

JOURNAL OF THE SENATE [May 27, 1971]

STATE OF WISCONSIN

Senate Journal

Eightieth Session

THURSDAY, May 27, 1971.

8:30 o'clock A.M.

The senate was called to order by the president of the senate.

The prayer was offered by the Reverend Paul G. Hoornstra, Pastor of Grace Episcopal Church, Madison.

The roll was called and the following senators answered to their names:

Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—32.

Absent with leave—Senator Krueger—1.

AMENDMENTS OFFERED

Senate amendment 5 to Senate Bill 47 by Senators Heinzen and Risser.

Senate amendment 6 to Senate Bill 47 by Senator Chilsen.

Senate amendment 1 to Assembly Bill 49 by Senator Chilsen.

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Senate substitute amendment 1 to Senate Bill 353 by Senator Roseleip.

Senate substitute amendment 1 to Assembly Bill 417 by Senator Parys, by request of Representative Froehlich.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 27

Relating to the senate's 1971-73 budget deliberations and procedures and to the identity of all executive departments' and agencies' total cost of public relations spending and the total number of personnel involved.

Whereas, the governor has directed that a program of fiscal austerity is essential for the orderly process of state functions; and

Whereas, the state of Wisconsin is confronted with a \$1,983,200,000 budget with a \$177,000,000 proposed tax increase; and

Whereas, the growth of state services has precipitated a growth in the field of public relations spending and personnel; and

Whereas, the senate should be apprised of the total costs of public relations within state government together with departmental and agency breakdown; now, therefore, be it

Resolved by the senate, That the state auditor be directed to audit within 60 days all executive departments and agencies with an eye to identifying the total cost of public relations spending, including salaries, and the total number of personnel involved in influencing or molding public or legislative opinion and policy, including their degree of involvement.

By Senators Johnson, Lorge, Cirilli, Swan, Knutson, Martin, Bidwell, Parys, Lourigan, McKenna, Soik and Devitt.

Read.

Senator Johnson stated that the resolution was privileged and should be taken up at this time.

Senator Risser raised the point of order that the resolution was not privileged.

The chair took the point of order under advisement.

Senate Resolution 28

Whereas, It has come to the attention of the Senate that the Senate microphones have been bugged and the Senate's proceedings electronically recorded; and

Whereas, Such action is prohibited by Sec. 968.31 of the Wisconsin statutes banning the interception or taping of any oral or wired communication without the expressed consent of each party involved; and

Whereas, Such action is designed to intimidate the free-flow of debate on the floor of the senate of the State of Wisconsin; therefore, be it

Resolved by the Senate, that the attorney general of the State of Wisconsin investigate the possibility of illegal activities which violate the provisions of Sec. 968.31, and if such illegal activity is so determined, that proper proceedings for prosecution be initiated, and be it further

Resolved, That because of the vital importance of this matter, the attorney general shall be instructed to report back to the Senate not later than June 15, 1971; and be it further

Resolved, That duly attested copies be sent to the Attorney General and to the Governor of the State of Wisconsin.

By Senators Thompson, McKenna, Risser, Peloquin, Frank, Martin, Whittow and Dorman.

Read.

Senator McKenna raised the point of order that the resolution was privileged.

The chair ruled the point of order well taken.

Senator Knowles moved that Senate Resolution 28 be laid on the table.

The motion prevailed.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 560

Relating to residence qualifications of electors.

By Senators Lotto, Soik, Steinhilber, Swan, Lourigan, Martin and Frank.

To committee on Governmental and Veterans' Affairs.

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COMMITTEE REPORTS

The joint committee on Finance reports and recommends:

Senate Bill 353

Relating to cancelling the balance due on student loans to deceased servicemen.

Emergency statement recommended; Ayes, 14; Noes, 0 and passage with emergency statement; Ayes, 14; Noes, 0.

Senate Bill 477

Relating to use of University of Wisconsin land sale proceeds for food and nutritional science facilities.

Adoption of senate amendment 1; Ayes, 13; Noes, 1; emergency statement recommended; Ayes, 13; Noes, 0 and passage as amended with emergency statement; Ayes, 13; Noes, 0.

WALTER G. HOLLANDER,
Chairman.

The committee on Commerce, Labor, Taxation, Insurance and Banking reports and recommends:

The appointment by the Governor of William F. Eich, of Madison, as a member of the Public Service Commission, to serve for a term ending March 1, 1977.

Confirmation; Ayes, 5; Noes, 0.

GERALD D. LORGE,
Chairman.

The committee on Transportation reports and recommends:

Senate Bill 161

Relating to traffic court procedures, traffic regulation, and providing penalties.

Passage; Ayes, 5; Noes, 0.

Senate Bill 299

Relating to authorizing the Department of Transportation to build or purchase housing for persons displaced by highways, and making an appropriation.

Adoption of senate amendment 1; Ayes, 4; Noes, 0 and passage as amended; Ayes, 3; Noes, 1.

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Senate Bill 501

Relating to the construction of a bridge and highway improvements in Menominee County, and making appropriations.

Passage; Ayes, 4; Noes, 1.

REUBEN LaFAVE,
Chairman.

The committee on Education reports and recommends:

The appointment by the Governor of Lavine, John M., of Chippewa Falls, as a member of the Board of Regents of the State Universities, to serve for a term ending May 1, 1976.

Confirmation; Ayes, 4; Noes, 1.

The appointment by the Governor of McNamara, Bertram N., of Milwaukee, as a member of the Board of Regents of the State Universities, to serve for a term ending May 1, 1976.

Confirmation; Ayes, 5; Noes, 0.

Senate Bill 75

Relating to referenda on school district reorganizations. Indefinite postponement; Ayes, 3; Noes, 2.

Senate Bill 321

Relating to the definition of a "school bus" under the vehicle code.

Passage; Ayes, 5; Noes, 0.

RAY F. HEINZEN,
Chairman.

