

JOURNAL OF THE ASSEMBLY [October 17, 1979]

STATE OF WISCONSIN

# Assembly Journal

Eighty-Fourth Regular Session

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WEDNESDAY, October 17, 1979.

10:00 A.M.

The assembly met.

Speaker Jackamonis in the chair.

The prayer was offered by Reverend Robert Reardon of Saint Patrick Catholic Church, 404 East Main Street, Madison.

Representative Radtke 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, 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, Murray, Nelsen, Norquist, Omernick, Otte, Pabst, Paulson, Plewa, Porter, Potter, Prosser, Quackenbush, Radtke, Roberts, Robertson, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Shabaz, Shoemaker, Smith, Snyder, Soucie, Stitt, Swoboda, Tesmer, Thompson, Travis, D., Travis, R., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood, Young and Mr. Speaker -- 98.

Absent -- None.

Absent with leave -- Tregoning -- 1.

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AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 475** offered by Representative Medinger.

Assembly amendment 2 to **Assembly Bill 760** offered by Representatives Vanderperren, Lallensack and Ladwig.

Assembly substitute amendment 1 to **Assembly Bill 777** offered by Representatives Ferrall, Metz, Gerlach, Thompson, Munts, Matty, Harer, Kedrowski and Radtke.

Assembly amendment 1 to assembly substitute amendment 1 to **Assembly Bill 777** offered by Representative Hephner.

Assembly amendment 2 to assembly substitute amendment 1 to **Assembly Bill 777** offered by Representative Hephner.

Assembly amendment 1 to **Assembly Bill 850** offered by Representatives Clarenbach and Vanderperren.

Assembly amendment 1 to **Assembly Bill 940** offered by Representative Roberts.

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INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

**Assembly Bill 968**

Relating to credit received upon registration of a replacement motor truck at 6,000 pounds or less.

By Representatives Wood and Vanderperren.

To committee on Highways.

**Assembly Bill 969**

Relating to granting of a barbershop manager's license to a person who has practiced in another state.

By Representative Broydrick.

To committee on Commerce and Consumer Affairs.

**Assembly Bill 970**

Relating to using the public debt amortization fund to retire bonds or notes of 1st class cities on their maturity dates.

By Representative Broydrick.

To committee on Local Affairs.

**Assembly Bill 971**

Relating to transferring to the common council custodial powers over the public debt amortization fund in 1st class cities.

By Representative Broydrick.

To committee on Local Affairs.

**Assembly Bill 972**

Relating to shielding a strobe light on a school bus.

By Representatives Vanderperren, Lallensack, Menos, Porter, Lewison, Smith, Thompson, Bradley, Matty, DeLong, Conradt, Gagin, Quackenbush, Hasenohrl, Rooney, Kincaid, McEssy, Barczak, Wahner and Shabaz, co-sponsored by Senators Cullen and Van Sistine.

To committee on Highways.

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COMMITTEE REPORTS

The committee on Enrolled Bills reports and recommends:

**Assembly Bill 3**

**Assembly Bill 69**

**Assembly Bill 87**

**Assembly Bill 105**

**Assembly Bill 208**

**Assembly Bill 273**

**Assembly Bill 338**

**Assembly Bill 463**

**Assembly Bill 557**

**Assembly Bill 623**

Correctly enrolled.

JOSEPH ANDREA

Chairperson

The committee on Revenue reports and recommends:

**Assembly Bill 890**

Relating to sales tax exemption certificates for sellers of fuels for residential use.

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

To committee on Rules.

MARLIN SCHNEIDER

Chairperson

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The Joint Survey Committee on Tax Exemptions reports and recommends:

**Assembly Bill 369**

Relating to a property tax exemption for leased farm machinery and farm machinery used for custom farming services.

Adoption of report: Ayes: (7) Noes: (1)

To Joint Committee on Finance.

DAVID CLARENBACH  
Co-Chairperson

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OPINION OF THE ATTORNEY GENERAL

OAG 89-79

October 5, 1979

The Honorable Ed Jackamonis  
Chairman, Assembly Committee on  
Organization  
Wisconsin Legislature  
211 West, State Capitol  
Madison, Wisconsin 53702

Dear Representative Jackamonis:

On behalf of the Assembly Committee on Organization you have requested my opinion on the constitutionality of 1979 **Assembly Bill 227**, which deals with the purchase and loan of textbooks to pupils attending public and private schools.

The Legislative Reference Bureau's analysis of 1979 AB 227 summarizes the current state of the law as permitting "each individual school board [to] purchase textbooks for the public schools in the district and sell them to the pupils at cost." The Bureau goes on to state the substance of 1979 AB 227 to be a requirement that "school boards ... loan textbooks to all requesting pupils attending a public or private school located within the school district." The bill states that "[e]ach school district shall be paid state aid for the purchase of textbooks at the rate of \$20 per school year per pupil for whom textbooks are purchased and to whom textbooks are actually loaned." See sec. 118.03(3)(b), Stats., as recreated by 1979 AB 227. By statutory definition, though, only schools at the elementary and high school levels are affected. See sec. 118.03(1)(a), Stats., as recreated by 1979 AB 227; secs. 121.51(3) and 115.01(1), Stats. The bill also contains several other

qualifications: (1) a student is ineligible under the program if he attends a private school that does not comply with Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin under any program that receives federal financial assistance; (2) loans are to be made only upon the request of the pupil or his parent or guardian; (3) a textbook may not be purchased or loaned unless it is accurate, nondefamatory of this nation's founders, and nonsectarian; and (4) all textbooks purchased and loaned must be used as principal study aids by the pupil's school for at least five years. In addition, the bill directs the state Superintendent to promulgate rules to administer the textbook purchase and loan program.

The fiscal estimate prepared by the Wisconsin Department of Public Instruction is printed as an appendix to 1979 AB 227, and it states in part:

Local school districts would develop plans to purchase 20% of their needed textbooks each year with the life span of textbooks expected to be five years.

The definition of text books [sic.] in this proposal includes workbooks which are expendable and would need to be purchased annually.

From a constitutional point of view, the significant change that this bill would make in the law is that school boards would be required to purchase textbooks and, upon the request of pupils or their parents or guardians, loan the textbooks, without charge, to all pupils attending public or private schools within the school district. See sec. 118.03(2)(b), Stats., as recreated by 1979 AB 227.

The constitutional question is whether a statute resulting from this bill would be unconstitutional under the establishment of religion clause of the First Amendment of the United States Constitution or under the similar but somewhat more restrictive provisions of Wis. Const. art. I, sec. 18.

### I. *Analysis under the United States Constitution*

The leading recent case decided by the United States Supreme Court on this matter is *Wolman v. Walter*, 433 U.S. 229 (1977). That case involved a challenge, under the first amendment's establishment of religion clause, of an Ohio statute substantially similar in part to the provisions of 1979 AB 227. The Ohio statute authorized, *inter alia*, the expenditure of public funds to purchase secular textbooks approved by the Superintendent of Public

Instruction for use in the public schools and to loan such textbooks to public and nonpublic school pupils or their parents. The Ohio statute also had other provisions that were challenged, provisions dealing with additional services and supplies to be furnished from public funds for nonpublic school students. A district court held that the statute was constitutional in all respects. *Wolman v. Essex*, 417 F. Supp. 1113 (S.D. Ohio, E.D. 1976). On direct appeal the United States Supreme Court in a partial affirmance upheld the textbook loan provisions by a vote of six to three. The fragmented Court took the following actions on the other types of aid provided in the Ohio scheme: (1) upheld, six to three, the expenditure of funds for distributing and scoring standardized educational tests; (2) upheld, eight to one, the provision of services performed at the school site by state personnel diagnosing certain health and educational problems; (3) upheld, seven to two, the rendering of services at nonschool sites by state personnel giving therapy for health and educational problems; (4) held invalid, seven to two, the loans to students of equipment and instructional materials, such as maps and projectors; and (5) held invalid, five to four, the expenditure of funds for commercial transportation or the use of school vehicles for field trips.

The textbook loan program involved in the *Wolman* case is similar in all significant respects to that envisioned for Wisconsin, and the language used in 1979 AB 227 bears a striking resemblance to the statutory language approved by the Court in *Wolman*. In the Ohio scheme, textbooks and book substitutes loaned under Ohio Rev. Code Ann. sec. 3317.06(A) were:

[L]imited to books, reusable workbooks, or manuals, whether bound or in looseleaf form, intended for use as a principal source of study material for a given class or group of students, a copy of which is expected to be available for the individual use of each pupil in such class or group.

*Wolman*, 433 U.S. at 237. Similarly, section 4 of 1979 AB 227 repeals and recreates sec. 118.03, Stats., so that sec. 118.03(1)(c), Stats., will provide that "[t]extbook' means a book, workbook or manual, intended as a principal source of study material for a semester or more in a particular class." Also, section 4 of the bill, in recreating sec. 118.03(2), Stats., adds a prohibition that "[n]o textbook may be designated for use or be used in any public school [if the textbook] ... is devoted to, prejudiced in favor of, or promotes the interests of, any religious denomination." This parallels the qualification in Ohio Rev. Code Ann. sec. 3317.06(A) that fund expenditures be only for the purchase of "secular textbooks as have

been approved by the superintendent of public instruction for use in public schools."

The Ohio textbook loan program, to which 1979 AB 227 appears so similar, bore, the Supreme Court commented in *Wolman*, a striking resemblance to the systems upheld in *Board of Education v. Allen*, 392 U.S. 236 (1968) and *Meek v. Pittenger*, 421 U.S. 349 (1975). The Court noted at 238 that the only distinction between the Ohio statute and those in *Allen* and *Meek* offered by the *Wolman* appellants was that the Ohio statute defined "textbook" as "any book or book substitute." Because the Ohio statute, unlike those in *Allen* or *Meek* and unlike the bill in the instant matter referred to "book substitute[s]," the *Wolman* appellants had argued that auxiliary equipment and materials might be loaned under this language, resulting in an unconstitutional loan. Although the Court agreed that loans of auxiliary equipment and materials were unconstitutional, it rejected this constitutional challenge to textbook loans. It found the appellants' argument "untenable in light of the [Ohio] statute's separate treatment of instructional materials and equipment in its subsections (B) and (C), [which were distinct from the subsection dealing with textbooks], and in light of the stipulation defining textbooks as 'limited to books, reusable workbooks, or manuals.'" 433 U.S. at 238. The *Wolman* definition is nearly identical to the definition of "textbook" in 1979 AB 227. After also rejecting the *Wolman* appellants' claim that the "textbook substitute" language was so vague as to be open to sectarian abuse of the loan program, the Court concluded that the Ohio textbook loan program, like those in *Allen* and *Meek* was constitutional. The Court declined to overrule those two cases.

In fact, despite the division among the Justices in the area of school aid under the establishment clause, the constitutionality of textbook loan programs is one issue to which the Supreme Court's answer has remained constant. At the time that textbook loans were upheld in *Allen*, a majority of the Court refused to assume that parochial schools were permeated with religion to the point that even secular subjects could not be taught without a religious bias. Taken in conjunction with the local school board's assurance that only secular books would be used, this lack of judicial suspicion of parochial school bias was a major basis for the *Allen* Court's holding of constitutionality. *Allen*, 392 U.S. at 245-48. In *Allen*, the Court noted its view that many informed persons, among them legislators, believed that private schools, including parochial schools, adequately provided secular education to their students. The Court in *Allen*, 392 U.S. at 248, stated that:

This judgment is further evidence that parochial schools are performing, in addition to their sectarian function, the task of secular education. ... [W]e cannot agree ... that the processes of secular and religious training are so intertwined that secular textbooks furnished to students by the public are in fact instrumental in the teaching of religion.

The Supreme Court no longer holds this view of the operation of parochial schools. In deciding *Wolman*, for example, the Court expressed its belief that secular education in parochial schools could not be separated from the inculcation of religious beliefs because this inculcation was the purpose of such schools. *Wolman*, 433 U.S. at 249-50, quoting *Meek*, 421 U.S. at 366. The *Wolman* Court added that "[i]n more recent cases, [than *Allen*] [the Justices] have declined to extend that presumption of neutrality to other items in the lower school setting." *Wolman*, 433 U.S. at 252 n. 18. See also, *State ex rel. Wis. Health Fac. Auth. v. Lindner*, 91 Wis. 2d 145, 156-59, 280 N.W.2d 773 (1979). When urged to extend the *Allen* presumption to all materials similar to textbooks, the Court has refused, opting instead for "continued adherence to the principles announced in [its] subsequent cases." *Id.* Nonetheless--and of importance to the instant matter involving 1979 AB 227--in the narrow area of textbook loans, "*Board of Education v. Allen* has remained law, and [the Supreme Court] now follow[s] as a matter of stare decisis the principle that restriction of textbooks to those provided the public schools is sufficient to ensure that the books will not be used for religious purposes." *Id.*

In reaching its conclusion in *Wolman*, that statutory safeguards there sufficiently counteracted the parochial schools' religious permeation, the Court used the three-part test that had emerged from its earlier decisions, such as *Lemon v. Kurtzman*, 403 U.S. 602 (1971). This test, which has also been applied on numerous occasions by the Wisconsin Supreme Court and to which I referred in a recent opinion, 67 Op. Att'y Gen. 283 (1978), can be stated as follows: (1) the state program must have a purpose that is secular in nature; (2) the program may not have a principal or primary effect of advancing or inhibiting religion or religious practices; and (3) the state program must not foster excessive entanglement between church and state. Regarding the third prong of the test, the Court in *Lemon* pointed out that three factors should be examined in testing for entanglement: (1) the recipient institution's character and purpose; (2) the nature of the aid; and (3) the relationship between government and religious authorities in which the program resulted.



As already indicated, the textbook loan program challenged in *Wolman* was upheld under the purpose--effect--entanglement test. The first prong was easily met on the ground that the statute, which at Ohio Rev. Code Ann. sec. 3317.06 explicitly prohibited provision of "services, materials, or equipment for use in religious courses, devotional exercises, religious training, or any other religious activity," merely "reflect [ed] Ohio's legitimate interest in protecting the health of its youth and in providing a fertile educational environment for all the schoolchildren of the State." *Wolman*, 433 U.S. at 236. The Court's reliance on the precedential value of *Allen* and *Meek* took the place of an extended analysis of the effect and entanglement elements.

On the basis of the case law, it now seems clear, especially after *Wolman*, that textbook loan programs such as envisioned in 1979 AB 227 do not violate the establishment clause. Textbook programs continue to be treated more favorably than programs involving other types of aid. For example, as mentioned earlier in this opinion, the Court in *Wolman* struck down as an advancement of religion the part of a loan program involving allegedly nonideological study aids such as tape recorders, globes, maps, projectors, and so forth. In *Lemon* the Court concluded that impermissible entanglement was involved in programs by which salary supplements were made to teachers of secular subjects in private schools where per-pupil spending was lower than at public schools. The *Lemon* Court also found impermissible entanglement present in programs by which nonpublic schools were reimbursed for a portion of the cost of teacher salaries and study materials in secular subjects. Thus, as these cases illustrate, although the secular purpose element of the establishment clause test rarely, if ever, provides a constitutional stumbling block in the school aid cases, the religious effect and entanglement elements do frequently result in programs being struck down. Nonetheless, as stated earlier, textbook loan programs have consistently been upheld, on the basis of *Allen*. There is no evidence that the Supreme Court will not continue to uphold them.

