

JOURNAL OF THE ASSEMBLY (October 9, 1973)

STATE OF WISCONSIN

Assembly Journal

Eighty-First Regular Session

TUESDAY, October 9, 1973.

10:00 A.M.

The assembly met.

The speaker in the chair.

The prayer was offered by Reverend Jay Burris of Mount Calvary Tabernacle, 302 Acewood Boulevard, Madison, Wisconsin.

Representative Conta 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, Azim, 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, Nager, 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 -- 99.

Absent -- None.

Absent with leave -- None.

AMENDMENTS OFFERED

Assembly amendment 1 to assembly substitute amendment 2 to **Assembly Bill 922** offered by Representatives Opitz, Conta and Wahner.

Assembly amendment 3 to **Assembly Bill 1265** offered by Representative Donoghue.

Assembly amendment 1 to assembly substitute amendment 1 to **Assembly Bill 567** offered by Representatives Berger and Merkel.

Assembly substitute amendment 1 to **Assembly Bill 1068** offered by Representatives Early and Jackamonis.

Assembly substitute amendment 1 to **Assembly Bill 1084** offered by Representatives Schricker and Byers.

Assembly substitute amendment 1 to **Assembly Bill 940** offered by Representative Everson.

Assembly amendment 1 to assembly substitute amendment 1 to **Assembly Bill 950** offered by Representative Oestreicher.

Assembly amendment 8 to **Assembly Bill 934** offered by Representatives Cyrak and Looby.

INTRODUCTION AND REFERENCE OF BILLS

Read first time and referred:

Assembly Bill 1301

Relating to scholarships for blind persons attending vocational, technical and adult education school.

By Representative EARL.

To committee on Education.

Assembly Bill 1302

Relating to various changes in provisions concerning blind and visually impaired persons.

By Representative EARL.

To committee on Health and Social Services.

Assembly Bill 1303

Directing a study of the graduate operations of the university of Wisconsin system and increasing an appropriation.

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By Representatives MURRAY, TESMER, ROBERTS, SCHRICKER, KEDROWSKI, LALLENSACK, NAGER, ALBERTS, WACKETT, DUEHOLM, KINCAID, BARCZAK, ATKINSON, MENOS, MOHN, EARLY, MIELKE, WARD, MATTY, DONOGHUE, BRADLEY, PORTER, ROHNER, SENSENBRENNER, OLSON, KEEGAN, OBERLE, DAY, KLIKA and SCHNEIDER; co-sponsored by Senators PELOQUIN and THENO.

To committee on Education.

Assembly Bill 1304

Relating to repeal of tax levy limitations.

By Representative GIBSON, by request of LaCrosse County Board, Village Boards of West Salem, Bangor and Rockland; Town Boards of Campbell, Onalaska, Farmington, Hamilton, Shelby, Holland, Bangor, Washington and Medary and the city council of Onalaska.

To committee on Taxation.

Assembly Bill 1305

Relating to nonresident fishing licenses and resident sportsman licenses.

By Representatives KEDROWSKI, ROBERTS, OBERLE, DAY, LOOBY, DUEHOLM, WARD, TESMER, EARL, SCHRICKER, KINCAID and DONOGHUE.

To committee on Natural Resources.

Assembly Bill 1306

Relating to authorizing 3-day fishing licenses for nonresident husbands and wives and reducing the fee for 15-day nonresident combination licenses.

By Representatives BALDUS and LOOBY.

To committee on Natural Resources.

Assembly Bill 1307

Relating to state assumption of teacher retirement and social security costs and making an appropriation.

By Representatives KLIKA, DE LONG, LEWIS and HAUKE; co-sponsored by Senator J. SWAN.

To committee on Education.

Assembly Bill 1308

Relating to oral real estate brokers and salesmen license examinations for applicants who are unable to write because of a physical handicap.

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By Representatives PABST and WAHNER; co-sponsored by Senator PARYS.

To committee on State Affairs.

Assembly Bill 1309

Relating to daily state park admission fees charged on vehicles registered out-of-state but driven by a resident.

By Representative MITTNESS, by request of James Ellis, Janesville.

To committee on Natural Resources.

Assembly Bill 1310

Applying federal wage guidelines to the executive pay plan.

By Representatives VANDERPERREN, EVERSON and DAY.

To Joint Committee on Finance.

Assembly Bill 1311

Relating to repealing statutory provisions for the recovery of medical assistance payments made by the state.

By Representative CZERWINSKI.

To committee on Health and Social Services.

COMMITTEE REPORTS

The committee on Elections reports and recommends:

Assembly Bill 950

Relating to uniform registration of electors, and making an appropriation.

Adoption of assembly substitute amendment 1:

Ayes: (5) Noes: (1)

Passage: Ayes: (5) Noes: (1)

JOHN C. OESTREICHER,
Chairman

The committee on Natural Resources reports and recommends:

Assembly Bill 626

Relating to regulation of activities on wetlands, state contributions toward local property taxes on wetlands, making an appropriation and providing a penalty.

Assembly amendment 1, to assembly substitute amendment 2, introduction and adoption:

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Ayes: (12) Noes: (1)

Assembly amendment 2, to assembly substitute amendment 2, introduction and adoption:

Ayes: (13) Noes: (0)

Assembly substitute amendment 2, adoption:

Ayes: (12) Noes: (1)

Passage: Ayes: (10) Noes: (3)

**LEWIS T. MITTNESS,
Chairman**

The committee on Printing reports and recommends:

Assembly Bill 1070

Relating to state printing bonds and distribution of pamphlet laws.

