

STATE OF WISCONSIN

Assembly Journal

Eighty-First Regular Session

THURSDAY, February 8, 1973.

9:30 A.M.

The assembly met.

The speaker in the chair.

The prayer was offered by Reverend Robert Westenbroek, pastor of Geneva Chapel of the University of Wisconsin, 731 State Street, Madison, Wisconsin.

Representative Behnke led the membership in reciting the pledge of allegiance to the flag of the United States of America.

The roll was taken.

The result follows:

Present -- Alberts, Atkinson, Baldus, Barbee, Barczak, Behnke, Berger, Bolle, Bradley, Bruhy, Byers, Conradt, Conta, Cyrak, Czerwinski, Day, DeLong, Donoghue, Dorff, Dueholm, Duren, Earl, Early, Elconin, Ellis, Everson, Ferrall, Flintrop, Gibson, Giese, Gower, Groshek, Grover, Hauke, Hephner, Jackamonis, Johnson, Kedrowski, Keegan, Kincaid, Kleczka, Klicka, Lallensack, Lewis, Lewison, Looby, Luckhardt, McEssy, Matty, Menos, Merkel, Mielke, Miller, Mittness, Mohn, Molinaro, Munts, Murray, Niebler, Oberle, Oestreicher, Olson, O'Malley, Opitz, Otte, Pabst, Plewa, Porter, Quackenbush, Quinn, Roberts, Rogers, Rohner, Rooney, Roth, Rutkowski, Sanasarian, Schneider, Schricker, Schroeder, Sensenbrenner, Shabaz, Sricula, Sweda, Swoboda, Tesmer, Thompson, Tobiasz, Tregoning, Tropman, Vanderperren, Wackett, Wahner, Ward, Wilcox, Willkom and Mr. Speaker -- 97.

Absent -- None.

Absent with leave -- Azim and Nager -- 2.

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AMENDMENTS OFFERED

Assembly substitute amendment 1 to Assembly Bill 127 offered by Representatives Jackamonis and Barczak.

Assembly amendment 1 to Assembly Bill 136 offered by Representatives Jackamonis and Schneider.

Assembly amendment 1 to Assembly Bill 263 offered by Representative Gower.

Assembly amendment 2 to Assembly Bill 176 offered by Representative Olson.

Assembly amendment 1 to Assembly Bill 45 offered by Representative Schneider.

Assembly amendment 1 to Assembly Bill 189 offered by Representative Barbee.

Assembly amendment 2 to Assembly Bill 27 offered by Representative Sensenbrenner.

Assembly amendment 1 to Assembly Bill 146 offered by Representative Atkinson.

Assembly amendment 1 to Assembly Bill 169 offered by Representative Niebler.

Assembly substitute amendment 1 to Assembly Bill 56 offered by Representative Atkinson.

Assembly amendment 4 to Assembly Bill 219 offered by Representative Gower.

INTRODUCTION AND REFERENCE OF RESOLUTIONS

Read and referred:

JOURNAL OF THE ASSEMBLY (February 8, 1973)

Assembly Joint Resolution 35

Expressing the intent of the legislature that all persons work together for everlasting peace.

By Representatives THOMPSON, WILCOX, TREGONING, MATTY, SHABAZ, ALBERTS and EARL; co-sponsored by Senators JOHNSON and ROSELEIP.

To Calendar.

Assembly Joint Resolution 36

Requesting the department of natural resources to examine the practical uses of the Bong Base.

By Representatives OLSON and PORTER.

To committee on Natural Resources.

INTRODUCTION AND REFERENCE OF BILLS

Read first time and referred:

Assembly Bill 383

Relating to permitting counties under 500,000 to establish solid waste management systems operated by a solid waste management board.

By Representatives GOWER, VANDERPERREN, SWOBODA, BOLLE and ROGERS; co-sponsored by Senators LA FAVE, PETRI and MARTIN.

To committee on Environmental Quality.

Assembly Bill 384

Relating to income tax exemption for interest on earnings of prisoners of war.

By Representatives EARLY, OBERLE, ROBERTS, WILCOX, SCHRICKER, LALLENSACK, ROGERS, GROSHK, BYERS, BRADLEY, MATTY, KEEGAN, O'MALLEY, BRUHY, KINCAID, OLSON, DONOGHUE, DE LONG, SCHROEDER, LEWIS, QUACKENBUSH, ELLIS, DAY, MOHN and KEDROWSKI.

To Joint Survey Committee on Tax Exemptions.

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Assembly Bill 385

Relating to composition of the state teachers retirement board.

By Representatives THOMPSON, WILCOX, TREGONING and SENSENBRENNER.

To Joint Survey Committee on Retirement Systems.

Assembly Bill 386

Relating to temporary licenses for foreign physicians.

By Representatives SENSENBRENNER and CZERWINSKI.

To committee on Health and Social Services.

Assembly Bill 387

Relating to donating university of Wisconsin extension center and state university branch campus land and facilities to the board of regents.

By Representatives JACKAMONIS, NIEBLER, DUREN, BERGER, SCHROEDER, THOMPSON, MERKEL, RUTKOWSKI and MITTNESS; co-sponsored by Senator MURPHY.

To committee on Education.

