

JOURNAL OF THE ASSEMBLY [January 1, 1973]

STATE OF WISCONSIN

Assembly Journal

Eightieth Regular Session

MONDAY, January 1, 1973.

11:00 A.M.

The assembly met.

The speaker in the chair.

The prayer was offered by Representative Berger.

Representative Sweda 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, Atkinson, Azim, Baldus, Barbee, Berger, Bolle, Bradley, Bultman, Byers, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Ellis, Everson, Ferrall, Giese, Groshek, Grover, Hanson, Hephner, Barczak, Jackamonis, Johnson, Kleczka, Klicka, Lewison, Menos, Looby, Lynn, McDougal, McEssy, Mato, Merkel, Mielke, Miller, Mittness, Mohn, Molinaro, Nager, O'Malley, Oberle, Oestreicher, Otte, Pabst, Quackenbush, Quinn, Roberts, Rogers, Rutkowski, Sanasarian, Schneider, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Sicala, Stack, Sweda, Swoboda, Thompson T. G., Tobiasz, Trengoning, Vanderperren, Wackett, Wahner, Wilcox, Wilger, Willkom and Mr. Speaker—77.

Absent—None.

Absent with leave—Boeckmann, Brown, Conradt, Froehlich, Gaulke, Greider, Guiles, Hanna, Helgeson, Jones, Kafka, Korpela, LaFave, Luckhardt, Orlich, Robertson, Slaby, Stalbaum and Thompson R. M.—19.

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AMENDMENTS OFFERED

Assembly amendment 1 to Assembly Resolution 64 offered by Representative Schneider.

Assembly amendment 2 to Assembly Resolution 64 offered by Representative Hephner.

Assembly amendment 3 to Assembly Resolution 64 offered by Representatives Merkel, Klicka, Schroeder, Schowalter, Giese and Lewison.

Assembly amendment 4 to Assembly Resolution 64 offered by Representatives Shabaz and Wackett.

Assembly amendment 5 to Assembly Resolution 64 offered by Representative Merkel.

Assembly amendment 6 to Assembly Resolution 64 offered by Representative Merkel.

COMMUNICATIONS

**Wisconsin Legislature
Assembly Chamber
Madison 53702**

November 29, 1972.

**Governor Patrick J. Lucey
State Capitol Building
Madison, Wisconsin 53701**

Dear Governor Lucey:

I am at this time submitting my resignation as State Representative from Milwaukee's 9th Assembly District, to become effective December 1, 1972.

My resignation is prompted by the fact that it does appear at this time that a special session of the legislature will not be convened during the month of December, 1972; and also because of the fact that as of the aforementioned date I will no longer be a resident of the 9th Assembly District.

It has been my pleasure to serve with men of such high

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caliber as we have in the Wisconsin Legislature, and it is with regret that this resignation is submitted.

I trust that this resignation will be appropriately noted in the journal of the proceedings of the Wisconsin Assembly.

Sincerely yours,

ROBERT L. JACKSON, JR.,
State Representative.

The State of Wisconsin
Department of Justice
Madison 53702

December 4, 1972.

The Honorable, The Assembly
State Capitol
Madison, Wisconsin 53702

Dear Representatives:

By Assembly Resolution 50, you have requested my opinion "as to whether ch. 145, Laws of 1971, grants authority to county boards, where so requested by them, to set salaries of county welfare department personnel."

By ch. 145, sec. 49.50 (5), Wis. Stats., was amended in the following manner to read:

"49.50 (5) COUNTY PERSONNEL SYSTEMS. ~~In counties having a civil service system~~ Pursuant to rules established under sub. (2), the department ~~may where requested by the county~~ shall delegate to the civil service agency in such that county responsibility for determining qualifications of applicants by merit examination, provided the standards of qualifications and examinations have been approved by the department and the department of administration. The personnel in such counties shall be exempt from such reexamination provided such personnel has qualified for present positions by examinations conducted pursuant to standards acceptable to the department, without restriction because of enumeration, any or all of the department's authority under sub. (2) to establish and maintain personnel standards including salary levels."

