

JOURNAL OF THE ASSEMBLY [May 22, 1979]

STATE OF WISCONSIN

# Assembly Journal

Eighty-Fourth Regular Session

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TUESDAY, May 22, 1979.

10:00 A.M.

The assembly met.

Speaker Jackamonis in the chair.

The prayer was offered by Reverend Douglas Dushack of Saint Raphael Cathedral, 222 West Main Street, Madison.

Representative Ulichny 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 -- Andrea, Barczak, Barry, Becker, Behnke, Bradley, Broydrick, Byers, Clarenbach, Coggs, Conradt, Czerwinski, DeLong, Dilweg, Donoghue, Dorff, Duren, Ellis, Everson, Ferrall, Fischer, Flintrop, Gagin, Gerlach, Goodrich, Gunderson, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Hopkins, Johnson, Kedrowski, Kincaid, Kirby, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lee, Leopold, Lewis, Lewison, Lingren, Loftus, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, Metz, Miller, Munts, Norquist, Omernick, Otte, Pabst, Paulson, Plewa, Porter, Potter, Prosser, Quackenbush, Radtke, Roberts, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Shabaz, Shoemaker, Smith, Snyder, Soucie, Swoboda, Tesmer, Thompson, Travis, D., Travis, R., Tregoning, Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood, Young and Mr. Speaker -- 96.

Absent -- None.

Absent with leave -- Murray -- 1.

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AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Joint Resolution 54** offered by Representative Jackamonis.

Assembly amendment 1 to **Assembly Bill 158** offered by committee on State Affairs.

Assembly amendment 1 to **Assembly Bill 201** offered by Representative Behnke.

Assembly amendment 1 to assembly substitute amendment 1 to **Assembly Bill 226** offered by Representatives Kedrowski and DeLong.

Assembly amendment 1 to **Assembly Bill 273** offered by Representative Hauke.

Assembly substitute amendment 1 to **Assembly Bill 275** offered by Representatives Andrea and Hauke.

Assembly amendment 1 to **Assembly Bill 482** offered by Representative Laatsch.

Assembly amendment 1 to **Assembly Bill 495** offered by Representatives Tuczynski and Broydrick.

Assembly amendment 1 to **Assembly Bill 603** offered by Representatives Kedrowski and Radtke.

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INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

**Assembly Bill 639**

Relating to a vehicle owner's liability when the vehicle illegally passes a school bus and providing a penalty.

By Representatives Gerlach and Kirby.

To committee on Transportation.

**Assembly Bill 640**

Relating to allowing criminal juries to separate and reassemble at a later time.

By Representative Coggs, by request of Milwaukee County.

To committee on Criminal Justice and Public Safety.

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### **Assembly Bill 641**

Relating to municipal industrial revenue bonding.

By Representatives Vanderperren, Otte, Roberts and Potter, co-sponsored by Senators Goyke and Van Sistine.

To committee on Local Affairs.

### **Assembly Bill 642**

Relating to acting as a guardian ad litem for a minor.

By Representatives Norquist, McClain and Rutkowski.

To committee on Judiciary.

### **Assembly Bill 643**

Relating to eliminating the income tax deduction for any medical expenses related to abortion.

By Representatives Norquist, Kincaid, Plewa, Medinger, Becker, Hasenohrl, Kirby, Duren and Rogers.

To committee on Health and Social Services.

### **Assembly Bill 644**

Relating to repeal of county board approval of town zoning ordinances.

By Representatives Paulson, Fischer, Harsdorf, Hephner, Thompson, Everson, Gunderson, Prosser, Goodrich, Laatsch, Omernick, Conradt, Merkt, Gagin, Young, Schmidt, Helbach, Rogers, Tregoning, Harer, Porter, Shabaz, Hasenohrl and Shoemaker, co-sponsored by Senators Kreul, Lasee and Opitz.

To committee on Local Affairs.

### **Assembly Bill 645**

Relating to revising penalties for crimes against peace officers, firefighters and public officials.