Assembly Bill 388

Relating to requiring all territory in the state to be in school districts operating both elementary and high school grades and modification of state aid to school districts.

By LEGISLATIVE COUNCIL.

To committee on Education.

Assembly Bill 389

Relating to deleting certain rule-making authority of the secretary of health and social services in regard to community mental health, mental retardation, alcoholism and drug abuse services.

By Representatives GOWER, LUCKHARDT, BRUHY, NIEBLER and CYRAK.

To committee on Health and Social Services.

Assembly Bill 390

Relating to prohibiting shining of wild animals.

By Representatives OESTREICHER, HEPHNER, EARLY, SCHRICKER, BYERS, GROSHEK, VANDERPERRÉN, MOHN, KEDROWSKI, DONOGHUE, ROHNER, OBERLE and BOLLE.

To committee on Natural Resources.

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Assembly Bill 391

Authorizing actions by county welfare officials to require support for a spouse or children who are receiving public aid.

By Representatives TESMER, KEEGAN, SENSENBRENNER, PLEWA, HAUKE, SHABAZ, RUTKOWSKI, CYRAK and MOHN; co-sponsored by Senator FRANK, by request of Milwaukee County.

To committee on Health and Social Services.

Assembly Bill 392

Relating to law enforcement officers' bill of rights, and providing a penalty.

By Representatives BERGER, WAHNER, MIELKE, PLEWA, KLECZKA, DORFF, FLINTROP, SANASARIAN, ELCONIN, MENOS, PABST, SICULA, CONTA, TESMER and MOHN; co-sponsored by Senators LA FAVE, DEVITT, SCHUELE, PARYS, FLYNN, M. SWAN, MC KENNA and LA FOLLETTE, by request of Metro Police Brotherhood.

To committee on Judiciary.

Assembly Bill 393

Relating to tax exemption on church property.

By Representative BARBEE.

To Joint Survey Committee on Tax Exemptions.

Assembly Bill 394

Relating to organizing a newly elected legislature.

By Representative ANDERSON; co-sponsored by Senator KNOWLES, by request of Joint Committee on Legislative Organization.

To Calendar.

Assembly Bill 395

Relating to highway weight limitation enforcement tolerances.

By Representatives CONRADT, BYERS, MC ESSY, VANDERPERRIN and BOLLE.

To committee on Highways.

Assembly Bill 396

Relating to furnishing water and sewer service to private property from the Grand Army home for veterans at King.

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By Representatives BYERS, SCHRICKER, EARL, EARLY and GROSHEK.

To committee on Veterans and Military Affairs.

Assembly Bill 397

Relating to paying aids to municipalities for state-owned lands leased to the federal government and making an appropriation.

By Representative THOMPSON.

To committee on State Affairs.

Assembly Bill 398

Relating to establishment of a correctional program for youthful offenders.

By Representative THOMPSON.

To committee on Judiciary.

Assembly Bill 399

Relating to an annual fee for the use of studded tires to be collected by the division of motor vehicles and providing a penalty.

By Representative MITTNESS.

To committee on Highways.

Assembly Bill 400

Relating to mandatory use of seat belts and providing a penalty.

By Representatives MITTNESS and SCHNEIDER.

To committee on Transportation.

Assembly Bill 401

Relating to the creation of a crime and rescue victims compensation commission, granting rule-making authority, making an appropriation and providing a penalty.

By Representatives MITTNESS, FERRALL, CZERWINSKI, LOOBY and MIELKE; co-sponsored by Senator THOMPSON.

To committee on Judiciary.

Assembly Bill 402

Relating to bear hunting licenses.

By Representatives MATTY, KINCAID, SCHRICKER, BYERS, ROHNER, BRADLEY, TREGONING, PORTER, CYRAK, NIEBLER, BRUHY, SCHROEDER, LEWIS, GIBSON, ROTH, QUACKENBUSH, THOMPSON and MITTNESS; co-sponsored by Senator LA FAVE.

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To committee on Natural Resources.

Assembly Bill 403

Relating to speed limits for commercial vehicles.

By Representatives GROSHEK, MOHN, DAY, SCHNEIDER, OESTREICHER, MC ESSY, CONRADT and SWEDA.

To committee on Transportation.

Assembly Bill 404

Relating to proration of homestead tax relief credit.

By Representatives GROSHEK, LALLENSACK, KLECZKA, KEDROWSKI, OESTREICHER and HEPHNER.

To committee on Taxation.

Assembly Bill 405

Relating to homestead tax relief for elderly persons.

By Representative GROSHEK.

To committee on Taxation.

Assembly Bill 406

Relating to partial sales tax exemption of sales by certain blind persons.

By Representative GROSHEK.

To Joint Survey Committee on Tax Exemptions.

Assembly Bill 407

Relating to the procedure for inclusion of municipalities in the county assessor system.

By Representatives OLSON, ROHNER, PORTER, WILCOX, VANDERPERREN, ATKINSON, DAY, OBERLE, BYERS, SCHRICKER, CONRADT, BRADLEY, LUCKHARDT, SENSENBRENNER, ROBERTS, DE LONG, KINCAID, BRUHY, GOWER, OPITZ, GIBSON, MERKEL, TREGONING, SCHROEDER and KLICKA.

To committee on Taxation.

Assembly Bill 408

Relating to a reservation system for campgrounds and campsite fees.