Passage: Ayes: (6) Noes: (0)

**WILLIAM P. ATKINSON,
Chairman**

The committee on State Affairs reports and recommends:

Assembly Bill 1259

Relating to providing storm shelters for occupants of mobile home parks, granting rule-making authority and providing a penalty.

Passage: Ayes: (8) Noes: (3)

Assembly Bill 1260

Relating to requiring mobile home parks to provide tie-down facilities, granting rule-making authority and providing a penalty.

Passage: Ayes: (11) Noes: (0)

**ED JACKAMONIS,
Chairman**

The committee on Third Reading reports and recommends:

Assembly Bill 436

Correct.

**LEO O. MOHN,
Chairman**

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The committee on Transportation reports and recommends:

Assembly Bill 190

Relating to privileges of emergency vehicles during emergency government exercises.

Passage: Ayes: (7) Noes: (0)

Assembly Bill 1043

Relating to continuing state transit aid programs and granting rule-making authority.

Passage: Ayes: (4) Noes: (3)

LEONARD A. GROSHEK,
Chairman

MESSAGE FROM THE SENATE

By William P. Nugent, chief clerk.

Mr. Speaker:

I am directed to inform you that the senate has recessed from its position on:

Assembly amendment 1 to Senate Bill 20.

Amended and concurred in as amended:

Assembly Bill 9

Senate substitute amendment 1 adopted

Concurred in:

Assembly Bill 125,

Assembly Bill 129,

Assembly Bill 320,

Assembly Bill 363, and

Assembly Bill 417.

Adopted and asks concurrence in:

Senate Joint Resolution 35, and

Senate Joint Resolution 45

Passed and asks concurrence in:

Senate Bill 42,

Senate Bill 61,

Senate Bill 151,

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**Senate Bill 177,
Senate Bill 220,
Senate Bill 232,
Senate Bill 265,
Senate Bill 275,
Senate Bill 425,
Senate Bill 550, and
Senate Bill 606.**

ACTION ON THE SENATE MESSAGE

Assembly Bill 9

Relating to increasing the Milwaukee school system bidding procedure limits.

By LEGISLATIVE COUNCIL.
To Calendar.

Senate Joint Resolution 35

Relating to obtaining a reciprocal fishing license compact with Michigan and Minnesota.

By Senators LaFave and Theno, cosponsored by Representative Matty.

To committee on Natural Resources.

Senate Joint Resolution 45

Requesting the President of the United States to designate Lafayette county as a disaster area due to extensive crop failures.

By Senator Roseleip.
To committee on Agriculture.

Senate Bill 42

Relating to cash reserves of state banks and trust company banks.

By Senator Keppler, by request of Larry MacDonald, Sheboygan.

To committee on Insurance and Banking.

Senate Bill 61

Relating to houseboat regulations.

By Senators Roseleip and Martin, cosponsored by Representatives Mittness, Wilcox and Byers.

To committee on Natural Resources.

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Senate Bill 151

Relating to prohibiting the beginning of school years prior to labor day.

By Senators Parys and Schuele.

To committee on Education.

Senate Bill 177

Relating to revising ch. 409 and other chapters of the uniform commercial code.

By Legislative Council.

To committee on Judiciary.

Senate Bill 220

Relating to issuance of special orders by the division of motor vehicles and the commissioner of banking and providing a penalty.

By the committee on Industry, Labor, Taxation and Banking, by request of Attorney General, Robert W. Warren.

To committee on Judiciary.

Senate Bill 232

Relating to inclusion of economic disadvantages in environmental impact statements.

By Senator LaFave.

To committee on Natural Resources.

Senate Bill 265

Relating to various changes in the cosmetology law, granting rule-making authority and increasing a penalty.

By Senator Hollander, cosponsored by Representatives Molinaro and Wackett.

To committee on Health and Social Services.

Senate Bill 275

Relating to state aids to counties for the purchase of snowmobiles and rescue sleds for rescue operations.

By Senator Krueger.

To committee on Natural Resources.

Senate Bill 425

Relating to exemption of certain garbage trucks from axle weight limitations.

By Senators Devitt and LaFave, cosponsored by Representative Shabaz.

To committee on Highways.

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Senate Bill 550

Relating to nonforfeiture values and valuation requirements for life insurance and annuity contracts.

By committee on Judiciary and Insurance, by request of the American Life Insurance Association.

To committee on Insurance and Banking.

Senate Bill 606

Relating to intergovernmental cooperation agreements.

By Senators Steinhilber and McKenna, by request of League of Wisconsin Municipalities.

To committee on Municipalities.

MOTION UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, George Mireau, of Rice Lake, passed away on October 2, 1973; and

Whereas, Mr. Mireau was a former member of the legislature having served in the assembly during the 1959-1960 session; and

Whereas, Mr. Mireau has been a life long resident of Barron County and has been engaged in farming since 1920, and also having been chairman of the Barron County Board from 1945 to 1947 and chairman of the Rice Lake Town Board from 1935 to 1947 and from 1951 to 1965; and

Whereas, Mr. Mireau is survived by six children; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representatives Dueholm, O'Malley, Vanderperren, Molinaro and Anderson extend their sincere condolences to the family of George Mireau.