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Section 49.50 (2), Wis. Stats., provides:

"49.50 State supervision. (2) RULES AND REGULATIONS, MERIT SYSTEM. The department shall adopt rules and regulations, not in conflict with law, for the efficient administration of aid to the blind, old-age assistance, aid to families with dependent children and aid to totally and permanently disabled persons, in agreement with the requirement for federal aid, including the establishment and maintenance of personnel standards on a merit basis. The provisions of this section relating to personnel standards on a merit basis supersede any inconsistent provisions of any law relating to county personnel; but this subsection shall not be construed to invalidate the provisions of s. 46.22 (6)."

Before this amendment was adopted, in an opinion reported in 59 OAG 126 (1970), we advised that under the then existing law any salary levels of welfare employees, fixed by the county board of supervisors, had to conform to the statewide standards established by the State Department of Health and Social Services and that the Department could not delegate the development of compensation standards to counties having a civil service system. However, the setting of salaries for one group of county employees in accordance with state standards apparently produced many problems for counties, as it either forced all other employees not covered under the state imposed standards to be paid at the same rates, or required counties to have two separate pay rates in the county for the same work. The above amendment is obviously intended to eliminate such difficulties by giving requesting counties power to determine compensation and personnel standards largely independent of the Department's approval. This interpretation is supported by the plain language of sec. 49.50 (5), Stats., as amended, and by the fact that the legislature deleted from the amendment as passed a provision in the bill as introduced (**Senate Bill 298**) which would have provided that any personnel standards and salary levels established by a county were required to be approved by the Department.

Section 49.50 (5), Stats., does not give the requesting county a completely free hand, however. The State department's authority to set personnel standards and compensa-

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tion levels is limited under sec. 49.50 (2), Stats., by the requirements for Federal aid. When the Department's authority is delegated to a county, the county's power would be similarly limited.

Federal law requires that to receive federal welfare money, a plan governing the distribution and management of such aid must be established. More specifically, the plan must "provide such methods of administration . . . including methods relating to the establishment and maintenance of personnel standards on a merit basis . . . as are found by the Secretary [of Health, Education and Welfare] to be necessary for the proper and efficient operation of the plan, . . ." 42 U.S.C.A. §§ 302, 602, 1202, 1382.

The HEW rules (revised in 1971) are contained in 45 C.F.R. 70, entitled "Standards For A Merit System Of Personnel Administration." These rules appear to be flexible in granting local units of government authority to administer the programs. Specifically, with respect to compensation, the rules provide:

"§ 70.8 Compensation.

"(a) A plan of compensation for all classes of positions will be established and maintained on a current basis. The plan will include salary rates adjusted to the responsibility and difficulty of the work and will take into account the prevailing compensation for comparable positions in the recruiting areas and in other agencies of the Government and other relevant factors. It will provide for salary advancement for full-time permanent employees based upon quality and length of service and for other salary adjustments.

"(b) Compensation in a *local agency* will be governed by a compensation plan which, at the option of the State, is established by: a local government and covers other local agencies; the State and covers local grant-aided agencies; or the State and covers the agency responsible for State administration of Federal grants." (Emphasis added)

Further, with respect to organization of a merit system, the rules provide:

"§ 70.3 Merit system organization.

"(a) Any one of a variety of types of merit system organizations covering substantially all employees in a State

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or local government would meet the requirements of this section if it adequately provides for impartial administration and the system and its administration are in substantial conformity with these standards. The system will be administered by a qualified merit system executive who may be responsible to the chief executive, a top level official, or a board or commission.

“* * *

“(c) A local government may elect, at the option of the State, to cover grant-aided programs under a merit system serving other grant-aided agencies covered by the standards, such as a system serving State agencies, another city or county, or a group of local jurisdictions.”