By Representatives Klicka, Snyder, Thompson, Luckhardt, Lewison and Tregoning.

To committee on Criminal Justice and Public Safety.

### **Assembly Bill 646**

Relating to initiating paternity proceedings where appropriate in order to receive aid to families with dependent children and providing penalties.

By Representatives Klicka, Snyder, Thompson, DeLong, Goodrich, Luckhardt, Lewison and Tregoning.

To committee on Health and Social Services.

### **Assembly Bill 647**

Relating to making an appropriation for reimbursing a county for policing expressways in populous counties.

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By Representatives Plewa, Tuczynski, Lee, Norquist, Broydrick, Behnke, Soucie and Gerlach, by request of Milwaukee County.  
To committee on State Affairs.

**Assembly Bill 648**

Relating to income maintenance programs.

By Representatives Kirby, Leopold, Tuczynski, Wahner, Soucie, Pabst, Norquist, Broydrick and Lee, co-sponsored by Senators Braun and Moody, by request of Milwaukee County.

To committee on Health and Social Services.

**Assembly Bill 649**

Relating to excluding capital gains from the individual income tax.

By Representatives Dorff, Hauke, Snyder and Luckhardt.

To Joint Survey Committee on Tax Exemptions.

**Assembly Bill 650**

Relating to deposit of contested tax amounts with the department of revenue.

By Representatives Fischer, Barry, Lallensack, Hasenohrl, Soucie and Matty, co-sponsored by Senators Berger, Lasee, Lorge and Bear.

To committee on Revenue.

**Assembly Bill 651**

Relating to identification of the school district in certain residential real estate sales contracts.

By Representatives Roberts, Vanderperren, Flintrop, Schneider, Leopold, Soucie, Andrea, Lingren, Medinger, Everson, Dorff, Bradley, Gagin, Quackenbush, Prosser, Gunderson, Dilweg, Porter, Tregoning and Young.

To committee on Commerce and Consumer Affairs.

**Assembly Bill 652**

Relating to payment of costs under the point source pollution abatement financial assistance program.

By Representatives Roberts, Vanderperren, Potter, R. Travis, Barry, Medinger, Fischer, Bradley, Gagin, Gunderson, McEssy, Tregoning and Schmidt.

To committee on Environmental Resources.

**Assembly Bill 653**

Relating to providing educational television service to Door county and making an appropriation.

By Representative Swoboda.

To committee on Education.

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**Assembly Bill 654**

Relating to repealing the prohibition of payment of attorney fees based on health care liability awards for future medical expenses.

By Representatives Ulichny, Ferrall and Otte.

To committee on Judiciary.

**Assembly Bill 655**

Relating to inadmissibility in circuit court of the findings of any formal patients compensation panel.

By Representatives Ferrall and Otte.

To committee on Judiciary.

**Assembly Bill 656**

Relating to termination of parental rights.

By Representative Leopold.

To committee on Judiciary.

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COMMITTEE REPORTS

The committee on Financial Institutions reports and recommends:

**Assembly Bill 187**

Relating to separation of hospital indemnity insurance coverage from required skilled nursing care coverage.

Adoption of assembly amendment 1:

Ayes: (14) Noes: (0)

Adoption of assembly amendment 2:

Ayes: (14) Noes: (0)

Passage: Ayes: (14) Noes: (0)

To committee on Rules.

**Assembly Bill 188**

Relating to authorization of savings and loan associations to invest in securities of any state or territory of the United States or any local governmental unit of any state or territory of the United States.

Adoption of assembly amendment 1:

Ayes: (12) Noes: (2)

Passage: Ayes: (9) Noes: (5)

To committee on Rules.

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**Assembly Bill 190**

Relating to a mandatory risk sharing plan for foster homes.

Passage: Ayes: (13) Noes: (1)

To committee on Rules.

**Assembly Bill 224**

Relating to a mandatory risk sharing plan for group homes.