## II. *Analysis under the Wisconsin Constitution*

The Wisconsin Supreme Court has stated that the establishment clause of the First Amendment of the United States Constitution "lends itself to more flexibility of interpretation" than does Wis. Const. art. I, sec. 18. *State ex rel. Reynolds v. Nusbaum*, 17 Wis. 2d 148, 165, 115 N.W.2d 761, 770 (1962). This is so because "[t]he freedom of worship section of our state constitution ... includes language more specific than the terser establishment of religion and

free exercise ... clauses in the first amendment of the federal constitution." *State ex rel. Holt v. Thompson*, 66 Wis. 2d 659, 676, 225 N.W.2d 678, 687 (1975).

The Wisconsin Supreme Court in *State ex rel. Warren v. Nusbaum*, 55 Wis. 2d 316, 198 N.W.2d 650 (1972), discussed the proper judicial approach in ruling on a nonpublic school aid program already held constitutional under the first amendment. First it noted that "[w]hile the words used may differ, both the federal and state constitutional provisions relating to freedom of religion are intended and operate to serve the same dual purpose of prohibiting the 'establishment' of religion and protecting the 'free exercise' of religion." *Id.* at 332, 198 N.W.2d at 658. The court then noted that appearing after the Wis. Const. art. I, sec. 18, language resembling a detailed version of the first amendment, is additional language specifically prohibiting the expenditure of any public funds "for the benefit of religious societies, or religious or theological seminaries." The court concluded that this was the important language for it to examine in determining the constitutionality under Wis. Const. art. I, sec. 18, of a program that has already been found constitutional under the first amendment: it reasoned that the earlier language in Wis. Const. art. I, sec. 18, need not be examined if the court has already found the statutory program to be constitutional under the first amendment, since the federal amendment and the free worship language that appears before the spending prohibition in the state constitutional passage serve the same purpose. *Id.* at 332-33, 198 N.W.2d at 658-59. In reviewing the statutory scheme for constitutionality under the Federal Constitution, the state court is to apply the United States Supreme Court's purpose--effect--entanglement test: "We [in the state judiciary] are bound by the results and interpretations given the first amendment in these high court decisions. Ours [is] not to reason why; ours [is] but to review and apply." *Id.* at 322, 198 N.W.2d at 653. Finally, with respect to examining a statutory scheme under the additional Wisconsin constitutional language prohibiting certain public expenditures, the court in *State ex rel. Warren v. Nusbaum* stated that the Wisconsin Supreme Court has read this spending passage as encompassing the effect element of the three-pronged test established by the United States Supreme Court for determining constitutionality under the first amendment.

Thus, given the just-outlined analytical approach employed by the Wisconsin Supreme Court and given the absence here of federal constitutional problems, the determinative question in the instant matter becomes whether a textbook purchase and loan statute

resulting from 1979 AB 227 would violate that portion of the Wis. Const. art. I, sec. 18, that reads "nor shall any money be drawn from the treasury for the benefit of religious societies, or religious or theological seminaries."

As noted at the beginning of Part II of this opinion, the Wisconsin Supreme Court views the detailed language of Wis. Const. art. I, sec. 18, as amenable to less flexible interpretation than the first amendment. Nonetheless, the court has also indicated that the public spending prohibition in the state constitution is not totally prohibitive. *Id.* at 333, 198 N.W.2d at 659, *reaffirmed on this point in State ex rel. Warren v. Nusbaum*, 64 Wis. 2d 314, 219 N.W.2d 577 (1974). Consequently, various types of public aid to nonpublic schools have been held not to violate the spending prohibition of Wis. Const. art. I, sec. 18.

For example, in *State ex rel. Warren v. Nusbaum*, 55 Wis. 2d 316, 198 N.W.2d 650 (1972), the Wisconsin Supreme Court stated in dicta that although a statute that directed the state to contract with a church-related university for the purchase of dental education for state residents violated the first amendment and also the free worship language of Wis. Const. art. I, sec. 18, it was valid under the latter's spending prohibition. In analyzing the language "nor shall any money be drawn from the treasury for the benefit of religious societies, or religious or theological seminaries," the court emphasized the words "for the benefit of." It posed the issue under the state constitution as follows: "Do payments on the contract for state purchase of dental education from a church-related university constitute money drawn from the treasury 'for the benefit of' a religious society or religious or theological seminary"? The court then answered that question as follows:

A dental school or college, operating as a unit of a university, may be sufficiently separate in terms of finances, controls and secular nature of its educational programs as to permit state aid. "For the benefit of" is not to be read as requiring that some shadow of incidental benefit to a church-related institution brings a state grant or contract to purchase within the prohibition of the section. This court has held that "... we cannot read sec. 18 [of art. I, Wisconsin Constitution] as being so prohibitive as not to encompass the [United States Supreme Court's] primary-effect test...." The applicability of the primary-effect test is to make "[t]he crucial question ... not whether some benefit accrues to a religious institution as a

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consequence of the legislative program, but whether its principal or primary effect advances religion.”

*State ex rel. Warren v. Nusbaum*, 55 Wis. 2d 316, 333, 198 N.W.2d 650, 659 (1972) (citations omitted). Applying this analysis in the case before it, the court in dictum concluded that “[p]ayments under a proper contract for providing dental education by a church-related university need not be payments ‘for the benefit of’ a religious society or such church-related institution but can be payments for the advancement of the dental health of the citizens of this state.” *Id.* at 333-34, 198 N.W.2d 659. *Accord*, *State ex rel. Warren v. Reuter*, 44 Wis. 2d 201, 170 N.W.2d 790 (1969).

This judicial construction of “for the benefit of” as not barring statutory programs under which the primary effect of the legislation is not the advancement of religion, but a permissible effect such as the advancement of the health of Wisconsin residents, has also been employed to uphold against a challenge under the state constitution a statute that provided for the special educational needs of handicapped children in Wisconsin. *State ex rel. Warren v. Nusbaum*, 64 Wis. 2d 314, 219 N.W.2d 577 (1974). In examining the statute under Wis. Const. art. I, sec. 18, the court said the statutory health-oriented effect was secular and the benefit that the religious institution would enjoy as a result of the legislation was merely incidental, and therefore not unconstitutional.

Other forms of publicly funded school aid have also been permitted in Wisconsin. In *State ex rel. Reynolds v. Nusbaum*, 17 Wis. 2d 148, 115 N.W.2d 761 (1962), the court held that a statute providing for transportation of parochial school children to the nearest public school they were entitled to attend violated that part of the Wisconsin Constitution that prohibits the expenditure of any public funds “for the benefit of religious societies, or religious or theological seminaries.” That constitutional passage was effectively amended, however, by the creation in April, 1967, of Wis. Const. art. I, sec. 23, which provides that: “Nothing in this constitution shall prohibit the legislature from providing for the safety and welfare of children by providing for the transportation of children to and from any parochial or private school or institution of learning.”

Other sections of the Wisconsin Constitution also make it clear that the spending prohibition contained in Wis. Const. art. I, sec. 18, is not absolute. Wisconsin Constitution art. I, sec. 24, created in April, 1972, states that nothing in the Wisconsin Constitution bars legislative authorization of “the use of public school buildings by civic, religious or charitable organizations during nonschool hours

upon payment by the organization to the school district of reasonable compensation for such use." Wisconsin Constitution art. X, sec. 3, as amended in April, 1972, states that "the legislature by law may, for the purpose of religious instruction outside the district schools, authorize the release of students during regular school hours." Such constitutional amendments "render inappropriate the claim that what was specifically authorized by constitutional amendment offends the document to which the authorization was added," and a challenge to the authorized activity will not be aided by the prohibitions contained in Wis. Const. art. I, sec. 18. *State ex rel. Holt v. Thompson*, 66 Wis. 2d 659, 678, 225 N.W.2d 678, 688-89 (1975).

The type of school aid contained in 1979 AB 227 is not specifically addressed in the Wisconsin Constitution, however, or in the cases discussed above in Part II of this opinion. Therefore, further analysis is required to determine whether the bill about which you have inquired is valid under the state constitution.

Statutes are presumed to be constitutional and will be held unconstitutional only when they so appear beyond a reasonable doubt. *White House Milk Co. v. Reynolds*, 12 Wis. 2d 143, 106 N.W.2d 441 (1960). A statute will not be held unconstitutional unless the court can say that no state of facts can reasonably be conceived that would sustain it. *State v. Texaco*, 14 Wis. 2d 625, 111 N.W.2d 918 (1961). If any state of facts, known or assumed, justifies the law, the court's power to declare a statute unconstitutional is at an end. Questions as to wisdom, need, or appropriateness are for the Legislature. *State v. Kerndt*, 274 Wis. 113, 118, 79 N.W.2d 113, 115 (1956). Additionally, where a constitutional challenge is made to a statute on its face, it is inappropriate to address "the possible [problematic] situations that may arise, each to be 'properly evaluated if and when challenges arise.'" *State ex rel. Holt v. Thompson*, 66 Wis. 2d 659, 677, 225 N.W.2d 678, 688 (1975).

The search thus must be for any reasonable means of sustaining the statute. Unfortunately, 1979 AB 227 does not contain a legislative declaration of policy. Although such declarations are not determinative, they are given great weight by the courts. *State ex rel. Warren v. Nusbaum*, 64 Wis. 2d 314, 219 N.W.2d 577 (1974). It is reasonable to assume that in introducing this bill the Legislature intended to act in the furtherance of the constitutional mandate of Wis. Const. art. X, sec. 3, dealing with the establishment of and uniformity of district schools, and directing that such schools shall be

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free and without charge and that no sectarian instruction shall be allowed. Whereas under the present law local school districts may and do loan textbooks to students attending public schools within the district, this bill would extend that power and in fact require, subject to rules promulgated by the state Superintendent, the loaning without charge of such textbooks to both public and private school pupils within the school district. This calls for the additional cost of this requirement to be at least partially borne by the state, in the form of state aid at the rate of twenty dollars per school year per pupil for whom textbooks are purchased and to whom textbooks are actually loaned. It should be assumed that such a program will be carried out with the same concern for the proper use and return of such loaned textbooks as now exists with respect to pupils in public schools. Under the bill, it is still the school board that designates all the textbooks to be used in the schools under its charge. The newly created sec. 118.03(2)(a), Stats., would guarantee that none of the textbooks so designated will be sectarian in nature. The provision of rules to be promulgated by the state Superintendent is a further protection required by the bill.

Therefore, applying the previously discussed United States Supreme Court's primary effect test, encompassed in Wis. Const. art. I, sec. 18--that is whether the bill would create a law whose primary effect advances religion--I must assume that the primary legislative purpose is, and the effect would be merely the loaning of certain textbooks to pupils. This result has been upheld elsewhere and described as simply a state's engaging in the legitimate function of "protecting the health of its youth and ... providing a fertile educational environment for all the school children of the State." *Wolman v. Walter*, 433 U.S. 229, 236. Although another effect of the loaning of such textbooks to pupils of private schools owned or controlled by a religious society could arguably be said to be the advancement of religion because the religious institution would be spared the expense of purchasing those same textbooks for its pupils, it is my conclusion that this would be considered by the Court as just a possible secondary effect, with any benefits that that may accrue to religious organizations being only incidental. See, e.g., *State ex rel. Warren v. Nusbaum*, 64 Wis. 2d 314, 219 N.W.2d 577 (1974); *State ex rel. Warren v. Nusbaum*, 55 Wis. 2d 316 (1972) (dictum). In my opinion, 1979 AB 227 would thus encounter no barrier under Wis. Const. art. I, sec. 18.

III. *Conclusion*

It is my opinion that, for the reasons stated in Parts I and II of this opinion, 1979 AB 227, if enacted into law, would violate neither the First Amendment of the United States Constitution nor Wis. Const. art. I, sec. 18.

Sincerely yours,  
BRONSON C. La FOLLETTE  
Attorney General

Caption:

1979 Assembly Bill 227, which if enacted into law would require school boards to purchase textbooks and loan them without charge to pupils of public and private schools within the district, does not violate the United States or Wisconsin Constitution.

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MESSAGE FROM THE SENATE

By Donald J. Schneider, chief clerk.

Mr. Speaker:

I am directed to inform you that the senate has adopted and asks concurrence in:

**Senate Joint Resolution 30**

Passed and asks concurrence in:

**Senate Bill 19**  
**Senate Bill 87**  
**Senate Bill 97**  
**Senate Bill 166**  
**Senate Bill 205**  
**Senate Bill 258**  
**Senate Bill 310**  
**Senate Bill 371**  
**Senate Bill 385**

Concurred in:

**Assembly Joint Resolution 84**  
**Assembly Bill 275**  
**Assembly Bill 512**

Concurred in as amended:

**Assembly Bill 158** (senate amendments 1 and 2 adopted)  
**Assembly Bill 214** (senate amendment 1 adopted)

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ACTION ON THE SENATE MESSAGE

**Senate Bill 19**

Relating to raising the drinking age to 19 and providing a penalty.  
By Senators Chilsen, Cullen, Lorge, Frank and Bidwell.  
To committee on State Affairs.

**Senate Bill 87**

Relating to prohibiting courts from placing persons convicted of first-degree murder on probation.

By Senators Murphy, Krueger, Lasee, Kreul, Roshell, Lorge and Theno; co-sponsored by Representatives Snyder, Opitz, Shabaz, Klicka, Luckhardt, Hopkins, Andrea, DeLong, Lewis, Lallensack, Behnke, Kincaid, Thompson and Helbach.

To committee on Criminal Justice and Public Safety.

**Senate Bill 97**

Relating to authorization for the department of health and social services to approve limited use of experimental private domestic sewage treatment and disposal systems during the next 5 years.

By Senators Murphy, Krueger, Kreul, Chilsen, McCallum, Lasee and Roshell; co-sponsored by Representatives Hopkins, Vanderperren, Lallensack, Hasenohrl, DeLong, Rogers, Lewis, Lewison, Roberts, Donoghue, Thompson, Lingren, Shabaz, Potter and Fischer.

To committee on Environmental Resources.

**Senate Bill 166**

Relating to issuing special identification cards for disabled persons, granting rule-making authority and providing a penalty.

By Senator Van Sistine; co-sponsored by Representatives Metz, Vanderperren, Swoboda, Menos, Norquist and Kincaid.

To committee on Health and Social Services.

**Senate Bill 205**

Relating to clearance of railroad wrecks or derailment, restoration of damaged property and providing a penalty.

By Senators Theno, Van Sistine, Roshell, Moody, Berger, Harnisch, Braun, Kreul, Lasee and Chilsen; co-sponsored by Representatives Kedrowski, Ward, Gunderson, Shoemaker, Everson and Byers.

To committee on Transportation.

**Senate Bill 258**

Relating to unemployment compensation and the unemployment reserve fund.

By committee on Agriculture, Labor and Local Affairs.



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To committee on Labor.

**Senate Bill 310**

Relating to correcting improper cross-references concerning nursing homes.

By Senator Thompson; co-sponsored by Representative Czerwinski.

To committee on Health and Social Services.

**Senate Bill 371**

An act to appropriate \$60,000 from the general fund for payment of a claim made by Sarah Fabio against the state.

By Senator Kleczka; co-sponsored by Representative Roberts.

To committee on Rules.

