

JOURNAL OF THE ASSEMBLY [April 13, 1971]

STATE OF WISCONSIN

Assembly Journal

Eightieth Regular Session

TUESDAY, April 13, 1971.

10:00 A.M.

The assembly met.

The speaker in the chair.

The prayer was offered by Rev. C. J. Christenson, pastor of Calvary United Methodist Church, 633 W. Badger Rd., Madison, Wisconsin.

Representative Looby led the membership in reciting the pledge of allegiance to the flag of the United States.

The roll was taken.

The result follows:

Present—Alberts, Anderson, Atkinson, Azim, Baldus, Barbee, Berger, Boeckmann, Bolle, Bradley, Brown, Bultman, Byers, Conradt, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Ellis, Everson, Ferrall, Froehlich, Gaulke, Giese, Greider, Groshek, Grover, Guiles, Hanna, Hanson, Helgeson, Hephner, Jackamonis, Jackson, Johnson G. K., Johnson W. A., Jones, Kafka, Kessler, Kleczka, Klicka, Korpela, LaFave, Lewison, Lipscomb, Looby, Luckhardt, Lynn, McCormick, McDougal, McEssy, Mato, Merkel, Mielke, Miller, Mittness, Mohn, Molinaro, Nager, O'Malley, Oberle, Oestreicher, Orlich, Otte, Pabst, Quackenbush, Quinn, Robertson, Roberts, Rogers, Rutkowski, Sanasarian, Schneider, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Sicula, Stack, Stalbaum, Sweda, Swoboda, Thompson R. M., Thompson T. G., Tobiasz, Tregoning, Vanderperren, Wackett, Wahner, Wilcox, Wilger, Willkom and Mr. Speaker—99.

Absent—None.

Absent with leave—Slaby—1.

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AMENDMENTS OFFERED

Assembly amendment 1 to Assembly Bill 534 offered by Representative Dorff.

Assembly amendment 4 to Assembly Bill 414 offered by Representative Lewison.

Assembly amendment 3 to assembly substitute amendment 1 to Assembly Bill 239 offered by Representative Vanderperren.

Assembly amendment 2 to Assembly Bill 162 offered by Representative Helgeson.

Assembly amendment 1 to Assembly Bill 473 offered by Representative Hanna.

Assembly amendment 1 to Assembly Joint Resolution 52 offered by Representative Luckhardt.

Assembly amendment 1 to Assembly Bill 244 offered by Representative Jones, by request of Milwaukee County.

Assembly substitute amendment 2 to Assembly Bill 198 offered by Representatives Azim, Tregoning and Bradley, by request of the League of Wisconsin Municipalities, the Wisconsin Association of School Boards and the Wisconsin County Boards Association.

Assembly amendment 1 to Assembly Bill 577 offered by Representative Wilger.

Assembly amendment 2 to Assembly Bill 593 offered by Representative Wilger.

Assembly amendment 1 to Assembly Bill 518 offered by Representatives Brown, Klicka, McEssy and Quinn.

Assembly substitute amendment 1 to Assembly Bill 291 offered by Representative Mato.

INTRODUCTION AND REFERENCE OF RESOLUTIONS

Read and referred:

Assembly Joint Resolution 52

By Representatives Luckhardt, Giese and Helgeson.

To joint committee on Finance.

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INTRODUCTION AND REFERENCE OF BILLS

Read first time and referred:

Assembly Bill 640

By Representatives Brown, Ferrall, Stalbaum, G. K. Johnson, LaFave and Miller.

To committee on Education.

Assembly Bill 641

By Representatives Jackamonis, W. A. Johnson and Roberts.

To committee on Education.

Assembly Bill 642

By the committee on Labor, by request of Wisconsin State Employees Association.

To committee on Labor.

Assembly Bill 643

By the committee on Labor, by request of Wisconsin State Employees Association.

To committee on Labor.

Assembly Bill 644

By the committee on Labor, by request of Wisconsin State Employees Association.

To committee on Labor.