Passage: Ayes: (13) Noes: (1)

To committee on Rules.

**Assembly Bill 273**

Relating to revision of the existing credit union investment requirements.

Adoption of assembly amendment 1:

Ayes: (11) Noes: (1)

Passage: Ayes: (12) Noes: (0)

To committee on Rules.

**Assembly Bill 275**

Relating to authorization of Wisconsin credit unions to do business in other states and of foreign credit unions to do business in Wisconsin, and granting rule-making authority.

Adoption of assembly substitute amendment 1:

Ayes: (12) Noes: (0)

Passage: Ayes: (12) Noes: (0)

To committee on Rules.

**Assembly Bill 338**

Relating to deletion of the requirement that mortgages accepted by savings and loan associations be first mortgages (suggested as remedial legislation by the commissioner of savings and loan).

Passage: Ayes: (12) Noes: (0)

To committee on Rules.

**Assembly Bill** ——— (lrb 4011/1)

Relating to revising branching and lending area statutes applicable to savings and loan associations.

Introduction: Ayes: (6) Noes: (3)

**Assembly Bill** ——— (lrb 4012/1)

Relating to certain revisions of the savings and loan statutes.

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Introduction: Ayes: (6) Noes: (3)

THOMAS HAUKE  
Chairperson

The committee on Revenue reports and recommends:

**Assembly Bill 361**

Relating to the payment of special distributions of metalliferous minerals net proceeds tax revenue to eligible school districts and towns.

Passage: Ayes: (8) Noes: (0)  
To Joint Committee on Finance.

**Assembly Bill 385**

Relating to confidentiality of inheritance and estate tax information and providing penalties.

Passage: Ayes: (8) Noes: (0)  
To Joint Committee on Finance.

MARLIN SCHNEIDER  
Chairperson

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SPEAKER'S APPOINTMENTS

May 18, 1979

Mr. Tom Peltin  
Interstate Cooperation Commission  
State Capitol, 404-West  
Madison, WI 53702

Dear Tom:

This is to inform you that pursuant to the authority vested in me by Section 13.54 of the Wisconsin Statutes, I have appointed Representatives Gus Menos, Joanne Duren and Joseph Tregoning to the Interstate Cooperation Commission.

ED JACKAMONIS  
Speaker

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May 18, 1979

Ms. Bonnie Reese  
Legislative Council  
State Capitol, 147-North  
Madison, WI 53702

Dear Bonnie:

This is to inform you that pursuant to the authority vested in me by Section 13.81 of the Wisconsin Statutes, I have appointed Representatives Michael Ferrall, John Plewa, Mordecai Lee, Earl McEssy and Bernard Lewison to the Legislative Council.

ED JACKAMONIS  
Speaker

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COMMUNICATIONS

May 16, 1979

Representative Ed Jackamonis, Speaker  
Wisconsin State Assembly  
211 West, State Capitol  
Madison, WI 53702

Dear Ed:

As Chairperson of the Assembly Agriculture Committee, I would like to inform you of the formation of three Agriculture Subcommittees, and the appointments I have made to them.

Effective May 10, 1979, the following Subcommittees and their memberships were established:

Subcommittee on the UW Veterinary School -- Representative Gervase Hephner, Chairperson; Representatives Jonathan Barry, Lary Swoboda, Joseph Tregoning and James Harsdorf.

Subcommittee on Foreign Ownership of Land -- Representative Daniel Fischer, Chairperson; Representatives Richard Shoemaker, John Merkt, David Paulson and Gervase Hephner.

Subcommittee on Transportation and Alternate Sources of Energy for Agriculture -- Representative Donald Hasenohrl, Chairperson; Representatives Patricia Smith and James Laatsch.



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The Subcommittees were created in order to comprehensively address some of the important and complex issues, which are vital to Wisconsin agriculture.