MOTION UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

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Whereas, **Richard W. Beggs, Sr.** of 1654 Farnam St., LaCrosse has been named "1973 Oktoberfest Festmaster"; and

Whereas, **Mr. Beggs** has been actively involved in many civic and community functions; being a member of the board of directors of the LaCrosse Country Club, local chapter of the American Red Cross, the YMCA, the Greater LaCrosse Chamber of Commerce, vice president of the United Fund, active in the Big Brother movement and the Rotary Club; and

Whereas, **Mr. Beggs** is a veteran, having seen action as a first sergeant with the Army's 106th Division in the WW II Battle of the Bulge; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representatives **Gibson** and **Roberts** and Senator **Knutson**, under Joint Rule 26, extend heartiest congratulations to **Richard W. Beggs, Sr.**, on the occasion of his being named "1973-1974 Oktoberfest Festmaster" and wish him well in the future.

The question was: Adoption?

Motion carried.

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 that assembly amendment 3 to **Assembly Bill 541** be withdrawn and returned to the author. Granted.

Representative **Earl** asked unanimous consent to withdraw his point of order on assembly substitute amendment 1 to **Assembly Bill 865**. Granted.

Representative **Earl** asked unanimous consent that **Assembly Bill 865** be taken from the table and placed at the foot of the calendar of July 12. Granted.

Representative **Earl** introduced a privileged resolution.

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Assembly Resolution 57

To amend assembly rule 17m (3) and (5), relating to disposition of rules committee resolutions establishing special orders of business.

Analysis by the Legislative Reference Bureau

This resolution amends assembly rule 17m so that:

1. The only proper action on a rules committee resolution to establish a special order of business is a vote on a motion for "adoption"; if the motion fails the resolution is rejected. Since all other actions are out of order, motions for rejection, tabling, return to author, or reconsideration of the vote by which adopted or failed to adopt, will not apply to this type of resolution.

2. Debate on the question of adoption will be limited to 5 minutes.

Resolved by the assembly, That:

Assembly rule 17m (3) and (5) is amended to read:

Assembly Rule 17m (3) Any resolution by the committee on rules making a measure a special order may be received under any order of business and shall be privileged and, Such a resolution shall be taken up immediately ahead of all other business then pending. Such resolution may be received on any order of business. The question before the assembly shall be adoption of the resolution; any other motions shall be out of order with regard to such rules. Debate on the question of adoption shall be limited to 5 minutes.

~~(5) Unless the resolution for establishing a special order is adversely disposed of fails of adoption, any measure or motion on a measure which is made a special order under this rule shall take precedence on all succeeding calendars and orders of business over all other measure on the calendar which have not been made special orders under this rule.~~

By Representatives ANDERSON, EARL, BALDUS, SWEDA, DAY, OBERLE, ROONEY, ROGERS, JOHNSON, BERGER and FERRALL.

To Calendar of October 10th pursuant to Assembly Rule 92.

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

Assembly Resolution 58

Requesting an opinion of the attorney general as to the power of the legislature to suspend or revoke administrative rules.

Resolved by the assembly, That the attorney general is requested to provide an opinion to the assembly at an early date as to the following questions:

(1) What is the distinction, if any, between an administrative rule and a law?

(2) May the legislature by joint resolution suspend or revoke an administrative rule?

(3) May the legislature by law authorize the legislature, by joint resolution, to suspend or revoke an administrative rule?

(4) May the legislature by joint resolution or law authorize a committee or joint committee of the legislature to suspend or revoke an administrative rule?

(5) What is the distinction, if any, between a policy pronouncement issued by an administrator or administrative agency and an administrative rule?

By Representative TESMER.

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

Representative Earl asked unanimous consent that **Assembly Resolution 58** be taken up at this time.

Representative Shabaz objected.

Representative Earl moved that the rules be suspended and that **Assembly Resolution 58** be taken up at this time.

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

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

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

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

The question was: Shall the rules be suspended and that **Assembly Resolution 58** be taken up at this time?

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The roll was taken.

The result follows:

Ayes -- Atkinson, Baldus, Barbee, Barczak, Behnke, Berger, Bolle, Conta, Czerwinski, Day, Dueholm, Earl, Early, Everson, Ferrall, Flintrop, Groshek, Grover, Hauke, Jackamonis, Johnson, Keegan, Kleczka, Lallensack, Looby, Menos, Mielke, Miller, Mittness, Mohn, Munts, Nager, Oberle, Oestreicher, O'Malley, Otte, Plewa, Roberts, Rogers, Rooney, Rutkowski, Sanasarian, Sicula, Sweda, Tesmer, Tropman, Vanderperren, Wahner and Mr. Speaker -- 49.

Noes -- Alberts, Bradley, Bruhy, Byers, Conradt, Cyrak, DeLong, Donoghue, Dorff, Duren, Elconin, Ellis, Gibson, Giese, Hephner, Kincaid, Klicka, Lewis, Lewison, Luckhardt, McEssy, Matty, Merkel, Molinaro, Niebler, Olson, Opitz, Pabst, Porter, Quackenbush, Quinn, Rohner, Roth, Schneider, Schricker, Schroeder, Shabaz, Swoboda, Thompson, Tobiasz, Tregoning, Wackett, Ward, Wilcox and Willkom -- 45.

