service to Boy Scouts.

Whereas, Mr. Kermit H. Hahn of Appleton, Wisconsin, is now being honored by the Scouts and by the people of his community for 50 years of distinguished service to the Boy Scouts of America; and

Whereas, Mr. Hahn has been in scouting since the day he was born, having first made application to become a Scout on his birthday, February 18, 1922, in Eau Claire, Wisconsin; and

Whereas, Mr. Hahn has served in almost every capacity from tenderfoot to leader, including tours of duty as scoutmaster, assistant scoutmaster, skipper of the Sea Scouts, district commissioner, and currently as commodore of the Sea Scouts for Region 7; and

Whereas, in addition to holding two Scouting Keys, one for Commissioner and one for Explorer Advisor, Mr. Hahn in 1968 won the Silver Beaver Award—the highest national scout award; now, therefore, be it

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Resolved by the assembly, That this legislative body heartily congratulates Mr. Hahn on receiving the homage he so richly deserves for his 50 years of outstanding public and community service; and, be it further

Resolved, That a copy of this resolution be transmitted to Mr. Hahn as a token of the esteem in which he is held by this legislative body.

By Representatives Froehlich and Conradt.

The question was: Adoption?

Motion carried.

Assembly Bill 63

The speaker appointed as conferees on its part to the committee of Conference on Assembly Bill 63 Representatives Miller, Mielke and Azim.

Representative Earl asked unanimous consent that the rules be suspended and that the assembly's action on Assembly Bill 63 be immediately messaged to the senate. Granted.

Representative Kessler asked unanimous consent that Assembly Joint Resolution 133 be withdrawn from the committee on Elections and be made a special order of business at 11:00 A.M. tomorrow. Granted.

Representative Schneider asked unanimous consent to introduce a resolution, have it treated as privileged and be taken up at this time. Granted.

Assembly Resolution 46

Requesting an opinion of the attorney general as to the power of the board of vocational, technical and adult education in merging districts.

Resolved by the assembly, That the attorney general is requested to provide an opinion as expeditiously as possible as to whether the board of vocational, technical and adult education may create a new vocational, technical and adult education district by merging one district, without its consent, with another district, and in effect require the non-consenting district to assume part of the outstanding indebtedness of the other district.

By Representatives Schneider and Berger.

The question was: Adoption?

Motion carried.

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Representative Greider asked unanimous consent to be made a co-author of Assembly Bill 1242. Granted.

CONSIDERATION OF RESOLUTIONS

Assembly Resolution 29

Relating to the creation of a special committee on legal services for the poor.

The question was: Adoption?

The roll was taken.

The vote follows:

Ayes—Alberts, Atkinson, Azim, Baldus, Barbee, Berger, Boeckmann, Bolle, Bradley, Brown, Byers, Conradt, Conta, Day, Dorff, Dueholm, Duren, Earl, Early, Ellis, Everson, Ferrall, Gaulke, Giese, Groshek, Grover, Guiles, Hanna, Hanson, Helgeson, Hephner, Jackamonis, Jackson, Johnson G. K., Jones, Kafka, Kessler, Kleczka, Klicka, Korpela, LaFave, Lewison, Menos, Looby, Luckhardt, Lynn, McCormick, McDougal, McEssy, Mato, Merkel, Mielke, Miller, Mittness, Mohn, O'Malley, Oberle, Oestreicher, Orlich, Otte, Pabst, Quackenbush, Quinn, Roberts, Rogers, Rutkowski, Sanasarian, Schneider, Schowalter, Schrieker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Sicola, Slaby, Stack, Stalbaum, Sweda, Swoboda, Thompson R. M., Thompson T. G., Tregoning, Vanderperren, Wahner, Wilcox, Wilger, Willkom and Mr. Speaker—89.

Noes—Bultman, Greider, Robertson and Wackett—4.

Absent or not voting—Czerwinski, Froehlich, Johnson W. A., Molinaro, Nager and Tobiasz—6.

Motion carried.

Assembly Joint Resolution 99

Directing the legislative council to study the relationship between the programs offered by vocational, technical and adult education schools and other institutions of higher education.

Assembly amendment 1 to Assembly Joint Resolution 99 offered by Representative Helgeson.