The committee on Governmental and Veterans' Affairs reports and recommends:

Senate Joint Resolution 58

A resolution requesting Congress to enact federal legislation prohibiting promoters of closed circuit television and radio broadcasts which cover sporting events from barring public broadcasting networks from broadcasting the sporting event.

Adoption; Ayes, 4; Noes, 1.

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Senate Bill 302

Requiring approval of administrative rules by the appropriate standing committees of the legislature.

Passage; Ayes, 5; Noes, 0.

Senate Bill 363

Relating to state defense of national guardsmen in court actions based on acts committed in the line of duty.

Passage; Ayes, 4; Noes, 1.

Senate Bill 457

Relating to creating a state bloodhound service unit, and increasing an appropriation.

Passage; Ayes, 4; Noes, 1.

Senate Bill 520

Relating to payment of compensation on behalf of members of the Wisconsin national guard killed in action.

Passage; Ayes, 5; Noes, 0.

Assembly Bill 131

Relating to lowering the age of voting to 18, and providing for a referendum.

Concurrence; Ayes, 4; Noes, 1.

Assembly Bill 153

Relating to use of certified survey maps to amend recorded plats.

Concurrence; Ayes, 4; Noes, 1.

GORDON W. ROSELEIP,
Chairman.

PETITIONS AND COMMUNICATIONS

Senate Petition 128

A petition by 278 citizens of the State of Wisconsin supporting the continued use of studded tires in Wisconsin.

Introduced by Senator Devitt.

Read and referred to committee on Transportation.

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Senate Petition 129

A petition by 83 residents of the 10th Senatorial District urging opposition to Senate Bill 138, relating to state grants for students attending private schools, changing the name of the higher educational aids board, providing income and gift tax exemptions and making an appropriation.

Introduced by Senator Knowles.

Read and referred to committee on Education.

Senate Petition 130

A petition by 15 citizens of Wisconsin supporting Assembly Bill 104, relating to payment of a levy resulting from an assessment on lands acquired by the Department of Natural Resources.

Introduced by Senator Risser.

Read and referred to committee on Commerce, Labor, Taxation, Insurance and Banking.

Senate Petition 131

A petition signed by 64 members of the 5th Senatorial District opposing any form of public aid to private and religious schools, direct or indirect.

Introduced by Senator Schuele.

Read and referred to committee on Education.

Senate Petition 132

A petition by 86 residents of the 29th Senatorial District urging opposition to Senate Bill 138 relating to state grants for students attending private schools, changing the name of the higher educational aids board, providing income and gift tax exemptions and making an appropriation.

Introduced by Senator Chilsen.

Read and referred to committee on Education.

Senate Petition 133

A petition by 116 citizens of the 13th Senatorial District in opposition to direct or indirect tax support for private or parochial schools as proposed in Senate Bill 138.

Introduced by Senator McKenna.

Read and referred to committee on Education.

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Senate Petition 134

A petition by 179 citizens and taxpayers of Wisconsin, strongly opposed to any form of public aid to private and religious schools, direct or indirect.

Introduced by Senator Martin.

Read and referred to committee on Education.

Senate Petition 135

A petition by citizens of Milwaukee County opposing Senate Bill 138 relating to state grants for students attending private schools.

Introduced by Senator Busby.

Read and referred to committee on Education.

Senate Petition 136

A petition by 444 citizens of Wisconsin in opposition to Senate Bill 138.

Introduced by Senator Murphy.

Read and referred to committee on Education.

Senate Petition 137

A petition by 51 citizens of the State of Wisconsin in opposition to Senate Bill 138 which would provide aid to private and parochial schools.

Introduced by Senator Knutson.

Read and referred to committee on Education.

The State of Wisconsin
Department of Justice
Madison

May 26, 1971.

The Honorable, the Senate
241 South Capitol
Madison, Wisconsin

Gentlemen: By Senate Resolution 8 you have requested an opinion on the constitutionality of Senate Bill 130, 1971, which makes certain changes in sec. 450.11, Stats., relating to indecent articles. The resolution also requests an analysis of the constitutionality of present sec. 450.11, Stats., and further that I address the question as to the effect of

passage of Senate Bill 130, 1971, on Wisconsin criminal laws dealing with fornication and adultery, namely, ss. 944.15 and 944.16, Stats.

Present sec. 450.11, Stats., originally enacted into law by the 1933 Legislature, regulates the advertising, display and sale of articles used either to procure a miscarriage or to prevent pregnancy. Senate Bill 130 proposes a logical reorganization of this statute by separating the regulation of articles to procure miscarriages from the regulation of articles to prevent pregnancy by creating sec. 450.115 to control the latter type of articles.

At the outset, it should be noted that the proposed law prohibits entirely the sale by any person of indecent articles, that is, articles such as drugs, instruments or devices to procure a miscarriage. Present law permits the purchase of such articles from a pharmaceutical house or a physician. This proposed change in the law, in practical effect, outlaws therapeutic abortions now permitted under sec. 940.04 (5), Stats. The indicated problem arises from the fact that the term "miscarriage" may be used interchangeably with the term "abortion." Although there is a technical difference as to the age of the fetus in whether the term "miscarriage" or "abortion" is used, the law regards the two terms as being practically synonymous. 1 Am. Jur. 2d, Abortion, §1. Also see secondary definition of "miscarriage" as meaning "abortion" contained in Webster's Seventh Collegiate Dictionary. Therapeutic abortions necessary to save the life of the mother are not only permitted under sec. 940.04 (5), Stats., but undoubtedly are constitutionally guaranteed by the due process clause of the Fourteenth Amendment of the United States Constitution.

I suspect that this change in the law proposed by Senate Bill 130 was unintentional and stems from the fact that if the present statute treats two distinct subjects, miscarriage and contraceptives, in the same manner, coupled with the well-known fact that abortion-inducing drugs not only lack efficacy but are inherently dangerous. Nonetheless, whatever the reason, the proposed law entirely prohibits the sale of indecent articles. As applied to the sale of such items to a physician or surgeon, the law is unduly restrictive, and therefore unconstitutional.