**Senate Bill 385**

An act to ratify the agreement negotiated between the state of Wisconsin and the State Engineering Association for the 1979-81 biennium, covering employes in the professional engineering collective bargaining unit, and authorizing an expenditure of funds.

By joint committee on Employment Relations.

To calendar.

**Assembly Bill 158**

Relating to consignment of works of fine art, rights of creditors of art dealers and providing a penalty.

By Representatives Otte, Clarenbach, Vanderperren, Becker, Metz, Soucie, Loftus, Leopold, Munts, Ferrall, Lingren, Barry, Young, Behnke, Andrea, Potter, Tuczynski, Medinger, Rutkowski, Broydrick, Tesmer, Kirby, Lorman, Klicka, Radtke and Miller, co-sponsored by Senators Risser, Braun, Radosevich, Krueger, Moody, Adelman, Murphy, Berger, Bear and Roshell.

To committee on Rules.

**Assembly Bill 214**

Relating to the authority to designate no-passing zones.

By Representative Menos.

To committee on Rules.

**Senate Joint Resolution 30**

Designating October 17, 1979, as "Citizens Energy Day".

By Senators Risser, Bablitch, Flynn, Braun, Berger, Van Sistine, Swan, Goyke, Harnisch, Moody, Strohl, Maurer and Kreul.

To calendar.

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Representative Wahner asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 30** be withdrawn from the calendar and taken up at this time. Granted.

The question was: Shall **Senate Joint Resolution 30** be concurred in?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 30** be immediately messaged to the senate. Granted.

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CALENDAR OF WEDNESDAY, OCTOBER 17, 1979

**Assembly Bill 330**

Relating to limiting the authority of the governor to direct the legislative audit bureau to perform audits.

Representative Gerlach asked unanimous consent that the rules be suspended to take up the motion for reconsideration of the vote by which assembly amendment 1 to senate substitute amendment 1 to **Assembly Bill 330** was rejected. Granted.

The question was: Shall the vote by which assembly amendment 1 to senate substitute amendment 1 to **Assembly Bill 330** was rejected be reconsidered?

The roll was taken.

The result follows:

Ayes -- 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, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Hopkins, Johnson, Kedrowski, Kirby, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lee, Leopold, Lewis, Lewison, Lingren, Loftus, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, Metz, Miller, Munts, Murray, Nelsen, Norquist, Omernick, Otte, Pabst, Paulson, Plewa, Porter, Potter, Prosser, Quackenbush, Radtke, Roberts, Robertson, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Shabaz, Shoemaker, Smith, Snyder, Soucie, Stitt, Swoboda, Tesmer, Thompson, Travis, D., Travis, R., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood, Young and Mr. Speaker -- 97.

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Noes -- Kincaid -- 1.

Absent or not voting -- Tregoning -- 1.

Motion carried.

The question was: Shall assembly amendment 1 to senate substitute amendment 1 to **Assembly Bill 330** be adopted?

Motion carried.

The question was: Shall senate substitute amendment 1 to **Assembly Bill 330** be concurred in?

The roll was taken.

The result follows:

Ayes -- 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, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Hopkins, Johnson, Kedrowski, Kirby, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lee, Leopold, Lewis, Lewison, Lingren, Loftus, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, Metz, Miller, Munts, Murray, Nelsen, Norquist, Omernick, Otte, Pabst, Paulson, Plewa, Porter, Potter, Prosser, Quackenbush, Radtke, Roberts, Robertson, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Shabaz, Shoemaker, Smith, Snyder, Soucie, Stitt, Swoboda, Tesmer, Thompson, Travis, D., Travis, R., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood, Young and Mr. Speaker -- 97.

Noes -- Kincaid -- 1.

Absent or not voting -- Tregoning -- 1.

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 330** be immediately messaged to the senate. Granted.

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MOTIONS

Representative Johnson asked unanimous consent that the rules be suspended and that **Assembly Bill 757** be withdrawn from the Joint

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Committee on Finance and referred to the calendar of Tuesday, October 23.

Representative Norquist objected.

Representative Johnson moved that the rules be suspended and that **Assembly Bill 757** be withdrawn from the Joint Committee on Finance and referred to the calendar of Tuesday, October 23.

The question was: Shall the rules be suspended and **Assembly Bill 757** be withdrawn from the Joint Committee on Finance and referred to the calendar of Tuesday, October 23?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Behnke, Bradley, Byers, Conradt, Czerwinski, DeLong, Dilweg, Donoghue, Dorff, Duren, Ellis, Everson, Ferrall, Fischer, Flintrop, Gagin, Gerlach, Goodrich, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Hopkins, Johnson, Kedrowski, Kincaid, Kirby, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lewis, Lewison, Lingren, Loftus, Lorman, Luckhardt, McEssy, Matty, Medinger, Menos, Merkt, Metz, Miller, Munts, Murray, Nelsen, Omernick, Otte, Pabst, Paulson, Plewa, Porter, Potter, Prosser, Quackenbush, Radtke, Roberts, Robertson, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Shabaz, Shoemaker, Smith, Snyder, Soucie, Stitt, Swoboda, Tesmer, Thompson, Travis, D., Travis, R., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood, Young and Mr. Speaker -- 90.

Noes -- Becker, Broydrick, Clarenbach, Coggs, Lee, Leopold, McClain and Norquist -- 8.

Absent or not voting -- Tregoning -- 1.

Motion carried.

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### LEAVES OF ABSENCE

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

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SPECIAL ORDER OF BUSINESS AT 10:00 A.M. ON  
WEDNESDAY, OCTOBER 17, 1979

**Senate Bill 355**

Relating to broadening the emergency fuel assistance law.

Assembly amendment 1 to assembly substitute amendment 1 to **Senate Bill 355** offered by Representatives Pabst, Broydrick, Leopold, Plewa, Ward and Porter.

Representative Czerwinski moved rejection of assembly amendment 1 to assembly substitute amendment 1 to **Senate Bill 355**.

Speaker pro tempore Kedrowski in the chair.

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

The roll was taken.

The result follows:

Ayes -- Czerwinski, Ferrall, Flintrop, Gagin, Helbach, Hopkins, Johnson, Kirby, Laatsch, Lee, Loftus, Luckhardt, McClain, Merkt, Metz, Miller, Munts, Norquist, Schmidt, Shabaz, Smith, Soucie, Stitt, Travis, D., Ulichny, Wagner, Wahner, Young and Mr. Speaker -- 29.

Noes -- Andrea, Barczak, Barry, Becker, Behnke, Bradley, Broydrick, Byers, Clarenbach, Coggs, Conratt, DeLong, Dilweg, Donoghue, Dorff, Duren, Ellis, Everson, Fischer, Gerlach, Goodrich, Harer, Harsdorf, Hasenohrl, Hauke, Hephner, Kedrowski, Kincaid, Klicka, Ladwig, Lallensack, Larson, Leopold, Lewis, Lewison, Lingren, Lorman, McEssy, Matty, Medinger, Menos, Murray, Nelsen, Omernick, Otte, Pabst, Paulson, Plewa, Porter, Potter, Prosser, Quackenbush, Radtke, Roberts, Robertson, Rogers, Rooney, Rutkowski, Schneider, Shoemaker, Snyder, Swoboda, Tesmer, Thompson, Travis, R., Tuczynski, Vanderperren, Ward and Wood -- 69.

Absent or not voting -- Tregoning -- 1.

Motion failed.

Representative Shabaz moved that assembly amendment 1 to assembly substitute amendment 1 to **Senate Bill 355** be laid on the table.

The question was: Shall assembly amendment 1 to assembly substitute amendment 1 to **Senate Bill 355** be laid on the table?

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The roll was taken.

The result follows:

Ayes -- Barry, Bradley, Byers, Coggs, Conradt, Czerwinski, DeLong, Donoghue, Everson, Ferrall, Flintrop, Gagin, Goodrich, Harer, Harsdorf, Helbach, Hopkins, Johnson, Kirby, Klicka, Laatsch, Ladwig, Larson, Lee, Lingren, Loftus, Luckhardt, McClain, Matty, Merkt, Metz, Miller, Nelsen, Norquist, Omernick, Otte, Paulson, Radtke, Roberts, Robertson, Schmidt, Schneider, Shabaz, Smith, Snyder, Soucie, Stitt, Thompson, Travis, D., Ulichny, Wagner, Wahner, Young and Mr. Speaker -- 54.

Noes -- Andrea, Barczak, Becker, Behnke, Broydrick, Clarenbach, Dilweg, Dorff, Duren, Ellis, Fischer, Gerlach, Hasenohrl, Hauke, Hephner, Kedrowski, Kincaid, Lallensack, Leopold, Lewis, Lewison, Lorman, McEssy, Medinger, Menos, Munts, Murray, Pabst, Plewa, Porter, Potter, Prosser, Quackenbush, Rogers, Rooney, Rutkowski, Shoemaker, Swoboda, Tesmer, Travis, R., Tuczynski, Vanderperren, Ward and Wood -- 44.

Absent or not voting -- Tregoning -- 1.

Motion carried.

Assembly amendment 2 to assembly substitute amendment 1 to **Senate Bill 355** offered by Representatives Leopold and Shoemaker.

Representative Loftus moved rejection of assembly amendment 2 to assembly substitute amendment 1 to **Senate Bill 355**.

The question was: Shall assembly amendment 2 to assembly substitute amendment 1 to **Senate Bill 355** be rejected?

The roll was taken.

The result follows:

Ayes -- Barczak, Barry, Bradley, Broydrick, Byers, Coggs, Conradt, Czerwinski, DeLong, Donoghue, Ellis, Everson, Ferrall, Fischer, Flintrop, Gagin, Goodrich, Harer, Harsdorf, Helbach, Hopkins, Johnson, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lee, Lewis, Lewison, Lingren, Loftus, Lorman, Luckhardt, McClain, McEssy, Matty, Merkt, Metz, Munts, Murray, Nelsen, Norquist, Omernick, Otte, Paulson, Plewa, Porter, Potter, Prosser, Quackenbush, Radtke, Roberts, Robertson, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Shabaz, Smith, Snyder, Soucie, Stitt, Tesmer, Thompson, Travis, D., Travis, R., Wagner, Wahner, Ward, Young and Mr. Speaker -- 73.

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Noes -- Andrea, Becker, Behnke, Clarenbach, Dilweg, Dorff, Duren, Gerlach, Hasenohrl, Hauke, Hephner, Kedrowski, Kincaid, Kirby, Leopold, Medinger, Menos, Miller, Pabst, Shoemaker, Swoboda, Tuczynski, Ulichny, Vanderperren and Wood -- 25.

Absent or not voting -- Tregoning -- 1.

Motion carried.

Assembly amendment 3 to assembly substitute amendment 1 to **Senate Bill 355** offered by Representatives Johnson, Kirby, Lingren, Broydrick, Rooney, Kedrowski, Ferrall, McClain, Otte, DeLong, Loftus, Wagner and Ellis.

The question was: Shall assembly amendment 3 to assembly substitute amendment 1 to **Senate Bill 355** be adopted?

Motion carried.

Assembly amendment 4 to assembly substitute amendment 1 to **Senate Bill 355** offered by Representatives Johnson, Flintrop, Kirby, Lingren, Broydrick, Kedrowski, Ferrall, Otte, Loftus, Wagner and Ellis.

The question was: Shall assembly amendment 4 to assembly substitute amendment 1 to **Senate Bill 355** be adopted?

Motion carried.

Assembly amendment 5 to assembly substitute amendment 1 to **Senate Bill 355** offered by Representatives Johnson, Kirby, Broydrick, Kedrowski, Ferrall, McClain, Otte, Loftus, Wagner and Ellis.

Representative Dilweg moved rejection of assembly amendment 5 to assembly substitute amendment 1 to **Senate Bill 355**.

The question was: Shall assembly amendment 5 to assembly substitute amendment 1 to **Senate Bill 355** be rejected?

The roll was taken.

The result follows:

Ayes -- Andrea, Barry, Bradley, Byers, Conradt, Dilweg, Donoghue, Gagin, Hauke, Ladwig, Larson, Leopold, Lewis, Lewison, Matty, Menos, Miller, Murray, Omernick, Porter, Prosser, Quackenbush, Robertson, Rooney, Shoemaker, Smith, Soucie, Stitt, Swoboda and Young -- 30.

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Noes -- Barczak, Becker, Behnke, Broydrick, Clarenbach, Coggs, Czerwinski, DeLong, Dorff, Duren, Everson, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Harer, Harsdorf, Hasenohrl, Helbach, Hephner, Hopkins, Johnson, Kedrowski, Kincaid, Kirby, Klicka, Laatsch, Lallensack, Lee, Lingren, Loftus, Lorman, Luckhardt, McClain, McEssy, Medinger, Merkt, Metz, Munts, Nelsen, Norquist, Otte, Pabst, Paulson, Plewa, Potter, Radtke, Roberts, Rogers, Rutkowski, Schmidt, Schneider, Shabaz, Snyder, Tesmer, Thompson, Travis, D., Travis, R., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood and Mr. Speaker -- 67.

Absent or not voting -- Ellis and Tregoning -- 2.

Motion failed.

Representative Duren asked unanimous consent to be recorded as voting "Aye" on the previous question. Granted.

Representative Hephner asked unanimous consent to be recorded as voting "Aye" on the previous question. Granted.

The question was: Shall assembly amendment 5 to assembly substitute amendment 1 to **Senate Bill 355** be adopted?

Motion carried.

Assembly amendment 6 to assembly substitute amendment 1 to **Senate Bill 355** offered by Representatives Stitt, Thompson, Young, Shabaz, Harsdorf and Nelsen.

Assembly amendment 1 to assembly amendment 6 to assembly substitute amendment 1 to **Senate Bill 355** offered by Representatives Stitt, Young, DeLong, Radtke, Luckhardt and Shabaz.

The question was: Shall assembly amendment 1 to assembly amendment 6 to assembly substitute amendment 1 to **Senate Bill 355** be adopted?

Motion carried.

The question was: Shall assembly amendment 6 to assembly substitute amendment 1 to **Senate Bill 355** be adopted?

Motion carried.

Assembly amendment 7 to assembly substitute amendment 1 to **Senate Bill 355** offered by Representative McEssy.



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Representative Czerwinski moved rejection of assembly amendment 7 to assembly substitute amendment 1 to **Senate Bill 355**.

Speaker Jackamonis in the chair.

The question was: Shall assembly amendment 7 to assembly substitute amendment 1 to **Senate Bill 355** be rejected?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Becker, Behnke, Broydrick, Byers, Coggs, Conradt, Czerwinski, Dilweg, Donoghue, Dorff, Ellis, Everson, Ferrall, Fischer, Flintrop, Gagin, Gerlach, Goodrich, Harer, Harsdorf, Hauke, Hephner, Hopkins, Johnson, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lee, Leopold, Lewis, Lingren, Loftus, Lorman, Luckhardt, McClain, Medinger, Menos, Merkt, Munts, Murray, Nelsen, Norquist, Otte, Pabst, Paulson, Plewa, Porter, Potter, Quackenbush, Radtke, Roberts, Robertson, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Shabaz, Smith, Snyder, Soucie, Stitt, Swoboda, Tesmer, Travis, D., Travis, R., Tuczynski, Ulichny, Wagner, Wahner, Ward, Wood, Young and Mr. Speaker -- 79.