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The question was: Shall assembly amendment 1 be adopted?

Motion carried.

The question was: Adoption?

Motion carried.

Representative Earl asked unanimous consent that the rules be suspended and that the assembly's action on Assembly Joint Resolution 99 be immediately messaged to the senate. Granted.

Assembly Joint Resolution 122

Establishing a joint legislative committee to study the sale of drugs and medicines for livestock without prescription.

The question was: Adoption?

The roll was taken.

The vote follows:

Ayes—Alberts, Atkinson, Azim, Baldus, Barbee, Berger, Boeckmann, Bolle, Bradley, Brown, Bultman, Byers, Conradt, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Everson, Ferrall, Froehlich, Gaulke, Greider, Groshok, Grover, Guiles, Hanna, Hanson, Helgeson, Hephner, Jackamonis, Jackson, Johnson G. K., Jones, Kafka, Kesler, Kleczka, Klicka, Korpela, LaFave, Lewison, Menos, Luckhardt, Lynn, McCormick, McEssy, Mato, Mielke, Miller, Mittness, Mohn, Molinaro, Nager, O'Malley, Oberle, Oestreicher, Orlich, Otte, Pabst, Quinn, Roberts, Rogers, Rutkowski, Sanasarian, Schneider, Schricker, Schroeder, Sensenbrenner, Sricula, Slaby, Stack, Stalbaum, Sweda, Swoboda, Thompson R. M., Thompson T. G., Tregoning, Vanderperren, Wahner, Wilcox, Wilger, Willkom and Mr. Speaker—86.

Noes—Giese, McDougal, Merkel, Quackenbush, Robertson, Schowalter, Schwefel, Shabaz and Wackett—9.

Absent or not voting—Ellis, Johnson W. A., Looby and Tobiasz—4.

Motion carried.

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Representative Earl asked unanimous consent that the rules be suspended and that the assembly's action on **Assembly Joint Resolution 122** be immediately messaged to the senate. Granted.

Assembly Joint Resolution 126

Advising the congress of the United States that the Wisconsin legislature has no objection to the immediate inclusion of the lower St. Croix river in the national wild and scenic rivers system.

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

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

The question was: Shall **Assembly Joint Resolution 126** be adopted?

The roll was taken.

The vote follows:

Ayes—Alberts, Atkinson, Azim, Baldus, Barbee, Berger, Bolle, Brown, Bultman, Byers, Conradt, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Everson, Ferrall, Giese, Greider, Groshek, Grover, Guiles, Hanna, Hanson, Jackamonis, Jackson, Johnson G. K., Jones, Kafka, Kessler, Kleczka, Korpela, Lewison, Menos, Looby, Lynn, McCormick, McDougal, McEssy, Mato, Mielke, Miller, Mittness, Mohn, Molinaro, Nager, O'Malley, Oberle, Oestreicher, Orlich, Otte, Quackenbush, Quinn, Roberts, Rogers, Rutkowski, Sanasarian, Schneider, Schroeder, Sensenbrenner, Sricula, Slaby, Sweda, Swoboda, Thompson R. M., Thompson T. G., Tregoning, Vanderperren, Wahner, Wilcox, Willkom and Mr. Speaker—76.

Noes—Boeckmann, Ellis, Froehlich, Gaulke, Helgeson, Hephner, Klicka, LaFave, Luckhardt, Merkel, Pabst, Robertson, Schowalter, Schwefel, Shabaz, Stack, Stalbaum, Wackett and Wilger—19.

Absent or not voting—Bradley, Johnson W. A., Schricker and Tobiasz—4.

Motion carried.

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Representative Earl asked unanimous consent that the rules be suspended and that the assembly's action on **Assembly Joint Resolution 126** be immediately messaged to the senate. Granted.

Senate Joint Resolution 28

Memorializing congress to adopt the metric system of weights and measures.

Representative Shabaz moved nonconcurrency in **Senate Joint Resolution 28**.

The question was: Nonconcurrency?

The roll was taken.