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Before turning to another aspect of the proposed bill, it should be noted that the term "miscarriage" is not defined consistently in lay, medical or legal dictionaries. For purposes of clarity it would be well to include a definition of this word in any proposed legislation using it.

With the exception of the difference discussed above and a significant change to be considered later, present sec. 450.11, Stats., and proposed sec. 450.115 of the bill essentially embody identical regulations with respect to the advertising and sale of contraceptive articles. Accordingly, the following capsule discussion of the constitutional highlights of the law applies to the present statute and to Senate Bill 130.

Constitutional attacks on laws regulating the sale and advertising of contraceptives have been made primarily on the ground that such regulations are a deprivation of due process guaranteed by state constitutions and the Fourteenth Amendment of the United States Constitution. Regardless of the form of the attack, courts have sustained the constitutional validity of such restrictions as having a rational and reasonable relationship to the purpose of protecting public health, safety, morals and welfare. 113 A.L.R. 970. *State v. Arnold* (1933), 217 Wis. 340, 258 N.W. 843; Am. Jur. 2d; Advertising, §6; *Baird v. Eisenstadt* (D. Mass. 1970), 310 F. Supp. 951.

The purpose of legislation which restricts the advertising and sale of contraceptive devices was well stated by a Massachusetts court many years ago in *Commonwealth v. Allison* (1917), 227 Mass 57, 116 N.E. 265, 266:

"Manifestly . . . (the statutes) are designed to promote public morals and in a broad sense the public health and safety. Their plain purpose is to protect purity, to preserve chastity, to encourage continence and self-restraint, to defend the sanctity of the home, and thus to engender in the State and nation a virile and virtuous race of men and women."

If we were to end a constitutional analysis of the law relating to contraceptive devices at this point, there would be no question as to the validity of either the present statute or the proposed legislation. However, recent legal develop-

ments in this area indicate that the law is somewhat in a state of flux with a portion of the very matter under discussion presently in litigation before the Supreme Court of the United States. *Baird v. Massachusetts*, 91 S. Ct. 921 (probable jurisdiction noted on March 2, 1971). Accordingly, I will attempt to highlight recent legal considerations leading up to the present posture of the law relating to contraceptive devices.

In 1965 the Supreme Court of the United States struck down a Connecticut statute which prohibited entirely the use of contraceptives on the ground that the statute was an intrusion upon the right of marital privacy. *Griswold v. State of Conn.* (1965), 381 U.S. 479, 85 S. Ct. 1678, 14 L. Ed. 2d 510. It might be noted that the 1933 Wisconsin Legislature rejected the adoption of a similar law as discussed in *State v. Arnold*, supra.

The *Griswold* case has had its greatest impact on Massachusetts statutes relating to indecent articles. *Commonwealth v. Baird* (1969), 247 N.E. 2d 574. In this case a lay person delivered a lecture to a group of unmarried persons. He used a display diagram of contraceptive devices for purposes of his lecture. At the conclusion of his lecture he gave a contraceptive device to a young unmarried woman, whereupon he was prosecuted for both the exhibiting and disposing of contraceptive articles. On the basis of language in the *Griswold* case the Massachusetts court found that the statute prohibiting exhibition of contraceptive devices was unconstitutional as applied to the defendant whose display of contraceptive articles, the court said, was essential to graphic representation of the subject matter of his address. This ruling was grounded on the First Amendment right of free speech which the court held was not overcome by obscenity aspects of the situation in light of *Roth v. U.S.*, 354 U.S. 476, 489, 77 S. Ct. 1303, 1311, 1 L. Ed. 2d 1498.

The court did uphold the constitutionality of that portion of the statute which prohibited the giving away of a contraceptive device by a person other than a pharmacist or a physician.

The latter ruling was also made by a federal district court in *Baird v. Eisenstadt*, supra. This ruling then was re-

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versed by the Court of Appeals in 429 F. 2d 1398, (1st Cir. 1970), on the ground that the statute was arbitrary and discriminatory in the absence of a showing by the State of demonstrated harm. As previously stated, this case is now before the Supreme Court of United States.

The real significance of the above case appears to lie in the willingness of the judiciary to exercise its power to declare legislation as being constitutionally invalid. That power is not abused where legislation has no rational basis in protecting public health, safety, morals or some phase of public welfare. On the other hand, it is clear that a court over-reaches its authority when it substitutes its judgment for that of the legislature as to what is socially or economically prudent. This proposition was recently expressed by the Supreme Court in *Dandridge v. Williams* (1970), 90 S. Ct. 1153, at page 1161:

“ . . . For this Court to approve the invalidation of state economic or social regulation as ‘over-reaching’ would be far too reminiscent of an era when the Court thought the Fourteenth Amendment gave it power to strike down state laws ‘because they may be unwise, improvident, or out of harmony with a particular school of thought.’ *Williamson v. Lee Optical of Oklahoma, Inc.*, 348 U.S. 483, 488, 75 S. Ct. 461, 466, 99 L. Ed. 563. That era long ago passed into history. *Ferguson v. Skrupa*, 372 U.S. 726, 83 S. Ct. 1038, 10 L. Ed. 2d 93.”

In a case decided this year, the Supreme Court of the State of Wisconsin declared that a statute is presumed to be constitutional and that a *heavy* burden is placed on one who challenges its validity. The court further noted that its function is not to weigh evidence but only to determine whether there is any reasonable basis for the enactment, and further, that legislation is not to be struck down on the basis of belief that a statute is good, bad, wise or unwise. *Watchmaking Examining Bd. v. Husar* (1971), 49 Wis. 2d 526.

These recent pronouncements of both the Supreme Court of the United States and the Supreme Court of Wisconsin persuade me to conclude that both sec. 450.11, Stats., and that portion of Senate Bill 130 which embraces present law are probably constitutionally valid.

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Senate Bill 130 proposes a significant change in present law by removing the prohibition against the sale of contraceptives to unmarried persons. Since this change does not involve any encroachment upon individual freedoms, it does not raise a constitutional issue.