Noes -- Bradley, Clarenbach, DeLong, Duren, Hasenohrl, Helbach, Kedrowski, Kincaid, Lewison, McEssy, Matty, Metz, Miller, Omernick, Prosser, Shoemaker, Thompson and Vanderperren -- 18.

Absent or not voting -- Kirby and Tregoning -- 2.

Motion carried.

Representative Ferrall asked unanimous consent that the assembly stand recessed until 2:30 P.M. Granted.

The assembly stood recessed.

12:10 P.M.

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RECESS

2:40 P.M.

The assembly reconvened.

Representative Clarenbach asked unanimous consent that page 1355 of the Assembly Journal for Tuesday, October 16 be changed to

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show that the roll call on Assembly Joint Resolution 33 on which he asked to be recorded was taken on Tuesday, October 9. Granted.

Representative Clarenbach asked unanimous consent to be recorded as voting "Aye" on passage of Assembly Bill 846 on Tuesday, October 16. Granted.

Representative Clarenbach asked unanimous consent to be recorded as voting "Aye" on concurrence in Senate Bill 85 on Tuesday, October 16. Granted.

Assembly amendment 8 to assembly substitute amendment 1 to **Senate Bill 355** offered by Representative Thompson.

The question was: Shall assembly amendment 8 to assembly substitute amendment 1 to **Senate Bill 355** be adopted?

Motion carried.

Assembly amendment 9 to assembly substitute amendment 1 to **Senate Bill 355** offered by Representatives Metz, Munts, Porter, Gerlach and Matty.

The question was: Shall assembly amendment 9 to assembly substitute amendment 1 to **Senate Bill 355** be adopted?

Motion carried.

Assembly amendment 10 to assembly substitute amendment 1 to **Senate Bill 355** offered by Representatives Donoghue, Matty, Goodrich and Thompson.

Representative Kirby moved rejection of assembly amendment 10 to assembly substitute amendment 1 to **Senate Bill 355**.

Representative Czerwinski asked unanimous consent that "5%" be changed to "10%" on page 2, line 3 of assembly amendment 10 to assembly substitute amendment 1 to **Senate Bill 355**. Granted.

The question was: Shall assembly amendment 10 to assembly substitute amendment 1 to **Senate Bill 355** be rejected?

The roll was taken.

The result follows:

Ayes -- Barry, Becker, Behnke, Broydrick, Clarenbach, Coggs, Czerwinski, Duren, Ferrall, Fischer, Flintrop, Gerlach, Helbach, Johnson, Kedrowski, Kincaid, Kirby, Lee, Leopold, Lingren, Loftus, McClain, Medinger, Metz, Miller, Munts, Norquist, Otte, Plewa,

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Roberts, Rooney, Rutkowski, Smith, Soucie, Tesmer, Travis, D., Tuczynski, Ulichny, Wagner, Wahner and Mr. Speaker -- 41.

Noes -- Andrea, Barczak, Bradley, Byers, Conradt, DeLong, Dilweg, Donoghue, Dorff, Ellis, Everson, Gagin, Goodrich, Harer, Harsdorf, Hasenohrl, Hauke, Hephner, Hopkins, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lewis, Lewison, Lorman, Luckhardt, McEssy, Matty, Menos, Merkt, Murray, Nelsen, Omernick, Pabst, Paulson, Porter, Potter, Prosser, Quackenbush, Radtke, Robertson, Rogers, Schmidt, Schneider, Shabaz, Shoemaker, Snyder, Stitt, Swoboda, Thompson, Travis, R., Vanderperren, Ward, Wood and Young -- 57.

Absent or not voting -- Tregoning -- 1.

Motion failed.

Representative Johnson moved that assembly amendment 10 to assembly substitute amendment 1 to **Senate Bill 355** be laid on the table.

The question was: Shall assembly amendment 10 to assembly substitute amendment 1 to **Senate Bill 355** be laid on the table?

The roll was taken.

The result follows:

Ayes -- Andrea, Barry, Becker, Behnke, Broydrick, Clarenbach, Cogg, Czerwinski, Dorff, Duren, Ferrall, Fischer, Flintrop, Gerlach, Hasenohrl, Hauke, Helbach, Johnson, Kedrowski, Kincaid, Kirby, Lee, Leopold, Lingren, Loftus, McClain, Medinger, Menos, Metz, Miller, Munts, Murray, Norquist, Otte, Plewa, Roberts, Rogers, Rooney, Rutkowski, Schneider, Smith, Soucie, Swoboda, Tesmer, Travis, D., Tuczynski, Ulichny, Wagner, Wahner and Mr. Speaker -- 50.

Noes -- Barczak, Bradley, Byers, Conradt, DeLong, Dilweg, Donoghue, Ellis, Everson, Gagin, Goodrich, Harer, Harsdorf, Hephner, Hopkins, Klicka, Ladwig, Lallensack, Larson, Lewis, Lewison, Lorman, Luckhardt, McEssy, Matty, Merkt, Nelsen, Omernick, Pabst, Paulson, Porter, Potter, Prosser, Quackenbush, Radtke, Robertson, Schmidt, Shabaz, Shoemaker, Snyder, Stitt, Thompson, Travis, R., Vanderperren, Ward, Wood and Young -- 47.

Absent or not voting -- Laatsch and Tregoning -- 2.

Motion carried.

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Representative Laatsch asked unanimous consent to be recorded as voting "No" on the previous question. Granted.

Assembly amendment 11 to assembly substitute amendment 1 to **Senate Bill 355** offered by Representative Ward.

Representative Czerwinski moved rejection of assembly amendment 11 to assembly substitute amendment 1 to **Senate Bill 355**.

The question was: Shall assembly amendment 11 to assembly substitute amendment 1 to **Senate Bill 355** be rejected?

The roll was taken.

The result follows:

Ayes -- 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, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Johnson, Kedrowski, Kincaid, Kirby, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lee, Leopold, Lewison, Lingren, Loftus, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, Metz, Miller, Munts, Murray, Nelsen, Norquist, Omernick, Otte, Paulson, Plewa, Porter, Potter, Quackenbush, Radtke, Roberts, Robertson, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Shabaz, Shoemaker, Smith, Snyder, Soucie, Stitt, Swoboda, Tesmer, Thompson, Travis, D., Travis, R., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Wood, Young and Mr. Speaker -- 93.

Noes -- Hopkins, Lewis, Pabst, Prosser and Ward -- 5.

Absent or not voting -- Tregoning -- 1.

Motion carried.

Assembly amendment 12 to assembly substitute amendment 1 to **Senate Bill 355** offered by Representatives Thompson and Matty.

Representative Czerwinski moved rejection of assembly amendment 12 to assembly substitute amendment 1 to **Senate Bill 355**.

The question was: Shall assembly amendment 12 to assembly substitute amendment 1 to **Senate Bill 355** be rejected?

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The roll was taken.

The result follows:

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

Noes -- Bradley, Byers, Conratt, DeLong, Dilweg, Donoghue, Ellis, Gagin, Goodrich, Harer, Harsdorf, Hasenohrl, Hephner, Hopkins, Kincaid, Klicka, Laatsch, Ladwig, Larson, Lewis, Lewison, Lorman, Luckhardt, McEssy, Matty, Menos, Merkt, Nelsen, Omernick, Paulson, Porter, Prosser, Quackenbush, Radtke, Robertson, Shabaz, Snyder, Stitt, Swoboda, Thompson, Travis, R. and Young -- 42.

Absent or not voting -- Tregoning -- 1.

Motion carried.

Representative Pabst moved that assembly amendment 1 to assembly substitute amendment 1 to **Senate Bill 355** be taken from the table.

The question was: Shall assembly amendment 1 to assembly substitute amendment 1 to **Senate Bill 355** be taken from the table?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Behnke, Bradley, Broydrick, Byers, Conratt, DeLong, Dilweg, Donoghue, Dorff, Duren, Ellis, Gerlach, Harer, Harsdorf, Hasenohrl, Hauke, Hephner, Kedrowski, Kincaid, Lallensack, Larson, Leopold, Lewis, Lewison, Matty, Medinger, Menos, Munts, Murray, Pabst, Paulson, Porter, Potter, Prosser, Robertson, Rogers, Rooney, Schneider, Shoemaker, Swoboda, Tesmer, Travis, R., Tuczynski, Vanderperren, Ward and Wood -- 48.

Noes -- Barry, Becker, Clarenbach, Coggs, Czerwinski, Everson, Ferrall, Fischer, Flintrop, Gagin, Goodrich, Helbach, Hopkins, Johnson, Kirby, Klicka, Laatsch, Ladwig, Lee, Lingren, Loftus, Lorman, Luckhardt, McClain, McEssy, Merkt, Metz, Nelsen,

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Norquist, Omernick, Otte, Plewa, Quackenbush, Radtke, Roberts, Rutkowski, Schmidt, Shabaz, Smith, Snyder, Soucie, Stitt, Thompson, Travis, D., Ulichny, Wagner, Wahner, Young and Mr. Speaker -- 49.

Absent or not voting -- Miller and Tregoning -- 2.

Motion failed.

Representative Wahner asked unanimous consent that the assembly stand informal for one-half hour. Granted.

The assembly stood informal.

4:15 P.M.

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RECESS

5:30 P.M.

The assembly reconvened.

Assembly amendment 13 to assembly substitute amendment 1 to **Senate Bill 355** offered by Representatives Luckhardt and Thompson.

The question was: Shall assembly amendment 13 to assembly substitute amendment 1 to **Senate Bill 355** be adopted?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Becker, Behnke, Bradley, Byers, Clarenbach, Coggs, Conradt, Czerwinski, DeLong, Dilweg, Donoghue, Dorff, Duren, Ellis, Everson, Ferrall, Flintrop, Gagin, Goodrich, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Hopkins, Johnson, Kincaid, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lee, Leopold, Lewis, Lewison, Lingren, Loftus, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, Metz, Miller, Munts, Murray, Nelsen, Norquist, Omernick, Otte, Pabst, Paulson, Plewa, Porter, Potter, Prosser, Quackenbush, Radtke, Roberts, Robertson, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Shabaz, Shoemaker, Smith, Snyder, Soucie, Stitt, Swoboda, Tesmer, Thompson, Travis, D., Travis, R., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood, Young and Mr. Speaker -- 93.

Noes -- Broydrick, Fischer, Gerlach and Kirby -- 4.

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Absent or not voting -- Kedrowski and Tregoning -- 2.

Motion carried.

Assembly amendment 14 to assembly substitute amendment 1 to **Senate Bill 355** offered by Representatives Thompson, Shabaz and Goodrich.

Representative Czerwinski moved rejection of assembly amendment 14 to assembly substitute amendment 1 to **Senate Bill 355**.

The question was: Shall assembly amendment 14 to assembly substitute amendment 1 to **Senate Bill 355** be rejected?

The roll was taken.

The result follows:

Ayes -- Barry, Becker, Broydrick, Clarenbach, Coggs, Czerwinski, Donoghue, Dorff, Duren, Everson, Ferrall, Fischer, Flintrop, Gerlach, Hasenohrl, Helbach, Hephner, Johnson, Kedrowski, Kincaid, Kirby, Lallensack, Larson, Lee, Leopold, Lingren, Loftus, McClain, Medinger, Metz, Miller, Munts, Murray, Norquist, Otte, Plewa, Potter, Quackenbush, Roberts, Rogers, Rutkowski, Schneider, Shoemaker, Smith, Soucie, Swoboda, Tesmer, Travis, D., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood and Mr. Speaker -- 56.

Noes -- Andrea, Barczak, Behnke, Bradley, Byers, Conradt, DeLong, Dilweg, Ellis, Gagin, Goodrich, Harer, Harsdorf, Hauke, Hopkins, Klicka, Laatsch, Ladwig, Lewis, Lewison, Lorman, Luckhardt, McEssy, Matty, Menos, Merkt, Nelsen, Omernick, Pabst, Paulson, Porter, Prosser, Radtke, Robertson, Rooney, Schmidt, Shabaz, Snyder, Stitt, Thompson, Travis, R. and Young -- 42.

Absent or not voting -- Tregoning -- 1.

Motion carried.

Assembly amendment 15 to assembly substitute amendment 1 to **Senate Bill 355** offered by Representatives Goodrich and Matty.

The question was: Shall assembly amendment 15 to assembly substitute amendment 1 to **Senate Bill 355** be adopted?

Motion carried.

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Assembly amendment 16 to assembly substitute amendment 1 to **Senate Bill 355** offered by Representatives Donoghue and Goodrich.

The question was: Shall assembly amendment 16 to assembly substitute amendment 1 to **Senate Bill 355** be adopted?

Motion carried.

Assembly amendment 17 to assembly substitute amendment 1 to **Senate Bill 355** offered by Representative Schneider.

Representative Czerwinski moved rejection of assembly amendment 17 to assembly substitute amendment 1 to **Senate Bill 355**.

The question was: Shall assembly amendment 17 to assembly substitute amendment 1 to **Senate Bill 355** be rejected?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Becker, Behnke, Bradley, Broydrick, Byers, Clarenbach, Coggs, Conradt, Czerwinski, DeLong, Dilweg, Dorff, Everson, Ferrall, Flintrop, Gagin, Gerlach, Hauke, Helbach, Hephner, Hopkins, Johnson, Kedrowski, Kirby, Klicka, Ladwig, Lallensack, Lee, Leopold, Lewis, Lewison, Lingren, Loftus, McClain, McEssy, Menos, Merkt, Metz, Miller, Munts, Murray, Norquist, Omernick, Otte, Pabst, Plewa, Porter, Potter, Quackenbush, Roberts, Rogers, Rooney, Rutkowski, Schmidt, Shabaz, Smith, Snyder, Stitt, Swoboda, Tesmer, Thompson, Travis, D., Travis, R., Ulichny, Vanderperren, Wagner, Wahner, Ward, Young and Mr. Speaker -- 73.

Noes -- Donoghue, Duren, Ellis, Fischer, Goodrich, Harer, Harsdorf, Hasenohrl, Kincaid, Laatsch, Larson, Lorman, Luckhardt, Matty, Medinger, Nelsen, Paulson, Prosser, Radtke, Robertson, Schneider, Shoemaker, Tuczynski and Wood -- 24.

Absent or not voting -- Soucie and Tregoning -- 2.

Motion carried.

Assembly amendment 18 to assembly substitute amendment 1 to **Senate Bill 355** offered by Representatives Tuczynski, Barczak, Leopold, Hauke, Andrea, Pabst and Behnke.

Representative Czerwinski moved rejection of assembly amendment 18 to assembly substitute amendment 1 to **Senate Bill 355**.



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The question was: Shall assembly amendment 18 to assembly substitute amendment 1 to **Senate Bill 355** be rejected?

The roll was taken.

The result follows:

Ayes -- Barry, Becker, Bradley, Broydrick, Byers, Coggs, Conradt, Czerwinski, DeLong, Dilweg, Donoghue, Dorff, Duren, Ellis, Everson, Ferrall, Fischer, Flintrop, Gagin, Gerlach, Goodrich, Harer, Harsdorf, Helbach, Hopkins, Johnson, Kedrowski, Kincaid, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lee, Lewis, Lewison, Lingren, Loftus, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Merkt, Metz, Miller, Munts, Murray, Nelsen, Norquist, Omernick, Otte, Paulson, Plewa, Porter, Potter, Quackenbush, Radtke, Roberts, Robertson, Rooney, Rutkowski, Schmidt, Shabaz, Shoemaker, Smith, Snyder, Soucie, Stitt, Thompson, Travis, D., Travis, R., Ulichny, Vanderperren, Wagner, Ward, Wood and Young -- 79.