HARLAND EVERSON  
Chairperson

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May 2, 1979

Speaker Ed Jackamonis  
211 West, State Capitol  
Madison, WI 53702

Dear Ed:

As Chairman of the Assembly Committee on Revenue, I have appointed subcommittees as follows:

Subcommittee on Tax Forms:

Richard Shoemaker - Robert Travis, Co-Chair  
David Helbach  
Sheehan Donoghue  
John Plewa  
Marlin Schneider

Subcommittee on Tax Appeals, Taxpayer Assistance, and Gift and Inheritance Tax:

David Helbach - Sheehan Donoghue, Co-Chair  
William Rogers  
Barbara Ulichny  
David Hopkins  
Gordon Bradley

In addition Representative Plewa has been added as a member of the Subcommittee on Tax Reform.

MARLIN SCHNEIDER  
State Representative

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Notice of Intent received from Department of Administration to apply for Federal Assistance for State Comprehensive Planning Assistance (701) Program, and 1979-80 Annual Work Program.

Comments due by May 25, 1979.

To committee on Government Operations.

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Notice of Intent received from Bureau of Community Health, Department of Health and Social Services to apply for Federal Assistance for Sudden Infant Death Syndrome Project.

Comments due by June 8, 1979

To committee on Health and Social Services.

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### MOTIONS

Representative Shabaz moved that **Assembly Joint Resolution 29** be withdrawn from the committee on State-Federal Relations.

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### CALL OF THE ASSEMBLY

Representative Wahner demanded 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 - None.

Members absent without leave - McClain and Murray.

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### LEAVES OF ABSENCE

Representative Wahner asked unanimous consent for a leave of absence for today's session for Representatives McClain and Murray. Granted.

All members of the assembly being present or absent with leave, the call of the assembly on **Assembly Joint Resolution 29** was lifted.

Speaker pro tempore Kedrowski in the chair.

Speaker Jackamonis in the chair.

The question was: Shall **Assembly Joint Resolution 29** be withdrawn from the committee on State-Federal Relations?

The roll was taken.

The result follows:

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Ayes -- Bradley, Byers, Conradt, DeLong, Dilweg, Donoghue, Ellis, Gagin, Goodrich, Gunderson, Harer, Harsdorf, Hephner, Hopkins, Klicka, Laatsch, Ladwig, Larson, Lewis, Lewison, Luckhardt, McEssy, Matty, Menos, Merkt, Omernick, Paulson, Porter, Prosser, Quackenbush, Schmidt, Shabaz, Snyder, Swoboda, Thompson, Travis, R., Tregoning, Ward and Young -- 39.

Noes -- Andrea, Barczak, Barry, Becker, Behnke, Broydrick, Clarenbach, Coggs, Czerwinski, Dorff, Duren, Everson, Ferrall, Fischer, Flintrop, Gerlach, Hasenohrl, Hauke, Helbach, Johnson, Kedrowski, Kincaid, Kirby, Lallensack, Lee, Leopold, Lingren, Loftus, Lorman, Medinger, Metz, Miller, Munts, Norquist, Otte, Pabst, Plewa, Potter, Radtke, Roberts, Rogers, Rooney, Rutkowski, Schneider, Shoemaker, Smith, Soucie, Tesmer, Travis, D., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Wood and Mr. Speaker -- 56.

Absent or not voting -- McClain and Murray -- 2.

Motion failed.

Representative Wahner asked unanimous consent that **Assembly Bill 391** be taken from the calendar of Thursday, May 24 and referred to the Joint Committee on Finance. Granted.

Speaker pro tempore Kedrowski in the chair.

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CALENDAR OF MONDAY, MAY 21, 1979

**Assembly Joint Resolution 63**

Directing the attorney general to intervene in the California nuclear power plant moratorium case.

The question was: Shall the vote by which **Assembly Joint Resolution 63** was adopted be reconsidered?

The roll was taken.

