

JOURNAL OF THE SENATE [October 23, 1969]

STATE OF WISCONSIN

Senate Journal

Seventy-Ninth Session

THURSDAY, October 23, 1969.

10:05 o'clock A.M.

The senate met.

The senate was called to order by the president.

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

Senators Busby, Chilsen, Cirilli, Devitt, Dorman, Draheim, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, McParland, Meunier, Parys, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Soik, Swan, Terry, Thompson and Whittow—31.

Absent—None.

INTRODUCTION OF AMENDMENTS

Senate substitute amendment 1 to Senate Bill 381 offered by Senators LaFave, Chilsen and Krueger, by request of Assemblymen Grover, McDougal, Bradley, Byers and Alfonsi.

Senate amendment 1 to Senate Bill 645 offered by Senator Soik.

Senate amendment 1 to senate amendment 1 to senate substitute amendment 2 to Senate Bill 655 offered by Senator LaFave.

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Senate substitute amendment 1 to Senate Bill 673 offered by Senator Heinzen, by request of Assemblyman Parkin.

Senate amendment 1 to Senate Bill 674 offered by Senator Heinzen.

COMMITTEE REPORT

The committee on Health and Social Services reports and recommends:

Senate Bill 583

Relating to change in the medical examining licensing and regulation law.

Adoption of senate amendment 1; Ayes, 5; Noes, 0 and passage as amended; Ayes, 5; Noes, 0.

Assembly Bill 237

Relating to state reimbursement to counties for welfare costs.

Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 305

Relating to the district health officer as an advisory and nonvoting member of the county health commission.

Concurrence; Ayes, 5; Noes, 0.

ARTHUR A. CIRILLI,
Chairman.

MINORITY REPORT BY ASSEMBLYMAN STANLEY YORK TO BE APPENDED TO THE REPORT OF THE JOINT COMMITTEE TO STUDY DISRUPTIONS AT THE UNIVERSITY OF WISCONSIN

October 14, 1969.

I agree in substance with the report of the committee. There are, however, several points with which my position differs from that as stated in the majority report. Some of these differences may be due to choice of language. How-

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ever, I believe my position should be clearly stated in the form in which I would express it.

(1) I do not agree that the university administration was excessively shortsighted in preparations for the February strike in support of the black demands. Our investigation indicated that the same general circumstances existed several times before February. The university had no reason to believe that this situation would be different. To have brought in a massive show of force *before* the event would have been to escalate the danger and the disruption.

In this country we operate on the premise that a man is innocent until proven guilty. By the same token, we assume that a demonstration will be peaceful until there are reasonable grounds to come to another conclusion. Therefore, I must respectfully and vigorously dissent from the statements in the second and third paragraphs on page 10 of the report.

(2) In the second paragraph on page 11, blame for inadequate performance of the police function is laid on the university security force. I cannot support this statement unless it reads: "The university security force is inadequate to perform the function . . ."

(3) A major unresolved issue relating to higher education in Wisconsin deals with what is known as "*in loco parentis*". The report in the first paragraph on page 12 assumes that the university stands *in loco parentis* and is responsible for action of students off the campus. Without arguing the on-campus question, I cannot support the philosophy that implies that a student's activity in the community off the campus is to be seen in a light different from the activity of any other citizen. He, in my judgment, has the same responsibilities and privileges, no more, no less, as he would have were he not a student. On this basis, I cannot concur with the cited paragraph of the report.

(4) In its report, the committee recommends the creation of a special joint committee of the legislature to raise serious questions about the administrative structure of a major university in our society. I heartily concur with the stated need for such a study. I feel, however, that there are better ways to accomplish this goal. The governor's task force on education is now working on this problem. I rec-

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commend that this question be assigned to a legislative council committee.

(5) The report recommends consideration of additional staff for the board of regents for carrying out its responsibility. I feel that there is sufficient staff in the university, and I would hope that a recommendation for restructuring the administration would make clear the appropriate positions of that staff and the staff of the board.

With these exceptions, I agree in substance with the report of the committee.

Respectfully submitted,

STANLEY YORK,
Assemblyman.

PETITIONS AND COMMUNICATIONS

Senate Petition 550

A petition by 15 citizens of the 12th Senatorial District in support of **Senate Bill 30** which relates to family planning.

By Senator Krueger.

To committee on Health and Social Services.

Senate Petition 551

A petition by 20 residents of Gilman, Wisconsin, in support of **Senate Bill 222** which would restore 35% of the liquor tax to the Veterans Trust Fund.