Since sec. 49.50 (5), Stats., as amended by ch. 145, Laws of 1971, now clearly gives requesting counties the power to determine compensation and personnel standards for their county welfare agencies, largely independent of any approval of the Wisconsin Department of Health and Social Services, it is evident that the Department should re-examine its rules to eliminate any provisions which would appear to conflict with the proper exercise of local authority over such matters. In this regard, I should point out that the current rules, set forth in PW-PA 10.03, Wis. Adm. Code, appear to be generally more restrictive than is required by the Federal Rules. I note, for instance, that rule PW-PA 10.03 (4) still purports to set “minimum salary levels” for key positions within a county agency, while 45 C.F.R. 70.8 (b) of the Federal Rules obviously permits the compensation plan in a local welfare department to be guided by compensation in other county agencies rather than by state imposed standards. Likewise, rule PW-PA 10.03 (5) provides for a limitation upon recruitment, although no similar requirement is set forth in present county civil service laws or the Federal Rules. See secs. 59.07 (20) and 63.01-63.17, Wis. Stats., and 45 C.F.R. 70.1 (c), which provides, in part, that:

“... The Federal agencies are interested in the development and continued improvement of State and local merit systems but exercise *no* authority over the selection, tenure of office, or compensation of any individual employed in conformity with the provisions of such systems.” (Emphasis added)

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Counties or any other units of government needing help in setting up and maintaining a merit system, may receive advice from the Department of Health and Social Services pursuant to sec. 49.50 (6), Stats., and technical consultive assistance from HEW as provided under 45 C.F.R. 70.1 (f). If the rules and regulations of HEW are not substantially complied with, the Federal grant money may be withheld. 42 U.S.C.A. §§ 304, 605, 715, 1204 and 1384.

Sincerely yours,

ROBERT W. WARREN,
Attorney General.

CAPTION: Chapter 145, Laws of 1971, grants authority to county boards to establish the salary levels of county welfare personnel where authority to do so is properly delegated pursuant to rules established by the Department of Health and Social Services. The requirement that Federal standards must be complied with imposes a limitation on this power.

SPEAKER'S APPOINTMENTS

Wisconsin Legislature
Assembly Chamber
Madison 53702

November 27, 1972.

Pursuant to the authority vested in me under Assembly Rule 5 (11), and in compliance with Section 13.54 (1) of the Wisconsin Statutes, I herewith appoint to the Interstate Cooperation Commission the following legislator:

Representative Joseph Sweda (D—District 34)

NORMAN C. ANDERSON,
Speaker.

December 5, 1972.

Pursuant to the authority vested in me under Assembly Rule 5 (11), and in compliance with Section 15.105 (5) of the Wisconsin Statutes, I herewith appoint to the State

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Capitol and Executive Residence Board the following legislator:

Representative Gervase Hephner (D—District 6) to replace Representative Robert L. Jackson who has resigned from the assembly.

NORMAN C. ANDERSON,
Speaker.

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:

Motions Under Joint Rule 26:

A joint certificate of Congratulations by Senator Lotto; co-sponsored by Representative Schricker to Ben A. Hanneman on the occasion of his retirement and completion of an outstanding career dedicated to the service of good government;

A joint certificate of Congratulations by Senator Lotto; co-sponsored by Representative Quinn to Coach Dan Devine and the Green Bay Packers on the occasion of winning the Central Division Title.

Representative Earl asked unanimous consent that the motions be taken up at this time. Granted.

Representative McEssy asked unanimous consent that the entire membership be made co-authors of the motion relating to Coach Dan Devine and the Green Bay Packers. Granted.

Representative Schneider asked unanimous consent to be made a co-author of the motion relating to Ben Hanneman. Granted.

The question was: Concurrence in the motions under Joint Rule 26?

Motion carried.

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

MOTIONS

Representative Earl asked unanimous consent to introduce a resolution. Granted.