The result follows:

Ayes -- Bradley, Byers, Conradt, DeLong, Dilweg, Donoghue, Ellis, Gagin, Goodrich, Gunderson, Harer, Hopkins, Klicka, Laatsch, Ladwig, Larson, Lewis, Lewison, Lorman, Luckhardt, McEssy, Matty, Merkt, Omernick, Porter, Prosser, Quackenbush, Radtke, Schmidt, Shabaz, Snyder, Tesmer, Thompson, Travis, R., Tregoning and Young -- 36.

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Noes -- Andrea, Barczak, Barry, Becker, Behnke, Broydrick, Clarenbach, Coggs, Czerwinski, Dorff, Duren, Everson, Ferrall, Fischer, Flintrop, Gerlach, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Johnson, Kedrowski, Kincaid, Kirby, Lallensack, Lee, Leopold, Lingren, Loftus, Medinger, Menos, Metz, Miller, Munts, Norquist, Otte, Pabst, Paulson, Plewa, Potter, Roberts, Rogers, Rooney, Rutkowski, Schneider, Shoemaker, Smith, Soucie, Swoboda, Travis, D., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood and Mr. Speaker -- 59.

Absent or not voting -- McClain and Murray -- 2.

Motion failed.

Representative Ladwig asked unanimous consent to be recorded as voting "Aye" on passage of Assembly Bill 334 on Thursday, May 17. Granted.

Representative Ladwig asked unanimous consent to be recorded as voting "No" on indefinite postponement of Assembly Bill 240 on Thursday, May 17. Granted.

Representative Wahner asked unanimous consent that the assembly stand recessed until 4:00 P.M. Granted.

The assembly stood recessed.

12:20 P.M.

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### RECESS

4:10 P.M.

The assembly reconvened.

Speaker Jackamonis in the chair.

Representative Wahner asked unanimous consent to return to the third order of business. Granted.

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### COMMITTEE REPORTS

The committee on Commerce and Consumer Affairs reports and recommends:

#### **Assembly Joint Resolution 53**

Relating to removing obsolete provisions of the constitution regarding corporations and banking (first consideration).

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Adoption: Ayes: (10) Noes: (1)

To committee on Rules.

**Assembly Bill 456**

Relating to authorization of the department of industry, labor and human relations to make inspections regarding gasohol.

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

To Joint Committee on Finance.

MIDGE MILLER

Chairperson

The committee on Highways reports and recommends:

**Assembly Bill 208**

Relating to warning lights on emergency vehicles.

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

To committee on Rules.

CLETUS VANDERPERREN

Chairperson

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CALL OF THE ASSEMBLY

Representative Wahner demanded 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 - Murray.

Members absent without leave - Andrea, Luckhardt, McEssy, Radtke and Tesmer.

Representative Ward asked unanimous consent to be recorded as voting "No" on the question of withdrawing Assembly Joint Resolution 29 from the committee on State-Federal Relations. Granted.

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## LEAVES OF ABSENCE

Representative Thompson asked unanimous consent for a leave of absence for the balance of today's session for Representatives McEssy and Radtke. Granted.

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

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## CALENDAR OF TUESDAY, MAY 22, 1979

### **Assembly Bill 104**

Relating to utility advertising practices.

The question was: Shall assembly substitute amendment 1 to **Assembly Bill 104** be adopted?

Motion carried.

Representative Thompson moved that **Assembly Bill 104** be referred to the committee on Judiciary.

The question was: Shall **Assembly Bill 104** be referred to the committee on Judiciary?

The roll was taken.

The result follows:

Ayes -- Barczak, Bradley, Byers, Conradt, DeLong, Dilweg, Donoghue, Everson, Gagin, Goodrich, Gunderson, Harer, Harsdorf, Hasenohrl, Hauke, Hephner, Hopkins, Kincaid, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lewis, Lewison, Lorman, Luckhardt, Matty, Medinger, Menos, Merkt, Omernick, Otte, Pabst, Paulson, Porter, Potter, Prosser, Roberts, Rogers, Schmidt, Schneider, Shabaz, Snyder, Swoboda, Thompson, Travis, R., Tregoning, Vanderperren, Wagner and Young -- 51.