Noes -- Andrea, Barczak, Behnke, Clarenbach, Hasenohrl, Hauke, Hephner, Kirby, Leopold, Menos, Pabst, Prosser, Rogers, Schneider, Swoboda, Tesmer, Tuczynski and Mr. Speaker -- 18.

Absent or not voting -- Tregoning and Wahner -- 2.

Motion carried.

Representative Barry moved that assembly amendment 10 to assembly substitute amendment 1 to **Senate Bill 355** be taken from the table.

The question was: Shall assembly amendment 10 to assembly substitute amendment 1 to **Senate Bill 355** be taken from the table?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Behnke, Bradley, Byers, Conradt, DeLong, Dilweg, Donoghue, Dorff, Duren, Ellis, Everson, Gagin, Goodrich, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Hopkins, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lewis, Lewison, Lorman, Luckhardt, McClain, McEssy, Matty, Menos, Merkt, Murray, Nelsen, Omernick, Pabst, Paulson, Porter, Potter, Prosser, Quackenbush, Radtke, Robertson, Rogers, Rooney, Schmidt, Shabaz, Shoemaker, Snyder, Stitt, Swoboda, Thompson, Travis, R., Tuczynski, Vanderperren, Wagner, Ward, Wood and Young -- 64.

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Noes -- Becker, Broydrick, Clarenbach, Coggs, Czerwinski, Ferrall, Fischer, Flintrop, Gerlach, Johnson, Kedrowski, Kincaid, Kirby, Lee, Leopold, Lingren, Loftus, Medinger, Metz, Miller, Munts, Norquist, Otte, Plewa, Roberts, Rutkowski, Schneider, Smith, Soucie, Tesmer, Travis, D., Ulichny, Wahner and Mr. Speaker -- 34.

Absent or not voting -- Tregoning -- 1.

Motion carried.

The question was: Shall assembly amendment 10 to assembly substitute amendment 1 to **Senate Bill 355** be adopted?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Bradley, Byers, DeLong, Dilweg, Donoghue, Ellis, Everson, Gagin, Goodrich, Harer, Harsdorf, Hauke, Hephner, Hopkins, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lewis, Lewison, Lorman, Luckhardt, Matty, Merkt, Murray, Nelsen, Omernick, Paulson, Porter, Potter, Prosser, Quackenbush, Radtke, Robertson, Rooney, Schmidt, Shabaz, Shoemaker, Snyder, Stitt, Tesmer, Thompson, Travis, R., Tuczynski, Vanderperren, Wood and Young -- 51.

Noes -- Becker, Behnke, Broydrick, Clarenbach, Coggs, Conradt, Czerwinski, Dorff, Duren, Ferrall, Fischer, Flintrop, Gerlach, Hasenohrl, Helbach, Johnson, Kedrowski, Kincaid, Kirby, Lee, Leopold, Lingren, Loftus, McClain, McEssy, Medinger, Menos, Metz, Miller, Munts, Norquist, Otte, Pabst, Plewa, Roberts, Rogers, Rutkowski, Schneider, Smith, Soucie, Swoboda, Travis, D., Ulichny, Wagner, Wahner, Ward and Mr. Speaker -- 47.

Absent or not voting -- Tregoning -- 1.

Motion carried.

Assembly amendment 19 to assembly substitute amendment 1 to **Senate Bill 355** offered by Representatives Prosser and Ellis.

Representative Czerwinski moved rejection of assembly amendment 19 to assembly substitute amendment 1 to **Senate Bill 355**.

Speaker pro tempore Kedrowski in the chair.

The question was: Shall assembly amendment 19 to assembly substitute amendment 1 to **Senate Bill 355** be rejected?

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The roll was taken.

The result follows:

Ayes -- Andrea, Becker, Behnke, Broydrick, Coggs, Czerwinski, Dorff, Duren, Ferrall, Fischer, Flintrop, Gerlach, Hasenohrl, Hauke, Helbach, Johnson, Kedrowski, Kirby, Lee, Leopold, Lingren, Loftus, McClain, Medinger, Metz, Miller, Munts, Nelsen, Norquist, Otte, Pabst, Plewa, Potter, Roberts, Rogers, Rooney, Rutkowski, Shoemaker, Smith, Soucie, Tesmer, Travis, D., Ulichny, Wagner, Wahner, Ward, Wood and Mr. Speaker -- 48.

Noes -- Barczak, Barry, Bradley, Byers, Clarenbach, Conradt, DeLong, Dilweg, Donoghue, Ellis, Everson, Gagin, Goodrich, Harer, Harsdorf, Hephner, Hopkins, Kincaid, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lewis, Lewison, Lorman, Luckhardt, McEssy, Matty, Menos, Merkt, Murray, Omernick, Paulson, Porter, Prosser, Quackenbush, Radtke, Robertson, Schmidt, Schneider, Shabaz, Snyder, Stitt, Swoboda, Thompson, Travis, R., Tuczynski, Vanderperren and Young -- 50.

Absent or not voting -- Tregoning -- 1.

Motion failed.

Representative Johnson moved that assembly amendment 19 to assembly substitute amendment 1 to **Senate Bill 355** be laid on the table.

The question was: Shall assembly amendment 19 to assembly substitute amendment 1 to **Senate Bill 355** be laid on the table?

The roll was taken.

The result follows:

Ayes -- Andrea, Barry, Becker, Behnke, Broydrick, Clarenbach, Coggs, Czerwinski, Dorff, Duren, Ferrall, Fischer, Flintrop, Gerlach, Harsdorf, Hasenohrl, Hauke, Helbach, Johnson, Kedrowski, Kirby, Lee, Leopold, Lingren, Loftus, McClain, Medinger, Metz, Miller, Munts, Murray, Norquist, Otte, Pabst, Plewa, Potter, Roberts, Rogers, Rooney, Rutkowski, Shoemaker, Smith, Soucie, Tesmer, Travis, D., Ulichny, Wagner, Wahner, Ward, Wood and Mr. Speaker -- 51.

Noes -- Barczak, Bradley, Byers, Conradt, DeLong, Dilweg, Donoghue, Ellis, Everson, Gagin, Goodrich, Harer, Hephner, Hopkins, Kincaid, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lewis, Lewison, Lorman, Luckhardt, McEssy, Matty, Menos,

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Merkt, Nelsen, Omernick, Paulson, Porter, Prosser, Quackenbush, Radtke, Robertson, Schmidt, Schneider, Shabaz, Snyder, Stitt, Swoboda, Thompson, Travis, R., Tuczynski, Vanderperren and Young -- 47.

Absent or not voting -- Tregoning -- 1.

Motion carried.

Assembly amendment 20 to assembly substitute amendment 1 to **Senate Bill 355** offered by Representatives Menos and Lallensack.

Assembly amendment 21 to assembly substitute amendment 1 to **Senate Bill 355** offered by Representatives Menos and Lallensack.

Representative Menos asked unanimous consent that assembly amendments 20 and 21 to assembly substitute amendment 1 to **Senate Bill 355** be withdrawn and returned to the authors. Granted.

Assembly amendment 22 to assembly substitute amendment 1 to **Senate Bill 355** offered by Representatives Barry, Matty, Smith, Porter and Thompson.

The question was: Shall assembly amendment 22 to assembly substitute amendment 1 to **Senate Bill 355** be adopted?

Motion carried.

Assembly amendment 23 to assembly substitute amendment 1 to **Senate Bill 355** offered by Representatives Kincaid, Vanderperren, Lallensack, Rogers, Kedrowski, Pabst, Swoboda, Tuczynski, Hasenohrl, Schneider and Duren.

Representative Czerwinski moved rejection of assembly amendment 23 to assembly substitute amendment 1 to **Senate Bill 355**.

Representative Ferrall in the chair.

The question was: Shall assembly amendment 23 to assembly substitute amendment 1 to **Senate Bill 355** be rejected?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Becker, Bradley, Broydrick, Byers, Coggs, Conradt, Czerwinski, DeLong, Dilweg, Donoghue, Dorff, Ellis, Ferrall, Fischer, Flintrop, Gagin, Gerlach, Goodrich, Harer, Harsdorf, Hauke, Helbach, Hopkins, Johnson, Kirby, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lee, Leopold, Lewis, Lewison,

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Lingren, Loftus, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Merkt, Metz, Miller, Munts, Murray, Nelsen, Norquist, Omernick, Otte, Paulson, Plewa, Porter, Potter, Prosser, Radtke, Roberts, Robertson, Rogers, Rooney, Rutkowski, Schmidt, Shabaz, Shoemaker, Smith, Snyder, Soucie, Stitt, Tesmer, Travis, D., Travis, R., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood, Young and Mr. Speaker -- 84.

Noes -- Behnke, Clarenbach, Duren, Everson, Hasenohrl, Hephner, Kedrowski, Kincaid, Menos, Pabst, Quackenbush, Schneider, Swoboda and Thompson -- 14.

Absent or not voting -- Tregoning -- 1.

Motion carried.

Representative Donoghue asked unanimous consent to be recorded as voting "No" on the previous question. Granted.

Assembly amendment 24 to assembly substitute amendment 1 to **Senate Bill 355** offered by Representative Schneider.

Representative Czerwinski moved rejection of assembly amendment 24 to assembly substitute amendment 1 to **Senate Bill 355**.

Representative Schneider asked unanimous consent that assembly amendment 24 to assembly substitute amendment 1 to **Senate Bill 355** be withdrawn and returned to the author. Granted.

Assembly amendment 25 to assembly substitute amendment 1 to **Senate Bill 355** offered by Representatives Duren, Leopold and Kincaid.

Speaker Jackamonis in the chair.

Representative Czerwinski moved rejection of assembly amendment 25 to assembly substitute amendment 1 to **Senate Bill 355**.

The question was: Shall assembly amendment 25 to assembly substitute amendment 1 to **Senate Bill 355** be rejected?

The roll was taken.

The result follows:

Ayes -- Becker, Broydrick, Coggs, Czerwinski, Dilweg, Ellis, Ferrall, Fischer, Flintrop, Gagin, Gerlach, Goodrich, Harer, Harsdorf, Hasenohrl, Helbach, Hopkins, Johnson, Kedrowski,

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Kirby, Klicka, Ladwig, Lee, Lewis, Lewison, Lingren, Loftus, Lorman, Luckhardt, McClain, Medinger, Metz, Miller, Munts, Nelsen, Norquist, Otte, Pabst, Paulson, Plewa, Potter, Prosser, Quackenbush, Radtke, Roberts, Rogers, Rooney, Shabaz, Smith, Snyder, Soucie, Stitt, Travis, D., Travis, R., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Young and Mr. Speaker -- 61.

Noes -- Andrea, Barczak, Barry, Bradley, Byers, Clarenbach, Conradt, DeLong, Donoghue, Dorff, Duren, Everson, Hauke, Hephner, Kincaid, Laatsch, Lallensack, Larson, Leopold, McEssy, Matty, Menos, Merkt, Murray, Omernick, Porter, Robertson, Rutkowski, Schneider, Shoemaker, Swoboda, Tesmer, Thompson, Ward and Wood -- 35.

Absent or not voting -- Behnke, Schmidt and Tregoning -- 3.

Motion carried.

Representative Schmidt asked unanimous consent to be recorded as voting "Aye" on the previous question. Granted.

Assembly amendment 26 to assembly substitute amendment 1 to **Senate Bill 355** offered by Representative Tuczynski.

Representative Czerwinski moved rejection of assembly amendment 26 to assembly substitute amendment 1 to **Senate Bill 355**.

The question was: Shall assembly amendment 26 to assembly substitute amendment 1 to **Senate Bill 355** be rejected?

The roll was taken.

The result follows:

Ayes -- Andrea, Barry, Becker, Behnke, Bradley, Broydrick, Byers, Coggs, Conradt, Czerwinski, DeLong, Dilweg, Donoghue, Ellis, Everson, Ferrall, Fischer, Flintrop, Gagin, Gerlach, Goodrich, Harer, Harsdorf, Hasenohrl, Helbach, Hopkins, Johnson, Kedrowski, Kirby, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lee, Lewis, Lewison, Lingren, Loftus, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Merkt, Metz, Miller, Munts, Murray, Nelsen, Norquist, Omernick, Otte, Paulson, Porter, Prosser, Quackenbush, Roberts, Robertson, Rooney, Rutkowski, Schmidt, Shabaz, Shoemaker, Smith, Snyder, Soucie, Stitt, Tesmer, Thompson, Travis, D., Travis, R., Ulichny, Vanderperren, Wagner, Wahner, Young and Mr. Speaker -- 79.

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Noes -- Barczak, Clarenbach, Dorff, Duren, Hauke, Hephner, Kincaid, Leopold, Menos, Pabst, Plewa, Potter, Rogers, Swoboda, Tuczynski, Ward and Wood -- 17.

Absent or not voting -- Radtke, Schneider and Tregoning -- 3.

Motion carried.

Representative Rogers moved that assembly amendment 1 to assembly substitute amendment 1 to **Senate Bill 355** be taken from the table.

The question was: Shall assembly amendment 1 to assembly substitute amendment 1 to **Senate Bill 355** be taken from the table?

Motion failed.

Representative Rogers moved that **Senate Bill 355** be laid on the table.

The question was: Shall **Senate Bill 355** be laid on the table?

The roll was taken.

The result follows:

Ayes -- Conradt, Gagin, Goodrich, Harer, Hopkins, Klicka, Ladwig, Leopold, Lewis, Luckhardt, Medinger, Merkt, Omernick, Paulson, Prosser, Rogers, Rooney, Schneider, Shabaz, Snyder, Stitt, Thompson, Travis, R. and Young -- 24.

Noes -- Andrea, Barczak, Barry, Becker, Behnke, Bradley, Broydrick, Byers, Clarenbach, Coggs, Czerwinski, DeLong, Dilweg, Donoghue, Dorff, Duren, Ellis, Everson, Ferrall, Fischer, Flintrop, Gerlach, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Johnson, Kedrowski, Kincaid, Kirby, Laatsch, Lallensack, Larson, Lee, Lewison, Lingren, Loftus, Lorman, McClain, McEssy, Matty, Menos, Metz, Miller, Munts, Murray, Nelsen, Norquist, Otte, Pabst, Plewa, Porter, Potter, Quackenbush, Radtke, Roberts, Robertson, Rutkowski, Schmidt, Shoemaker, Smith, Soucie, Swoboda, Tesmer, Travis, D., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood and Mr. Speaker -- 74.

Absent or not voting -- Tregoning -- 1.

Motion failed.

Representative Schneider moved that **Senate Bill 355** be referred to the committee on Revenue.

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The question was: Shall **Senate Bill 355** be referred to the committee on Revenue?

Motion failed.