The vote follows:

Ayes—Alberts, Atkinson, Azim, Berger, Boeckmann, Bradley, Conradt, Dorff, Duren, Ellis, Everson, Giese, Greider, Guiles, Hanson, Helgeson, Hephner, Kafka, Kessler, LaFave, Menos, Luckhardt, McCormick, McDougal, Merkel, Mohn, Molinaro, Oberle, Pabst, Quackenbush, Quinn, Robertson, Roberts, Sanasarian, Schowalter, Schricker, Schroeder, Schwefel, Shabaz, Stack, Stalbaum, Swoboda, Thompson T. G., Tregoning, Wackett, Wahner, Wilcox and Wilger—48.

Noes—Baldus, Barbee, Bolle, Brown, Bultman, Byers, Conta, Czerwinski, Day, Dueholm, Earl, Early, Ferrall, Froehlich, Gaulke, Groshek, Hanna, Jackamonis, Jackson, Johnson G. K., Jones, Kleczka, Klicka, Korpela, Lewison, Looby, Lynn, McEssy, Mato, Mielke, Miller, Mittness, Nager, O'Malley, Oestreicher, Orlich, Otte, Rogers, Rutkowski, Schneider, Sensenbrenner, Sricula, Slaby, Thompson R. M., Vanderperren, Willkom and Mr. Speaker—47.

Absent or not voting—Grover, Johnson W. A., Sweda and Tobiasz—4.

Motion carried.

SECOND READING AND AMENDMENT OF ASSEMBLY BILLS

Assembly Bill 303

Relating to creating a division of architects, professional engineers, designers and land surveyors.

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The question was: Shall assembly amendment 1 be adopted?

Motion carried.

The question was: Shall assembly amendment 2 be adopted?

Motion carried.

Representative Merkel asked unanimous consent that Assembly Bill 303 be referred to the foot of the 13th order of business on the calendar of January 18, 1972. Granted.

SPECIAL GUEST

Former speaker of the assembly Robert T. Huber speaking from the rostrum thanked the members and staff of the assembly for their past cooperation while he served in the assembly.

Assembly Bill 456

Relating to insurance policy provisions for tuberculosis patients.

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

Motion carried.

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

Motion carried.

Representative Earl asked unanimous consent that the rules be suspended and that Assembly Bill 456 be given a third reading. Granted.

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

Motion carried.

Representative Earl asked unanimous consent that the rules be suspended and that the assembly's action on Assembly Bill 456 be immediately messaged to the senate. Granted.

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Assembly Bill 498

Relating to taxing jury fees.

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

Motion carried.

Representative Earl asked unanimous consent that the rules be suspended and that **Assembly Bill 498** be given a third reading. Granted.

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

The roll was taken.

The vote follows:

Ayes—Alberts, Atkinson, Azim, Baldus, Boeckmann, Bolle, Bradley, Brown, Bultman, Byers, Conta, Czerwinski, Day, Dorff, Dueholm, Earl, Early, Ellis, Everson, Ferrall, Giese, Greider, Groshek, Grover, Guiles, Helgeson, Hephner, Jackamonis, Jackson, Johnson G. K., Jones, Kafka, Kleczka, Klicka, Korpela, Menos, Looby, Luckhardt, Lynn, McCormick, McDougal, Mato, Merkel, Mielke, Miller, Mittness, Molinaro, Nager, O'Malley, Oestreicher, Orlich, Otte, Pabst, Quackenbush, Robertson, Roberts, Rogers, Rutkowski, Sanasarian, Schneider, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Sricula, Stack, Sweda, Swoboda, Thompson R. M., Tregoning, Vanderperren, Wackett, Wahner, Wilcox and Mr. Speaker—77.

Noes—Barbee, Berger, Conradt, Duren, Froehlich, Gaulke, Hanna, Hanson, Kessler, LaFave, Lewison, McEssy, Mohn, Oberle, Quinn, Slaby, Stalbaum, Thompson T. G., Wilger and Willkom—20.

Absent or not voting—Johnson W. A. and Tobiasz—2.

Motion carried.

Representative Earl asked unanimous consent that the rules be suspended and that the assembly's action on **Assembly Bill 498** be immediately messaged to the senate. Granted.

Assembly Bill 556

Relating to prohibiting the dumping of mercury into the waters of this state.