By Senator Krueger.

To committee on Governmental and Veterans' Affairs.

Senate Petition 552

A petition signed by 11 persons requesting reevaluation of substitute amendment 2 to **Senate Bill 318**, relating to benefits for retired teachers under the State Teachers Retirement System.

By Senator Terry.

To committee on Education.

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Senate Petition 553

A petition signed by 20 citizens favoring **Senate Bill 222** (and/or companion **Assembly Bill 342**) which would restore 35% of the Liquor Tax to the Veterans Trust Fund.

By Senator Terry.

To committee on Governmental and Veterans' Affairs.

RULING OF THE CHAIR

In answer to the point of inquiry raised by Senator Risser on Wednesday, October 22nd, journal page 1770, as to whether it was possible to reconsider the senate's approval for a citation under Joint Rule 26, the chair rules that it is possible to reconsider this action as long as the citation is still before the senate.

MESSAGE FROM THE ASSEMBLY

By Wilmer H. Struebing, 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 Assemblyman Klicka, co-sponsored by Senator Swan for the Proclamation of United States Day on October 23rd.

**Assembly Joint Resolution 41,
Assembly Joint Resolution 64 and
Assembly Joint Resolution 74.**

Passed and asks concurrence in:

Assembly Bill 159,	Assembly Bill 484,
Assembly Bill 172,	Assembly Bill 485,
Assembly Bill 413,	Assembly Bill 438,
Assembly Bill 428,	Assembly Bill 537 and
Assembly Bill 483,	Assembly Bill 723.

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Concurred in:

**Senate amendments 1 and 2 to Assembly Bill 30,
Senate amendment 1 to Assembly Bill 144,
Senate amendment 1 to Assembly Bill 175,
Senate amendment 1 to Assembly Bill 209,
Senate amendment 1 to Assembly Bill 216 and
Senate amendment 1 to Assembly Bill 449.**

ASSEMBLY MESSAGE CONSIDERED

Motion under Joint Rule 26 proclaiming United States Day on October 23rd.

Read and concurred in.

Assembly Joint Resolution 41

A joint resolution to amend article X, section 3 of the constitution, relating to released time for religious instruction. (1st consideration)

Read first time.

To committee on Education.

Assembly Joint Resolution 64

A joint resolution to amend joint rule 8 relating to the entering of the ayes and noes on bills that provide a penalty.

Laid over one week under the rules.

Assembly Joint Resolution 74

An assembly joint resolution to create article 1, section 24 of the constitution, relating to the use of school buildings during nonschool hours by civic, religious or charitable organizations. (1st consideration)

Read first time.

To committee on Education.

Assembly Bill 159

An act to appropriate the sum of \$12,766.10 to the Imperial Lithographing Corp., 914 East Hamilton Street, Milwaukee, Wisconsin, for payment of a claim made by it against the state.

Read first time.

To joint committee on Finance.

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Assembly Bill 172

Relating to certain inheritance tax exemptions or credits and the share counties receive from estates of nonresidents.

Read first time.

To committee on Labor, Taxation, Insurance and Banking.

Assembly Bill 413

Relating to reciprocity agreements for trailers and semi-trailers.

Read first time.

To committee on Transportation.

Assembly Bill 428

Relating to the color of warning lights on towing and service vehicles.

Read first time.

To committee on Transportation.

Assembly Bill 483

An act to appropriate \$9,357.10 from the general fund for the payment of a claim against the state by the town of Norway, Racine county.

Read first time.

To joint committee on Finance.

Assembly Bill 484

An act to appropriate \$1,015.60 from the highway fund for payment of a claim made by Midwest Sign Corporation against the state for damages.

Read first time.

To joint committee on Finance.

Assembly Bill 485

An act to appropriate \$737.50 from the general fund for payment of a claim by Senn Blacktop, Inc., against the state for damages.

Read first time.

To joint committee on Finance.

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Upon motion of Senator Keppler the senate recessed for 20 minutes.

RECESS

11:40 A.M.

President in the chair.

ASSEMBLY MESSAGE CONSIDERED

Assembly Bill 488

An act appropriating \$2,934.30 in payment of a claim made by the LeDuc Oil company against the state for refundable taxes.

Read first time.

To joint committee on Finance.

Assembly Bill 537

Relating to real property tax exemptions.

Read first time.

To committee on Labor, Taxation, Insurance and Banking.