Assembly Resolution 64

Relating to memorializing the President of the United States, every member of the Congress of the United States, and each house of all State Legislatures for the purpose of achieving an immediate end to all hostilities in Southeast Asia.

Be it resolved by the Assembly of the Sovereign State of Wisconsin, That:

(1) This Assembly calls upon the President of the United States of America to immediately cease all hostilities in Southeast Asia and withdraw all troops and military materiel from Southeast Asia.

(2) This Assembly calls upon the Congress of the United States and, particularly, the Committee on Foreign Relations and the Appropriations Committee of the Congress of the United States, to reassert the control over foreign policy vested in the Congress of the United States by the United States Constitution.

And, *be it further resolved*, That properly enrolled copies of this resolution be transmitted by the Chief Clerk to the President of the United States, to the Committee on Foreign Relations of the United States, to every member of the United States Senate and the United States House of Representatives, and to each house of the State Legislatures of our 49 sovereign sister States.

Introduced by Representatives Miller, Anderson and Earl.

Representative Earl asked unanimous consent that the rules be suspended and that **Assembly Resolution 64** be taken up at this time. Granted.

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Assembly Resolution 64

Relating to memorializing the President of the United States, every member of the Congress of the United States, and each house of all State Legislatures for the purpose of achieving an immediate end to all hostilities in Southeast Asia.

Representative Shabaz moved that **Assembly Resolution 64** be laid on the table.

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

The question was: Shall **Assembly Resolution 64** be laid on the table?

The roll was taken.

The vote follows:

Ayes—Alberts, Atkinson, Azim, Bradley, Byers, Dorff, Ellis, Giese, Hephner, Klicka, Lewison, McDougal, McEssy, Merkel, Molinaro, Q u a c k e n b u s h , Roberts, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Thompson T. G., Tregoning, Wackett, Wilcox and Wilger—28.

Noes—Baldus, Barbee, Berger, Bolle, Conta, Czerwinski, Day, Dueholm, Duren, Earl, Early, E v e r s o n , Ferrall, Groshek, Grover, Hanson, Jackamonis, Johnson, Kleczka, Menos, Looby, Lynn, Mato, Mielke, Miller, Mittness, Mohn, Nager, O'Malley, Oberle, Oestreicher, Otte, Pabst, Rogers, Sanasarian, Schneider, Sicula, Stack, Sweda, Swoboda, Tobiasz, Vanderperren, Wahner, Willkom and Mr. Speaker—45.

Absent or not voting—Boeckmann, Brown, Bultman, Conradt, Froehlich, Gaulke, Greider, Guiles, Hanna, Helgeson, Barczak, Jones, Kafka, Korpela, LaFave, Luckhardt, Orlich, Quinn, Robertson, Rutkowski, Slaby, Stalbaum and Thompson R. M.—23.

Motion failed.

Representative Bultman asked unanimous consent to be recorded as voting "No". Granted.

Representative Roberts asked unanimous consent to be recorded as voting "No". Granted.

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LEAVES OF ABSENCE

Representative Shabaz asked unanimous consent for a leave of absence for today's session for Representative Robertson. Granted.

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

Assembly amendment 1 to Assembly Resolution 64 offered by Representative Schneider.

Representative Earl asked unanimous consent to speak on both the amendment and the resolution. Granted.

The question was: Adoption of assembly amendment 1 to Assembly Resolution 64?

The roll was taken.

The vote follows:

Ayes—Alberts, Atkinson, Azim, Berger, Bradley, Byers, Day, Duren, Ellis, Everson, Giese, Hephner, Jackamonis, Kleczka, Klicka, Lewison, Menos, McDougal, McEssy, Mato, Merkel, Mielke, Molinaro, Oberle, Otte, Pabst, Quackenbush, Schneider, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Stack, Swoboda, Thompson T. G., Tregoning, Wackett, Wilcox and Wilger—41.