Assembly Bill 645

By the committee on Labor, by request of the Wisconsin State Employees Association.

To committee on Labor.

Assembly Bill 646

By Representatives W. A. Johnson, Otte and Swoboda.

To committee on Highways.

Assembly Bill 647

By Representative Hanson.

To committee on Elections.

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Assembly Bill 648

By Representative W. A. Johnson.
To committee on Judiciary.

Assembly Bill 649

By Representatives Luckhardt, Mielke, Miller and Duren.
To committee on Highways.

Assembly Bill 650

By Representatives Luckhardt and Wackett.
To committee on Natural Resources.

Assembly Bill 651

By Representatives Conta, Mittness, Earl, Huber and Czerwinski; co-sponsored by Senator Dorman.
To committee on Health and Social Services.

Assembly Bill 652

By Representative Sanasarian.
To committee on Elections.

Assembly Bill 653

By Representatives Sweda, Grover, Willkom, Korpela, Mielke, Jackamonis and Dueholm; co-sponsored by Senators Lotto, Cirilli, Roseleip, Knutson and Martin.
To committee on State Affairs.

Assembly Bill 654

By Representatives Mittness, Nager and R. M. Thompson; co-sponsored by Senator Risser, by request of Wm. Beverly.

To committee on Natural Resources.

Assembly Bill 655

By Representatives Mittness, Alberts and Wilger; co-sponsored by Senator Risser, by request of the Federation of Wisconsin Lake Property Owners.

To committee on Natural Resources.

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Assembly Bill 656

By Representatives Mittness and Wilger; co-sponsored by Senator Risser, by request of the Federation of Wisconsin Lake Property Owners.

To committee on Natural Resources.

COMMUNICATIONS

The State of Wisconsin
Department of State
Madison 53702

April 6, 1971.

To the Honorable, the Assembly

Gentlemen: I have the honor to transmit to you, pursuant to section 13.67 (2), a list of registered lobbyists for the period beginning March 30, 1971, and ending April 6, 1971.

Yours very truly,

ROBERT C. ZIMMERMAN,
Secretary of State.

Received and placed on file in the office of the chief clerk. Pursuant to Joint Rule 36 the list is printed in full in the senate journal only and appears there beginning on page 623.

COMMITTEE REPORTS

The committee on Natural Resources reports for introduction:

Assembly Bill —

Relating to clearing combustible materials from railroad rights-of-way.

Ayes, 13; Noes, 0.

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Assembly Bill —

Relating to definition of certain fish, use of nets for commercial fishing and eliminating licensing of certain hatcheries.

Ayes, 13; Noes, 0.

Assembly Bill —

Relating to establishing a uniform hearing procedure for certain Department of Natural Resources matters.

Ayes, 13; Noes, 0.

Assembly Bill —

Relating to pollution orders issued by the Department of Natural Resources.

Ayes, 12; Noes, 1.

Assembly Bill —

Relating to elimination of administration review of certain orders of the Department of Natural Resources.

Ayes, 12; Noes, 1.

Assembly Bill —

Relating to making free forest planting stock available to school children for arbor day.

Ayes, 13; Noes, 0.

Assembly Bill —

Relating to state forest timber sales.

Ayes, 13; Noes, 0.

Assembly Bill —

Relating to unlawful cutting of forest products.

Ayes, 13; Noes, 0.

Assembly Bill —

Relating to suppression of forest fires, and providing a penalty.

Ayes, 12; Noes, 1.

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Assembly Bill —

Relating to authority of the Department of Natural Resources to regulate and limit the number of hunters and harvest of game.

Ayes, 10; Noes, 3.

Assembly Bill —

Relating to areas in which the installation of use of septic tanks is prohibited.

Ayes, 12; Noes, 1.

Assembly Bill —

Relating to duplicate fish and game licenses.

Ayes, 12; Noes, 1.

Assembly Bill —

Relating to Governor's waiver of ordinary requirements for state construction projects.

Ayes, 12; Noes, 1.

Assembly Bill —

Relating to dam inspection fees and eliminating the annual inspection of certain dams.