Absent or not voting -- Azim, Gower, Kedrowski, Murray and Sensenbrenner -- 5.

Motion failed.

Representative Thompson moved that the rules be suspended and that **Assembly Bill 356** be withdrawn from the committee on Judiciary and referred to the calendar.

LEAVES OF ABSENCE

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

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

The question was: Shall the rules be suspended and that **Assembly Bill 356** be withdrawn from the committee on Judiciary and referred to the calendar?

The roll was taken.

The result follows:

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Ayes -- Alberts, Barczak, Behnke, Bradley, Bruhy, Byers, Conradt, Cyrak, Day, Donoghue, Duren, Ellis, Everson, Gibson, Giese, Gower, Grover, Hauke, Hephner, Keegan, Kincaid, Kleczka, Lallensack, Lewis, Lewison, Luckhardt, McEssy, Matty, Merkel, Nager, Niebler, Oberle, Olson, Opitz, Pabst, Porter, Quackenbush, Quinn, Rohner, Rooney, Roth, Sanasarian, Schricker, Schroeder, Shabaz, Swoboda, Tesmer, Thompson, Tregoning, Wackett, Ward and Wilcox -- 52.

Noes -- Baldus, Berger, Bolle, Conta, Czerwinski, Dorff, Dueholm, Earl, Early, Elconin, Ferrall, Flintrop, Groshek, Jackamonis, Johnson, Looby, Menos, Mielke, Miller, Mittness, Mohn, Molinaro, Munts, Oestreicher, O'Malley, Otte, Plewa, Roberts, Rogers, Rutkowski, Schneider, Sicula, Sweda, Tobiasz, Tropman, Vanderperren, Wahner, Willkom and Mr. Speaker -- 39.

Absent or not voting -- Atkinson, Azim, Barbee, DeLong, Kedrowski, Klicka, Murray and Sensenbrenner -- 8.

Motion failed.

CALENDAR OF WEDNESDAY, JULY 4, 1973

Assembly Bill 650

Relating to mandatory jail sentence for pushing hard drugs.

Representative Lallensack moved rejection of assembly amendment 1 to **Assembly Bill 650**.

Representative Tropman moved that assembly substitute amendment 1 to **Assembly Bill 650** be taken from the table and taken up at this time.

The question was: Shall assembly substitute amendment 1 to **Assembly Bill 650** be taken from the table and taken up at this time?

The roll was taken.

The result follows:

Ayes -- Baldus, Barbee, Berger, Conta, Czerwinski, Dueholm, Duren, Earl, Early, Elconin, Ferrall, Flintrop, Grover, Jackamonis, Johnson, Kedrowski, Lewis, Looby, Mielke, Miller, Mohn, Munts, Oestreicher, O'Malley, Otte, Roberts, Rogers, Rooney, Rutkowski, Sanasarian, Schneider, Sicula, Sweda, Tropman, Vanderperren, Wahner, Ward, Willkom and Mr. Speaker -- 39.

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Noes -- Alberts, Atkinson, Barczak, Behnke, Bolle, Bradley, Bruhy, Byers, Conradt, Cyrak, Day, DeLong, Donoghue, Dorff, Ellis, Everson, Gibson, Giese, Gower, Groshek, Hauke, Hephner, Keegan, Kincaid, Kleczka, Klicka, Lallensack, Lewison, Luckhardt, McEssy, Matty, Menos, Merkel, Mittness, Molinaro, Nager, Niebler, Oberle, Olson, Opitz, Pabst, Plewa, Porter, Quackenbush, Quinn, Rohner, Roth, Schricker, Schroeder, Shabaz, Swoboda, Tesmer, Thompson, Tobiasz, Tregoning, Wackett and Wilcox -- 57.

Absent or not voting -- Azim, Murray and Sensenbrenner -- 3.

Motion failed.

The question was: Shall assembly amendment 1 to Assembly Bill 650 be rejected?

Motion carried.

Representative Lallensack moved rejection of assembly amendment 2 to Assembly Bill 650.

The question was: Shall assembly amendment 2 to Assembly Bill 650 be rejected?

The roll was taken.

The result follows:

Ayes -- Atkinson, Baldus, Barczak, Behnke, Berger, Bolle, Bradley, Bruhy, Byers, Conta, Cyrak, Czerwinski, Day, DeLong, Donoghue, Dorff, Duren, Earl, Everson, Gibson, Giese, Gower, Groshek, Grover, Hauke, Jackamonis, Keegan, Kincaid, Kleczka, Klicka, Lallensack, Lewison, Luckhardt, McEssy, Matty, Merkel, Miller, Mittness, Molinaro, Nager, Niebler, Oberle, Olson, Otte, Pabst, Plewa, Rohner, Rooney, Roth, Rutkowski, Sanasarian, Schneider, Schricker, Sricula, Sweda, Thompson, Tobiasz, Vanderperren, Wahner and Ward -- 60.

Noes -- Alberts, Barbee, Conradt, Dueholm, Early, Elconin, Ellis, Ferrall, Flintrop, Hephner, Johnson, Lewis, Looby, Menos, Mielke, Mohn, Munts, Oestreicher, O'Malley, Opitz, Porter, Quackenbush, Quinn, Roberts, Rogers, Schroeder, Shabaz, Swoboda, Tesmer, Tregoning, Tropman, Wackett, Wilcox, Willkom and Mr. Speaker -- 35.