Noes—Baldus, Barbee, Bolle, Bultman, Conta, Czerwinski, Dorff, Dueholm, Earl, Early, Ferrall, Groshek, Grover, Hanson, Johnson, Looby, Lynn, Miller, Mittness, Mohn, Nager, O'Malley, Oestreicher, Roberts, Rogers, Sanasarian, Sicula, Sweda, Tobiasz, Vanderperren, Wahner, Willkom and Mr. Speaker—33.

Absent or not voting—Boeckmann, Brown, Conradt, Froehlich, Gaulke, Greider, Guiles, Hanna, Helgeson, Barczak, Jones, Kafka, Korpela, LaFave, Luckhardt, Orlich, Quinn, Robertson, Rutkowski, Slaby, Stalbaum and Thompson R.M.—22.

Motion carried.

Assembly amendment 2 to Assembly Resolution 64 offered by Representative Hephner.

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Representative Miller asked unanimous consent to speak on both the amendment and the resolution. Granted.

The question was: Adoption of assembly amendment 2 to **Assembly Resolution 64**?

The roll was taken.

The vote follows:

Ayes—Alberts, Atkinson, Azim, Berger, Bolle, Bradley, Byers, Day, Dorff, Duren, Early, Ellis, Everson, Giese, Grover, Hephner, Jackamonis, Kleczka, Klicka, Lewison, Menos, Lynn, McDougal, McEssy, Mato, Merkel, Mielke, Molinaro, Pabst, Quackenbush, Roberts, Rogers, Schneider, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Stack, Sweda, Swoboda, Thompson T. G., Tobiasz, Tregoning, Wackett, Wilcox and Willkom—48.

Noes—Baldus, Barbee, Bultman, Conta, Czerwinski, Dueholm, Earl, Ferrall, Groshek, Hanson, Johnson, Looby, Miller, Mittness, Mohn, Nager, O'Malley, Oberle, Oestreicher, Otte, Sanasarian, Sricula, Vanderperren, Wahner and Mr. Speaker—25.

Absent or not voting—Boeckmann, Brown, Conradt, Froehlich, Gaulke, Greider, Guiles, Hanna, Helgeson, Barczak, Jones, Kafka, Korpela, LaFave, Luckhardt, Orlich, Quinn, Robertson, Rutkowski, Slaby, Stalbaum, Thompson R. M. and Wilger—23.

Motion carried.

Assembly amendment 3 to **Assembly Resolution 64** offered by Representatives Merkel, Klicka, Schroeder, Schowalter, Giese and Lewison.

Representative Sanasarian moved that **Assembly Resolution 64** be laid on the table.

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

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

The question was: Shall **Assembly Resolution 64** be laid on the table?

The roll was taken.

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The vote follows:

Ayes—Alberts, Atkinson, Azim, Bradley, Byers, Ellis, Everson, Giese, Klicka, Lewison, McDougal, McEssy, Merkel, Mittness, Quackenbush, Rogers, Sanasarian, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Thompson T. G., Tregoning, Wackett, Wilcox and Willkom—28.

Noes—Baldus, Barbee, Berger, Bolle, Bultman, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Ferrall, Groshek, Grover, Hanson, Hephner, Jackamonis, Johnson, Kleczka, Menos, Looby, Lynn, Mato, Mielke, Miller, Mohn, Molinaro, Nager, O'Malley, Oberle, Oestreicher, Otte, Pabst, Roberts, Schneider, Sricula, Stack, Sweda, Swoboda, Tobiasz, Vanderperren, Wahner and Mr. Speaker—45.

Absent or not voting—Boeckmann, Brown, Conradt, Froehlich, Gaulke, Greider, Guiles, Hanna, Helgeson, Barczak, Jones, Kafka, Korpela, LaFave, Luckhardt, Orlich, Quinn, Robertson, Rutkowski, Slaby, Stalbaum, Thompson R. M. and Wilger—23.

Motion failed.

Representative Barbee moved rejection of assembly amendment 3 to **Assembly Resolution 64**.