By Representatives MITTNESS and ANDERSON; co-sponsored by Senator THOMPSON.

To committee on Natural Resources.

SPEAKER'S APPOINTMENTS

Wisconsin Legislature
Assembly Chambers
Madison
53702

February 7, 1973

As of this date, Representative Walter L. Ward (D-District 17) has been appointed to serve on the Committee on Municipalities to replace Representative Virgil Roberts.

NORMAN C. ANDERSON,
Speaker

COMMITTEE REPORTS

The committee on Commerce and Consumer Affairs reports and recommends:

Assembly Bill 355

Relating to various changes in the Wisconsin consumer act.

Passage: Ayes (11) Noes: (0)

HAROUT O. SANASARIAN,
Chairman

Representative Earl asked unanimous consent that **Assembly Bill 355** be made a special order of business at 11:45 A.M. today. Granted.

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

The committee on Judiciary reports and recommends:

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Assembly Bill 92

Relating to the shielding of communications to newsmen.

Assembly substitute amendment 3, Introduction:

Ayes: (6); Noes: (5).

Assembly substitute amendment 3, Adoption:

Ayes: (6); Noes: (5).

Passage: Ayes: (6); Noes: (5).

LLOYD A. BARBEE,
Chairman

The committee on Health and Social Services reports and recommends:

Assembly Bill 238

AN ACT to temporarily waive certain requirements for foreign physicians to practice in Wisconsin for Dr. Esteban Alejo.

Passage: Ayes (10) Noes (1)

Assembly Bill 263

Relating to leave for qualified inmates for certain specified purposes.

Passage: Ayes (8) Noes (3)

JOSEPH C. CZERWINSKI,
Chairman

The committee on Natural Resources reports and recommends:

Assembly Bill 116

Relating to firearms safety training.

Adoption, assembly amendment 1:

Ayes (11) Noes (0)

Passage: Ayes (11) Noes (0)

LEWIS T. MITTNESS,
Chairman

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MESSAGE FROM THE SENATE

By William P. Nugent, chief clerk.

Mr. Speaker:

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

Motion under joint rule 26,

A Joint Certificate of Commendation by Representative Sensenbrenner; co-sponsored by Senator Kasten for George W. Sistik on his retirement as custodian of Shorewood's Hubbard Lodge;

A Joint Certificate of Commendation by Representative Sensenbrenner; co-sponsored by Senator Kasten for Norman B. Hammermeister on his retirement from the Whitefish Bay School Board;

A Joint Certificate of Condolence by Representative Tesmer; co-sponsored by Senator Frank for Mrs. Jennifer Smith and the Family of Charles T. Smith on the occasion of his death;

A Joint Certificate of Condolence by the entire Membership of the Assembly; co-sponsored by Senator Frank for Mrs. Helen Hempe and the family of Gerald William Hempe on the occasion of his death; and

A Joint Certificate of Condolence by Representatives Tesmer and Rutkowski; co-sponsored by Senator Frank for Mr. and Mrs. Sylvester Sijan and family on the death of their son Lance Sijan.

Adopted and asks concurrence in:

Senate Joint Resolution 9

Passed and asks concurrence in:

Senate Bill 4,

Senate Bill 5,

Senate Bill 6,

Senate Bill 7,

Senate Bill 8,

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Senate Bill 26,

Senate Bill 30,

Senate Bill 31,

Senate Bill 33,

Senate Bill 47, and

Senate Bill 55.

ACTION ON THE SENATE MESSAGE

Senate Joint Resolution 9

Relating to the authorization of bingo for certain purposes (2nd consideration).

To Calendar.

Senate Bill 4

An act to appropriate \$732 from the general fund for payment of a claim by Orpha Pearl Price, executrix of the estate of James B. Price, deceased, against the state.

To Calendar.

Senate Bill 5

An act to appropriate \$1,746 from the general fund for payment of a claim by Gerald Thomas against the state.

To Calendar.

Senate Bill 6

To appropriate \$4,522.04 from the segregated highway fund for payment of a claim by United Contractors, Inc. against the state.

To Calendar.

Senate Bill 7

To appropriate \$1,735 from the segregated highway fund for payment of a claim by Mrs. Elsie Blum against the state.

To Calendar.

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Senate Bill 8

To appropriate \$8,617.87 from the highway fund for payment of a claim made by F. F. Mengel Co. against the state.

To Calendar.

Senate Bill 26

Relating to revising state life and property insurance and the state indemnity fund, granting rule-making authority and making appropriations.

To committee on Insurance and Banking.

Senate Bill 30

Relating to discretionary commitment for sex crimes offenders.

To committee on Judiciary.

Senate Bill 31

Relating to placement of persons convicted of sex crimes at sex crimes facilities and allowing credit for time served at such facilities.

To committee on Judiciary.

Senate Bill 33

To appropriate \$1,317 from the general fund for payment of a claim by the city of Waupun against the state.

To Calendar.

Senate Bill 47

Relating to senate rejection of gubernatorial appointments to state offices.

To committee on State Affairs.

Senate Bill 55

An act to appropriate \$21,780.53 from the general fund for payment of a claim made by the city of Milwaukee against the state.

To Calendar.