You have asked me to comment on the effect of passage of Senate Bill 130 on the criminal statutes relating to adultery and fornication. While there are factual issues in this matter to be resolved by legislative determination, there is only one legal effect to be considered, i.e., whether the passage of Senate Bill 130 would be a tacit repudiation of ss. 944.15 and 944.16, Stats.

Since the Bill condones the sale of contraceptives to unmarried persons, it could be argued that the use of contraceptives by unmarried persons also is condoned. Thus, the legal argument could be made that the criminal statutes relating to adultery and fornication are repealed by implication. However, repeals by implication are not looked upon with favor in the law. As was stated in *Kienbaum v. Haberny* (1956), 273 Wis. 413, 420, N.W. 2d 888:

“ . . . an earlier act will be considered to remain in force unless it is so manifestly inconsistent and repugnant to the later act that they cannot reasonably stand together.”

Any argument to the contrary could be foreclosed by the addition of a subsection to the effect that the section shall not supersede ss. 944.15 and 944.16, Stats. Apparent conflicts in the law are easily resolved when legislative intent is made clear.

Sincerely yours,

ROBERT W. WARREN,
Attorney General.

CAPTION: The portion of Senate Bill 130, 1971, which totally prohibits sale of indecent articles probably is unconstitutional as applied to physicians and is in conflict with statutes relating to therapeutic abortions. The remainder of the bill relating to regulation of sale and advertisement of indecent articles and contraceptives probably would be constitutional if enacted into law.

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MESSAGE FROM THE ASSEMBLY

By Thomas P. Fox, chief clerk

Mr. President:

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

Motion Under Joint Rule 26:

A joint certificate of Commendation by Representative Swoboda; co-sponsored by Senator Martin for George Schmelzer for his outstanding public service.

The president pro tempore in the chair.

9:50 A.M.

Adopted and asks concurrence in:

Assembly Joint Resolution 11

Passed and asks concurrence in:

Assembly Bill 239

Passed and asks concurrence in:

Assembly Bill 250

MESSAGE FROM THE ASSEMBLY CONSIDERED

Motion Under Joint Rule 26:

A joint certificate of Commendation by Representative Swoboda; co-sponsored by Senator Martin for George Schmelzer for his outstanding public service.

Read and concurred in.

Assembly Joint Resolution 11

A joint resolution memorializing Congress either to enact legislation or to propose an amendment to the constitution of the United States, relating to sharing federal tax receipts with the state.

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By Representatives Mittness, Jackamonis, Korpela, G. K. Johnson, Mielke, Ferrall, Duren, Otte and Sanasarian.

Read and referred to committee on Commerce, Labor, Taxation, Insurance and Banking.

Assembly Bill 239

Relating to corporate farming.

By Representatives Dueholm, Oestreicher, O'Malley, Mohn, Baldus, Earl, Conta, Hanson, Duren, Korpela, Mielke, G. K. Johnson, Bultman, Dorff, Ferrall, Vanderperren, Gaulke, Schneider, Grover, Rogers, R. M. Thompson, Roberts, Looby, Early, Everson and Sweda.

Read first time and referred to committee on Agriculture.

Assembly Bill 250

Relating to licensing of life insurance agents.

By Representatives Jones, Conratt, McCormick, Luckhardt and Czerwinski.

Read first time and referred to committee on Commerce, Labor, Taxation, Insurance and Banking.

Upon motion of Senator Keppler, with unanimous consent, the senate recessed.

9:55 A.M.

RECESS

10:10 A.M.

The senate reconvened.

The president of the senate in the chair.

By request of Senator Keppler, with unanimous consent, Senate Bill 330 was taken off the calendar of May 20 and taken up at this time.

Senate Bill 330

Relating to unemployment compensation, and the unemployment reserve fund.

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Read a second time.

The question was: Adoption of senate amendment 1?
Senate amendment 1 adopted.

The question was: Adoption of senate amendment 2?
Senate amendment 2 adopted.

Senate amendment 3 offered by Senator Lourigan.

Senator Knowles moved rejection of senate amendment 3.

Senator Keppler moved that senate amendment 3 be tabled.

The motion to table senate amendment 3 prevailed.

Ordered to a third reading.

By request of Senator Keppler, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 330

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—32.

Noes—None.

Absent or not voting—Senator Krueger—1.

So the bill passed.

Senator Parys asked unanimous consent to suspend the rules and message **Senate Bill 132**.

Senator Roseleip objected.

Senator Kendziorski raised the point of order that this would not require suspension of the rules.

The chair ruled the point of order not well taken.

The ayes and noes were required and the vote was: ayes, 7; noes, 25; absent or not voting, 1; as follows:

Ayes—Senators Johnson, Kendziorski, Lourigan, Parys, Peloquin, Thompson and Whittow—7.

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Noes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Keppler, Knowles, Knutson, LaFave, Lipscomb, Lorge, Lotto, McKenna, Martin, Murphy, Risser, Roseleip, Schuele, Soik, Steinhilber and Swan—25.

Absent or not voting—Senator Krueger—1.

Less than two-thirds having voted for the motion the motion did not prevail.

Senator Roseleip moved reconsideration of the vote by which Senate Bill 132 passed.

The motion for reconsideration was laid over pursuant to Senate Rule 67 (4).

RULING OF THE CHAIR

The chair ruled that Senate Resolution 27 was privileged.

Senate Resolution 27

Relating to the senate's 1971-73 budget deliberations and procedures and to the identity of all executive departments' and agencies' total cost of public relations spending and the total number of personnel involved.

Read.

Senate amendment 1 offered by Senator Risser.

Senator Johnson moved rejection of senate amendment 1.

Senator Johnson moved a

CALL OF THE SENATE

Which motion was supported.

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

The roll was called and the following senators answered to their names:

Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, LaFave, Lipscomb, Lorge, Lotto, Louirgan, McKenna, Martin, Murphy, Parys, Peloquin, Risser,

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Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—32.

Absent with leave—Senator Krueger—1.