The question was: Rejection of assembly amendment 3 to **Assembly Resolution 64**?

The roll was taken.

The vote follows:

Ayes—Baldus, Barbee, Berger, Bolle, Bultman, Conta, Czerwinski, Day, Dorff, Dueholm, Earl, Early, Ferrall, Groshek, Grover, Hanson, Jackamonis, Johnson, Looby, Lynn, Mielke, Miller, Mittness, Mohn, Nager, O'Malley, Oberle, Oestreicher, Otte, Pabst, Roberts, Sanasarian, Sricula, Sweda, Tobiasz, Vanderperren, Wahner and Mr. Speaker—38.

Noes—Alberts, Atkinson, Azim, Bradley, Byers, Duren, Ellis, Everson, Giese, Hephner, Kleczka, Klicka, Lewison, Menos, McDougal, McEssy, Mato, Merkel, Molinaro, Quackenbush, Rogers, Schneider, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Stack, Swoboda,

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Thompson T. G., Tregoning, Wackett, Wilcox and Willkom—35.

Absent or not voting—Boeckmann, Brown, Conradt, Froehlich, Gaulke, Greider, Guiles, Hanna, Helgeson, Barczak, Jones, Kafka, Korpela, LaFave, Luckhardt, Orlich, Quinn, Robertson, Rutkowski, Slaby, Stalbaum, Thompson R. M. and Wilger—23.

Motion carried.

Assembly amendment 4 to Assembly Resolution 64 offered by Representatives Shabaz and Wackett.

Representative Shabaz moved a

CALL OF THE ASSEMBLY

There were sufficient seconds.

The sergeant-at-arms was directed to close the doors and the chief clerk to call the roll.

The chief clerk called the roll.

Members absent with leave—Conradt and Robertson—2.

Members absent without leave—Barczak, Boeckmann, Brown, Froehlich, Gaulke, Greider, Guiles, Hanna, Helgeson, Jones, Kafka, Korpela, LaFave, Luckhardt, Orlich, Quinn, Rutkowski, Schwefel, Slaby, Stalbaum, Thompson R. M. and Wilger—22.

Representative Earl asked unanimous consent for a leave of absence for all absent members.

Representative Shabaz objected.

Representative Earl moved that all absent members be granted leaves of absence.

The question was: Shall all absent members be granted leaves of absence?

The roll was taken.

The vote follows:

Ayes—Atkinson, Baldus, Barbee, Berger, Bolle, Bultman, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Ellis, Everson, Ferrall, Groshek, Grover, Hanson, Hephner, Jackamonis, Johnson, Kleczka, Menos, Looby,

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Lynn, McDougal, McEssy, Mato, Mielke, Miller, Mittness, Mohn, Nager, O'Malley, Oberle, Oestreicher, Otte, Pabst, Quackenbush, Rogers, Sanasarian, Schneider, Sricula, Stack, Sweda, Swoboda, Tobiasz, Vanderperren, Wahner, Willkom and Mr. Speaker—53.

Noes—Alberts, Azim, Bradley, Byers, Giese, Klicka, Lewison, Merkel, Molinaro, Schowalter, Schricker, Schroeder, Sensenbrenner, Shabaz, Thompson T. G., Tregoning, Wackett and Wilcox—18.

Absent or not voting—Boeckmann, Brown, Conradt, Froehlich, Gaulke, Greider, Guiles, Hanna, Helgeson, Barczak, Jones, Kafka, Korpela, LaFave, Luckhardt, Orlich, Quinn, Robertson, Roberts, Rutkowski, Schwefel, Slaby, Stalbaum, Thompson R. M. and Wilger—25.

Motion carried.

Representative Barbee moved rejection of assembly amendment 4 to **Assembly Resolution 64**.

The question was: Rejection of assembly amendment 4 to **Assembly Resolution 64**?

The roll was taken.