MOTION UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

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Know you by these presents:

Whereas, Sergeant Edward W. Kelzenberg, former assistant Sergeant-at-arms of the Assembly, died suddenly at the age of 69, and

Whereas, Sergeant Kelzenberg served for 26 years in the Dane County traffic department and as a county court officer and a director of Dane County Humane Society, and

Whereas, he began work in the Dane County sheriff's department in 1928, and served the county until his retirement in 1966, and

Whereas, with Mr. Kelzenberg's death, the Legislature loses a good friend and faithful employe; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representatives Thompson, Shabaz and Alberts and Senator Johnson, under Joint Rule 26, expresses its sincere sadness at the death of Edward W. Kelzenberg, and shares in the loss of his family; and

Be it further resolved, that duly attested copies of this resolution be transmitted to Mrs. Jerome G. Johnson of Saratoga, California, Mrs. N. Robert Stoll of Portland, Oregon and Mr. S. J. Kelzenberg of Madison, daughters and brother who survive the deceased.

Representative Berger asked unanimous consent to be made a co-author of the motion under joint rule 26. Granted.

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.

MOTION UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

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Whereas, Peter C. Senn, Campbellsport, has contributed many years of outstanding service to agriculture, and

Whereas, Peter C. Senn has for many years served with dedication on the Board of Directors of the Short Course Alumni Association and as President of the Board, and

Whereas, Peter C. Senn is this year's recipient of the Board's Service to Agriculture Award; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representative James Lewis and Senator Walter G. Hollander, under Joint Rule 26, join in congratulating Peter C. Senn for being honored for his exceptional work and service in the field of agriculture.

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

Representative Sensenbrenner moved reconsideration of the vote by which **Assembly Resolution 14** was adopted. Entered.

Representative Ferrall asked unanimous consent that **Assembly Bill 330** be withdrawn from the committee on Judiciary and referred to the committee on Education.

Representative Shabaz objected.

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

Representative Ferrall moved that the rules be suspended and **Assembly Bill 330** be withdrawn from the committee on Judiciary and referred to the committee on Education.

The question was: Shall the rules be suspended and **Assembly Bill 330** be withdrawn from the committee on Judiciary and referred to the committee on Education?

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The roll was taken.

The result follows:

Ayes -- Baldus, Barbee, Barczak, Behnke, Berger, Bolle, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Elconin, Everson, Ferrall, Flintrop, Groshek, Grover, Hauke, Hephner, Jackamonis, Johnson, Kedrowski, Kleczka, Lallensack, Lewison, Looby, Menos, Mielke, Miller, Mittness, Molinaro, Munts, Murray, Oberle, Oestreicher, O'Malley, Otte, Roberts, Rogers, Rooney, Rutkowski, Sanasarian, Schneider, Sicula, Sweda, Swoboda, Tesmer, Tobiasz, Tropman, Vanderperren, Ward, Willkom and Mr. Speaker -- 56.

Noes -- Alberts, Atkinson, Bradley, Bruhy, Byers, Conradt, Cyrak, DeLong, Donoghue, Ellis, Gibson, Giese, Gower, Keegan, Kincaid, Klicka, Lewis, Luckhardt, McEssy, Matty, Merkel, Mohn, Niebler, Olson, Opitz, Pabst, Plewa, Porter, Quackenbush, Quinn, Rohner, Roth, Schricker, Schroeder, Sensenbrenner, Shabaz, Thompson, Tregoning, Wackett, Wahner and Wilcox -- 41.

Absent or not voting -- Azim and Nager -- 2.

Motion failed.

Representative Olson asked unanimous consent that assembly amendment 2 to **Assembly Bill 176** be withdrawn and returned to the author. Granted.

Representative Duren asked unanimous consent to take **Assembly Resolution 9** from the table and take it up at this time.

Representative Pabst objected.

Representative Duren moved that **Assembly Resolution 9** be taken from the table and taken up at this time.

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

The question was: Shall **Assembly Resolution 9** be taken from the table and taken up at this time?

The roll was taken.

The result follows:

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Ayes -- Alberts, Barbee, Bradley, Byers, Cyrak, Ducholm, Duren, Earl, Early, Elconin, Ferrall, Flintrop, Gibson, Giese, Hephner, Lallensack, Lewis, Menos, Merkel, Mielke, Mittness, Mohn, Munts, Murray, Olson, Opitz, Otte, Plewa, Porter, Quackenbush, Quinn, Rogers, Rohner, Roth, Rutkowski, Schneider, Schricker, Schroeder, Sricula, Swoboda, Tesmer, Tregoning, Wackett, Wahner, Ward, Wilcox, Willkom and Mr. Speaker -- 48.

Noes -- Atkinson, Baldus, Barczak, Behnke, Berger, Bolle, Bruhy, Conradt, Conta, Czerwinski, Day, DeLong, Donoghue, Dorff, Ellis, Everson, Gower, Groshek, Grover, Hauke, Jackamonis, Johnson, Kedrowski, Keegan, Kincaid, Kleczka, Klicka, Lewison, Looby, Luckhardt, McEssy, Matty, Miller, Molinaro, Niebler, Oberle, Oestreicher, O'Malley, Pabst, Roberts, Rooney, Sanasarian, Sensenbrenner, Shabaz, Sweda, Thompson, Tobiasz, Tropman and Vanderperren -- 49.