Ayes, 12; Noes, 1.

Assembly Bill —

Relating to considerations in establishing bulkhead lines.

Ayes, 12; Noes, 1.

Assembly Bill —

Relating to the definition of "Boat".

Ayes, 13; Noes, 0.

Assembly Bill —

Relating to review of lake and stream shore plats and public access requirements.

Ayes, 12; Noes, 1.

Assembly Bill —

Relating to boat registration numbering periods.

Ayes, 13; Noes, 0.

LEWIS T. MITTNESS,
Chairman.

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The committee on Taxation reports and recommends:

Assembly Bill 177

Relating to sales tax revisions and modifications.

Passage; Ayes, 10; Noes, 0.

Assembly Bill 374

Relating to taxing pipelines for transmitting liquids and slurry.

Passage; Ayes, 10; Noes, 0.

Assembly Bill 430

Relating to utility accounting practices.

Passage; Ayes, 10; Noes, 0.

Assembly Bill 431

Relating to distribution dates as to property tax credits.

Passage; Ayes, 10; Noes, 0.

HARVEY L. DUEHOLM,
Chairman.

The committee on Natural Resources reports and recommends:

Assembly Bill 346

Relating to restrictions on fox hunting.

Assembly substitute amendment 1, adoption; Ayes, 12; Noes, 1 and passage; Ayes, 12; Noes, 1.

Assembly Bill 398

Relating to increasing penalties for illegal deer hunting.

Passage; Ayes, 8; Noes, 5.

Assembly Bill 476

Relating to bag and season limits on Canada geese.

Assembly amendment 1, adoption; Ayes, 13; Noes, 0 and indefinite postponement; Ayes, 7; Noes, 5; Not Voting, 1.

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Senate Bill 77

Relating to purchase of firearms by Wisconsin residents in contiguous states.

Concurrence; Ayes, 13; Noes, 0.

LEWIS T. MITTNESS,
Chairman.

The committee on Highways reports and recommends:

Assembly Joint Resolution 36

A joint resolution memorializing Congress to make Highway 2 from Duluth to Sault Ste. Marie part of the interstate highway system.

Adoption; Ayes, 7; Noes, 0.

Assembly Bill 81

Relating to reimbursing towns for highway rescue calls.

Passage; Ayes, 7; Noes, 0.

Assembly Bill 315

Relating to local authorities adopting state traffic regulations incorporating by reference, amendments to the state traffic laws.

Passage; Ayes, 7; Noes, 0.

Senate Bill 39

Relating to speed limits in the vicinity of schools and school crossings.

Concurrence; Ayes, 7; Noes, 0.

Assembly Bill 223

Relating to vehicles stopping before entering an alley or private driveway.

Assembly substitute amendment 1, adoption; Ayes, 6; Noes, 1 and passage; Ayes, 6; Noes, 1.

Assembly Bill 383

Relating to bringing roads on institution grounds in counties of 500,000 or more within the definition of "highway".

Passage; Ayes, 6; Noes, 1.

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Assembly Bill 355

Relating to posting no-passing zones on both sides of the roadway.

Passage; Ayes, 6; Noes, 1.

JOSEPH E. JONES,
Chairman.

The committee on Labor reports and recommends:

Assembly Bill 334

Relating to compulsory arbitration of labor disputes involving law enforcement personnel in cities of the 1st class.

Assembly substitute amendment 1, adoption; Ayes, 5; Noes, 3 and passage; Ayes, 5; Noes, 3.

Assembly Bill 371

Relating to changes in workmen's compensation law recommended by the council on workmen's compensation.

Passage; Ayes, 7; Noes, 1.

WILLIAM A. JOHNSON,
Chairman.

The committee on Judiciary reports:

Assembly Joint Resolution 31

Relating to removal by address of county and municipal court judges.

Adoption; Ayes, 8; Noes, 3.

Assembly Bill 86

Relating to exempting persons withdrawing blood for purposes of determining alcoholic content, from civil or criminal liability.

Indefinite postponement; Ayes, 6; Noes, 5.