Absent or not voting -- Azim, Kedrowski, Murray and Sensenbrenner -- 4.

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Motion carried.

Representative Opitz asked unanimous consent to be recorded as voting "No" on engrossment of Assembly Bill 436. Granted.

Representative Earl asked unanimous consent that the assembly stand recessed until 1:30 P.M.. Granted.

The assembly stood recessed.

11:55 A.M.

RECESS

1:45 P.M.

The assembly reconvened.

Representative Earl asked unanimous consent that the assembly stand recessed for fifteen minutes. Granted.

The assembly stood recessed.

1:50 P.M.

RECESS

2:50 P.M.

The assembly reconvened.

SPECIAL ORDER OF BUSINESS AT 2:00 P.M. ON
TUESDAY, OCTOBER 9

Assembly Bill 934

Relating to unemployment compensation, and the unemployment reserve fund.

Representative Azim moved rejection of assembly amendment 2 to Assembly Bill 934.

The question was: Shall assembly amendment 2 to Assembly Bill 934 be rejected?

The roll was taken.

The result follows:

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Ayes -- Alberts, Azim, Bradley, Bruhy, Conradt, Cyrak, DeLong, Ellis, Giese, Klicka, Lewison, Luckhardt, Matty, Menos, Mielke, Porter, Quackenbush, Roth, Schroeder, Sensenbrenner, Shabaz, Thompson, Tregoning, Wackett and Wilcox -- 25.

Noes -- Atkinson, Baldus, Barbee, Barczak, Behnke, Berger, Bolle, Byers, Conta, Czerwinski, Day, Donoghue, Dorff, Ducholm, Duren, Earl, Early, Elconin, Everson, Ferrall, Flintrop, Gibson, Gower, Groshek, Grover, Hauke, Hephner, Jackamonis, Johnson, Kedrowski, Keegan, Kincaid, Kleczka, Lallensack, Lewis, Looby, McEssy, Merkel, Miller, Mittness, Mohn, Molinaro, Munts, Murray, Nager, Niebler, Oberle, Oestreicher, Olson, O'Malley, Opitz, Otte, Pabst, Plewa, Quinn, Roberts, Rogers, Rohner, Rooney, Rutkowski, Sanasarian, Schneider, Schricker, Sweda, Swoboda, Tesmer, Tobiasz, Tropman, Vanderperren, Wahner, Ward, Willkom and Mr. Speaker -- 73.

Absent or not voting -- Sicula -- 1.

Motion failed.

The question was: Shall assembly amendment 2 to **Assembly Bill 934** be adopted?

Motion carried.

Representative Mittness asked unanimous consent that assembly amendment 1 to **Assembly Bill 934** be revived.

Representative Shabaz objected.

Representative Mittness moved that assembly amendment 1 to **Assembly Bill 934** be revived.

The question was: Shall assembly amendment 1 to **Assembly Bill 934** be revived?

The roll was taken.

The result follows:

Ayes -- Atkinson, Baldus, Barbee, Barczak, Behnke, Bolle, Conradt, Conta, Czerwinski, Day, Donoghue, Ducholm, Duren, Earl, Everson, Flintrop, Groshek, Grover, Hauke, Hephner, Jackamonis, Johnson, Keegan, Kincaid, Kleczka, Lallensack, McEssy, Matty, Menos, Mielke, Miller, Mittness, Molinaro, Munts, Murray, Nager, Oberle, O'Malley, Pabst, Plewa, Quinn, Rogers, Rutkowski, Schneider, Schricker, Sweda, Tesmer, Tobiasz, Tropman, Vanderperren, Wahner, Ward and Mr. Speaker -- 53.

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Noes -- Alberts, Azim, Berger, Bradley, Bruhy, Byers, Cyrak, DeLong, Dorff, Early, Elconin, Ellis, Ferrall, Gibson, Giese, Gower, Kedrowski, Klicka, Lewis, Lewison, Looby, Luckhardt, Merkel, Mohn, Niebler, Oestreicher, Olson, Opitz, Otte, Porter, Quackenbush, Roberts, Rohner, Rooney, Roth, Sanasarian, Schroeder, Sensenbrenner, Shabaz, Sicula, Swoboda, Thompson, Tregoning, Wackett, Wilcox and Willkom -- 46.

Absent or not voting -- None.

Motion carried.

Representative Shabaz moved rejection of assembly amendment 1 to **Assembly Bill 934**.

The question was: Shall assembly amendment 1 to **Assembly Bill 934** be rejected?

The roll was taken.

The result follows:

Ayes -- Alberts, Atkinson, Azim, Barbee, Behnke, Bradley, Bruhy, Byers, Conradt, Conta, Cyrak, DeLong, Donoghue, Dorff, Dueholm, Elconin, Ellis, Everson, Ferrall, Flintrop, Gibson, Giese, Gower, Grover, Hauke, Johnson, Kedrowski, Kleczka, Klicka, Lallensack, Lewis, Lewison, Luckhardt, McEssy, Matty, Menos, Merkel, Miller, Mohn, Molinaro, Munts, Niebler, Oberle, Oestreicher, Olson, O'Malley, Opitz, Pabst, Plewa, Porter, Quackenbush, Quinn, Roberts, Rogers, Rohner, Rooney, Roth, Rutkowski, Schneider, Schricker, Schroeder, Sensenbrenner, Shabaz, Sicula, Sweda, Swoboda, Tesmer, Thompson, Tobiasz, Tregoning, Tropman, Wackett, Ward, Wilcox, Willkom and Mr. Speaker -- 76.