Noes -- Andrea, Barry, Becker, Behnke, Broydrick, Clarenbach, Cogg, Czerwinski, Dorff, Duren, Ellis, Ferrall, Fischer, Flintrop, Gerlach, Helbach, Johnson, Kedrowski, Kirby, Lee, Leopold, Lingren, Loftus, Metz, Miller, Munts, Norquist, Plewa, Quackenbush, Rooney, Rutkowski, Shoemaker, Smith, Soucie, Tesmer, Travis, D., Tuczynski, Ulichny, Wahner, Ward, Wood and Mr. Speaker -- 42.

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Absent or not voting -- McClain, McEssy, Murray and Radtke --  
4.

Motion carried.

**Assembly Bill 302**

Relating to the use of paths adjacent to roadways by bicycles and mopeds.

The question was: Shall **Assembly Bill 302** be ordered engrossed and read a third time?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 302** be given a third reading. Granted.

The question was: **Assembly Bill 302** having been read three times; shall the bill pass?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Becker, Behnke, Broydrick, Byers, Clarenbach, Coggs, Conradt, Czerwinski, DeLong, Dilweg, Donoghue, Dorff, Ellis, Everson, Ferrall, Fischer, Flintrop, Gagin, Gerlach, Goodrich, Gunderson, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Hopkins, Johnson, Kedrowski, Kincaid, Kirby, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lee, Leopold, Lewis, Lewison, Lingren, Loftus, Lorman, Luckhardt, McClain, Matty, Medinger, Menos, Merkt, Metz, Miller, Munts, Norquist, Omernick, Otte, Pabst, Paulson, Plewa, Porter, Potter, Prosser, Roberts, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Shabaz, Shoemaker, Smith, Snyder, Soucie, Swoboda, Tesmer, Thompson, Travis, D., Travis, R., Tregoning, Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood, Young and Mr. Speaker -- 91.

Noes -- Bradley, Duren and Quackenbush -- 3.

Absent or not voting -- McEssy, Murray and Radtke -- 3.

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 302** be immediately messaged to the senate. Granted.

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Representative Matty asked unanimous consent to be made a co-author of **Assembly Bill 629**. Granted.

Representative Thompson asked unanimous consent that the assembly adjourn in honor of the birthday of Representative Porter. Granted.

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### LEGISLATIVE REFERENCE BUREAU CORRECTIONS

#### **Assembly Bill 539**

On page 1, line 5, substitute "barrel" for "varrel".

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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:

Third grade students from Midvale School in Madison accompanied by teacher Ms. Combs, guests of Representative Munts.

Pearl Huebner, Faye Schoen, Lois Lawrynk and Donna O'Meara from La Crosse, guests of Representative Medinger.

Fourth grade students from Westside Elementary School in Sun Prairie accompanied by teachers Marcella Langer and Kathleen Rehm, guests of Representative Loftus.

Fourth grade students from Tonawanda Grade School in Elm Grove, guests of Representative Young.

Fifth grade students from Arlington Grade School accompanied by teacher Frank Zych, guests of Representative Laatsch.

Fourth grade students from Cambridge Elementary School accompanied by Mrs. Markgraff and Mrs. Korth, guests of Representative Everson.

Seventh grade students from Wilbur Wright Junior High School in Milwaukee and the Exploring Wisconsin club accompanied by Mr. Belter and Mrs. Koepsell, guests of Representative Wahner.

Art Huberty from Lena, guest of Representatives Vanderperren and Matty.



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Fourth grade students from Saint Frances Cabrini School in West Bend accompanied by Arleen Janocik, guests of Representative Lewis.

Joe Von Der Vellen and Jim Steiner from Kohler, guests of Representatives Potter and Otte.

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Representative Wahner moved that the assembly stand adjourned until 9:00 A.M. on Thursday, May 24.

The question was: Shall the assembly stand adjourned?

Motion carried.

The assembly stood adjourned.

5:30 P.M.