Assembly Bill 723

Relating to posting notices in lieu of publishing facsimile ballots in certain municipalities.

Read first time.

To committee on Governmental and Veterans' Affairs.

Senator Keppler moved that the rules be suspended and Senate Bill 724, Assembly Bill 237, Assembly Bill 159, Assembly Bill 483, Assembly Bill 484, Assembly Bill 485 and Assembly Bill 488 be taken from their present position and placed in the above sequence on the calendar after Senate Bill 249.

Senator Risser moved a

CALL OF THE SENATE

Which motion was supported.

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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 Busby, Chilsen, Cirilli, Devitt, Dorman, Draheim, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Krueger, LaFave, Lorge, Lotto, Lourigan, McParland, Meunier, Parys, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Soik, Swan, Terry, Thompson and Whittow—30.

Absent—Senator Knutson—1.

Upon motion of Senator Risser, with unanimous consent, the senate stood informal for five minutes under call.

12:08 P.M.

President in the chair.

Upon motion of Senator Keppler, with unanimous consent, the call of the senate was raised.

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

RECESS

2:00 P.M.

President in the chair.

Upon motion of Senator Kendziorski the senate recessed for 10 minutes.

RECESS

2:22 P.M.

President in the chair.

Upon motion of Senator Keppler, with unanimous consent, his motion to place several bills after **Senate Bill 249** was withdrawn.

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MOTION UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature
Know you by these presents :

Whereas, Reverend Bob G. Fulmer, pastor of the Midvale Baptist Church, Madison, Wisconsin, served as the chaplain of the senate on October 22, 1969 ; and

Whereas, he called attention to the fact that October 22, 1969, has been proclaimed by the President to be the national day of prayer ; and

Whereas, in these troubled times it is imperative that Americans seek guidance through prayer ; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senators Devitt, Schreiber and Rasmusen and Assemblymen Uehling, McCormick, Azim and Wilcox, under Joint Rule 26, join with the President in officially observing this national day of prayer by the adoption of this resolution.

Read and adopted.

Ordered immediately messaged to the assembly.

CALENDAR OF WEDNESDAY, OCTOBER 1st

Senate Bill 249

Relating to state tax sharing with local units of government, adjustments in the state school aid formula, changes in authorized school district tax levies and aidable costs incidental thereto.

Senator Soik moved that the bill be referred to the joint committee on Finance.

Senator Keppler moved the current question.

The question was : Shall the current question be put ?

Senator Risser moved a

CALL OF THE SENATE

Which motion was supported.

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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 Busby, Chilsen, Cirilli, Devitt, Dorman, Draheim, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, McParland, Meunier, Parys, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Soik, Swan, Terry, Thompson and Whittow—31.

Absent—None.

Upon motion of Senator Risser, with unanimous consent, the senate stood informal for 10 minutes.

2:50 P.M.

President in the chair.

The question was: Shall the current question be put?

The ayes and noes were required and the vote was: ayes, 18; noes, 13; absent or not voting, 0; as follows:

Ayes—Senators Chilsen, Cirilli, Devitt, Draheim, Heinzen, Hollander, Johnson, Keppler, Knowles, Krueger, LaFave, Lorge, Lotto, Meunier, Rasmusen, Roseleip, Soik and Terry—18.

Noes—Senators Busby, Dorman, Kendziorski, Knutson, Lourigan, McParland, Parys, Risser, Schreiber, Schuele, Swan, Thompson and Whittow—13.

Absent or not voting—None.

The motion prevailed.

The question was: Shall Senate Bill 249 be referred to joint committee on Finance?

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

Ayes—Senators Chilsen, Cirilli, Devitt, Dorman, Heinzen, Hollander, Johnson, Kendziorski, Knowles, Lourigan, Risser, Schreiber, Soik, Terry and Whittow—15.

Noes—Senators Busby, Draheim, Keppler, Knutson, Krueger, LaFave, Lorge, Lotto, McParland, Meunier, Parys,

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Rasmusen, Roseleip, Schuele, Swan and Thompson—16.

Absent or not voting—None.

The senate refused to refer the bill to joint committee on Finance.

The question on which the call was placed being decided, the call was raised.

The question was: Shall Senate Bill 249 be indefinitely postponed?

Senator Keppler moved the current question.

Upon motion of Senator Risser, with unanimous consent, the senate recessed for 10 minutes.

RECESS

3:28 P.M.

President in the chair.