The question was: Rejection of senate amendment 1 to **Senate Resolution 27?**

By request of Senator Johnson, with unanimous consent, the call was raised.

The ayes and noes were demanded and the vote was: ayes, 21; noes, 11; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Heinzen, Hollander, Johnson, Keppler, Knowles, LaFave, Lorge, Lotto, Lourigan, Martin, Murphy, Parys, Roseleip, Soik, Steinhilber and Swan—21.

Noes—Senators Dorman, Frank, Kendziorski, Knutson, Lipscomb, McKenna, Peloquin, Risser, Schuele, Thompson and Whittow—11.

Absent or not voting—Senator Krueger—1.

So senate amendment 1 to **Senate Resolution 27** was rejected.

Senate amendment 2 to **Senate Resolution 27** offered by Senator Parys.

The ayes and noes were demanded and the vote was: ayes, 27; noes, 5; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Busby, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Roseleip, Schuele, Swan, Thompson and Whittow—27.

Noes—Senators Chilsen, Cirilli, Murphy, Soik and Steinhilber—5.

Absent or not voting—Senator Krueger—1.

So senate amendment 2 to **Senate Resolution 27** was adopted.

Senate amendment 3 to **Senate Resolution 27** offered by Senator Dorman.

Senator Lourigan moved rejection.

The motion did not prevail.

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Senate amendment 3 to Senate Resolution 27 adopted.

Senate amendment 4 to Senate Resolution 27 offered by Senator Swan.

Senate amendment 4 to Senate Resolution 27 adopted.

Senate Resolution 27

**The question was: Adoption of Senate Resolution 27?
Senate Resolution 27 was adopted.**

Senator Martin requested unanimous consent to take Senate Bill 279 from the table and take it up at this time.

Senator Lorge objected.

Senator Martin moved that Senate Bill 279 be taken from the table and taken up at this time.

The ayes and noes were demanded and the vote was: ayes, 27; noes, 4; absent or not voting, 2; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Lipscomb, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Swan, Thompson and Whittow—27.

Noes—Senators Devitt, Knutson, Lorge and Steinhilber—4.

Absent or not voting—Senators Krueger and LaFave—2.

So the motion prevailed.

Senate Bill 279,

Relating to election of school board members in common and union high school districts.

Read.

The question was: Reconsideration of the vote by which Senate Bill 279 was indefinitely postponed?

The motion prevailed.

The question was: Indefinite postponement of Senate Bill 279?

The motion did not prevail.

Senate Bill 279

Read a third time.

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Senator Lorge moved a

CALL OF THE SENATE

Which motion was supported.

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

The roll was called and the following senators answered to their names:

Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—32.

Absent with leave—Senator Krueger—1.

The question was: Passage of Senate Bill 279?

The ayes and noes were required and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes—Senators Chilsen, Dorman, Frank, Heinzen, Hollander, Johnson, Keppler, Knowles, Lipscomb, Lotto, Lourigan, McKenna, Martin, Peloquin, Risser, Roseleip, Schuele, Swan, Thompson and Whittow—20.

Noes—Senators Bidwell, Busby, Cirilli, Devitt, Kendziorski, Knutson, LaFave, Lorge, Murphy, Parys, Soik and Steinhilber—12.

Absent or not voting—Senator Krueger—1.

So the bill passed.

The question on which the call of the house was put having been decided the call was raised.

Senator Cirilli moved that the appointment by the Governor of John M. Lavine of Chippewa Falls, as a member of the Board of Regents of the state universities to serve for a term ending May 1, 1976, be tabled.

The ayes and noes were demanded and the vote was: ayes, 16; noes, 15; absent or not voting, 0; paired, 2; as follows:

Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Hollan-

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der, Keppler, Knowles, Knutson, LaFave, Lorge, Lotto, Murphy, Roseleip, Soik, Steinhilber and Swan—16.

Noes—Senators Bidwell, Dorman, Frank, Heinzen, Kendziorski, Lipscomb, Lourigan, McKenna, Martin, Parys, Pelouquin, Risser, Schuele, Thompson and Whittow—15.

Absent or not voting—None.

Paired—Senator Krueger for tabling; Senator Johnson against tabling—2.

So the motion prevailed.

Senator Roseleip asked unanimous consent to table the appointment by the Governor of Bertram N. McNamara of Milwaukee as a member of the Board of Regents of the state universities to serve for a term ending May 1, 1976.

Senator Heinzen objected.

Senator Roseleip moved that the appointment be tabled.

The ayes and noes were demanded and the vote was: ayes, 11; noes, 21; absent or not voting, 1; as follows:

Ayes—Senators Cirilli, Hollander, Keppler, Knowles, Knutson, LaFave, Lotto, Murphy, Roseleip, Steinhilber and Swan—11.

Noes—Senators Bidwell, Busby, Chilsen, Devitt, Dorman, Frank, Heinzen, Johnson, Kendziorski, Lipscomb, Lorge, Lourigan, McKenna, Martin, Parys, Pelouquin, Risser, Schuele, Soik, Thompson and Whittow—21.

Absent or not voting—Senator Krueger—1.

The motion did not prevail.

Senator Murphy asked unanimous consent to withdraw **Senate Joint Resolution 52** from the committee on Education and refer it to the calendar.

Senator Heinzen objected.

Senator Murphy moved that **Senate Joint Resolution 52** be withdrawn from the committee on Education and be referred to the calendar.

Upon motion of Senator Keppler the senate recessed until 2:00 P.M.

12:30 P.M.

RECESS

2:00 P.M.

The senate reconvened.

Senate Joint Resolution 52

A joint resolution directing an advisory referendum on state aid to parents of private and parochial school children.

The question was: Shall **Senate Joint Resolution 52** be withdrawn from the committee on Education and referred to the calendar?

Senator Keppler moved a

CALL OF THE SENATE

Which motion was supported.

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

The roll was called and the following senators answered to their names:

Senators Bidwell, Busby, Chilsen, Cirilli, Dorman, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, LaFave, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—29.