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Representative T. G. Thompson asked unanimous consent to read from a printed document. Granted.

The question was: Shall assembly a m e n d m e n t 3 be adopted?

Motion carried.

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

Motion carried.

Representative Earl asked unanimous consent that Assembly Bill 556 be referred to joint committee on Finance. Granted.

Representative T. G. Thompson asked unanimous consent that Assembly Bill 556 be withdrawn from the joint committee on Finance and be taken up at this time. Granted.

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

Motion carried.

Representative Earl asked unanimous consent that the rules be suspended and that Assembly Bill 556 be given a third reading. Granted.

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

The roll was taken.

The vote follows:

Ayes—Alberts, Atkinson, Azim, Baldus, Barbee, Berger, Boeckmann, Bolle, Bradley, Brown, Bultman, Byers, Conradt, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Ellis, Everson, Ferrall, Froehlich, Gaulke, Giese, Greider, Groshek, Grover, Guiles, Hanna, Hanson, Helgeson, Hephner, Jackamonis, Jackson, Johnson G. K., Jones, Kafka, Kessler, Kleczka, Klicka, Korpela, LaFave, Menos, Looby, Luckhardt, Lynn, McCormick, McDougal, Mato, Merkel, Mielke, Miller, Mittness, Mohn, Molinaro, Nager, O'Malley, Oberle, O e s t r e i c h e r, Orlich, Otte, Pabst, Quackenbush, Quinn, Robertson, Roberts, Rogers, Rutkowski, Sanasarian, Schneider, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Sicula, Slaby, Stack, Stalbaum, Sweda,

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Swoboda, Thompson R. M., Thompson T. G., Tregoning, Vanderperren, Wackett, Wahner, Wilcox, Wilger, Willkom and Mr. Speaker—95.

Noes—None.

Absent or not voting—Johnson W. A., Lewison, McEssy and Tobiasz—4.

Motion carried.

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

Representative Earl asked unanimous consent that the rules be suspended and that the assembly’s action on Assembly Bill 556 be immediately messaged to the senate. Granted.

Assembly Bill 596

Relating to permitting the taking of lake trout, establishing a program for propagation of lake trout and making an appropriation.

Representative Earl asked unanimous consent that Assembly Bill 596 be referred to the calendar of January 19, 1972.

Representative Helgeson objected.

Representative Helgeson asked unanimous consent that Assembly Bill 596 be referred to joint committee on Finance.

Representative Kleczka objected.

Representative Helgeson moved that Assembly Bill 596 be referred to joint committee on Finance.

The question was: Shall Assembly Bill 596 be referred to joint committee on Finance?

The roll was taken.

The vote follows:

Ayes—Alberts, Atkinson, Barbee, Berger, Boeckmann, Bolle, Byers, Conradt, Day, Early, Ellis, Everson, Froehlich, Gaulke, Giese, Guiles, Hanson, Helgeson, Hephner, Jackamonis, Kafka, Kessler, Klicka, Korpela, Lewison, Looby, Lynn, McDougall, McEssy, Mato, Mielke, Mittness,

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Mohn, O'Malley, Oberle, Orlich, Quackenbush, Quinn, Robertson, Roberts, Rogers, Rutkowski, Schneider, Schowalter, Schroeder, Schwefel, Sensenbrenner, Shabaz, Sicula, Slaby, Stack, Stalbaum, Sweda, Thompson R. M., Thompson T. G., Tregoning, Vanderperren, Wackett, Wilcox, Wilger and Willkom—61.

Noes—Azim, Baldus, Bradley, Brown, Bultman, Conta, Czerwinski, Dorff, Dueholm, Duren, Earl, Ferrall, Greider, Groshek, Grover, Hanna, Jackson, Johnson G. K., Jones, Kleczka, LaFave, Menos, Luckhardt, McCormick, Merkel, Miller, Molinaro, Nager, Oestreicher, Otte, Pabst, Sanasarian, Schricker, Swoboda, Wahner and Mr. Speaker—36.

Absent or not voting—Johnson W. A. and Tobiasz—2.

Motion carried.

Assembly Bill 619

Relating to enjoining the operation of substandard nursing homes.