The vote follows:

Ayes—Baldus, Barbee, Berger, Bolle, Bultman, Conta, Czerwinski, Day, Dueholm, Duren, Earl, Early, Ferrall, Groshek, Grover, Hanson, Hephner, Jackamonis, Johnson, Kleczka, Menos, Looby, Lynn, Mielke, Miller, Mittness, Mohn, Molinaro, Nager, O'Malley, Oberle, Oestreicher, Otte, Pabst, Roberts, Sanasarian, Schneider, Sricula, Stack, Sweda, Swoboda, Tobiasz, Vanderperren, Wahner, Willkom and Mr. Speaker—46.

Noes—Alberts, Atkinson, Azim, Bradley, Byers, Dorff, Ellis, Everson, Giese, Klicka, Lewison, McDougal, McEssy, Mato, Merkel, Quackenbush, Quinn, Rogers, Schowalter, Schricker, Schroeder, Sensenbrenner, Shabaz, Thompson T. G., Tregoning, Wackett and Wilcox—27.

Absent or not voting—Boeckmann, Brown, Conradt, Froehlich, Gaulke, Greider, Guiles, Hanna, Helgeson, Barczak, Jones, Kafka, Korpela, LaFave, Luckhardt, Orlich, Robertson, Rutkowski, Schwefel, Slaby, Stalbaum, Thompson R. M. and Wilger—23.

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Motion carried.

Assembly amendment 5 to **Assembly Resolution 64** offered by Representative Merkel.

Representative Barbee moved rejection of assembly amendment 5 to **Assembly Resolution 64**.

The question was: Rejection of assembly amendment 5 to **Assembly Resolution 64**?

The roll was taken.

The vote follows:

Ayes—Baldus, Barbee, Berger, Bolle, Bultman, Conta, Czerwinski, Day, Dorff, Dueholm, Earl, Everson, Ferrall, Groshek, Grover, Hanson, Jackamonis, Johnson, Kleczka, Menos, Looby, Lynn, Mato, Mielke, Miller, Mohn, Molinaro, Nager, O'Malley, Oberle, Oestreicher, Otte, Pabst, Quackenbush, Roberts, Rogers, Sanasarian, Schneider, Sicula, Sweda, Tobiasz, Vanderperren, Wahner, Willkom and Mr. Speaker—45.

Noes—Alberts, Atkinson, Azim, Bradley, Byers, Duren, Ellis, Giese, Hephner, Klicka, Lewison, McDougal, McEssy, Merkel, Mittness, Quinn, Schowalter, Schricker, Schroeder, Sensenbrenner, Shabaz, Stack, Swoboda, Thompson T. G., Tregoning, Wackett and Wilcox—27.

Absent or not voting—Boeckmann, Brown, Conradt, Early, Froehlich, Gaulke, Greider, Guiles, Hanna, Helgeson, Barczak, Jones, Kafka, Korpela, LaFave, Luckhardt, Orlich, Robertson, Rutkowski, Schwefel, Slaby, Stalbaum, Thompson R. M. and Wilger—24.

Motion carried.

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

POINT OF ORDER

Representative Shabaz raised the point of order that **Assembly Resolution 64** was not properly before the assembly.

The speaker ruled the point of order not well taken.

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Representative Shabaz moved rejection of **Assembly Resolution 64**.

Representative Shabaz moved a

CALL OF THE ASSEMBLY

There were sufficient seconds.

The sergeant-at-arms was directed to close the doors and the chief clerk to call the roll.

The chief clerk called the roll.

Members absent with leave—Barczak, Boeckmann, Brown, Conradt, Froehlich, Gaulke, Greider, Guiles, Hanna, Helgeson, Jones, Kafka, Korpela, LaFave, Luckhardt, Orlich, Quinn, Robertson, Rutkowski, Schwefel, Slaby, Stalbaum, Thompson R. M. and Wilger—24.

Members absent without leave—Mielke—1.

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

Representative Shabaz objected.

Representative Earl asked unanimous consent for a leave of absence for Representative Mielke.