The question was: Shall assembly substitute amendment 1 to **Senate Bill 355** be adopted?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Becker, Behnke, Broydrick, Byers, Clarenbach, Coggs, Conradt, Czerwinski, DeLong, Dilweg, Donoghue, Dorff, Duren, Ellis, Everson, Ferrall, Fischer, Flintrop, Gagin, Gerlach, Goodrich, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Johnson, Kedrowski, Kincaid, Kirby, Laatsch, Ladwig, Lallensack, Larson, Lee, Lewison, Lingren, Loftus, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, Metz, Miller, Munts, Murray, Nelsen, Norquist, Omernick, Otte, Pabst, Paulson, Plewa, Porter, Potter, Prosser, Quackenbush, Radtke, Roberts, Robertson, Rogers, Rutkowski, Schmidt, Shoemaker, Smith, Snyder, Soucie, Swoboda, Tesmer, Thompson, Travis, D., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood and Mr. Speaker -- 87.

Noes -- Bradley, Hopkins, Klicka, Leopold, Lewis, Rooney, Schneider, Shabaz, Stitt, Travis, R. and Young -- 11.

Absent or not voting -- Tregoning -- 1.

Motion carried.

The question was: Shall **Senate Bill 355** be ordered to a third reading?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Becker, Behnke, Broydrick, Byers, Clarenbach, Coggs, Conradt, Czerwinski, DeLong, Dilweg, Donoghue, Dorff, Duren, Ellis, Everson, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Johnson, Kedrowski, Kincaid, Kirby, Laatsch, Ladwig, Lallensack, Larson, Lee, Lewison, Lingren, Loftus, Lorman, McClain, McEssy, Matty, Medinger, Menos, Merkt, Metz, Miller, Munts, Murray, Nelsen, Norquist, Otte, Pabst, Paulson, Plewa, Porter, Potter, Quackenbush, Radtke, Roberts, Robertson, Rogers,



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Rutkowski, Schmidt, Shoemaker, Smith, Soucie, Swoboda, Tesmer, Thompson, Travis, D., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood and Mr. Speaker -- 82.

Noes -- Bradley, Gagin, Hopkins, Klicka, Leopold, Lewis, Luckhardt, Omernick, Prosser, Rooney, Schneider, Shabaz, Snyder, Stitt, Travis, R. and Young -- 16.

Absent or not voting -- Tregoning -- 1.

Motion carried.

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

Representative R. Travis moved that **Senate Bill 355** be referred to the committee on Revenue.

The question was: Shall **Senate Bill 355** be referred to the committee on Revenue?

The roll was taken.

The result follows:

Ayes -- Bradley, Conradt, DeLong, Donoghue, Gagin, Harer, Harsdorf, Hopkins, Klicka, Laatsch, Ladwig, Lallensack, Lewis, Luckhardt, Matty, Medinger, Menos, Merkt, Omernick, Pabst, Paulson, Porter, Prosser, Robertson, Rooney, Schneider, Shabaz, Shoemaker, Snyder, Stitt, Thompson, Travis, R. and Young -- 33.

Noes -- Andrea, Barczak, Barry, Becker, Behnke, Broydrick, Byers, Clarenbach, Coggs, Czerwinski, Dilweg, Dorff, Duren, Ellis, Everson, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Hasenohrl, Hauke, Helbach, Hephner, Johnson, Kedrowski, Kincaid, Kirby, Larson, Lee, Leopold, Lewison, Lingren, Loftus, Lorman, McClain, McEssy, Metz, Miller, Munts, Murray, Nelsen, Norquist, Otte, Plewa, Potter, Quackenbush, Radtke, Roberts, Rogers, Rutkowski, Schmidt, Smith, Soucie, Swoboda, Tesmer, Travis, D., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood and Mr. Speaker -- 65.

Absent or not voting -- Tregoning -- 1.

Motion failed.

The question was: **Senate Bill 355** having been read three times, shall the bill be concurred in?

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The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Becker, Behnke, Bradley, Broydrick, Byers, Clarenbach, Coggs, Conratt, Czerwinski, DeLong, Dilweg, Donoghue, Dorff, Duren, Ellis, Everson, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Johnson, Kedrowski, Kincaid, Kirby, Laatsch, Ladwig, Lallensack, Larson, Lee, Lewison, Lingren, Loftus, Lorman, McClain, McEssy, Matty, Medinger, Menos, Merkt, Metz, Miller, Munts, Murray, Nelsen, Norquist, Otte, Pabst, Paulson, Plewa, Porter, Potter, Quackenbush, Radtke, Roberts, Robertson, Rogers, Rutkowski, Schmidt, Schneider, Shoemaker, Smith, Soucie, Swoboda, Tesmer, Travis, D., Travis, R., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood and Mr. Speaker -- 84.

Noes -- Gagin, Hopkins, Klicka, Leopold, Lewis, Luckhardt, Omernick, Prosser, Rooney, Shabaz, Snyder, Stitt, Thompson and Young -- 14.

Absent or not voting -- Tregoning -- 1.

Motion carried.

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

**Assembly Bill 108**

Relating to regulating the harvest of wild ginseng, granting rule-making authority and providing a penalty.

The question was: Shall assembly amendment 3 to **Assembly Bill 108** be adopted?

Motion carried.

The question was: Shall assembly amendment 4 to **Assembly Bill 108** be adopted?

Motion carried.

Representative Shabaz moved reconsideration of the vote by which assembly amendment 4 to **Assembly Bill 108** was adopted. Entered.

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Representative Shabaz asked unanimous consent that the rules be suspended and that the motion for reconsideration of the vote by which assembly amendment 4 to **Assembly Bill 108** was adopted be taken up at this time. Granted.

The question was: Shall the vote by which assembly amendment 4 to **Assembly Bill 108** was adopted be reconsidered?

The roll was taken.

The result follows:

Ayes -- Bradley, Byers, Conradt, DeLong, Dilweg, Donoghue, Ellis, Gagin, Goodrich, Hopkins, Klicka, Laatsch, Ladwig, Larson, Lewis, Lewison, Lorman, Luckhardt, McEssy, Matty, Merkt, Omernick, Porter, Prosser, Quackenbush, Radtke, Robertson, Schmidt, Shabaz, Snyder, Stitt, Thompson, Travis, R. and Young -- 34.

Noes -- Andrea, Barczak, Barry, Becker, Behnke, Broydrick, Clarenbach, Coggis, Czerwinski, Dorff, Duren, Everson, Ferrall, Fischer, Flintrop, Gerlach, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Johnson, Kedrowski, Kincaid, Kirby, Lallensack, Lee, Leopold, Lingren, Loftus, McClain, Medinger, Menos, Metz, Miller, Munts, Murray, Nelsen, Norquist, Otte, Pabst, Paulson, Plewa, Potter, Roberts, Rogers, Rooney, Rutkowski, Schneider, Shoemaker, Smith, Soucie, Swoboda, Tesmer, Travis, D., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood and Mr. Speaker -- 64.

Absent or not voting -- Tregoning -- 1.

Motion failed.

The question was: Shall assembly amendment 5 to **Assembly Bill 108** be adopted?

Motion carried.

Representative Wood asked unanimous consent that assembly amendment 6 to **Assembly Bill 108** be withdrawn and returned to the author. Granted.

Representative Duren moved rejection of assembly amendment 7 to **Assembly Bill 108**.

The question was: Shall assembly amendment 7 to **Assembly Bill 108** be rejected?

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The roll was taken.

The result follows:

Ayes -- Barczak, Barry, Becker, Behnke, Broydrick, Clarenbach, Cogg, Czerwinski, Dorff, Duren, Ferrall, Fischer, Flintrop, Gagin, Gerlach, Hasenohrl, Hauke, Helbach, Johnson, Kedrowski, Kirby, Ladwig, Lallensack, Leopold, Lewison, Lingren, Loftus, Lorman, McClain, Menos, Metz, Miller, Munts, Otte, Pabst, Plewa, Potter, Prosser, Quackenbush, Radtke, Roberts, Rogers, Rutkowski, Schneider, Shoemaker, Smith, Soucie, Swoboda, Tesmer, Travis, D., Travis, R., Tuczynski, Ulichny, Vanderperren, Wahner, Ward, Wood and Mr. Speaker -- 58.

Noes -- Andrea, Bradley, Byers, Conradt, DeLong, Dilweg, Donoghue, Ellis, Everson, Goodrich, Harer, Harsdorf, Hephner, Hopkins, Kincaid, Klicka, Laatsch, Larson, Lee, Lewis, Luckhardt, McEssy, Matty, Medinger, Merkt, Murray, Nelsen, Norquist, Omernick, Paulson, Porter, Robertson, Rooney, Schmidt, Shabaz, Snyder, Stitt, Thompson, Wagner and Young -- 40.

Absent or not voting -- Tregoning -- 1.

Motion carried.

Assembly amendment 8 to **Assembly Bill 108** offered by Representatives Wood and Duren.

The question was: Shall assembly amendment 8 to **Assembly Bill 108** be adopted?

Motion carried.

Assembly amendment 9 to **Assembly Bill 108** offered by Representatives Thompson, Rogers, DeLong, Pabst and Swoboda.

Representative Johnson moved rejection of assembly amendment 9 to **Assembly Bill 108**.

The question was: Shall assembly amendment 9 to **Assembly Bill 108** be rejected?

The roll was taken.

The result follows:

Ayes -- Becker, Broydrick, Ferrall, Flintrop, Johnson, Kedrowski, Kirby, Lee, Leopold, Loftus, McClain, Medinger, Miller, Munts, Norquist, Otte, Prosser, Roberts, Rooney, Schneider, Wahner and Mr. Speaker -- 22.

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Noes -- Andrea, Barczak, Barry, Behnke, Bradley, Byers, Clarenbach, Coggs, Conradt, Czerwinski, DeLong, Dilweg, Donoghue, Dorff, Duren, Ellis, Everson, Fischer, Gagin, Gerlach, Goodrich, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Hopkins, Kincaid, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lewis, Lewison, Lingren, Lorman, Luckhardt, McEssy, Matty, Menos, Merkt, Metz, Murray, Nelsen, Omernick, Pabst, Paulson, Plewa, Porter, Potter, Quackenbush, Radtke, Robertson, Rogers, Rutkowski, Schmidt, Shabaz, Shoemaker, Smith, Snyder, Soucie, Stitt, Swoboda, Tesmer, Thompson, Travis, D., Travis, R., Tuczynski, Ulichny, Vanderperren, Wagner, Ward, Wood and Young -- 76.

Absent or not voting -- Tregoning -- 1.

Motion failed.

The question was: Shall assembly amendment 9 to **Assembly Bill 108** be adopted?

Motion carried.

Assembly amendment 10 to **Assembly Bill 108** offered by Representatives Thompson and Shabaz.

Speaker pro tempore Kedrowski in the chair.

Representative Duren moved rejection of assembly amendment 10 to **Assembly Bill 108**.

The question was: Shall assembly amendment 10 to **Assembly Bill 108** be rejected?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Becker, Behnke, Broydrick, Clarenbach, Coggs, Czerwinski, Dorff, Duren, Everson, Ferrall, Fischer, Flintrop, Gerlach, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Johnson, Kedrowski, Kirby, Lallensack, Lee, Leopold, Lewison, Loftus, Lorman, McClain, Medinger, Metz, Miller, Munts, Murray, Norquist, Otte, Pabst, Paulson, Plewa, Potter, Quackenbush, Radtke, Roberts, Rogers, Rooney, Rutkowski, Schneider, Shoemaker, Smith, Soucie, Swoboda, Tesmer, Travis, D., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Wood and Mr. Speaker -- 63.

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Noes -- Bradley, Byers, Conradt, DeLong, Dilweg, Donoghue, Gagin, Goodrich, Hopkins, Kincaid, Klicka, Laatsch, Ladwig, Larson, Lewis, Lingren, Luckhardt, McEssy, Matty, Menos, Merkt, Nelsen, Omernick, Porter, Prosser, Robertson, Schmidt, Shabaz, Snyder, Stitt, Thompson, Travis, R., Ward and Young -- 34.

Absent or not voting -- Ellis and Tregoning -- 2.

Motion carried.

Representative Kincaid moved that **Assembly Bill 108** be laid on the table.

The question was: Shall **Assembly Bill 108** be laid on the table?

The roll was taken.

The result follows:

Ayes -- Bradley, Byers, Conradt, Dilweg, Ellis, Hephner, Hopkins, Kincaid, Klicka, Ladwig, Lewis, McEssy, Omernick, Pabst, Porter, Robertson, Schmidt, Shabaz, Snyder, Stitt, Tuczynski, Ward and Young -- 23.

Noes -- Andrea, Barczak, Barry, Becker, Behnke, Broydrick, Clarenbach, Cogs, Czerwinski, DeLong, Donoghue, Dorff, Duren, Everson, Ferrall, Fischer, Flintrop, Gagin, Gerlach, Goodrich, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Johnson, Kedrowski, Kirby, Laatsch, Lallensack, Larson, Lee, Leopold, Lewison, Lingren, Loftus, Lorman, Luckhardt, McClain, Matty, Medinger, Menos, Merkt, Metz, Miller, Munts, Murray, Nelsen, Norquist, Otte, Paulson, Plewa, Potter, Prosser, Quackenbush, Radtke, Roberts, Rogers, Rooney, Rutkowski, Schneider, Shoemaker, Smith, Soucie, Swoboda, Tesmer, Thompson, Travis, D., Travis, R., Ulichny, Vanderperren, Wagner, Wahner, Wood and Mr. Speaker -- 75.

Absent or not voting -- Tregoning -- 1.

Motion failed.

The question was: Shall **Assembly Bill 108** be ordered engrossed and read a third time?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 108** be given a third reading. Granted.

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The question was: **Assembly Bill 108** having been read three times, shall the bill pass?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Becker, Behnke, Broydrick, Clarenbach, Coggs, Czerwinski, DeLong, Dilweg, Dorff, Duren, Everson, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, Harer, Harsdorf, Hauke, Helbach, Johnson, Kedrowski, Kirby, Klicka, Laatsch, Lallensack, Lee, Leopold, Lewison, Lingren, Loftus, Lorman, Luckhardt, McClain, Medinger, Menos, Merkt, Metz, Miller, Munts, Murray, Nelsen, Norquist, Otte, Pabst, Paulson, Plewa, Porter, Potter, Quackenbush, Radtke, Roberts, Rogers, Rooney, Rutkowski, Schneider, Shabaz, Shoemaker, Smith, Snyder, Soucie, Stitt, Swoboda, Tesmer, Thompson, Travis, D., Travis, R., Ulichny, Vanderperren, Wagner, Wahner, Wood and Mr. Speaker -- 76.

Noes -- Bradley, Byers, Conradt, Donoghue, Gagin, Hasenohrl, Hephner, Hopkins, Kincaid, Ladwig, Larson, Lewis, McEssy, Matty, Omernick, Prosser, Robertson, Schmidt, Tuczynski, Ward and Young -- 21.

Absent or not voting -- Ellis and Tregoning -- 2.

Motion carried.

Representative Thompson asked unanimous consent to be recorded as voting "No" on the previous question. Granted.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 108** be immediately messaged to the senate. Granted.

### **Assembly Bill 104**

Relating to utility advertising practices.

Assembly amendment 1 to assembly substitute amendment 1 to **Assembly Bill 104** offered by Representative Barry.

Representative Wahner asked unanimous consent that **Assembly Bill 104** be placed at the foot of the twelfth order of business on today's calendar. Granted.

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**Assembly Bill 410**

Relating to reorganizing the law on appointment of members of the personnel board.