Noes -- Baldus, Barczak, Berger, Bolle, Day, Duren, Earl, Early, Groshek, Hephner, Jackamonis, Keegan, Kincaid, Looby, Mielke, Mittness, Murray, Nager, Otte, Sanasarian, Vanderperren and Wahner -- 22.

Absent or not voting -- Czerwinski -- 1.

Motion carried.

Representative Cyrak moved rejection of assembly amendment 3 to **Assembly Bill 934**.

Representative Azim demanded a division of the question.

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The question was: Shall lines 1-3 of assembly amendment 3 to Assembly Bill 934 be rejected?

The roll was taken.

The result follows:

Ayes -- Alberts, Atkinson, Azim, Barczak, Behnke, Berger, Bolle, Bradley, Bruhy, Byers, Conradt, Cyrak, DeLong, Donoghue, Dorff, Dueholm, Early, Elconin, Ellis, Everson, Ferrall, Gibson, Giese, Gower, Klicka, Lallensack, Lewis, Lewison, Luckhardt, McEssy, Matty, Menos, Merkel, Niebler, Oestreicher, Olson, O'Malley, Opitz, Pabst, Plewa, Porter, Quackenbush, Quinn, Roberts, Rohner, Rooney, Roth, Rutkowski, Sanasarian, Schneider, Schricker, Schroeder, Sensenbrenner, Shabaz, Tesmer, Thompson, Tobiasz, Tregoning, Wackett, Ward, Wilcox and Willkom -- 62.

Noes -- Baldus, Barbee, Conta, Czerwinski, Day, Duren, Earl, Flintrop, Groshek, Grover, Hauke, Hephner, Jackamonis, Johnson, Kedrowski, Keegan, Kincaid, Kleczka, Looby, Mielke, Miller, Mittness, Mohn, Molinaro, Munts, Murray, Nager, Oberle, Otte, Rogers, Sicula, Sweda, Swoboda, Tropman, Vanderperren, Wahner and Mr. Speaker -- 37.

Absent or not voting -- None.

Motion carried.

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

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

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

Representative Menos asked unanimous consent to be recorded as voting "No" on rejection of assembly amendment 2 to Assembly Bill 934. Granted.

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

Representative Dorff asked unanimous consent that the roll call be expunged.

Representative Shabaz objected.

Representative Dorff moved that the rules be suspended and that the previous roll call be expunged.

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The question was: Shall the rules be suspended and that the previous roll call be expunged?

The roll was taken.

The result follows:

Ayes -- Baldus, Barbee, Behnke, Berger, Bolle, Conta, Czerwinski, Day, Dorff, Ducholm, Duren, Earl, Early, Elconin, Everson, Ferrall, Flintrop, Groshek, Grover, Hauke, Hephner, Jackamonis, Johnson, Kedrowski, Keegan, Kleczka, Lallensack, Looby, Menos, Mielke, Miller, Mittness, Mohn, Molinaro, Murray, Nager, Oberle, Oestreicher, O'Malley, Otte, Pabst, Plewa, Roberts, Rogers, Rooney, Rutkowski, Sanasarian, Schneider, Sicula, Sweda, Swoboda, Tobiasz, Tropman, Vanderperren, Wahner, Ward, Willkom and Mr. Speaker -- 58.

Noes -- Alberts, Atkinson, Azim, Barczak, Bradley, Bruhy, Byers, Conradt, Cyrak, DeLong, Donoghue, Ellis, Gibson, Giese, Gower, Kincaid, Klicka, Lewis, Lewison, Luckhardt, McEssy, Matty, Merkel, Niebler, Olson, Opitz, Porter, Quackenbush, Quinn, Rohner, Roth, Schricker, Schroeder, Sensenbrenner, Shabaz, Tesmer, Thompson, Tregoning, Wackett and Wilcox -- 40.

Absent or not voting -- Munts -- 1.

Motion failed.

POINT OF ORDER

Representative Dorff rose to a point of order under Assembly Rule 55.

The speaker ruled the point of order not well taken.

The question was: Shall lines 4-10 of assembly amendment 3 to Assembly Bill 934 be rejected?

The roll was taken.

The result follows:

Ayes -- Alberts, Azim, Bradley, Bruhy, Byers, Conradt, Cyrak, DeLong, Donoghue, Ellis, Gibson, Giese, Gower, Jackamonis, Kincaid, Klicka, Lallensack, Lewis, Lewison, Luckhardt, McEssy, Matty, Merkel, Mohn, Niebler, Oestreicher, Olson, Opitz, Porter,

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Quackenbush, Quinn, Rohner, Rooney, Roth, Schricker, Schroeder, Sensenbrenner, Shabaz, Sweda, Thompson, Tregoning, Wackett and Wilcox -- 43.

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

Absent or not voting -- None.

Motion failed.

Representative Shabaz moved that lines 4-10 of assembly amendment 3 to **Assembly Bill 934** be laid on the table.