The question was: Shall the current question be put?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 13; absent or not voting, 0; as follows:

Ayes—Senators Chilsen, Cirilli, Devitt, Draheim, Heinsen, Hollander, Johnson, Keppler, Knowles, Krueger, LaFave, Lorge, Lotto, Meunier, Rasmusen, Roseleip, Soik and Terry—18.

Noes—Senators Busby, Dorman, Kendziorski, Knutson, Lourigan, McParland, Parys, Risser, Schreiber, Schuele, Swan, Thompson and Whittow—13.

Absent or not voting—None.

The motion prevailed.

The question was: Shall Senate Bill 249 be indefinitely postponed?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 13; absent or not voting, 0; as follows:

Ayes—Senators Busby, Chilsen, Cirilli, Draheim, Johnson, Keppler, Knutson, Krueger, LaFave, Lorge, Lotto, McParland, Meunier, Rasmusen, Roseleip, Soik, Swan and

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Terry—18.

Noes—Senators Devitt, Dorman, Heinzen, Hollander, Kendziorski, Knowles, Lourigan, Parys, Risser, Schreiber, Schuele, Thompson and Whittow—13.

Absent or not voting—None.

The bill was indefinitely postponed.

Senator Soik moved reconsideration of the vote by which the senate indefinitely postponed **Senate Bill 249**.

Senator Keppler moved the current question.

The question was: Shall the current question be put?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 14; absent or not voting, 0; as follows:

Ayes—Senators Chilsen, Cirilli, Devitt, Draheim, Heinzen, Hollander, Johnson, Keppler, Knowles, Krueger, LaFave, Lorge, Lotto, Meunier, Rasmusen, Roseleip and Terry—17.

Noes—Senators Busby, Dorman, Kendziorski, Knutson, Lourigan, McParland, Parys, Risser, Schreiber, Schuele, Soik, Swan, Thompson and Whittow—14.

Absent or not voting—None.

The motion prevailed.

The question was: Shall the senate reconsider the vote by which **Senate Bill 249** was indefinitely postponed?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 18; absent or not voting, 0; as follows:

Ayes—Senators Devitt, Dorman, Hollander, Kendziorski, Knowles, Lourigan, Parys, Risser, Schreiber, Schuele, Soik, Thompson and Whittow—13.

Noes—Senators Busby, Chilsen, Cirilli, Draheim, Heinzen, Johnson, Keppler, Knutson, Krueger, LaFave, Lorge, Lotto, McParland, Meunier, Rasmusen, Roseleip, Swan and Terry—18.

Absent or not voting—None.

The motion to reconsider the vote did not prevail.

Upon motion of Senator Keppler, with unanimous consent, the senate returned to the 3rd order of business.

RESOLUTIONS

Senate Joint Resolution 96

A joint resolution directing the legislative council to study the subject matter of **Senate Bill 249**.

By Senators Devitt, LaFave, Cirilli, Rasmusen, Terry, Heinzen, Keppler, Chilsen, Meunier, Draheim, Soik and Lotto.

Read.

Senator Devitt moved the rules be suspended and the resolution taken up at this time.

The question was: Shall the rules be suspended and the resolution be taken up at this time?

The ayes and noes were required and the vote was: ayes, 21; noes, 10; absent or not voting, 0; as follows:

Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Draheim, Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Meunier, Rasmusen, Roseleip, Soik, Swan and Terry—21.

Noes—Senators Dorman, Kendziorski, Lourigan, McParland, Parys, Risser, Schreiber, Schuele, Thompson and Whittow—10.

Absent or not voting—None.

More than two-thirds having voted in the affirmative, the motion prevailed.

Senator Risser raised the point of order the resolution was out of order as it did not contain a fiscal note.

The chair ruled the point of order not well taken.

Senator Johnson moved the current question.

Senator Risser 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:

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Senators Busby, Chilsen, Cirilli, Devitt, Dorman, Draheim, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, McParland, Meunier, Parys, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Soik, Swan, Terry, Thompson and Whittow—31.

Absent—None.

The question was: Shall the current question be put?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 12; absent or not voting, 0; as follows:

Ayes—Senators Chilsen, Cirilli, Devitt, Draheim, Heinzen, Hollander, Johnson, Keppler, Knowles, Krueger, LaFave, Lorge, Lotto, Meunier, Rasmusen, Roseleip, Soik, Swan and Terry—19.

Noes—Senators Busby, Dorman, Kendziorski, Knutson, Lourigan, McParland, Parys, Risser, Schreiber, Schuele, Thompson and Whittow—12.