The question was: Shall assembly amendment 1 to **Assembly Bill 410** be adopted?

Motion carried.

Assembly amendment 2 to **Assembly Bill 410** offered by Representative Shabaz.

The question was: Shall assembly amendment 2 to **Assembly Bill 410** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 410** be ordered engrossed and read a third time?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 410** be given a third reading. Granted.

The question was: **Assembly Bill 410** having been read three times, shall the bill pass?

The roll was taken.

The result follows:

Ayes -- 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, 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, Murray, Nelsen, Norquist, Omernick, Otte, Pabst, Paulson, Plewa, Porter, Potter, Prosser, Quackenbush, Radtke, Roberts, Robertson, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Shabaz, Shoemaker, Smith, Snyder, Soucie, Stitt, Swoboda, Tesmer, Thompson, Travis, D., Travis, R., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood, Young and Mr. Speaker -- 98.

Noes -- None.



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Absent or not voting -- Tregoning -- 1.

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 410** be immediately messaged to the senate. Granted.

**Assembly Bill 459**

Relating to removing latin terms from the statutes.

Representative Wahner asked unanimous consent that **Assembly Bill 459** be placed at the foot of the twelfth order of business on the calendar of Tuesday, October 23. Granted.

**Assembly Bill 461**

Relating to permitting minors accompanied by an adult to play bingo, increasing the number of bingo occasions an organization may conduct, raising the limit on the amount which may be awarded as a prize in certain circumstances and miscellaneous other changes in laws regulating bingo games.

The question was: Shall assembly substitute amendment 1 to **Assembly Bill 461** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 461** be ordered engrossed and read a third time?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 461** be given a third reading. Granted.

Representative Duren moved indefinite postponement of **Assembly Bill 461**.

Speaker Jackamonis in the chair.

The question was: Shall **Assembly Bill 461** be indefinitely postponed?

The roll was taken.

The result follows:

Ayes -- Broydrick, Clarenbach, Coggs, Conradt, Dilweg, Donoghue, Dorff, Duren, Everson, Flintrop, Goodrich, Harer,

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Harsdorf, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lee, Lewis, Lingren, Loftus, Lorman, Luckhardt, McClain, Matty, Metz, Miller, Munts, Nelsen, Norquist, Otte, Paulson, Quackenbush, Radtke, Robertson, Schmidt, Shabaz, Snyder, Stitt, Tesmer, Ward, Wood, Young and Mr. Speaker -- 45.

Noes -- Andrea, Barczak, Barry, Becker, Behnke, Bradley, Byers, Czerwinski, DeLong, Ellis, Ferrall, Fischer, Gagin, Gerlach, Hasenohrl, Hauke, Helbach, Hephner, Hopkins, Johnson, Kedrowski, Kincaid, Kirby, Leopold, Lewison, McEssy, Medinger, Menos, Merkt, Murray, Omernick, Pabst, Plewa, Porter, Potter, Prosser, Roberts, Rogers, Rooney, Rutkowski, Schneider, Shoemaker, Smith, Soucie, Swoboda, Thompson, Travis, D., Travis, R., Tuczynski, Ulichny, Vanderperren, Wagner and Wahner -- 53.

Absent or not voting -- Tregoning -- 1.

Motion failed.

The question was: **Assembly Bill 461** having been read three times, shall the bill pass?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Becker, Behnke, Bradley, Byers, Czerwinski, DeLong, Ellis, Ferrall, Fischer, Gagin, Gerlach, Hasenohrl, Hauke, Helbach, Hephner, Hopkins, Johnson, Kedrowski, Kincaid, Kirby, Leopold, Lewison, McEssy, Matty, Medinger, Menos, Merkt, Murray, Omernick, Pabst, Plewa, Porter, Potter, Roberts, Rogers, Rooney, Rutkowski, Schneider, Shoemaker, Smith, Soucie, Swoboda, Thompson, Travis, D., Travis, R., Tuczynski, Ulichny, Vanderperren, Wagner and Wahner -- 53.

Noes -- Broydrick, Clarenbach, Cogg, Conradt, Dilweg, Donoghue, Dorff, Duren, Everson, Flintrop, Goodrich, Harer, Harsdorf, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lee, Lewis, Lingren, Loftus, Lorman, Luckhardt, McClain, Metz, Miller, Munts, Nelsen, Norquist, Otte, Paulson, Prosser, Quackenbush, Radtke, Robertson, Schmidt, Shabaz, Snyder, Stitt, Tesmer, Ward, Wood, Young and Mr. Speaker -- 45.

Absent or not voting -- Tregoning -- 1.

Motion carried.

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Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 461** be immediately messaged to the senate.

Representative Dorff objected.

Representative Wahner moved that the rules be suspended and that **Assembly Bill 461** be immediately messaged to the senate.

The question was: Shall the rules be suspended and **Assembly Bill 461** be immediately messaged to the senate?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Becker, Behnke, Bradley, Broydrick, Byers, Czerwinski, DeLong, Donoghue, Ellis, Ferrall, Fischer, Gagin, Gerlach, Hasenohrl, Hauke, Helbach, Hephner, Hopkins, Johnson, Kedrowski, Kincaid, Kirby, Ladwig, Larson, Leopold, Lingren, McClain, McEssy, Matty, Medinger, Menos, Metz, Murray, Omernick, Otte, Pabst, Plewa, Potter, Roberts, Rogers, Rooney, Rutkowski, Schneider, Shoemaker, Soucie, Swoboda, Thompson, Travis, D., Travis, R., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Wood and Mr. Speaker -- 59.

Noes -- Clarenbach, Cogs, Conradt, Dilweg, Dorff, Duren, Everson, Flintrop, Goodrich, Harer, Harsdorf, Klicka, Laatsch, Lallensack, Lee, Lewis, Lewison, Loftus, Lorman, Luckhardt, Merkt, Miller, Munts, Nelsen, Norquist, Paulson, Porter, Prosser, Quackenbush, Radtke, Robertson, Schmidt, Shabaz, Snyder, Stitt, Tesmer, Ward and Young -- 38.

Absent or not voting -- Smith and Tregoning -- 2.

Motion failed.

Representative Wahner moved reconsideration of the vote by which **Assembly Bill 461** was passed. Entered.

### **Assembly Bill 462**

Relating to fees for the garnishment of the earnings of public officers and employees.

The question was: Shall assembly amendment 1 to **Assembly Bill 462** be adopted?

Motion carried.

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The question was: Shall **Assembly Bill 462** be ordered engrossed and read a third time?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 462** be given a third reading. Granted.

The question was: **Assembly Bill 462** having been read three times, shall the bill pass?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Becker, Behnke, Bradley, Broydrick, Byers, Clarenbach, Coggs, Conrard, Czerwinski, DeLong, Dilweg, Donoghue, Dorff, Duren, Everson, Ferrall, Fischer, Flintrop, Gagin, Gerlach, Goodrich, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Johnson, Kedrowski, Kincaid, Kirby, Laatsch, Ladwig, Lallensack, Larson, Lee, Leopold, Lewis, Lewison, Lingren, Loftus, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, Metz, Miller, Munts, Murray, Nelsen, Omernick, Otte, Pabst, Paulson, Plewa, Porter, Potter, Prosser, Quackenbush, Radtke, Roberts, Robertson, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Shabaz, Shoemaker, Smith, Soucie, Stitt, Swoboda, Tesmer, Thompson, Travis, R., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood, Young and Mr. Speaker -- 92.

Noes -- Ellis, Hopkins, Klicka, Snyder and Travis, D. -- 5.

Absent or not voting -- Norquist and Tregoning -- 2.

Motion carried.

Representative Norquist asked unanimous consent to be recorded as voting "Aye" on the previous question. Granted.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 462** be immediately messaged to the senate. Granted.

### **Assembly Bill 481**

Relating to parking school busses on streets adjacent to schoolhouses and providing a penalty.

Speaker pro tempore Kedrowski in the chair.

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The question was: Shall **Assembly Bill 481** be ordered engrossed and read a third time?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 481** be given a third reading. Granted.

The question was: **Assembly Bill 481** having been read three times, shall the bill pass?

The roll was taken.

The result follows:

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

Noes -- Gagin and Lallensack -- 2.

Absent or not voting -- Tregoning -- 1.

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 481** be immediately messaged to the senate. Granted.

### **Assembly Bill 534**

Relating to permitting parents or guardians to contract with school districts for pupil transportation.

Assembly amendment 1 to **Assembly Bill 534** offered by Representative Thompson.

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Representative Jackamonis moved rejection of assembly amendment 1 to **Assembly Bill 534**.

The question was: Shall assembly amendment 1 to **Assembly Bill 534** be rejected?

The roll was taken.

The result follows:

Ayes -- Barczak, Clarenbach, Coggs, Czerwinski, Dorff, Duren, Ferrall, Flintrop, Gagin, Harsdorf, Hephner, Johnson, Kedrowski, Kincaid, Kirby, Lee, Leopold, Lingren, Loftus, Medinger, Metz, Miller, Munts, Murray, Otte, Paulson, Rogers, Rooney, Rutkowski, Schneider, Shoemaker, Soucie, Tesmer, Travis, D., Tuczynski, Ulichny, Wahner, Ward, Wood and Mr. Speaker -- 40.

Noes -- Andrea, Barry, Becker, Behnke, Bradley, Broydrick, Byers, Conradt, DeLong, Dilweg, Donoghue, Ellis, Everson, Fischer, Gerlach, Goodrich, Harer, Hasenohrl, Hauke, Helbach, Hopkins, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lewis, Lewison, Lorman, Luckhardt, McClain, McEssy, Matty, Menos, Merkt, Nelsen, Norquist, Omernick, Pabst, Plewa, Porter, Potter, Prosser, Quackenbush, Radtke, Roberts, Robertson, Schmidt, Shabaz, Smith, Snyder, Stitt, Swoboda, Thompson, Travis, R., Vanderperren, Wagner and Young -- 58.

Absent or not voting -- Tregoning -- 1.

Motion failed.

The question was: Shall assembly amendment 1 to **Assembly Bill 534** be adopted?

The roll was taken.

The result follows:

Ayes -- Barry, Becker, Bradley, Broydrick, Byers, Conradt, DeLong, Dilweg, Donoghue, Ellis, Fischer, Gagin, Gerlach, Goodrich, Harer, Harsdorf, Helbach, Hopkins, Kirby, Klicka, Laatsch, Ladwig, Lallensack, Larson, Lee, Lewis, Lewison, Lorman, Luckhardt, McClain, McEssy, Matty, Merkt, Nelsen, Norquist, Omernick, Paulson, Porter, Potter, Prosser, Quackenbush, Radtke, Robertson, Schmidt, Smith, Snyder, Stitt, Thompson, Travis, R., Wagner, Ward and Young -- 52.

Noes -- Andrea, Barczak, Behnke, Clarenbach, Coggs, Czerwinski, Dorff, Duren, Everson, Ferrall, Flintrop, Hasenohrl,

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Hauke, Hephner, Johnson, Kedrowski, Kincaid, Leopold, Lingren, Loftus, Medinger, Menos, Metz, Miller, Munts, Murray, Otte, Pabst, Plewa, Roberts, Rogers, Rooney, Rutkowski, Schneider, Shoemaker, Soucie, Swoboda, Tesmer, Travis, D., Tuczynski, Ulichny, Vanderperren, Wahner, Wood and Mr. Speaker -- 45.

Absent or not voting -- Shabaz and Tregoning -- 2.

Motion carried.

The question was: Shall **Assembly Bill 534** be ordered engrossed and read a third time?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 534** be given a third reading. Granted.

The question was: **Assembly Bill 534** having been read three times, shall the bill pass?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Becker, Behnke, Bradley, Broydrick, Byers, Clarenbach, Coggs, Conradt, Czerwinski, DeLong, Donoghue, Dorff, Duren, Ellis, Everson, Ferrall, Fischer, Flintrop, Gerlach, Goodrich, 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, Murray, Nelsen, Norquist, Omernick, Otte, Pabst, Paulson, Plewa, Porter, Potter, Prosser, Quackenbush, Radtke, Roberts, Robertson, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Shabaz, Shoemaker, Smith, Snyder, Soucie, Stitt, Swoboda, Tesmer, Thompson, Travis, D., Travis, R., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood, Young and Mr. Speaker -- 96.

Noes -- Dilweg and Gagin -- 2.

Absent or not voting -- Tregoning -- 1.

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 534** be immediately messaged to the senate. Granted.

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**Assembly Bill 552**

Relating to absentee voting for aged confined persons.

The question was: Shall assembly substitute amendment 1 to **Assembly Bill 552** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 552** be ordered engrossed and read a third time?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 552** be given a third reading. Granted.

The question was: **Assembly Bill 552** having been read three times, shall the bill pass?

The roll was taken.

The result follows:

Ayes -- 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, 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, Murray, Omernick, Otte, Pabst, Paulson, Plewa, Porter, Potter, Prosser, Quackenbush, Radtke, Robertson, Rogers, Rooney, Rutkowski, Schneider, Shabaz, Shoemaker, Smith, Snyder, Soucie, Stitt, Swoboda, Tesmer, Thompson, Travis, D., Travis, R., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood, Young and Mr. Speaker -- 94.

Noes -- Nelsen, Norquist, Roberts and Schmidt -- 4.

Absent or not voting -- Tregoning -- 1.

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 552** be immediately messaged to the senate. Granted.

Speaker Jackamonis in the chair.



**Assembly Bill 588**

Relating to establishing a 2-year statute of limitations for actions by a secured party to recover or for damages for certain sales of livestock and establishing a presumption of intent to defraud if secured livestock is transferred.

The question was: Shall assembly amendment 1 to **Assembly Bill 588** be adopted?

Motion carried.

The question was: Shall assembly amendment 2 to **Assembly Bill 588** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 588** be ordered engrossed and read a third time?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 588** be given a third reading. Granted.

The question was: **Assembly Bill 588** having been read three times, shall the bill pass?

The roll was taken.

The result follows:

Ayes -- 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, 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, Murray, Nelsen, Norquist, Omernick, Otte, Pabst, Paulson, Plewa, Porter, Potter, Prosser, Quackenbush, Radtke, Roberts, Robertson, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Shabaz, Shoemaker, Smith, Snyder, Soucie, Stitt, Swoboda, Tesmer, Thompson, Travis, D., Travis, R., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood and Young -- 97.

Noes -- Mr. Speaker -- 1.

Absent or not voting -- Tregoning -- 1.

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Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 588** be immediately messaged to the senate. Granted.

**Assembly Bill 633**

Relating to permitting the use of special plates by disabled veterans for certain motor trucks.

The question was: Shall assembly substitute amendment 2 to **Assembly Bill 633** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 633** be ordered engrossed and read a third time?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 633** be given a third reading. Granted.

The question was: **Assembly Bill 633** having been read three times, shall the bill pass?

The roll was taken.

The result follows:

Ayes -- 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, Harer, Harsdorf, Hasenohrl, Hauke, Helbach, Hephner, Hopkins, Johnson, Kedrowski, Kincaid, Kirby, Laatsch, Ladwig, Lallensack, Larson, Lee, Leopold, Lewis, Lewison, Lingren, Loftus, Lorman, Luckhardt, McClain, McEssy, Matty, Medinger, Menos, Merkt, Metz, Miller, Munts, Murray, Nelsen, Norquist, Omernick, Otte, Pabst, Paulson, Plewa, Porter, Potter, Prosser, Quackenbush, Radtke, Roberts, Robertson, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Shoemaker, Smith, Snyder, Soucie, Stitt, Swoboda, Tesmer, Thompson, Travis, D., Travis, R., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood, Young and Mr. Speaker -- 96.