Absent or not voting -- Azim and Nager -- 2.

Motion failed.

CALENDAR OF FRIDAY, FEBRUARY 2, 1973

Assembly Resolution 16

Relating to decorum in the assembly chamber.

Assembly amendment 1 to **Assembly Resolution 16** offered by Representative Duren.

Representative Merkel moved rejection of assembly amendment 1 to **Assembly Resolution 16**.

The question was: Shall assembly amendment 1 to **Assembly Resolution 16** be rejected?

The roll was taken.

The result follows:

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Ayes -- Alberts, Atkinson, Baldus, Behnke, Byers, Conradt, Conta, Cyrak, Czerwinski, DeLong, Donoghue, Dorff, Earl, Early, Elconin, Ellis, Ferrall, Grover, Hauke, Hephner, Johnson, Kedrowski, Keegan, Kleczka, Klicka, Lallensack, Lewis, Lewison, Looby, Matty, Menos, Merkel, Miller, Mittness, Murray, Niebler, Oestreicher, Olson, O'Malley, Opitz, Plewa, Porter, Quackenbush, Quinn, Roberts, Rohner, Roth, Rutkowski, Schricker, Schroeder, Sensenbrenner, Sicula, Sweda, Swoboda, Tesmer, Thompson, Tregoning, Tropman, Vanderperren, Wackett, Ward and Wilcox -- 62.

Noes -- Barbee, Barczak, Berger, Bolle, Bradley, Bruhy, Day, Dueholm, Duren, Flintrop, Giese, Gower, Groshek, Jackamonis, Kincaid, Luckhardt, McEssy, Mielke, Mohn, Molinaro, Munts, Oberle, Otte, Pabst, Rogers, Rooney, Sanasarian, Schneider, Shabaz, Tobiasz, Wahner, Willkom and Mr. Speaker -- 33.

Absent or not voting -- Azim, Everson, Gibson and Nager -- 4.

Motion carried.

Representative Molinaro moved that **Assembly Resolution 16** be referred to the committee on State Affairs.

The question was: Shall **Assembly Resolution 16** be referred to the committee on State Affairs?

The roll was taken.

The result follows:

Ayes -- Atkinson, Barczak, Berger, Conta, Czerwinski, Day, Dorff, Groshek, Grover, Hauke, Hephner, Jackamonis, Johnson, Keegan, Lallensack, Lewis, Looby, Luckhardt, McEssy, Matty, Menos, Mielke, Miller, Mohn, Molinaro, Murray, Niebler, Oberle, Oestreicher, O'Malley, Pabst, Plewa, Quackenbush, Rooney, Sanasarian, Schroeder, Sicula, Sweda, Tobiasz, Tropman and Wahner -- 41.

Noes -- Alberts, Baldus, Barbee, Behnke, Bolle, Bradley, Bruhy, Byers, Conradt, Cyrak, DeLong, Donoghue, Dueholm, Duren, Earl, Early, Elconin, Ellis, Everson, Ferrall, Flintrop, Gibson, Giese, Gower, Kedrowski, Kincaid, Kleczka, Klicka, Lewison, Merkel, Mittness, Munts, Olson, Opitz, Otte, Porter, Quinn, Roberts,

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Rogers, Rohner, Roth, Rutkowski, Schneider, Schricker, Sensenbrenner, Shabaz, Swoboda, Tesmer, Thompson, Tregoning, Vanderperren, Wackett, Ward, Wilcox, Willkom and Mr. Speaker -- 56.

Absent or not voting -- Azim and Nager -- 2.

Motion failed.

Representative Hephner moved rejection of Assembly Resolution 16.

The question was: Shall Assembly Resolution 16 be rejected?

The roll was taken.

The result follows:

Ayes -- Barczak, Behnke, Berger, Bolle, Bruhy, Conta, Czerwinski, Day, Dorff, Ferrall, Flintrop, Groshek, Grover, Hauke, Hephner, Jackamonis, Johnson, Kedrowski, Keegan, Kincaid, Lallensack, Lewis, Looby, Luckhardt, McEssy, Matty, Menos, Mielke, Miller, Mohn, Molinaro, Oberle, Oestreicher, O'Malley, Pabst, Plewa, Quackenbush, Roberts, Rooney, Sanasarian, Schroeder, Sicula, Sweda, Swoboda, Tobiasz, Tropman, Vanderperren, Wahner and Ward -- 49.

Noes -- Alberts, Atkinson, Baldus, Barbee, Bradley, Byers, Conratt, Cyrak, DeLong, Donoghue, Dueholm, Duren, Earl, Early, Elconin, Ellis, Everson, Gibson, Giese, Gower, Kleczka, Klicka, Lewison, Merkel, Mittness, Munts, Murray, Niebler, Olson, Opitz, Otte, Quinn, Rogers, Rohner, Roth, Rutkowski, Schneider, Schricker, Sensenbrenner, Shabaz, Thompson, Tregoning, Wackett, Wilcox, Willkom and Mr. Speaker -- 46.

Absent or not voting -- Azim, Nager, Porter and Tesmer -- 4.

Motion carried.

SECOND READING AND AMENDMENT
OF ASSEMBLY BILLS

Assembly Bill 219

Relating to indecent articles and family planning, and providing a penalty.