The question was: Shall lines 4-10 of assembly amendment 3 to **Assembly Bill 934** be laid on the table?

The roll was taken.

The result follows:

Ayes -- Alberts, Azim, Bradley, Byers, Conradt, Cyrak, DeLong, Donoghue, Early, Ellis, Giese, Jackamonis, Johnson, Kedrowski, Kincaid, Klicka, Lallensack, Lewis, Lewison, Luckhardt, McEssy, Matty, Merkel, Mohn, Niebler, Oestreicher, Olson, Opitz, Porter, Quackenbush, Quinn, Rohner, Rooney, Roth, Schricker, Schroeder, Sensenbrenner, Shabaz, Sweda, Thompson, Tregoning, Wackett and Wilcox -- 43.

Noes -- Atkinson, Baldus, Barbee, Barczak, Behnke, Berger, Bolle, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Elconin, Everson, Ferrall, Flintrop, Gibson, Groshek, Grover, Hauke, Hephner, Keegan, Kleczka, Looby, Menos, Mielke, Miller, Mittness, Molinaro, Munts, Murray, Nager, Oberle, O'Malley, Otte, Pabst, Plewa, Roberts, Rogers, Rutkowski, Sanasarian, Schneider, Sicula, Swoboda, Tesmer, Tobiasz, Tropman, Vanderperren, Wahner, Ward, Willkom and Mr. Speaker -- 54.

Absent or not voting -- Bruhy and Gower -- 2.

Motion failed.

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

The question was: Shall lines 4-10 of assembly amendment 3 to **Assembly Bill 934** be adopted?

The roll was taken.

The result follows:

Ayes -- Atkinson, Baldus, Barbee, Barczak, Behnke, Berger, Bolle, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Elconin, Everson, Ferrall, Flintrop, Groshek, Grover, Hauke, Hephner, Kedrowski, Keegan, Kleczka, Looby, Menos, Mielke, Miller, Mittness, Molinaro, Munts, Murray, Nager, Oberle, O'Malley, Otte, Pabst, Plewa, Roberts, Rogers, Rutkowski, Sanasarian, Schneider, Sicula, Swoboda, Tesmer, Tobiasz, Tropman, Vanderperren, Wahner, Ward, Willkom and Mr. Speaker -- 54.

Noes -- Alberts, Azim, Bradley, Bruhy, Byers, Conradt, Cyrak, DeLong, Donoghue, Early, Ellis, Gibson, Giese, Gower, Jackamonis, Johnson, Kincaid, Klicka, Lallensack, Lewis, Lewison, Luckhardt, McEssy, Matty, Merkel, Mohn, Niebler, Oestreicher, Olson, Opitz, Porter, Quackenbush, Quinn, Rohner, Rooney, Roth, Schricker, Schroeder, Sensenbrenner, Shabaz, Sweda, Thompson, Tregoning, Wackett and Wilcox -- 45.

Absent or not voting -- None.

Motion carried.

The question was: Shall assembly amendment 4 to **Assembly Bill 934** be adopted?

Motion carried.

Representative Azim moved indefinite postponement of **Assembly Bill 934**.

The question was: Shall **Assembly Bill 934** be indefinitely postponed?

The roll was taken.

The result follows:

Ayes -- Alberts, Azim, Bradley, Bruhy, Byers, Conradt, Cyrak, DeLong, Donoghue, Ellis, Giese, Gower, Kincaid, Klicka, Lewis, Lewison, Luckhardt, McEssy, Matty, Merkel, Niebler, Olson,

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Opitz, Porter, Quackenbush, Quinn, Roth, Schricker, Schroeder, Sensenbrenner, Shabaz, Swoboda, Thompson, Tregoning, Wackett, Wilcox and Willkom -- 37.

Noes -- Atkinson, Baldus, Barbee, Barczak, Behnke, Berger, Bolle, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Elconin, Everson, Ferrall, Flintrop, Gibson, Groshek, Grover, Hauke, Hephner, Jackamonis, Johnson, Kedrowski, Keegan, Kleczka, Lallensack, Looby, Menos, Mielke, Miller, Mittness, Mohn, Molinaro, Munts, Murray, Nager, Oberle, Oestreicher, O'Malley, Otte, Pabst, Plewa, Roberts, Rogers, Rohner, Rooney, Rutkowski, Sanasarian, Schneider, Sicula, Sweda, Tesmer, Tobiasz, Tropman, Vanderperren, Wahner, Ward and Mr. Speaker -- 62.

Absent or not voting -- None.

Motion failed.

Representative Shabaz moved that Assembly Bill 934 be re-referred to the committee on Labor.

The question was: Shall Assembly Bill 934 be re-referred to the committee on Labor?

The roll was taken.

The result follows:

Ayes -- Alberts, Azim, Bradley, Bruhy, Byers, Conradt, Cyrak, DeLong, Donoghue, Ellis, Giese, Gower, Kincaid, Klicka, Lewis, Lewison, Luckhardt, McEssy, Matty, Merkel, Mohn, Niebler, Oestreicher, Olson, Opitz, Porter, Quackenbush, Quinn, Roth, Schricker, Schroeder, Sensenbrenner, Shabaz, Swoboda, Tregoning, Wackett, Wilcox and Willkom -- 38.