Noes -- Klicka and Shabaz -- 2.

Absent or not voting -- Tregoning -- 1.

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 633** be immediately messaged to the senate. Granted.

**Assembly Bill 671**

Relating to a school board's authority to submit a resolution to issue bonds to the electors at a special or regular election.

The question was: Shall **Assembly Bill 671** be ordered engrossed and read a third time?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 671** be given a third reading. Granted.

The question was: **Assembly Bill 671** having been read three times, shall the bill pass?

The roll was taken.

The result follows:

Ayes -- Andrea, Barczak, Barry, Becker, Behnke, Bradley, Broydrick, Byers, Clarenbach, Coggs, Conratt, Czerwinski, DeLong, Dilweg, Donoghue, Dorff, Duren, Ellis, Everson, Ferrall, Fischer, Flintrop, Gagin, Gerlach, Goodrich, Harer, Harsdorf, Hasenohrl, Hauke, 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, Murray, Nelsen, Norquist, Omernick, Otte, Pabst, Paulson, Plewa, Porter, Potter, Prosser, Quackenbush, Radtke, Roberts, Robertson, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Shabaz, Shoemaker, Smith, Snyder, Soucie, Stitt, Swoboda, Tesmer, Thompson, Travis, R., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood, Young and Mr. Speaker -- 96.

Noes -- Helbach and Travis, D. -- 2.

Absent or not voting -- Tregoning -- 1.

Motion carried.

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Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 671** be immediately messaged to the senate. Granted.

**Assembly Bill 198**

Relating to minimum motor vehicle liability insurance requirements for school busses.

The question was: Shall assembly amendment 1 to **Assembly Bill 198** be adopted?

Motion carried.

The question was: Shall assembly amendment 2 to **Assembly Bill 198** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 198** be ordered engrossed and read a third time?

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 198** be given a third reading. Granted.

The question was: **Assembly Bill 198** having been read three times, shall the bill pass?

The roll was taken.

The result follows:

Ayes -- 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, 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, Murray, Nelsen, Norquist, Omernick, Otte, Pabst, Paulson, Plewa, Porter, Potter, Prosser, Quackenbush, Radtke, Roberts, Robertson, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Shabaz, Shoemaker, Smith, Snyder, Soucie, Stitt, Swoboda, Tesmer, Thompson, Travis, D., Travis, R., Tuczynski, Ulichny, Vanderperren, Wagner, Wahner, Ward, Wood, Young and Mr. Speaker -- 98.

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Noes -- None.

Absent or not voting -- Tregoning -- 1.

Motion carried.

Representative Wahner asked unanimous consent that the rules be suspended and that **Assembly Bill 198** be immediately messaged to the senate. Granted.

**Assembly Bill 209**

Relating to membership and responsibilities of the radiation protection council.

Representative Shabaz asked unanimous consent that **Assembly Bill 209** be placed at the foot of the twelfth order of business on the calendar of Thursday, October 18. Granted.

**Assembly Bill 104**

Relating to utility advertising practices.

Representative Wahner asked unanimous consent that **Assembly Bill 104** be laid on the table. Granted.

Representative Wahner asked unanimous consent that **Assembly Bill 209** be taken from the foot of the twelfth order of business on the calendar of Thursday, October 18 and placed at the head of the twelfth order of business on the calendar of Thursday, October 18. Granted.

Representative Behnke asked unanimous consent to be recorded on the following questions. Granted.

Tuesday, October 2, 1979

The question was: Shall assembly amendment 1 to Assembly Bill 30 be rejected? Aye

The question was: Assembly Bill 30 having been read three times, shall the bill pass? Aye

The question was: Assembly Bill 347 having been read three times, shall the bill pass? Aye

The question was: Assembly Bill 385 having been read three times, shall the bill pass? Aye

The question was: Assembly Bill 456 having been read three times, shall the bill pass? Aye

The question was: Shall assembly amendment 1 to assembly substitute 1 to Assembly Bill 312 be rejected? Aye

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The question was: Shall Assembly Bill 312 be indefinitely postponed? No

The question was: Assembly Bill 312 having been read three times, shall the bill pass? Aye

The question was: Assembly Bill 271 having been read three times, shall the bill pass? Aye

The question was: Shall Senate Bill 231 be laid on the table? Aye

Wednesday, October 3, 1979

The question was: Shall Assembly Resolution 16 be rejected? Aye

The question was: Shall Assembly Bill 466 be laid on the table? No

The question was: Shall assembly amendment 1 to Assembly Bill 466 be rejected? No

The question was: Shall Assembly Bill 466 be indefinitely postponed? No

The question was: Shall Assembly Bill 466 be referred to the committee on Education? No

The question was: Shall Assembly Bill 466 be ordered engrossed and read a third time? Aye

The question was: Shall the rules be suspended and Assembly Bill 466 be given a third reading? Aye

The question was: Shall Assembly Bill 614 be indefinitely postponed? Aye

The question was: Shall Assembly Bill 468 be indefinitely postponed? Aye

The question was: Assembly Bill 561 having been read three times, shall the bill pass? Aye

The question was: Senate Bill 20 having been read three times, shall the bill be concurred in? Aye

The question was: Senate Bill 61 having been read three times, shall the bill be concurred in? Aye

The question was: Senate Bill 99 having been read three times, shall the bill be concurred in? Aye

The question was: Shall assembly amendment 1 to Senate Bill 144 be rejected? Aye

The question was: Shall Senate Bill 144 be nonconcurred in? Aye

The question was: Shall the rules be suspended and Senate Bill 144 be given a third reading? Aye

Thursday, October 4, 1979

The question was: Shall the vote by which Assembly Bill 347 was passed be reconsidered? No

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The question was: Assembly Bill 551 having been read three times, shall the bill pass? Aye

The question was: Assembly Bill 576 having been read three times, shall the bill pass? Aye

The question was: Assembly Bill 517 having been read three times, shall the bill pass? Aye

The question was: Shall Assembly Bill 615 be indefinitely postponed? No

The question was: Assembly Bill 482 having been read three times, shall the bill pass? Aye

The question was: Senate Bill 212 having been read three times, shall the bill be concurred in? Aye

The question was: Shall the rules be suspended and Senate Bill 212 be immediately messaged to the senate? Aye

The question was: Shall Assembly Bill 607 be made a special order of business at 10:01 A.M. on Tuesday, October 9? No

The question was: Assembly Bill 549 having been read three times, shall the bill pass? Aye

Tuesday, October 9, 1979

The question was: Shall the rules be suspended and Assembly Joint Resolution 33 be withdrawn from the committee on Revenue and made a special order of business at 10:01 A.M. on Wednesday, October 10? No

The question was: Shall assembly amendment 1 to senate amendment 1 to Assembly Bill 258 be rejected? Aye

The question was: Shall the vote by which Assembly Bill 466 was ordered to a third reading be reconsidered? No

The question was: Shall Assembly Bill 466 be referred to the committee on Education? No

The question was: Assembly Bill 466 having been read three times, shall the bill pass? Aye

The question was: Shall the vote by which Senate Bill 144 was ordered to a third reading be reconsidered? No

The question was: Shall Senate Bill 144 be nonconcurrent in? No

The question was: Senate Bill 144 having been read three times, shall the bill be concurred in? Aye

The question was: Shall the rules be suspended and Senate Bill 144 be immediately messaged to the senate? Aye

The question was: Shall the vote by which Senate Bill 212 was concurred in be reconsidered? No

The question was: Shall assembly amendment 6 to assembly substitute amendment 1 to Assembly Bill 293 be rejected? No

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The question was: Shall assembly amendment 7 to assembly substitute amendment 1 to Assembly Bill 293 be rejected? No

The question was: Shall assembly amendment 8 to assembly substitute amendment 1 to Assembly Bill 293 be rejected? No

The question was: Shall assembly amendment 9 to assembly substitute amendment 1 to Assembly Bill 293 be rejected? No

The question was: Shall assembly amendment 9 to assembly substitute amendment 1 to Assembly Bill 293 be laid on the table? No

The question was: Shall assembly amendment 10 to assembly substitute amendment 1 to Assembly Bill 293 be laid on the table? No

The question was: Shall assembly amendment 10 to assembly substitute amendment 1 to Assembly Bill 293 be rejected? No

The question was: Shall assembly amendment 1 to assembly amendment 10 to assembly substitute amendment 1 to Assembly Bill 293 be rejected? No

The question was: Shall Assembly Bill 293 be re-referred to the committee on Judiciary? No

The question was: Shall assembly amendment 11 to assembly substitute amendment 1 to Assembly Bill 293 be adopted? Aye

The question was: Shall assembly amendment 12 to assembly substitute amendment 1 to Assembly Bill 293 be rejected? No

The question was: Shall assembly amendment 12 to assembly substitute amendment 1 to Assembly Bill 293 be adopted? Aye

The question was: Shall assembly amendment 16 to assembly substitute amendment 1 to Assembly Bill 293 be rejected? No

The question was: Shall assembly amendment 16 to assembly substitute amendment 1 to Assembly Bill 293 be laid on the table? No

The question was: Shall assembly amendment 17 to assembly substitute amendment 1 to Assembly Bill 293 be rejected? No

The question was: Shall assembly amendment 1 to assembly amendment 19 to assembly substitute amendment 1 to Assembly Bill 293 be rejected? Aye

The question was: Shall assembly amendment 19 to assembly substitute amendment 1 to Assembly Bill 293 be rejected? No

The question was: Shall assembly amendment 20 to assembly substitute amendment 1 to Assembly Bill 293 be rejected? No

The question was: Shall assembly amendment 21 to assembly substitute amendment 1 to Assembly Bill 293 be rejected? No

The question was: Shall assembly amendment 21 to assembly substitute amendment 1 to Assembly Bill 293 be laid on the table? No



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The question was: Shall assembly amendment 9 to assembly substitute amendment 1 to Assembly Bill 293 be taken from the table? Aye

The question was: Shall assembly amendment 9 to assembly substitute amendment 1 to Assembly Bill 293 be adopted? Aye

The question was: Assembly Bill 293 having been read three times, shall the bill pass? Aye

The question was: Assembly Bill 607 having been read three times, shall the bill pass? Aye

The question was: Shall the rules be suspended and Assembly Bill 437 be withdrawn from the Joint Committee on Finance and taken up at this time? Aye

The question was: Assembly Bill 597 having been read three times, shall the bill pass? Aye

The question was: Shall Assembly Bill 740 be laid on the table? No

The question was: Assembly Bill 740 having been read three times, shall the bill pass? Aye

The question was: Assembly Bill 499 having been read three times, shall the bill pass? Aye

The question was: Assembly Bill 578 having been read three times, shall the bill pass? Aye

The question was: Shall Assembly Bill 589 be referred to the committee on Judiciary? No

The question was: Shall Assembly Bill 589 be indefinitely postponed? No

The question was: Assembly Bill 589 having been read three times, shall the bill pass? Aye

The question was: Assembly Bill 608 having been read three times, shall the bill pass? Aye

The question was: Assembly Bill 631 having been read three times, shall the bill pass? Aye

The question was: Shall assembly amendment 3 to Assembly Bill 690 be rejected? Aye

The question was: Shall assembly amendment 3 to Assembly Bill 690 be laid on the table? Aye

The question was: Shall assembly amendment 3 to Assembly Bill 690 be adopted? No

The question was: Assembly Bill 690 having been read three times, shall the bill pass? Aye

The question was: Assembly Bill 737 having been read three times, shall the bill pass? Aye

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Wednesday, October 10, 1979

The question was: Shall assembly amendment 1 to senate amendment 1 to Assembly Bill 258 be laid on the table? Aye

The question was: Shall assembly amendment 2 to senate amendment 1 to Assembly Bill 258 be rejected? Aye

The question was: Shall assembly amendment 2 to senate amendment 1 to Assembly Bill 258 be laid on the table? Aye

The question was: Shall senate amendment 1 to Assembly Bill 258 be nonconcurrent in? No

The question was: Shall senate amendment 1 to Assembly Bill 258 be laid on the table? No

The question was: Shall senate amendment 1 to Assembly Bill 258 be concurred in? Aye

The question was: Assembly Bill 770 having been read three times, shall the bill pass? Aye

The question was: Shall Assembly Bill 376 be indefinitely postponed? Aye

The question was: Shall assembly amendment 1 to Assembly Bill 401 be rejected? No

The question was: Shall assembly amendment 1 to assembly substitute amendment 1 to Assembly Bill 443 be rejected? No

The question was: Assembly Bill 443 having been read three times, shall the bill pass? Aye

The question was: Shall assembly amendment 4 to assembly substitute amendment 1 to Assembly Bill 437 be rejected? Aye

The question was: Shall assembly amendment 5 to assembly substitute amendment 1 to Assembly Bill 437 be rejected? Aye

The question was: Shall Assembly Bill 437 be ordered engrossed and read a third time? Aye

The question was: Assembly Bill 437 having been read three times, shall the bill pass? Aye

The question was: Shall Assembly Bill 401 be indefinitely postponed? No

The question was: Shall Assembly Bill 401 be ordered engrossed and read a third time? Aye

The question was: Assembly Bill 401 having been read three times, shall the bill pass? Aye

The question was: Senate Bill 17 having been read three times, shall the bill be concurred in? Aye

Thursday, October 11, 1979

The question was: Shall assembly amendment 1 to senate substitute amendment 1 to Assembly Bill 330 be rejected? Aye

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The question was: Shall Assembly Bill 330 be laid on the table?  
No

The question was: Shall the vote by which Senate Bill 144 was concurred in be reconsidered? No

The question was: Assembly Bill 787 having been read three times, shall the bill pass? Aye

The question was: Assembly Bill 577 having been read three times, shall the bill pass? Aye

The question was: Assembly Bill 612 having been read three times, shall the bill pass? Aye

The question was: Assembly Bill 635 having been read three times, shall the bill pass? Aye

The question was: Shall assembly amendment 1 to Assembly Bill 667 be rejected? No

The question was: Assembly Bill 667 having been read three times, shall the bill pass? No

The question was: Assembly Bill 518 having been read three times, shall the bill pass? Aye

The question was: Assembly Bill 662 having been read three times, shall the bill pass? Aye

The question was: Shall assembly amendment 2 to assembly substitute amendment 1 to Assembly Bill 672 be rejected? Aye

The question was: Shall assembly amendment 3 to assembly substitute amendment 1 to Assembly Bill 672 be rejected? Aye

The question was: Assembly Bill 672 having been read three times, shall the bill pass? Aye

The question was: Assembly Bill 756 having been read three times, shall the bill pass? Aye

The question was: Assembly Bill 783 having been read three times, shall the bill pass? Aye

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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:

Soren Greve from Bergin, Norway, guest of Representative Kedrowski.

Members of the Crawford County Extension Homemakers Association, guests of Representative Lewison.

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Representative Wahner moved that the assembly stand adjourned until 10:00 A.M. tomorrow.

The question was: Shall the assembly stand adjourned?

Motion carried.

The assembly stood adjourned.

9:10 P.M.