Assembly Bill 87

Relating to permitting court commissioners to conduct preliminary examinations.

Indefinite postponement; Ayes, 9; Noes, 2.

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Assembly Bill 90

Relating to releases by minors from auto accident liability.

Passage; Ayes, 9; Noes, 2.

Assembly Bill 120

Relating to purchase of firearms by Wisconsin residents in contiguous states.

Passage; Ayes, 9; Noes, 2.

Assembly Bill 161

Relating to requiring death certificates showing cause of deaths from abortion.

Adoption of assembly substitute amendment 1; Ayes, 11; Noes, 0 and passage; Ayes, 7; Noes, 4.

Assembly Bill 189

Relating to physical examination of claimants in personal injury cases.

Passage; Ayes, 11; Noes, 0.

Assembly Bill 190

Relating to adverse examination of certain witnesses in criminal proceedings.

Passage; Ayes, 11; Noes, 0.

Assembly Bill 271

Prohibiting the use of lie detector tests by employers and providing a penalty.

Passage; Ayes, 8; Noes, 3.

Assembly Bill 277

Relating to the preparation and printing of a jury handbook, and making appropriation.

Passage; Ayes, 10; Noes, 1.

Assembly Bill 289

Relating to collection of a fee from persons for whom the family court commissioner drafts legal instruments affecting marriage.

Passage; Ayes, 8; Noes, 3.

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Assembly Bill 330

Relating to removal of supreme court justices and circuit court judges by address of the legislature.

Passage; Ayes, 9; Noes, 2.

Assembly Bill 331

Relating to an increase in witness' and interpreters' mileage fee in court actions.

Passage; Ayes, 11; Noes, 0.

Assembly Bill 353

Relating to publication of notice in matters relating to minor children.

Passage; Ayes, 11; Noes, 0.

Assembly Bill 385

Relating to judgments without actions.

Passage; Ayes, 8; Noes, 3.

Assembly Bill 400

Relating to court permission to marry.

Passage; Ayes, 11; Noes, 0.

Assembly Bill 413

Relating to abrogation of defense of warning label on cigarette package.

Passage; Ayes, 6; Noes, 5.

Assembly Bill 452

Relating to crimes committed near county lines.

Passage; Ayes, 10; Noes, 1.

MARK G. LIPSCOMB, JR.,
Chairman.

MOTION UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, on March 19, 1971, Daniel Fernbach and Mary Powell were married in Madison; and

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Whereas, the newlyweds are both employes of the Legislative Council, Dan as a staff attorney and Mary as administrative secretary; and

Whereas, Dan and Mary are recognized by the members of this legislature for their dedicated work; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representatives Brown and Ferrall and Senator Dorman, under Joint Rule 26, extend their sincere congratulations to the Fernbachs on this occasion.

The question was: Adoption?

Motion carried.

Representative Anderson asked unanimous consent that the rules be suspended, and that the assembly's action on Motion Under Joint Rule 26 be immediately messaged to the senate. Granted.

MOTION UNDER JOINT RULE 26

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

Whereas, the Jerstad-Agerholm Junior High School Concert Band of Racine has been selected by the British Tourist Authority to participate in the 1971 International Band Festival at Edinburgh, Scotland, June 14-19, 1971; and

Whereas, the Jerstad-Agerholm band is the only band selected from Wisconsin and the only junior high school band invited from the United States; and

Whereas, the Jerstad-Agerholm band will participate with 15 of the best high school bands from the United States and bands from Europe and Asia; and

Whereas, the entire cost of the trip will be paid by parents, donations and funds raised by parent and student groups; now, therefore,

The members of the Wisconsin Legislature, on the motion of Representatives Brown, Ferrall and Stalbaum and Senators Dorman and Devitt, under Joint Rule 26, do congratulate the 77 members of the Jerstad-Agerholm Concert Band and their director, Mr. Robert Gish, on receiving this great honor.

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The question was: Adoption?

Motion carried.