Representative Hanna asked unanimous consent that Assembly Bill 619 be withdrawn from the calendar of January 18 and referred to the calendar of January 26. Granted.

Assembly Bill 701

Relating to property division in actions affecting marriage.

The question was: Shall the bill be indefinitely postponed?

The roll was taken.

The vote follows:

Ayes—Alberts, Atkinson, Azim, Baldus, Barbee, Berger, Bolle, Brown, Byers, Conradt, Conta, Czerwinski, Day, Dorff, Dueholm, Earl, Everson, Ferrall, Froehlich, Gaulke, Groshek, Helgeson, Jackamonis, Jackson, Jones, Kafka, Kessler, Kleczka, Korpela, Lewison, Luckhardt, Lynn, McCormick, McEssy, Mielke, Miller, Mohn, Molinaro, Nager, O'Malley, Oberle, Oestreicher, Otte, Quinn, Robertson, Rutkowski, Sanasarian, Schricker, Schwefel, Shabaz, Slaby, Swoboda, Thompson R. M., Thompson T. G., Vanderperren, Wahner, Wilcox and Mr. Speaker—58.

Noes—Boeckmann, Bradley, Bultman, Duren, Early, Ellis, Giese, Greider, Grover, Guiles, Hanna, Hanson, Hephner,

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Johnson G. K., Klicka, LaFave, Menos, Looby, McDougal, Mato, Merkel, Mittness, Orlich, Pabst, Quackenbush, Roberts, Rogers, Schneider, Schowalter, Schroeder, Sensenbrenner, Sricula, Stack, Stalbaum, Sweda, Tregoning, Wackett, Wilger and Willkom—39.

Absent or not voting—Johnson W. A. and Tobiasz—2.

Motion carried.

Assembly Bill 896

Relating to public building remodeling requirements for the safety of the handicapped.

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

Motion carried.

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

Motion carried.

Representative Earl asked unanimous consent that the rules be suspended and that Assembly Bill 896 be given a third reading.

Representative Shabaz objected.

POINT OF ORDER

Representative Shabaz raised the point of order that according to Chapter 17, 1971 Session Laws, a fiscal note is necessary on Assembly Bill 896.

RULING ON THE POINT OF ORDER

The chair ruled the point of order was well taken.

The chief clerk was instructed to obtain a fiscal note on Assembly Bill 896.

Assembly Bill 907

Relating to hazardous situations resulting from lack of fencing of railroad rights-of-way.

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POINT OF ORDER

Representative Hephner raised the point of order that Assembly Bill 907 must have a fiscal note.

RULING ON THE POINT OF ORDER

The chair ruled the point of order was well taken.

The chief clerk was instructed to obtain a fiscal note on Assembly Bill 907.

Assembly Bill 917

Relating to reports to the legislature on tax exemption devices.

Representative Azim moved that Assembly Bill 917 be indefinitely postponed.

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

The question was: Shall the bill be indefinitely postponed?

The roll was taken.

The vote follows:

Ayes—Azim, Dorff, Duren, Gaulke, Greider, Grover, Guiles, Helgeson, Hephner, Kleczka, Klicka, Lewison, Menos, Luckhardt, McCormick, Mato, Merkel, Molinaro, Otte, Quinn, Robertson, Schneider, Schowalter, Schricker, Schwefel, Sensenbrenner, Shabaz, Stalbaum, Sweda, Thompson T. G., Tregoning, Wackett, Wilcox, Wilger and Willkom—35.

Noes—Alberts, Atkinson, Baldus, Barbee, Berger, Boeckmann, Bolle, Bradley, Brown, Bultman, Byers, Conradt, Conta, Czerwinski, Day, Dueholm, Earl, Early, Ellis, Everson, Ferrall, Froehlich, Giese, Groshek, Hanna, Hanson, Jackamonis, Jackson, Johnson G. K., Jones, Kafka, Kessler, Korpela, LaFave, Menos, Lynn, McDougal, McEssy, Mielke, Miller, Mittness, Mohn, Nager, O'Malley, Oberle, Oestreich, Orlich, Pabst, Quackenbush, Roberts, Rogers, Rutkow-

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ski, Sanasarian, Schroeder, Sicula, Slaby, Stack, Swoboda, Thompson R. M., Vanderperren, Wahner and Mr. Speaker—62.