Absent—Senators Devitt, Frank and Lipscomb—3.

Absent with leave—Senator Krueger—1.

By request of Senator Keppler, with unanimous consent, the senate returned to the 3rd, 5th and 7th orders of business.

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INTRODUCTION OF RESOLUTIONS

Senate Resolution 29

Requesting the natural resources board to defer the realignment of district administrative offices.

Whereas, the natural resources board has announced that district administrators and other departmental personnel will be removed from at least 2 municipalities, namely from Oshkosh to Green Bay and from Black River Falls to Eau Claire; and

Whereas, the moving, travel and rental expenses involved in the proposals seem unjustified in comparison to any advantages such consolidations provide; and

Whereas, the proposed moves may adversely affect the economies of the municipalities from which offices and personnel will be taken; and

Whereas, any proposed realignment of administrative offices deserves close study by the legislature to determine the true costs involved, in terms of both financial expenditures and hardships imposed on municipalities; now, therefore, be it

Resolved by the senate, That the natural resources board is hereby requested to defer the realignment of the west central and Lake Michigan district headquarters and headquarters personnel until May 1, 1972, to allow full investigation and consideration of available alternatives.

By Senators Steinhilber, Knutson and Johnson.

Read and referred to committee on Natural Resources.

Senate Joint Resolution 62

Requesting congress to set certain standards for the importation of dairy products.

By Senators McKenna, Bidwell, Martin, P eloquin, Heinzen, Chilsen and Lipscomb; co-sponsored by Representatives Tregoning, Wilcox, Vanderperren, Bolle and O'Malley.

Read and referred to committee on Agriculture.

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Senate Joint Resolution 63

Petitioning congress to develop appropriate legislation to deal with problems created by the entry into farming of vertically integrated and conglomerate businesses.

By Senators McKenna, Bidwell, Thompson, Peloquin, Martin, Chilsen and Lipscomb; co-sponsored by Representatives Wilcox, Tregoning and O'Malley.

Read and referred to committee on Agriculture.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 561

Relating to tuition grants for Vietnam veterans.

By Senators Roseleip, Knutson, Cirilli, Heinzen, Lotto, Swan, Devitt, Soik, Busby, Murphy, Bidwell and Keppler.

To committee on Governmental and Veterans' Affairs.

COMMITTEE REPORT

The committee on Judiciary reports and recommends for introduction:

Senate Bill 562

(By request of Milwaukee County). Relating to trial by referee in construction lien law foreclosures.

Introduction; Ayes, 3; Noes, 0.

Read first time and referred to committee on Judiciary.

Senate Bill 563

(By request of Milwaukee County.) Relating to juror fees in populous counties.

Introduction; Ayes, 3; Noes, 0.

Read first time and referred to committee on Judiciary.

ALLEN J. BUSBY,
Chairman.

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The committee on Governmental and Veterans' Affairs reports and recommends:

Senate Bill 453

Relating to lowering the age of majority from 21 years of age to 18 years.

Indefinite postponement; Ayes, 3; Noes, 2.

GORDON W. ROSELEIP,
Chairman.

The committee on Natural Resources reports and recommends:

Senate Bill 390

Relating to financial assistance to school districts for antipollution facilities.

Passage; Ayes, 4; Noes, 0.

Senate Bill 459

Relating to reports and records of fishermen and guides.

Passage; Ayes, 4; Noes, 0.

Senate Bill 466

Relating to trapping licenses and trap identification tags.
Adoption of senate amendment 1; Ayes, 4; Noes, 0 and passage as amended; Ayes, 4; Noes, 0.

GORDON W. ROSELEIP,
Vice-chairman.

EXECUTIVE COMMUNICATIONS

May 21, 1971.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the

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senate do appoint Mr. Morris Slavney, of Madison, as a member of the Employment Relations Commission, to serve for a term ending March 1, 1977.

Respectfully submitted,

**PATRICK J. LUCEY,
Governor.**

Read and referred to committee on Commerce, Labor, Taxation, Insurance and Banking.

May 21, 1971.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing I have nominated and, with the advice and consent of the senate, do appoint Mrs. Winona G. Jackson, of Milwaukee, as a member of the Health and Social Services Board, to succeed William H. Studley, to serve for a term ending May 1, 1977.

Respectfully submitted,

**PATRICK J. LUCEY,
Governor.**

Read and referred to committee on Health and Social Services.

May 21, 1971.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing I have nominated and, with the advice and consent of the senate, do appoint Dr. Paul R. Glunz, of Beaver Dam, as a member of the Health and Social Services Board, to succeed Herbert G. Grewe, to serve for a term ending May 1, 1977.

Respectfully submitted,

**PATRICK J. LUCEY,
Governor.**

Read and referred to committee on Health and Social Services.

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By request of Senator Schuele, with unanimous consent,
the senate stood informal under call.

2:15 P.M.

2:30 P.M.

The senate reconvened.

Senator Murphy requested the sergeant report on the call
of the senate.

The sergeant reported all members present; with the ex-
ception of Senator Krueger who was absent with leave.

Senator Murphy moved that the sergeant's report be
accepted.

The ayes and noes were required and the vote was: ayes,
27; noes, 5; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Busby, Cirilli, Dorman, Frank,
Hollander, Johnson, Kendziorski, Keppler, Knowles, Knut-
son, LaFave, Lipscomb, Lorge, Lourigan, McKenna, Martin,
Murphy, Parys, Risser, Roseleip, Schuele, Soik, Steinhilber,
Swan, Thompson and Whittow—27.

Noes—Senators Chilsen, Devitt, Heinzen, Lotto and Pelo-
quin—5.

Absent or not voting—Senator Krueger—1.

So the sergeant's report was accepted.

Senate Joint Resolution 52

The question was: Shall **Senate Joint Resolution 52** be
withdrawn from the committee on Education and referred
to the calendar?

The ayes and noes were demanded and the vote was:
ayes, 11; noes, 20; absent or not voting, 2; as follows:

Ayes—Senators Dorman, Frank, Hollander, Johnson,
Keppler, Murphy, Risser, Soik, Steinhilber, Swan and
Thompson—11.