Representative Anderson asked unanimous consent that the rules be suspended, and that the assembly's action on Motion Under Joint Rule 26 be immediately messaged to the senate. Granted.

MOTION UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, St. John's Lutheran Church of Mayville celebrates the 100th anniversary of its organization on November 30, 1971; and

Whereas, the church's history includes the establishment of a school and Sunday school and construction of a new church and a school building presently housing 127 students; and

Whereas, membership in the church has grown from 21 voting members in 1893 to the present membership of 1,350 with 968 communicant members, and because of its great contribution to the community; now, therefore,

The members of the Wisconsin Legislature, on the motion of Representative Luckhardt, under Joint Rule 26, extend their sincere congratulations to St. John's Lutheran Church of Mayville and its pastor, the Rev. Carl W. Ladewig, on this historic occasion.

The question was: Adoption?

Motion carried.

MOTION UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, on April 25, 1971, the First Presbyterian Church of Horicon observes the 125th anniversary of its

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organization as the Presbyterian Church of Burnett in 1846; and

Whereas, while struggling through its early years, the first Presbyterian Church held meetings in private homes, grocery stores and school houses; and

Whereas, after the name was changed to the Presbyterian Church of Horicon in 1859, the present church building was dedicated in 1917; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representative Luckhardt, under Joint Rule 26, extend their sincere congratulations to the First Presbyterian Church of Horicon and its minister, the Rev. Joe V. Anderson, on this great occasion.

The question was: Adoption?

Motion carried.

MOTION UNDER JOINT RULE 26

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

Whereas, Scott Needham of Loyal has achieved the high distinction of receiving first place in the State American Legion oratorical contest; and

Whereas, this distinction marks him as a young man of exceptional talent and extraordinary ability; and

Whereas, he has brought great honor and pride to his parents, Mr. and Mrs. Richard Needham, the town of Loyal and all Wisconsin; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representative Oberle, under Joint Rule 26, extend heartfelt congratulations to Scott Needham on his lofty achievement and extend to him every sincere wish that he go on to greater oratoring at the national competition in Bismarck, North Dakota, on April 19th; and

Be It Further Resolved, that a duly attested copy of this resolution be sent to Scott Needham and to his parents.

The question was: Adoption?

Motion carried.

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COMMUNICATION

The State of Wisconsin
Department of State
Madison 53702

April 13, 1971.

To The Honorable, The Assembly

Gentlemen: I have the honor to transmit to you the certificate of election for Alan S. Robertson, duly elected Representative To The Assembly in the Jackson-Trempealeau Assembly District.

Yours very truly,

ROBERT C. ZIMMERMAN,
Secretary of State.

Received and placed on file in the office of the chief clerk.

Representatives Byers and Alberts escorted Mr. Robertson to the speaker's podium where the speaker administered the oath of office. Thereafter, Representative Robertson was escorted to his assembly seat.

Representative Anderson asked unanimous consent that the assembly recess until 11:30 A.M. Granted.

The assembly stood recessed.

10:45 A.M.

RECESS

11:40 A.M.

The assembly reconvened.

CALENDAR OF TUESDAY, APRIL 13, 1971

Assembly Bill 26

Relating to reaffirmation of a debt adjudicated in bankruptcy and requiring notice of reaffirmation before execution is levied.

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Representative Brown moved non-concurrence in senate amendment 1 to Assembly Bill 26 and asked for a conference committee if necessary.

The question was: Non-concurrence?

The roll was taken.

The vote follows:

Ayes—Anderson, Atkinson, Baldus, Barbee, Berger, Brown, Bultman, Conradt, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Ellis, Everson, Ferrall, Gaulke, Groshek, Grover, Hanna, Hanson, Hephner, Jackamonis, Jackson, Johnson G. K., Johnson W. A., Jones, Kessler, Kleczka, Korpela, Lipscomb, Looby, Lynn, McCormick, Mato, Mielke, Miller, Mittness, Mohn, Molinaro, Nager, O'Malley, Oberle, Oestreich, Otte, Pabst, Quackenbush, Quinn, Roberts, Rogers, Rutkowski, Sanasarian, Schneider, Stack, Stalbaum, Sweda, Swoboda, Thompson R. M., Tobiasz, Vanderperren, Wahner, Willkom and Mr. Speaker—66.