Absent or not voting—Johnson W. A. and Tobiasz—2.

Motion failed.

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

Motion carried.

Representative Earl asked unanimous consent that the rules be suspended and that Assembly Bill 917 be given a third reading. Granted.

POINT OF ORDER

Representative Hephner raised the point of order that Assembly Bill 917 has not received proper consideration by the joint committee on Finance.

RULING ON THE POINT OF ORDER

The chair ruled the point of order not well taken.

Representative Earl asked unanimous consent that the rules be suspended and that Assembly Bill 917 be given a third reading.

Representative Shabaz objected.

Representative Earl moved that the rules be suspended and that Assembly Bill 917 be given a third reading.

The question was: Shall the rules be suspended and that Assembly Bill 917 be given a third reading?

The roll was taken.

The vote follows:

Ayes—Atkinson, Baldus, Barbee, Berger, Boeckmann, Bolle, Bradley, Brown, Bultman, Conradt, Conta, Czerwinski,

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Day, Dueholm, Earl, Early, Ellis, Everson, Ferrall, Froehlich, Giese, Groshek, Grover, Hanna, Hanson, Jackamonis, Jackson, Johnson G. K., Jones, Kessler, Korpela, LaFave, Menos, Lynn, McEssy, Mato, Mielke, Miller, Mittness, Mohn, Molinaro, Nager, O'Malley, Oberle, Oestreicher, Orlich, Otte, Pabst, Robertson, Roberts, Rogers, Rutkowski, Sanasarian, Schneider, Sricula, Slaby, Stack, Sweda, Swoboda, Thompson R. M., Vanderperren, Wahner and Mr. Speaker—63.

Noes—Alberts, Azim, Byers, Dorff, Duren, Gaulke, Greider, Guiles, Helgeson, Hephner, Kafka, Kleczka, Klicka, Lewison, Looby, Luckhardt, McCormick, McDougal, Merkel, Quackenbush, Quinn, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Stalbaum, Thompson T. G., Tregoning, Wackett, Wilcox, Wilger and Willkom—34.

Absent or not voting—Johnson W. A. Tobiasz—2.

Motion failed.

Assembly Bill 924

Relating to prohibiting the sale, processing and distribution of endangered species of fish and wildlife, granting rule-making authority and providing a penalty.

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

Motion carried.

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

Motion carried.

Representative Earl asked unanimous consent that the rules be suspended and that Assembly Bill 924 be given a third reading. Granted.

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

The roll was taken.

The vote follows:

Ayes—Alberts, Atkinson, Azim, Baldus, Barbee, Berger, Bolle, Bradley, Brown, Byers, Conradt, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Ellis, Everson, Ferrall, Froehlich, Gaulke, Giese, Greider, Groshek, Grover,

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Guiles, Hanna, Hanson, Helgeson, Hephner, Jackamonis, Jackson, Johnson G. K., Jones, Kafka, Kessler, Kleczka, Klicka, Korpela, LaFave, Lewison, Menos, Looby, Luckhardt, Lynn, McCormick, McDougal, McEssy, Mato, Merkel, Mielke, Miller, Mittness, Mohn, Molinaro, Nager, O'Malley, Oberle, Oestreicher, Orlich, Otte, Pabst, Quackenbush, Quinn, Roberts, Rogers, Rutkowski, Sanasarian, Schneider, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Sricula, Slaby, Stack, Stalbaum, Sweda, Swoboda, Thompson R. M., Thompson T. G., Tregoning, Vanderperren, Wackett, Wahner, Wilcox, Wilger, Willkom and Mr. Speaker—94.

Noes—Boeckmann, Bultman and Robertson—3.

Absent or not voting—Johnson W. A. and Tobiasz—2.

Motion carried.

Representative Earl asked unanimous consent that the rules be suspended and that the assembly's action on **Assembly Bill 924** be immediately messaged to the senate. Granted.

Assembly Bill 969

Relating to county clerk's bonds for hunting and fishing licenses.

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

Motion carried.

Representative Earl asked unanimous consent that **Assembly Bill 969** be referred to joint committee on Finance. Granted.