Representative Gower moved that **Assembly Bill 219** be referred to the committee on Health and Social Services.

The question was: Shall **Assembly Bill 219** be referred to the committee on Health and Social Services?

The roll was taken.

The result follows:

Ayes -- Atkinson, Bolle, Bruhy, Dorff, Duren, Gower, Hauke, Hephner, Keegan, Kincaid, Kleczka, Klicka, Lewison, McEssy, Merkel, Molinaro, Murray, Oberle, Olson, Otte, Plewa, Porter, Rogers, Rohner, Rooney, Roth, Shabaz, Tobiasz, Vanderperren and Wackett -- 30.

Noes -- Alberts, Baldus, Barbee, Barczak, Behnke, Berger, Bradley, Byers, Conradt, Conta, Cyrak, Czerwinski, Day, DeLong, Donoghue, Dueholm, Earl, Early, Elconin, Ellis, Everson, Ferrall, Flintrop, Gibson, Giese, Groshek, Grover, Jackamonis, Johnson, Kedrowski, Lallensack, Lewis, Looby, Luckhardt, Matty, Menos, Mielke, Miller, Mittness, Mohn, Munts, Niebler, Oestreicher, Opitz, Pabst, Quackenbush, Quinn, Roberts, Rutkowski, Sanasarian, Schneider, Schricker, Schroeder, Sensenbrenner, Sicala, Sweda, Swoboda, Tesmer, Thompson, Tregoning, Tropman, Wahner, Ward, Wilcox, Willkom and Mr. Speaker -- 66.

Absent or not voting -- Azim, Nager and O'Malley -- 3.

Motion failed.

Representative Merkel asked unanimous consent that **Assembly Bill 219** be placed at the foot of the calendar of Tuesday, February 6.

Representative Conta objected.

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Representative Merkel moved that **Assembly Bill 219** be placed at the foot of the calendar of Tuesday, February 6.

The question was: Shall **Assembly Bill 219** be placed at the foot of the calendar of Tuesday, February 6?

The roll was taken.

The result follows:

Ayes -- Atkinson, Bolle, Bruhy, Conradt, DeLong, Dorff, Duren, Gower, Hauke, Hephner, Keegan, Kincaid, Kleczka, Klicka, Lallensack, Lewison, McEssy, Merkel, Molinaro, Murray, Niebler, Oberle, Olson, Otte, Plewa, Porter, Quinn, Rogers, Rohner, Roth, Schroeder, Shabaz, Tobiasz, Tregoning and Wackett -- 35.

Noes -- Alberts, Baldus, Barbee, Barczak, Behnke, Berger, Bradley, Byers, Conta, Cyrak, Czerwinski, Day, Donoghue, Dueholm, Earl, Early, Elconin, Ellis, Everson, Ferrall, Flintrop, Gibson, Giese, Groshek, Grover, Jackamonis, Johnson, Kedrowski, Lewis, Looby, Luckhardt, Menos, Mielke, Miller, Mittness, Mohn, Munts, Oestreicher, O'Malley, Opitz, Pabst, Quackenbush, Roberts, Rooney, Rutkowski, Sanasarian, Schneider, Schricker, Sensenbrenner, Sricula, Swoboda, Tesmer, Thompson, Tropman, Vanderperren, Wahner, Ward, Willkom and Mr. Speaker -- 59.

Absent or not voting -- Azim, Matty, Nager, Sweda and Wilcox -- 5.

Motion failed.

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

Representative Conta asked unanimous consent for two minutes to conclude his remarks. Granted.

Representative Conta moved rejection of assembly amendment 1 to **Assembly Bill 219**.

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

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

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Representative Merkel asked unanimous consent for one minute to conclude his remarks. Granted.

POINT OF ORDER

Representative Niebler rose to the point of order that the twenty minutes allowed for discussion of the question had not elapsed.

The speaker ruled the point of order not well taken.

Representative Niebler asked unanimous consent to make a statement.

Representative Earl objected.

Representative Shabaz moved that the rules be suspended and that Representative Niebler be allowed to make a statement.

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

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

The question was: Shall the rules be suspended to allow Representative Niebler to make a statement?

The roll was taken.

The result follows:

Ayes -- Alberts, Atkinson, Bruhy, Byers, Conradt, Cyrak, Czerwinski, DeLong, Donoghue, Dueholm, Ellis, Gibson, Gower, Kincaid, Kleczka, Klicka, Lewis, Luckhardt, Matty, Merkel, Niebler, Oberle, Olson, Opitz, Plewa, Porter, Quackenbush, Quinn, Rohner, Roth, Schricker, Schroeder, Sensenbrenner, Shabaz, Tesmer, Thompson, Tregoning, Wackett and Wilcox -- 39.

Noes -- Baldus, Barbee, Barczak, Behnke, Berger, Bolle, Bradley, Conta, Day, Dorff, Duren, Earl, Early, Elconin, Everson, Ferrall, Flintrop, Groshek, Grover, Hauke, Hephner, Jackamonis, Johnson, Kedrowski, Keegan, Lallensack, Looby, Menos, Mielke, Miller, Mittness, Mohn, Molinaro, Munts, Murray, Oestreich,

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O'Malley, Otte, Pabst, Roberts, Rogers, Rooney, Rutkowski, Sanasarian, Schneider, Sicula, Sweda, Swoboda, Tobiasz, Tropman, Vanderperren, Wahner, Ward, Willkom and Mr. Speaker -- 55.