Noes—Senators Busby, Chilsen, Cirilli, Devitt, Heinzen,
Kendziorski, Knowles, Knutson, LaFave, Lipscomb, Lorge,
Lotto, Lourigan, McKenna, Martin, Parys, Peloquin, Rose-

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leip, Schuele and Whittow—20.

Absent or not voting—Senators Bidwell and Krueger—2.

So the motion did not prevail.

Senator Schuele moved reconsideration of the vote by which **Assembly Bill 228** was nonconcurrent in.

The ayes and noes were demanded and the vote was: ayes, 19; noes, 12; absent or not voting, 2; as follows:

Ayes—Senators Busby, Chilsen, Devitt, Frank, Heinzen, Johnson, Kendziorski, Keppler, Knowles, Lipscomb, Lourigan, McKenna, Martin, Parys, Peloquin, Roseleip, Schuele, Thompson and Whittow—19.

Noes—Senators Bidwell, Cirilli, D o r m a n , Hollander, Knutson, Lorge, Lotto, Murphy, Risser, Soik, Steinhilber and Swan—12.

Absent or not voting—Senators Krueger and LaFave—2.

So the motion prevailed.

The question was: Nonconcurrency in **Assembly Bill 228**?

The motion did not prevail.

Senator Busby moved reconsideration of the vote by which **Assembly Bill 228** was ordered to a third reading.

The motion prevailed.

Senator Busby moved reconsideration of the vote by which senate amendment 1 to **Assembly Bill 228** was rejected.

The motion prevailed.

The question was: Rejection of senate amendment 1?

Rejection of senate amendment 1 did not prevail.

Senate amendment 1 adopted.

Senate amendment 2 offered by Senator Lorge.

Senator Risser raised the point of order that senate amendment 2 to **Assembly Bill 228** was not germane.

The chair ruled that the point of order was well taken.

Senator Lorge appealed the ruling of the chair.

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The ayes and noes were required and the vote was: ayes, 23; noes, 8; absent or not voting, 2; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Devitt, Dorman, Frank, Heinzen, Hollander, Kendziorski, Keppler, Knowles, Knutson, Lipscomb, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Roseleip, Schuele, Thompson and Whittow—23.

Noes—Senators Cirilli, Johnson, Lorge, Lotto, Murphy, Soik, Steinhilber and Swan—8.

Absent or not voting—Senators Krueger and LaFave—2.

The ruling of the chair was sustained.

Ordered to a third reading.

By request of Senator Keppler, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 228

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 27; noes, 4; absent or not voting, 2; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Lipscomb, Lotto, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Thompson and Whittow—27.

Noes—Senators Lorge, Murphy, Steinhilber and Swan—4.

Absent or not voting—Senators Krueger and LaFave—2.

So the bill was concurred in as amended.

CALENDAR OF MAY 6

Senate Bill 266

Relating to prohibiting studded tires.

Read a second time.

Senator Hollander moved indefinite postponement.

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Senator Whittow moved a

CALL OF THE SENATE

Which motion was supported.

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

The roll was called and the following senators answered to their names:

Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—32.

Absent with leave—Senator Krueger—1.

Senator Kendziorski in the chair.

3:40 P.M.

The president of the senate in the chair.

3:45 P.M.

The ayes and noes were demanded and the vote was: ayes, 10; noes, 22; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Cirilli, Devitt, Hollander, Johnson, Knutson, Lorge, Lotto, McKenna and Schuele—10.

Noes—Senators Busby, Chilsen, Dorman, Frank, Heinzen, Kendziorski, Keppler, Knowles, LaFave, Lipscomb, Lourigan, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Soik, Steinhilber, Swan, Thompson and Whittow—22.

Absent or not voting—Senator Krueger—1.

So the motion did not prevail.

Senator Whittow moved rejection of senate amendment 2 to senate substitute amendment 1.

The ayes and noes were demanded and the vote was: ayes, 19; noes, 13; absent or not voting, 1; as follows:

Ayes—Senators Busby, Dorman, Frank, Heinzen, Kendziorski, Keppler, Knowles, LaFave, Lipscomb, Lorge, Louri-

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gan, Parys, Peloquin, Risser, Schuele, Soik, Steinhilber, Swan and Whittow—19.

Noes—Senators Bidwell, Chilsen, Cirilli, Devitt, Hollander, Johnson, Knutson, Lotto, McKenna, Martin, Murphy, Roseleip and Thompson—13.

Absent or not voting—Senator Krueger—1.

So senate amendment 2 to senate substitute amendment 1 was rejected.

Senate amendment 3 to senate substitute amendment 1 offered by Senator Soik.

The president pro tempore in the chair.

3:45 P.M.

Senator Swan moved rejection of senate amendment 3 to senate substitute amendment 1.

The ayes and noes were demanded and the vote was: ayes, 15; noes, 17; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Busby, Johnson, Keppler, Knutson, LaFave, Lotto, McKenna, Martin, Peloquin, Roseleip, Schuele, Steinhilber, Swan and Thompson—15.

Noes—Senators Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Kendziorski, Knowles, Lipscomb, Lorge, Lourigan, Murphy, Parys, Risser, Soik and Whittow—17.

Absent or not voting—Senator Krueger—1.

So the motion did not prevail.

The question was: Adoption of senate amendment 3 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 12; noes, 20; absent or not voting, 1; as follows:

Ayes—Senators Chilsen, Dorman, Frank, Heinzen, Hollander, Kendziorski, Lorge, Lourigan, Parys, Risser, Soik and Whittow—12.

Noes—Senators Bidwell, Busby, Cirilli, Devitt, Johnson, Keppler, Knowles, Knutson, LaFave, Lipscomb, Lotto, McKenna, Martin, Murphy, Peloquin, Roseleip, Schuele, Steinhilber, Swan and Thompson—20.

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Absent or not voting—Senator Krueger—1.

So senate amendment 3 to senate substitute amendment 1 was not adopted.