Absent or not voting—None.

The motion to put the current question prevailed.

The question was: Shall Senate Joint Resolution 96 be adopted?

Senator Risser 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.

All senators being present, the call was in effect.

Senator Risser moved to adjourn.

The motion failed.

Senator Risser asked unanimous consent to stand informal for five minutes.

Senator Lorge objected.

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LEAVE OF ABSENCE

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

Senator Lorge withdrew his objection to standing informal.

4:35 P.M.

President in the chair.

The question was: Shall **Senate Joint Resolution 96** be adopted?

Senate amendment 1 offered by Senator Risser.

Senator LaFave raised the point of order the current question having been put the amendment was not in order.

Senator Knowles raised the point of order there is a difference between moving the current question and moving the previous question and that the amendment was probably out of order.

The chair ruled the point of order well taken.

Senator Risser appealed the ruling of the chair.

Senate amendment 1 withdrawn by the author.

Senator Schreiber raised the point of order that the point of order by Senator Knowles was not timely.

The chair ruled the point not well taken.

The question was: Shall the decision of the chair stand as the decision of the senate?

The ayes and noes were required and the vote was: ayes, 20; noes, 10; absent or not voting, 1; as follows:

Ayes—Senators Busby, Chilsen, Devitt, Draheim, Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Meunier, Rasmusen, Roseleip, Soik, Swan and Terry—20.

Noes—Senators Dorman, Kendziorski, Lourigan, McPar-

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land, Parys, Risser, Schreiber, Schuele, Thompson and Whittow—10.

Absent or not voting—Senator Cirilli—1.

The ruling of the chair stood as the decision of the senate.

The question was: Shall **Senate Joint Resolution 96** be adopted?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 12; absent or not voting, 1; as follows:

Ayes—Senators Busby, Chilsen, Devitt, D r a h e i m, Heinzen, Hollander, Johnson, Keppler, Knutson, Krueger, LaFave, Lorge, Lotto, Meunier, Rasmusen, Roseleip, Swan and Terry—18.

Noes—Senators Dorman, Kendziorski, Knowles, Lourigan, McParland, Parys, Risser, Schreiber, Schuele, Soik, Thompson and Whittow—12.

Absent or not voting—Senator Cirilli—1.

The resolution was adopted.

The question on which the call was placed being decided, the call was raised.

Upon motion of Senator Keppler, with unanimous consent, the senate returned to the fourth order of business.

INTRODUCTION OF BILLS

Senate Bill 725

Relating to licensing of motor trucks or truck tractors used on farms.

By Senator Keppler; co-sponsored by Assemblyman Boeckmann, by request of Dale Wolff.

Read first time.

To committee on Transportation.

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COMMITTEE REPORT

The committee on Transportation reports and recommends:

Senate Bill 357

Relating to the state's share of the cost of highway protection at highway and railroad grade crossings.

Rejection of senate amendment 1; Ayes, 5; Noes, 0 and passage; Ayes, 4; Noes, 1.

Senate Bill 547

Relating to a plan to be prepared by the department of Transportation and submitted to the legislature, concerning use of airplanes by state employes.

Passage; Ayes, 5; Noes, 0.

Senate Bill 656

Relating to chauffeur's license for persons whose operating license has been revoked.

Adoption of senate amendment 1; Ayes, 5; Noes, 0 and passage as amended; Ayes, 5; Noes, 0.

Assembly Bill 233

Relating to discontinuing roads on state lands.

Concurrence; Ayes, 5; Noes, 0.

REUBEN LaFAVE,
Chairman.

Upon motion of Senator Keppler, with unanimous consent, the senate returned to the second order of business.

INTRODUCTION OF AMENDMENTS

Senate amendment 2 to Assembly Bill 244 offered by Senator Terry.

Senate substitute amendment 1 to Assembly Bill 713 offered by Senator Heinzen.

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Senator Chilsen raised a point of order that once the current question was moved, no one could be recognized for any purpose other than moving to adjourn or raising a point of order.

The chair took the matter under advisement.

Upon motion of Senator Keppler the senate adjourned until 9:01 A.M., Friday, October 24, 1969.

INTRODUCTION OF GUESTS

Senator Meunier introduced Mr. Glenn Mella of Manitowoc county.

Senator Chilsen introduced Pastor and Mrs. David Rokke, and their sons Paul, Eric and John, of Wausau.