Noes—Alberts, Azim, Boeckmann, Bolle, Bradley, Byers, Froehlich, Giese, Greider, Guiles, Helgeson, Kafka, Klicka, LaFave, Lewison, Luckhardt, McDougal, McEssy, Merkel, Orlich, Robertson, Schowalter, Schricker, Schroeder, Schwefel, Sensenbrenner, Shabaz, Sicula, Thompson T. G., Tregoning, Wackett, Wilcox and Wilger—33.

Absent or not voting—Slaby—1.

Motion carried.

Representative Anderson asked unanimous consent that the rules be suspended, and that the assembly's action on Assembly Bill 26 be immediately messaged to the senate. Granted.

CONSIDERATION OF MOTIONS FOR RECONSIDERATION

Assembly Bill 101

Relating to the content and publication time of the Wisconsin Blue Book.

The question was: Reconsideration of the vote by which Assembly Bill 101 was passed?

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The roll was taken.

The vote follows:

Ayes—Alberts, Azim, Byers, Conradt, Ellis, Froehlich, Giese, Greider, Grover, Guiles, Hanna, Helgeson, Klicka, LaFave, Lewison, Luckhardt, Lynn, McCormick, McDougal, McEssy, Merkel, Pabst, Quackenbush, Quinn, Robertson, Schowalter, Schroeder, Schwefel, Sensenbrenner, Shabaz, Stalbaum, Sweda, Thompson T. G., Tregoning, Wackett, Wilcox, Wilger and Willkom—38.

Noes—Anderson, Atkinson, Baldus, Barbee, Berger, Boeckmann, Bolle, Bradley, Brown, Bultman, Conta, Czerwinski, Day, Dorff, Dueholm, Duren, Earl, Early, Everson, Ferrall, Gaulke, Groshek, Hanson, Hephner, Jackamonis, Jackson, Johnson G. K., Johnson W. A., Jones, Kafka, Kessler, Kleczka, Korpela, Lipscomb, Looby, Mato, Mielke, Miller, Mittness, Mohn, Molinaro, Nager, O'Malley, Oberle, Oestreicher, Orlich, Otte, Roberts, Rogers, Rutkowski, Sanasarian, Schneider, Schricker, Sicula, Stack, Swoboda, Thompson R. M., Tobiasz, Vanderperren, Wahner and Mr. Speaker—61.

Absent or not voting—Slaby—1.

Motion failed.

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

Representative Anderson asked unanimous consent that **Assembly Joint Resolution 4** be made a special order of business at 10:00 A.M., Thursday, April 15, 1971. Granted.

Representative Anderson asked unanimous consent that **Assembly Joint Resolution 31** be made a special order of business at 10:01 A.M., Thursday, April 15, 1971. Granted.

Representative Anderson asked unanimous consent that **Assembly Bill 330** be made a special order of business at 10:02 A.M., Thursday, April 15, 1971. Granted.

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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:

Paul Quinn, Milwaukee, Wisconsin, guest of Representative Sicula.

Robert Raney, Michael Kirby, David Pitzo, Michael Budzinski, Milwaukee, Wisconsin, guests of Representative Berger.

Seventh and eighth grades, Prairie du Chien, Wisconsin, guests of Representative Lewison.

Rachel Paradowski, Milwaukee, Wisconsin, guest of Representative McCormick.

LEAVE OF ABSENCE

Representative Anderson asked unanimous consent for a leave of absence for Representative Slaby. Granted.

Representative Anderson asked unanimous consent that when the assembly adjourns today it adjourn in honor of the birthdays of Representatives Earl and Roberts. Granted.

Representative Anderson moved the assembly adjourn until 9:30 A.M., Wednesday, April 14, 1971.

The question was: Adjournment?
Motion carried.

The assembly stood adjourned.

12:15 P.M.