Representative Earl asked unanimous consent that **Assembly Bill 969** be withdrawn from joint committee on Finance and be taken up at this time.

Representative T. G. Thompson objected.

Representative Earl moved the rules be suspended that **Assembly Bill 969** be withdrawn from joint committee on Finance and be taken up at this time.

The question was: Shall the rules be suspended that **Assembly Bill 969** be withdrawn from joint committee on Finance and be taken up at this time?

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The roll was taken.

The vote follows:

Ayes—Alberts, Atkinson, Azim, Baldus, Barbee, Berger, Boeckmann, Bolle, Bradley, Brown, Bultman, Byers, Conradt, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Ferrall, Froehlich, Greider, Groshek, Grover, Hanna, Hanson, Helgeson, Jackamonis, Jackson, Johnson G. K., Jones, Kafka, Kessler, Kleczka, Korpela, LaFave, Menos, Looby, Luckhardt, Lynn, McCormick, McDougal, Mato, Mielke, Miller, Mittness, Mohn, Molinaro, Nager, O'Malley, Oberle, Oestreicher, Orlich, Otte, Pabst, Quackenbush, Quinn, Roberts, Rogers, Rutkowski, Sanasarian, Schneider, Schricker, Schwefel, Sricula, Slaby, Stack, Sweda, Swoboda, Thompson R. M., Vanderperren, Wackett, Wahner, Willkom and Mr. Speaker—77.

Noes—Ellis, Everson, Gaulke, Giese, Guiles, Hephner, Klicka, Lewison, McEssy, Merkel, Robertson, Schowalter, Schroeder, Sensenbrenner, Shabaz, Stalbaum, Thompson T. G., Tregoning, Wilcox and Wilger—20.

Absent or not voting—Johnson W. A. and Tobiaz—2.

Motion carried.

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

Motion carried.

Representative Earl asked unanimous consent that the rules be suspended and that **Assembly Bill 969** be given a third reading. Granted.

Representative Hephner asked unanimous consent that the record on engrossment be expunged on **Assembly Bill 969**.

Representative Mittness objected.

Representative Mittness asked unanimous consent that **Assembly Bill 969** be laid on the table. Granted.

Assembly Bill 970

Relating to truck weight inspection.

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

Motion carried.

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Representative Earl asked unanimous consent that the rules be suspended and that Assembly Bill 970 be given a third reading. Granted.

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

The roll was taken.

The vote follows:

Ayes—Alberts, Atkinson, Baldus, Barbee, Berger, Boeckmann, Bolle, Bradley, Brown, Bultman, Byers, Conradt, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Ellis, Everson, Ferrall, Froehlich, Gaulke, Giese, Groshek, Guiles, Hanna, Hanson, Helgeson, Hephner, Jackamonis, Jackson, Johnson G. K., Jones, Kafka, Kessler, Kleczka, Klicka, Korpela, LaFave, Lewison, Menos, Looby, Luckhardt, Lynn, McCormick, McDougal, McEssy, Merkel, Mielke, Miller, Mittness, Mohn, Molinaro, Nager, O'Malley, Oberle, Oestreicher, Orlich, Otte, Pabst, Quackenbush, Quinn, Robertson, Roberts, Rogers, Rutkowski, Sanasarian, Schowalter, Schricker, Schroeder, Sensenbrenner, Shabaz, Sicala, Slaby, Stack, Stalbaum, Sweda, Swoboda, Thompson R. M., Thompson T. G., Tregoning, Vanderperren, Wackett, Wahner, Wilcox, Wilger and Mr. Speaker—90.

Noes—Grover, Mato, Schneider, Schwefel and Willkom—5.

Absent or not voting—Azim, Greider, Johnson W. A. and Tobiasz—4.

Motion carried.

Representative Earl asked unanimous consent that the rules be suspended and that the assembly's action on Assembly Bill 970 be immediately messaged to the senate. Granted.

Assembly Bill 982

Relating to safeguards for wells, mine shafts and other structures.

Assembly amendment 1 to Assembly Bill 982 offered by Representative Korpela.

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The question was: Shall assembly amendment 1 be adopted?

Motion carried.

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

Motion carried.