Senate amendment 4 to senate substitute amendment 1 offered by Senator Soik.

Senate amendment 4 to senate substitute amendment 1 adopted.

Senate substitute amendment 1 adopted.

Senator Lorge moved indefinite postponement of Senate Bill 266.

Senator Whittow moved a

CALL OF THE SENATE

Which motion was supported.

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

The roll was called and the following senators answered to their names:

Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—32.

Absent with leave—Senator Krueger—1.

The ayes and noes were demanded and the vote was: ayes, 12; noes, 20; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Cirilli, Devitt, Hollander, Johnson, Knutson, Lorge, Lotto, McKenna, Martin, Roseleip and Schuele—12.

Noes—Senators Busby, Chilsen, Dorman, Frank, Heinzen, Kendziorski, Keppler, Knowles, LaFave, Lipscomb, Lourigan, Murphy, Parys, Peloquin, Risser, Soik, Steinhilber, Swan, Thompson and Whittow—20.

Absent or not voting—Senator Krueger—1.

So the motion did not prevail.

The question on which the call of the house was put having been decided the call was raised.

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Senate Bill 266

Ordered to a third reading.

By request of Senator Keppler with unanimous consent the bill was considered for final action at this time.

Senate Bill 266

Read a third time and passed.

By request of Senator Keppler, with unanimous consent, all actions except Senate Bill 279 were ordered immediately messaged.

Assembly Bill 25

Relating to meeting places for county boards.

Read a second time.

By request of Senator Cirilli, with unanimous consent, Senator Cirilli was granted a leave of absence for the balance of today's session.

The question was: Nonconcurrence of Assembly Bill 25?

The ayes and noes were demanded and the vote was: ayes, 11; noes, 19; absent or not voting, 1; paired, 2; as follows:

Ayes—Senators Bidwell, Chilsen, Frank, Knutson, LaFave, Lorge, Lourigan, Murphy, Soik, Steinhilber and Swan—11.

Noes—Senators Busby, Devitt, Dorman, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Lipscomb, McKenna, Martin, Parys, Peloquin, Risser, Roseleip, Schuele, Thompson and Whittow—19.

Absent or not voting—Senator Krueger—1.

Paired—Senator Cirilli for nonconcurrence; Senator Lotto against nonconcurrence—2.

So nonconcurrence did not prevail.

Assembly Bill 25

The question was: Shall the bill be ordered to a third reading?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 11; absent or not voting, 1; as follows:

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Ayes—Senators Busby, Devitt, Dorman, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Lipscomb, McKenna, Martin, Parys, Peloquin, Risser, Roseleip, Schuele, Thompson and Whittow—19.

Noes—Senators Bidwell, Chilsen, Frank, Knutson, LaFave, Lorge, Lourigan, Murphy, Soik, Steinhilber and Swan—11.

Absent or not voting—Senator Krueger—1.

Paired—Senator Lotto for a third reading; Senator Cirilli against a third reading—2.

So the bill was ordered to a third reading.

Senator Dorman moved that the rules be suspended and that the bill be considered for final action at this time.

The ayes and noes were required and the vote was: ayes, 16; noes, 15; absent or not voting, 2; as follows:

Ayes—Senators Busby, Devitt, Dorman, Hollander, Keppler, Knowles, Lotto, McKenna, Martin, Parys, Peloquin, Risser, Roseleip, Schuele, Thompson and Whittow—16.

Noes—Senators Bidwell, Chilsen, Frank, Heinzen, Johnson, Kendziorski, Knutson, LaFave, Lipscomb, Lorge, Lourigan, Murphy, Soik, Steinhilber and Swan—13.

Absent or not voting—Senators Cirilli and Krueger—2.

So less than two-thirds having voted with the majority the motion failed.

By request of Senator Schuele, with unanimous consent, the senate returned to the ninth order of business.

By request of Senator Schuele, with unanimous consent, the senate took up the appointment of William F. Eich, of Madison, as a member of the Public Service Commission, to serve for a term ending March 1, 1977.

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 2; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—31.

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Noes—None.

Absent or not voting—Senators Cirilli and Krueger—2.

So the motion prevailed, the appointment was sustained.

Upon motion of Senator Keppler the senate adjourned until 9:00 A.M. May 28, 1971.

4:30 P.M.

INTRODUCTION OF GUESTS

Senator Lorge introduced, Roger Reichardt and 125 students from Einstein Junior High, Appleton, Wisconsin.

Senator Murphy introduced, Scott Kennedy, Antigo, Waukesha and Langlade county.

Senators Lipscomb and Parys introduced, 130 students from North Division High School with teachers Mr. Morgan and Mr. Hilburg, Milwaukee, Wisconsin.

Senator Lotto introduced, Mr. and Mrs. Jim Dahin, Town of Scott, Brown County, Wisconsin.

Senator Bidwell introduced, 51 fourth and 5 fifth graders from Baraboo South and North Freedom schools with Mrs. Eschenbach, Mrs. Pieper, Mrs. Ulrich and Mrs. Frisch, Columbia County.

Senator Knutson introduced, 8 students and Barbara Goodmiller, teacher from Washburn School, La Crosse, Wisconsin.

Senator Soik introduced 13 students from the fourth grade and teacher Mrs. F. Donnelly from University School, Milwaukee, Wisconsin.

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Senator Dorman introduced 65 students with Mr. Beltz, principal and teachers Miss Toler and Mr. Ohrwall, Franksville, Wisconsin.

Senator Knutson introduced 75, 8th grade students with Miss Aasen, Mr. Smith and Mr. Ekern, Westby, Wisconsin.

Senator Lourigan introduced, the 4th grade of Curtis Strange School with Mrs. Hodal and Mrs. Bangert, Kenosha, Wisconsin.

Senator Swan introduced, 43 children, 9 adults and teachers Miss Abel and Mrs. Dixon from Todd School, Beloit, Wisconsin.

The president of the senate introduced Miss Wendy Brown, Westfield, New Jersey.