Noes -- Atkinson, Baldus, Barbee, Barczak, Behnke, Berger, Bolle, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Elconin, Everson, Ferrall, Flintrop, Gibson, Groshek, Grover, Hauke, Hephner, Jackamonis, Johnson, Kedrowski, Keegan, Kleczka, Lallensack, Looby, Menos, Mielke, Miller, Mittness, Molinaro, Munts, Murray, Nager, Oberle, O'Malley, Otte, Pabst, Plewa, Roberts, Rogers, Rohner, Rooney, Rutkowski, Sanasarian, Schneider, Sicula, Sweda, Tesmer, Tobiasz, Tropman, Vanderperren, Wahner, Ward and Mr. Speaker -- 60.

Absent or not voting -- Thompson -- 1.

Motion failed.

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Assembly amendment 5 to Assembly Bill 934 offered by Representatives Willkom and Alberts.

Representative Earl moved rejection of assembly amendment 5 to **Assembly Bill 934**.

The question was: Shall assembly amendment 5 to **Assembly Bill 934** be rejected?

The roll was taken.

The result follows:

Ayes -- Atkinson, Baldus, Barbee, Barczak, Behnke, Berger, Bolle, Bruhy, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Elconin, Everson, Ferrall, Flintrop, Gibson, Gower, Groshek, Grover, Hauke, Hephner, Jackamonis, Johnson, Kedrowski, Keegan, Kleczka, Lallensack, Looby, Menos, Mielke, Miller, Mittness, Mohn, Molinaro, Munts, Murray, Nager, Niebler, Oberle, O'Malley, Otte, Pabst, Plewa, Quackenbush, Roberts, Rogers, Rooney, Rutkowski, Sanasarian, Schneider, Sicula, Tesmer, Tobiasz, Tropman, Vanderperren, Wahner, Ward and Mr. Speaker -- 62.

Noes -- Alberts, Azim, Bradley, Byers, Conradt, Cyrak, DeLong, Donoghue, Early, Ellis, Giese, Kincaid, Klicka, Lewis, Lewison, Luckhardt, McEssy, Matty, Merkel, Oestreicher, Olson, Opitz, Porter, Quinn, Rohner, Roth, Schricker, Schroeder, Sensenbrenner, Shabaz, Sweda, Swoboda, Thompson, Tregoning, Wackett, Wilcox and Willkom -- 37.

Absent or not voting -- None.

Motion carried.

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

Assembly amendment 6 to Assembly Bill 934 offered by Representative Shabaz.

Representative Earl moved rejection of assembly amendment 6 to **Assembly Bill 934**.

The question was: Shall assembly amendment 6 to **Assembly Bill 934** be rejected?

The roll was taken.

The result follows:

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Ayes -- Baldus, Barbee, Barczak, Behnke, Berger, Bolle, Bruhy, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Elconin, Everson, Ferrall, Flintrop, Gibson, Gower, Groshek, Grover, Hauke, Hephner, Jackamonis, Johnson, Kedrowski, Keegan, Kleczka, Lallensack, Looby, Menos, Mielke, Miller, Mittness, Mohn, Molinaro, Munts, Murray, Nager, Oberle, O'Malley, Otte, Pabst, Plewa, Roberts, Rogers, Rooney, Roth, Rutkowski, Sanasarian, Schneider, Sicula, Swoboda, Tesmer, Tobiasz, Tropman, Vanderperren, Wahner, Ward, Willkom and Mr. Speaker -- 63.

Noes -- Alberts, Atkinson, Azim, Bradley, Byers, Conradt, Cyrak, DeLong, Donoghue, Ellis, Giese, Kincaid, Klicka, Lewis, Lewison, Luckhardt, McEssy, Matty, Merkel, Niebler, Oestreicher, Olson, Opitz, Porter, Quackenbush, Quinn, Rohner, Schricker, Schroeder, Sensenbrenner, Shabaz, Sweda, Thompson, Tregoning, Wackett and Wilcox -- 36.

Absent or not voting -- None.

Motion carried.

Assembly amendment 7 to Assembly Bill 934 offered by Representatives Shabaz and Wilcox.

Representative Earl moved rejection of assembly amendment 7 to Assembly Bill 934.

Representative Ferrall asked unanimous consent to be recorded as voting "No" on rejection of lines 1-3 of assembly amendment 3 to Assembly Bill 934. Granted.

Representative Plewa asked unanimous consent to be recorded as voting "No" on rejection of lines 1-3 of assembly amendment 3 to Assembly Bill 934. Granted.

VISITORS

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

27 students from West Bend High School, accompanied by leader, Mr. Ed Klien, from West Bend, Wisconsin, guests of Representatives Schroeder and Lewis.

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8th graders from Bayside Middle School, accompanied by leaders, Mr. Larry Slamann, Mr. Wallace Einwald and Miss Thomas Draught from Fox Point, Wisconsin, guests of Representative Sensenbrenner.

37 students of Government class from Reedsburg High School, accompanied by their teacher, Truman Mohn, from Reedsburg, Wisconsin, guests of Representative Giese.

Thomas H. Schmidt from Appleton, Wisconsin, guest of Representative Roth.

Representative Earl moved that the assembly stand adjourned until until 9:00 A.M. tomorrow.

**The question was: Adjournment?
Motion carried.**

The assembly stood adjourned.

5:35 P.M.