Representative Earl asked unanimous consent that Assembly Bill 982 be referred to joint committee on Finance. Granted.

Representative Molinaro asked unanimous consent that Assembly Bill 982 be withdrawn from the joint committee on Finance and be taken up at this time.

Representative Hephner objected.

Assembly Bill 1007

Relating to training programs for local government officials under the university of Wisconsin.

The question was: Shall the bill be indefinitely postponed?

The roll was taken.

The vote follows:

Ayes—Alberts, Azim, Barbee, Berger, Bradley, Brown, Bultman, Byers, Conradt, Conta, Day, Dorff, Dueholm, Duren, Earl, Ellis, Everson, Ferrall, Froehlich, Gaulke, Giese, Greider, Groshek, Grover, Guiles, Hanna, Hanson, Helgeson, Jackamonis, Jackson, Johnson G. K., Jones, Kleczka, Klicka, Korpela, LaFave, Lewison, Looby, Luckhardt, Lynn, McCormick, McDougal, McEssy, Merkel, Mielke, Miller, Mittness, Mohn, Molinaro, O'Malley, Oberle, Oestreicher, Orlich, Otte, Pabst, Quackenbush, Quinn, Robertson, Roberts, Rutkowski, Sanasarian, Schneider, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Sricula, Slaby, Stack, Sweda, Thompson R. M., Thompson T. G., Tregoning, Wackett, Wahner, Wilcox, Wilger and Mr. Speaker—80.

Noes—Atkinson, Baldus, Boeckmann, Bolle, Czerwinski, Early, Hephner, Kafka, Menos, Mato, Nager, Rogers, Stalbaum, Swoboda, Vanderperren and Willkom—16.

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Absent or not voting—Johnson W. A., Kessler and Tobiasz—3.

Motion carried.

Assembly Bill 1051

Relating to health and safety requirements for basement apartments.

Representative Earl asked unanimous consent that **Assembly Bill 1051** be withdrawn from the calendar of January 18 and referred to the foot of the calendar of January 19. Granted.

LEAVES OF ABSENCE

Representative Earl asked unanimous consent for a leave of absence for today's session for Representatives W. A. Johnson and Tobiasz. Granted.

Representative Helgeson asked unanimous consent that **Assembly Resolution 128** be withdrawn from the committee on Judiciary and referred to the committee on Education. Granted.

Representative Froehlich asked unanimous consent that the assembly adjourn in honor of the birthday of Representative Azim. Granted.

Representative Vanderperren asked unanimous consent to be recorded as voting "for" Representative Anderson for speaker. Granted.

Representative Swoboda asked unanimous consent to be recorded as voting "for" Representative Anderson for speaker. Granted.

AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 823** offered by Representative Kessler.

Assembly amendment 1 to **Assembly Bill 1418** offered by Representative Kessler.

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Assembly substitute amendment 1 to Assembly Bill 864 offered by Representatives Luckhardt, Hanson, O'Malley and Vanderperren.

Assembly substitute amendment 1 to Assembly Bill 1215 offered by Representative Hanson.

Assembly amendment 2 to Assembly Bill 1133 offered by Representative Conta.

Assembly amendment 2 to assembly substitute amendment 1 to Assembly Bill 1104 offered by Representative Czerwinski.

CHIEF CLERK'S CORRECTIONS

as provided by Legislative Reference Bureau

Assembly Joint Resolution 99

On page 1, line 23, substitute "curricula" for "cirricula".

Assembly Bill 1459

On page 3, line 16, substitute "(8) (u)" for "(3) (u)".

On page 7, line 25, substitute "(b)" for "(6)".

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. and Mrs. Howard Bly from Brandon, Wisconsin, guests of Representative Schwefel.

Mr. Joe Stasek from Antigo, Wisconsin, guest of Representative McDougal.

Mrs. Ed Sherman from Belleville, Wisconsin, and Mrs. Karl Harker, Stewards from Local 171, Madison, as guests of Representative O'Malley.

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Representative Earl moved that the assembly stand adjourned until 9:45 A. M. tomorrow.

The question was: Shall the assembly stand adjourned?

The motion carried.

The assembly stood adjourned.

5:35 P.M.