Representative Shabaz objected.

Representative Earl moved that Representative Mielke be granted a leave of absence.

POINT OF ORDER

Representative Shabaz raised the point of order that a leave of absence could be granted only by unanimous consent and not by a majority vote of the assembly.

The speaker ruled the point of order not well taken.

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

The question was: Shall Representative Mielke be granted a leave of absence?

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The roll was taken.

The vote follows:

Ayes—Atkinson, Baldus, Barbee, Berger, Bolle, Bultman, Byers, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Everson, Ferrall, Giese, Groshek, Grover, Hanson, Hephner, Jackamonis, Johnson, Kleczka, Menos, Looby, Lynn, McDougal, McEssy, Mato, Miller, Mittness, Mohn, Molinaro, Nager, O'Malley, Oberle, Oestreicher, Otte, Pabst, Quackenbush, R o b e r t s , Rogers, Rutkowski, Sanasarian, Schneider, Sricula, Stack, Sweda, Swoboda, Tobiasz, Vanderperren, Wahner, Willkom and Mr. Speaker—56.

Noes—Alberts, Azim, Bradley, Ellis, Klicka, Lewison, Merkel, Schowalter, Schricker, Schroeder, Sensenbrenner, Shabaz, Thompson T. G., Tregoning, Wackett and Wilcox—16.

Absent or not voting—Boeckmann, Brown, Conradt, Froehlich, Gaulke, Greider, Guiles, Hanna, Helgeson, Barczak, Jones, Kafka, Korpela, LaFave, Luckhardt, Mielke, Orlich, Quinn, Robertson, Schwefel, Slaby, Stalbaum, Thompson R. M. and Wilger—24.

Motion carried.

Assembly amendment 6 to Assembly Resolution 64 offered by Representative Merkel.

Representative Earl moved rejection of assembly amendment 6 to Assembly Resolution 64.

Representative Shabaz asked unanimous consent for a ten-minute recess. Granted.

1:35 P.M.

RECESS

1:55 P.M.

The assembly reconvened.

JOURNAL OF THE ASSEMBLY [January 1, 1973]

VISITORS

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

Edward Gingold from Madison, Wis., guest of Representative Nager.

Ernest A. Barbee (father) from Memphis, Tenn., Raymond L. Barbee (brother) from Madison, Wis., Daphne E. Barbee (daughter), Rustem A. Barbee (son), LeRoy Payne, Dr. Sean P. Keane, George Allez, Sina Thompson, and Isaac N. Coggs from Milwaukee, guests of Representative Barbee.

Representative Earl moved that the assembly adjourn sine die.

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

The question was: Adjournment?

The roll was taken.

The vote follows:

Ayes—Alberts, Atkinson, Baldus, Barbee, Berger, Bolle, Bradley, Bultman, Byers, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Ellis, Everson, Ferrall, Giese, Groshek, Grover, Hanson, Hephner, Barczak, Jackamonis, Johnson, Kleczka, Klicka, Lewison, Menos, Looby, Luckhardt, Lynn, McDougal, McEssy, Mato, Merkel, Mielke, Miller, Mittness, Mohn, Molinaro, Nager, O'Malley, Oberle, Oestreicher, Otte, Pabst, Quackenbush, Roberts, Rogers, Rutkowski, Sanasarian, Schneider, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Sricula, Stack, Sweda, Swoboda, Thompson T. G., Tobiasz, Vanderperren, Wackett, Wahner, Willkom and Mr. Speaker—73.

Noes—None.

Absent or not voting—Azim, Boeckmann, Brown, Conradt, Froehlich, Gaulke, Greider, Guiles, Hanna, Helgeson, Jones, Kafka, Korpela, LaFave, Orlich, Quinn, Robertson, Slaby, Stalbaum, Thompson R. M., Tregoning, Wilcox and Wilger—23.

Motion carried.

The assembly stood adjourned sine die.

2:00 P.M.