Absent or not voting -- Azim, Giese, Lewison, McEssy and Nager -- 5.

Motion failed.

Representative Shabaz moved that **Assembly Bill 219** be referred to the committee on Judiciary.

The question was: Shall **Assembly Bill 219** be referred to the committee on Judiciary?

The roll was taken.

The result follows:

Ayes -- Alberts, Atkinson, Bolle, Bradley, Bruhy, Byers, Conradt, Cyrak, DeLong, Dorff, Duren, Gibson, Gower, Hephner, Keegan, Kincaid, Kleczka, Klicka, Lallensack, Lewison, Luckhardt, McEssy, Matty, Merkel, Molinaro, Oberle, Olson, Otte, Pabst, Plewa, Porter, Quinn, Rogers, Rohner, Roth, Shabaz, Thompson, Tobiasz, Tregoning, Vanderperren and Wackett -- 41.

Noes -- Baldus, Barbee, Barczak, Behnke, Berger, Conta, Czerwinski, Day, Donoghue, Dueholm, Earl, Early, Elconin, Ellis, Everson, Ferrall, Flintrop, Groshek, Grover, Hauke, Jackamonis, Johnson, Kedrowski, Lewis, Looby, Menos, Mielke, Miller, Mittness, Mohn, Munts, Murray, Niebler, Oestreicher, Opitz, Quackenbush, Roberts, Rooney, Rutkowski, Sanasarian, Schneider, Schricker, Schroeder, Sensenbrenner, Sicula, Sweda, Swoboda, Tesmer, Tropman, Wahner, Ward, Wilcox, Willkom and Mr. Speaker -- 54.

Absent or not voting -- Azim, Giese, Nager and O'Malley -- 4.

Motion failed.

The question was: Shall assembly amendment 1 to **Assembly Bill 219** be rejected?

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The roll was taken.

The result follows:

Ayes -- Baldus, Barbee, Berger, Conta, Cyrak, Czerwinski, Donoghue, Dueholm, Earl, Ferrall, Flintrop, Grover, Johnson, Keegan, Klicka, Looby, Merkel, Mielke, Miller, Mittness, Mohn, Munts, Rooney, Rutkowski, Sanasarian Sicula, Tesmer, Thompson, Tropman, Wackett and Mr. Speaker -- 31.

Noes -- Alberts, Atkinson, Barczak, Behnke, Bolle, Bradley, Bruhy, Byers, Day, DeLong, Dorff, Duren, Early, Elconin, Ellis, Everson, Gibson, Gower, Groshek, Hauke, Hephner, Jackamonis, Kedrowski, Kincaid, Kleczka, Lallensack, Lewis, Lewison, Luckhardt, McEssy, Matty, Menos, Molinaro, Murray, Niebler, Oberle, Oestreicher, Olson, O'Malley, Opitz, Otte, Pabst, Plewa, Porter, Quackenbush, Quinn, Roberts, Rogers, Rohner, Roth, Schneider, Schricker, Schroeder, Sensenbrenner, Shabaz, Swoboda, Tobiasz, Tregoning, Vanderperren, Wahner, Ward, Wilcox and Willkom -- 63.

Absent or not voting -- Azim, Conradt, Giese, Nager and Sweda -- 5.

Motion failed.

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

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

The question was: Shall assembly amendment 1 to Assembly Bill 219 be adopted?

The roll was taken.

The result follows:

Ayes -- Alberts, Atkinson, Behnke, Bolle, Bradley, Bruhy, Byers, Conradt, Day, DeLong, Dorff, Duren, Early, Elconin, Ellis, Everson, Gibson, Gower, Groshek, Hauke, Hephner, Jackamonis, Kedrowski, Keegan, Kincaid, Kleczka, Klicka, Lallensack, Lewis, Lewison, Luckhardt, McEssy, Matty, Menos, Mielke, Mittness, Molinaro, Murray, Niebler, Oberle, Oestreicher, Olson, O'Malley,

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Opitz, Pabst, Plewa, Porter, Quackenbush, Quinn, Rogers, Rohner, Roth, Rutkowski, Schneider, Schricker, Schroeder, Sensenbrenner, Shabaz, Swoboda, Tesmer, Tobiasz, Tregoning, Vanderperren, Wackett, Wahner, Ward, Wilcox and Willkom -- 68.

Noes -- Baldus, Barbee, Barczak, Berger, Conta, Cyrak, Czerwinski, Donoghue, Dueholm, Earl, Ferrall, Flintrop, Grover, Johnson, Looby, Merkel, Miller, Mohn, Munts, Otte, Roberts, Rooney, Sanasarian, Sricula, Thompson, Tropman and Mr. Speaker -- 27.

Absent or not voting -- Azim, Giese, Nager and Sweda -- 4.

Motion carried.

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

POINT OF ORDER

Representative Ferrall rose to the point of order that assembly amendment 2 to **Assembly Bill 219** was not germane under rule 55.

The chair took the point of order under advisement.

Representative Earl called the attention of the chair to the fact that the hour of 11:45 A.M. had arrived.

SPECIAL ORDER OF BUSINESS AT 11:45 A.M. ON THURSDAY, FEBRUARY 8

Assembly Bill 355

Relating to various changes in the Wisconsin consumer act.

Assembly amendment 1 to **Assembly Bill 355** offered by Representatives Cyrak, Shabaz, Wackett, Giese, Alberts, Thompson, Luckhardt, Opitz, Merkel, Gibson, Bruhy, Gower, Bradley, Schroeder, Conradt, Roth, Lewis, Matty, Rohner, Lewison, Klicka, Sensenbrenner and De Long.

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Representative Earl moved rejection of assembly amendment 1 to **Assembly Bill 355**.

The question was: Shall assembly amendment 1 to **Assembly Bill 355** be rejected?

The roll was taken.

The result follows:

Ayes -- Baldus, Barbee, Barczak, Behnke, Berger, Bolle, Conta, Day, Dorff, Dueholm, Duren, Earl, Early, Elconin, Everson, Ferrall, Flintrop, Groshek, Grover, Hauke, Jackamonis, Kedrowski, Keegan, Kleczka, Lallensack, Looby, Mielke, Miller, Mittness, Mohn, Molinaro, Murray, Oberle, Oestreicher, O'Malley, Otte, Pabst, Plewa, Porter, Roberts, Rogers, Rooney, Rutkowski, Sanasarian, Sicula, Sweda, Tobiasz, Tropman, Vanderperren, Wahner, Ward and Mr. Speaker -- 52.

Noes -- Alberts, Atkinson, Bradley, Bruhy, Byers, Conradt, Cyrak, Czerwinski, DeLong, Donoghue, Ellis, Gibson, Giese, Gower, Hephner, Johnson, Kincaid, Klicka, Lewis, Lewison, Luckhardt, McEssy, Matty, Menos, Merkel, Munts, Niebler, Olson, Opitz, Quackenbush, Quinn, Rohner, Roth, Schneider, Schricker, Schroeder, Sensenbrenner, Shabaz, Swoboda, Tesmer, Thompson, Tregoning, Wackett, Wilcox and Willkom -- 45.

Absent or not voting -- Azim and Nager -- 2.

Motion carried.

The question was: Shall **Assembly Bill 355** be ordered engrossed and read a third time?

Motion carried.

Representative Earl asked unanimous consent that the rules be suspended and that **Assembly Bill 355** be given a third reading. Granted.

The question was: **Assembly Bill 355** having been read three times, shall the bill pass?

The roll was taken.

The result follows:

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Ayes -- Alberts, Atkinson, Baldus, Barbee, Barczak, Behnke, Berger, Bolle, Bradley, Bruhy, Byers, Conradt, Conta, Cyrak, Czerwinski, Day, DeLong, Donoghue, Dorff, Dueholm, Duren, Earl, Early, Elconin, Ellis, Everson, Ferrall, Flintrop, Gibson, Giese, Gower, Groshek, Grover, Hauke, Jackamonis, Johnson, Kedrowski, Keegan, Kincaid, Kleczka, Klicka, Lallensack, Lewis, Lewison, Looby, Luckhardt, McEssy, Matty, Menos, Merkel, Mielke, Miller, Mittness, Mohn, Molinaro, Murray, Niebler, Oberle, Oestreicher, Olson, O'Malley, Opitz, Otte, Pabst, Plewa, Porter, Quackenbush, Quinn, Roberts, Rogers, Rohner, Rooney, Roth, Rutkowski, Sanasarian, Schricker, Schroeder, Sensenbrenner, Shabaz, Sicula, Sweda, Tesmer, Thompson, Tobiasz, Tregoning, Tropman, Vanderperren, Wackett, Wahner, Ward, Wilcox, Willkom and Mr. Speaker -- 93.

Noes -- Hephner, Schneider and Swoboda -- 3.

Absent or not voting -- Azim, Munts and Nager -- 3.

Motion carried.

Representative Earl asked unanimous consent that the rules be suspended and that **Assembly Bill 355** be immediately messaged to the senate. Granted.

LEAVES OF ABSENCE

Representative Earl asked unanimous consent for a leave of absence for today's session for Representative Nager. Granted.

Representative Thompson asked unanimous consent for a leave of absence for today's session for Representative Azim. Granted.

Representative Alberts asked unanimous consent that the assembly adjourn in honor of Sharon Erb. Granted.

Representative Hephner asked unanimous consent that the assembly adjourn in honor of the birthday of Representative McEssy. Granted.

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VISITORS

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

42 students of 9th Grade from Reedsburg High School, accompanied by teacher, Mr. Kermit Opprieht and Mrs. Sue Steiner, guests of Representative Giese.

Students of the fourth Grade from Poynette Elementary School, accompanied by teachers, Mrs. Marie Loff, Mrs. Karen Millar, Mrs. Pache, Mrs. Priske, Mrs. Johnson, Mrs. Kennefick, and Mrs. Tomlinson from Poynette, Wisconsin, guests of Representative Giese.

Representative Earl moved that the assembly stand adjourned until 9:30 A.M. tomorrow.

The question was: Adjournment?

Motion carried.

The assembly stood adjourned.

12:10 P.M.